

**VILLAGE OF YELLOW SPRINGS, OHIO
ORDINANCE 2025-21**

**REPEAL AND REPLACE CHAPTER 1284 "DEFINITIONS" OF THE CODIFIED
ORDINANCES OF THE VILLAGE OF YELLOW SPRINGS**

WHEREAS, at the recommendation of the Planning and Zoning Director, several updates to the definitions contained in the Village zoning code have been considered by Planning Commission; and,

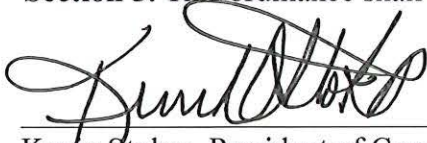
WHEREAS, following a Public Hearing on the matter, Planning Commission recommends these text amendments to Council,

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS, OHIO
HEREBY ORDAINS THAT:**

Section 1. Chapter 1284 "Definitions" of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby repealed in its entirety.

Section 2. New Chapter 1284 "Definitions" of the Codified Ordinances of the Village of Yellow Springs, Ohio is hereby enacted to read as set forth in Exhibit A, with deletions in ~~strikethrough~~, and additions **bolded and underlined**.

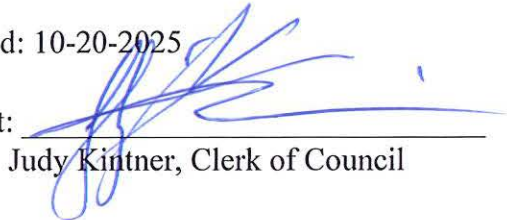
Section 3. This ordinance shall be in force and effect at the earliest period allowed by law.



Kevin Stokes, President of Council

Passed: 10-20-2025

Attest:



Judy Kintner, Clerk of Council

ROLL CALL:

Stokes _Y_

DeVore Leonard _Y_

Housh _Y_

Brown _Y_

Gustafson _ABSENT_

CHAPTER 1284
Definitions

1284.01 Interpretation.

1284.02 Definitions: A-B.

1284.03 Definitions: C-D.

1284.04 Definitions: E-F-G.

1284.05 Definitions: H-I-J-K.

1284.06 Definitions: L-M-N.

1284.07 Definitions: O-P-Q.

1284.08 Definitions: R-S.

1284.09 Definitions: T-U.

1284.10 Definitions: V-W.

1284.11 Definitions: X-Y-Z.

1284.01 INTERPRETATION.

Words used in the code shall have their customary meaning, unless specifically defined here.

1284.02 DEFINITIONS: A-B.

Accessory dwelling unit. A second dwelling unit subordinate to the principal dwelling that shares ownership and utility connections with the principal unit on a single family zoned lot, **may be attached or detached from the principal unit.**

Accessory structure. A detached subordinate structure, the use of which is incidental to, customarily associated with, and related to the principal structure or use of the land and which is located on the same lot as the principal structure or use.

Accessory use. A use incidental to, and on the same lot as, a principal use.

Addition. Any construction which increases the size of a building or facility in terms of site coverage, height, length, width or gross floor area, such as a porch, attached garage or carport, or a new room or wing.

Affordable dwelling unit. A dwelling available to low income households earning 80% or less of area median income as defined by the U.S. Department of Housing and Urban Development, for which total housing costs are 30% or less of the household's total monthly gross income.

Affordable dwelling unit, permanently. A dwelling unit in which a legal mechanism such as a ground lease, enforceable deed restriction, and/or 501(c)3 nonprofit organization's policy ensures affordability, as defined by HUD, to low income households for some extended time period, usually ending with the durable life of the unit(s).

Agribusiness. A business and/or commercial use operated primarily for the support of agricultural needs. It may consist of products, materials, and equipment servicing and sales; storage and/or processing of agricultural products and/or animals (but not including slaughtering, rendering or tanning); veterinarian and/or technical support facilities.

Agricultural. The use of land for farming, dairying, pasturage, agriculture and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce. Agricultural uses shall not include the commercial feeding of garbage or offal to swine and other animals.

Aid to construction. An amount of money paid to the municipality by the developer or property owner for required infrastructure improvements.

Alley. A public right-of-way 30 feet or less in width, but not less than 12 feet, which affords only secondary means of access to abutting property.

Alterations, structural. Any change in the supporting members of a building, such as walls, floors, columns, beams or girders.

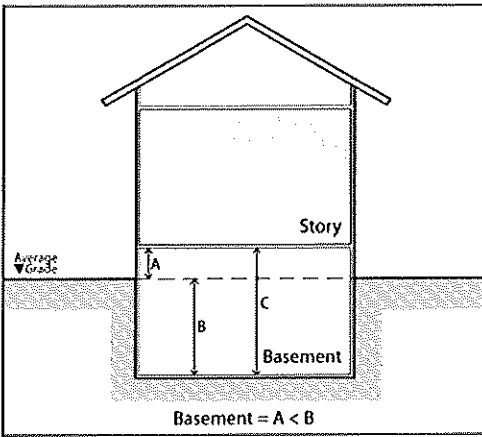
Aquifer. A geological unit in which porous and permeable conditions exist and are capable of yielding usable amounts of water.

