

FIRST READING: 11.13.17
SECOND READING: 11.27.17
THIRD READING: 5.29.18

AMENDED
ORDINANCE NO. 81-17

BY: JOHN B. SHEPHERD

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF ROCKY RIVER, SECTION 1123.02 OF THE DEVELOPMENT CODE ENTITLED "DEFINITIONS", AS FURTHER DESCRIBED IN THE ATTACHED EXHIBIT "A"

WHEREAS: the Administration of the City of Rocky River, has deemed it necessary to amend Section 1123.02(b)(13) of our Codified Ordinances regarding definition for bed and breakfast establishment; and

WHEREAS: it is the desire of the Administration and Council of the City of Rocky River that Section 1123.02(b)(13) of the Codified Ordinances of the City of Rocky River concerning the definition for bed and breakfast establishment be amended, as further described in the attached Exhibit "A".

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROCKY RIVER, COUNTY OF CUYAHOGA, STATE OF OHIO:

SECTION 1. That Section 1123.02(b)(13) of the Codified Ordinances of the City of Rocky River entitled "Definitions" be amended as further described in the attached Exhibit "A".

SECTION 2. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: May 29th, 2018

JAMES W. MORAN
President of Council

PRESENTED
TO MAYOR: May 29th, 2018 APPROVED: May 29th, 2018

ATTEST:

A Susan G. Pease
SUSAN G. PEASE
Clerk of Council

Pamela E. Bobst
PAMELA E. BOBST
Mayor

I, the undersigned clerk of council of the city of Rocky River, State of Ohio, do hereby certify that publication of the foregoing ordinance was duly made by posting a true copy thereof in the lobby of the Rocky River City Hall, in accordance with the charter of Rocky River, commencing on the 29th day of May, 20 18.

A Susan G. Pease
Clerk of Council of the City of Rocky River, Ohio

City of Rocky River } ss
County of Cuyahoga }

THE UNDERSIGNED CLERK OF THE COUNCIL OF THE CITY OF ROCKY RIVER, OHIO DOES HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 81-17 ADOPTED BY THE COUNCIL OF SAID CITY ON THE 29th DAY OF May, 20 18, THAT THE PUBLICATION OF SUCH ORDINANCE HAS BEEN MADE AND CERTIFIED OF RECORD ACCORDING TO LAW; THAT NO PROCEEDINGS LOOKING TO A REFERENDUM UPON SUCH ORDINANCE HAVE BEEN TAKEN; THAT SUCH ORDINANCE AND THE CERTIFICATE OF PUBLICATION THEREOF, ARE OF RECORD IN ORDINANCE RECORD NO. 81-17

IN WITNESS WHEREOF, I HAVE HEREUNTO SUBSCRIBED MY NAME AND AFFIXED MY OFFICIAL SEAL THIS 29th DAY OF May, 20 18.

A Susan G. Pease
CLERK OF COUNCIL OF THE CITY OF ROCKY RIVER, OHIO

1123.02 DEFINITIONS.

(a) Words used in this Code are used in their ordinary English usage.

(b) For the purpose of this Development Code, the following terms shall have the meaning herein indicated:

(1) Abut. To physically touch or border upon; or to share a common property line but not overlap.

(2) Accessory building. See Building, accessory.

(3) Accessory structure. A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal building, such as but not limited to fences, flagpoles, gazebos, etc. See also Structure.

(4) Adjacent. See abut.

(5) Adult care facility. A facility providing personal care services to adults (typically elderly). Such services may include assistance in daily living activities and self-administration of medicine, and preparation of special diets. There are two categories of adult care facilities licensed by the Ohio Department of Health:

A. An adult family home (providing accommodations for 3 to 5 unrelated adults); and,

B. An adult group home (providing accommodations for 6 to 16 unrelated adults).

(6) Animal hospital/clinic. A facility where domestic animals are given medical or surgical treatment and the boarding of animals occurs only as an incidental use for not more than 30 days.

(7) Architectural compatibility. A design or material/color selection is compatible when it does not strongly deviate from its parent building or the overall character of the neighborhood. To be compatible does not require look alike designs, but rather designs that reflect some aspects of its parent building or buildings in the general vicinity, such as scale of windows, overhangs, building materials, patterns of siding, roof slope. Conversely, incompatibly occurs when an architectural design, landscape design or accessory building proposal is aesthetically harsh or overwhelming in comparison to its neighbors.

(8) Assembly hall. An establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduations parties and business or retirement functions. This term includes, but is not limited to, a banquet hall or rental hall.

(9) Automobile service station. (See also Gasoline Station): A building, part of a building, structure or space which is used for the retail sale of gasoline, lubricants, and motor vehicle accessories, the routine maintenance and service of vehicles and the making of repairs to motor vehicles. Repairs described under VEHICLE REPAIR GARAGE shall not be permitted.

(10) Average. The result of dividing the sum of two or more quantities by the number of quantities.

(11) Bank. An establishment providing retail banking, credit and mortgage services. This term shall not include a currency exchange, a payday loan agency or a title loan agency.

(12) Basement or cellar. That portion of a building located partly underground but having at least 1/2 of its clear floor-to-ceiling height below the average grade of the adjoining ground.

(13) Bed and breakfast establishment. ~~A residential building, other than a hotel or motel, where overnight lodging, together with breakfast, is offered to the general public in exchange for a daily fee. See Boarding House and Limited Lodging below.~~

A. **Boarding House** means the accessory use of a dwelling unit not occupied as a single family unit in which a lodger or individual rents bedroom accommodations with or without kitchen or other living common area for a period of time of thirty (30) continuous

days or more, when the dwelling unit is not occupied by the owner. A boarding house may also be known as a “rooming house”. Boarding House accommodations are not permitted in single or two-family residential districts within the City.

