CHAPTER 10

GLOSSARY OF DEFINITIONS

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Unless a contrary meaning is required by the context or is specifically prescribed, the following definitions shall be used in the interpretation and construction of these Regulations. Terms not herein defined shall have the meaning customarily assigned to them. In case there is further question as to the meaning of terms not herein defined, the definitions cited in the latest edition of Webster's New International Dictionary of the English Language (G. and C. Merriam Company, publisher) shall apply.

Accessory Building or Use: An accessory building or use is one which:

(a) is subordinate to & serves the principal building or principal use;

(b) is subordinate in area, extent, or purpose to the principal building or principal use served;

(c) contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and

(d) is located on the same zoning lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served.

Accountability: The provision that a governmental agency is legally responsible for the welfare of the clientele of a group care home and as such can exercise control over the operator of such facilities in order to insure that the provisions of these Regulations are being met and that adequate operational and occupancy standards are being maintained.

Acre: A measure of land area. One (1) acre shall equal forty-three thousand, five hundred sixty (43,560) square feet.

Adult Bookstore: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, or other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas as defined herein, or an establishment with a segment or section devoted to the sale or display of such material.

Adult Entertainment Establishment: Any establishment involved in the sale or service of products characterized by the exposure or presentation of specified anatomical areas as defined herein, or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment establish- ments are photography, dancing, reading, massage, and/or similar functions which utilize activities as specified above; and such establishments include specifically adult bookstores, adult motion picture theatres, and adult mini-motion picture theatres, as defined herein.

Adult Mini-Motion Picture Theatre: A facility with a capacity of less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein.

Adult Motion Picture Theatre: A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as defined herein, for observation by patrons therein. Agricultural Purposes: See "Agriculture". [eff: 3-29-90]

Agricultural Related Processing and Marketing: Those commercial activities which provide direct primary support to the farm community, including, but not limited to feed, fuel, agricultural chemicals, farm supply sales and repair, custom butcher shop, and animal health. Agricultural related processing and marketing shall not be construed to include farm markets as defined herein. [eff: 3-29-90]

Agricultural Use: See "Agriculture".

Agriculture: Includes agriculture, dairying, farming, floriculture, apiculture, horticulture, ornamental horticulture, pasturage, viticulture, aquaculture, olerculture, pomiculture, and animal and poultry husbandry. [eff: 3-29-90]

Airport: A tract of land designated and set aside for the landing and take-off of commercial and/or non-commercial aircraft, for the discharge or receiving of cargo and/or passengers, or for the repair, fueling, or storage of aircraft; and which contains facilities for aircraft, including specifically a paved strip on which airplanes land and take-off. An airport shall not be construed to be a private landing field as defined herein.

Alley: A public or private way with a right-of-way not more than thirty (30) feet wide, affording only secondary means of access to abutting property.

Apartment: A portion of a building comprising a single dwelling unit consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one (1) family.

Automotive Body Shop: Any structure or use intended for collision service, repair or painting of motor vehicles. [eff: 3-29-90]

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, and steam cleaning of vehicles in association with a repair garage. [eff: 3-29-90]

Automotive Repair Garage: A building or structure used or intended to be used for the care, repair or similar major or mechanical work, with or without provisions for the dispensing of oil, gasoline, or similar products for the servicing of such vehicles, for profit. [eff: 3-29-90]

Automotive Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicles accessories may be supplied and dispensed at retail; and where minor mechanical work including motor tune-up, tire servicing, replacement of mufflers, radiator cleaning, repairing brakes and other minor work not involving removal of the vehicle motor, the motor head or crank case, and not involving body work, painting, welding or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found on filling stations. A filling station is not a repair garage as defined herein. Other permitted uses include sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations. [eff: 3-29-90]

Automotive Wrecking: 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. [eff: 3-29-90]

Balcony: A platform, enclosed by a parapet or railing, projecting from a wall.

Banks and Financial Institutions: Commercial banks, savings and loan associations, brokerage offices, and other similar financial institutions, but not including pawn shops.

Bar or Tavern: Any establishment, public or private, which provides alcoholic beverages for consideration as its primary function. Food may or may not be served on the premises and entertainment may or may not be provided as a secondary function.

Basement: A story whose floor is more than twelve (12) inches, but not more than one-half (½) of its story height below the average level of the adjoining ground, as distinguished from a "cellar" which is a story more than one-half (½) below such level. A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement. A cellar shall be counted as a story for the purposes of height measurement only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

Bed and Breakfast Facilities: Single-family dwellings offering room and board without individual kitchen facilities for up to five (5) persons who are transient. [eff: 4-4-96]

Beginning of Construction: The incorporation of labor and material on a building site.

Billboard: See "Sign".

Board of Zoning Appeals: The Board of Zoning Appeals of Clark County, Ohio. Also referred to as the "Board".

Breezeway: A roofed structure, with or without enclosing walls, connecting an accessory structure to the principal building. [eff: 4-4-96]

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property. This definition shall not be construed to include mobile homes.