Aquifer recharge area. An area that has soils and geological features conducive to allowing significant amounts of surface water to percolate into ground water.

Awning. A roof-like structure, generally made of canvas or plastic, mounted above a storefront, window or door and projects from the building wall as an architectural detail and provides shelter from sun and rain.

Bar. A lounge, tavern, beer parlor, night club or similar establishment principally operated for the sale of alcoholic beverages to be served on the premises.

Basement. A story, all or partly underground, having at least one-half of its height below the average level of the adjoining ground.



Bed and breakfast inn. A house, or portion thereof, where short-term lodging rooms and breakfast and light snacks are provided and where the operator lives on the premises or in adjacent premises.

Board. The Board of Zoning Appeals.

Boarding house, rooming house or lodging house. A building, or part thereof, other than a hotel, motel or restaurant, for three or more unrelated persons, not transients, where no meals are served and no cooking or dining facilities are available in individual rooms.

Buffer. A strip of land which provides visual separation and aesthetic relief between potentially incompatible uses through some combination of screen and greenbelt.

Building. Any structure attached to the ground, which has a roof and walls or rood supports and is designed or intended for the enclosure, shelter or protection of persons, animals or property. This definition does not include mobile homes.

Building envelope. The maximum three dimensional volume on a lot within which a structure can be built, as permitted by applicable height and setback requirements.

Building, height. The vertical distance from the proposed average finished grade to the highest point of the roof for flat and shed roofs, the ridge for hip and gable roofs and the deck line for mansard and gambrel roofs.

Building, principal. A building in which is conducted the main or principal use of the lot on which said building is located.

Business districts. The B-1 and B-2 Zoning Districts.

1284.03 DEFINITIONS: C-D.

Canopy. A rigid, permanent cover over a walkway, attached to a building (see "awning").

Carport. An accessory structure or portion of a principal structure, consisting of a roof and supporting members such as columns or beams, unenclosed from the ground to the roof on at least two sides and designed or used for the storage of motor vehicles.

Certificate of occupancy. A permit authorized and issued by the Zoning Administrator certifying that the use of the building or land in question is in conformity with this code or that a legal variance has been approved.

Church (place of worship). A building or structure or group of buildings or structures that, by design and construction, are primarily intended for conducting organized religious worship services. Associated accessory uses include, but are not limited to, classrooms, meeting halls, indoor and outdoor recreational facilities, day care, counseling and kitchens.

Clinic. An establishment where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other medical professionals, psychologists or social workers.

Code. The Zoning Code of the Village of Yellow Springs, Title Four, Zoning, of Part Twelve, the Planning and Zoning Code of the Yellow Springs, Ohio Code of Ordinances.

Cohousing. A type of intentionally developed community composed of private dwellings, supplemented with shared facilities such as common open space, parking, cooking, dining, recreation, gardening, child care, offices and internet access. Decisions are generally made by consensus of the owners within the cohousing community.

Commercial vehicle.

(1) Vehicles, owned by and registered to a business or organization, used to transport commercial goods or materials or used to provide a commercial service;

(2) Tractor cabs used for hauling semi-trailers;

(3) All vehicles, including passenger vehicles, affixed with signs advertising or identifying an establishment, product, service or activity;

(4) Mobile mechanized equipment, such as cranes, bulldozers, trenchers, tractors, compressors and similar equipment.

Commission. The Planning Commission.

Common Open Space. A perpetual open space area of land to benefit all residents of a Pocket Neighborhood Development (PND) or Planned Unit Development (PUD), which is unoccupied by buildings, structures, storage or parking areas, street right-of-ways, exterior setbacks, driveways, required yards and utility easements, except for recreational structures, and on slopes of ten percent or less and developed and maintained so it is usable for active or passive recreation activities.

Community garden. One or more plots of land gardened collectively by a group of people.

Comprehensive Plan. The document adopted by the Planning Commission and/or Village Council which establishes the goals, objectives and policies related to future land use and the general location and extent of present and proposed community facilities.

Conditional use. A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Planning Commission and subject to special requirements which are in addition to those usual requirements for the district in which the conditional use may be located.

Conservation area. An environmentally sensitive land protected from activities that would significantly alter its ecological integrity, balance or character.

Conservation easement. An easement granting the right or interest in real property that is appropriate to retaining land or water areas predominantly in their natural, scenic, open or wooded condition.

Continuing care retirement community. A facility or complex of buildings and structures designed for and occupied by persons 55 years or older and persons with disabilities that provides a range of housing and lifestyle choices, including independent living, assisted living and skilled nursing care in an integrated system.

Council. The Village Council.

Day care, family. A private home in which one, but fewer than seven minor children are received for care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.

Day care, group. A private home in which seven, but not more than 12 minor children are given care and supervision for periods of less than 24 hours a day, unattended by a parent or legal guardian, except children related to an adult member of the family by blood, marriage or adoption.

