

CHAPTER 1102
Definitions

1102.01 Interpretation of terms and words.

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1102.01 INTERPRETATION OF TERMS AND WORDS.

Words used in this code shall have the meanings as defined below. Words in the present tense include the future tense. The singular number includes the plural and the plural number includes the singular. The word "shall" is always mandatory and the word "may" is permissive. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied." Certain terms or words not defined shall have the meaning customarily assigned to them as defined in *Webster's Ninth New Collegiate Dictionary*.

1102.02 DEFINITIONS.

The following definitions shall be applicable to this Code unless a contrary meaning is indicated by the text.

- (a) (1) **Abandonment.** The voluntary cessation of a use or activity, but excluding short-term interruptions to a use or activity during periods of remodeling, maintenance, improvements, vacation, seasonal closure, active listing of the property for a change in ownership or leasehold interests, or other similar interruptions.
- (2) **Abut/abutting.** Contiguous; having a boundary, wall or property line in common.
- (3) **Access.** The place, means or way by which pedestrians or vehicles have ingress and egress to a lot, structure or parking area.
- (4) **Accessory apartment.** A dwelling unit located within an owner-occupied, single-family dwelling.
- (5) **Accessory structure/use.** A structure or use which:
- A. is subordinate to and serves a principal building or use;
 - B. is subordinate in area, extent, or purpose to the principal building or use served;
 - C. contributes to the comfort, convenience, or necessity of occupants of the principal building or use; and
 - D. is located on the same lot as or across a street, alley or railroad right-of-way from the principal use.

- (6) **Addition.** Extension of a building or structure or increase in floor area or height of a building or structure.
- (7) **Adult business.** Any sexually oriented business which focuses upon sexual activities and/or anatomical areas in conducting a business for adult entertainment. Such businesses include but are not limited to an adult arcade, adult bookstore or adult video store, adult cabaret, adult motion picture theater, adult theater, escort agency, massage parlor (except certified masso-therapists) or nude model studio.
- (8) **Adult family home.** A residence or facility that provides accommodations to three (3) to five (5) unrelated adults and supervision, personal care services to at least three (3) of those adults, and is licensed according to the provisions of Chapter 3722d of the *Ohio Revised Code*.
- (9) **Adult group home.** A residence or facility that provides accommodations to six (6) to 16 unrelated adults, provides supervision and personal care services to at least three (3) of the unrelated adults, and is licensed according to the provisions of Chapter 3722 of the *Ohio Revised Code*.
- (9) **Aged.** Any person 62 years of age or older.
- (10) **Agricultural use.** The use of land for growing forages and sod crops; grains and seed crops; vegetables; trees and forest products; fruits, including grapes, nuts, and berries; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. Agricultural use also is to engage in the keeping, pasturing, and feeding of livestock for the sale of livestock or livestock products. An agricultural use is assessed by the County Auditor at "current agricultural use value."
- (11) **Aisle.** A surface which is connected directly to a parking or loading space and designed to permit ingress or egress of a vehicle to or from the parking or loading space. (In no case can an aisle be a drive--see definition for a "drive.")
- (12) **Alley.** Any public or private way whose primary function is to furnish secondary access to the side or rear of a lot having its principal access to a street.
- (13) **Anatomical areas.** Such areas on a human as the bare buttocks, anus, male genitals, female genitals, female breasts, or pubic region.
- (14) **Animal specialty service.** An establishment providing service, not rising to the level of veterinary medicine, for animals. Examples would be grooming services, kennels, and animal training schools.
- (15) **Appraised value.** The value of real property as established by the County Auditor, or by a higher authority upon appeal, and is the value upon which the next fiscal year's real estate taxes are based.
- (16) **Automobile and truck-oriented use.** Any principal use intended or designed to provide a service to occupants while they are within a motor vehicle such as but not limited to a drive-in financial institution; any principal use related to the sale, servicing or repair of vehicles such as but not limited to a car wash, automobile service station, garage, and automobile accessory sales; commercial parking area (open or enclosed) for vehicles; and any principal use catering to the convenience of drivers of motor vehicles such as but not

limited to convenience grocery stores of no more than 4,000 square feet, drive-in restaurants, dry cleaning centers, and photo developing drop centers. This definition does not include a truck freight terminal or a solid waste transfer station.

- (b) (1) **Balcony.** A covered or uncovered platform area projecting from the wall of a building, enclosed by a railing, accessible from above grade, and not attached to the ground.
- (2) **Basement.** That portion of a building which is partially or wholly below grade. A basement is counted as a story for the purpose of height and yard regulations when the finished surface of the floor above the basement is:
 - A. More than six (6) feet above the established grade;
 - B. More than six (6) feet above the established grade for more than 50 percent of the total building perimeter; or
 - C. More than 12 feet above the established grade at any point.
- (3) **Bed and breakfast inn.** A house or portion thereof where not more than five (5) short term lodging rooms and meals are provided to guests. The operator of the inn lives on the same premises.
- (4) **Boarding house/lodging house.** See "Rooming house."
- (5) **Build.** To construct, assemble, erect, convert, structurally enlarge, or reconstruct a building or structure.
- (6) **Buildable area.** The area of a lot remaining after the minimum yard requirements of the Zoning Code have been deducted.
- (7) **Building.** A combination of materials to form a structure having a roof that is safe and stable and designed or intended for the support, enclosure, shelter or protection of persons, animals, or property. A building does not include a tent, trailer, trailer coach, or mobile home. Although one part of a structure may be separated from another part by a "fire wall," as defined by the *Ohio Basic Building Code*, both parts constitute one building as do structures which are joined together by structural members.
- (8) **Building, attached.** A building attached to another building by a common wall, such wall being a solid wall with or without windows and doors, and/or a common roof with a common horizontal dimension of eight (8) feet or more.