Building, Alteration of: Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, or any addition to a building, or movement of a building from one (1) location to another.

Building, Enlargement of: Any increase in the cubic content of a building.

Building, Height of: The vertical distance measured from the finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

Building, Principal: The building in which the main or chief use permitted on the zoning lot is conducted.

Building Line: A line defining the minimum front, side, and rear yard requirements.

Building Permit: A permit issued for the construction or alteration of any building or structure.

Building Setback Line: The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of the building foundation and the front lot line; or the front line of the foundation of enclosed porches or vestibules if nearer the front line than the main foundation, not including steps.

Buildings, Inspector of: The Inspector of Buildings of Clark County, Ohio.

Bulkhead: A retaining wall or structure constructed along fill slopes in order to resist soil slippage and deter erosion.

Business: An occupation, enterprise, undertaking, or employment which engages in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services or where there is the maintenance or operation of an office or offices for the exhibition, sale, or offering of merchandise or services.

Campground: An area of land providing space for or containing two (2) or more recreational vehicles, camping tents, or other similar temporary recreational structures, where they may be parked or erected for a continuous period of time not exceeding sixty (60) days, either free of charge or for a fee. Campgrounds shall include any building, structure, tent, vehicle, or enclosure, used or intended for use as part of the equipment of such campground, and providing sewer, water, electric, or other similar facilities required to permit occupancy of such recreational vehicles or camping tents.

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

Certify: To attest with a signature or seal.

Child Day-Care: Care provided for any part of the twenty-four-hour day for infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, in a place or residence other than the child's own home. Places of worship during religious services are not included. [eff: 3-29-90]

Child Day-Care Centers: Any place in which child day care is provided with or without compensation, for thirteen or more children at one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided for more than six children. [eff: 3-29-90]

Child Day-Care Home: Any place in which child day care is provided in the permanent residence of the administrator for seven to twelve children or four to twelve children, if four or more are under two years of age. [eff: 3-29-90]

Churches and Similar Places of Worship: A building used principally for religious worship, but the word "church" shall not include or mean an undertaker's chapel or funeral building.

Clinic: A place used for the diagnosis and treatment of sick, ailing, infirm, and injured persons and animals and those who are in need of medical or surgical attention, but limited to outpatients only and not including the sale of drugs or medical supplies.

Commercial Establishment: See "Business".

Commercial Recreation Establishment: Any private, public, or semi-public recreation or amusement facility which is located within an enclosed building or structure and is operated for profit, such as videogame arcades, pinball arcades, or other types of amusement game arcades; tennis or racquetball clubs; bowling alleys, skating rinks, or billiard halls; but not including indoor motion picture theatres.

Commission, Planning: The Clark County Planning Commission.

Commission, Zoning: The Rural Zoning Commission of Clark County, Ohio.

Commissioners, County: The Board of County Commissioners of Clark County, Ohio.

Community Facilities: Structures and uses intended to be of a cultural, educational, recreational, administrative, or service type which provides for areas of public purposes in higher density residential developments. [eff: 3-29-90]

Conditional Use: A use permitted within a district other than a principally permitted use, requiring application for a Conditional Use and approval by the Board of Zoning Appeals that all prior conditions for approval have been met.

Conditioned Use: A use permitted within a district other than a conditionally permitted use, requiring compliance to requirements as specified in chapter 7. [eff: 3-29-90]

County: Clark County, Ohio.

County Recorder: The Recorder of Clark County, Ohio.

Cul-de-sac: That portion of a dead-end street which is located at the opposite end of a street from the outlet and is formed by a circle, the diameter of which is greater than the street right-of-way. The purpose of a cul-de-sac is to permit ease in reversing vehicular direction.

Custom Butcher Shop: The incidental keeping and processing of farm animals for retail trade. [eff: 3-29-90]

Deed Restriction: A legal restriction on the use of land, contained in the deed to the property.

Demolition Disposal Facility: Means a site that is used to bury concrete, cement, stone, rubble, glass, wallboard, framing and finishing lumber, wiring, insulation material, roofing material and the like which results from the razing of buildings for accumulation during remodeling or construction. Also brush which includes tree limbs, tree mulch, tree stumps and residue from maintaining trees and shrubbery, also grass and material accumulated from landscaping operations. However, notwithstanding the previously mentioned items, no material which is considered hazardous and/or toxic under any Federal, state, or local regulation, shall be permitted to be buried or placed in a demolition disposal facility. [eff: 3-29-90]

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

Density, Gross: The number of dwelling units per acre of the total land to be developed, including public ways and open space.

Density, Net: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Detached: Not connected in any manner by walls or other structural supports.

Development Plan: A plan showing uses and structures proposed for a parcel of land, as required by the regulations involved.

Development Standards: Standards controlling the size of structures and the relationships of structures and uses to each other and to open spaces and lot lines. Development standards include but are not limited to regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage, and maximum density.

Disabled Motor Vehicle: Any vehicle not capable of providing its own motive power, or any vehicle unable to pass an Ohio State Highway Patrol safety inspection. [eff: 3-29-90]

District: See "Zoning District".