Deck. A platform, either freestanding or attached to a principal building, that is supported above grade and intended for outdoor use. A deck may be open or enclosed by railings, and may be covered or uncovered. For zoning purposes:

1. **Attached decks are considered part of the principal building.**
2. **Detached decks are considered accessory structures.**

Density. Computed by multiplying the number of units allowed per acre in a district. Any fraction of an acre may be rounded up to the next acre, allowing additional density if meeting the minimum requirements of the district.

Dormitory. A building used as group living quarters for a student body, religious order or other group as an accessory use to a college, university, boarding school, orphanage, convent or other similar use. Kitchen facilities are not provided in each room/unit but there may be a group kitchen facility to serve all residents.

Drain. A watercourse, gully, dry stream, creek, ditch or pipe which carries storm water runoff.

Drive-in or drive-thru facility. An accessory use for a business (such as a bank, restaurant, dry cleaners or pharmacy) where the delivery of customer services is done, usually from within the building via a service window while patrons are in their motor vehicle.

Dwelling:

(1) Dwelling, multiple family. A building designed for occupancy by three or more families living independently of one another.

(2) Dwelling, single-family. A detached building designed exclusively for and occupied exclusively by one family.

(3) Dwelling, single-family attached. A multiple-family building containing at least three dwelling units; in which each unit has its own front and rear access to the outside on the ground floor; and where units share one or more common walls but not a common floor/ceiling

(4) Dwelling, two-family. A building consisting of two dwelling units or designed for or used by two families or housekeeping units living independently of one another. May also be referred to as a duplex.

(5) Dwelling, manufactured home. See "manufactured home."

Dwelling unit. A permanent building or portion of a building, having cooking and sanitary facilities, designed or used exclusively for residential occupancy by one family as a single housekeeping unit, but not including hotels/motels, recreational vehicles, tents or portable buildings.

1284.04 DEFINITIONS: E-F-G.

Easement. The legal right for a person, government, agency or public utility company to use public or private land owned by another for a specific purpose.

Essential services. The erection, construction, alteration or maintenance, by public utilities or municipal or other government agencies, of underground gas, electrical, steam or water transmission or distribution systems, or collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings or personal wireless service facilities.

Family. One or more persons living together as a single housekeeping unit, in a dwelling, as distinguished from a group occupying a boarding house, lodging house, short-term rental, dormitory, fraternity, sorority, motel or hotel.

Farm. Any parcel of land containing at least three acres which is used for gain in the raising of agricultural products, livestock, poultry or dairy products, including farm structures within the prescribed limits and the storage of farm equipment. Riding stables, dog kennels, establishments for the raising of fur-bearing animals and retail sales buildings offering products not produced on the premises shall not be considered a farm.

Farm animal. Any domestic species of cattle, sheep, swine, goats, llamas, or horses, which are normally and have historically, been kept and raised on farms and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, when they are used solely for purposes of meat or fur, and animals such as horses and llamas when used solely as work and pack animals.

Farming, sustainable. A farm operation that employs practices to preserve or enhance water, soil and air quality during production, including no use of synthetic fertilizers, use of only pesticides and herbicides approved by the USDA organic standards and animal access to pasture most of the year.

Fence. An enclosure or barrier, typically made of wood, masonry, stone, metal or combination of those materials, the purpose of which is to physically and/or visually contain certain uses or activities, prevent or control entrance, mark a boundary or act as a screen.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of inland or tidal waters; and/or the unusual and rapid accumulation or runoff of surface waters from any source.

(1) Federal Emergency Management Agency (FEMA). The agency with overall responsibility for administering the National Flood Insurance Program.

(2) Flood, base. A flood having a 1% chance of being equaled or exceeded in any given year (also be referred to as the 100-year flood).

(3) Flood hazard area. The area possibly threatened by periodic flooding, consisting of the floodplain, inclusive of the floodway and the floodway fringe area.

(4) Flood hazard boundary map. The official map issued by FEMA where the areas of special flood hazard have been designated as Zone A.

(5) Flood Insurance Rate Map (FIRM). An official map on which FEMA has delineated the areas of special flood hazard.

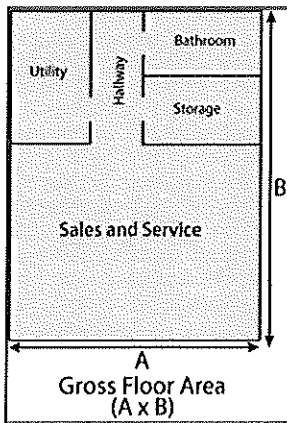
(6) Floodplain. The area adjoining a river, stream, watercourse or lake subject to 100-year occurrence interval flood, as delineated by FEMA. The floodplain includes the stream tributaries, the floodway and the floodway fringe.

(7) Floodway. The channel of a river, stream or other watercourse and the land areas of the floodplain adjoining the channel that are reasonably required to efficiently carry and discharge the flood water or flood flow of a river or stream and must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(8) Floodway fringe. The portions of the floodplain lying outside the floodway.

