

ARTICLE 4: DEFINITIONS

Section 401: Introduction

All words, terms, abbreviations, and/or phrases used in this Resolution shall retain their customary meanings as defined at Webster's New World: College Dictionary, Fourth Edition, 2009, published by Wiley Publishing, Inc., unless otherwise specifically defined within this Resolution.

Section 402: Definitions

Accessory Use, Building or Structure – Any purpose for which a Building, Structure, or a portion of land may be designed, arranged, intended, maintained, or occupied which:

- A) Is customarily incidental and subordinate in area, extent or purpose to the Principal Building, Structure or Use which it serves; and
- B) Is located on the same zoning Lot or Tract as the Principal Building, Structure or Use.

Accessory Dwelling – An Accessory Use consisting of a Single-Family Dwelling that comprises some or all portions of an Accessory Building.

Accessory Wall – An Accessory Structure consisting of any vertical wall, taller than one (1) foot, which is not constructed to retain soil or other natural materials.

ADA – The Americans with Disabilities Act.

Agriculture – Any and all activities recognized by ORC Section 519.21, as may be amended.

Agricultural Production – See ORC Sections 901.80(A)(1) and 929.01(A), as may be amended.

Agritourism – Any and all activities recognized in ORC Sections 519.21(D)(2) and 901.80(A)(2), as may be amended.

Alteration – Any change in the supporting members (such as bearing walls, beams, columns, roof structure, or girders) of a Building or Structure or any addition to the exterior of a Structure or any movement of a Building or Structure from one location to another.

Anemometer – An instrument that measures the force and direction of the wind.

Antenna, Aerial – An arrangement of wires or metal rods used in sending or receiving electromagnetic waves. Antennas may be freestanding or affixed to Buildings. They are supported in the air by a Structure used primarily for supporting one or more antennas, including foundation, guys, and other components thereof. For the purpose of this Resolution, telecommunications towers as defined in Ohio Revised Code Section 519.211(B)(1) shall not be considered an Aerial Antenna but shall be regulated in accordance with the provisions of Section 2204 of this Resolution.

Attached – Any Structure or part of a Structure immediately adjacent to another Structure or part of a Structure and fastened securely to same. When Attached is used to define the connection of two (2) Buildings, they must either:

- A) Share a common wall; or
- B) Provide for internal access between the two (2) buildings

Awning – An architectural projection, wholly supported by a Building, composed of canvas, fabric, or other non-rigid material which is intended for shelter or ornamentation.

Barn – An Accessory Building upon a Lot customarily used for the housing of livestock and/or for the storage of crops and/or machinery or equipment used for the purposes of Agriculture.

Basement – Floor space in a Building partially or wholly underground but having more than one-half - (1/2) of its clear floor to ceiling height below the Average Grade of the adjoining ground. A Basement shall be counted as a Story if it does not meet the definition above.

Bedroom – A Dwelling room used or intended to be used by human beings for sleeping purposes.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

Board of Zoning Appeals – The statutory Board of Zoning Appeals of Genoa Township, Delaware County, Ohio established in accordance with Ohio Revised Code 519.

Building – Any Structure having a roof supported by poles, columns, or walls which is designed for the shelter, support, or enclosure of persons, animals, chattels, crops, materials, or property of any kind.

Building Envelope – An area with defined boundaries within a larger, commonly-owned property controlled by a condominium association or other similar type of entity that identifies the designated area(s) in which a Building and/or Structure may be constructed.

Building Height – The vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of a Structure.

Building Line – A line parallel to the Street touching that part of a Building closest to the Street and thereby establishing the minimum distance between said Building and Street.

Building, Principal – A Building in which is conducted the main or Principal Use of the property on which such Building is situated.

Camping or Recreational Equipment – For the purpose of this Resolution, Camping or Recreational Equipment shall include any trailer or vehicle that is used for personal recreation or hobbies, including but not limited to the following:

- A) Boat and Boat Trailer. Boat and boat trailer shall include boats, floats, and rafts plus the normal equipment to transport the same on the highway.
- B) Folding Tent Trailer. A folding Structure mounted on wheels and designed for travel and vacation uses.
- C) Motorized Home. A portable Dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D) Pickup Camper. A Structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use also as a temporary Dwelling for travel, recreational, or vacation uses.
- E) Travel Trailer. A vehicular, portable Structure built on a chassis, designed to be used as a temporary Dwelling for travel, recreational and vacation uses.
- F) Horse Trailer. A Structure mounted on wheels used to transport animals and designed to be drawn by a motor vehicle.

Canopy – An architectural projection, constructed of rigid materials, that is partially supported by a Building and one or more columns, poles, posts, or other such supports; or a freestanding Building, constructed from rigid materials, that consists of a solid roof and no walls. In either case, such a feature shall be intended only for shelter or ornamentation.

Cemetery – Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Certificate of Zoning Compliance – A document issued by the Zoning Inspector verifying compliance with an approved and issued Zoning Permit.

Clear Fall Zone – An area surrounding the wind turbine unit into which the turbine and/or turbine components might fall due to inclement weather, poor maintenance, faulty construction methods, or any other condition causing the turbine failure that shall remain unobstructed and confined within the Lot Lines of the primary Lot where the turbine is located. The purpose being that if the turbine should fall or otherwise become damaged, the falling structure will be confined to the primary parcel and will not fall onto dwellings, any inhabited buildings and will not intrude onto a neighboring property.

- Club** – A private establishment primarily utilized for a civic, social, cultural, literary, scientific, artistic, political, recreational or like activity, but not for profit or to render a service which is customarily carried on as a business, Restaurant, Nightclub, or Sexually Oriented Business. Such facilities may also be occasionally, but not primarily, utilized as an Event Facility.
- Common Wall** – A vertical structure separating two (2) or more buildings or structures.
- Common Wall Single-Family Attached Dwellings** – Common Wall Single-Family Attached Dwellings constructed within a planned District. The overall permitted Density in areas devoted to common wall housing including Open Space shall be determined by the permitted restricted Density within the District.
- Common Access Driveway (CAD)** – Privately constructed, owned, and maintained common driveway within a platted ingress/egress easement in accordance with approved county Subdivision Regulations.
- Common Open Space** – As used herein, parcels of land together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites of the particular development and is accessible to all tenants or residents within the zoning property but is not required to be open to the general public.
- Commonly Controlled Business Operation** – Any business, group of businesses or other operation situated on a single Lot or on two (2) or more Contiguous Lots which are integrated by ownership, management, physical proximity, or control. A business or other operation shall be considered commonly controlled if it exhibits one or more of the following characteristics: shared premises, common ownership, shared management, shared policies, common management, common or close proximate facilities or shared employees.
- Conditional Use** – A Use permitted within a District, other than a Permitted Principal Use, requiring a Conditional Use Permit and approved by the Board of Zoning Appeals.
- Conditional Use Permit** – A permit issued by the Zoning Inspector after authorization by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in a particular Zoning District. These permits are issued only after the applicant has followed the procedures as stated in Section 302 of this Resolution.
- Condominium Owner's or Homeowner's Association** – A private non-profit corporation, association or other non-profit entity established by the developer to maintain such Open Space and facilities as may be dedicated to residents within a subdivision or Planned Development. Membership in such an association shall be mandatory for all purchasers of Lots in the development (or units in a condominium); the association shall be capable of and responsible for maintenance, control and insurance of common areas, including the Open Space; and the association shall have the right to impose assessments upon its members, enforceable by liens, in order to ensure that it will have sufficient financial resources to provide for proper care and maintenance of the Open Space.
- Conservation Development** – Land that is designed and developed as a unified residential development with Open Space as an integral characteristic. Instead of subdividing an entire Tract into house lots and streets, the same number of housing lots may be clustered on a reduced amount of acreage on the condition that the remaining land in the Tract is permanently reserved for Open Space area, the future development or subdivision of which is prohibited.
- Contiguous** – A physical arrangement of property, such as, but not necessarily limited to, Lots, Tracts, and Right-of-Ways, in which a piece of property directly contacts or immediately connects, in an unbroken sequence, to another piece of property. Lots or Tracts that are separated from one another by a Right-of-Way or Easement but would otherwise connect in an unbroken sequence if their Frontages were extended through such barrier, shall be considered Contiguous.
- Cowling** – A streamlined removable cover that encloses the turbine's Nacelle.
- Day Care Center** – A Building used for the care of three (3) or more children, not members or wards of the Family.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 4: DEFINITIONS