Dwelling: Is a single unit providing complete independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation, but not including a tent, cabin, shed, hotel, or motel. [eff: 3-29-90]

Dwelling, Attached: The sharing of a common wall by two (2) or more dwelling units.

Dwelling, Cluster: A single-family dwelling which is located on a lot having side yard dimensions which vary according to the width of the lot to be developed. Cluster dwellings may or may not be attached in some fashion by common walls without openings. Cluster dwellings are intended to allow for imaginative site planning and arrangement of buildings.

Dwelling, Detached: A dwelling unit having no wall in common with another dwelling unit.

Dwelling, Semi-Detached:: The partial sharing of a common wall by two (2) or more dwelling units.

Dwelling, Single-Family: A detached building designed for or occupied exclusively for residence purposes by one (1) family or housekeeping unit.

Dwelling, Two-Family: A building designed for or occupied exclusively by two (2) families or housekeeping units living independently of each other.

Dwelling, Three-Family: A building designed for or occupied exclusively by three (3) families or housekeeping units living independently of each other.

Dwelling, Four-Family: A building designed for or occupied exclusively by four (4) families or housekeeping units living independently of each other.

Dwelling, Multiple-Family: A building or portion thereof designed for or occupied by five (5) or more families or housekeeping units living independently of each other.

Dwelling, Zero Lot Line: A single-family dwelling which is located on a lot having side yard dimensions which vary according to the width of the lot to be developed, and which dimension may be reduced to zero (0) feet on one (1) side of the dwelling subject to regulations contained herein. Zero lot line dwellings are intended to allow for imaginative site planning and arrangement of buildings.

Dwelling Unit: Is any building which contains complete living facilities and intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or which is occupied for living purposes. [eff: 3-29-90]

Earth Berm: A low, usually linear, mound of earth covered with grass or other landscape materials used to define, screen, protect, and/or enhance the appearance of a particular space or area of land.

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

Eating and Drinking Place: See "Restaurant".

Enclosed Building: Any permanent structure having a roof supported by columns and walls which are opaque.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or county or other governmental agencies, of underground or overhead gas, electrical, steam, or water transmission or distribution systems or collection, communication, supply, or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or county or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Family: A person living alone, or two (2) or more persons related by blood, marriage, or adoption, or unrelated persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a, motel or hotel, fraternity or sorority house, or other types of contractual living quarters. [eff: 3-29-90]

Farm: An area which is used for the growing of the usual farm products, such as grain, fruit, vegetables, and tobacco, and their packing or storage within the area, as well as used for the raising and breeding of farm animals and poultry, including but not limited to cattle, sheep, horses, and swine, but not constituting a commercial feed lot as defined herein. The necessary accessory uses shall be secondary to that of the normal farming activities.

Farm Market: A building or structure designed or used or intended to be used for the display and/or sale of produce, raised on farms owned or operated by the farm market operator. [eff: 3-29-90]

Feed lot: The operation or maintenance of a commercial stockyard or feedyard. [eff: 3-29-90]

Fence: A barrier constructed of materials other than evergreen shrubbery erected for purposes of protection, confinement, enclosure, or privacy.

Fence, Privacy: A fence erected or constructed with the intention of blocking views into the property from the outside.

Fence, Security: A fence erected or constructed to serve as a barrier to persons, animals, or vehicles entering the property.

Finished Grade: The elevation of the surface of the ground adjoining the building after construction of required parking areas or driveways and after the planting of lawn and shrubbery, or other required improvements.

Filling Station: A filling station is not a repair garage as defined herein. Other permitted uses include sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations. [eff: 3-29-90]

Flood Plain: That area of Clark County which has been determined to be subject to a temporary rise in stream level that results in inundation of the area, whether or not the area is ordinarily covered by water.

Floor Area: The total horizontal area of all floors finished as usable area including roofed porches and roofed terraces. Measurements of floor area shall be taken to the outside of the exterior walls. Floor area shall not include: cellar or basement space; elevator or stair bulkheads; attic space; breezeways, patios, or open porches; uncovered stairs or steps; garages.

Frontage: The property on one (1) side of a street between two (2) intersection streets (crossing or terminating) measured at the building line, or if the street is dead-ended, then all of the property abutting on one (1) end of the street.

Garage: A structure used primarily but not exclusively for the storage of motor vehicles.

Garage Sale: The selling of used or unused household goods normally accumulated in the process of housekeeping. Includes yard sales, porch sales, and rummage sales.

Group Care Home: A facility housing six (6) or more individuals on a twenty-four hour basis who, because of age, mental, or physical disability or other reasons, must live in a supervised environment but are capable of responding to an emergency situation without personal assistance. [eff: 3-29-90]

Handicapped Person: Means any person subject to a physiological impairment regardless of its cause, nature, or extent, and includes all such persons whether ambulatory or confined to a wheelchair. [eff: 4-4-96]

Hedge: A linear massing of closely-spaced shrubs which combine to form a relatively solid vegetative wall.