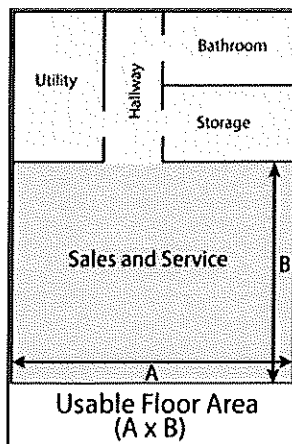
Floodplain Administrator: The Village Manager or the Manager's designee in the capacity as the Flood Administration.

Floor area, gross. The sum of the horizontal area of the several floors of a building, measured from the interior faces of the exterior walls.



Floor area, residential. For purposes of computing compliance with the minimum floor area requirements of a dwelling in a residential district, floor area shall include the total area of all floors whose height is more than half above finished grade, having a minimum floor to ceiling height of seven and a half feet, located on a permanent foundation, wired for electrical service and heated for year-round use.

Floor area, usable. That area to be used for the sale of merchandise or services, or for use to serve patrons, clients or customers, measured from the interior faces of the exterior walls. Areas used principally for the storage or processing of merchandise, for hallways, stairways and elevator shafts or for utilities or sanitary facilities shall be excluded from this computation.



Garage, private. A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, recreational vehicles and/or incidental personal property of the occupants of the premises.

Garage, public. A principal or accessory building, other than a private garage, used for parking or temporary storage of passenger automobiles, recreational vehicles and/or incidental personal property, and in which service is provided for remuneration or barter.

Grade, average. The mean or midway point between the highest and lowest elevation of the ground abutting the existing or proposed location of each face of a building, wall or other area being measured. The measurement of average grade may include the following:

(1) Grade, finished. The final grade of a site after grading, filling or excavating.

(2) Grade, natural. The grade of a site that exists or existed prior to man-made alterations, such as grading, filling or excavating.

Green burial. This refers to the interment of the body of a dead person in the soil in a manner that does not inhibit decomposition but allows the body to recycle naturally without the use of embalming fluid or formaldehyde. It is also referred to as natural burial.

Greenbelt. A preserved linear landscaped area along one or more property lines, providing a defined edge and/or screening.

Group home, adult. A residential care facility licensed or authorized by the State of Ohio, or under contract to the State or a political subdivision thereof, which provides room and board, personal care and supervision for not more than eight elderly or mentally or physically handicapped persons over 17 years of age.

Group home, juvenile. A residential care facility licensed or authorized by the State of Ohio, or under contract to the State or a political subdivision thereof, which provides room and board, personal care and supervision for not more than eight mentally or physically handicapped or delinquent juvenile persons under 18 years of age.

1284.05 DEFINITIONS: H-I-J-K.

Hazardous substances. Any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive or otherwise injurious properties, may be detrimental to the health of any person handling or coming in contact with the material that is regulated by a governmental agency.

Historic structure. Any structure that is:

(1) Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by:

A. An approved state program, as determined by the Secretary of the Interior; or

B. Directly by the Secretary of the Interior in states without approved programs.

Home occupation. An occupation or profession conducted, as an accessory use in a dwelling or a detached accessory building on the same lot as a principal dwelling, by a member or members of the resident family and which is clearly accessory and incidental to the residential use of the lot. Also referred to as a "home-based business."

Homeowners association (HOA). An organization of homeowners of a particular subdivision, condominium development, planned unit development or pocket neighborhood development whose purpose is to provide a common basis for preserving, maintaining and enhancing their homes and property.

Hotel/motel. A building under single management that provides rooms or suites intended primarily as sleeping accommodations for public rental on a daily basis for registered guests. A hotel (as distinct from a motel) contains a central interior lobby and provides daily room cleaning and linen changes. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities and similar facilities/services intended principally to serve registered guests.

Impervious surface. Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land.

Junk. Any motor vehicles, machinery, appliances, products or merchandise with parts missing; or scrap metals or materials that are damaged or deteriorated; or vehicles or machines in a condition which precludes their use for the purpose for which they were manufactured.

Junk yard. An establishment or place of business which is maintained or operated for the purpose of storing, keeping, buying or selling scrap or salvageable materials, including dismantled vehicles, or for the maintenance or operation of an automobile graveyard.

Kennel. Any premises used to board, breed, sell, train or treat more than three dogs, cats or other domestic pets who are more than six months old.

1284.06 DEFINITIONS: L-M-N.

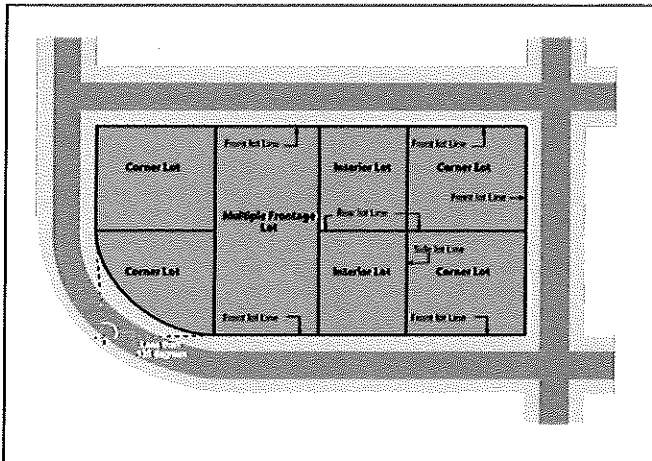
Loading space. An off-street portion of a parcel or lot designated for the temporary parking of commercial vehicles while loading or unloading materials used, sold or made on the premises.