- Decibel** – A unit of relative loudness equal to ten times the common logarithm of the ratio of two readings. For sound, the Decibel scale runs from zero for the least perceptible sound to 130 for sound that causes pain.
- Delaware County Regional Planning Commission (DCRPC)** – The legally recognized county planning commission of Delaware County, Ohio.
- Density** – A unit of measurement designating the number of Dwellings per acre of land as follows:
- A) Gross Density: The number of Dwellings per acre of the total land to be developed.
 - B) Net Density: The number of Dwellings per Net Developable Acre within a Planned Development Tract.
- Deteriorated** – Showing signs of weathering, crumbling, rust, corrosion, exposed wiring, chipped paint or faces; cracked, broken, torn, burnt, or missing faces; loose materials, or other evidence of disrepair.
- Development Plan, Final** – A comprehensive and detailed package of documents containing drawings, Final Development Plan Text, exhibits, maps, renderings, studies, reports, analysis, technical specifications, and other similar types of precise, informative materials which demonstrate compliance with applicable zoning provisions and which also describe, illustrate, support, and specifically regulate, with binding provisions, a Planned Development.
- Development Plan, Preliminary** – A comprehensive package of documents containing drawings, Preliminary Development Plan Text, exhibits, maps, renderings, studies, reports, analysis, specifications, and other similar types of informative materials, which may be non-binding and conceptual in nature, for the purposes of generally describing, illustrating, and supporting a proposed Planned Development. Such materials are typically, but not necessarily always, submitted in conjunction with a Zoning Map Amendment application.
- Development Plan Text, Final** – A written narrative which definitively describes a Planned Development, specifically identifies and demonstrates how the Planned Development complies with the requirements of the Zoning Resolution, establishes enforceable Development Standards and regulations for the Planned Development, and memorializes any terms, agreements, conditions, and/or approvals related to the Planned Development.
- Development Plan Text, Preliminary** – A written narrative which conceptually describes a Planned Development, identifies how the Planned Development would generally comply with the requirements of the Zoning Resolution, and establishes potential Development standards and regulations that would apply to the Planned Development, as well as any tentative terms, agreements, conditions, and/or approvals which would be applicable to the Planned Development.
- Development Standards** – Standards controlling the size of Structures and the relationships of Structures and Uses to each other and to open areas and Lot Lines. Development Standards include regulations controlling maximum height, minimum lot area, minimum lot Frontage, minimum size of yards and Setbacks, maximum Lot Coverage, and maximum Floor Area ratio.
- Divergence** – An approved deviation of development standards or requirements contained in the Zoning Resolution where such deviation advances public interests and may be considered in a Planned Development Zoning District as set forth within individual Planned District regulations and any other applicable Zoning District where it is stated per the Zoning Resolution.
- District** – (see Zoning District)
- Drive-Through Facilities** – Any establishment, or portion thereof, which provides food, drink, goods, financial services, laundry services, personal services, pharmaceutical services, postal services, retail services, and/or the like directly to customers who typically remain in their motor vehicles, via order/pick-up window(s), transaction box, pneumatic tube, telecommunication device, mechanical

device, computer, waitstaff, and/or other such means. This definition shall not include walk-up services nor carry-out services which are temporary or incidental to a Principal Use.

Dwelling – Any Building or portion thereof occupied or intended to be occupied exclusively for residential purposes, including housekeeping facilities, sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities, but not including a Mobile Home, tent, cabin, trailer, or trailer coach or other transient or Temporary Structure or facility.

Entry Feature – Any Structure or Accessory Wall intended to identify the entrance of a Lot or Tract, that:

- A) Is located within sixty (60) feet of the intersection of the centerline of any driveway or entrance and the adjoining public or private road Right-of-Way; and
- B) Does not exceed fifty (50) linear feet in length, measured end to end along a Lot or Tract's Frontage, exclusive of any gates or architectural features across or above driveways.

Erection – The acts of building, constructing, altering, reconstructing, moving a Structure upon, or any physical operations on the premises which are required for construction, including, but not necessarily limited to: Excavation, Fill, drainage, material storage, hauling, and the like.

Essential Services – The Erection, construction, Alteration, or maintenance by public utilities, governmental agencies, or their designees of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public or private utility or government agency or for the public health, safety, and general welfare, but not including Buildings.

Event Facility – Any Building, Structure, or land that is primarily rented for a fee to hold banquets, ceremonies, meetings, parties, receptions, weddings and/or other similar types of gatherings.

Excavation – The act of digging, hollowing out, or any other breaking of ground resulting in a total quantity of more than one hundred (100) cubic yards of material or a vertical depth of more than four (4) feet. Common household gardening and ground care, or plowing of ground for agricultural purposes, shall be excepted from this definition.

Existing Features (Site Analysis) Plan – A plan that depicts the following:

- A) A topographic map as published by the Delaware County Auditor's DALIS office;
- B) The location of Primary Conservation Areas and all existing Rights-of-Way and easements;
- C) Soil boundaries as shown on USDA Natural Resources Conservation Service medium-intensity maps; and
- D) the location of significant features such as woodlands, tree lines, open fields or meadows, scenic views into or out from the property, watershed divides and drainage ways, fences or stone walls, rock outcrops, and existing structures, roads, tracks, trails and any sites listed on the ODNR Natural Diversity inventory.

Eyebrow – A portion of roadway that protrudes beyond the travel lane to allow for a shared access point, additional lot frontage, and/or on-street parking.

Family – One or more persons living together as a single housekeeping unit in a Dwelling.

Farm – An Agricultural Operation as further defined by ORC Section 901.80(A)(4), as may be amended.

Farm Market – A Retail operation established on a Lot or Tract used to promote or support Agriculture, including Roadside Stands.

Fascia – The vertical section of a Building or Structure that is located just below the roof.

GENOA TOWNSHIP ZONING RESOLUTION

ARTICLE 4: DEFINITIONS

- Fence** – Any free-standing Structure or Accessory Wall, other than part of a Building, which encloses or partially encloses any premises, is intended to fully or partially screen a property, and/or is intended to limit or prevent straying from within or intrusion from without. Live vegetation and Entry Features shall not be included in this definition.
- Fill** – Soil, clay, sand, gravel, and other such materials (excluding sludge) which may be deposited onto or placed into the ground.
- Flood, 100 Year** – The temporary inundation of normally dry land areas by a flood that is likely to occur once every one hundred (100) years (i.e. that has a one percent (1%) chance of occurring each year, although the flood may occur in any year and more than once a year).
- Flood, 500 Year** – The temporary inundation of normally dry land areas by a flood that is likely to occur once every five hundred (500) years (i.e. that has a two-tenths of a percent (0.2%) chance of occurring each year, although the flood may occur in any year and more than once a year).
- Flood Plain, Regulatory** – The land area of Genoa Township which is subject to inundation by the One Hundred (100) Year Flood as identified by the current Federal Emergency Management Agency (FEMA) Flood Boundary and Floodway Map(s).
- Floor Area** – The sum of the gross horizontal area of all the floors of a Building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) Buildings. In calculating Floor Area, the following shall not be included:
- A) Attic space providing structural head room of less than seven (7) feet, six (6) inches.
 - B) Uncovered steps.
 - C) Terraces, breezeways, and Porches.
 - D) Automobile parking space in a Basement or Attached Garage.
 - E) Basements.
- Footcandle** – A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle. Measurement shall be taken with the meter pointed perpendicular to the Lot Line or grade plane.
- Frontage** – The linear measurement of the border of a Lot that directly abuts one (1) or more public or private Rights-of-Way. In the case of a Landlocked Lot, Frontage shall be measured along the Lot Line closest and most parallel to a public or private Right-of-Way. Should said distance be equal to more than one (1) Right-of-Way, the Lot shall be treated as a Corner Lot. To determine which portions of a Lot will be determined the Front, Side, and Rear for the purposes of Setbacks, see the definition of Lot Line.
- Garage, Private** – A detached Accessory Building or a portion of a main Building, intended for the parking or storage of automobiles, motorized recreational vehicles or boats owned by the occupants of the premises.
- Garage Sale** – A sale of personal property to the general public conducted in or on any property within any Zoning District, to include, without limitation, garage sales, patio sales, yard sales, Porch sales, driveway sales, attic and basement sales and the like.
- Governmental Facilities** – Publicly owned or operated facilities, Buildings, Structures, Signs, or Uses, which deliver public services. Such facilities shall include Essential Services, Public Service Facilities, Public Utility Facilities, and Governmental Recreational Facilities and may or may not be accessory, ancillary, incidental, and/or temporary in nature and may be operated by a third-party on behalf of a public agency.
- Grade, Average** – The average elevation of the finished surface of the ground at the exterior walls of a Building or Structure.

