

Article XV, Definitions

Sec. 15.01 General Terms.

For the purpose of this Article certain terms and words are herewith defined. When not inconsistent with the context, words used in the singular shall include the plural, the plural shall include the singular, and the present tense shall include the future. All terms describing State, County, or Village officials or bodies refer to terms as used in the Revised Code. Where not defined herein, please refer to the most recently issued edition of the Merriam-Webster Collegiate Dictionary.

Sec. 15.02 Specific Terms.

Accessory building. See ABuilding, Accessory@.

Accessory use. See AUse, Accessory@.

Administrative Official. The Mayor or a designee thereof.

Alley. A public thoroughfare or way, providing only a secondary means of access to abutting premises, generally located at the rear of the land.

Alteration (or Repair). Any changes in structural or nonstructural parts (including window and door locations), stairway, type of construction, type, class or kind of occupancy, light or ventilation, means of ingress and egress, or other changes affecting or regulated by the Building Code, this Ordinance or other applicable regulations of the Village, including but not limited to any change or rearrangement in the structural or nonstructural parts (including window and door locations) or in the existing facilities, or an enlargement, whether by extending on a side or by increasing in height; or in the moving from one location or position to another.

Basement. That portion of a building partly below grade, but so located that the vertical distance from grade to the floor is not greater than the vertical distance from the grade to the ceiling; provided, however, that if the vertical distance from the grade to the ceiling is five feet or more, such basement shall be counted as a story.

Benefit, Recognizable and Substantial. A clear benefit, both to the ultimate users of the

property in question and to the community development and use(s) including, without limitation: long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a quantity and/or quality documented by the Village or any other source recognized by the Village as being in need of protection or preservation on a local, state and/or national basis; and reducing to a significant extent the nonconformity of a nonconforming use or structure (i.e., modification of a nonconforming use or structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning district in which it is situated).

Block. An area including the property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way. In case of a cul-de-sac street, a block shall include the property on one side of the street lying between the one intersecting street and the extension of the centerline of the cul-de-sac street through the property facing the turnaround at the closed end of the street.

Board. The Board of Zoning Appeals of the Village.

Boarding or Rooming House. Any dwelling occupied in any such manner that certain rooms in excess of those used by members of the family and occupied as a home or family unit, are leased or rented to persons outside or the family, without any attempt to provide therein or therewith cooking or kitchen accommodations for individuals leasing or renting rooms.

Buildable Area. For a planned development, the gross lot area minus the areas occupied by all existing street rights-of-way, easements, wetlands, and waterbodies.

Building. A structure having a roof supported by columns or walls for shelter, support or enclosure or persons, animals or chattels. When any portion thereof is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building shall be deemed a separate building.

Building, Accessory. A building on the same lot with the main building or part of the main building subordinate or accessory to and occupied by or devoted exclusively to an accessory or subordinate use to the principal building.

Building Code. The Building Code of the Village.

Building Height. The vertical distance from the established grade of the center of the front of the building to the highest point of the roof surface of a flat roof, to the deck line for a mansard roof, and to the mean height level between the eaves and ridge for hip,

gabled, and gambrel roofs.

Building Line. The front line of the principal building or, if no building exists, the legally established line which determines the location of the building with respect to the street line.

Carport. An accessory structure attached to a principal building, having a roof with one or more open sides and for the prime purpose of sheltering motor vehicles.

Clinic. A clinic, public or proprietary institution providing diagnostic, therapeutic or preventive treatment of ambulatory patients by a group of doctors acting conjointly and in the same building for the purpose aforesaid.

Code, Building. See ABuilding Code@.

Code of Ordinances. The Code of Ordinances of the Village.

Commission. The Planning Commission of the Village.

Common Open Space. Real estate preserved for passive or, active purposes which is void of nonrecreational structures and is under common, ownership for the use and enjoyment of a community of individuals.

Community Impact Statement. An assessment of the developmental, ecological, social, economic, and physical impacts of a project on the natural environment and physical improvements on and surrounding the development site. Information required for compliance with applicable Village or other ordinances or regulations shall not be required to be duplicated in the community impact statement.

Council. The Council of the Village.

County. The County of Summit, Ohio.

Domestic help. Those persons hired by the householder for the purpose of providing domestic services and maintenance of the household.