B. Booking Agent means any person or entity that facilitates reservations or collects payments for limited lodging accommodations on behalf of the property owner or primary resident.

C. Limited Lodging means the accessory use of all or part of a dwelling unit through a rental for temporary, transient occupancy for dwelling, sleeping or lodging, for a period of time not to exceed twenty-nine (29) continuous days. Limited lodging includes the arrangement of such rental by either the owner of the dwelling unit directly, or through a booking agent, but does not include a guest suite in a multi-family dwelling available for guests of residents of said dwelling. Limited lodging may also be known as a bed and breakfast. Limited lodging accommodations shall not be permitted in any residential zoning district or in any multi-family residential dwelling within the City. Limited lodging is a permitted use in office, business, service manufacturing and mixed-use overlay districts.

(14) Berm. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

(15) Block. An area of land bounded by streets, public or common land, railroad rights of way, shore lines or by other definite limits.

(16) Block face. A single side of a dedicated street running from street to street including parcels and public right-of-way.

(17) Buffer or buffer yard. A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

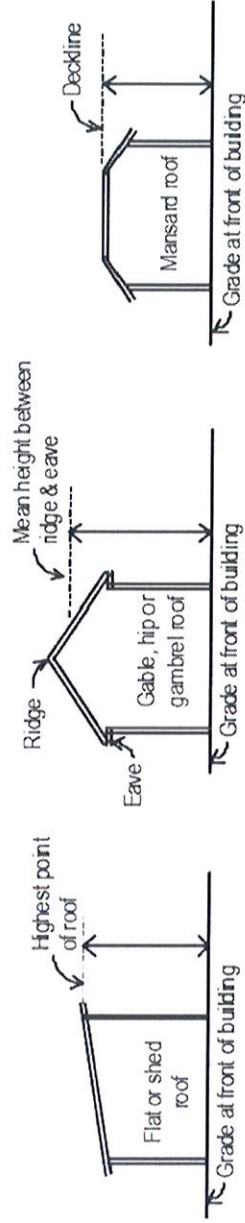
(18) Building. Any structure, which is permanently affixed to the land, having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals, or property.

A. Building, accessory. A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use and which is constructed subsequent to the principal building or main use of the land, such as but not limited to a detached garage, storage shed, etc.

B. Building, principal. A building occupied by the principal use of the lot on which said building is located.

(19) Building height. The vertical distance, measured from the average elevation of the finished grade at the front of the building to the highest point of the roof for a flat roof; to the decklines of mansard roofs; and to the mean height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height shall be measured from the average finished grade at the building walls. See Figure 1. See Section 1181.01, Supplementary Height Regulations.

Figure 1.
Building Height



(20) Building line. An imaginary linear extension of the building parallel or substantially parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the corner side yard.

(21) Building wall. In the context of Chapter 1193, Sign Regulations, any vertical surface of a building or structure (other than a pitched roof) that is integral to, and could reasonably be constructed as a part of, the architecture of the building when signage is not being contemplated.

(22) Carport. A roofed structure, with a foundation, that provides space for the parking of vehicles and enclosed on not more than three (3) sides. **Such a structure shall be an accessory structure to a garage and shall not exceed one hundred fifty (150) square feet in area.**

(23) Car wash. A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.

(24) Cellar. See Basement.

(25) Cemetery. Cemetery means land used or intended to be used for the burial of the human or animal dead, and which is dedicated for cemetery purposes. Cemetery includes mausoleums and mortuaries if operated in connection with, and within the boundaries of a cemetery. This term shall not include crematoriums.

(26) Church. A building or structure used for public worship. The word "church" includes the words "place of worship," "house of worship," "chapel," "synagogue" and "temple" and their uses and activities that are customarily related.

(27) City Engineer. As defined in Section 144.01 of the Codified Ordinances of the City of Rocky River.

(28) Civic center. Grouping of municipal, government, and/or cultural facilities including associated parks and plazas.

(29) Cluster Residential Development. An area of land to be planned and developed as a single residential development, in which a variety of housing/dwelling units may be accommodated and the minimum lot size and setback requirements may be modified to achieve particular design objectives, while maintaining the same overall density limitations of the district in which the cluster residential development is located, and allowing for the flexible arrangement and clustering of dwellings.

(30) Commercial motor vehicle. Any motor vehicle that is designed and intended and/or used for the carrying of merchandise or freight and the carrying out of any commercial activity including, but not limited to, the following:

- A. Box truck
- B. Flat truck

- C. Tow truck
- D. Construction vehicle
- E. Dump truck
- F. Parcel delivery truck
- G. Panel truck
- H. Vehicles that have winches or snow plows attached
- I. Van or pick up with a manufacturer's nominal rated carrying capacity of more than one ton
- J. Van or truck that displays and/or advertises a company name or logo on the side of the vehicle

(31) Common area/property. Any land area and/or facilities that is held in common ownership by the residents through a homeowners' association, community association or other legal entity, or which is held by the individual members of a condominium association as tenants-in-common.

(32) Commercial Recreation, indoor. A facility primarily used for the indoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a health club.

(33) Commercial Recreation, outdoor. A facility primarily used for the outdoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf or mini-golf course/facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement or water park. This term does not include a sports facility or a health club.

(34) Compliance, Certificate of Zoning. An official statement asserting that a given building, other structure or parcel of land is in compliance with the provisions of all existing codes, or is a lawfully existing non-conforming building or use and, hence, may be occupied and used lawfully for the purposes designated thereon.

(35) Conference center. A commercial facility used for trade shows, assemblies or meetings, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.

(36) Congregate care facility. A residential facility that provides for the needs of individuals who are elderly or handicapped. The facility shall consist of residential dwelling units or rooms designed specifically for the elderly or handicapped, and may have common social, recreational, dining and/or food preparation facilities. The facility may be for independent living and/or may provide the residents with a range of personal and medical assistance including nursing care.