- (9) **Building, detached.** A building which is not connected to another building.
 - (10) **Building area.** The area of a building within its largest outside dimensions computed on a horizontal plane at the first floor level, exclusive of open porches, breezeways, terraces, and exterior stairways.
 - (11) **Building coverage.** The amount of land covered or permitted to be covered by a building or buildings, usually measured in terms of percentage of lot area.
 - (12) **Building height.** The vertical distance from the established grade to the roof line.
 - (13) **Building line.** A line which extends across the full extent of a lot, is parallel to the street, and touches that part of a building closest to the street. The building line may or may not be coincident with the front yard line.
 - (14) **Building permit.** Official certification that a proposed building or structure complies with the provisions of this Code and such other ordinances as may be applicable. Such a permit is required for new construction and for alterations or additions to an existing structure prior to commencement of construction.
 - (15) **Business service establishment.** An establishment primarily engaged in rendering services to business establishments on a fee or contract basis. Such establishments include but are not limited to the following: advertising agencies; consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies; mailing, reproduction, commercial art and photography, and stenographic services; services to dwellings and other buildings; news syndicates; personnel supply services; computer and data processing services; research and development laboratories; management, consulting and public relations services; detective agencies and protective services; equipment rental and leasing services; photo finishing laboratories; and other establishments primarily engaged in furnishing business services such as bondsmen, bottle exchanges, drafting service, interior designing, notary publics, packaging and labeling service, telephone message service, water softening service, and auctioneering service on a commission or fee basis (see major group 73 of the Standard Manufacturing Classification Manual).
- (c) (1) **Cellar.** See "Basement."
 - (2) **Certificate of occupancy.** Official certification that a premises complies with the provisions of this Code and such other ordinances as may be applicable. Such a certificate is granted upon completion of new construction or for alterations or additions to existing structures.
 - (3) **Clinic, animal.**

- (4) **Clinic, health services.** An office in which a group of practitioners and their allied professional assistants are associated for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons. A clinic may include a laboratory but not facilities for inpatient care or operating rooms for major surgery. See "Hospital."
- (5) **Club.** A meeting place of a nonprofit association or entity for a social, literary, political, educational, benevolent or recreational purpose and which is used primarily for the exclusive use of members and their guests. This definition does not include a group organized solely or primarily to render a service customarily carried on as a commercial enterprise. This definition also does not include a fraternity or sorority house, religious institution, nor an adult business.
- (6) **Commercial recreational uses.** Facilities which are used primarily for physical exercise or entertainment and which include but are not limited to campgrounds, courts, gyms, swimming pools, locker and training rooms, target or shooting ranges, amusement arcades, and billiard halls. This definition does not include massage parlors.
- (7) **Communication station.**
- (8) **Conditional use.** A principal or accessory use which is allowable when the provisions are met and when the facts and conditions specified elsewhere in this Code, as those upon which the exception is permitted, are found to exist by the Board of Zoning Appeals.
- (9) **Consignment store.** A retail establishment engaged in selling used merchandise such as clothing, furniture, books, shoes, or household appliances on consignment or a retail establishment engaged in selling donated used merchandise. In association with such stores, merchandise is brought to the establishment and processed such as by being marked, cleaned, sorted, and stored as a major part of the principal use. Such stores do not include those selling vehicles, auto parts, scrap, or waste.
- (10) **Conversion.** Any change of one principal use to another principal use.
- (11) **CEDA Planning Commission.** A regional planning commission established by exercise of the City Planning Board's powers for a territory within the corporate boundaries of the City governed by a Cooperative Economic Development Agreement entered into pursuant to Section 701.07 of the Ohio revised Code.
(Ord. 03-288. Passed 8-19-03.)
- (12) **City Planning Board.** The City Planning Board of the City of Springfield, Ohio.
- (13) **Community Center.** A building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, education, or cultural activities.
(Ord. 09-94. Passed 4-14-09.)
(Ord. 03-288. Passed 8-19-03.)
- (d) (1) **Daycare center.** An establishment in which the operator is provided with compensation in return for providing individuals with care for less than 24 hours at a time. This term includes, but is not limited to, a day nursery,

nursery school, adult daycare center, or other supplemental care facility. Clients may or may not be developmentally disabled but are not undergoing treatment for alcohol or drug abuse. This term does not include a Daycare Home Type A or Daycare Home Type B.

A. **Adult daycare center.** Any place that provides daycare for compensation or daycare for adults funded by a public or private institution; or any place that is not the residence of the administrator where adult daycare is provided. An adult daycare center shall not include a convalescent home, hospital, or any other full-time care facility.

B. **Child daycare center.** Any place that provides daycare for compensation or daycare for children funded by a public or private institution; or any place that is not the residence of the licensee or administrator where child daycare is provided to 7 to 12 children at one time.

(Ord. 09-93. Passed 4-14-09.)

- (2) **Day-care home, type A.** A state licensed facility in which child day-care or publicly funded child day-care is provided for seven (7) to 12 children at one time or is provided for four (4) to 12 children at one time if four (4) or more children at one time are under two (2) years of age. The children may or may not be developmentally disabled but are not undergoing treatment for alcohol or drug abuse. The facility is the permanent residence of the person responsible for the daily operation of the facility. (See Chapter 5104 of the *Ohio Revised Code*.)
- (3) **Day-care home, type B.** A facility in which child day-care is provided for one (1) to six (6) children at one time and in which not more than three (3) children are under two (2) years of age at one time. The children may or may not be developmentally disabled but are not undergoing treatment for drug abuse. The facility is the permanent residence of the person who operates the type B family day-care home. (See Chapter 5104 of the *Ohio Revised Code*.)
- (4) **Deck.** An uncovered platform area projecting from the wall of a building, accessible at or from above grade, and attached to the ground.
- (5) **Density.** The number of dwelling units per unit area of land (usually expressed as dwellings units per acre).
- (6) **Density, gross.** The number of dwelling units per acre of the total land area to be developed.
- (7) **Density, net.** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.
- (8) **Development.** Any man-made change to improved or unimproved property, including but not limited to building construction and reconstruction, extraction, dredging, filling, grading, paving, excavating, drilling operations or the storage of equipment and materials. Development does not include activities associated with an agricultural use.
- (9) **Developmentally disabled.** A person certified by a medical doctor as having a physical or mental impairment which is expected to be of long-continued and indefinite duration, substantially impedes the ability to live independently, and is of a nature that the ability to live independently could be improved by more suitable housing conditions. Such disabilities are attributable to but not

limited to a physical impairment; mental retardation, cerebral palsy, epilepsy, autism, or another similar neurological condition; dyslexia resulting from an above disability; or a mental or nervous disorder which disability originates before such individual attains age 18. Developmentally disabled does not include current, illegal use of or addiction to a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802).