Lot. A legally described and recorded parcel of land occupied or intended to be occupied by a principal building or group of buildings and accessory buildings, or utilized for a principal use and its accessory uses, together with such yards and open spaces as are required by this code.

(1) Lot, corner. A lot having contiguous frontage on two intersecting streets if the interior angle at the intersection of the streets is less than 135 degrees. Also, a lot located on a curved street or streets, if tangents of the curve, at the point of beginning with the lot or the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than 135 degrees.

(2) Lot, interior. A lot other than a corner or through lot.

(3) Lot, through. A lot having frontage on two approximately parallel streets or a water body and a street.



Lot area. The total horizontal area within the lot lines of the lot, excluding any street right-of-way or easement dedicated for street purposes.

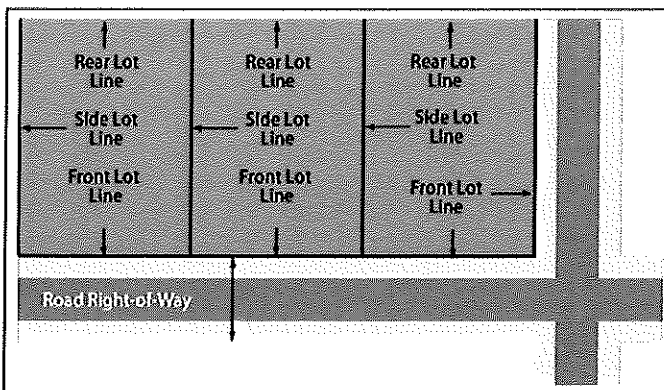
Lot coverage. The part of the lot occupied by buildings or structures, expressed as a percentage, including accessory buildings or structures, but not including parking lots.

Lot lines. The lines bounding a lot, as defined below:

(1) **Lot line, front.** In the case of an interior lot, the line separating the lot from the street right-of-way or road easement. Through and corner lots shall have two front lot lines.

(2) **Lot line, rear.** The lot line opposite and most distant from the front lot line. On a corner lot, the rear lot line is opposite the shorter of the two front lot lines. In the case of a triangular lot, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying furthest from the front lot line and wholly within the lot. A through lot has no rear lot line.

(3) **Lot line, side.** The lot lines connecting the front and rear lot lines of an interior or corner lot or connecting the front lot lines of a through lot.



Lot of record. A lot that is separately described within an approved subdivision or a parcel of land surveyed and legally recorded with the Village and County.

Lot width. The horizontal straight line distance between the side lot lines, measured at the two points where the front setback line intersects the side lot lines. On a corner lot this line shall be between the designated side and opposite front lot line of the lot.

Lowest floor. The lowest floor of the lowest enclosed area (including the basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable requirements specified within the Floodplain Overlay District (Chapter 1256 in this code).

Low Attached Deck. A deck 30 inches or less in height above finished grade.

Manufactured home. A factory-built, single family structure, transportable in one or more sections, which is built on a permanent chassis in compliance with the National Manufactured Home Construction and Safety Standards (42 USC, Sec. 4301) and designed to be used as a single-family dwelling, with or without a permanent foundation, when connected to utilities. The term "manufactured home" includes "mobile home." Recreational vehicles and temporary buildings are not included in this definition.

Mini-warehouse or self-storage facility. A building or group of buildings in a controlled access and/or fenced compound that contains varying sizes of individualized, compartmentalized and controlled access rooms, stalls or lockers for the storage of customer's goods or wares.

Mixed use. Two or more principal uses within the same building through superimposition or adjacency, or in multiple buildings by adjacency or at a close proximity.

Nonconforming building or structure. Any building or structure that was legally established and in existence at the time this code, or any amendment, was adopted, and which does not conform to the current regulations of the district in which it is now located.

Nonconforming lot. Any lot of record that was legally established and in existence at the time this code, or any amendment, was adopted, and which does not conform to the current regulations of the district in which it is now located.

Nonconforming use. Any use of land, building or structure that was legally established and operating at the time this code, or any amendment, was adopted and which is not permitted in the district in which it is now located.

Nursing home. A facility licensed as a rest home, nursing home, convalescent home, home for the aged, or similar use established and operated on a profit or non-profit basis to provide lodging and/or meals and/or domiciliary care for the aged, infirm, chronically ill, terminally ill, mentally incapacitated or convalescent persons, but not including hospitals, clinics or similar institutions devoted primarily to diagnosis and treatment. The term does not include facilities devoted to independent living units which include kitchen facilities in which residents have the option of preparing and serving some or all of their own meals or boarding facilities which do not provide personal care.

