

ARTICLE 3 CONSTRUCTION OF LANGUAGE AND DEFINITIONS

3.01 CONSTRUCTION OF LANGUAGE

For the purposes of this Resolution, certain terms or words used herein shall be interpreted as follows: The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "uses" or "occupied" include the words "intended", "designed" or arranged to be used or occupied, the word "building" includes the word "structure" and the word "dwelling" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Resolution and any caption or illustration, the text shall control. Terms not herein defined shall have the meaning customarily assigned to them.

3.02 DEFINITIONS

ACCESSORY USE OR BUILDING OR STRUCTURE: Is a use or building or structure on the same lot with, and of a nature customarily incident and subordinate, to those of the main use or building.

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 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 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.

Beavercreek Township Zoning Resolution

- (d) Adult Entertainment Business: Any establishment involved in the sale of services or products characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons, the exposure or presentation of "specified sexual activities" and/or "specified anatomical areas" and/or physical contact of live males or females, and which is characterized and/or portrayed by either photography, dancing, stripping, reading, massage, male or female impersonation, or similar activity or medium.
- (e) For the purpose of the definition of adult entertainment facility, "specified sexual activities" shall mean: (i) human genitals in a state of sexual stimulation or arousal; (ii) acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or (iii) fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.
- (f) For the purpose of the definition of adult entertainment facility, "specified anatomical areas" shall mean: (i) less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; and/or (ii) human genitals in a discernibly turgid state even if completely and opaquely covered.

AGRICULTURE: See Farm

ALLEY: Any public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

ALTERATION: Is any change, addition, or modification in construction, type of occupancy, increase in floor space, the consummated act of which may be referred to herein as "altered" or "reconstructed".

APARTMENT: A suite of rooms or a room in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit as defined under "family".

APARTMENT HOTEL: A building designed for or containing both dwelling units and Individual guest rooms or suites of rooms, which building may include accessory uses such as cigar store, coffee shop, etc., when such uses are accessible only from the lobby.

AUTO SERVICE STATION: Is a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing and minor repair of automobiles, not including storage of inoperable vehicles.

Beavercreek Township Zoning Resolution

AUTO REPAIR STATION: Is a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame, or fender straightening and repair; over-all painting and under coating of automobiles.

AWNING: Is a roof like cover that is temporary or permanent in nature and that protects from the wall of a building for the purpose of shielding an area of a structure and constructed of a rigid supporting framework with a canvas, vinyl or fabric covering.

BASEMENT: That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, except as provided in Definitions: STORY and STORY (HALF).

BLOCK: Is the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate lines of the municipality.

BOARD OF APPEALS: Means the Board of Zoning Appeals of the Beavercreek Township, Greene County, State of Ohio.

BOARDING HOUSE: (Rooming House) A building other than a hotel, where for compensation and by prearrangement for definite periods, meals or lodging and meals, are provided for three or more persons, but not exceeding ten sleeping rooms. A rooming house or furnished rooming house shall be deemed a boarding house for the purpose of this Resolution.

BUILDING: Is any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind; excepting any type Mobile Home.

- (a) See Definition: ACCESSORY USE OR BUILDING OR STRUCTURE.
- (b) See Definition: MAIN BUILDING.
- (c) See Definition: NON-CONFORMING BUILDING.
- (d) See Definition: USE.
- (e) Temporary.

BUILDING FACE OR WALL: The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

Beavercreek Township Zoning Resolution

BUILDING FRONTAGE: The linear length of a building facing the right-of-way or the linear length of the right-of-way facing the building, whichever is smaller.

BUILDING HEIGHT: Is the vertical distance measured from the established grade to the highest point of roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip, and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

BUILDING LINE: See Definition: LOT SETBACK LINE, (a) Front Setback Line.

CARRY-OUT: A place of business where food and beverage are purchased for consumption on or off the premises.

CLINIC: An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.

CLUB: Is an organization of persons for special purpose or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

CONDITIONAL USE: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Schedule of Principal Permitted Uses.

CONDITIONAL USE PERMIT: This is a permit authorized by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in that particular zoning district where the land is located. These permits are issued only after applicant has followed the procedures as stated in this Resolution. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific.

CONVALESCENT OR NURSING HOME: An establishment which specializes in providing necessary services to those unable to care for themselves.

COUNTY PLANNING COMMISSION: Means the Regional Planning and Coordinating Commission of Greene County, Ohio. (RPCC)

CROWN SPREAD: The distance measured across the greatest diameter of a plant.