- (10) **Discontinuance.** The cessation of a non- conforming use.
- (11) **District.** A portion of the City delineated on the zoning map in which requirements and development standards for the use of land and buildings within, above, or below the land are prescribed in this Code.
- (12) **Drive-in.** A business establishment so developed that its retail or service character is dependent upon providing stacking spaces or parking spaces for motor vehicles so patrons can be served while in their motor vehicles rather than in a building or structure.
- (13) **Drive/driveway.** A surface designed to provide vehicular access to a parking area or to a loading space(s). A drive or driveway is also the means for providing access to a garage or off-street parking for single-family dwellings and duplexes. A drive, as distinguished from an aisle, usually provides access to a parking area from another parking area or from a street.
- (14) **Dwelling.** A building which is wholly or partially used or intended to be used for residential occupancy by a person for 30 or more consecutive days. A tent, recreational vehicle, motel, or hotel is not considered a dwelling.
- (15) **Dwelling, duplex.** A dwelling containing two (2) dwelling units.
- (16) **Dwelling, farm.** A dwelling located on a farm and occupied by the family which maintains and operates, owns or has a leasehold interest in the farm on which the dwelling is located.
- (17) **Dwelling, high-rise multi-family.** A multi-family dwelling consisting of three (3) or more stories of dwelling units with a total of four (4) or more stories located entirely above grade.
- (18) **Dwelling, low-rise.** A multi-family dwelling which is 35 feet or less in building height.
- (19) **Dwelling, multi-family.** A dwelling containing three (3) or more dwelling units.
- (20) **Dwelling, single-family.** A building containing one dwelling unit. This definition includes the term "manufactured home."
- (21) **Dwelling, single-family attached.** A single- family dwelling which is attached to another dwelling. Each attached single-family dwelling has independent access to the dwelling from the outside and has no less than two (2) exterior walls fully exposed and not in common with the exterior walls of another dwelling.
- (22) **Dwelling, zero lot line.** A single-family dwelling with one or more walls located on a side lot line(s) that is not on a street or alley right-of-way line.
- (23) **Dwelling unit.** Any habitable room or group of adjoining habitable rooms within a dwelling and forming a single unit with facilities which are used or intended to be used for living, sleeping, sanitation, cooking, and eating of meals for one (1) family.

- (24) **Dwelling unit, efficiency.** A dwelling unit consisting of one principal room which serves as the occupant's living room, bedroom, and, in some instances, the kitchen.
- (e) (1) **Easement.** A right given by the owner of land to another person for specific limited use of that land, e.g., to allow access to another property or for utilities.
- (2) **Elderly housing.** A dwelling especially designed for use and occupancy of persons who are 62 years of age or older or persons who are disabled persons, as the term "disabled person" is defined in 42 U.S.C. 1437a(b)(3)(D).
- (3) **Emergency housing.** A dwelling owned and operated by a non-profit organization, as defined by Section 501(c)(3) of the Internal Revenue Code, that provides a temporary residence for guests who are in need of emergency shelter and who are temporarily unable to pay for housing.
- (4) **Enclosed.** Surrounded by walls and/or fences. See "Unenclosed structure."
- (5) **Enlargement/expansion.** An increase in the volume of a building, an increase in the area of land or building occupied by a use, or an increase in the number of occupants or dwelling units.
- (6) **Excavation.** The act or process of forming a cavity by cutting, digging, or scooping. Excavation does not include activities associated with an agricultural use.
- (7) **Extraction.** The withdrawal of natural resources such as but not limited to sand, gravel, or top soil as a business venture. Extraction does not include activities associated with an agricultural use or with the process of grading a lot preparatory to the construction of a building.
- (8) **Emergency.** A time of public danger or emergency as declared by the Mayor in exercise of the Mayor's powers under Section 7 of the Charter of the City of Springfield or a disaster endangering the public welfare as declared by the City Commission by ordinance.
(Ord. 03-315. Passed 9-16-03)
- (9) **Emergency event.** Any occurrence that results in the declaration of an emergency, as defined in subparagraph (8) above.
(Ord. 03-315. Passed 9-16-03)
- (f) (1) **Fabrication.** The stamping, cutting, assembling or otherwise shaping of processed materials into useful objects, excluding the refining or other initial processing of basic raw materials.
- (2) **Factory-built housing park.** A tract of land which has been planned and improved for the placement of manufactured homes, mobile homes and modular homes on leased spaces. The land is developed and operated as a unit.
- (3) **Family.** An individual or married couple and the children thereof with not more than two other persons related directly to the individual or married couple by blood, marriage, adoption or placement by a governmental or social service agency. A family may also be a group of not more than five (5) persons not related by blood, marriage or adoption occupying a dwelling unit as a single housekeeping organization.
- (4) **Family home.** A residential facility that provides room and board, personal

care, habilitation services and supervision in a family setting for at least six (6) but not more than eight (8) mentally retarded or developmentally disabled persons.