Open space. An area of land unoccupied by buildings, structures, storage or parking areas, except for recreational structures and which is generally for the purpose of active or passive recreation, environmental protection, preservation of scenic views or similar purposes. "Open space" does not include street rights-of-way or easements, or required yards.

Outdoor storage. Storing equipment, supplies, material, goods, products, inventory or other such items on property in a commercial or industrial district. This shall not apply to storage or keeping of yard equipment, firewood, play equipment or other items normally incidental to a residential use on the same property.

Overlay zone. A special purpose zoning district that encompasses all or a portion of one or more underlying zones and imposes additional requirements beyond those of the underlying zone(s).

Parking lot. An area not within a building where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking.

Parking space, off-street. An area of required size, exclusive of necessary driveways, aisles or maneuvering areas suitable to accommodate one motor vehicle and having direct unobstructed access to a street or alley, but located totally outside of any street or alley right-of-way.

Permitted use. A use by right which is specifically authorized in a particular zoning district.

Person. A firm, association, organization, partnership, trust, company or corporation, as well as an individual.

Personal services. An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, barber and beauty shops, watch repair, tailors and shoe repair shops.

Planned unit development. A lot or parcel of land, developed as a unit under single ownership or unified control, that is unique and incorporates one or more of the following: a variety of uses, varied density of development, dedicated open space, preservation of significant natural features, reduced lot sizes or similar attributes.

Planning Commission. The Planning Commission of the Village.

Pocket Neighborhood Development. A type of planned community which consists of a clustering of smaller residences or dwelling units that are individually owned, around a courtyard or common open space, and designed to promote a sense of community and neighborliness through an increased level of contact on a single lot under the control of a Homeowner's Association (HOA).

Principal use. The main or primary use of land or structures, as distinguished from a secondary or accessory use.

Public utility. Any person, firm, corporation, municipality, board or commission duly authorized to furnish, under Federal, State or Municipal regulations, to the public electricity, gas, steam, communications (excluding wireless communications), telephone, transportation, sewer or water services; provided that this definition shall not include any person, firm or corporation engaged in radio or television broadcasting.

1284.08 DEFINITIONS: R-S.

Recreational vehicle. Vehicles or equipment used primarily for recreational or leisure purposes including, but not limited to, motor homes, camper trailers, travel trailers, pop-up campers, boats, snowmobiles, motorcycles, dune buggies and similar vehicles and the trailers used to transport them.

Recycling center. A facility or location in which used material is separated and processed prior to shipment to others who will use the materials to manufacture new products.

Residential districts. The R-A, R-B and R-C Districts.

Restaurant. An establishment principally operated for the sale of food and beverages to be served for consumption on the premises, which may also include carry-out service or delivery of food through a drive-in and drive-thru facility for consumption off the premises.

Right-of-way. A strip of land dedicated for public use and occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or other essential services.

Screen. A visual barrier that surrounds a potentially offensive or incompatible activity.

Screening. The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Techniques include fences, hedges, walls, berms or other such features.

Setback. The required minimum horizontal distance between the line at which the building may be built and the related front, rear and side property lines.

Sexually oriented business. Those businesses defined, as follows:

(1) Adult arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(2) Adult bookstore, adult novelty store or adult video store.

A. A commercial establishment which has as a significant or substantial (i.e., 50% or more) portion of its stock-in-trade or derives a significant or substantial (i.e., 50% or more) portion of revenues or devotes a significant or substantial (i.e., 50% or more) portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, digital video discs, or other visual representations which are characterized by the depiction or description of specified sexual activities or specified anatomical areas;

2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

B. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as the definition above is met.

(3) Adult cabaret. A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which features: (a) persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or (c) films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. "Private club" shall mean an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.

(4) Adult motel. A motel, hotel or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off- premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television.

(5) Adult motion picture theater. A commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are shown for any form of consideration.

(6) Adult theater. A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration features persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities which is not customarily open to the general public during such features because it excludes minors by reason of age.

(7) Escort agency. A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. "Escort" means a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person or to privately appear in the state of nudity or semi-nudity for another person.

(8) Massage parlor. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other

treatment or manipulation of the human body which occurs as a part of or in connection with specified sexual activities is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or the shoulder, nor by any other individual licensed by the State of Ohio to perform massages.

(9) Semi-nude model studio. Any place where a person regularly appears in a state of nudity or semi-nudity or displays specified anatomical areas for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons. This definition does not include an accredited state licensed public or private educational institution or bona-fide art organization offering instruction, which may involve the exposure of the human body for purposes of drawing, filming or photographing as part of a course.

(10) Sexual encounter establishment. A business or commercial establishment that as one of its principal business purposes offers for any form of consideration:

A. A place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas; or

B. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nudity. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State of Ohio engages in medically approved and recognized sexual therapy.

(11) Simulated. To assume the mere appearance of something, without the reality, to imitate or pretend.