Beavercreek Township Zoning Resolution

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, street, and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

DISTRICT: Is a portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

DRIP LINE: The outer perimeter of the crown of a plant.

DRIVE-IN: Is a business establishment so developed that its retail or service character is dependent on providing a drive-way approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the drive-in service.

DWELLING UNIT: Is a building or a portion thereof, designed for occupancy of one (1) family for residential purposes and having cooking facilities.

DWELLING, ONE FAMILY: Is a building designed exclusively for and occupied by one (1) family.

DWELLING, TWO FAMILY: Is a building designed exclusively for occupancy by two (2) families living independently of each other.

DWELLING, MULTIPLE-FAMILY: Is a building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.

ERECTED: Includes attached, built, constructed, reconstructed, enlarged, moved upon, or any physical operations on the premises which are required for the construction. Painting of wall signs, but not including any copy changes on any sign, excavation, fill, drainage and the like, shall be considered a part of erection.

ESSENTIAL SERVICES: Is the underground, surface or overhead gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems, collection, communications, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or governmental departments for the general health, safety or welfare.

Beavercreek Township Zoning Resolution

EXCAVATION: Is any breaking of ground, except common household gardening and ground care.

FAMILY: Is one or two persons or parents, with their direct lineal descendants and adopted children together with not more than two persons not so related, or a group of not more than four persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

FARM-AGRICULTURE: Agriculture includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

FEED LOT-COMMERCIAL: Fenced lots not directly associated with a bona fide agricultural operation and used solely for the feeding of animals for marketing purposes.

FENCE: Any structure other than part of a building of sufficient strength and dimensions intended to prevent straying from within or intrusion from without.

FLOOD: A temporary inundation of normally dry land areas.

FLOOD, ONE-HUNDRED YEAR: A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).

FLOOD PLAIN: (1) a relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; (2) an area subject to the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODWAY: The designated area of a flood plain required to carry and discharge flood waters of a given magnitude. For the purposes of this Resolution and floodway shall be capable of accommodating a flood of the one-hundred (100) year magnitude.

FLOODWAY FRINGE: That portion of the flood plain outside the floodway.

FLOOR AREA: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, porches, except basement areas designed and used for dwelling or business purposes.

FLOOR AREA GROSS: The sum of the gross horizontal areas of all the several floors of a building or buildings, including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls including the walls of roofed porches having more than one wall.

FLOOR AREA: (For the purpose of computing parking requirements): that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, such as hallways, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of "floor area". Measurements of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FREEWAY OR CONTROLLED ACCESS HIGHWAY: This term shall mean a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting land, or in respect to which such owners have only limited or restricted right or easement of access and which is declared to be a freeway as provided by the highway authority.

FRONTAGE: The distance between the side lot lines measured along a public road, except: (1) in the case of a cul-de-sac or other curved street where frontage shall be measure along the required front setback line; and (2) in the case of a corner lot where frontage shall be measured along the shortest front lot line.

GARAGE, PARKING: A space or structure or series of structures for the temporary storage or parking of motor vehicles, not primarily of commercial vehicles or for dead storage of vehicles, having no public shop or service in connection therewith, other than for the supplying of motor fuels and lubricants, air, water and other operating commodities not readily visible from or advertised for sale on the exterior of the building.

GARAGE, PRIVATE: An accessory building or portion of a main building designed or used solely for the storage of motor-driven vehicles, boats and similar vehicles owned or used by the occupants of the building to which it is accessory.

GARAGE, SERVICE: Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

GRADE (GROUND LEVEL): The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

GROUND COVER: Natural mulch or low growing plants other than deciduous varieties installed in such a manner so as to form a continuous cover over the ground.

HEALTH STUDIO: Any building or part thereof used or designed to be used for weight training, physical exercise, gymnastics, and instruction in exercise and nutrition to benefit physical fitness. No massage, basketball, boxing, soccer, hockey, racquetball, handball, or similar activities shall be included in this definition.

HOME OCCUPATION: An occupation conducted in a dwelling unit when --

- (a) No person other than members of the family residing on the premises shall be engaged in such occupation
- (b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of floor area of the dwelling unit shall be used in the conduct of the home business;
- (c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated and mounted flat against the wall of the principal building;
- (d) No home occupation shall be conducted in any accessory building;
- (e) There shall be no sale on the premises of commodities not produced as a result of the home occupation;
- (f) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this Resolution and shall not be located in a required front yard, and;
- (g) No equipment or process shall be used in such home occupation which creates noise, vibrations, glare, fumes, odors or electrical interference detectable off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receiver off the premises, or causes fluctuations in line voltage off the premises.