- (5) **Filling station/service station.** Any building or premises used primarily for the dispensing or retail sale of motor fuel. This definition includes the lubrication of automobiles and replacement or installation of minor parts and accessories, but does not include major repair work such as motor replacement, body and fender repair, or spray painting. When the dispensing or sale is incidental to the operation of a commercial garage, the premises is classified as a commercial garage.
- (7) **Financial institution.** An establishment for the receiving, keeping, lending of money, and the exchange of funds by checks or notes. This definition includes banks, savings and loan establishments, and credit unions but does not include pawn shops.
(Ord. 03-244. Passed 7-8-03.)
- (8) **Fitness centers and health spas.** Commercial recreational uses which are used primarily for physical exercise and health programs and which include but are not limited to gymnasiums, aerobic studios, weight lifting centers, racquetball courts, tennis courts, swimming pools, and jogging trails.
- (9) **Flea market.** See "Antique shop."
- (10) **Floor area.** The total area of all floors of a building or portion thereof measured to the outside surface of exterior walls or the centerline of walls to separate uses or attached buildings. It does not include garages, porches, balconies, and other appurtenances. Space in the basement and all other space is included as floor area if used for a principal or accessory use permitted in the zone in which the building is located.
- (11) **Floor area ratio (FAR).** The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot.
- (12) **Foster family home.** A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than five (5) mentally retarded or developmentally disabled persons.
- (13) **Fraternity/sorority house.** A building used as a residence by a chapter of a fraternal or sororal non-profit organization. For purposes of this Code, this definition does not include a rooming house.
- (14) **Frontage.** The distance along a street line from one intersecting street to another, or from one intersecting street to the end of a dead end street or cul-de-sac.
- (g) (1) **Garage, commercial.** An automobile or truck oriented use in which a building or premises is used for equipping, repairing, renting, selling or storing motor vehicles, and at which motor fuels and supplies may be sold.
- (2) **Garages, private.** A detached accessory building or portion of a principal building used for the parking or temporary storage of motor vehicles or recreational vehicles of the occupants of the premises and wherein no space is rented for parking to a person not a resident of the premises.
- (3) **Grade.** The top surface elevation of lawns, walks, drives, or other improved surfaces after completion of construction, grading, and landscaping. For the

purpose of determining height of a building, the grade is the average level of the perimeter of the exterior walls of the building.

- (4) **Ground area.** See "Floor area."
- (5) **Ground floor/first floor.** The lower-most floor of a building in which the floor is at or above the grade.
- (6) **Group home.** A residential facility that provides room and board, personal care, habilitation services, and supervision for at least nine (9) but not more than 16 mentally retarded or developmentally disabled persons.
- (7) **Guest.** An individual who resides within a building for less than 30 consecutive days.
- (h) (1) **Halfway house.** A dwelling licensed by an adult parole authority for adolescents or adults who have been institutionalized and released on parole and who require the protection of a group setting. (See Chapter 2967 of the *Ohio Revised Code*.)
- (2) **Handicapped.** See "Developmentally disabled."
- (3) **Hedge.** A boundary formed by a row of closely planted shrubs or bushes.
- (4) **Home occupation.** An accessory use to a dwelling unit that consists of an occupation or profession operated by a person or persons living within the dwelling unit. A home occupation does not include such events as garage or yard sales nor parties held to take orders for goods or services.
- (5) **Hospital.** An institution providing health services for human in-patient medical care for the sick or injured and including related facilities which are an integral part thereof such as laboratories, out-patient facilities, staff offices, and emergency medical services. Heliports, helipads, and helistops are not considered as integral to a hospital.
- (6) **Hotel.** A building licensed by the State and consisting of individual sleeping units designed or intended to be used as a place of lodging for overnight guests. Hotels may or may not provide meals, but there are usually no cooking facilities provided in the sleeping units. See "Hotel, apartment."
- (7) **Hotel, apartment.** A multi-family dwelling under resident supervision that consists of an inner lobby through which all tenants must pass to gain access to the apartments and that may furnish services ordinarily furnished by hotels such as a drug store, barber shop, cosmetologist, cigar stand or newsstand. Such services are located entirely within the building with no separate entrance from the street, have no display visible from any sidewalk, nor have a sign or display visible from outside of the building indicating the existence of such services.
- (i) **Reserved.**
- (j) (1) **Junk yard.** Synonymous with Salvage Yard.
- (k) (1) **kennel.** An establishment where small animals are bred, raised, trained, groomed, and boarded for compensation, sale or other commercial purposes.
- (l) (1) **Land Use Plan.** The Clark County Comprehensive Land Use Plan of 1999, as amended, as it has been adopted by the Planning Boards having jurisdiction in the City. Known colloquially as the Crossroads Plan. (Ord. 03-288. Passed 8-19-03.)
- (2) **Livestock.** Livestock, for the purpose of this code includes, but is not limited to, cattle, sheep, goats, poultry, and animal specialties such as horses, rabbits,

- bees, pets, fish, llamas, ostriches, emus, fur-bearing mammals, and other non-carnivorous animals in captivity; but does not include domestic dogs and cats.
- (3) **Living unit.** See "Dwelling unit."
 - (4) **Loading space, off-street.** Space logically and conveniently located and designed for bulk pickups and deliveries, scaled to the delivery vehicles expected to be used, and accessible to such vehicles when off-street parking spaces are occupied.
 - (5) **Lodging house.** See "Rooming house."
 - (6) **Long term care facility.** See "Nursing home."
 - (7) **Lot.** A lot of record or a lot that is leased which is occupied or intended to be occupied by a principal building or use and an accessory building or use and is of sufficient size to meet the minimum requirements for a principal use.
 - (8) **Lot, corner.** A lot located at the intersection of two (2) or more streets, where the interior angle of intersection does not exceed 135 degrees.
 - (9) **Lot, double frontage.** A lot having frontage on two (2) parallel or approximately parallel streets.
 - (10) **Lot, interior.** A lot other than a corner lot or double frontage lot and bounded by a street on only one side.
 - (11) **Lot area.** The total area within the lot lines of a lot excluding any area located within a public or private street.
 - (12) **Lot coverage.** The percentage of the lot area covered by the building area.
 - (13) **Lot depth.** The horizontal distance between the midpoint of the front lot line and the midpoint of the rear lot line measured at a right angle to the front lot line.
 - (14) **Lot frontage.** The continuous width of a lot measured along the front lot line, the front or rear lot line of a double frontage lot, or of a front or side lot line of a corner lot. The frontage is measured parallel to the centerline of the street(s) and never constitutes the end width of a dead end street.
 - (15) **Lot line.** A line oriented in terms of stable points of reference which establish one boundary of a lot.
 - (16) **Lot line, front.** A lot line separating the lot from the street. On corner lots, the front lot line is the shortest street dimension except that if the lot is square or almost square, i.e., has dimensions at the ratio of from 3:2 to 3:3, then the front lot line may be along either street.
 - (17) **Lot line, rear.** The lot line opposite and most distant from the front lot line. In the case of a triangular shaped lot with its apex to the rear, it is an imaginary line within the lot, 10 feet in length, and parallel to and farthest from the front lot line.
 - (18) **Lot line, side.** Any lot line which meets the end of a front lot line and any lot line which is not a front lot line or rear lot line.
 - (19) **Lot of record.** A lot which is part of a subdivision or a parcel of land which is described by metes and bounds, the map and/or description of which have been recorded in the office of the County Recorder or County Auditor.
 - (20) **Lot width.** The length of the front yard line.
- (m) (1) **Manufactured home.** A factory-built single- family dwelling which is manufactured or constructed under the authority of 42 U.S.C. Sec. 5403,