(12) Specified anatomical areas. Includes any of the following:

A. Less than completely and opaquely covered human genitals, pubic region, anus or any portion of the female breast below the top of the areola or nipple; or

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

(13) Specified sexual activities. Includes any of the following:

A. The fondling or other intentional touching of human genitals, pubic region, anus, or female breast;

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

C. Masturbation, actual or simulated;

D. Human genitals in a state of sexual stimulation, arousal or tumescence; or

E. Excretory functions as part of or in connection with any specified sexual activities defined in this section.

Sign. A device, structure, display, exhibit, poster, fixture or placard which may or may not use graphics, symbols and/or written copy designed specifically for the purpose of advertising or identifying an establishment, product, service or activity.

(1) Sign, awning. A roof-like cover that projects from the wall of a building for the purpose of shielding a doorway or window from the elements (see canopy and projecting sign).

(2) Sign, business center. A sign advertising a shopping or business center, strip center, mall or any multi-tenant commercial, industrial or office use.

(3) Sign, canopy. Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover (excluding a marquee) over a door, entrance, window, or outdoor service area (see awning and projecting sign).

(4) Sign, community special event. A temporary sign calling attention to special events of interest to the general public which are sponsored by governmental agencies, schools or other non-profit charitable, philanthropic, religious or benevolent organizations.

(5) Sign, construction. A temporary sign, typically freestanding, displayed at construction site to promote and provide information about the company or companies involved in the project. These can include the contractor, architect, developer, etc.

(6) Sign, development. A temporary or otherwise limited-term sign for the purpose of identifying multiple lots or new homes in a subdivision, including single-family and/or multi-family dwelling units.

(7) Sign, free-standing. Any sign not attached to a building or wall which is supported by one or more poles or braces or which rests on the ground or on a foundation resting on the ground (see ground sign).

(8) Sign, gateway. A sign marking the entrance to a town, neighborhood, development, park or other public area. A sign placed at the street entrance to a single-family subdivision, multiple-family development, planned unit development, industrial park or similar consolidated development, containing only the name of the subdivision or development.

(9) Sign, ground. A free-standing sign supported by a base which rests directly on the ground. The width of the base shall be at least 50% of the width of the sign to be considered a ground sign (see free-standing sign).

(10) Sign, home occupation. One non-illuminated sign identifying the home occupation.

(11) Sign, marquee. A sign that is part of or attached to a permanent roof-like structure or canopy of rigid materials supported by and extending from the building front.

(12) Sign, projecting. Any sign attached to a building or other structure and extending in whole or in part more than 12 inches from such structure (see awning and canopy sign).

(13) Sign, temporary. A sign that is not permanent or affixed to a building or structure and, by its nature, may be or is intended to be moved from one location to another, such as "A" frame signs or signs on a movable trailer, whether rented or owned.

(14) Sign, wall. A sign painted, attached to or erected in a plane parallel to a wall, extending no more than 12 inches from the exterior face of the wall to which it is attached.

(15) Sign, window. A sign affixed to the glass on the outside or inside of a window, or erected within three feet of a window on the inside of a building so as to be seen from the outside of the building.

Site plan. A drawing, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific land parcel.

Skilled nursing care. Procedures that require technical skills and knowledge beyond those of an untrained individual and commonly employed in providing for the physical, mental and emotional needs of the ill or otherwise incapacitated.

Spot zone. Singling out of a lot or small area for discriminatory or different treatment from that accorded surrounding land which is similar in character.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, and also any portion of a building used for human occupancy between the topmost floor and the roof.

Street. A public right-of-way 50 feet or more in width which provides a public means of primary access to abutting property, or any such right-of-way more than 30 and less than 50 feet in width, provided that it existed prior to November 18, 1971. The term "street" includes avenue, drive, lane, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

Street classification. A hierarchy of street types denoting their relative function and traffic-carrying capability.

(1) Arterial. A connected network of continuous routes serving intra- and interstate travel, as well as interurban travel. Arterials accommodate high traffic volumes generally at higher speeds. Access to abutting land is subordinate to moving through traffic. The following streets are classified as arterials:

A. Dayton-Yellow Springs Road /Dayton Street.

B. Fairfield Pike.

C. Xenia Avenue.

(2) Collector. Those streets which collect traffic from local streets and channel it to arterial streets. Collector streets carry moderate traffic volumes and primarily provide for local traffic movements with a minor amount of through traffic. While traffic movement is an important function, collectors also provide for a higher degree of land access than arterials. The following streets are classified as collectors:

- A. Allen.
- B. Corry.
- C. Enon.
- D. High.
- E. King.
- F. Limestone.
- G. Livermore.
- H. South College.
- I. Spillan.
- J. Walnut.

(3) Local. A street that provides direct access to adjacent land and access to higher street classifications. All streets not otherwise classified are local.

Structure. Anything constructed, erected or placed which requires location on the ground or attachment to something having location on the ground including, but not limited to: buildings, accessory buildings, sheds, patios, gazebos, tennis courts, swimming pools, radio and television towers, solar panels, decks and platforms; provided, however, that patios shall not be deemed structures if no part is above the ground and if it is located outside the minimum front, side and rear yard setback area. Lawful fences or walls, utility poles, basketball goals, mailboxes, sidewalks, driveways, streets, parking areas or retaining walls shall not be considered as structures for purposes of this code.