(37) Contour. An imaginary line connecting all points with the same elevation above or below a fixed base point whose elevation is known.

(38) County. Cuyahoga County, Ohio.

(39) Court. "Court" means an open space other than a yard, bounded on two (2) or more sides by exterior walls of the building, or bounded by exterior walls of a building and lot lines.

(40) Crematorium. A facility that burns human dead to ashes.

(41) Cultural institution. An institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.

(42) Day care 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, pre-school, adult day care center, or other supplemental care facility. This term does not include a family day care home. (See the definition of family day care home below.)

A. Adult day care center. An adult day care center shall not include a convalescent home, hospital or any other full-time care facility.

B. Child day care center. Any place that provides day care or publicly funded day care to 13 or more children at one time; or any place that is not the residence of the licensee or administrator where child day care is provided to 7 to 12 children at one time.

(43) Density. The number of dwelling units permitted per acre of land.

(a) Density, Gross. Gross density means the number of dwelling units permitted per acre of total land area.

(b) Density, Net. Net density means the number of dwelling units permitted per acre of land when the acreage involved includes only the land devoted to residential uses and excluding land dedicated to public thoroughfares or other unbuildable land areas, if applicable.

(44) Developer. Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this Development Code to effect a development of land hereunder for himself or for another.

(45) Development. Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land, such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

(46) Drive-thru facility. Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include Car Wash, Gasoline Station, and Automobile Service Station.

(47) Driveway. A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, or other structure.

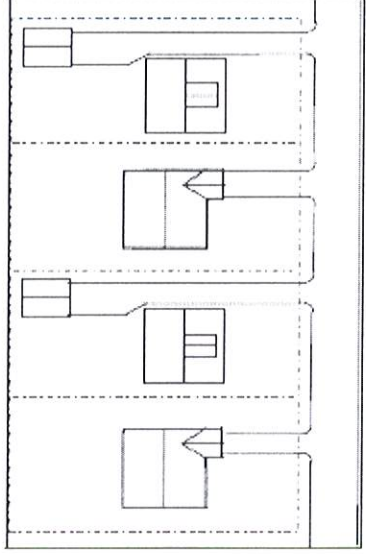
(48) Dwelling. Any building or portion thereof, containing one or more dwelling units designed for or occupied exclusively for residential purposes, including single-family, two-family and multi-family dwellings as defined herein.

(49) Dwelling, attached single-family. Dwelling units that are structurally attached to one another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.

(50) Dwelling, single-family detached grouped. A dwelling unit which is designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units on a site in an arrangement. The single-family detached grouped dwelling does not need to be located on its own subdivided lot, but shall comply with all applicable requirements.

(51) Dwelling, detached single-family. A dwelling unit designed and used for one (1) family situated on a lot having a front, side and rear yard and separated from all other dwelling units by open space from ground to sky. See also Figure 2.

Figure 2.
Detached Single-Family Dwellings



- (52) Dwelling, multi-family. A dwelling designed for three (3) or more dwelling units, occupied by three (3) or more families living independently of each other where the units are separated by party walls with varying arrangements of entrances, and which does not meet the definition of attached single-family dwelling units. This term includes the conversion of non-residential buildings to residential use.
- (53) Dwelling, two-family. A dwelling, having the exterior appearance of a single-family house, designed for or converted to contain two (2) dwelling units, occupied by two (2) families living independently of each other.
- (54) Dwelling, one-story. "One-story dwelling" means a dwelling in which there are no habitable rooms above the first floor.
- (55) Dwelling, one and one-half story. "One and one-half story dwelling" means a dwelling in which the areas of the habitable rooms on the second floor are substantially less than the areas of habitable rooms on the first floor.
- (56) Dwelling, studio efficiency. A dwelling unit in which the living-dining area and sleeping facilities are all located within one (1) room.
- (57) Dwelling unit. One or more habitable rooms comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family.
- (58) Easement. A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.
- (59) Equipment service. Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar equipment, and the rental of recreational and commercial motor vehicles. This term includes incidental indoor storage, maintenance, and servicing of such equipment.
- (60) Façade. That portion of any exterior elevation on the building extending from grade to the top of the parapet, wall, or eaves and the entire width of the building elevation.
- (61) Family. "Family" means an individual or two or more persons, each related to the other by blood, marriage, or adoption, or foster children as defined in Section 1123.02 (b) (67) and not more than two additional persons not related as set forth above, all living together as a single housekeeping unit and using common kitchen facilities.
- (62) Family day care home. A residence used to provide childcare as detailed below:

A. Type A. A permanent residence of the day care provider in which child day care or publicly funded day care is provided for 7 to 12 children at one time; or, a permanent residence of the day care provider in which child day care is provided for 4 to 12 children at one time if 4 or more of these children are under two years of age. Such facilities shall be licensed as mandated by Chapter 5104 of the ORC.

B. Type B. A permanent residence of the day care provider in which child day care is provided for 1 to 6 children at one time. No more than 3 of these children shall be under two years of age at one time.

(63) Fence. Any structure composed of wood, steel or other material erected in such a manner and positioned to enclose or partially enclose any premises or part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position to enclose any premises or part of any premises shall be included within the definition of the word "fence". Structures erected other than on lot lines or in close proximity to lot lines, which have solely an ornamental purpose and which do not serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within the definition of the word "fence". For the purposes of this Development Code, a fence erected upon a graded earth mound shall be measured from the average site grade, prior to the addition of the mound, to the tallest element of the fence. Specific types of fences include:

A. Barbed wire. "Barbed wire fence" means a fence made with metal wire having sharp points, razors, or barbs along its length.

B. Chain link. "Chain link fence" means a fence made of vinyl-clad metal loops interconnected in a series of joined links.

