

ARTICLE 2

DEFINITIONS

SECTION 200.01 DEFINITIONS; INTERPRETATIONS

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Zoning Resolution. Words used in the present tense include the future; the singular number shall include the plural, and the plural the singular; the word "building" shall include the word "structure"; and the word "shall" is mandatory and not directory.

SECTION 201 DEFINITIONS (beginning with letter "A")

201.01 ACCESSORY USE

Any purpose for which a building, structure, or a tract of land may be designed, arranged, intended, maintained, or occupied which:

- A. Is incidental and subordinate in area, extent or purpose to the principal building, structure or use which it serves.
- B. Is located on the same zoning lot as the principal building, structure or use, 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 under Subsection 4303.01 E of this Resolution.

201.02 ADULT ENTERTAINMENT FACILITY

A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

A. Adult Book Store

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" as herein defined or an establishment with a segment or section devoted to the sale or display of such material.

B. Adult Mini Motion Picture Theater

A facility with a capacity for 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,” for observation by patrons therein.

C. Adult Motion Picture Theater

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,” for observation by patrons therein.

D. Adult Entertainment Business

Any establishment involved in the sale of services or products characterized by the exposure or presentation of “Specified Anatomical Areas” 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 business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

E. Massage Establishments

Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

F. Massage

A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

G. Specified Sexual Activities

1. Human genitals in a state of sexual stimulation or arousal.
2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio.
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

H. Specified Anatomical Areas

1. Less than completely and opaquely covered human genitals, pubic region, buttock,

and female breasts below a point immediately above the top of the areola;

2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

201.03 ADULT FAMILY HOME

A licensed residence or facility that provides accommodations and supervision to three to five unrelated persons, at least three of whom required personal care services, as defined in Ohio Revised Code 3722.01(A)(7)

201.04 ADULT GROUP HOME

A licensed residence or facility that provides accommodations and supervision to six to sixteen unrelated adults, at least three of whom required personal care services, as defined in Ohio Revised Code 3722.01(A)(8).

201.05 AGRICULTURE SOILS, PRIME

Those soils which are best suited for the production of food, fiber and other crops. These soils have been determined by Montgomery County to be based upon average yields per acre of principal crops and the capability grouping of each soil type. Prime soils fall within capability Class I and II as they are described in the Soil Survey of Montgomery County, Ohio, published by the United States Department of Agriculture, Soil Conservation Service, issued June 1976.

201.06 AGRICULTURE

The use of a tract of land for the planting, harvesting, and marketing of crops and produce; the breeding, feeding, and marketing of livestock; horticulture; floriculture; structures necessary for performing these operations; and the residence of the owner or operator. Such agricultural use shall not include the following uses:

- A. The maintenance and operation of commercial greenhouses or hydroponic farms, except in zoning districts in which such uses are expressly permitted.
- B. Wholesale or retail sales as accessory use, unless the same are specifically permitted by this Resolution.
- C. The feeding or sheltering of animals or poultry in penned enclosures within one hundred (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.

201.07 ALLEY

A dedicated public right-of-way, other than a street that affords a secondary means of access to

abutting property.

201.08 AUTOMOBILE OR TRAILER SALES AREA

An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition; and where no repair work is done.

201.09 AUTOMOBILE SERVICE STATION

A structure and surrounding land used for the storage and sale of petroleum fuel, primarily to passenger vehicles, and for accessory uses such as the sale and installation of lubricants, accessories or supplies; the incidental washing of motor vehicles and the performing of tune-ups, tire and brake changing and repair.

201.10 AUTOMOBILE WRECKING

The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, nonoperating or wrecked vehicles or their parts.

SECTION 202 DEFINITIONS (beginning with letter "B")

202.01 BASEMENT

That portion of a building located partly underground but having less than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

202.02 BOARD

The Board of Zoning Appeals of German Township.

202.03 BUILDING

Any covered structure built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind; and which is permanently affixed to the land.

202.04 BUILDING HEIGHT

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

202.05 BUILDING LINE

A line parallel to the street right-of-way line at any story level of a building and representing the

distance which all or any part of the building is to be set back from said right-of-way, except as specified in Article 39.