- Greenhouse/Hothouse/Nursery** – A sun or artificially heated Structure in which to grow out of season plants, flowers or vegetables or a form of Agriculture whose chief function is the field growing of plants, shrubs, and trees.
- Home Occupation** – An occupation conducted by an owner on the same premises as their principal place of residence.
- Hoover Reservoir Watershed** – Any area of Genoa Township located within a watershed boundary with the following Hydrologic Unit Code (HUC), as established by the United States Geological Survey (USGS) between January 18, 2013, and September 12, 2017: 050600011306 (Prairie Run-Big Walnut Creek), 050600011307 (Duncan Run), and 050600011308 (Hoover Reservoir-Big Walnut Creek).
- Hospital** – A licensed facility consisting of a Building or group of Buildings where sick and/or injured human patients are examined, and potentially admitted and lodged for one (1) or more nights, for surgery, treatment, and/or convalescence by a licensed medical professional. Residential Care Facilities and Substance Abuse Treatment Clinics, as defined in this Resolution, shall not be considered a Hospital.
- Hotel** - A private facility offering transient lodging accommodation(s) and/or Dwellings over a period of thirty (30) consecutive days or less to the general public for a fee. Such a Use may also provide additional, incidental services, such as Restaurants, Event Facilities, meeting rooms, Swimming Pools, and recreational facilities, but shall not contain any elements of a Sexually Oriented Business. This definition shall not include extended-stay hotels or residential hotels as defined by Ohio Revised Code 3731.01.
- Illicit** – Unless otherwise protected by the First Amendment of the United States Constitution; text, imagery, or, when related to Signs, speech, that;
- A) is directly related to inciting or producing imminent lawless action;
 - B) is integral to criminal conduct;
 - C) inflicts injury, tends to incite immediate breach of the peace, and includes personally abusive epithets (i.e. “fighting words”);
 - D) is considered obscene under State or Federal law, be it judicial, statutory, or regulatory;
 - E) is considered defamatory under State or Federal law, be it judicial, statutory, or regulatory;
 - F) depicts Specified Anatomical Areas or Specified Sexual Activities; and/or
 - G) is considered child pornography.
- Illumination, External** – In relation to Signs, a constant (non-flashing) source of light directed towards Signs so that the beam falls upon the exterior surface of the Sign and is arranged so that no direct rays of light project from the artificial source into residences or streets.
- Illumination, Internal** – In relation to Signs, a source of illumination enclosed entirely within the Sign and not directly visible from outside the Sign.
- Impervious Surfaces** – Areas that have been paved and/or covered with Structures and materials which include, but are not limited to, concrete, asphalt, rooftop, stone, brick, gravel, crushed aggregate, wood, plastic, and/or other such materials. Hard surface alternatives purposely engineered with porous surfaces and recognized as being permeable shall be excluded from this definition.
- Improved Common Open Space** – Open space set aside for passive or active recreational purposes. These areas may contain Accessory Buildings and improvements necessary and appropriate for recreational Uses as shown on the development plan. If deemed appropriate by the Zoning Commission, Improved Common Open Space may incorporate land for on-site wastewater disposal.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

Industrialized Unit – A Building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater Structure and that requires transportation to the site of intended Use. Industrialized Unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized Unit does not include a Manufactured or Mobile Home as defined herein.

Junk – For the purposes of this resolution, junk refers to any machinery, appliances, products or merchandise with parts missing, materials that are damaged, or deteriorated or scrap including copper, brass, rope, rags, batteries, paper, rubber, iron, steel and other old or scrap ferrous or nonferrous materials which are not held for sale or re-melting purposes by an establishment having facilities for processing such materials.

Junk Vehicles or Inoperable Vehicle – A vehicle shall be deemed Junk or an inoperable vehicle whenever any two or more of the following occur for a period of two weeks prior to the filing of a cease and desist order:

- A) The vehicle is without a valid, current registration and/or license plate.
- B) The vehicle is apparently inoperable.
- C) The vehicle is without fully inflated tires and/or has any type of support under it.
- D) The vehicle has a missing or shattered window or windshield.
- E) The vehicle has an extensively damaged or missing door, motor, transmission or other similar major mechanical or body part (such as a fender).

Kennel – A Lot or premises on which five (5) or more domesticated animals (pets) more than four (4) months of age are housed, groomed, bred, boarded, trained, or sold for commercial purposes. A Retail operation which offers one or more of the aforementioned services as an Accessory Use shall not be considered a Kennel.

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

Land Use Policy Statements – Guiding principles developed by the Zoning Commission in June 1987 to serve as a guide in the future development and zoning of the township. The guiding principles are listed in the current Genoa Township Comprehensive Plan.

LED – Light Emitting Diode.

Legal Approval – Any approved Zoning Permit, Final Development Plan, Final Development Plan Amendment, Variance request, or Conditional Use; or any Administrative Appeal decision rendered by the Board of Zoning Appeals.

Life Care Retirement Center – Nursing homes, rest homes, and convalescent houses which include individual Dwelling for the elderly as an integral part of the facility where the total Floor Area devoted to individual Dwellings does not exceed seventy percent (70%) of the total Floor Area of the entire facility.

Limited Common Element Area – A designated area immediately surrounding a Building and/or Structure situated on commonly-owned property controlled by a condominium association or other similar type entity, to which the individual owning said Building and/or Structure has limited rights to improve in accordance with applicable association covenants or other similar types of restrictions.

Lot – A platted parcel or other piece of land separately identified with a unique parcel identification in the County Auditor's Records.

- A) Corner Lot: A lot abutting two (2) or more Streets at their intersection, or two (2) parts of the same Street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less as measured at the center line of the road or the interior Right-of-Way line as

applicable. Principal Buildings and Accessory Structures shall be required to have the same Setback distance from all street Right-of-Way lines as required for the Front Yard in the District in which such Structures are located. The minimum required Setback from all other Lot Lines shall be equal to that of the minimum Side Yard required within the relevant Zoning District. There shall be no required Rear Yard on a Corner Lot.

- B) Double Frontage Lot: A lot having Frontage on two (2) non-intersecting streets or two (2) approximately perpendicular portions of the same Street.
- C) Flag Lot: A Lot, typically configured in the shape of a flag, which: has less than the minimum required Frontage on a Street, has access to a Street via a narrow strip of land, and has the largest portion of the Lot situated behind an adjoining lot(s) which front(s) on a Street. Triangular or pie-shaped Lots typically found at the terminus of a cul-de-sac shall not be considered a Flag Lot.
- D) Interior Lot: A Lot, other than a Corner Lot, with only one (1) Frontage on a Street.
- E) Landlocked Lot: A Lot which does not have direct, Contiguous Frontage on any Street or a Lot that is separated or removed from a Street by another Lot.

Lot Coverage – That percentage of the lot area which, when viewed directly from above, would be covered by the principal and Accessory Structure or Structures or any part thereof, excluding projecting roof eaves of less than twenty-four (24) inches.

Lot Lines – Lines bounding the Lot as shown in the accepted plat or survey record.

- A) Front Lot Line: A Lot Line which either falls along a Street Right-of-Way line or a proposed Street Right-of-Way.
 - 1) On a Corner Lot, Lot Lines along both Streets shall be considered Front Lot Lines.
 - 2) The Front Lot Line for any Lot within a plat that is Contiguous to an authorized Common Access Drive shall be the adjoining edge of said Common Access Drive.
 - 3) On a Landlocked Lot not serviced by an authorized Common Access Drive, the Front Lot Line shall be the line closest and most parallel to the Right-of-Way said Lot ultimately accesses.
- B) Side Lot Line: A Lot Line which is neither a Front Lot Line nor a Rear Lot Line. On Corner Lots, Lot Lines which do not meet the definition of a Front Lot Line shall be considered a Side Lot Line.
- C) Rear Lot Line: The Lot Line that is most distant from and most nearly parallel to the Front Lot Line. If a Rear Lot Line is less than fifteen (15) feet long, or if the lot comes to a point, the Rear Lot Line shall be a line at least fifteen (15) feet long, lying wholly within the Lot, parallel to, and a maximum distance from the Front Lot Line. No Lot Line on a Corner Lot shall be considered a Rear Lot Line.