C. Electrified. "Electrified fence" means all fences or structures, included or attached to any device or object which emits or produces an electrical charge, impulse or shock when the same comes into contact with any other object, person or animal or which causes or may cause burns to any person or animal.

D. Ornamental. "Ornamental fence" means a fence constructed for its beauty or decorative effect and when viewed at a right angle, has not less than seventy-five percent (75%) of the area of its vertical plane, the area within a rectangular outline enclosing all parts of the fence in its plane, open to light and air. Ornamental fences include:

(i) "Rail fence" or "split-rail fence" means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts; and,

(ii) Wrought iron fences, decorative steel fences, and aluminum fences.

E. Privacy. "Privacy fence" means a fence made to inhibit public view and provide seclusion and when viewed at right angles, has less than twenty-five percent (25%) of the area of its vertical plane open to light and air, except as provided for below. Privacy fences include:

(i) "Basket weave fence" or "woven fence" which means a fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.

(ii) "Louver fence" or "ventilating fence" which means a fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.

(iii) "Board on board fence" or "picket fence."

(iv) "Stockade fence" or "palisade fence" means a fence constructed with a row of stakes, pales or pickets placed upright against each other and having at least fifty percent (50%) of the area of its vertical plane closed to light and air.

(64) Financial institution. See bank.

(65) Floor area, gross. The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two (2) or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery penthouses or floor space used for accessory off-street parking. However, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

(66) Floor area, net. The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

(67) Foster child. "Foster child" means a person under eighteen (18) years of age who is placed in a dwelling units by an institution or agency, licensed or approved by an appropriate State-regulating agency to place foster children.

(68) Freestanding drive-thru facility. A facility whose only use is transacting business with customers located in a motor vehicle during such business transaction.

(69) Funeral home. A building or part thereof used for human funeral services. Where a funeral home is permitted, a funeral chapel shall also be permitted. Such building may contain space and facilities for:

A. Embalming and the performance of other services used in preparation of the dead for burial;

B. The performance of autopsies and other surgical procedures;

C. The storage of caskets, funeral urns, and other related funeral supplies;

D. The storage of funeral vehicles; and,

E. May include facilities for cremation.

(70) Garage. A building, or part thereof, used or intended to be used for the parking and storage of vehicles.

(71) Gasoline station. (See also Automobile Service Station): An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include accessory facilities available for the sale of other retail products.

(72) General development concept. A plan that indicates the overall, general design of an entire proposed development project. Drawings and maps including all the elements set forth in Section **1137.25**, Submission Requirements for General Development Concept.

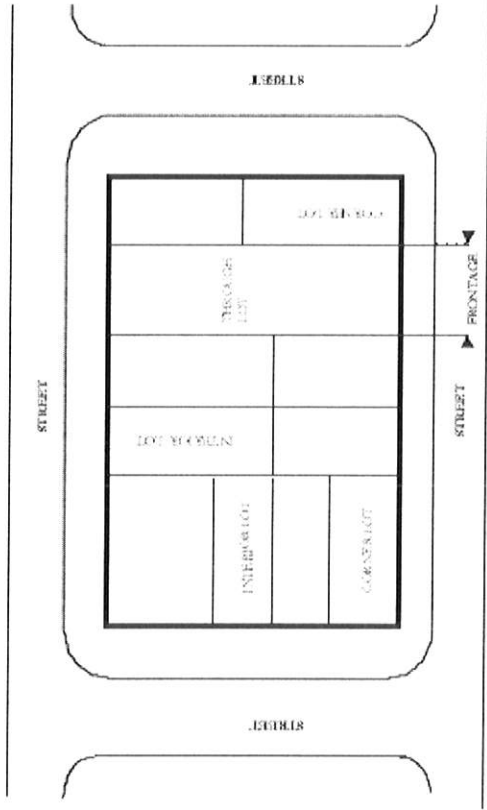
(73) Golden age center. A development or institution providing dwelling facilities for three (3) or more persons, principally of the retirement age who may or may not be dependent upon the services of others and who are not related to the owner or operator, and which must include rest, nursing or other health facilities as set forth in Ohio R.C. Chapter 3721, and may include dining, recreational and other related facilities and services.

(74) Grade. Grade shall mean the vertical alignment of a surface of land, as it exists or as rendered by cut and/or fill activities.

- (75) Grade, established street. "Established street grade" means the elevation established by the City at the roadway centerline or curb in front of the lot.
- (76) Grade, finished. "Finished grade" means the elevation of the finished surface of the ground adjoining the building after final grading and normal settlement.
- (77) Grade, natural. "Natural grade" means the elevation of the undisturbed natural surface of the ground prior to any excavation or fill.
- (78) Grading. The rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.
- (79) Habitable space. Spaces in a building for living, sleeping, eating and cooking. Bathrooms, toilet rooms, closets, storage or utility areas and similar areas are not considered habitable space.
- (80) Health club. An establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.
- (81) Historic district. A geographically definable area possessing a significant concentration, linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.
- (82) Home occupation. Any use or profession conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change its character.
- (83) Homeowners' association. A community association that is organized within a development in which individual owners share common interests and responsibilities for open space, landscaping, private roads, or other such facilities.
- (84) Hospital. A facility which provides accommodations and continuous services for the sick and injured which may include pediatrics, obstetrical, medical, surgical, psychiatric or extended care, generally for a limited period of time.
- (85) Hotel/motel. A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court or otherwise. This definition shall not include emergency or transitional housing.
- (86) Household. A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.
- (87) Improvements. The term means street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.
- (88) Landscaped area. An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.
- (89) Library. A facility in which literary, musical, artistic or reference materials, such as, but not limited to, books, manuscripts, computers, recordings or films are kept for use or loaning to patrons of the facility, but are not normally offered for sale.
- (90) Loading space, off-street. An area located completely outside of any public right-of-way and on the same lot with a building or contiguous to a group of buildings, for the temporary parking of vehicles entering the premises for loading or unloading merchandise or materials.