SECTION 203 DEFINITIONS (beginning with letter "C")

203.01 CAMPING AND RECREATIONAL EQUIPMENT

For the purpose of this Resolution, camping and recreational equipment shall include the following:

A. Boat and Boat Trailer

Boat and boat trailer shall include boats, floats, and rafts plus the normal equipment to transport the same on the highway.

B. Folding Tent Trailer

A canvas folding structure, mounted on wheels and designed for travel and vacation uses.

C. Motorized Home

A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

D. Pickup Camper

A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use for travel, recreational, or vacation uses.

E. Travel Trailer

A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, or permanently identified as "travel trailer" by the manufacturer.

203.02 CELLAR

A portion of a building located partly or wholly underground and having one-half (1/2) or more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

203.03 COMMISSION

The German Township Zoning Commission.

203.04 COMPREHENSIVE PLAN

A plan, or any portion thereof, adopted by the Planning and the Board of County Commissioners of Montgomery County, Ohio showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, agricultural land, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of Montgomery County, Ohio.

204 DEFINITIONS (beginning with letter "D")

204.01 DEVELOPMENT STANDARDS

Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Development standards include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage and floor area ratio.

204.02 DISTRICTS

A portion of the unincorporated territory of German Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Zoning Resolution.

204.03 DWELLING

Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer or trailer coach or other temporary or transient structure or facility. A "Dwelling" shall include a "Modular Home" but shall not include a "Mobile Home."

A. Single Family

A building occupied or constructed to be occupied exclusively for residential purposes by one family or housekeeping unit, but not including a group occupying a boarding house, lodging house, or motel, fraternity or sorority house, halfway house, nursing home, rest home, convalescent home, or adult group home licensed as an adult care facility.

B. Two Family

A building occupied or constructed to be occupied exclusively by not more than two (2) families or housekeeping units, but not including a group occupying a boarding house, lodging house, or motel, fraternity or sorority house, halfway house, nursing home, rest home, convalescent home, or adult group home licensed as an adult care facility.

C. Multiple Family or Housekeeping Units

A building or portion thereof occupied or constructed to be occupied by more than two (2) families or housekeeping units, but not including a group occupying a boarding house, lodging house, or motel, fraternity or sorority house, halfway house, nursing home, rest home, convalescent home, or adult group home licensed as an adult care facility.

204.04 DWELLING UNITS

One room, or a suite of two (2) or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes and which includes permanently installed cooking and lawfully required sanitary facilities.

205 DEFINITIONS (beginning with letter "E")

205.01 EATING PLACE NO. 1

An establishment, other than a dining room operated by a hotel, motel or private club, offering food and beverages, which may include liquor, beer, and wine, if licensed by the State of Ohio, for consumption only inside the building.

205.02 EATING PLACE NO. 2

An establishment having the attributes of an Eating Place No. 1, and which also provides live entertainment.

205.03 EATING PLACE – CARRY-OUT

An establishment offering food and beverages, which may include liquor, beer and wine, if licensed by the State of Ohio, where the food and beverages are dispensed at the counter for consumption within the building or off the premises.

205.04 EATING PLACE - DRIVE-IN

An establishment offering food and beverages, which may include liquor, beer and wine, if licensed by the State of Ohio, where the food and beverages are served directly to persons while in motor vehicles, or where the food and beverages are dispensed at the counter for consumption on or off the premises.

205.05 EQUAL DEGREE OF ENCROACHMENT

A standard applied in determining the location of encroachment limits so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.

205.06 ESSENTIAL SERVICE

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by public utilities or County or other governmental agencies of underground or overhead gas, electrical, steam or water generation, transmission or distribution systems; including buildings, structures, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment or accessories and the use of land in connection therewith, for the furnishing of adequate service by such public utilities or County or other governmental agencies or for the public health, safety and morals. This definition specifically excludes Telecommunication Towers as defined in subsection 220.01 of this Resolution.