HOSPITAL OR SANITARIUM: A public or semi-public facility that provides accommodations and continuous service for the sick and injured including obstetrical, medical and surgical care.

HOTEL: A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals in which there are ten (10) or more sleeping rooms and no provisions made for cooking in any individual room or apartment. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms and/or meeting rooms.

INTERIOR PROPERTY LINE: Property lines other than those fronting on a street, road or highway.

JUNK OR INOPERABLE VEHICLES: A vehicle shall be deemed a Junk or inoperable vehicle whenever any two (2) or more of the following occur:

- (a) The vehicle is without a valid current registration and/or license plate,
- (b) The vehicle is without fully inflated tires and/or has any type of support under it;
- (c) The vehicle is apparently inoperable if it has a substantially damaged window, windshield, door, motor, transmission, or other similar major part.
- (d) The vehicle is apparently inoperable if it has a missing window, windshield, door, motor, transmission, or other similar major part.

JUNK YARDS: (Salvage Yards) Is an open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of Junk but does not include uses established entirely within enclosed buildings. Two (2) or more inoperative or unlicensed vehicles shall be construed to be a Junk yard.

KENNEL OR CATTERY: Any lot or premises on which four (4) or more dogs, cats or other household animals more than six (6) months of age are bred, boarded or trained for commercial purposes.

LANDSCAPE MATERIAL: Landscaping consists of 1.) material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, and landscape water features; and 2.) nonliving durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, decorative walls and fences, brick pavers and earthen mounds, but excluding pavements for vehicular use.

LATCH-KEY PROGRAMS: Programs providing care and oversight of children, primarily between the close of the school day and the end of the business day. Such programs require licensing by the State of Ohio and are intended to provide an alternative to children returning to an empty house after school is over; also known as "Schoolchild Day Care Center".

LINTEL: In this context, the line above the display windows and below transom windows (if any) on a store.

LOADING SPACE: Is an off-street space on the same lot with a building, or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Resolution.

LOT: Is a parcel of land occupied or to be occupied, by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provision of this Resolution. Every lot shall have a minimum frontage of forty (40) feet thereon and shall abut upon and have permanent access to a public street or may abut upon and have access to a private street to the extent such private street is:

- (a) Built or improved to meet Subdivision street specifications as set forth in the Subdivision Regulations: and
- (b) Subject to a recorded easement providing for access of governmental persons and equipment for the protection of the public peace, health, safety, and welfare and acknowledging the owners of such private street have responsibility for the maintenance thereof and that the Township has no obligation for maintenance, snow removal, or traffic regulation thereon.

LOT OF RECORD: Is a parcel of land, the dimensions of which are shown on a document or map filed with the County Recorder of Deeds, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof. (See Definition: NON-CONFORMING LOT OF RECORD).

LOT AREA: Is the total horizontal area within the lot lines of the lot.

LOT, CORNER: A lot which has at least two contiguous sides, each abutting upon a street for its full length.

LOT FRONTAGE: The distance between the side lot lines measured along a public road, except: (1) in the case of a cul-de-sac or other curved street where frontage shall be measured along the required front setback line; and (2) in the case of a corner lot where frontage shall be measured along the shortest front lot line.

LOT, INTERIOR: Is any lot other than a corner lot.

LOT, THROUGH: Is any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage and front yards shall be provided as required.

LOT COVERAGE: Is the part or percent of the lot occupied by buildings, including accessory buildings.

LOT LINES: The lines bounding a lot as defined herein:

- (a) Front Lot Lines: In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, through lot, or double frontage lot, front lot lines are those lines separating the lot from all streets immediately abutting the lot.
- (b) Rear Lot Line: Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, the rear lot line is a point most distant from the front lot lines at which the two interior lot lines intersect. In the case of a through lot, there is no rear lot line.
- (c) Side Lot Line: Is any lot line other than the front lot line or rear lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

LOT WIDTH: Is the horizontal distance between the side lot lines measured at the two points where the building line, or setback line intersects the side lot lines.

LOT SETBACK LINE: A line parallel to a lot line, thoroughfare, road or street, or right-of-way line at any story level of a building which represents the distance which all or any part of a building or structure is to be set back from said lot line, street, or right-of-way.