- (91) Lot. A parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards/setback and other open spaces as are required by this Development Code. A lot may consist of the following:
- A. A single lot of record;
 - B. A portion of a lot of record;
 - C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or portions of lots of record.
- (92) Lot area. See lot size.
- (93) Lot coverage. That portion of a lot, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water.
- (94) Lot coverage by building. That portion of a lot that is occupied by any principal and/or accessory buildings, excluding unroofed steps, patios, terraces, and similar structures. Building coverage is measured from exterior wall to exterior wall.
- (95) Lot frontage. That portion of the lot extending along the street right-of-way.
- (96) Lot line. The boundary line defining the limits of the lot. Lot line is synonymous with "property line."
- A. Lot line, front. The line separating an interior lot from the street right-of-way on which the lot fronts. On a corner lot, the street right-of-way with the least amount of street frontage shall be the front lot line.
 - B. Lot line, rear. The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
 - C. Lot line, side. Any lot line other than a front or rear lot line.
- (97) Lot of record. A lot which is part of a subdivision, the part of which has been recorded in the office of the County Recorder, or a lot or parcel of land described by metes and bounds, the description of which was recorded, prior to adoption of this Development Code.
- (98) Lot size. The total horizontal area contained within the lot lines exclusive of any portion of the right-of-way of any public street.
- (99) Lot types. Terminology used in this Development Code with reference to corner lots, interior lots and through lots is as follows. See also Figure 3 for an illustration of lot types.
- A. Lot, corner. A lot which adjoins the point of intersection or meeting of two (2) or more streets and in which the interior angle formed by the street lines is 135 degrees or less.
 - B. Lot, interior. A lot abutting or with frontage on only one street.
 - C. Lot, through. A lot having frontage on 2 parallel or approximately parallel streets.

Figure 3 - Illustration of Lot Types



- (100) Lot width. The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line.
- (101) Lot zoning. A parcel of land not separated by street or alley that is designated by its owner or developer at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. Unless the context clearly indicates otherwise, such as a non-conforming lot, the term "zoning lot" is used synonymously with "lot" herein. As long as it satisfies the above requirements, such lot may consist of:
- A. A single lot of record, or;
 - B. A portion of lot of record, or;
 - C. A combination of complete lots and portions of lots of record, or portions of lots of record.
- (102) Manufacturing, light. An establishment engaged in the indoor manufacturing, assembly, fabrication, packaging or other industrial processing of finished parts or products, primarily from previously prepared materials, or the indoor provision of industrial services, where there are few external effects across property lines. This term includes, but is not limited to, a business engaged in the processing, fabrication, assembly, treatment or packaging of food, packaging of beverages, textile, leather, wood, paper, chemical, plastic or metal products, but does not include basic industrial processing from raw materials.
- (103) Marina. A boat basin that has docks or moorings for seven or more watercraft as defined in section 1547.01 of the Ohio Revised Code. "Marina" does not include:
- A. Any dock or mooring contiguous to a privately owned residence and used exclusively by the owner and the owner's guests;
 - B. Any dock, mooring, or other area where watercraft are stored or in storage;
 - C. Any dry dock or shipyard where the watercraft are being held for maintenance or repairs;
 - D. Any boat basin where all of the watercraft moored are rowboats, canoes, pedal boats, or other watercraft propelled by human muscular effort;

E. Any dock or mooring on inland lakes used by the owner, or guests of the owner, of a private residence located on land that is contiguous to land, owned by this state or an agency or political subdivision of this state, contiguous to the dock or mooring;

F. Any boat basin located on waters where the watercraft used are normally unsuited for the installation of on-board permanent sanitary systems.

(104) Medical/dental/health services clinic. An establishment where human patients are examined and treated by a group of dentists, physicians or similar medical professionals. Clinics provide outpatient service only, including outpatient surgery. This term does not include a hospital. This term also does not include cultivating, processing, or dispensing medical marijuana. (Ord. 39-16. Passed 9-6-16.)

(105) Membership clubs. An incorporated or unincorporated association of persons

organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.

(106) Monuments. "Monuments" means permanent markers used to establish definitely all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment.

(107) Motor vehicle body shop. An establishment providing the repair or rebuilding of motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.

(108) Motor vehicle, inoperable. A vehicle that cannot be driven upon the public streets for reasons including, but not limited to, being unlicensed, wrecked, abandoned, in a state of disrepair or incapable of being moved under its own power.

(109) Motor vehicle rental. An establishment where contracts are prepared or reservations accepted for the rental or leasing of motor vehicles. This term includes outdoor display of vehicles and only minor on-premise maintenance of vehicles, but does not include a tool/equipment rental facility.

(110) Motor vehicle sales. An establishment providing wholesale and retail sale of motor vehicles, including incidental storage and maintenance.

(111) Non-conformity. A lot, use of land, building, site conditions, use of buildings, or use of buildings and land in combination lawfully existing at the time of enactment of this Development Code or its amendments, which do not conform to the current regulations of the district or zone in which it is situated or other regulations in this Development Code.

A. Non-conforming building. A building existing lawfully when this Development Code, or any amendment thereto, became effective, but which does not conform to the current regulations governing buildings and structures of the district in which it is located.

B. Non-conforming lot. A lot lawfully existing on the effective date of this Development Code or any amendment thereto, which on such effective date, does not conform to the current lot area, access, lot width, frontage, or other requirements of the district in which it is located.

C. Non-conforming site condition. A site improvement that was legally established, but no longer conforms with the regulations in the Development Code.

