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## **ARTICLE II - DEFINITIONS**

**Accessory Use** - is a use customarily incidental and subordinate to the principal use or building, located on the same lot or premises as the principal use or building.

**Accessory Structure** - A structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building use, and shall comply in all respects with the requirements of this Resolution. (Eff. 5/26/2010)

**Agriculture** – shall be defined by Ohio Revised Code (ORC) Section 519.01 (Eff. 6/27/14)

**Alteration** - as applied to a building or structure, is a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

**Animal Hospital** - (See Veterinary Clinic)

**Auction House** – an enclosed place or establishment conducted or operated for compensation or profit as a private or public market where items are offered for sale through competitive bidding. The term “auction house” shall not include on premises estate, foreclosure, real estate or personal property sales conducted upon the estate, foreclosed or For Sale property or property belonging to the personal property owner. The term “auction house” shall not include flea markets, yard sales, or livestock markets defined or regulated elsewhere, or Sheriff’s or bank repossession sales. (Eff. 2/25/16)

**Basement** - is a story, suitable for business or habitation, partially below the level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement floor is less than two (2) feet below the average grade, it will be rated as the first story or ground floor.

**Bed and Breakfast Home** - a dwelling that provides 1 to 4 rooms (limited to two (2) persons or one (1) family per unit/room) for occasional paying guests on an overnight basis for periods not to exceed 7 days, with breakfast being available on premises at no additional cost. A Bed and Breakfast Home is allowable only in a building originally constructed as a one-family dwelling.

**Billboard** - is a "sign" which directs attention to a business, commodity, service, or any other activity conducted, sold, placed, or otherwise offered elsewhere than on the premises on which the billboard is located. Billboards shall be regarded as buildings or structures within the meaning of this Resolution.

**Boarding House or Rooming House** - is a dwelling where meals or lodging and meals are provided for compensation to two (2) or more persons by pre-arrangement for definition periods. A boarding house is to be distinguished from a hotel.

**Buffer** - an area within a property or site generally adjacent to and parallel with the property line, either consisting of natural existing vegetation, or created by the use of trees, shrubs, fences, and/or berms, designed to limit continuously the view of, and/or sound from, the site to adjacent sites or properties. (Eff. 1/14/2000)

**Building** - is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property, and when separated by a firewall, each such separated portion of such structure shall be deemed a separate building.

**Building, Earth Sheltered** - A structure built underground and beneath a continuous exterior surface grade, having a floor at or above the exterior grade on one or more sides.

**Building Height** - is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of ceiling of a mansard roof; and to the average height between the plate and ridge of a gable, hip or gambrel roof.

**Building Line** - is a line defining the minimum front, side and rear yard requirements.

**Building, Principal** - is a building housing the principal activity performed on any lot.

**Centralized Sewer System** - is where individual lots are connected to a common disposal system whether publicly or privately owned and operated.

**Centralized Water System** - is where individual lots are connected to a common distribution system whether publicly or privately owned and operated.

**Density** - is the number of families residing on, or dwelling units developed on, an acre of land.

**Dwelling, One-Family** - is a detached building designed for, or converted or occupied exclusively by one family.

**Dwelling, Two-family** - is a detached building designed for, or converted or occupied exclusively by two families, living independently of each other.

**Energy Generating Devices (Wind and Solar) (Eff. 10/27/2010)**

- a. **Wind Energy Conversion Systems (WECS)** – wind powered rotating devices located on top of a pole or structure that in turn rotates a turbine to generate electricity.
- b. **Small Wind System** – a WECS that has a maximum capacity of 100 kilowatts or less and has a maximum height of 140 feet.

- c. Wind Turbine Height – The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height, or to the highest point of a vertical axis turbine.
- d. Wind/Solar Facility – All equipment, machinery, and structures utilized in connection with the conversion of wind or solar energy to electricity. This includes, but is not limited to, towers, transmissions, storage, collection and supply equipment, substations and transformers.
- e. Wind Turbine – A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades, or a vertical axis rotor.
- f. Solar Panel – A single photovoltaic panel or a group of photovoltaic panels that convert solar energy to electricity.

**Exotic Animals** - (See Wild or Exotic Animals)

**Family** - is one (1) or more persons related by marriage or immediate blood relationship occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, a lodging house, club, fraternity, or hotel.