Federal Manufactured Home Construction and Safety Standards; which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site; and which does not have permanently attached to its body or frame any wheels or axles. A mobile home constructed to the Federal Manufactured Home Construction and Safety Standards is not a manufactured home unless it has been converted to real property and is taxed as a site built dwelling. For the purpose of this Code, a manufactured home is considered a single-family detached dwelling.

- (2) **Meeting hall.** A facility rented to groups on a noncontinuous basis for social functions, exhibitions, entertainment, education, instruction and similar purposes. Such a facility includes customary ancillary space such as restrooms, kitchens, foyers, work and dressing rooms, and storage areas.
 - (3) **Mobile home.** A vehicle suitable for occupancy as a single-family dwelling that is greater than 400 square feet in gross floor area and is designed with attached axles and wheels to be drawn on streets and highways by a motor vehicle to a site where such dwellings are permitted. A mobile home is not construed as a travel trailer or other form of recreational vehicle and is subject to all regulations applying to a mobile home whether or not wheels, axles, hitch, or other appurtenances of mobility are removed and regardless of the nature of the foundation provided. However, certain mobile homes may be classified as "manufactured homes."
 - (4) **Mobile home park.** A factory-built housing park used exclusively for mobile homes.
 - (5) **Model home.** A dwelling temporarily used as a sales office for a residential development under construction. The home is used for on- site sales and not for general real estate business.
 - (6) **Modular home.** A single-family dwelling which is manufactured in whole or in components at a place other than the location where it is to be permanently located; which is assembled in whole or in components at the location where it is to be permanently located; which rests on a permanent foundation or slab; which does not have wheels or axles affixed as a part of its normal construction; and which does not require a license by any agency as a motor vehicle, special equipment, trailer, motor home, or mobile home.
 - (7) **Mortuary/funeral home.** An establishment in which the dead are prepared for burial or cremation. The establishment may include a chapel and spaces for the conduct of funeral services and informal gatherings.
 - (8) **Motel.** A building or group of buildings licensed by the State and consisting of individual sleeping units designed or intended to be used as a place of lodging for overnight guests. The term "motel" includes "motor hotel."
 - (9) **Micropigmentation.** Applying pigment under the skin primarily above the neck for reconstructive and permanent cosmetic purposes.
(Ord. 03-244. Passed 7-8-03.)
- (n) (1) **Non-conforming building/structure.** A building or structure or portion thereof that was lawful at the time of its establishment but that does not now conform to the provisions of this Code relative to height, yards, or building coverage for the zone in which it is located by reason of the adoption of this

- Code or subsequent amendments thereto.
- (2) **Non-conforming lot.** A lot that was lawful at the time of its establishment but does not now conform to the provisions of this Code relative to lot frontage, width or area for the zone in which it is located by reason of the adoption of this code or subsequent amendments thereto.
 - (3) **Non-conforming use.** Any use that was lawful at the time of its establishment but that is not now allowed within the zone in which it is located or any way in which land or a building is used that is not in compliance with the provisions of this Code by reason of the adoption of this code or subsequent amendments thereto.
 - (4) **Nursing home.** A facility operated by a private or non-profit corporation or association and licensed or regulated by a governmental entity for the accommodation of convalescents or other persons who are not in need of hospital care but who require skilled care and/or related services.
 - (5) **Nursery, plant materials.** A principal use that includes the storage, propagation, cultivation, and transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used primarily for gardening or landscaping. This definition does not include any space, building or structure used primarily for the sale of fruits, vegetables or Christmas trees.
- (o) (1) **Office.** A building or an area within a building used for conducting the affairs of a business, profession, financial institution, service, industry, government, or similar activity. In association with such activity, there is no activity carried on catering to retail trade with the general public; no stock of goods maintained for sale to customers; no production, processing, fabrication, or distribution of goods on or from the premises; and no more than 49 percent of the office use used for accessory storage.
- (2) **Open space.** That portion of a lot substantially open to the sky. The area may include natural environmental features, patios, water areas, swimming pools, tennis courts, and other recreational areas and facilities. Streets, parking areas, structures for habitation, and the like are not included.
 - (3) **Open space, common.** Open space the use of which is shared by all occupants of more than one dwelling unit, as distinguished from private open space.
 - (4) **Open space, private.** Open space used by occupants of a dwelling unit.
 - (5) **Overlay district.** A set of zoning requirements that is imposed in addition to those of the underlying district. Developments within the overlay district must conform to the requirements of both districts or, in the case of a disparity, the more restrictive requirements of the two.
 - (6) **Owner.** Any person who, alone or jointly or severally with others, has legal title to any land or structure, with or without accompanying actual possession thereof; has charge, care or control of any land or structure as owner or agent of the owner; or serves as executor, administrator, conservator, trustee, or guardian of the estate of the owner. Any person representing the actual owner shall be bound to comply with the provision of this code and of rules and regulations adopted pursuant thereto, to the same extent as if he/she were the