D. Non-conforming use. Any building or land lawfully occupied by a use on the effective date of this Development Code or any amendment thereto, which does not conform to the current use regulations of the district in which it is situated.

(112) Nursing home. An establishment providing full-time nursing and medical care to three (3) or more people, not related by blood or marriage, who, by reason of chronic illness, are unable to care for themselves. Hospitals shall not be included in this definition.

(113) Office, administrative/business/professional. An establishment within which specific services are conducted with other businesses, individuals, organizations or corporate customers, generally on a contractual basis, and not involving the retail sales of merchandise on the premises for walk-in traffic from the street.

(114) Office, medical/dental. Facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which do not provide overnight care or serve as a base for an ambulance service. Medical/dental facilities are operated by doctors, dentists, or similar practitioners licensed by the State of Ohio. Emergency treatment is not the dominant type of care provided at this facility. Medical/dental office includes establishments providing support to medical professionals and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services. This term does not include cultivating, processing, or dispensing medical marijuana.

(Ord. 39-16. Passed 9-6-16.)

(115) Outdoor display/sales. Merchandise placed in an outdoor area that is open to the general public, when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public directly from the display area.

(116) Outdoor storage. The storage of goods, materials, merchandise or vehicles in an area outside of a building or structure in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.

(117) Park. A tract of land, designated and used by the public, for active and/or passive recreation.

(118) Parking lot. An outdoor paved area made up of marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area or parking facility.

(119) Parking space, off-street. An open or enclosed area, defined by painted lines, raised curbs or a combination thereof, outside the public street right-of-way that is used for the parking or temporary storage of registered and licensed motor vehicles

(120) Parking lot, restricted. A parking lot located in a zoning district in which the principal use served is not permitted by right or a conditional use.

(121) Parking structure. A building or structure consisting of more than one (1) level and used to store motor vehicles.

(122) Performance guarantee. A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

(123) Performance standard. A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.

(124) Permanent parcel number. "Permanent parcel number" means a number assigned to each parcel of land within the corporate limits and consisting of three (3) parts separated by a hyphen as follows: (part 1) the City's Plat Book Number, (part 2) the Page Number in Plat Book where the plat is recorded, (part 3) the lot number on the page.

(125) Place of Worship. See Church.

(126) Plan, community facilities. The plan which shows the location and extent of existing, planned and proposed parks, playgrounds, public land and buildings and other public facilities for the City, duly adopted or officially accepted, separately or as a part of the Master Plan.

(127) Plan, concept. A plan prepared by or for the City for guiding the design development plans and otherwise implementing components of the Master Plan and may include, but not limited to design, bulk, use, height, location and arrangements of buildings and other structures; land features in respect to streets, easements for public facilities, for open spaces for common use and natural features.

(128) Plan, design. A drawing prepared by a developer for the purpose of study of a subdivision of land and, when approved by the City, permits proceeding with the preparation of the final plat of a subdivision.

(129) Plan, development. A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings; landscaping; parking areas; access drives; signs; outdoor storage areas; and any other features that comprise a proposed development

A. Preliminary Development Plan: Drawings and maps including all the elements set forth in Section 1137.13.

B. Detailed Development Plan: Drawings and maps including all the elements set forth in Section 1137.15.

(130) Plan, major thoroughfare. The comprehensive plan adopted by the Planning Commission indicating the general location recommended for arterial, collector or local thoroughfares within the corporate limits of the City.

(131) Plan, mapped street. A drawing of sufficient size, scale and detail to show with appropriate dimensions the exact locations of a mapped street line or lines with reference to present street lines and boundaries of property affected by the mapped street line or lines.

(132) Plan, Master. The current, adopted long-range plan intended to guide the growth and development of the City, based on study and analysis of the City's existing conditions, including population and housing, historic and natural features, general land use patterns and zoning regulations, and other development considerations.

(133) Plan, plot. A plan of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

(134) Plan, street. The plan which shows the general location and extent of existing, planned and proposed streets and other transportation facilities for the City, duly adopted or officially accepted, separately or as a part of the Master Plan.

(135) Plat. A map of a lot, tract or subdivision on which the lines of each element are shown by accurate distances and bearings.

(136) Plat, final. The final map prepared by a developer based upon the approved preliminary plan of a subdivision, and after the land improvements are constructed, or construction guaranteed, the approved plat shall be recorded.

(137) Playground. An active recreational area with a variety of facilities including equipment for younger children as well as court games.

(138) Porch. A roofed open structure that projects from the front, side or rear wall of a building. For the purposes of this Development Code, an enclosed porch shall be considered part of the principal building.

(139) Project boundary: The boundary defining the tract(s) of land that is included in a proposed development to meet the minimum required project area required in this Code. The term "project boundary" shall also mean "development boundary".

(140) Public hearing. An official meeting called by the City Council, the Planning Commission, or the Board of Appeals, duly noticed, which is intended to inform and obtain public comment or testimony, prior to the governing body rendering a decision.

(141) Public meeting. Any prearranged discussion of the public business of any board or commission when the majority of the members are in attendance. Such meetings are open to attendance by the public, unless a closed session is expressly authorized by law. However, there are no requirements that such board or commission shall permit public participation in any such public meeting, unless specifically required by law. The public may, at the discretion of the board or commission, be heard.

(142) Public safety facility. A municipal, government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.

(143) Recreational vehicle/equipment. Recreational vehicle/equipment includes snowmobiles, floats, rafts, boats and boat trailers, including normal equipment to transport the same, recreational equipment as determined by the Zoning Administrator and also includes any of the following recreational vehicles as each is hereinafter defined:

A. "Travel Trailer" means a vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses.

B. "Pick-up Camper" means a structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.

C. "Motor Home" means a portable dwelling designed and constructed as a integral part of a self-propelled vehicle.

D. "Folding Tent Trailer" means a canvas folding structure, mounted on wheels and designed for travel and vacation use.

(144) Religious assembly. See church.