Lot Width – (see Frontage)

Manual – An activity or operation conducted by an individual by hand or by use of a handheld tool and does not utilize Mechanical assistance.

Manufactured Home – A non-self-propelled Building unit or assembly of closed construction fabricated in an off-site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the “Manufactured Housing Construction and Safety Standards Act of 1974,” and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A Manufactured Home is transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on-site, is three hundred twenty (320) or more square feet, and which is built on a permanent

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

chassis, designed to be used as a Dwelling with or without permanent foundation when connected to required utilities. Calculations, used to determine the number of square feet in a Structure's exterior dimensions, are measured at the largest horizontal projections when erected on-site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC §4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

Marquee – Any permanently affixed roof-like Structure protruding beyond a Building or extending along and protruding beyond the wall of a Building, which is fully supported by a Building and does not utilize columns, poles, posts, or other similar types of supports.

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

Massage Establishment, Therapeutic – A facility which offers Massages by a licensed Massage therapist(s) and/or physical therapist(s) licensed in the State of Ohio, in exchange for compensation and solely for legitimate therapeutic or medicinal purposes. This definition shall include the office of a physician, surgeon, chiropractor, or osteopath, but shall not include any Sexually Oriented Business of any kind.

Mechanical – An activity or operation utilizing machines, computers, or other non-Manual components to be achieved.

Medical Clinic – Any facility, not meeting the definition of Substance Abuse Clinic, where human patients are examined, treated, and/or may have out-patient surgeries or procedures performed by a licensed professional, such as a nurse, physician, chiropractor, dentist, or the like, but are not admitted or lodged therein overnight or for any extended period.

Megawatt (MW) – A unit of power, equal to one million watts.

Minerals – Sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous or nonmetalliferous ore, or other material or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but not including coal, peat or top soil.

Mobile Home – A non-self-propelled Building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is eight (8) feet or more in width and more than thirty-five (35) feet in length, which when erected on-site is three hundred twenty (320) or more square feet, that is transportable in one or more sections and which does not qualify as a Manufactured Home or Industrialized Unit.

Mobile Office – A unit used for business or construction purposes that is not permanently sited.

Multi-Family Building – A Building, typically located on one Lot, consisting of a group of Dwellings and/or lodging accommodations exceeding thirty (30) consecutive days. Said Building contains separate units for two (2) or more Families. Each unit shall be considered a Dwelling for the purposes of Density. This definition shall include extended-stay hotels and residential hotels as defined by Ohio Revised Code 3731.01.

Multi-Use Path – An improved, designated way designed to accommodate multiple recreation and transportation opportunities, such as, but not necessarily limited to, walking, biking, skating, and commuting via wheelchair, or other similar type of activity. Such ways are designed to accommodate, or permit usage by, automobiles.

Nacelle – Sits atop the tower and contains the essential mechanical components of the turbine to which the rotor is attached.

Natural Open Space – Land set-aside in its natural condition. Typical natural conditions might be, but are not limited to ravines, wetlands, floodplains, woods, scenic views, or appropriate Agriculture.

Net Developable Acre – The product of gross acreage after the Net Developable Area is subtracted.

Net Developable Area – Determined by deducting fifteen percent (15%) of the subdivision's gross acreage for streets and utilities plus all otherwise un-buildable areas, as follows:

- A) Jurisdictional wetlands, as defined in the U.S. Army Corps of Engineers' Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1, U.S. Army Engineer Waterways Experiment Station, Vicksburg, Miss. Jurisdictional wetlands as regulated by Section 404 of the Clean Water Act consist of hydric soils, hydrophytic vegetation and wetland hydrology (this generally means they support more than fifty percent (50%) wetland vegetation and are poorly drained soils which are periodically inundated or saturated).
- B) Flood Plain areas that lie within a FEMA 100-year flood plain, either within elevations determined by FEMA, or mapped by FEMA, or as determined by the Delaware County engineer for a development's anticipated storm-water flow path.
- C) Slopes greater than twenty percent (20%), including ravines shown to be critical resource areas on the Delaware County Regional Planning Commission Comprehensive Land Use Plan.
- D) Utilities, Rights-of-Way and easements for above-ground and currently existing utility structures such as above-ground pipelines, and overhead electric transmission (not local service) wires that exist prior to the Rezoning application.
- E) Existing bodies of water.

Nightclub – Any non-residential place of assembly that primarily operates during evening or nighttime hours, serves alcoholic beverages, and provides space for dancing, live entertainment, games, or other similar types of social activities. This Use is typically characterized by low light levels and closely packed tables. Such an establishment may operate as a Restaurant during all or part of its hours of operation. Such facilities may also be occasionally, but not primarily, utilized as an Event Facility. This definition does not include any elements which would qualify in any way as a Sexually Oriented Business as defined in this Resolution.

Nits – A unit of measure used for lighting expressed as candela per meter squared.

No Build Zone – That portion of a development where because of the need to preserve an area's natural features, slope, soils, native vegetation and water courses, no Structure, except for Fences, Accessory Walls, and retaining walls, shall be erected or permitted to extend.

No Disturb Zone – That portion of a development where because of the need to preserve an area's natural features, slope, soils, native vegetation and water courses, no Structure shall be erected or permitted to extend into any zone nor shall any of the existing natural features be disturbed, removed or physically altered.

Nonconforming Building or Structure – A Building or Structure lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the District in which it is situated or other applicable provisions of this Resolution.

Nonconforming Lot – A Lot existing at the time of enactment of this Resolution or any subsequent amendments which does not conform to the lot area and/or Frontage requirements of the District in which it is located.

Nonconforming Sign - A pre-existing, legal Sign which does not conform to the standards set forth in this Resolution.

Nonconforming Use – A Use of land lawfully existing at the time of enactment of this Resolution or subsequent amendments, which does not conform to the regulations of the District in which it is situated or other applicable provisions of this Resolution.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

Nudity or Semi-Nudity – Complete or partial showing or exposure of Specified Anatomical Areas.

Nuisance – An offensive, annoying, unpleasant, or obnoxious thing, act or practice; a cause or source of annoyance, especially a continual or repeated invasion of a Use or activity which invades the Lot Line of another and causes significant harm or discomfort to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare, and smoke are examples of nuisances.

ODOT – The Ohio Department of Transportation.

Off Road Motorized Vehicles – For the purposes of this Resolution Off Road Motorized Vehicles shall include the following: all-terrain vehicles, snowmobiles, motorbikes or what is commonly referred to as dirt bikes.

Off Street Parking Lot – A facility providing means of temporarily storing a motor vehicle in a defined space and including adequate aisles and drives for maneuvering such motor vehicle, including access for entrance and exit to accommodate two (2) or more vehicles.

Open Space – Land within a development that shall not be built upon and may be classified as either “improved common” or “natural” open space, or a combination of both. It does not include the areas of individual fee simple Lots conveyed to homeowners. Open Space land may be owned by a homeowners’ association, the Township, a land trust, or other conservation organization recognized by the Township. The ownership of Open Space shall be specified in The Final Development Plan and shall be subject to the approval of the Genoa Township Trustees.

Open Space Easement – A recorded legal instrument which permanently and irrevocably protects land from future development. The easement shall be tied to the title of the land regardless of the subsequent ownership of the land.

ORC – The Ohio Revised Code.

Outdoor Storage – Storing or keeping of chattels not enclosed in a Building.

Parcel – See “Lot”.

Parking Space, Off Street – A space located totally outside of any street or alley Right-of-Way for the parking of an automobile or other vehicle either in a parking Structure or on a lot and where each parking space conforms to the standards specified in Article 19.

Pennant – A piece or pieces of lightweight plastic, cloth, fabric, or other similar type of materials that is designed to move in the wind, typically, but not always, rectangular or triangular in shape, individually supported or attached to each other by means of string, rope, or other such material; and meant to be stretched across or fastened to Buildings; or between poles, posts, Structures, or other such features.