**Fifth-Wheel Trailer** - a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four-hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck. [ORC § 4501.01(Q) (6) (d)] (Eff. 10/22/2008)

**Garage Sale** – See “Yard Sale”

**Garage, Public or Storage** - is a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

**Glare** – direct or reflected light that causes annoyance, discomfort, reduced vision, momentary blindness, or loss in visual performance. (Eff. 5/30/18)

**Goods** – Any goods, warehouse merchandise or other personal property capable of being the object of sale regulated under Sec. 301-10 of this Resolution. (Eff. 10/24/07)

**Home, Manufactured** – a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to ...42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. [Ref. ORC § 3781.06 (C) (4)]. (Eff. 10/22/2008)

**Home, Mobile** – a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) feet in length or, when erected on site, is three-hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more section, and does not qualify as a manufactured home as defined in § 3781.06 (C) (4), or as an industrialized unit as defined in § 3781.06(C)(3). [Ref. ORC § 4501.01(O)] (Eff. 10/22/2008)

**Home, Motor** – a self-propelled recreational vehicle constructed with permanently installed sanitary facilities and facilities for cold storage, cooking and consuming of food and/or sleeping. [ORC § 4501.01 (Q) (6) (b)] (Eff. 10/22/2008)

**Home Occupation**

**Type 1** - a Type 1 Home Occupation is a non-residential use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling, and which meets all building and health requirements of the Township, County, and State.

**Type 2** - a Type 2 Home Occupation is a non-residential use conducted in an accessory building on a residential property and is carried on by the property's residents and a maximum of three (3) non-resident employees, which use is clearly incidental and secondary to the use of the property for dwelling purposes, and which meets all building and health requirements of the Township, County and State. All Type 2 Home Occupations shall require a Conditional Use Permit.

**Hotel or Motel** - is a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms and in which no provision is made for cooking in any individual room.

**Landscaping** – the functional alteration and planting of grounds to meet specific criteria regarding the use of land, as required by the Homer Township Zoning Resolution. (Eff. 1/14/2000)

**Light Trespass** – light that shines beyond the boundaries of the property on which the luminaire is located (Eff. 5/30/18)

**Loading Space** - is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

**Lot** – a parcel of land whose boundaries have been established by a recorded legal instrument such as a deed, or a plot, of sufficient size to meet minimum zoning requirements for use and area, and to provide such yards and other open spaces as are

required by the Homer Township Zoning Resolution. A lot shall have frontage on a dedicated public street or upon an improved private street. (Eff. 9/17/15)

**Lot, Corner** - is a lot at the point of intersection of and abutting on two (2) or more intersecting streets, the angle of intersection being not more than one hundred thirty-five (135) degrees; it is the land occupied or to be occupied by the corner buildings.

**Lot, Depth of** - is the mean distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot. Where the right-of-way is not established, it shall be assumed to be sixty (60) feet.

**Lot, Interior** - is a lot other than a corner lot.

**Lot Lines** - are the lines defining the limits of a lot.

**Lot of Record** - is a lot which is part of a subdivision, the plat of which has been recorded in the Office of the Recorder of Medina County, or a lot described by meters and bounds, the deed to which has been recorded in the Office of the Recorder of Medina County.

**Lot, Width of** - is the width measured along the minimum setback line.

**Luminaire** – a complete lighting unit consisting of a lamp(s) together with the parts designed to distribute the light, to position and protect lamps, and to connect the lamp to the power supply. (Eff. 5/30/18)

**Minimum Building Setback Line** - is a line in back of and parallel to, the street right-of-way line and at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located. Where the right-of-way is not established, it shall be assumed to be sixty (60) feet.

**Minimum Living Floor Area** - is the living floor area and shall consist of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library and family rooms, but shall not include areas such as porches, breezeways, terraces, recreation rooms, utility rooms, garages and basements.

**Minimum Lot Width** – the smallest horizontal distance between opposite lot lines a parcel of land is permitted to be, as measured by any perpendicular line drawn between the side lot lines and parallel to the street right-of-way line. (Eff. 2/4/99)

**Motel** - See “Hotel”

**Nonconforming Use** - is a building, structure or use of land existing at the time of the enactment of this Resolution, and which does not conform to the regulations other than height, area and yard requirements for the district in which it is situated.

**Obtrusive Light** – spill light which, because of quantitative, directional or spectral context, gives rise to annoyance, discomfort, distraction or loss in visual performance. (Eff. 5/30/18)

**Open Space** - is an area of land that is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation. (Eff. 7/29/98)

**Outdoor Wood-Burning Furnace/Outdoor Wood-Fired Hydronic Heater (OWBFS/OWFHHS)**– Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. (Eff. 5/26/2010)

**Park Trailer** – a vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four-hundred (400) square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances. [ORC § 4501.01(Q) (6) (e)] (Eff. 10/22/2008)

**Parking** - is the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

**Passive Recreational Facility** – is a hiking trail (Eff. 7/29/98)

**Persons** – Individuals, partnerships, family groups, non-profit organizations, and corporations. (Eff. 10/24/07)

**Public Utility** - is any person, firm, corporation, governmental agency or board fully authorized to furnish, and furnishing under municipal regulation, to the public, electricity, gas, steam, telephone, telegraph, transportation, or water or any other similar public utility.