205.07 EXCESSIVE BRUSH

Dead vegetation exceeding more than one pile per property or one pile exceeding 125 cubic feet.

SECTION 206 DEFINITIONS (beginning with letter "F")

206.01 FARMLAND PRIME

Land with soil characteristics that meet the definition of Prime Agricultural Soils, as defined by this Resolution in 201.05 Agricultural Soils, Prime.

206.02 FLOOD

A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

206.03 FLOOD, REGIONAL

A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has a frequency of approximately 100 years as is determined by analysis of floods in a particular stream and other streams in the same general region.

206.04 FLOOD, FREQUENCY

The average frequency statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

206.05 FLOOD PROTECTION ELEVATION

The elevation to which uses regulated by this Resolution are required to be elevated or flood-proofed.

206.06 FLOODPLAIN, REGIONAL

The area inundated by the regional flood (100 Year Frequency Flood). This is the floodplain area which shall be regulated by the standards and criteria in this Resolution.

206.07 FLOODWAY

The channel of the watercourse and those portions of the adjoining floodplains which are reasonable, required to carry and discharge the regional flood.

206.08 FLOODWAY FRINGE

That portion of the regional floodplain located outside of the floodway.

206.09 FLOOR AREA (gross)

The sum of the gross horizontal area of all the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. Floor area shall include the area of basements when used for residential, commercial, or industrial purposes, but shall not include a basement or portion of a basement used for storage or the housing of mechanical or central heating equipment. In calculating floor area, the following shall not be included:

- A. Attic space providing structural head room of less than seven (7) feet, six (6) inches.
- B. Uncovered steps.
- C. Terraces, breeze ways and open porches.
- D. Automobile parking space in a basement or private garage.
- E. Accessory off street loading berths, but not to exceed twice the space required by the provisions of this Resolution.

206.10 FLOOR AREA RATIO

The floor area ratio of the building or other structure on any lot is determined by dividing the gross floor area of such building by the area of the lot on which the structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot. The floor area ratio requirements shall determine the maximum floor area allowable for buildings or other structures, in direct ratio to the gross area of the lot.

206.11 FRONTAGE

See Lot Frontage Subsection 212.11.

SECTION 207 DEFINITIONS (beginning with letter "G")

207.01 GARAGE, PRIVATE

A garage intended for, and used by, the private motor vehicles of the families resident upon the premises, provided that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises.

207.02 GARBAGE

Garbage shall be interpreted to mean all putrescible wastes including vegetable, animal offal, and carcasses of small dead animals; but does not include human excreta, sewage, and other water carried wastes.

207.03 GARDEN CENTER - COMMERCIAL GREENHOUSE AND NURSERY

The selling and growing of plants, flowers, vegetables, shrubs, and trees including the selling and warehousing of garden equipment and supplies and the storage of bulk gardening items, bagged and/or on pallets.

207.04 GRADE

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

207.05 GREENBELT

A strip of land parallel to and extending inwardly from the lot lines or right-of-way lines. Said greenbelt shall be maintained at all times in grass, trees, shrubs, or plantings and no structures, parking areas or signs shall be permitted.

207.06 GREENHOUSE - HOTHOUSE - NURSERY

A sun or artificially heated structure in which to grow, or the growing of out of season plants, flowers, or vegetables or a form of agriculture whose chief function is the field growing of plants, shrubs, and trees.

SECTION 208 DEFINITIONS (beginning with letter "H")

208.01 HALFWAY HOUSES

A facility for the supervision and rehabilitation of persons placed therein, whether voluntarily or involuntarily, by the Ohio Department of Rehabilitation and Correction, a court, or another member

of the criminal justice system, for parole, probation, furlough, treatment of drug or alcohol abuse or addiction, vocational training and counseling, or adjustment to private life and non-institutional society and which may be licensed, funded, and/or inspected by the Ohio Department of Rehabilitation and Correction, the Adult Parole Authority, the Ohio Department of Health or a similar agency, whether private or nonprofit. This definition specifically includes community residential facilities for the transitional housing of offenders released by the Department of Rehabilitation and Correction. Refer to Article 49 in this resolution.