Permanently Sited Manufactured Housing – Manufactured housing constructed and located pursuant to the definition in ORC §3781.06 (C)(6) and further meeting the following standards:

- A) Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 88 stat.700, 42 U.S.C.A. 5401 and 5403) after January 1, 1995. It must also have a permanent label or tag Attached to it as specified in 42 U.S.C.A 5415, certifying compliance with all federal construction and safety standards.
- B) Be Attached to a permanent foundation (defined in ORC §3781.06 as permanent masonry, concrete or locally approved footing or foundation).
- C) Be connected to appropriate facilities (water, sanitary sewage disposal, and electric).
- D) Have a length of at least twenty-two (22) feet and a width of at least twenty-two (22) feet, as manufactured.
- E) Conform to minimum size of living area, by zoning standards herein.

- F) Have conventional residential siding (i.e. lap, clapboard, shake, masonry, and vertical natural materials), a 6-inch minimum eave overhang, and a minimum “A” roof pitch of 3:12.
- G) Not be located in a Manufactured Home park as defined by Section 3733.01 of the Ohio Revised Code.
- H) Meet all applicable zoning requirements uniformly imposed (i.e. minimum Lot size; Setbacks; minimum Dwelling square footage; all indicia of mobility be removed upon placement upon its foundation) on all Single- Family Dwellings in the District, (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD code standards for manufactured housing).

Planned Development – When all the following apply:

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

The approval of a Final Development Plan or any amendment to a Final Development Plan shall be considered an administrative action. The approval of a Variance for a Lot within a Planned Development shall be considered a quasi-judicial action.

Porch – A covered space located on any side of a Building with a roof supported by columns and Attached to the main Structure but not considered an integral part of the main Structure.

Portable Storage Unit – A container typically placed on a lawn, driveway, or parking area, which is designed to temporarily hold chattels, supplies, building materials, and/or waste (including portable toilets), due to renovations, relocation, repairs, construction, or another type of temporary event or activity.

Primary Conservation Area – An area comprised of steep slopes (over 20%), unmitigated wetlands, watercourses, intermittent streams, and/or 100-year floodplains.

Primary Structure – For each property, the structure that one or more persons occupy the majority of time on that property for either business or personal reasons. Primary structures include structures such as residences, non-residential Buildings, Hospitals, and Day Care Centers. Primary structures exclude structures such as hunting sheds, storage sheds, pool houses, unattached garages, and Barns.

Principal Use – The land Use designation given to a Lot or Tract based upon the primary activity occurring on such Lot or Tract.

Professional Engineer – A qualified individual who is licensed to practice engineering.

Public Service Facility – The erection, construction, Alteration, operation or maintenance of Buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail or passenger bus transport, communication, public water and sewerage services.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

Public Use Facility – Government owned facilities to which the public has access such as public parks, schools, school administrative Buildings, recreational, cultural and service Buildings, but not including public land or Buildings devoted solely to the storage and maintenance of equipment and material or the disposal of refuse.

Recreational Facilities, Governmental – Facilities operated by Genoa Township, or other governmental entities, that are open to the public with or without charge.

Recreational Facilities, Private – Facilities which are not operated by Genoa Township, or any other governmental entity, and include both indoor and outdoor recreation Uses and/or campgrounds but exclude private Swimming Pools as regulated by Section 1709.01 and golf courses as regulated by Section 1710.

Refacing – Any Alteration to the face of a Sign involving the replacement of materials or pans. Refacing does not refer to replacing the entire Sign Structure or the removal of the Sign.

Religious Establishment – Any Building, Structure, or Lot used primarily as a place of worship, religious teaching, religious ceremonies, or faith-based activities and may include related Uses such as, but not necessarily limited to; schools, Day Care Centers, auditoriums, theaters, performance halls, Dwellings for persons serving the establishment, and recreational facilities.

Residential Care Facility – As described by the ORC:

Section 5123.19(A)(5)(a) – A home or facility, including an ICF/IID, in which an individual with mental retardation or development disability resides.

Section 5119.34(A)(9)(a) – A publicly or privately-operated home or facility that provides ... accommodations, supervision, personal care services, and community mental health services for one (1) or more unrelated adults with mental illness or severe mental disabilities or to one (1) or more unrelated children and adolescents with a serious emotional disturbance or who are in need of mental health services.

Section 5119.34(A)(9)(b) – Accommodations, supervision, and personal care services to any of the following:

- (i) One (1) or two (2) unrelated persons with mental illness or persons with severe mental disabilities;
- (ii) One (1) or two (2) unrelated adults who are receiving residential state supplement payments; or
- (iii) Three (3) to sixteen (16) unrelated adults.

Section 5119.34(A)(9)(c) – Room and board for five or more unrelated adults with mental illness or severe mental disability who are referred by or are receiving community mental health services from a community mental health services provider, hospital, or practitioner.

Restaurant – Any permanently sited eating or drinking establishment which does not feature components otherwise specific to an Event Facility, Nightclub, or Sexually Oriented Business.

Retail – The use of land for selling products or commodities.

Rezoning – (see Zoning Map Amendment)

Right-of-Way – A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment such as grade separation, landscaped areas, viaducts and bridges.

Road – (see Thoroughfare)

Roadside Stand – A Temporary Structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

Satellite Dish Antenna – Satellite dishes shall mean one or more of the following:

- A) A signal receiving device (antenna, dish antenna, or dish type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extra-terrestrial sources.
- B) A low noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

Secondary Conservation Area – Land typically consisting of upland forest, meadows, pastures, and farm fields that are part of the ecologically connected matrix of natural areas significant for wildlife habitat and/or water quality protection, historic, archeological or cultural features listed (or eligible to be listed) on national, state, or county registers or inventories, and scenic views into the property from existing public roads and other reasons.

Service Business – A non-residential use whose services aid the personal needs of people. Services may include tangible or intangible items.

Setback – An imaginary line, parallel to a Lot Line extending the full dimension of the Lot, representing the distance which all or any part of any Structure or Building is to be set back from the Lot Line.

- 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 setback from the Front Lot Line.
- B) **Side Setback Line:** An imaginary line parallel to any Side Lot Line representing the distance which all or any part of any Principal Building is to be set back from the 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 Principal Building is to be set back from the Rear Lot Line.

Sewage Disposal System, Central – A wastewater treatment system, approved by the appropriate county, state, city and/or federal agencies, which provides a collection network and a central wastewater treatment facility for a single development, a community, or a region.

Sewage Disposal System, On-site – A septic tank or similar installation on an individual Lot which utilizes an aerobic or anaerobic bacteriological process or equally satisfactory process approved by the Delaware County, Ohio, Board of Health or the Ohio Environmental Protection Agency, for the treatment of sewage, and provides for the proper and safe disposal of the effluent.

Sexually Oriented Business – Any Building, Structure, facility, or establishment, or portion thereof, utilized for one or more of the following:

- A) **Adult Arcade** – Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or, for any form of consideration, or electronically, electrically, virtually, or mechanically controlled Amusement Device, still or motion-picture machines, projectors, video, laser, or digital disc players, other image-producing devices, including any and all technological and/or virtual successors to the aforementioned, are maintained, not located within viewing booths, to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Specified Sexual Activities or Specified Anatomical Areas.
- B) **Adult Bookstore** – Any Building, Structure, or facility having a substantial or significant portion of its stock and trade in prurient products, materials, goods, or media; or an Adult Establishment which, as one of its principal business purposes, offers for sale, display, rental, or other consideration, the following:
 - 1) Books, magazines, novelties, goods, periodicals, printed matter, photographs, films, motion pictures, video cassettes, video reproductions, slides, CD-ROM discs, computer software, other similar type of media, any and all other technological and/or virtual successors to the above, or other visual representations which are

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

- characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- 2) Instruments, devices, or paraphernalia which are designed for use in connection with Specified Sexual Activities.
 - 3) The use of viewing booths.
- C) **Adult Cabaret** – A Nightclub, bar, Restaurant, or other such establishment which regularly features, one (1) or more of the following, in whole or in part:
- 1) Persons who appear in a state of Nudity or Semi-Nudity.
 - 2) Live performances which are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.
 - 3) Films, motion pictures, projections, video cassettes, slides, or other photographic reproductions or visual presentations of any other kind, including any and all technological and/or virtual successors of such, which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- D) **Adult Entertainment** – Any material or performance where any of the following apply:
- 1) Its dominant appeal is to prurient interest;
 - 2) Its dominant tendency is to arouse lust by displaying or depicting Specified Sexual Activities, Specified Anatomical Areas, sexual excitement, or Nudity in a way that tends to represent human beings as mere objects of sexual appetite;
 - 3) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;
 - 4) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose; or
 - 5) It contains a series of displays or descriptions of Specified Sexual Activities, Specified Anatomical Areas, sexual excitement, Nudity, bestiality, extreme or bizarre violence, cruelty, brutality, or human bodily functions or elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.
- E) **Adult Entertainment Business** – Any establishment involved in the sale of services, experiences, accommodations, or products characterized by the exposure or presentation of Specified Anatomical Areas, Specified Sexual Activities, or physical contact of persons, and which is characterized by salacious conduct to prurient interest for observation or participation in by patrons. Services or products include, but are not necessarily limited to; photography, dancing, reading, Massage, Escort, Dating, or Companion Services, and similar functions which utilize activities as specified above.
- F) **Adult Establishment** – One or more of the following:
- 1) The opening or commencement of any Sexually Oriented Business as a new business.
 - 2) The conversion of any existing business, sexually oriented or not, to any Sexually Oriented Business.