Subdivision. Shall mean:

(1) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall not be considered a subdivision for purposes of this code; or

(2) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets except private streets serving industrial structures, and the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sanitary sewers, water lines, storm drainage or other public features.

Swimming pools and spas. Any structure or container, either permanent or portable, and either above or below ground, designed to hold water to a depth of 24 inches or greater at any point,

intended for the immersion of the human body, whether for swimming, wading or sitting, used by the occupants thereof and guests, without payment of any fee, and as an accessory use to a residence. This includes hot tubs, steam baths and other hydrotherapy devices. Pools that are less than 24 inches in depth, are portable or temporary, are exempted from the requirement of a zoning permit.

1284.09 DEFINITIONS: T-U.

Temporary structure. A structure erected for a period of time not to exceed 18 months for such use as construction offices or storage buildings at a construction site.

Tiny home. A dwelling unit built on a permanent chassis with or without wheels and designed to be used as a single-family dwelling, with a permanent foundation, when connected to utilities.

Transient Guest Lodging. A dwelling unit, a room or rooms in a dwelling unit, or an accessory dwelling unit where sleeping accommodations are offered for consideration to persons occupying a room or rooms for less than thirty consecutive days.

Use. The specific purposes for which land or a building is designed, arranged or intended, or for which it is or may be occupied or maintained.

Utilities review. Prior to approval of a minor subdivision, replat or the building or renovation of a structure, a utilities review is required. The Public Works Department will determine if improvements to electric, water/sewer and/or storm water systems are needed. Improvements are at the expense of the developer or property owner. The relocation or upgrade will need to be complete prior to a designated Village Official signing the survey for a minor subdivision or replat, or the issuance of a zoning permit for construction on the property.

1284.10 DEFINITIONS: V-W.

Variance. A relaxation or modification of the requirements of this code permitted by the Board of Zoning Appeals on individual parcels of property as a method of alleviating practical difficulty in meeting the minimum requirements of the code.

Vehicle repair, major. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning.

Vehicle repair, minor. A building or premises used primarily to provide general maintenance on automobiles such as oil changes and lubrication; servicing and repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of automobile accessories such as tires, radios and air conditioners; wheel alignment and balancing; but, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting.

Vehicle service station. Any land and building used for the supply of gasoline, oil or other fuel for motor vehicle propulsion and may also include minor vehicle repair.

Vehicle wash. A building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

Veterinary hospital or clinic. A building where care and treatment of small animals, including household pets, is provided.

Wholesale establishment. A business that engages in the sale of goods, merchandise and commodities for resale by the purchaser.

Wireless communication facility. The plant, equipment and property including, but not limited to, cables, wires, conduits, ducts, pedestals, antennas, electronics and other appurtenances used or to be used to transmit, receive, distribute, provide or offer wireless communications services.

Wireless communication tower. Any structure, such as a mast, pole, monopole, guyed tower or lattice tower that is designed and constructed primarily for the purpose of supporting one or more antennas.

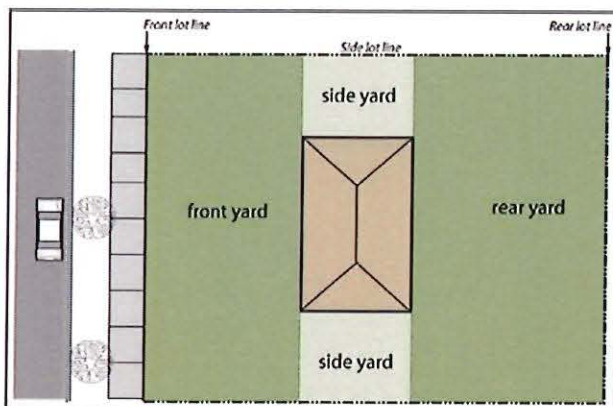
1284.11 DEFINITIONS: X-Y-Z.

Yard. An unoccupied open space from the ground upward, between the building wall and the adjoining lot lines.

(1) Front yard. The space extending the full width of the lot between the nearest edge of a building and the front lot line.

(2) Rear yard. The space extending the full width of the lot between the nearest edge of a building and the rear lot line.

(3) Side yard. An open space extending from the front yard to the rear yard between the nearest edge of a building and the nearest side lot line.



Yard, required. That portion of the yard lying between the lot line and the required building setback line.

Zero lot line. A development method in which a building is sited along one lot line with no side yard on that side to allow more flexibility in the site design and to increase the amount of usable open space on the lot.

Zoning Administrator. The Village Manager or the Manager's designee in the capacity as enforcer of the provisions of this Zoning Code.

Zoning district. A section of the Village in which requirements for the use and dimensions of the land and buildings are prescribed.

Zoning permit. A written authorization issued by the Zoning Administrator verifying that proposed buildings, structures or uses are consistent with the terms of this zoning code for the district in which the building, structure or use will be located.