208.02 HOME OCCUPATION

A home occupation shall be an occupation carried on within a dwelling unit and provided:

- A. Said occupation does not require a state or local license and/or inspection.
- B. It does not occupy more than two hundred (200) square feet of floor area within the dwelling unit and does not require alteration of the structure.
- C. There are no signs or other announcements of such occupation.
- D. The only mechanical equipment installed or used is that which is normally used for domestic or household purposes.
- E. Only one (1) person other than family members residing therein may be employed in any home occupation.

208.03 HOUSEKEEPING UNIT

One or more persons living in a dwelling who are not a family.

SECTION 209 DEFINITIONS (beginning with letter "I")

209.01 IMPROVED DRIVE

Any drive with a stabilized surface (such as Aggregate, Bituminous Asphalt or Concrete) including bridges and culverts capable of supporting 60,000 pounds of gross vehicle weight (GVW) in all weather conditions.

209.02 INOPERABLE MOTOR VEHICLE

Any motor vehicle that is not capable of being operated on a public highway for any reason. Said inoperability may include, but is not limited to the following: failure to maintain a Motor Vehicle as required by Section 4513.02 of the Ohio Revised Code, mechanical failures, and the removal of tires, batteries, or any other parts needed for the normal operation of the Motor Vehicle.

SECTION 210 DEFINITIONS (beginning with letter "J")

210.01 JOINT ECONOMIC DEVELOPMENT PLAN

A plan adopted by the Village of Germantown and German Township which identifies the type and level of growth and economic development decisions, and includes statements of public policy pertinent to the guidance of future development activity within the foreseeable future.

210.02 JUNK

Old or scrap copper, brass, rope, rags, batteries, paper, rubber; junked, dismantled, or wrecked automobiles, or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous materials which are not held for sale or remelting purposes by an establishment having facilities for processing such materials.

210.03 JUNK YARD

An establishment or place of business (other than an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes), which is maintained or operated for the purpose of storing, keeping, buying, or selling junk; or for the maintenance or operation of an automobile graveyard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed ninety (90) days exclusively for storage, repair, or resale without alteration.

SECTION 211 DEFINITIONS (beginning with letter "K")

211.01 KENNEL OR ANIMAL SHELTER

Any structure or runway in which dogs or other small animals are kept for compensation or sale.

SECTION 212 DEFINITIONS (beginning with letter "L")

212.01 LAND USE PLAN

The long-range plan for the desirable use of land within the unincorporated territory of Montgomery County as officially adopted and as amended from time to time by the Planning Commission.

212.02 LANDSCAPING

The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass, and other vegetation.

212.03 LICENSED RESIDENTIAL FACILITY

A licensed residential facility that provides room and board, personal care, habilitation services, and supervision to persons with mental retardation or a developmental disability in a family setting, as defined by ORC 5123.19(O) and ORC 5123.19(P).

212.04 LIVABILITY SPACE

Part of the open space as found in planned developments which includes all land not covered by roof or devoted to streets, easements of access and parking.

212.05 LIVE ENTERTAINMENT

Any entertainment, provided by persons on site as opposed to that provided electronically, such as TV's, radios, stereos, juke boxes, etc.

212.06 LIVESTOCK

Any animal customarily used for food or in the production of food, including, but not limited to, cattle, sheep, goats, rabbits, poultry, swine, etc.

212.07 LOADING 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.

212.08 LOT

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory building and uses, including all open spaces required by this Zoning Resolution, and having frontage on a public street as defined in Section 219.12 of this Resolution.

A. Corner

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

B. Double Frontage

A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

C. Interior

A lot other than a corner lot.

212.09 LOT AREA

The computed area contained within the lot lines.

212.10 LOT COVERAGE

The 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.

212.11 LOT FRONTAGE

The distance between the side lot lines, measured by a line drawn parallel with the front lot line at a point of required minimum front yard depth on a street as defined in subsection 219.12 of this Resolution.

212.12 LOT LINES

A. Front

A street right-of-way line (as defined in Section 219.12 of this Zoning Resolution) forming the boundary of a lot. On a corner lot, the street right-of-way line with the least amount of street frontage shall be the front lot line.

