

CHAPTER 1123 Definitions¹

1123.01 DEFINITIONS GENERALLY; INTERPRETATION.

- (a) Words not particularly defined herein, shall be defined as found in the most recent edition of The Latest Illustrated Book of Development Definitions, by Harvey S. Moskowitz and Carl G. Lindbloom, published by Rutgers University. Words not particularly defined therein shall be defined as found in the most recent edition of the Dictionary of Architecture and Construction, published by McGraw Hill. Words not particularly defined therein shall be defined as found in Webster's New Universal Unabridged Dictionary.
- (b) Except where specifically defined herein, all words used in this Zoning Ordinance shall carry their customary meanings. Words used in the present tense include the future; the plural includes the singular; the word "lot" means the word "plot"; the word "shall" is intended to be mandatory; "occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied".

(Ord. 0162-2006. Passed 8-21-06; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.02 ACCESSORY USE STRUCTURE.

Accessory use structure means a subordinate structure, either attached to or separate from the main building, the use of which is incidental to that of the main building or to the main use of the premises.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.03 ACCOUNTABILITY.

Accountability means that a governmental agency is legally responsible for the welfare of the clientele of a family care home and as such can exercise control over the operator of such facilities in order to ensure that the provisions of Section 1153.01(b)(6) are being met and that adequate operational and occupancy standards are being maintained.

(Ord. 21-90. Passed 2-20-90.)

1123.04 ALLEY.

Alley means a public thoroughfare which affords only a secondary means of access to abutting property and is not intended for general circulation.

(Ord. 21-90. Passed 2-20-90.)

¹Cross reference(s)—Subdivision Ordinance definitions - see P. & Z. Ch. 1101; Planned Unit Development District definitions - see P. & Z. 1151.15; USTEB provisions - see P. & Z. 1167.15 et seq.; Accessory USTEB - see P. & Z. 1167.19; Fence classifications and further definition - see P. & Z. 1171.01.

1123.05 ALTERATIONS, STRUCTURAL.

Structural alterations means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

(Ord. 21-90. Passed 2-20-90.)

1123.06 APARTMENT UNIT.

Apartment unit means one or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit in a building containing more than two dwelling units.

(Ord. 21-90. Passed 2-20-90.)

1123.07 ATTACHED DWELLING.

Attached dwelling means a one-family dwelling attached to two or more one-family dwellings by common vertical walls.

(Ord. 21-90. Passed 2-20-90.)

1123.08 BASEMENT.

Basement means a story having more than one-half of its height below the grade.

(Ord. 21-90. Passed 2-20-90.)

1123.09 BUILDING.

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

(Ord. 0024-2007. Passed 2-20-07.)

1123.10 BUILDING, HEIGHT OF.

Height of building means the vertical distance from the 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 and gambrel roofs.

(Ord. 21-90. Passed 2-20-90.)

1123.11 CALENDAR WEEK.

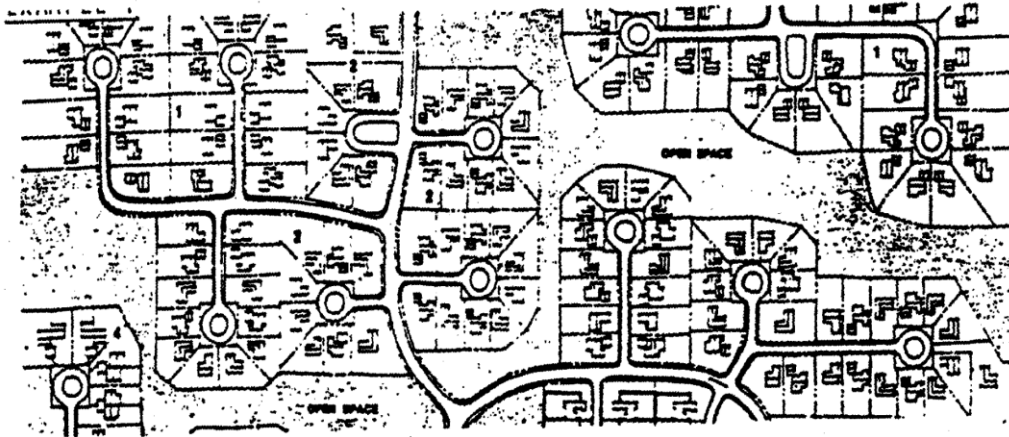
A week beginning with Sunday and ending with Saturday.

(Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.12 CLUSTER HOUSING.

Cluster housing means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features. (See Example 1)

EXAMPLE 1



(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.13 CONDOMINIUM.

Condominium means a building, or group of buildings, in which units are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

A *condominium* has common areas and facilities and there is an association of owners organized for the purpose of maintaining, administering, and operating the common areas and facilities. It is a legal form of ownership of real estate and not a specific building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common elements usually include the land underneath and surrounding the building, certain improvements on the land, and such items as plumbing, wiring, and major utility systems, the interior areas between walls, the public interior spaces, exterior walls, streets and recreational facilities.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.14 COURT.

Court means an unoccupied, open space, other than a yard, on the same lot with a building, which is bounded on two sides by the walls of such building.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.15 COURT, INNER.

Inner court means a court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.16 COURT, OUTER.

Outer court means a court enclosed on not more than three sides by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.17 DWELLING.

Dwelling means a structure or portion thereof which is used exclusively for human habitation.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.18 DWELLING, MULTIPLE.

Multiple dwelling means a building used or designed as a residence for two or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats and group houses.

(Ord. 21-90. Passed 2-20-90.)

1123.19 DWELLING UNIT.

Dwelling unit means one or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping and sanitary facilities provided within the dwelling unit, for the exclusive use of a single-family maintaining a household.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.20 EFFICIENCY DWELLING UNIT.

Efficiency dwelling unit means a dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.21 FAMILY.

Family means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, marriage, adoption, guardianship, or foster parent contract, no such family shall contain over five persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as family or families.

(Ord. 128-95. Passed 9-19-95; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.22 FAMILY CARE HOME.

Family care home, family model home, group home, adult family facility or community residence means a dwelling unit that provides room and board, personal care and habilitation services and supervision for individuals, exclusive of staff, who are cognitively impaired, developmentally disabled, physically handicapped or aged (over 60 years of age) persons, who are able to be integrated into a family type setting and who do not require institutional care or treatment. This category shall be licensed by and/or has accountability to the State of Ohio or any other governmental agency that regulates the type of use involved. This category does not include nursing homes, hospitals, rest homes, boarding or lodging houses, homes with up to three foster children, half-way houses for individuals released from incarceration, or facilities for drug abuse rehabilitation programs. "Family care homes" are permitted uses in all residential zoning districts within the City.

(Ord. 128-95. Passed 9-19-95; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.23 FENCE.

Fence means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

(Ord. 0024-2007. Passed 2-20-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.24 FLOOR AREA OF A BUILDING.

Floor area of a building means the sum of the gross horizontal areas of the several floors of a building on the same lot in all commercial and industrial districts. In residential districts, the minimum net floor area for living quarters shall be computed by using the area of all floors of those stories in a dwelling having more than one-half their height above grade. The second floor in each case qualifying for living quarters shall have access thereto by a permanent built-in stairway. In computing the minimum net floor area for living quarters, rooms for garage purposes, outside vestibules and open or closed porches or verandas shall not be included, and the term "living quarters", as used herein, means that portion of the building which is constructed with ceiling and walls finished on the inside in accordance with the Municipal Building Code.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.25 GARAGE FACILITY.

A private garage is a building or portion of a building not more than the specified square footage allowed in each residential zoning district and used for the storage of motor driven vehicles in which no business or industry connected directly or indirectly with the repair or servicing of motor vehicles is carried on.

(Ord. 18-96. Passed 2-6-96; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.26 GARAGE, PUBLIC.

Public garage means any garage, not a private garage, which is used for the storage, repair, rental, servicing or supplying of gasoline or oil to motor vehicles.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.27 GARAGE, TWO-CAR.