Driveway, Private. A means of vehicular access to a particular parcel which is not a right-of-way.

Dwelling. Any house or building or portion thereof which is occupied wholly as the home, residence or sleeping place of one or more human beings, either permanently or

transiently. In case of mixed occupancy where a building is occupied in part as a dwelling, the part so occupied shall be deemed a dwelling for the purpose of this chapter and shall comply with the provisions thereof relative to dwellings. Garage space, whether in an attached or detached garage, shall not be deemed a part of a dwelling. Automobile trailers, similar portable dwellings, tourist cabins, and tents shall not be considered dwellings.

Dwelling, Accessory. A dwelling existing within part of the same building as, or within building which is accessory to another building containing, a principal use that has been permitted by right or subject to conditional use approval pursuant to this Ordinance.

Dwelling, Efficiency Unit. A dwelling unit consisting of one room, exclusive of bathroom, kitchen, closets, and dining alcove directly off the principal room, providing not less than 350 square feet of floor area.

Dwelling, Multiple-family. A dwelling containing four or more dwelling units.

Dwelling, Single-family. A dwelling containing one dwelling unit.

Dwelling, Two-family. A dwelling containing two dwelling units.

Dwelling, Three-family. A dwelling containing three dwelling units.

Dwelling Unit. A building or portion thereof designed for occupancy by one family, plus domestic help, for residential purposes and having independent sleeping, cooking and toilet facilities.

Engineer, Village. An engineer employed by the Village, or an engineer or engineering firm providing consulting services to, the Village, in furtherance of the provisions outlined in this Ordinance.

Essential Services. The erection, construction, alteration or maintenance by public utilities or municipal departments or commissions of underground or overhead gas, electrical, communication, steam, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, towers, and other similar equipment and accessories in connection therewith (but not including buildings) reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions for the public health, safety, or general welfare.

Family. A man and wife or a father or a mother and their children by natural birth or

adoption and the parents of either or both and may also include two additional persons who occupy rooms for which compensation may or may not be paid; provided any group of persons, not so related, but inhabiting a single housekeeping unit, shall be considered to constitute one family for each five persons, exclusive of domestic employees in each group.

Floodplain Regulations. The Floodplain Regulations of the Village.

Farm Market. An area of land, which may or may not include a structure, where agricultural goods and products may be sold, and which is located on the property where the products and goods were grown or produced.

Farmers= Market. An area of land, which may or may not include structures, where agricultural goods and products may be sold, and which may, but need not, be located on the property where the products and goods were grown or produced.

Floor, First. The floor of a building approximately at or at the first floor above the mean level of the established grade.

Floor Area.

- (a) For single-family residential and two-family residential units, the sum of the horizontal areas of the one or more floors of a building measured from the exterior walls, exclusive of basements, unfinished rooms or attics, attached garages, breezeways, enclosed, or unenclosed porches and utility rooms having three exterior walls.
- (b) For multiple-family units, the area included between the outside face of the exterior walls, excluding basements, utility, or accessory rooms, common hallways, and common stairways.
- (c) For other than residential purposes, the area enclosed between the outside face of the exterior walls of the building or structure.

Floor Area, Liveable. The area of the first floor, the area of the floor next above and/or the area under a sloping roof having a minimum height of five feet when one-half of the area has a ceiling height of seven feet six inches.

Garage, Community. A space or structure or series of structures for the storage of motor vehicles having no public shop or service therewith, for the use of two or more owners or occupants of property in the vicinity.

Garage, Private. A space or structure for the storage of not more than three motor vehicles, having no public shop or services in connection therewith for the use solely of the owner or occupant of the principal building on a lot for his family or domestic employees.

Garage, Public. A space or structure, other than a private or a community garage, for the storage, repair or refinishing of motor vehicles for a profit.

Gasoline Service Station. A building or structure designed or used for the retail sale or supply of fuels, lubricants, air, water, and other operating commodities for motor vehicles or boats and including the customary space and facilities for the installation of such commodities on or in such vehicles, and including space for facilities for storage, repair, or servicing thereof, but not including bumping, painting, or refinishing thereof.

Grade.