- owner.
- (p) (1) **Parking area.** An off-street facility providing vehicular parking spaces, along with adequate aisles and tree islands, for the parking of more than four (4) motor vehicles.
- (2) **Parking space.** An area exclusive of drives, aisles, and tree islands intended for off-street vehicular parking. Such space is not intended for the storage or display of motor vehicles.
- (3) **Patio.** An uncovered surfaced outdoor living area at grade abutting and accessible from a dwelling.
- (4) **Performance standard.** A minimum requirement or maximum allowable limit on the effects or characteristics of a use, written in the form of regulatory language.
- (5) **Permitted use.** A principal use which is allowed in the zone in which it is listed subject to compliance with the dimensional requirements and special requirements (if any) of the zone in which it is listed and general requirements of this code.
- (6) **Person.** Any individual or group of individuals, corporation, partnership, association, or any entity, including state and local governments and agencies.
- (7) **Personal service establishment.** An establishment primarily engaged in providing services generally involving the care of the person or his/her apparel. Such establishments include but are not limited to the following: laundry, cleaning and garment services; photographic studios; beauty parlors (including manicure and pedicure salons); barber shops; shoe repair shops, shoe shine parlors, and hat cleaning shops; funeral homes; and other establishments engaged in providing personal services such as tanning salons, steam baths, reducing salons and health clubs, clothing rental, locker rental, and porter services (see major group 72 of the *Standard Manufacturing Classification Manual*). For purposes of this code, an adult business is not defined as a personal service establishment.
- (8) **Planning Board.** The City Planning Board or the CEDA Planning Commission which has jurisdiction over the subject territory.
(Ord. 03-288. Passed 8-19-03.)
- (9) **Planting area.** An unpaved pervious area used or intended to be used for the placement of a tree or other plant materials.
- (10) **Porch.** A covered entrance to a building consisting of a platform area, with open or partially enclosed sides. If the roof is supported by walls or columns, the porch is considered to be part of the building to which it is attached. If the roof is supported by braces attached to the building, the porch is not considered to be part of the building.
- (11) **Premises.** A general term meaning part or all of any lot, parcel or tract or part or all of any building or structure or group of buildings or structures located thereon.
- (12) **Principal building.** A building which contains the principal use.
- (13) **Principal use.** The primary use(s) of land or a structure as distinguished from an accessory use, e.g., a house is a principal use in a residential area and a garage or pool is an accessory use.

- (14) **Projections (into yards).** Parts of buildings such as architectural features which protrude into the required yard or yards.
- (15) **Provisional use.** A principal use which is allowed in the zone in which it is listed subject to compliance with specific requirements mentioned with the use. These requirements are in addition to all other general requirements applicable to the use.
- (16) **Public use.** A use operated by a unit of government to serve public needs, including public parks, schools, fire stations, community centers, recreation centers and cultural and governmental buildings and structures.
- (17) **Public utility.** Any entity which provides essential products or services to the public with the characteristic of service to, or readiness to serve, and indefinite public which has a legal right to demand and receive the entity's products or services and which conducts its operations in such a manner as to be a matter of public concern. {See, *A & B Refuse Disposers, Inc. v Board of Ravenna Township Trustees* (1992), 64 Ohio State 3d 385}.
- (18) **Public way.** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a certain right, whether improved or not.
- (q) (1) **Quarry.** See "Extraction."
- (r) (1) **Reconstruct.** To rebuild a structure that has been destroyed or demolished. For purposes of this definition, reconstruct does not apply to the removal and replacement of all or part of a building or structure in the same configuration.
- (2) **Recreation camp.** An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures or vehicles are regularly accommodated with or without charge, including any building, structure, fixture, or equipment that is used or intended to be used in connection with providing such accommodations.
- (3) **Recreational vehicle.** A vehicle which is:
 - A. built on a single chassis,
 - B. 400 square feet or less when measured at the largest horizontal projection,
 - C. designed to be self-propelled or permanently towable by a light duty truck, and
 - D. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
 Examples include a travel trailer, camping trailer, truck camper, motor home, fifth-wheel trailer, and van. For purposes of this code, a recreational vehicle is not convertible to a manufactured home or mobile home or to a structure similar to such dwellings.
- (4) **Recycling facility.** Any facility where waste or scrap materials are stored, bought, sold, accumulated, exchanged, packaged, disassembled, or handled. Materials include scrap metals, paper, rags, tires, and bottles.
- (5) **Religious institution.** An organization that has a religious purpose and that has been granted an exemption from federal taxes under the Internal Revenue Code as a Sec. 501(c)(3) organization. This definition includes but is not