Home Occupation: An accessory use which is an activity, profession, occupations, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, tax consulting and the like shall involve not more than three receivers of such services at any one time with the exception of certified Type B family day-care homes, which constitute a residential use and not an accessory use. [eff: 3-29-90]

Homeowner's Association: A private, non-profit corporation of homeowners established by a developer with local government approval, whose purpose it is to own, operate, and maintain various common properties, including but not limited to open space, private streets, and recreation facilities. Title to common property is held by the corporation.

Hospital: An establishment with a formal organization of physicians, with permanent beds where both sick and accident patients may remain in excess of twenty-four (24) hours, which provides facilities for both medical and surgical diagnosis and treatment, with at least one (1) operating room where major surgery is performed. Such establishment must be certified by the State Department of Health and be accredited by the Joint Commission of Accreditation of Hospitals.

Hospital, Animal: Any building or other enclosed structure containing spaces for any animals not belonging to the operator of such facility which allows for overnight or continuous care, diagnosis and treatment of animal illnesses or injuries.

Household Pet: A domesticated animal kept for pleasure rather than utility. [eff: 4-4-96]

Housekeeping Unit: One (1) or more persons living in a dwelling unit who are not a family.

Identification: That by which a person, thing, product, etc., can be identified or recognized - and those specific symbols, traits, trademarks, characteristics, etc., which provide such recognition.

In the Open: Not located in an enclosed building.

Industry: Storage, repair, manufacture, preparation, or treatment of any article, substance, or commodity.

Institution: A building occupied by a non-profit corporation or establishment for a public use.

Junkyard: A place or structure where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, handled, or stored, or any combination there of, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including used cars in operable condition, or salvaged materials incidental to manufacturing operations, and not including such places where such uses are conducted entirely within a completely enclosed building or structure. [eff: 3-29-90]

Kennel: A building or structure which may also include outdoor pens or runs for dogs or other animals which are housed or boarded for a fee, or an establishment for the breeding or training of such animals, or any structure or premise on which five (5) or more dogs over four (4) months of age are kept.

Land Use Plan: The long-range plan for the desirable use of land area of Clark County as officially adopted and as amended from time to time by the County Planning Commission. The purpose of such plan is, among other things, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs, in the subdivision and use of undeveloped land, and in the acquisition of rights-of-way or sites for such public purposes as streets, parks, schools, and public buildings.

Landscaping: Landscaping shall consist of any of the following or combination thereof: materials such as but not limited to grass, hardy ground covers, shrubs, vines, hedges, and trees; and non-living durable material commonly utilized in landscaping, such as but not limited to rocks, pebbles, sand, walls, and fences, but not including paving as a principal design element.

Livable Area: That totally enclosed space within the principal structure having an average ceiling height of a minimum of four (4) feet above the finished grade.

Livable Floor Area: The livable floor area in square feet of existing or pro- posed buildings or structures or additions thereto shall be computed by multiplying the outside horizontal dimensions with each floor of the livable area. Porches, carports, and similar structures shall not be considered in computing the total livable area.

Loading/Unloading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot: aka parcel or tract - [eff: 11-6-08]

(a) A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed thoroughfare rights-of-way shall be included.

(b) A parcel as contained on the official tax maps maintained in the Clark County Auditor's Office and is often reference by a Permanent Parcel Number.

Lot, Corner: A lot abutting upon two (2) or more roads or streets at their intersection or upon two (2) parts of the same road or street and in either case forming an interior angle of less than one hundred thirty-five (135) degrees.

Lot, Double Frontage: A lot having frontage on two (2) non-intersecting streets.

Lot, Interior: A lot other than a corner lot with only one (1) frontage on a street.

Lot, Non-Conforming: A legally recorded lot which has less than the required minimum lot size, width, depth, or any combination thereof as specified by the zoning district in which it is located.

Lot, Zoning: A parcel of land abutting a dedicated street, occupied or intended to be occupied by a principally permitted or conditionally permitted use and/or accessory use or a principal or accessory building, as a unit, together with such open spaces as are required by these Zoning Regulations and it may or may not coincide with a lot of record.

Lot Area: The computed area contained within the lot lines, excluding rights-of-way, measured in square feet or acres.

Lot Coverage: That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves, cornices, balconies, canopies, bay windows, fire escapes, patios, open porches, chimneys, outside stairs and landings, and similar structures.

Lot Depth: The mean horizontal distance between the front and the rear lot lines.

Lot Lines: The property lines bounding a lot.

Lot Line, Front: The line separating a lot from a street right-of-way.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot line other than front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot Line, Street or Alley: A lot line separating a lot from a street or alley.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the County Recorder's Office or on which the recording has been delayed by mutual consent of the subdivider/developer, and the County.

Lot Split: The division of any parcel of land so as to create two (2) parcels or lots, either of which is less than five (5) acres in size, for the immediate or future purpose of transfer of ownership.

Lot Width: The mean width of the lot measured at right angles to its depth.