Beavercreek Township Zoning Resolution

- (a) Front Setback Line: An imaginary line parallel to the front lot line extending the full width of the lot, representing the distance which all or any part of any structure or building is to be set back from the front lot line. In the event that the front lot line does not fall along a right-of-way line, then the front setback line shall be measured from a line parallel to and twenty-five (25) feet from the centerline of the street, road and thoroughfare.
- (b) Side Setback Line: An imaginary line parallel to any side lot line representing the distance which all or any part of any building is to be set back from a side lot line.
- (c) Rear Setback Line: An imaginary line parallel to any rear lot line representing the distance which all or any part of any building is to be set back from the rear lot line. In the case of a corner lot, the rear setback line is an imaginary line on an arc fifty (50) feet from a point most distant from the front lot lines at which the two side lot lines intersect. (See Figure 1)

LOT YARDS: The open spaces on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this Resolution as defined herein:

- (a) Front Yard: Is an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the front-lot line and the nearest point of the main building. In the case of a corner lot, through lot, or double frontage lot, is the minimum horizontal distance between the nearest part of the main building and the front lot lines.
- (b) Rear Yard: Is an open space extending the full width of the lot the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard is an area bounded by the side lot lines and an imaginary line on an arc fifty (50) feet from a point most distant from the front lot lines at which the side lot lines intersect. (See Figure 1)
- (c) Side Yard: Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

MAIN BUILDING: Is the building in which is conducted the principal use of the lot upon which it is situated.

MAIN USE: Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.

Beavercreek Township Zoning Resolution

MAINTAIN: To permit a sign, structure or any part of each to continue, or to repair or refurbish a sign, structure or any part of either.

MAJOR STREETS: Is an arterial street which is intended to serve as a large volume traffic way for both the immediate area and the region beyond, and may be designated as a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those streets comprising the basic structure of the thoroughfare plan.

MAJOR THOROUGHFARE PLAN: The official plan of the major highways and streets, on file in the office of the Greene County RPCC, including all amendments and supplements subsequently adopted.

MEZZANINE: Is an intermediate floor in any story occupying not to exceed two-thirds (2/3) of the floor area of such story.

MOBILE HOME: A manufactured relocatable residential unit containing not less than two hundred eighty (280) square feet of floor space, providing complete, independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking and sanitation and is built to meet the standards and specifications of the Mobile Home Manufacturers Association. Removal of running gear shall not exempt a mobile home from this definition.

MOBILE HOME PARK: Any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes may be located.

MOTEL: Is a series of attached, semi-detached or detached rental units containing bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle. It may include all facilities specified under the definition of "HOTEL".

NON-CONFORMING BUILDING: Is a building or portion thereof, lawfully existing at the effective date of this Resolution or amendments thereto and that does not conform to the provisions of the Resolution in the district in which it is located.

NON-CONFORMING LOT OF RECORD: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Greene County; or a parcel of land, the deed to which was of record as of the effective date of this Resolution; neither of which meets the minimum area, width, or frontage requirements of the Resolution.

NON-CONFORMING USE: Is a use which lawfully occupied a building or land at the effective date of this Resolution or amendments thereto and that does not conform to the use regulation of the district in which it is located.

NURSERY:

- (a) Plant Material - Is a space including accessory building or structure for the growing or storage of live trees, shrubs or plant materials not offered for retail sale on the premises, including products used for gardening or landscaping.
- (b) Retail - Is a space including accessory building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping.

NURSERY SCHOOL/DAY CARE CENTER: Any premise where care is provided for seven or more children, with or without compensation, except as exempted under the Child Day Care Licensing Law (ORC 5104.01-5104.99) of the State of Ohio. This definition includes private schools for pre-school children and "Latch-key" programs.

OFF-STREET PARKING LOT: Is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrance and exit for the parking of more than two (2) vehicles.

OPEN SPACE: That part of a lot, including courts or yards which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the lot.

OPEN SPACE (COMMON): That area either dedicated to the public or commonly owned and/or available to all the residents of a Planned Unit Development area.

OWNER: A person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary; and person having a vested or contingent interest in the property in question.

PARAPET OR PARAPET WALL: That portion of a building wall that rises above the roof level.

PARKING SPACE: Is hereby determined to be a minimum area of two hundred (200) square feet, measuring 10 x 20 feet, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage or parking of permitted vehicles.

PENTHOUSE: A structure on top of a building roof such as houses an elevator shaft or similar form.