(145) Residential facility. A facility licensed by the Ohio Department of Mental Health that provides room, board, personal care, supervision, habilitation services and mental health services, in a family setting, to one or more persons with mental illness or severe mental disabilities. There are three size categories of residential facilities:

A. Family home. A residential facility that provides the services listed above for six (6) to eight (8) mentally retarded or developmentally disabled persons.

B. Foster family home. A residential facility that provides the services listed above for five (5) or fewer mentally retarded or developmentally disabled persons.

C. Group home. A residential facility that provides the services listed above for nine (9) to sixteen (16) mentally retarded or developmentally disabled persons.

(146) Restaurant, indoor dining. An establishment where food and drink are prepared, served, and consumed within the principal building.

(147) Restaurant, outdoor dining. An establishment where food and drink are prepared inside the establishment and consumed outside the principal building in an area adjacent to the principal building.

(148) Restaurant, sit-down. A restaurant whose principal business is the selling and serving of food, beverages and/or desserts in a ready-to-consume state where customers are served at tables or counter with the consumption of the food within the building and customers are seated.

(149) Retail establishment. An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such products. Such an establishment is open to the general public during regular business hours and has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows may be considered. Examples of businesses within this definition include hardware store, jewelry store, clothing store, grocery store, gift shops and novelty stores. This term does not include any sexually oriented businesses. This term also does not include cultivating, processing, or dispensing medical marijuana.

(Ord. 39-16. Passed 9-6-16.)

(150) Right-of-way. A strip of land or the air space above it taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, tree lawns, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges and the air space above the surface.

(151) Right-of-way line. The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line."

(152) Roadway. The pavement measured between curbs, that portion of a right of way available for vehicular travel, including parking lanes.

(153) School (public/private) college/university. An educational institution authorized by the State of Ohio to award associates or higher degrees.

(154) School (public/private) elementary/secondary. Publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high, middle, and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code, or facilities providing kindergarten or nursery school training and care whose annual sessions do not exceed the school sessions for full-time day schools and which are operated by a board of education or an established religious organization.

(155) School, specialty/personal instruction. A facility primarily teaching usable skills that prepare students for jobs within a specific trade or a facility providing instruction on social and religious customs and activities, performing arts and/or sports. Such facilities may include beauty schools, dance instruction centers, cooking schools and martial arts studios. This term does not include health club.

(156) Scientific research, development, training and testing facility. A building or group of buildings used for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

(157) Self-storage facility, indoor. Self-service storage facility or mini-warehouse means a facility consisting of a building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods or wares.

(158) Service establishment, business. An establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising and mailing services, employment services, business equipment and furniture sales or rental, photocopy services, protective services, or similar services.

(159) Service establishment, personal. An establishment providing services that are of a recurring and personal nature to individuals residing within a close proximity to the establishment, such that the establishment primarily serves those residents as a neighborhood business. This term includes, but is not limited to, a barber shop, beauty salon, shoe repair shop, seamstress, tailor, and tanning salon. This term does not include a health club, repair shop for household items or a tattoo/body piercing parlor, or any other establishment that does not primarily serve the immediate residents of the neighboring area. (Ord. 71-12. Passed 3-25-13.)

(160) Setback. Setback means the required minimum horizontal distance between a lot line or the proposed thoroughfare line shown on the Mapped Streets Plan, whichever is more restrictive and a building, surface parking lot, outdoor storage, or structure as established by this Development Code.

(161) Setback Line. A line established by this Development Code generally parallel with and measured from the lot line, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare/right-of-way line, except as may be provided in this Development Code.

(162) Sign. Any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure in order to direct or attract attention to, or announce or promote, an object, product, place, activity, person, ideology, institution, organization, business or the like, by means of letters, words, models, banners, flags, pennants, insignia, devices, designs, colors, symbols, fixtures, images, illuminations or representations used as, or which is in the nature of, an announcement, direction, advertisement or other message.

(163) Single housekeeping unit. Single housekeeping unit means common use and access to all living and eating areas, bathrooms, and food preparation and serving areas.

(164) Slope. An inclined ground surface. The inclination is expressed as a ratio of the horizontal distance to the vertical distance.

(165) Solar equipment. Items including panels, lines, pumps, batteries, mounting brackets, framing and foundations used for or intended to be used for the collection of solar energy in connection with a building.

(166) Street, private. An area set aside to provide access for vehicular traffic within a development that is not dedicated or intended to be dedicated to the City and that is not maintained by the City.

(167) Street, public. A public way for purposes of vehicular travel, including the entire area within the rights-of-way. The term includes, but is not limited to, avenue, alley, boulevard, drive, highway, road and freeway. Streets shall be classified and further defined as follows:

A. "Arterial street" means a public street which is primarily for moving fast or heavy traffic between large or intensively developed districts.

B. "Collector street" means a street supplementary to and connecting arterial streets to local streets.

C. "Local street" means a street primarily for access to abutting residential properties, and to serve local needs, including:

- i. "Cul-de-sac" means a local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.
- ii. "Marginal access street" means a local street providing access to lots which abut or are adjacent to a limited access highway or arterial street.
- iii. "Loop street" means a local street, both ends of which intersect with the same street at different points and which intersects with no other street.
- iv. "Alley" means a local street used primarily for vehicular service access to the back or side of properties abutting on another street.

v. "Dead-end street" means a street temporarily having only one (1) outlet for vehicular traffic, and intended to be extended or continued in the future.

(168) Structure. Anything that is constructed on or under the ground or attached or connected to the ground, included but not limited to: buildings, barriers, bridges, bulkheads, bunkers, chimneys, fences, garages, outdoor seating facilities, platforms, decks, pools, poles, tanks, tents, towers, sheds, signs and walls; excluding trailers and other vehicles whether on wheels or other supports.