**Screen** – a structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property. (Eff. 1/14/2000)

**Self-contained Recreational Vehicle** – a recreational vehicle that can operate independent of connections to sewer and water and has plumbing fixtures or appliances all of which are connected to sewage holding tanks located within the vehicle. [Ref. ORC § 3733.01(E)]. (Eff. 10/22/2008)

- Also included in this definition is **Truck Camper** – a non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. “Truck Camper” does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. [ORC § 4501.01 (Q) (6) (c)] (Eff. 10/22/2008)

**Sexually Oriented Businesses** – See Sec. 403-2.1 B (Adopted 7/1/2005)

**Sign** - any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected image. **Also refer to Article VI-Sign Regulations.**

**Sign, Business** - these signs are permitted only in a business district, providing such signs are in direct relation to the use of the premises on which they are located.

**Skid House** - is a dwelling on skids or runners and shall be subject to the same regulations as independent trailers (Section 802-118).

**Story, Height of** - is the vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

**Street, Private** - is a thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.

**Street, Public** - is a public thoroughfare which has been dedicated or deeded to the public for public use and accepted by the Trustees and which affords principal means of access and abutting property.

**Structure** – anything constructed or erected, which requires permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including but not limited to, buildings, signs, billboards, pergolas, roadside stands, fences, walls used as fences, decks, pools, sheds, Outdoor Wood-Burning Furnaces, or Outdoor Hydronic Heaters, or off-street parking facilities, but not including fences or walls used as fences. (Eff. 5/26/2010)

**Structural Alteration** - is any change in the supporting members of a building such as bearing walls, columns, beams, girders or any substantial changes in the roof and exterior walls.

**Trailer** – a vehicle used, or intended for use, as a conveyance upon the public highways or streets, so designed, constructed, reconstructed, or added to by means of portable accessories in such a manner that will permit the occupancy thereof as a movable dwelling or sleeping place. Buses and motor homes shall not be defined as a trailer within the meaning of this Resolution. [Ref. ORC 4501.01] (Eff. 10/22/2008)

**Travel Trailer** – a non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue coupling, and contains less

than three-hundred twenty (320) square feet of space when erected on site. “Travel trailer” includes a tent-type fold-out camping trailer as defined in ORC § 4517.01. [Ref. ORC § 4501.01 (Q) (6) (a)] (Eff. 10/22/2008)

**Telecommunications Facility (TCF)** – is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation. (Eff. 7/29/98)

**Thoroughfare** - is a street or alley.

**Uplight** – any light source that distributes illumination above a 90-degree horizontal plane (Eff. 5/30/18)

**Veterinary Clinic/Animal Hospital** - any premises to which animals are brought, or where they are temporarily kept, solely for purposes of diagnosis or treatment of any illness or injury.

**Wild or Exotic Animals** - any non-human primate, wolf, fox, bear, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal, constrictive or poisonous snake or stone fish which can normally be found in the wild state or any member of the crocodylian family including, but not limited to, alligators, crocodiles, caimans, and gavials. Non-poisonous snakes, raccoons, skunks, squirrels, rabbits, guinea pigs, laboratory rats, mice, gerbils, and hamsters, which have never lived in the wild state, shall be excluded from this definition.

**Yard Depth, Front** - is the perpendicular distance between the street right-of-way line and the nearest portion of any structure existing or to be constructed excluding steps and uncovered porches. Where the right-of-way is not established it shall be assumed to be sixty (60) feet.

**Yard Depth, Rear** - is an open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

**Yard Sale (Eff.10/24/07)**

- A. the sale or offering for sale of new, used or secondhand items of personal property in the R-1 and R-2 Districts and temporary sales in the B-1 District not associated with a business that is in compliance with existing zoning.
- B. includes, *but is not limited to*, sales entitled “garage sale”, “yard sale”, “tag sale”, “porch sale”, “lawn sale”, attic sale”, “basement sale”, “rummage sale”, “flea market sale”, or any similar casual sale of tangible personal property in all Districts.

**Yard Width, Side** - the perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on said lot.

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