- (a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of all walks adjoining the street.
- (b) For buildings having walls adjoining more than one street, the average of the elevations of the sidewalk at the center of the walls adjoining the streets.
- (c) For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street.

Greenbelt.

- (a) For an eight foot wide greenbelt, a planting strip composed of deciduous trees, spaced not more than 40 feet apart, and not less than one row of shrubs spaced not more than five feet apart and which grow at least five feet or more in height after one full growing season, and which shall be planted and maintained in a healthy growing condition by the property owner or lessee.
- (b) For a 20 foot greenbelt, a planting strip composed of two rows of deciduous and/or evergreen trees, spaced alternately not more than 40 feet apart, and not less than three rows of shrubs spaced at not more than eight feet apart and which grow at least five feet or more in height after one full growing season, which shrubs will

eventually grow to a height of not less than 12 feet at maturity, and which shall be planted and maintained in a healthy growing condition by the property owner or lessee.

Hazardous Uses. All uses which involve the storage, sale, manufacture or processing of materials which are risky and combustible and are likely to burn with moderate rapidity and with a considerable volume of smoke, but from which neither poisonous fumes nor explosions are to be anticipated in the event of fire, and as listed by the Building Code.

Home Occupation. A business use carried on by an occupant of a dwelling unit during regular business hours as a secondary use, and which is clearly subservient to the use of the dwelling for residential purposes. This designation does not apply to one-time or occasional events.

Hospital. A building, structure, or institution in which sick or injured persons are given medical or surgical treatment and operating under license by the Health Department of the State.

Hotel. A building occupied as a more or less temporary abiding place for individuals who are lodged, with or without meals, in rooms occupied singly for hire, in which provision is not made for cooking on any individual plan.

Kennel. Any lot or premises on which four or more dogs are either permanently or temporarily boarded.

Landscaping. Trees, shrubs, vines, fences, walls, or earth berms, or some combination thereof, together with groundcover, lawns, mulch, or bedding materials.

Long Range Plan. The Long Range Plan of the Village.

Lot. A piece or parcel of land occupied or to be occupied by a building and its accessory building, or by any other activity permitted thereon and including the open spaces required under this Ordinance. A lot may or may not be a lot of existing record.

Lot, Corner. A lot of which at least two adjacent sides abut for their full length upon a street.

Lot, Double Frontage. An interior lot having a street line for both front lot line and rear lot line.

Lot, Interior. A lot other than a corner lot.

Lot Coverage. The part or percentage of the lot occupied by buildings or structures, including accessory buildings or structures.

Lot Line, Front.

- (a) In the case of a lot abutting upon one street, the line separating such lot from such street.
- (b) In case of any other lot, one such line shall be elected to be the front lot line for the purpose of this Ordinance, provided it is so designated in the building plans filed for approval with the Administrative Official.

Lot Line, Rear. That boundary which is opposite and most distant from the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be that assumed line parallel to the front lot line, not less than 10 feet long, lying most distant from the front lot line and wholly within the lot.

Lot Line, Side. Any lot boundary line not a front lot line or a rear lot line. A side lot line separating a lot from a street is a side street lot line. A side lot line separating a lot from another lot or lots is an interior lot line.

Lot of Record. A lot the dimensions of which are shown on a plat of record in the office of the register of deeds and which actually exists as so shown on the plat.

Mayor. The Mayor of the Village.

Mobile Home. A mobile home is a portable unit designed and built to be towed on its own chassis, comprised of frame and wheels, connected to utilities, and designed without a permanent foundation for year-round living.

Natural Features. Soils, wetlands, floodplains, water bodies, topography, vegetative cover and geologic formations.

Nonconforming Sign. See ASign, Nonconforming@.

Nonconforming Use. See AUse, Nonconforming@.

Occupancy Load. The number of individuals normally occupying the building or part thereof or for which the existing facilities have been designed.

Parking Lot, Off-street. A facility other than for single-family dwellings providing vehicular parking spaces along with adequate drives and aisles for maneuvering, so as to provide access for entrance and exit for the parking of more than three vehicles.

Parking Space. A paved surface at least nine feet wide by 18 feet long, which is accessible and can be used at all times for parking a motor vehicle. Except as otherwise provided in this Ordinance, parking spaces shall be defined exclusive of driveways, fire and sanitary lanes, and commercial loading areas.