B. Rear

The lot line that is most distant from, and is, or is most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front lot line.

C. Side

A lot line which is neither a front lot line nor a rear lot line. On a corner lot, the street right-of-way line with the greatest amount of street frontage shall be a side lot line.

212.13 LOT OF RECORD

A lot which is part of a subdivision, the plot of which has been recorded in the Office of the Recorder of Montgomery County; or a parcel of land, the deed to which was of record as of the effective date of the zoning plan.

SECTION 213 DEFINITIONS (beginning with letter "M")

213.01 MANUFACTURED HUD UNIT

A mobile structure which complies with the standards and specifications for the design and construction of manufactured housing, as set forth by the United States Government in regulations promulgated pursuant to 42 U.S.C. 5401 et seq., as amended, and to which is affixed a permit, sticker, plate, or other recognized official identification indicating such compliance.

213.02 MANUFACTURED/MOBILE HOME PARK

An area of land for the parking of three (3) or more manufactured/mobile homes.

213.03 MANUFACTURING

The assembling, altering, converting, fabricating, finishing, processing, or treatment of a product.

213.04 MOBILE HOME

Any non-self-propelled vehicle so designed, constructed, reconstructed or added to, by means of accessories, in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other foundation, and used or so constructed as to permit its being used as conveyance upon the public streets and highways. Most significantly, the term mobile home designates units not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.)

213.05 MODULAR INDUSTRIALIZED UNIT

A factory-fabricated, transportable building consisting of one or more units designed to be assembled into a permanent structure at a building site on a permanent foundation, to be used for residential, office, business or industrial purposes, and which meets the standards and specifications for Industrial Units of Closed Construction, as provided for by the Ohio Basic Building Code as may be hereafter amended and as authorized by the Board of Building Standards pursuant to Ohio Revised Code Section 3781.01 et seq., as amended, and to which is affixed a permit, sticker, plate, or other recognized official identification, indicating such compliance. A "Modular Home" shall not include a "Mobile Home" as defined herein.

213.06 MOTEL, MOTOR HOTEL

A building, or group of buildings, comprising individual sleeping or living units attached in groups of six (6) or more per building for the accommodation of transient guest.

213.07 MOTOR VEHICLE SALVAGE DEALER

Any person who engages in business primarily for the purpose of selling salvage motor vehicle parts or for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal.

SECTION 214 DEFINITIONS (beginning with letter "N")

214.01 NONCONFORMING USE OF BUILDINGS AND LAND

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 voluntarily discontinued for two (2) years or more, any future use of such land shall be in conformity with Sections 519.01 to 519.25, inclusive, of the Revised Code of the State of Ohio.

214.02 NURSERY OR CHILD CARE CENTER

A building used for the commercial care of three (3) or more children, not members or wards of the family.

214.03 NURSING HOME, REST HOME, OR CONVALESCENT HOME

A place, residence or home used for the boarding and care, for a consideration, of not less than six (6) persons, not members of the immediate family operating such facilities, who by reason of age or infirmity are dependent upon the services of others.

SECTION 215 DEFINITIONS (beginning with letter "O")

215.01 OPEN SPACE

A parcel of land or an area of water, or combination of both land and water, within a site designated as a planned development and designed and intended for the use and enjoyment of the residents of the planned development. Open space includes streets, easements, parks, recreation space, or other facilities dedicated by the developer for public use. Open space shall be substantially free of structures, or may contain such improvements as are approved as a part of the general development plan and are appropriate for the residents or occupants of the planned development.

215.02 OPEN STORAGE

Storing or keeping of chattels not enclosed in a building.

SECTION 216 DEFINITIONS (beginning with letter "P")

216.01 PLANNED DEVELOPMENT

Planned development is:

- A. Land under unified control, planned and developed as a whole.
- B. In a single development operation or a definitely programmed series of development operations including all lands and buildings.
- C. According to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans and design principles for all buildings as intended to be located, constructed, used, and related to each other; and detailed plans for other uses and improvements on the land as related to buildings.
- D. With a program for provision, operation, and maintenance of such areas, improvements, and facilities necessary for common use by some or all of the occupants of the development, but which will not be provided, operated, or maintained at general public expense.