- 3) The addition of any Sexually Oriented Business to any other existing Sexually Oriented Business or to a non-Sexually Oriented Business.
 - 4) The relocation of any Sexually Oriented Business.
- G) **Adult Motion Picture Theater** – Any establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions or visual presentations of any kind, including any and all technological and/or virtual successors, are regularly shown which are characterized by the depiction or description of Specified Sexual Activities or Specified Anatomical Areas.
- H) **Adult Novelty Store** – See ‘Adult Book Store’.
- I) **Adult Theater** – A theater, concert hall, auditorium, Event Facility, or similar commercial establishment which regularly features persons who appear in a state of Nudity or Semi-Nudity, or live performances which are characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.
- J) **Adult Video Store** – See ‘Adult Book Store’.
- K) **Escort, Dating, or Companionship Agency** – A person or business association that furnishes, offers to furnish, or advertises to furnish escorts for a fee as part of its business.
- L) **Massage Establishment, Non-Therapeutic** – A facility offering Massages by unlicensed massage therapists in exchange for compensation. This definition shall not be construed to include a Hospital, Residential Care Facility, or Medical Clinic or any barber shop or beauty salons in which Massages are administered only to the scalp, the face, the neck, or the shoulder.
- M) **Nude Model Studio** – Any place where a person who appears in a state of Nudity or Semi-Nudity, or who displays Specified Anatomical Areas and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. This definition shall not include a proprietary school licensed by the State of Ohio or a college, junior college, or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a university, college, and/or junior college supported entirely or partly by taxation; or in a Structure:
- 1) That has no Sign(s) visible from the exterior of the Structure and no other advertising that indicates a nude or semi-nude person is available for viewing.
 - 2) Where, to participate in a class, a student must enroll at least three (3) days in advance of the class.
 - 3) Where no more than one (1) nude or semi-nude model is on the premises at any one time.
- N) **Sexual Encounter Center** – Any business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration one or more of the following:
- 1) Physical contact of a sexual nature in the form of wrestling or tumbling and which may or may not feature Adult Entertainment.
 - 2) Activities of a sexual nature between persons of any gender identification or orientation in which one (1) or more of the persons is in a state of Nudity or Semi-Nudity.
 - 3) Virtual contact of a sexual nature which may or may not feature Adult Entertainment.
- Sign** – Text, illustrations, shapes, numbers, emblems, symbols, or images which are affixed to, portrayed, or depicted directly or indirectly upon any part of a Building, Structure, Lot, and/or Tract. This definition includes all Signs visible from any public Right-of-Way or adjacent property. This

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

definition shall not include text, illustrations, shapes, numbers, emblems, symbols, or images which are incidental to an individual product not customarily used as a Sign nor shall they pertain to any such items which are primarily displayed for celebratory and/or decorative purposes and which may be typically erected seasonally or for a one-time, non-commercial event. All Signs shall be classified as one or more of the following types:

- A) **A-Frame:** See "Sidewalk Sign".
- B) **Abandoned (Sign):** A Sign that is Deteriorated, as defined herein, or is not adequately maintained, repaired, or removed within the specified time as ordered by this Resolution.
- C) **Address (Sign):** Any street location identifier.
- D) **Animation or Video Display:** Changing of a message, background, or structure of a Sign in a manner or method of display characterized by motion or pictorial imagery, which may or may not include text, that depicts action or a special effect to imitate movement; the presentation of pictorials, or graphics displayed in a progression of frames which give the illusion of motion or changes of artificial or natural lighting, including, but not limited to the illusion of moving objects, moving patterns, bands of light, or expanding or contracting shapes. Signs utilizing smells or noise shall also qualify as an Animation or Video Display.
- E) **Awning (Sign):** Any Sign that is permanently affixed to the visible surface(s) of an Awning.
- F) **Banner:** A flat piece of cloth, fabric, paper, plastic or any other such material with or without characters, illustrations, letters, numbers, or ornamentation, that is hung from or displayed from a Building, Structure, or portion thereof; which may or may not be intended to move in the wind and which may or may not be affixed to one or more poles, posts, or other similar type of support structure.
- G) **Billboard:** Any permanently affixed Sign that it is typically used to direct attention to one or more entities, places, activities, products, amenities, or services and/or any entertainment not located, available, manufactured, or provided on the Lot, Tract, or commonly owned development on which the Sign is located.
- H) **Blade:** Any permanently affixed Sign that projects more than four (4) inches, from any side of a Building or Structure and whose Sign Face is situated at a perpendicular or oblique angle to the Building or Structure to which it is affixed. Such Sign Faces may be erected to be read horizontally or vertically.
- I) **Building Mounted:** Any Sign which is posted, Attached, or otherwise applied to a Building or a component integral to a Building, such as a door.
- J) **Bulletin Board:** A board or other similar piece material, twelve (12) square feet or smaller, mounted to the exterior of a Building, or incorporated within Sidewalk or Kiosk Sign, containing a surface upon which Signs are temporarily affixed using tacks, pins, nails, tape, or other similar means. Any Bulletin Board that exceeds twelve (12) square feet shall be considered a Manual Changeable Copy Sign.
- K) **Canopy:** Any Sign that is permanently affixed to the visible surface(s) of a Canopy.
- L) **Changeable Copy, Manual:** Any Sign, or portion thereof, with characters, illustrations, letters, numbers, or shapes that are changed or rearranged by Manual means without altering the face or surface of the Sign.
- M) **Changeable Copy, Mechanical:** Any Sign, or portion thereof, with characters, illustrations, letters, numbers, or shapes that can only be changed or rearranged by Mechanical means; without altering the face or surface of the Sign.
- N) **Channel Letter:** Any Sign consisting of individually constructed characters, illustrations, letters, numbers, or shapes that are permanently affixed to a Building or Structure.