Manufactured Farm Home (Mobile Home): A structure transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling without a permanent foundation and without conversion to real estate. For the purpose of these provisions, a mobile home shall be considered a manufactured farm home with a certification from HUD. [eff: 3-29-90]

Manufactured Home: Means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974", 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. *[eff: 9-3-2004]*

Manufactured Home Park (Mobile Home): A tract of land under unified control containing five (5) or more acres of land or existing nonconforming lots divided into three (3) or more lots for the accommodation of occupied manufactured mobile homes used for single-family dwelling purposes, and including any roadway, building, structure, or utility used or intended for use as part of the facilities of such parks. [eff: 3-29-90]

Manufacturing: A production or industrial process, including food processing, which combines one or more raw materials or components into a product, or which changes the nature of the materials entering the process.

Manufacturing Retail Outlet: An accessory use to a principally permitted manufacturing use where goods produced on the premises of the manufacturing establishment are offered for sale directly to consumers. The manufacturing retail outlet shall not occupy greater than twenty-five (25) percent of the total floor area of the manufacturing establishment.

Maximum Lot Coverage: The greatest percentage of the total zoning lot which may be occupied by principal and accessory buildings or structures.

Motel or Hotel: A series of attached, semi-detached, or detached sleeping or living units, for the accommodation primarily of automobile transient guests, having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants and including also such accessory commercial uses operated primarily for the convenience of guests and subject to such restrictions as may be specified in the district where located.

Motor Home: A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, for cooking and consuming of food, and for sleeping.

Nonconforming Use of Land and Buildings: The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment. If any such nonconforming use is discontinued for two (2) years or more, any future use of said land or building shall be in conformity with the current zoning resolutions. [eff: 4-4-96]

Non-Conformities: A building, structure, premises, or use thereof, legally existing and/or used at the time of adoption of these Regulations or any amendment thereto, which does not conform with the use regulations of the district in which it is located.

Nursing Homes, Convalescent Homes, Rest Homes, and similar facilities: A facility housing three (3) or more individuals when those individuals are not capable of responding in an emergency situation without personal assistance. [eff: 4-4-96]

Open Space: An open, uncovered area on the same lot with a building. Also an undeveloped or developed area used for recreation (whether passive or active) such as parks, wildlife areas, etc. or other undeveloped areas which should remain undeveloped due to their unique characteristics such as wetlands, geological features, etc.. [eff: 4-4-96]

Original Tract: A contiguous quantity of land held in common ownership which has not been platted by the existing owner or owners since the enactment of these Regulations.

Parcel: An individual lot held under common ownership. - (see Lot)

Parking Area, Off-Street: Any open area other than a street or other public right-of-way used for the temporary storage of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers. All off-street parking areas shall conform to the design standards presented in these Regulations and no required off-street parking area shall charge a fee of any type to its users.

Parking Area, Private: An open area for the same use as a private garage.

Parking Area, Public: An open area other than a street or public way, used for the parking of automobiles and available to the public whether for a fee, free, or as an accommodation for clients or customers.

Parking Space: An off-street space, either within a structure or in the open, available for the parking of one (1) motor vehicle, and having a minimum area as noted in these Regulations, exclusive of passageways and driveways appurtenant thereto, and giving access thereto, and having direct access to a street or alley.

Patio: An uncovered area permanently surfaced or constructed as a single, solid slab and usually raised slightly above the lawn surface, the use of which is customarily incidental to that of the main use of the land and which is located on the same lot with the main building or use.

Performance Bond: An agreement by a developer with the County for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the developer's agreement.

Performance Standards: Criteria established to control dust, smoke, fire and explosive hazards, glare, heat, noise, odor, toxic and noxious matter, vibrations, and other conditions created by or inherent in uses of land or buildings.

Permitted Use: A use which is specifically authorized by these Zoning Regulations in a particular zoning district.

Person: A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person.

Planned Development (PD): Land under unified control, planned and developed as a whole in a single development operation or a definitely programmed series of development operations including all lands and buildings. Planned Developments are designed and developed subject to the provisions of these Regulations. [eff: 3-25-03]

Planned Unit Development (PUD) [eff: 3-25-03]
See Planned Development Districts (PD)

Porch: An entrance or structure attached to the outside of an outer wall of a building, one (1) or two (2) stories in height, with integral foundations, which is open on three (3) sides, and which may have railings and banisters or a parapet, and which is roofed.

Porch, Open: A porch without a roof and sometimes without railings.

Private Garage: A garage for four or less passenger motor vehicles without pro- visions for repairing or servicing such vehicles for profit; see automotive repair garage. [eff: 3-29-90]

Private Landing Field: A tract of land which is used or intended to be used for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft or for receiving or discharging passengers or cargo; and which is an accessory use that is used primarily for non-commercial aircraft belonging to or used by the property owner or resident of the building or use to which it is accessory. A private landing field shall not be construed to be an airport as defined herein.