216.02 PLANNING COMMISSION

The Planning Commission of Montgomery County, Ohio.

216.03 PREMISES

Any lot or combination of contiguous lots held in single ownership, together with the development thereon; a condominium complex constitutes one premises.

SECTION 217 DEFINITIONS (beginning with letter "Q")

SECTION 218 DEFINITIONS (beginning with letter "R")

218.01 REACH

A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

218.02 RECREATION SPACE (countable)

All area, open or enclosed, available for the general use of the residents of a planned residential district for active or passive recreation. Recreation space shall be provided in locations easily accessible to the living units, but where they will not impair the view and privacy of living units. Such space may be a part of the required livability space.

218.03 REFUSE

Refuse shall mean combustible and noncombustible waste materials, except garbage, rubber, leather, tree branches, tin cans, metals, mineral matter and dust.

218.04 ROADSIDE STAND

A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

218.05 ROOMING HOUSE

A building 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 individual rooms.

SECTION 219 DEFINITIONS (beginning with letter "S")

219.01 SALVAGE MOTOR VEHICLE

Any motor vehicle which is in a wrecked, dismantled, or worn out condition, or is unfit for operation as a motor vehicle.

219.02 SCRAP METAL PROCESSING FACILITY

An establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes.

219.03 SERVICE CLUBS

An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals, and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guests, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county, and local laws.

219.04 SETBACK

See Building Line Subsection 202.05.

219.05 SIGN

A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land; or affixed to the glass on the outside or inside of a window so as to be seen from the outside of the building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

The following are types of signs:

A. Advertising

A sign which directs attention to a use, commodity or service not related to the premises on which the sign is located.

B. Awning, Canopy, or Marquee

A sign that is mounted on or painted on or attached to an awning, canopy, or marquee.

C. Bulletin Board

A structure containing a surface upon which is displayed the name of a religious institution, school, or library, auditorium, stadium, athletic field or area of similar use of the announcement of services or activities to be held therein.

D. Construction

A sign indicating the names of architects, engineers, contractors and similar persons involved in the design and construction of a structure or project.

E. Directional

A sign directing vehicular or pedestrian movement onto a premises or within a premises.

F. Flashing

Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

G. Free Standing

A sign suspended or supported by one or more uprights or braces in or upon the ground surface.

H. Identification

A sign which displays only the same address and/or use of the premises upon which the sign

is located or to which it is affixed or the product or service offered therein.

I. Illuminated

A sign that is lighted by an artificial light source.

J. Moving

Any sign which in part or total, rotates, revolves or otherwise is in motion.

K. Name Plate

A sign designating only the name and address or the name and professional occupation and address of a person or persons residing in or occupying space in such building or premises.

L. Poster Panel

An advertising structure measuring not more than twelve (12) feet by twenty-five (25) feet overall on which posters are displayed.

M. Painted Bulletin

An advertising structure on which advertising design is painted or painted and posted, and which may incorporate the use of cutouts and/or other embellishments.

N. Projecting

A sign suspended from or supported by a building, structure, or column and extending therefrom, more than fifteen (15) inches.

O. Real Estate

A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.

P. Roof

Any sign which is erected over the roof or parapet above the roofline and/or receives any or all its support from the roof structure.

Q. Temporary

A banner, pennant, poster display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land and which

directs attention to an object, product, place, person, institution, organization or business and is constructed of cloth, canvas, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time.

R. Wall

A sign which is affixed, painted on or attached to the wall of the building or other structure and which extends not more than fifteen (15) inches from the face of the wall.

S. Warning

Any sign indicating danger or a situation which is potentially dangerous.

219.06 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; excluding the necessary supports or uprights on which such sign is placed.

The area of a sign having more than one display surface shall be computed as the total of the exposed exterior display surface area.