- O) **Electronic Message Center (EMC):** Any permanently affixed Sign, or portion thereof, that displays electronic images, graphics, pictures, or video, with or without textual information, using LEDs, fiber-optics, light bulbs, or other illumination devices, or combination thereof, within the display area and where a static message change sequence is accomplished immediately or by means of fade, re-pixilation, dissolve, or other such modes, devices, processes, products, applications, or technologies from a proximate or remote location. Such Signs include: television screens, plasma screens, digital screens, LED screens, video boards, holographic displays, monitors, and computer-programmable and microprocessor-controlled electronic displays.
- P) **Feather Banner:** A Sign consisting of a Banner with a height typically exceeding its width, affixed to the side of a pole or staff driven into the ground for support or supported by means of an individual stand.
- Q) **Flag:** Any bunting, cloth, fabric, or similar type of material containing one or more distinctive colors, patterns, emblems, ornamentation, and/or symbols that designed to have one edge affixed parallel to a pole, typically oriented horizontally, and intended move in the wind but may also be hung from a bannister, cornice, eave, Fascia, rafter, or other similar architectural feature or projection.
- R) **Flashing:** Any Sign, or portion thereof, that changes light intensity, switches on and off in a pattern, or contains moving parts, or the optical illusion of motion caused by use of electrical energy or illumination, with a display that appears for less than fifteen (15) consecutive seconds; a Sign or any portion thereof where there is a pattern of changing light illumination, where the Sign illumination alternates suddenly between fully illuminated and fully non-illuminated or alternates between various levels of illumination for the purpose of drawing attention; illumination that is intermittently on and off so as to flash or blink or the intensity varies so as to appear to flash or blink or where there is a pattern of changing light illumination.
- S) **Freestanding:** A permanently affixed Sign that is self-supporting by use of posts, pillars, columns, or other Structures, and is not attached to any Building.
- T) **Government (Sign):** Any Sign erected, owned, and maintained by Genoa Township, Delaware County, the State of Ohio, Westerville City School District, Big Walnut Local School District, Olentangy School District, or any legitimate and recognized civil entity, agency, bureau, commission, department, district, or sub-entity thereof as well as any assigned business, contractor, or organization legally acting on behalf of any one of the aforementioned entities.
- U) **Ground Mounted:** Any Freestanding Sign attached to a permanently affixed foundation or base and not attached to, or dependent on support from, any Building, column, pole, post, or other similar type of support structure.
- V) **Human:** Any Sign that is held or worn by a person, including but not limited to a human directional, Sign walkers/wavers/twirlers, and “sandwich persons”. Human Sign does not include text or images that are displayed on a traditional article of clothing such as coats, jackets, shirts, pants, or hats.
- W) **Inflatable:** Any Sign in which all or part of the Sign is set in motion or inflated by any gas. This definition includes both hot and cold-air balloons tethered, or otherwise anchored, to the ground.
- X) **Integral, Building:** Any Sign that is embedded, extruded, inscribed, or carved into the material of a Building or Structure façade, typically, but not always, made, in whole or in part, of bronze, brushed stainless steel, aluminum, or similar material, including, but not necessarily limited to, plaques, tablets, and corner stones.
- Y) **Integral, Ground:** Any Sign that is embedded, extruded, inscribed, or carved into the material of a paved ground surface, typically, but not always, made, in whole or in part, of bronze, brushed

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

stainless steel, aluminum, or similar material, including, but not necessarily limited to, plaques, tablets, and corner stones.

- Z) **Kiosk:** Any permanently affixed Structure, roofed or unroofed, that is utilized to display Signs or Bulletin Boards and is placed in areas accessible primarily to pedestrians, such as along, or at the intersection of, sidewalks, walkways, and/or trails or within a plaza, courtyard, square, or other similar pedestrian gathering area. Such Building or Structure may take the form of a booth, cubicle, open fronted hut, stand, block, cylindrical column, or a panel that is single or multi-sided.
- AA) **Landscape:** A Sign comprised of flowers, shrubs, trees, soil, mulch, stone, pavers, or other similar landscaping materials that is located within a planter, flower bed, garden, or open lawn area.
- BB) **Light Box:** A permanently affixed Sign with an exposed frame, translucent face, and internal illumination.
- CC) **Light Pole:** Any Banner which is affixed to the side of a light pole or street light designed or retrofitted for such a display.
- DD) **Marquee (Sign):** Any Sign that is permanently affixed to the visible surface(s) of a Marquee.
- EE) **Miscellaneous (Sign):** Any Sign that is not considered a Building Mounted or Freestanding Sign.
- FF) **Original Art Display:** A hand-painted work of visual art that is either affixed to, or painted directly on, the exterior wall of a Structure with the permission of the property owner but excluding mechanically produced or computer-generated prints or images; including, but not limited to digitally printed vinyl, electrical or mechanical components, or changing image art display(s).
- GG) **Pole or Pylon:** Any Freestanding Sign that is permanently affixed to the ground and is supported by one (1) or more structural elements.
- HH) **Post and Panel:** Any Sign consisting of panels made of rigid material that are mounted between two (2) posts, or hung from an arm, supported by one (1) or more posts, permanently affixed to the ground; and may be removable to allow convenient changing of Sign copy.
- II) **Projection:** Any Sign that is projected onto a Building or Structure, or into the air, via digital, electrical, or other such means.
- JJ) **Roof:** Any permanently affixed Sign erected and constructed wholly on and over the roof of a Building; supported by the roof structure; extending vertically above the top walk or edge of a flat roof, the eave line of a Building with a gambrel, gable, or hip roof or the deck-line of a Building with a mansard roof.
- KK) **Roof Integral:** Any permanently affixed Sign erected or constructed as an integral part of a normal roof structure of any design such that no part of the Sign extends above the highest portion of the roof and such that no part of the Sign is separate from the rest of the roof by a space of more than six (6) inches. A Sign constructed between the eaves and deck line of a mansard roof shall be considered such a Sign.
- LL) **Sandwich Board:** See "Sidewalk Sign".
- MM) **Sidewalk:** Any Sign that is portable, typically placed on or adjacent to a sidewalk, walkway, pathway, bikeway, or trail; and is primarily intended to be viewed by pedestrians, including A-frame and sandwich board style signs. Such Signs may incorporate chalkboards, whiteboards, magnetic boards, and/or Manual Changeable Copy.

- NN) **Suspended:** Any Sign, designed to be viewed primarily by pedestrians, which hangs, or is suspended beneath, an Awning, Canopy, porch, patio or walkway cover or is hung from a support extending from a Building or other similar type of feature.
- OO) **Temporary:** Any Sign, not otherwise defined within this Resolution, which is not permanently affixed to the ground, a wall, a Building, or a Structure and is typically, but not necessarily, made, in whole or in part, of paper, cloth, canvas, plastic sheet, plywood, wallboard, cardboard, and/or other similar materials; that a reasonable person could determine is intended to be displayed for a limited period of time such as, but not necessarily limited to, Signs placed on: properties for sale, properties for rent, properties which are opening for business, properties under construction, renovation, or repair; lawn Signs, Banners not affixed to light poles, and posters but excluding Windblown devices. Such Signs shall be further categorized into one of the following classifications:
- 1) **Small Temporary Sign:** A Temporary Sign that is eight (8) square feet or smaller in Sign Area and less than four (4) feet in height.
 - 2) **Large Temporary Sign:** A Temporary Sign that exceeds eight (8) square feet in size and/or four (4) feet in height.
- PP) **Trailer:** Any Sign which is attached to, supported by, or part of a structure, where the structure's primary purpose is the display of such Sign, and where the structure is designed to move on trailer wheels, skids, or other similar devices, or is transported, pushed, or pulled by a motor vehicle, whether or not such trailer is parked or being towed.
- QQ) **Vehicle:** Any Sign attached to or displayed on a licensed and operable Vehicle and not otherwise considered a Trailer Sign.
- RR) **Wall:** Any Sign that is permanently affixed or Attached directly and generally parallel to, or painted on or otherwise inscribed on, a Fence, Accessory Wall, retaining wall, or an exterior Building wall which faces a public or private Right-of-Way, parking lot, or service drive and is confined within the limits thereof of any Building and which projects from that surface less than twelve (12) inches at all points.
- SS) **Windblown Device:** Any Sign or device, not otherwise specifically defined in this Resolution, which is set in motion by wind. Such devices shall include; streamers, ribbons, Pennants, and long, narrow strips of fabric, plastic, or other pliable material designed to move in the wind.
- TT) **Window:** Any Signs, posters, symbols and other types of identification, directly attached to the window of a Building, including faux windows and doors, or erected on the inside of a Building and visible from any public Right-of-Way or adjacent property.

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

Sign Height – The vertical distance from the uppermost point used in measuring the Sign Area or the top of the Sign Structure, whichever is greater, to the finished surface grade directly below it. Sign height may not be artificially increased using mounding.

Sign Structure – The supporting unit of a Sign Face, including but not limited to frames, braces, and poles. If the Sign Structure has a communicative element to it, the Sign Structure shall be included in the Sign Area.

Sign Width - The maximum horizontal or semi-horizontal distance between the two (2) points of a Sign Structure.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

Single-Family Dwelling – A Dwelling which accommodates one Family.

Small Wind Project – Any wind project less than 5MW which includes the wind turbine generator and Anemometer.

Specified Anatomical Areas –

- A) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola;
- B) Human male genitals in a discernable turgid state even if completely and opaquely covered.

Specified Sexual Activities –

- A) Human genitals in a state of sexual stimulation or arousal;
- B) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; or
- C) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

Speech, Commercial – As it relates to Signs, any speech proposing or promoting a commercial transaction(s) intelligent market choice(s), directing attention to a business, commodity, or service and not relating to topics, ideas, opinions, or beliefs concerning politics, religion, and/or philosophy. Such speech may only advertise products or services that are legal in the place it is offered and shall not be false or misleading.