- limited to churches, synagogues, convents, monasteries, parsonages, and temples and accessory uses and components of the principal use such as but not limited to rectories, and meeting halls. This definition does not include the headquarters office of a denomination of religious institutions when located on a separate lot from a religious institution nor such commercial activities as bingo parlors and day-care centers.
- (6) **Remodel/repair.** Any improvement to a building which is not a structural enlargement or reconstruction.
 - (7) **Residential facility.** A dwelling in which a mentally retarded or developmentally disabled person resides (not including a dwelling in which a mentally retarded or developmentally disabled person resides with a relative or legal guardian); a respite care home certified under section 5126.05 of the *Ohio Revised Code*; or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living pursuant to sections 5126.40 to 5126.47 of the *Ohio Revised Code*.
 - (8) **Restaurant.** A business where the dispensing at indoor tables and the consumption at indoor or outdoor tables of edible foodstuff and/or beverage is the principal business. This definition includes a cafe, cafeteria, coffee shop, delicatessen, lunch room, tearoom, dining room, bar, cocktail lounge and tavern. The total seating area located within the enclosed portion of the premises is more than 50 percent of the total floor area for the restaurant. This definition does not include a drive-in or carry-out restaurant.
 - (9) **Restaurant, drive-in/carry-out.** An automobile and truck oriented use whose principal operation is the dispensing of edible foodstuff and/or beverage for consumption in vehicles, at indoor or outdoor tables, at stand-up counters or to be carried off the premises. Orders generally are not taken at the customer's table and the food is generally served in disposable wrapping or containers. The total seating area, if provided, is less than 50 percent of the total floor area of the restaurant.
 - (10) **Retail establishment.** An establishment engaged in selling merchandise for personal or household consumption and rendering services incidental to the sale of the goods. Such establishments will have the following characteristics: the establishment is usually a place of business and is engaged in activities to attract the general public to buy; the establishment buys or receives merchandise as well as sells; the establishment may process its products, but such processing is incidental or subordinate to selling; the establishment is considered as retail in the trade; and the establishment sells to customers for business or personal use.
 - (11) **Rezoning.** A change from one district to another. Rezonings can take two forms:
 - A. A comprehensive revision or modification of the zoning map; or
 - C. A change in a portion of the map, i.e., the zoning designation of a particular parcel or parcels.
 - (12) **Right-of-way.** A strip of land taken or dedicated for use as a public way. As a roadway, it normally incorporates the curbs, tree lawns, 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.

- (13) **Roadside stand.** A temporary structure designed or used for the display or sale of agricultural and related products.
- (14) **Roof.** The top covering of a building constructed to shield the area beneath from the weather. The term "roof" includes the term "canopy."
- (15) **Roof line.** The deck line of a mansard roof, the ridge of a saddle, hip, gable, gambrel, or ogee roof; or the highest point of the coping of a flat roof for a multi-family dwelling or a nonresidential use or the midpoint of a mansard roof; the midpoint between the ridge and eaves of a saddle, hip, gable, gambrel, or ogee roof; or the highest point of the coping of a flat roof for a single or two family dwelling.
- (16) **Roomer.** An occupant of a rooming house or rooming unit or an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit.
- (17) **Rooming house.** Any dwelling, or that part of any dwelling containing one or more rooming units. Bath and toilet facilities and a communal kitchen and dining area may be made available for use of all the occupants.
- (18) **Rooming unit.** Any habitable room or group of adjoining habitable rooms located within a rooming house and forming a single unit with facilities which are used, or intended to be used, for living and sleeping, but not for cooking. A rooming unit may have bath and toilet facilities available for exclusive use of the occupants of the rooming unit.
- (19) **Row house.** See "Townhouse."
- (s) (1) **Salvage yard.** A place where waste, discarded or salvaged materials are bought, stored, recycled, sold, exchanged, baled, packed, disassembled or handled. This definition includes auto wrecking yards, junk yards, tire shredding operations, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials, and equipment, composting operations, and recycling centers. This definition does not include pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment; used cars in operable condition; salvaged materials incidental to manufacturing operations; or sanitary landfills.
- (2) **School, generalized public or private instruction.** A public or private school which includes any of the following: elementary and secondary schools below university level (ordinarily grades 1 through 12), including denominational and sectarian; kindergartens; military academies; and colleges, universities, and professional schools, granting academic degrees and requiring for admission at least a high school diploma or equivalent general academic training.
- (3) **School, specialized public or private instruction.** A public or private school which includes any of the following: establishments primarily engaged in offering data processing courses in programming and in computer and peripheral equipment operation; establishments primarily engaged in offering

courses in business machines operation, office procedures, and secretarial and stenographic skills; establishments primarily engaged in offering specialized trade or commercial courses, not elsewhere classified; specialized non-degree granting schools, not elsewhere classified, such as music schools, dramatic schools, language schools, and Civil Service and other short term examination preparatory schools; and establishments primarily engaged in operating dance studios and schools.

- (4) **Seat.** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, chairs, or each 20 lineal inches of space on benches or pews.
- (5) **Separate tract.** An abutting group of lots which are developed for a use or uses which share common facilities, e.g. off-street parking, loading and driveways. A separate tract shall be considered as a single lot in the application of the requirements of this Code.
- (6) **Setback line.** A line established by this Code that is parallel with and measured from the lot line and defines the limits of a yard within which no building or structure may be located above ground, except as may be provided by this Code. The area between the setback line and the lot line is referred to in this Code as the required yard.
- (7) **Sexual activity.** Activities which include the following:
 - A. The fondling or other erotic touching of anatomical areas;
 - B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - C. Masturbation, actual or simulated;
 - D. Excretory functions as part of or in connection with any of the activities set forth in A through C above; or
 - E. Physical contact in the form of wrestling or tumbling between persons of the opposite sex.
- (8) **Sidewalk.** That portion of the street right- of-way outside the traveled surface which is improved for the use of pedestrian traffic.
- (9) **Special exception.** See "Conditional use."
- (10) **Stacking space.** An asphalt, concrete or similar permanent dust free surface which is designed to accommodate a motor vehicle waiting for entry to an automobile and truck oriented use, which is located in such a way that a parking space or access to a parking space is not obstructed, and which is at least nine (9) feet in width and 19 feet in length.
- (11) **Story.** That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.
- (12) **Street.** A way that is open to the public for use of vehicular traffic as a matter of right, is a minimum of 30 feet in width, and has a driving surface which

either meets the City's specifications or is acceptable to the City Engineer for vehicular traffic. A street may exist as a public street if it is owned or controlled by the City or as a private street if it is owned and maintained by persons other than the City. This definition includes the term avenue, boulevard, circle, drive, highway, lane, parkway, road, thoroughfare, or any other similar term.