219.07 SIGN FACE

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

219.08 SIGN HEIGHT

The vertical distance from the uppermost point used in measuring the area of the sign to the crown of the road on which the property fronts.

219.09 SIGN STRUCTURE

The supports, uprights, bracing or framework for signs.

219.10 STABLE

A structure for the keeping of horses and ponies.

219.11 STORY

That portion of a building between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

219.12 STREET

An improved 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 this Resolution and provided such street has been accepted by Montgomery County and does provide a public means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

219.13 STRUCTURAL ALTERATION

Any change in the structural members of a building, such as load bearing walls, columns, beams, or girders.

219.14 STRUCTURE

Anything constructed, except pavement, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.

219.15 SWIMMING POOL

Any body of water or receptacle for water having a depth greater than two (2) feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above the ground outside a building. This does not include "hot tubs."

SECTION 220 DEFINITIONS (beginning with letter "T")

220.01 TELECOMMUNICATION TOWER

Telecommunication tower means any free-standing structure, or any structure attached to a building or another structure, that meets all of the following criteria as contained in the Ohio Revised Code, Section 519.211(B)(1):

- A. The free-standing or attached structure is proposed to be constructed on or after 10-31-96.
- B. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
- C. The free-standing or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.
- D. (1) The free-standing structure is proposed to top at a height that is greater than the maximum allowable height of residential structures within the zoned area as set forth in the

applicable zoning regulations, or the maximum allowable height of such a free-standing structure as set forth in any applicable zoning regulations in effect immediately prior to 10-31-96 or as those regulations subsequently are amended.

(2) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to 10-31-96 or as those regulations subsequently are amended.

- E. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

220.02 THOROUGHFARE PLAN

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

220.03 TRAILER

- A. Travel Trailer

See Camping and Recreational Equipment.

- B. Office Trailer

A House Trailer or Mobile Home so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof as an Office or other like and similar use subject to the following:

1. Its use as living quarters is not permitted;
2. All Local and State Permits and Requirements are met;
3. An Office Trailer may only be used in conjunction with the Principal Permitted Use of the existing structures.

220.04 TRUCK TERMINAL

Premises which are used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of two (2) or more trucks.

SECTION 221 DEFINITIONS (beginning with letter "U")

SECTION 222 DEFINITIONS (beginning with letter "V")

SECTION 223 DEFINITIONS (beginning with letter "W")

SECTION 224 DEFINITIONS (beginning with letter "X")

SECTION 225 DEFINITIONS (beginning with letter "Y")

225.01 YARD, FRONT

A. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

B. Front Yard (least depth)

The shortest distance, measured horizontally, between any part of the building, and the front lot line.

C. Front Yard (least depth, how measured)

Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts; provided, however, that if the proposed location of the right-of-way line of such street as established on the 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 said Thoroughfare Plan.

225.02 YARD, REAR

A. Rear Yard

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 hereinafter specified.

B. Rear Yard (least depth)

The average distance measured horizontally between any part of a building, other than such parts hereinafter accepted in Article 39, and the nearest rear lot line.

225.03 YARD, SIDE

A. Side Yard

An open space extending from the front yard to the rear yard between a building and the nearest side lot line unoccupied and unobstructed from the ground upward except as hereinafter specified.

B. Side Yard (least width)

The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter accepted, and the nearest side lot line.

C. Side Yard (least width, how measured)

Such width shall be measured from the nearest side lot line. On a corner lot when the side lot line is a side street lot line, the required side yard shall be the same as the required front yard of the lot adjacent thereto.

SECTION 226 DEFINITIONS (beginning with letter "Z")

226.01 ZONING CERTIFICATE

That document signed by the Zoning Inspector or his/her authorized agent which certifies that the use to be made of a particular property is a permissible use according to the terms of the German Township Zoning Resolution.

226.02 ZONING INSPECTOR

The Zoning Inspector (Administrative Officer) or his/her authorized representative, appointed by the Board of Trustees of German Township.

226.03 ZONING MAP

The Zoning Map or Maps of the unincorporated areas of German Township or portion thereof together with all amendments thereto subsequently adopted.