Party-in-interest. A person who has standing to appeal the final decision of a Village board or commission, who made an appearance at the Village board or commission hearing or meeting at which the final decision was made, in person or through an authorized representative, and is either the applicant or a property owner or tenant of property located within 300 feet of the subject property or properties.

Planned Development. Land area with a specified minimum acreage which is to be developed as a single entity according to a plan, consisting of one or more concentrations of structures.

Planned Unit Development. Land area including such concepts as cluster development, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of this Ordinance through a land development project review process, based on the application of site planning criteria, to achieve integration of the proposed land development project with the characteristics of the project area.

Public Utility. A public utility is any person, firm, corporation, municipal department or board duly authorized. to furnish and furnishing to the public, under federal, state, or municipal regulations, electricity, gas, steam, telephone, telegraph, or other communication, transportation or water.

Public Way. An alley, avenue, boulevard, bridge channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Recreation Space. Real estate devoted to recreational purposes which contains Village-approved site improvements, including, but not limited to, shelters, swimming pools, tennis courts and playground fixtures.

Repair. See AAAlteration@.

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

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, or to announce or promote, an object, product, place, activity, person, institution, organization, or business or the like, by means of letters, words, model, banner, flag, pennant, insignia, device designs, colors, symbols, fixtures, images, illuminations or representation used as, or which is in the nature of an announcement, direction, or advertisement. For the purpose of this Ordinance, the word “sign” does not include flag, pennant, badge, or insignia of any government or governmental agency.

Sign, Animated. Any sign that uses flashing lights or movement of the sign or some element thereof, to depict action or create a special effect or scene.

Sign, Awning or Canopy Sign. Any sign that is painted on, printed on or attached to an awning, canopy, or other fabric, plastic, or structural protective cover.

Sign, Back Lighted Letter. An illuminated reverse channel letter with an open or translucent back so that light from the letter is directed against the surface behind the letter producing a halo lighting effect around the letter; also referred to as a silhouette or halo-lighted.

Sign, Banner. A sign made of lightweight fabric or similar material with no enclosing framework that is secured to a building or other structure at one or more edges.

Sign, Billboard (synonymous with off-site advertising). A sign that directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the same lot.

Sign, Building. Any sign attached parallel to any part of a building and including wall signs, awning or canopy signs and window signs.

Sign, Cabinet. A sign structure consisting of the frame and face(s) not including the internal components, embellishments, or support structure.

Sign, Changeable Copy. A portion of a sign with letters, characters, or graphics that are

not permanently affixed to the structure, framing, or background allowing the letters, characters or graphics to be modified manually or by electronic or mechanical devices from time to time as situations change, such as bulletin board or announcement board.

Sign, Channel Letter. A fabricated or formed three-dimensional letter that may accommodate light source.

Sign, Electronic Message Center. A variable message sign that utilizes computer generated message or some other electronic means of changing copy.

Sign, Entrance or Exit. A sign located at the driveway entrance or exit and intended to provide for safe ingress and egress.

Sign, Exterior Illuminated. A sign that is illuminated by a light source that is directed towards and shines on the face of a sign; also called direct illumination.

Sign, Flag. A piece of flexible material having a distinctive size, color, and design, used as a symbol, standard, signal, or emblem.

Sign, Ground or Monument. A sign supported from the ground and not attached to any building.

Sign, Halo Lighted. See definition of back lighted letter.

Sign, Ideological. Any temporary sign announcing an idea, opinion or position on a social or political issue and containing no commercial message.

Sign, Illuminated. A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

Sign, Instructional. A sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers, or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including a sign erected by a public authority, utility, public service organization, or private industry that is intended to control traffic; direct, identify or inform the public; or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.

Sign, Internally Illuminated. A sign illuminated internally through its sign face by a light source contained inside the sign.

Sign, Marquee. A sign attached to a structure, other than an awning or canopy sign, projecting from a wall of a building above an entrance and extending over a street, sidewalk, or part thereof.

Sign, Mobile. A sign that is on wheels, runners, casters, or has a frame to which wheels, runners, or casters may be affixed, parked trailers, parked vehicles, or other mobile devices, including tethered and/or anchored balloons.