(169) Structural alteration. Any change or rearrangement in the supporting members of a building, such as beams, girders, bearing walls, columns or partitions or any increase in the area or cubical contents of the building.

(170) Subdivider. Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this Development Code to effect a subdivision of land hereunder for himself or for another.

(171) Subdivision. "Subdivision" means the division of any parcel of land shown as a unit or as contiguous units on the last preceding records of the County Auditor, into two (2) or more sites or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future, of transfer of ownership, or building development.

Subdivision also includes the improvement of one (1) or more parcels of land for residential, business or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, or as easements for the extension and maintenance of public sewers, drainage, water supply or other public facilities and the division or allocation of land as open spaces for common use by owners, occupants or leaseholders; and the term includes resubdivision, which means the further division or the assembly of lots within a subdivision; it may refer also to the process of subdividing and the land subdivided when appropriate to the context.

(172) Terrain classification. "Terrain classification" means the classification of the terrain within the area of the preliminary plat as level, rolling, hilly or hillside for street design purposes. The classifications are as follows:

- A. "Level" means that the land has a cross slope range of four (4) percent or less;
 - B. "Rolling" means that the land has a cross slope range of more than four (4) percent, but not more than eight (8) percent;
 - C. "Hilly" means that the land has a cross slope range of more than eight (8) percent, but not more than fifteen (15) percent;
 - D. "Hillside" means that the land has a cross slope range of more than fifteen (15) percent.
- (173) Theater. A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.
- (174) Tree lawn. That portion of a right of way lying between the exterior line of the roadway and the outside right of way line which may include a public sidewalk.

- (175) Use. The purpose for which land, a building or structure is arranged, designed, intended, maintained or occupied; or any occupation, activity, or operation carried on in a building or structure or on land.
- A. Use, accessory. A use located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.
- B. Use, conditional. A use permitted in a district, other than a principal use permitted by right, which is allowed only under certain conditions as set forth in Chapter 1183, Conditional Use Regulations, and which requires conditional use approval by the Planning Commission, in accordance with the standards and procedures set forth in Chapter 1131, Conditional Use Certificates.
- C. Use, permitted. A use that is authorized by this Development Code as either a use permitted by right, a conditional use or an accessory use.
- D. Use permitted by right. A permitted use that is approved administratively when it complies with the standards and requirements set forth in the Development Code, the approval of which does not require a public hearing.
- E. Use, principal. The primary or main use or activity of a building or lot.
- F. Use, temporary. A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.
- (176) Utility substation/distribution facility, indoor. A facility contained entirely within a building, which performs either of the following functions:
- A. Aids in the transmission or distribution of gas, electricity, steam or water, or landline telephone communications.
- B. Is used as a distribution center, including but not limited to a water pumping station, water reservoir, transformer station, landline telephone exchange, or building for radio, television, but not including a yard or building for storage, maintenance or repair service.
- (177) Variance. A grant by the Board of Appeals to a property owner authorizing the property owner to vary from the literal terms of the relevant regulations.
- (178) Vehicle repair garage. An establishment providing repair services for motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of transmissions, engines or upholstery including the rebuilding or reconditioning of motor vehicles, or parts thereof, including clutch, transmission, differential, axle, spring, and frame repairs; major overhauling or engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; or similar activities. This term includes, but is not limited to, an auto repair shop, wheel and brake shop, tire sales and installation, or upholstery shop. This term shall not include vehicle dismantling or salvage, tire re-treading or recapping, or motor vehicle body shop.
- (179) Vehicle use area. An area for storage of any and all types of vehicles whether such vehicles are self propelled or not, and an area including all land designed to be traversed by vehicles including, but not limited to, drive-in activities such as filling stations, grocery and dairy stores, banks, restaurants and the like.
- (180) Warehousing. A building used for the indoor storage of goods and materials.
- (181) Watershed. "Watershed" means the drainage basin into which the subdivision, or the area drains or that land whose drainage is affected by the subdivision.

- (182) Way, drainage. "Drainage way" means the land required for construction or maintenance of storm water sewers or required along a drainage ditch, natural stream or watercourse.
- (183) Way, pedestrian. "Pedestrian way" means a dedicated public right of way solely for pedestrian circulation.
- (184) Wholesale sales & distribution, indoor. Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such companies. All such activities take place inside principal or accessory buildings.
- (185) Yard. An open space on the same lot with a principal building or structure extending between the lot line and the extreme front, rear or side wall of the main building or structure.
- A. Yard, corner side. On a corner lot, the yard between the principal building and the side lot line adjacent to the street and extending from the front yard to the rear lot line.
- B. Yard, front. The area across the full width of the lot between the front of the principal building and the front line of the lot.
- C. Yard, rear. The area across the full width of the lot between the rear of the principal building and the rear line of the lot.
- D. Yard, side. The area between the principal building and the side line of the lot extending from the front wall to the rear wall of the principal building.
- (186) Zoning Administrator. The individual designated to administer the Development Code of the City of Rocky River, Ohio. A person designated by the Zoning Administrator may also perform duties of the Zoning Administrator.
- (187) Zoning Certificate. A document issued by the Zoning Administrator authorizing the construction or alteration of a building or structure and/or use of a lot or structure in accordance with this Development Code.
- (188) Zoning Map. An accurate map depicting the City of Rocky River, Ohio, and indicating the boundaries of the zoning districts established by this Development Code. The Zoning Map may also be known as the Official Zoning Map.
- (189) Marijuana. Marijuana means marihuana as defined in Section 3719.01 of the Revised Code.
- (190) Medical Marijuana. Medical marijuana means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for medical purpose.
- (Ord. 39-16. Passed 9-6-16.) (Ord. _____. Passed _____.)