Private or Public Outdoor Recreation Area: Any privately or publicly owned and operated recreation facility or area which is not located within an enclosed building or structure, such as a golf course, tennis courts, ball fields, swimming pools, driving ranges, race tracks, amusement parks, stadiums, motorcross or snowmobile circuits, or campgrounds.

Professional Office: Any building or structure, the use of which is limited to providing professional services such as doctors, lawyers, accountants, architects, engineers, photographers, city planners, government and public service agencies and utilities, and similar professions.

Public Facilities: Any building or structure used by government for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.

Public Use: Uses including public parking, schools, and administrative, cultural, and service buildings, but not including public land or buildings devoted solely to the storage and maintenance of equipment and materials.

Public Utility: Any building, power plant, substation, water treatment plant, pumping station, sewage treatment and disposal plant, or other similar public structure, including the furnishing of electrical, gas, telephone, water, and sewerage services.

Reconstruction: See "Substantial Improvement".

Replacement Cost: The construction cost at current prices of the property, less depreciation, that is not necessarily an exact duplicate of the subject property, but serves the same function as the original. [eff: 3-29-90]

Resource and Mineral Extraction: Any mining, quarrying, excavating process, storing, separating, cleaning, or marketing of any mineral natural resource.

Rest Home: See "Convalescent Home".

Restaurant, Carry-Out: An establishment whose primary function is the offering of food and beverages which are sold only inside the building, and are usually pack- aged to be carried and consumed off the premises, but may be consumed within the restaurant building or on the premises.

Restaurant, Drive-In: An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed on or off the premises.

Restaurant, Fast Food: Any structure where cooked food and beverages primarily intended for immediate consumption are available upon a short waiting time, and are packaged or presented in such a manner that they can be readily eaten outside the premises where they are sold; and where the facilities for on-premises consumption of the food and beverages are insufficient for the volume of food sold in the place.

Restaurant, Sit-Down: Any structure whose principal use is the sale of foods and beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one (1) or both of the following: 1) customers, normally provided with an individual menu, are served their food and beverages by a restaurant employee at the same table or counter at which said items are consumed; or 2) a cafeteria-type operation where foods and beverages are consumed within the structure.

Retail Establishment: Any business normally found in a business district, where goods or services are offered for sale in small quantities directly to consumers.

Retail Establishment, Drive-Through: A retail business which is laid out, equipped, maintained, advertised, or held out to the public as a place where a limited variety of primarily ready-to-consume foods, beverages, and household or party supplies are offered directly to customers in motor vehicles. Drive-through retail establishments are arranged so that customers may drive through the establishment and be served without leaving their vehicles, and as such, goods sold on the premises shall not be consumed thereupon.

Retaining Wall: A bulkhead or structure constructed along fill slopes in order to resist soil slippage and deter erosion.

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.

Right-of-Way, Proposed: A right-of-way that is proposed for acquisition in order to implement the Official Thoroughfare Plan of Clark County, together with all amendments thereto subsequently adopted.

Rip-Rap: An assemblage of broken or crushed stones erected in water, along stream banks, or on fill slopes in order to strengthen the slope, resist slippage, and deter erosion. The stones shall be reinforced and/or sufficiently anchored to hold them in place.

Rural Farm Housing: The principal residence on a farm.

Rural Non-Farm Housing: A single-family dwelling located in an Agricultural District that is not a principal dwelling on a farm, and that is located on a lot that has been split from a larger tract of land (a "lot split").

Sanitary landfill: Any site, location, tract of land, installation or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes (including a captive landfill) for which a permit to install has been obtained from OEPA. [eff: 6-1-2000]

School, Primary or Secondary: An institution which offers instruction in the several branches of learning and study required to be taught in the public schools by the Ohio Common School Laws. (Secondary includes both junior and senior high).

School Bus: A bus designed for carrying more than nine (9) passengers which is owned by a public, private, or governmental agency or institution of learning and operated for the transportation of children to or from a school session or a school function, or owned by a private person and operated for compensation for the transportation of children to or from a school session or a school function.

Screening: To provide privacy of adjoining uses, including masonry walls, solid preservatively treated wood, chain link with solid slats, or landscaped with grass and closely planted shrubs or other evergreen plants. [eff: 4-4-96]

Semitrailer: A vehicle designed or used for carrying persons or property with another and separate motor vehicle, so that in operation, a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle.

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

Setback: The minimum distance at which a building may be constructed from a lot line.

Sewerage System, Off-Site: Any wastewater disposal system, such as a septic tank or similar installation which uses an aerobic bacteriological processor equally satisfactory process for the elimination and safe disposal of sewage for a single development, and which is not located on a lot that is to be served by the system. Off-site sewerage systems are subject to approval by the Clark County Health Department.

Sewerage System, Public: 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.

Shrub: A woody plant that usually remains low and produces shoots or trunks from the base; it is not usually tree-like nor single-stemmed.

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

Sign or Billboard: Any writing, name, identification, description, display, flag, emblem, insignia, or graphic representation which is contained on a structure or part thereof, or is attached to or painted on a building or structure; said sign being used to advertise direct attention to or announce an object, place, product, person, activity, organization, or business. This definition shall not include any flag, pennant, or insignia of any nation, state, city, or other political units, as well as any sign, board, or surface used to display or announce official notice of such political units.