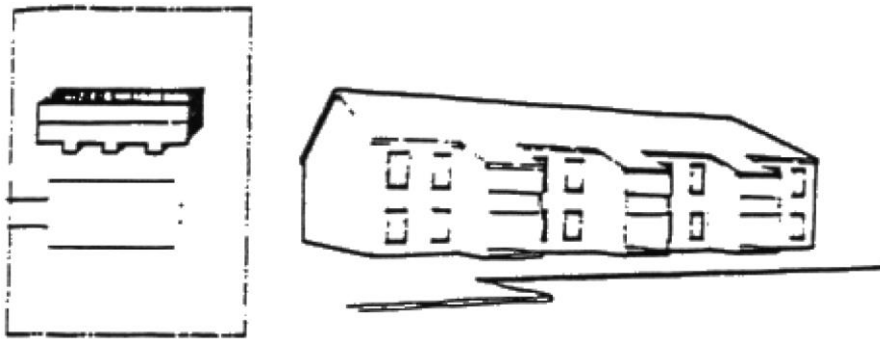
Garage, two-car means a residential garage having minimum inside to inside dimensions, measured from face of foundation to face of foundation and having usable floor space of not less than 19 feet wide by 20 feet long.

(Ord. 0088-2000. Passed 5-15-00; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.28 GARDEN APARTMENT.

Garden apartment means a multi-family dwelling containing more than two dwelling units. Access is usually from a common hall, although individual entrances can be provided. Dwellings can be located on top of each other. (See Example 2)

EXAMPLE 2



DWELLING, GARDEN APARTMENT

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.29 GRADE.

Grade means the average level of the finished surface of the ground adjacent to the exterior walls of the building.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.30 HARDWARE CLOTH.

Hardware cloth means plain weave square mesh cloth of relatively light wire galvanized after weaving or welding.

(Ord. 0024-2007. Passed 2-20-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.31 HOME OCCUPATION.

Home occupation means an accessory use of single-family dwelling units for legitimate businesses, professions, trades or vocations conducted within enclosed single-family dwelling units, which is clearly incidental

and secondary to residential occupancy and does not change the residential character thereof. (Refer to Chapter 1177.)

(Ord. 166-93. Passed 7-20-93; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.32 HOSPITAL.

Hospital means a building used for the diagnosis, treatment or other care of human ailments, unless otherwise specified.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.33 HOSPITAL, NURSING, REST AND CONVALESCENT HOME; HOME FOR SUBSTANCE ABUSERS.

Hospital, nursing home, rest home, convalescent home, home for substance abusers means a building or part of a building used for a hospital, the nursing and care of convalescents, aged people, and/or substance abusers, which must meet the provisions for the same found in the Ohio Revised Code and any proper and legal operations promulgated thereunder.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.34 HOTEL, MOTOR HOTEL, INN.

Hotel, motor hotel and inn means a building, or a part of a building, in which guest rooms are offered for public hire to any given individual for no more than 35 days in a calendar year, and where a general kitchen and dining room are provided within the building or in any accessory building.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.35 INSTITUTION.

Institution means a building occupied by a nonprofit corporation or a nonprofit establishment for public use.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.36 KENNEL OR OTHER ANIMAL SHELTERS.

Kennel or other animal shelters means the keeping of more than five animals at least three months of age for pleasure, profit, breeding or exhibiting.

(Ord. No. 0002-2017 , Exh. A, 2-6-17; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.37 LODGING HOUSE.

Editor's note(s)—Section 1123.35 was repealed by Ordinance 67-71, passed September 20, 1971.

Editor's note(s)—Ord. No. 0017-2017 , Exh. A, passed 4-3-17, renumbered section 1123.35 as 1123.37.

1123.38 LOT.

Lot means a portion of a subdivision or other parcel of land intended as a unit for transfer of ownership.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.39 LOT, CORNER.