Speech, Non-Commercial – As it relates to Signs, any speech not proposing a commercial transaction or promoting “intelligent” market choices but, instead, related to topics, ideas, opinions, or beliefs concerning politics, religion, and/or philosophy.

Story – The part of a Building, except a mezzanine, included between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the ceiling next above. The floor of a story may have split levels provided that there not be more than four (4) feet difference in elevation between the different levels of the floor. A Basement (as defined herein) shall not be counted as a story.

Street – (see Thoroughfare)

Structure – Anything constructed or permanently erected in a fixed location on the ground, or attachment to something having a fixed location on the ground, including but not limited to, principal and Accessory Buildings, entry columns and walls, Fences, decks, sheds, Porches, Swimming Pools, antennae, Signs, built-in barbeques, outdoor fireplaces, permanently sited grills, solar panels, permanent playground equipment, raised patios in excess of one (1) foot in height, Accessory Walls, and retention walls.

Substance Abuse Treatment Clinic – Any establishment licensed by: the State of Ohio, Delaware County General Health District, or any other legitimate governmental entity having such authority; to use drugs such as, but not necessarily limited to methadone, in the treatment, maintenance, or detoxification of persons suffering from substance abuse. Such facilities which admit, or lodge individuals overnight or longer shall be considered a Hospital. This definition shall not include Residential Care Facilities.

Swimming Pool – Any artificially constructed receptacle or natural body of water which contains a depth of water of at least one and one-half (1 ½) feet at any point used or intended to be used for swimming or bathing and maintained by an owner or manager, including any accessory recreational Structure. This excludes hot tubs with hard lockable covers

Temporary Use or Structure – A transient, non-permanent Use or Structure permitted to exist for a designated period during periods of construction of the Principal Use or Structure, or for special events. A Temporary Structure shall not be intended to be permanently affixed to the ground.

Thoroughfare Plan – The Official Thoroughfare Plan adopted by Delaware County, as may be amended, establishing the location and official Right-of-Way widths of principal highways, Streets, and roads within Delaware County.

Thoroughfare, Road, Street – The principal public means of access to abutting property, as may be further defined, designated, delineated, or amended by the current Thoroughfare Plan, including the following types:

- A) **Arterial Street:** A general term denoting a Thoroughfare primarily designed and utilized for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
- B) **Collector Street:** A Thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from Local Streets to Arterial Streets, including the principal entrance and circulation routes within residential subdivisions.
- C) **Cul-de-Sac:** A Local Street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn around.
- D) **Dead End Street:** A Street having only one outlet for vehicular traffic and may or may not be extended or continued in the future.
- E) **Freeway:** An express highway with limited or controlled access through the means of entrance and exit ramps, regardless of whether they are tolled; (e.g. Interstate 71).
- F) **Local Street:** A Street providing access to residential, commercial, or other abutting property that is not described or listed elsewhere in the definition of a Thoroughfare.
- G) **Marginal Access Street:** A Local or Collector Street, parallel to and adjacent to an Arterial Street, Collector Street, or Freeway, providing access to abutting properties and protection from said Streets.
- H) **Private Street:** Any Street which is not owned or maintained by any public or governmental agency but rather by an individual, group of individuals, neighborhood, organization, corporation, or association.

Township Trustees – The statutory Board of Trustees of Genoa Township, Delaware County, Ohio established and elected in accordance with the Ohio Revised Code.

Tract – Any Lot or group of Lots which are Contiguous or adjacent to one another that are intended and proposed to be constructed as a singular Planned Development, regardless of whether construction of said development occurs in phases. All concepts and definitions pertaining to Lots, such as Frontage, Lot Lines, Setback, and Yard, shall apply to Tracts.

Ultra-Light Vehicles – For the purposes of this Resolution an un-powered or powered ultra-light vehicle is one that is used or intended to be used for manned operation in the air by occupant(s) for sport or recreation. Ultra-light aircraft do not have any United States or foreign airworthiness certificate. They weigh less than two hundred fifty-four (254) pounds empty weight and have a fuel capacity not exceeding five (5) U.S. gallons. If powered, such vehicles are capable of not more than fifty-five (55) knots calibrated airspeed at full power in level flight.

Use – The specific purpose for which land, a Structure, or a Building is designed, arranged, intended, occupied, or maintained.

Variance – A Variance is a modification of the strict terms of this Resolution where such modifications will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Resolution would result in unnecessary hardship. Variances are granted only after the applicant has followed the procedures stated in Section 307 of this Resolution.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

Vicinity Map – A drawing which sets forth by dimensions or other means the relationship of a property or Use to other nearby developments of landmarks and community facilities and services within Genoa Township to better locate and orient the area in question.

Water System, Central – A water supply system approved by the appropriate county, state, and/or federal agencies which provides a water supply to a single development, a community, or a region.

Water System, On-Site – A well or other similar installation on an individual lot which provides a water supply to any Structures or Uses upon the Lot, subject to the approval of health and sanitation officials having jurisdiction.

Wind Power Turbine Owner – The person or persons who owns the Wind Turbine structure.

Wind Power Turbine Tower – The support structure to which the turbine and rotor are attached.

Wind Power Turbine Tower Height – The distance from the rotor blade at its highest point to the top surface of the ground at the Wind Power Generating Facility (WPGF) foundation.

Yard – An open or unoccupied space other than a court on the same Lot with a principal Building and unobstructed by Buildings or Structures from ground to sky except by trees or shrubbery or as otherwise provided herein. The minimum depth of a yard shall be determined by the Setback lines as defined in this Resolution. No part of a yard provided for any Building or Structure shall be included as a part of any yard required for any other Building or Structure unless specifically permitted herein.

A) **Front Yard:** An open space extending the full width of the lot between a Building or Structure and the Front Lot Line of a street unoccupied and unobstructed from the ground upward except as hereinafter specified. Minimum depth shall be measured from the Front Lot Line, existing Right-of-Way line, or proposed Right-of-Way line established on the Official Thoroughfare Plan or by any other method specified elsewhere in this Resolution, as appropriate.

B) **Side Yard:** An open space extending from the front yard to the rear yard between a Building or Structure and the nearest Side Lot Line unoccupied and unobstructed from the ground upward except as herein specified.

C) **Rear Yard:** An open space extending the full width of the lot between a Building or Structure and the Rear Lot Line, unoccupied and unobstructed from the ground upward except as herein specified.

Zoning Commission – The statutory Zoning Commission of Genoa Township, Delaware County, Ohio established in accordance with Ohio Revised Code 519.

Zoning District – A set of uniform regulations applicable to one or more areas of unincorporated land as depicted on the Zoning Map and which are distinguishable from one another by Uses and characteristics that are similar in nature, form, or function.

Zoning District, Non-Residential – Any one of the following Zoning Districts, as identified on the Zoning Map and further regulated herein; Community Business (CB), Planned Commercial District (PCD), Light Industrial (LI), Planned Industrial District (PID), and Planned Community Facilities District (PCF).

Zoning District, Planned – A type of Zoning District established to regulate Planned Developments.

Zoning District, Planned Residential – Any one of the following Planned Zoning Districts as identified on the Zoning Map, and further regulated herein; Planned Residential District (PRD).

Zoning District, Residential – Any one of the following Straight Zoning Districts as identified on the Zoning Map, and further regulated herein; Rural Residential (RR) and Suburban Residential (SR).

Zoning District, Straight – A type of Zoning District established to regulate non-Planned Developments.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

Zoning Inspector – The statutory individual appointed by the Township Trustees that is charged with administering the Genoa Township Zoning Resolution or that appointee's authorized representative.

Zoning Map – The Zoning Map of Genoa Township or portion thereof with all amendments thereto subsequently adopted.

Zoning Map Amendment – The legal act of changing the Zoning District classification of one or more Lots. Said action shall be considered a legislative act and reflected on the Zoning Map.

Zoning Permit – A document issued by the Zoning Inspector certifying proposed construction is compliant with the Zoning Resolution and/or any applicable Legal Approvals; also known as a zoning certificate.

GENOA TOWNSHIP ZONING RESOLUTION
ARTICLE 4: DEFINITIONS

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