Sign, Building Mounted: A sign which is affixed to or painted on any exterior wall.

Sign, Free Standing: A sign which is supported by one (1) or more columns, in or upon the ground.

Sign, Ground: A sign erected on a free standing frame, mast, or pole and not attached to any building.

Sign, Political: A sign which announces the candidacy of a person or slate or persons running for elective office, a political party, or issue or slate of issues.

Sign, Portable: A sign which is designed to be easily movable.

Sign Area: The entire area within a single, continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. The area of a sign having more than one (1) display surface shall be computed as the total of the exposed exterior display surface area.

Sign Face: The surface of the sign upon, against, or through which the message of the sign is exhibited.

Similar Use or Establishment: A use not specifically listed but similar to any of the permitted building or use classifications of any district.

Site Plan: See "Development Plan".

Slaughterhouse: The butchering of livestock for market, not to be considered custom butcher shop. [eff: 3-29-90]

Solar Collector: Any device or combination of devices or other elements which relies upon direct solar radiation and that is employed in the collection of solar radiation for one (1) or more of the following purposes:

(a) heating and/or cooling of a building or structure;
(b) heating of water;
(c) use in industrial, commercial, or agricultural processes; or
(d) the generation of electricity.

Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttock, or female breasts below a point immediately above the top of the areola; human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; acts, whether real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic regions, buttock, or female breasts.

Store: As used in these Regulations, "store" shall mean to put away, reserve, or park for future use. "Storage" shall mean the act of storing, the state of being stored, or a building or place for storing goods.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or if there is no floor above, the portion between the floor and the ceiling above; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as story unless more than one-half (½) of the basement height is above grade level at the front of the building.

Story, First: The lowest story or the ground story of any building, the floor of which is not more than four (4) feet below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes shall be deemed the first story.

Street: A public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property, or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of these Regulations. Street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

Structural Alteration: Any change, other than incidental repairs, in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Structure: An assembly of materials which forms a construction for occupancy for use, including but not limited to: buildings, antennas, overhead transmission lines, tents, platforms, stages, observation towers, radio and television and telephone towers, water storage tanks, trestles, piers, open sheds, smokestacks, steeples, shelters, fences, display signs, and the like, which shall be construed to mean the whole or parts thereof.

Subdivision Regulations: The regulations pertaining to the division of parcels of land within Clark County into smaller buildable sites, blocks, streets, open spaces, and public areas, as officially adopted and as amended from time to time by the County Planning Commission. The purpose of such regulations is, among other things, to provide an adequate urban pattern by allocating sufficient and convenient open areas for traffic, utilities, recreation, light, air, and the avoidance of congestion of population.

Substantial Improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds sixty (60) percent of the market value of the structure either, 1) before the improvement or repair is started, or 2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either 1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or 2) any alteration of a structure listed on the National Register of Historic Places, or a State Inventory of Historic Places.

Swimming Pool: Any pool, pond, or open tank above or below grade level and not located within a wholly enclosed building, and containing or normally capable of containing at any point, water to a depth of greater than twenty-four (24) inches deep or having a surface area greater than two-hundred fifty (250) square feet. [eff: 3-29-90]

Temporary Use: Any non-permanent or intermittent use of land, building, or structure which is permitted by these Regulations.

Thoroughfare, Controlled or Limited Access: A thoroughfare on the interstate highway system, or any other thoroughfare which is so designed as to carry large volumes of through traffic and preclude traffic flow interruptions normally resulting from turning and stopped traffic. Controlled or limited access thoroughfares have no grade crossings and utilize exit and entrance ramps, bridges, merge and exit lanes, and other design features to accomplish unimpeded traffic flow, and are not intended to provide direct access to abutting property. Controlled or limited access thoroughfares shall not be construed as providing lot frontage as required by these Regulations.

Thoroughfare, Major or Secondary: An officially designated Federal or state numbered highway or county or other road designated as a major thoroughfare on the Official Thoroughfare Plan of Clark County, or a county or other road designated as a secondary thoroughfare on said Plan, respectively.

Thoroughfare Plan: The Official Thoroughfare Plan of, and as adopted by, the Clark County Planning Commission, establishing the location and official right-of-way widths of principal highways and streets in the County, on file in the office of the County Recorder and the County Planning Commission, together with all amendments thereto subsequently adopted.

Tract: See "Parcel".

Trailer: Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade, or occupation, or use as a selling or advertising device, or use for storage or conveyance for tools, equipment, or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by other motor power.

Trailer, Construction: A large trailer which is used for the storage and conveyance of tools, machinery, or equipment on, to, or from a construction site and which may be left on the site for the duration of construction as provided by these Regulations.

Trailer, Tent-Type Fold Out Camping: Any non-self-propelled recreational vehicle intended to be used, when stationary, as temporary shelter with living and sleeping facilities.