Beavercreek Township Zoning Resolution

PERSON: Any individual, corporation, association, firm, partnership and like, singular or plural.

PLANNED UNIT DEVELOPMENT: Land under unified control, planned and developed as a whole according to comprehensive and detailed plans. Development may be a single operation or a definite sequential series of development operations including all lands and buildings, with a program for provisions, operation and maintenance of such areas, improvements and facilities necessary for common use by the occupants of the development.

PLANNING DIRECTOR: (Director), The Executive Director of the Regional Planning and Coordinating Commission of Greene County or his designee.

PLANTING AREA: Any area designed for landscape material installation.

POOL, SWIMMING: A structure constructed or placed below ground or above ground, which is suitable or utilized for swimming or wading.

PREMISES: An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PUBLIC UTILITY: Is any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public; gas, steam, electricity, sewage disposal, communication, telegraph, telephone, transportation or water.

RECREATION CLUB OR ASSOCIATION: Any private organization, corporation, club, or Association formed principally for the purpose of the operation of recreation programs and/or facilities for the benefit of their members and guests and not for profit.

RECREATIONAL VEHICLE: Recreational vehicle means and includes the following:

- (a) A "travel trailer" is a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer;
- (b) A "pick-up camper" is a structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses;

Beavercreek Township Zoning Resolution

- (c) A "motorized home" which is a portable dwelling designed and constructed as an integral part of a self-mounted vehicle on wheels and designed for travel and vacation uses;
- (d) "Boats and boat trailers" (including floats and rafts), plus the normal equipment to transport the same on the highway; and
- (e) "Fold-out tent trailers".

RESTAURANT: An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

RIGHT-OF-WAY: Any privilege or right given to someone else over your land. Conveyance of right to use land (easement).

ROOF LINE: The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

ROW HOUSE OR TOWN HOUSE: A row of three (3) or more attached one (1) family dwellings, each unit of which extends from the basement to the roof.

SETBACK LINE: See Definition: LOT SETBACK LINE

SIGN: Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

SPECIFIED ANATOMICAL AREAS: Less than completely and opaquely covered human genitals, pubic region, buttock and female breasts below a point immediately above the top of the areola; and/or 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, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

STORY: Is that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six (6) feet above grade, such basement shall be considered a story.

Beavercreek Township Zoning Resolution

STORY (HALF): Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet with a clear height of seven feet six inches (7'6"). For the purpose of this Resolution, the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

STREET: Is a public thoroughfare which affords the principal means of access to abutting property.

STRUCTURE: Is anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

TEMPORARY USE OR BUILDING: See Definition: USE, (e) Temporary.

TENT: Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and shall include: shelter providing for circuses, carnivals, side shows, revival meetings, camp meetings and all similar meetings or exhibitions in temporary structures.

TOWNSHIP FACILITIES: Public buildings and/or land used in the provision of necessary Township services including but not limited to a Township Hall, Clerk's Office, Road Department, Township Garage, Police Department, Fire Department, Cemetery Department, Township Parks and Zoning Department.

TOWNSHIP TRUSTEES: Means the Board of Township Trustees of Beavercreek Township, Greene County, Ohio.

USE: A purpose for which land, a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

- (a) Accessory: Is a use or building on the same lot with, and of a nature customarily incident and subordinate to, those of the main use or building.
- (b) Conditional: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Schedule of Principal Permitted Uses, Table 2.
- (c) Main: Is a building in which is conducted the principal use of the lot upon which it is situated.

Beavercreek Township Zoning Resolution

- (d) Non-Conforming: Is a use which lawfully occupied a building or land at the effective date of this Resolution or amendments thereto and that does not conform to the use regulations of the district in which it is located.
- (e) Temporary: Is a use or building permitted to exist during periods of construction of the main building or use, or for special events, but not inhabitable. Semi truck trailers used as portable warehouses are considered to be temporary buildings and a permit shall be required when used for more than 30 days.

VARIANCE: Is a modification of the literal provisions of the Zoning Resolution granted when strict enforcement of the Zoning Resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variance are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case as defined in Section 22.07.6.

VEHICULAR USE AREA: Any paved ground surface area, except public rights-of-way, used by any type of vehicle, whether moving or at rest for the following purposes, among other purposes: driving, parking, loading, unloading, storage or display.

YARDS: See Definition: LOT YARDS.

ZONING COMMISSION: Means the Zoning Commission of Beavercreek Township, Greene County, Ohio.

FIGURE 1