Sign, Pan Channel Letter. A dimensional letter that is constructed with sidewalls, a back, and a face making the letter a solid integral unity with the sidewalls and back having a pan shaped cross section.

Sign, Permanent. A sign that is not temporary.

Sign, Projecting. A sign that is attached to a building wall and extending 12 inches or more perpendicular to the face of the wall.

Sign, Reverse Channel Letter. A fabricated dimensional letter with opaque face and sidewalls.

Sign, Roof. A sign erected, constructed or maintained wholly upon or over the roof or parapet wall of any building with the principal support on the roof structure.

Sign, Sign Face. The area or display surface used for the message.

Sign, Sign Plate. A wall sign not exceeding two square foot in area.

Sign, Temporary. A sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, a structure or permanently installed in the ground.

Sign, Wall. A sign painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign in plane parallel to the plane of the wall and not extending more than 12 inches therefrom and which does not project above the roofline or beyond the corner of the building.

Sign, Window. A sign that is applied or attached to a window or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building except for signs that are not legible from a distance of more than three feet beyond the building in which such a sign is located.

Sketch Plan. A plan which may or may not approximate the level of detail as required for a site plan pursuant to this Ordinance, and which is submitted to the Village for the purpose of initiating discussion prior to formal application for site plan approval.

Sound Level. The reading, as measured in decibels (dB), of a sound level meter and associated octave band filter, which conforms to the latest standards of the American Standards Association. The decibel reading shall be based on the 70 dB weighting network and shall be the average of five readings taken at intervals approximately five feet apart, at a height of five feet above the established grade.

State. The State of Ohio.

Story. That part of a building included between the surface of one floor and the surface of the next floor. A story thus defined shall not be counted as a story when more than 50 percent of the height is below the established grade.

Story, Half. A story situated within the sloping roof, the area of which, at a height of four feet above the floor, does not exceed two-thirds of the floor area in the story directly below it; and the height above, at least 200 square feet of floor space, is seven feet six inches.

Street Commissioner. The Street Commissioner of the Village.

Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, walls, fences, and billboards.

State. The State of Ohio.

Subdivision Regulations. The Subdivision Regulations of the Village.

Tourist Home. A tourist home shall be construed to mean any dwelling occupied in such a manner that certain rooms in excess of those used by members of the family, as hereinbefore provided, and occupied as a home or family unit, are rented without cooking facilities, to the public for compensation and catering primarily to the public traveling by motor vehicle.

Trailer Park. A mobile home or trailer coach park refers to any site, lot, field, or tract of land upon which three or more occupied mobile homes or trailer coaches are harbored, either free of charge or for revenue purposes, and shall include any building, structure,

tent, vehicle, or enclosure used or intended for use as a part of the equipment of such mobile home or trailer coach park.

Travel Trailer. A travel trailer is a vehicular portable structure built on a chassis, which can be towed by an automobile, and is designed to be used principally as a temporary vacation dwelling.

Underlying Zoning. The zoning classification and regulations applicable to the property immediately preceding the grant of an application to designate the property as a Planned Residential Development or Planned Unit Development.

Use. The purposes for which land or buildings are designed, arranged or intended to be occupied or used, or for which they are occupied or maintained.

Use, Accessory. A use of land or portion of the building customarily incidental to the actual principal use of the land or building and located on the same parcel of property with such principal use.

Use, Nonconforming. A use which is prohibited under the terms of this Ordinance, but which existed lawfully on the date of enactment of this Ordinance, or amendment thereto.

Vehicle, Commercial. Any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor, as defined in Section 4501.01(J) of the Revised Code.

Village. The Village of Peninsula, Ohio.

Village Engineer. The Engineer of the Village.

Village Planner. The Planner of the Village.

Yard. An open space at grade line between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward, except for certain architectural features specified in this Ordinance. Yard measurements shall be the minimum horizontal distance between a lot line and the nearest line of the main building.

Yard, Front. A yard extending across the full width of the lot between the front street lot line and the nearest line of the main building.

Yard, Rear. A yard extending across the full width of the lot between the rear lot line and the nearest line of the main building.

Yard, Side. A yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building.

Zoning Officer. The Zoning Officer of the Village.

Zoning Ordinance (also Athis Ordinance@). The Zoning Ordinance of the Village.