Corner lot means a lot abutting upon two or more streets at their intersections, or upon two parts of the same street, and in either use forming an interior angle of 135 degrees or less as measured at the center line of the road or the interior right-of-way line as applicable.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.40 LOT, WIDTH OF.

Width of lot means the mean width measured at the building line and at right angles to its depth.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.41 MOTEL.

Motel means a group of one or more buildings concentrated upon a limited area, each building containing ten or more guest rooms offered for public hire, which may or may not have in conjunction therewith and upon the same property a general kitchen and dining room.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.42 MULTI-FAMILY.

Multi-family means a dwelling containing more than two dwelling units.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.43 NO BUILD ZONE.

No Build Zone means a designated area platted by a developer, either residential or commercial, which generally prohibits the placement of residential or commercial buildings, structures, specific types of fences, and storage buildings. Plat notes must be referenced to obtain specific information regarding any subdivision containing a No Build Zone.

(Ord. 0024-2007. Passed 2-20-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.44 NONCONFORMING USE.

Nonconforming use means a building, structure or use of land existing at the time of enactment of this Zoning Ordinance, which does not conform to the regulations of the district or zone in which it is situated.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.45 PARKING SPACE.

Parking space means the area required for parking one automobile, not including passageways.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.46 PATIO HOUSE.

Patio house means a one-family dwelling on a separate lot with open space setbacks on three sides and with a court. Patio homes may be attached to similar houses on adjacent lots and still meet this definition. Also known as zero lot lines. (See Example 3)

EXAMPLE 3



DWELLING, PATIO HOUSE

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.47 PLANNING AND ZONING ADMINISTRATOR

The duties of the Planning and Zoning Administrator, as described in Chapter 11, shall be performed by the appropriate staff as determined by the Mayor or their designee.

1123.47-48 PLAT.

Plat means a map of a tract or parcel of land.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.48-49 POTHOLE

Pothole means a depression or void in a pavement surface caused by wear or subsidence.

(Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.49-50 PRESERVATION ZONE.

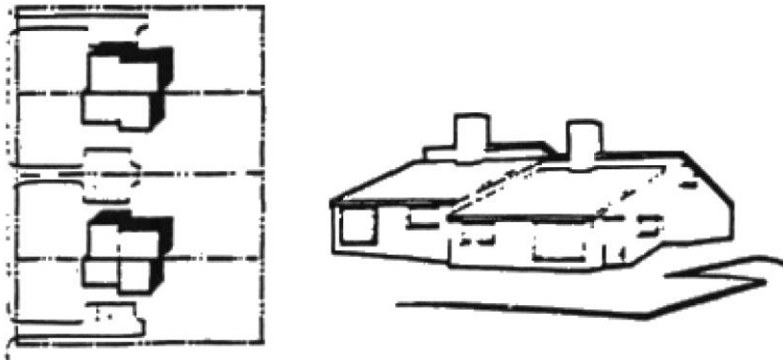
Preservation Zone means a natural area that protects aesthetic appearance and/or environmental significance. These natural areas include, but are not limited to, woodlands, wetlands, ravines, floodplains, streams, lakes, ponds, and/or steep slopes, and can provide effective buffers between different or same land uses. No permanent or temporary structure, building, or fence shall ever be placed upon, in, or under an area designated as a "preservation zone."

(Ord. 0024-2007. Passed 2-20-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.50-51 QUADRUPLEX.

Quadruplex means four attached dwellings in one structure in which each unit has two open space enclosures and shares one or two walls with adjoining unit or units. (See Example 4)

EXAMPLE 4



DWELLING, QUADRUPLEX

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.51-52 RETAIL FILLING STATION.

Retail filling station means a building or buildings, premises or a portion thereof arranged, intended or designed to be used in the supplying to individual vehicles for their own use only, oil, grease, gasoline or other liquid fuels, with other customary incidental services, the storage facilities of which used shall not be in excess of two tank cars, or a total storage capacity of 30,000 gallons. A "retail filling station" is the same as a "gasoline service station".

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.52-53 ROOMING HOUSE.

Editor's note(s)—Section 1123.47 was repealed by Ordinance 67-71, passed September 20, 1971.