Trailer, Travel: A non-self-propelled recreational vehicle not exceeding an overall length of thirty (30) feet, exclusive of bumper and tongue or coupling.

Trailer, Utility: A small trailer designed to be towed by a motor vehicle and used primarily for the transportation of commercial or personal goods and/or wares.

Transient: A person, who is usually a boarder, whose stay at a facility is less than thirty (30) days. [eff: 4-4-96]

Transmission/Receiving Tower, Radio or Television or Telecommunication: Any tower-like structure used principally by commercial, non-profit, or public broadcast and telecommunications organizations to transmit or receive communication waves of varying frequencies. Such structures shall not be permitted for private use.

Tree: Any self-supporting woody plant which usually produces one main trunk, and a more or less distinct and elevated head with many branches.

Truck Camper: A non-self-propelled recreational vehicle without wheels, for road use and designed to be placed upon and attached to a motor vehicle. Truck camper shall not be construed to include truck covers or shells which consist of walls and a roof but do not have floors and facilities for using same as temporary shelter.

Use: The activity conducted on or in a particular parcel of land or structure.

Use By Right: A principal permitted use in a particular zoning district which is permitted in that district as legal right under the terms of these Regulations.

Variance: A modification of the literal provisions of these Regulations granted when strict enforcement of these Regulations would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Vehicle: All automobiles, trucks, motorcycles, trailers, truck campers, recreational vehicles, buses, and boats.

Vehicle, Commercial: Any vehicle commonly used for profit. [eff: 3-29-90]

Vehicle, Motor: Anything on wheels propelled or drawn by power other than muscular power.

Vehicle, Recreational: Any vehicle or appurtenance thereof, self-propelled or non-self-propelled, which is designed, constructed, used, or intended for use primarily as temporary shelter, and whose principal function is to serve a recreational and/or entertainment purpose. Recreational vehicles include travel trailers, motor homes, truck campers, and tent-type fold out camping trailers.

Videogame, Pinball, and Other Amusement Game Arcades: Any business location in which there are four (4) or more coin-operated amusement devices, coin-operated games of skill, or any combination thereof available for use by the public and/or invitees.

Wall: A boundary enclosure or separating barrier which is usually opaque.

Wall, Common: A wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or higher, and which separates contiguous buildings but is in joint use for each building.

Warehouse: A building or structure which use is limited to the storage of equipment or material.

Water System, Off-Site: See "Water System, Public".

Water System, Public: An approved water supply system which provides a distribution system and water treatment facility for a single development, community, or region.

Wholesale Establishment: An establishment that engages in the sale of goods, merchandise, and commodities for resale by the purchaser.

Yard: A space on the same lot with a main building, open, unoccupied, and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in these Regulations.

Yard, Front: A yard extending across the full width of the lot, the depth of which shall be the least perpendicular distance between the front lot line and the front of the main building.

Yard, Front (Least Depth): The shortest distance, measured horizontally between any part of a building and the right-of-way line of the existing street on which the lot fronts, i.e. the front lot line; provided, however, that if the proposed location of the right-of-way line of such street as established on the Official Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on the Official Thoroughfare Plan.

Yard, Rear: A yard extending the full width of the lot between the rear-most main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building. Where a rear lot line abuts an alley, one-half (½) of the alley width may be considered as part of the rear yard.

Yard, Rear (Least Depth): An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as herein specified.

Yard, Side: A yard between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally and perpendicularly from the nearest point of the side lot line toward the nearest part of the main building. Where a side lot line abuts an alley, one-half (½) of the alley width may be counted toward the side yard requirement.

Yard, Side (Least Width): The shortest distance, measured horizontally, between any part of a building, other than such parts herein excepted, and the nearest side lot line.

Yard, Side (Least Width, How Measured): Such width shall be measured from the nearest side lot line and, in case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Official Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designated on the Official Thoroughfare Plan.

Yard Sale: See "Garage Sale".

Zoning Certificate: A document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the terms of these Regulations and for the purpose of carrying out and enforcing its provisions.

Zoning District: A portion of the unincorporated area of Clark County of which certain uniform regulations governing the use, height, area, and intensity of use of buildings and land and open spaces are herein established. The term "A" District shall mean any A-1 District; the term "R" District shall mean any R-1, R-1A, R-2, R-2A, R-2B, R-3, or R-4 District; the term "B" District shall mean any B-1, B-2, B-3, or B-4 District; the term "O" District shall mean any O-1 District; and the term "I" District shall mean any I-1 District. [eff: 3-29-90]

Zoning District, Overlay: A zoning district, the requirements for which are imposed in addition to those of the underlying zoning district.

Zoning Inspector: The officer or his/her authorized representative, appointed by the Board of County Commissioners, charged with the interpretation, administration, and enforcement of these Regulations.

Zoning Map: The Zoning Map or Maps of Clark County, together with all amendments subsequently adopted.

Zoning Regulations or These Regulations: This document in its entirety, any subsequent amendments, and all maps, figures, drawings, and any other clarifications appurtenant.