- (13) **Street, arterial.** A street whose principal function is to provide for through traffic and is designed to carry large volumes of traffic. Primary and secondary arterial streets are designated on the Land Use
- (14) **Street, collector.** A street whose principal function is for carrying traffic from local streets to arterial streets and which is required by Part Twelve, SUBDIVISION REGULATIONS, of the *Codified Ordinances of Springfield* to have a right-of-way width of 60 feet.
- (15) **Street, cul-de-sac.** A local street terminating in a turnaround.
- (16) **Street, local.** A street used primarily for access to abutting property and which is required by Part Twelve, SUBDIVISION REGULATIONS, of the *Codified Ordinances of Springfield* to have a right-of-way width of 50 feet.
- (17) **Street, private.** A right-of-way or easement in private ownership, not dedicated or maintained as a public street, and which affords the principal means of access to two or more lots or to condominium units.
- (18) **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground. This definition includes but is not limited to buildings, mobile homes, sheds, radio and television towers, dish antennas, solar devices, swimming pools, walls, fences, billboards, heat pumps, air conditioning compressors, animal shelters, and signs. This definition excludes vehicles and sidewalks, paving and other flat surfaces at grade.
- (19) **Structural enlargement.** Any change in the configuration of the exterior walls, foundation or the roof of a building which results in an increase in the area, height or volume of the building.
- (20) **Sub-standard lot.** See "non-conforming lot."
- (21) **Swimming pool, private.** Any pool, pond, lake or open tank at, above or below the grade, enclosed or unenclosed, and containing or normally capable of containing water to a depth of any point greater than three (3) feet.
- (t) (1) **Temporary structure/building.** Any building or structure which is placed on a lot without a permanent foundation.
- (2) **Temporary emergency recovery use.** A temporary structure used during the reconstruction or restoration or replacement of a structure damaged by an emergency event, the use of which is limited to the use to which the damaged structure was being put immediately prior to the emergency event and that is authorized by the Community Development Director to be conducted for a fixed period of time sufficient for the damaged structure to be reconstructed or restored or replaced.
(Ord. 03-315. Passed 9-16-03)
- (3) **Theater.** A building used primarily for the presentation of live stage productions, performances, or motion pictures.

- (4) **Townhouse.** A complex containing not less than three (3) nor more than six (6) attached single-family dwellings (townhouse units) with each single-family dwelling being located on a separate lot.
- (5) **Thoroughfare Plan.** The Official Thoroughfare Plan, as adopted and as amended from time to time by the Planning Board having jurisdiction, establishing the general location of arterial and collector streets in the City and on file in the City Community Development Department.
(Ord. 03-288. Passed 8-19-03.)
- (6) **Tattoo Parlor.** An establishment where pigments are applied under the skin below the neck, above the ankle, and above the wrist for decorative body art.
(Ord. 03-244. Passed 7-8-03.)
- (u) (1) **Unenclosed structure.** A structure that may contain a roof but is not enclosed on more than two (2) sides by walls or fences. See "Enclosed."
- (2) **Use.** The specific purpose or activity for which land, structures or a portion thereof is designated, arranged, intended, or for which it is or may be occupied or maintained.
- (3) **Use, accessory.** See "Accessory structure/use."
- (4) **Use, non-conforming.** See "Non-conforming use."
- (5) **Use, permitted.** See "Permitted use."
- (6) **Use, principal.** See "Principal use."
- (7) **Use, provisional.** See "Provisional use."
- (v) (1) **Vacation.** The process by which the City discontinues the use of a street, alley, or easement as a public way.
- (2) **Variance.** A modification of the strict terms of the relevant regulations where such modification 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 the regulations would result in "unnecessary and undue hardship" or a "practical difficulty." The authority to grant variances is vested in the Board of Zoning Appeals.
- (3) **Variety store.** An establishment engaged in the retail sale of a variety of merchandise in the low to middle price ranges. These stores do not carry a complete line of merchandise, are not departmentalized, and do not deliver merchandise. These stores are distinguished from other similar stores listed in the 1987 *Standard Manufacturing Classification Manual*, Major Group 53, General Merchandise.
- (4) **Vehicle.** Every device in, upon or by which any person or property is or may be transported or drawn upon a street.
- (5) **Vehicle, storage of.** A vehicle or portion thereof which is parked in the same position for a period of 48 hours or more.
- (6) **Veterinary animal hospital or clinic.** A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for their treatment, observation, and/or recuperation. It may also include boarding that is incidental to the primary activity. This definition does not include a kennel.
- (w) (1) **Walkway.** A public way that is at least three (3) feet or more in width for

- pedestrian use, whether within a street or not. See "Sidewalk."
- (2) **Warehouse, wholesale or storage.** A building or premises in which goods or equipment are stored for eventual sale or distribution.
 - (3) **Wrecking yard.** See "Salvage yard."
- (x) **Reserved.**
- (y)
- (1) **Yard.** A required area on a lot unoccupied by structures above grade except for projections and the specific minor uses or structures allowed in such area under the provisions of this Code. A yard extends from the grade upward.
 - (2) **Yard, front.** The required area across a lot between the front yard line and the street right of way line. In the case of a double frontage lot, the front yard is along the local street and the rear yard is along the arterial street.
 - (3) **Yard, rear.** The required area from one side lot line to another side lot line and between the rear yard line and the rear lot line.
 - (4) **Yard, side.** The required area from the front yard line to the rear yard line and from the side yard line to the side lot line.
 - (5) **Yard line, front.** A line from one side lot line to another side lot line, parallel to the street, and as far back from the street as required in this Code for the front yard.
 - (6) **Yard line, rear.** A line parallel to the rear lot line and as far forward from the rear lot line as required by this Code. See "Lot line, rear."
 - (7) **Yard line, side.** A line parallel to the side lot line and as far from the side lot line as required by this Code.
- (z)
- (1) **Zone.** See "District."
 - (2) **Zoning certificate.** A document issued by the Director of Community Development or his/her designee which indicates that the proposed use of land meets the requirements of this code.
 - (3) **Zoning map.** The map delineating the boundaries of districts which, along with the zoning text, comprises the Zoning Code.
- (Ord. 02-177. Passed 4-16-02.)