Editor's note(s)—Ord. No. 0017-2017 , Exh. A, passed 4-3-17, renumbered 1123.47 as 1123.52.

1123.53-54 SEMI-DETACHED.

Semi-detached means a one-family dwelling attached to one other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot. The semi-detached dwelling is part of a two-family structure with the dwelling units side-by-side as opposed to one on top of the other. The semi-detached dwelling also could be the end unit of a townhouse row, a patio house, and a duplex. (Also can be considered a "twin single". One unit could be owner-occupied and the other a rental, or both could be rental properties with separate owners).

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.54-55 SIGN.

Sign means any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.55-56 STORY.

Story means that part of a building between the surface of a floor (whether or not counted for purposes of computing floor area ratios) and the ceiling immediately above.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.56-57 STORY, HALF.

Half story means a story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.57-58 STREET.

Street means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.58-59 STRUCTURE.

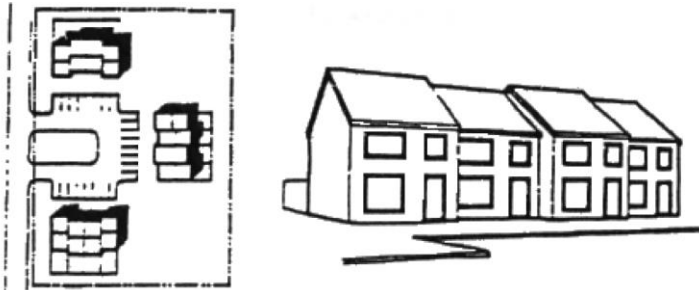
Structure means a combination of materials, other than a fence, that form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

(Ord. 0024-2007. Passed 2-20-07; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.59-60 TOWNHOUSE.

Townhouse means a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. Townhouses usually have separate utilities such as individual hot water and heating systems, separate electric meters, etc. However, in some condominium situations, the condominium association may arrange for bulk purchase of certain utilities and distribute it to individual dwelling units. Consequently, the definition normally would not contain a requirement for separate utility systems. (See Example 5)

EXAMPLE 5



DWELLING, TOWNHOUSE

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.60-61 TRAILER.

Trailer means a vehicle used for living or sleeping purposes, which stands on wheels or rigid supports.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.61-62 TRIPLEX.

Triplex means a dwelling containing three dwelling units, each of which has direct access to the outside or to a common wall.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.62-63 TWO-FAMILY DWELLING.

Two-family dwelling means a structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units. This definition includes the duplex dwelling, (typically a rental property).

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.63-64 USE.

Use means the specific purpose for which land or a building is designed, arranged, intended or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any nonconforming use.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.64-65 YARD.

Yard means an unoccupied space, open to the sky, on the same lot with a building or structure.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.65-66 YARD, FRONT.

Front yard means a yard extending across the full width of the lot and lying between the right-of-way line of the lot and the nearest wall of the building. The depth of a front yard shall be measured at right angles to the right-of-way line of the lot.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.66-67 YARD, REAR.

Rear yard means a yard extending across the full width of the lot and lying between the rear line of the lot and the nearest wall of the main building. The depth of a rear yard shall be measured at right angles to the rear line of the lot. On both corner lots and interior lots, the rear yard shall in all cases be the opposite end of the lot from the front yard.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.67-68 YARD, SIDE.

Side yard means an open, unoccupied space on the same lot with the building, situated between the building and the side line of the lot and extending from the front yard to the rear yard.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.68-69 ZERO LOT LINE.

Zero lot line means the location of a building on a lot in such a manner that one or more of the building's sides rest directly on a lot line.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

1123.69-70 ZONING ORDINANCE.

Zoning Ordinance means Ordinance 4-58, passed April 29, 1958, as amended, which is codified as Chapters 1121 through 1167 of this Part Eleven - Planning and Zoning Code.

(Ord. 21-90. Passed 2-20-90; Ord. No. 0017-2017 , Exh. A, 4-3-17)

(Supp. No. 9, Update 9)

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