

ARTICLE II DEFINITIONS

Section 2.01 Interpretation

For the purpose of this Ordinance, certain terms and words are to be defined as found in this Article. Words and terms not specifically defined carry their customarily understood meanings. Words used in the present tense included the future tense. The singular form shall include plural and plural shall include singular. The word "shall" is intended to be mandatory. "Occupied" or "used" shall be considered as though followed by the words "or intended, arranged or designed to be used or occupied."

Terms related to specific Articles or Sections may be defined within the specific portions of the Ordinance where those general requirements are found.

Section 2.02 Definitions

"Accessory Use" means a use subordinate, secondary, incidental to, and customary in connection with the principal building or use and located on the same lot as the principal building or use.

"Accessory Building" or accessory structure" means a building or structure occupied by an accessory use.

"Administrative and Business Offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

"Alley" means a public right-of-way less than twenty (20) feet wide, which provides only secondary means of access to abutting property.

"Apartment" (see "Multiple family dwelling")

"Basement" means a story whose floor level, two (2) feet or more below grade level, but having less than half its clear height above grade level.

"Bed-and-Breakfast" means a single family dwelling in which lodging is provided for compensation on a night-to night basis by the owner/occupant of such dwelling, and not more than three (3) sleeping rooms are devoted to such accommodations.

"Big Box / Large Format Development" means any retail, commercial, or other business building with a total roof area of 50,000 square feet or more.

"Block" means the property abutting one side of a street, and lying between two consecutive intersecting streets.

"Building" means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animal, chattel or property.

"Height of Building" means the vertical distance from the average grade surrounding the building to the highest point of the roof.

"Building Line" means the front yard setback line established by this Ordinance, generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located.

"Business Services" means any profit-making activity which renders services primarily to other commercial, institutional, or industrial enterprises, or which services and repairs appliances and machines used in other businesses.

“Clinic, Human” means as establishment for treatment of humans where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

“Cemetery” means land used or intended to be used for the burial or internment of human or animal remains.

“Certificate of Zoning Compliance” means a certificate issued by the Zoning Enforcement Officer, pursuant to this Ordinance, confirming that the zoning requirements of this Ordinance have been met, and the building or land can be occupied or used.

“City” means the City of Greenville, Ohio.

“Clinic, Human” means a facility where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

“Commission” means the Planning and Zoning Commission of the City of Greenville.

“Conditional Use” means an uncommon or infrequent use which may be permitted in a specific zoning district subject to compliance with certain standards, explicit conditions, and the granting of a conditional use permit as specified in Article VII of this Ordinance.

“Congregate or Group Home” means a residential care facility in which not fewer than nine (9) but not more than sixteen (16) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. Facilities for more than sixteen (16) persons shall be considered hospitals.

“Council” means the City Council of Greenville, Ohio.

“Day Care” - see “Nursery.”

“Drive-Through Facilities” mean a designated place, in conjunction with a retail or service establishment, from which persons can conduct the major portion of their business without leaving their motor vehicle.

“Driveway” means a private road giving access from a public way to a detached single family dwelling or to a group of multi-family or commercial building on abutting ground.

“Dwelling” or “Residence” means any building or portion thereof which is designed or used for residential purposes, but not including a cabin, hotel, motel, rooming house, or other such accommodation used for transient occupancy.

“Multiple-Family Dwelling” or “Multiple-Family Residence” means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

“Single Family Dwelling” or “Single Family Residence” means a building designed for or occupied exclusively by one family.

“Two-Family Dwelling” or “Two-Family Residence” means a building designed for or occupied exclusively by two families living independently.

“Easement” means a right or privilege of use of land, as distinct from fee simple ownership.

“Essential Services” means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, stem, or water transmission or distribution systems: collection, communication, supply or disposal systems, including poles, wires, mains, drain, sewers, pipes, conduits, cables, traffic

signals hydrant and other similar equipment and accessories in connection therewith, reasonable necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

“Failure of Delivery” means that a particular notice was not received, due to circumstances beyond the control of the City, and does not include the lack of mailing of the subject notices in the matter specified in the Ordinance.

“Family” means a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, hotel or motel, dormitory, lodge or similar facility, provided, however that “family” shall not include more than four (4) persons unrelated to each other by blood, marriage, or legal adoption, except for Class I Type B group residential facilities.

“Floor Area” of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages. Floor area of a non-residential building (to be used to calculate parking requirements) is the floor area of the specified use excluding public corridors, interior stairways, public lobbies, interior courts, public restrooms, mechanical equipment areas, elevators and elevator shafts, maintenance rooms, storage spaces, display windows, fitting rooms, and similar area measured from the center of the inside walls. (Rev. 03-48A)

“Frontage” or “Lot Frontage” means that portion of the lot that directly abuts the street, and has direct access thereto. Lot frontage shall be measured along the minimum building setback line for the district within which such lot is located.

“Garage, Private” means a building, or portion of building, designed or used for storage of motor-driven vehicles owned and/or used by the occupants of the principal use of the property.

“Group Residential Facility” means a community facility, licensed or authorized by the City of Greenville, which provides rehabilitative or habilitative services in a residential setting. There are two (2) classes of group residential facilities:

“Class I Group Residential Facility” means any City of Greenville approved dwelling or place used as a foster home for children or disabled adults (not including nursing homes). For the purposes of this definition, the term “disabled” shall be solely defined as those individuals having a diagnosed physical and/or mental illness or handicap. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.

“Class II Group Residential Facility” means any City of Greenville approved dwelling or place used as a home for juvenile or adult offenders who are leaving correctional institutions. A Class II Group Residential Facility shall be occupied by not more than four (4) persons, exclusive of staff.

“Home Occupation” means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling’s residential use. A home occupation must meet the standards and requirements specified in Section 32.05 of this Ordinance.

“Hospital” means a building or structure containing beds for at least four (4) patients allowing for overnight or continuous care, diagnosis and treatment of human ailments

“Hotel” or “Motel” means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.

“Improvement” means any addition to the natural state of land which increases its value or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, landscaping, street lightning, street trees, public utilities, paved parking areas and other appropriate items.

“Institution” means an organization providing social, cultural, educational or health services to member agencies, organizations, and individuals, or to the general public.

“Loading Space” is a space within the main building or on the same lot therewith, providing for the standing, loading, or unloading of trucks.

“Lot” means a parcel of land legally separated from other divisions for purposes of sale, lease, or separate use, described on recorded subdivision plat, recorded map or by metes and bound, and includes the terms “plat” and “parcel”.

“Corner lot” means any lot at the junction of and abutting on two (2) or more intersecting streets, where the angle of intersection is not more than 135 degrees.

“Lot Coverage” means the ratio of covered ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

“Rear Lot Line” means that lot line which is opposite and furthest removed from the front lot line. In the case of a lot where the side lot lines meet at the rear of the lot (i.e., a triangular lot) the rear lot line shall be considered to be the point of intersection of the side lot lines. In the case of a corner lot, the rear lot line is opposite and furthest removed from the lot line considered to be the front lot line for the purposes of computing the front yard depth.

“Side Lot Line” means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

“Lot of Record” means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Darke County, Ohio, as of the effective date of this Ordinance.

“Minimum Area of Lot” means the area of a lot computed exclusive any portion of the right-of-way or any public thoroughfare.

“Lot Width” is the width of a lot at the building setback line measured at right angles to its depth.

“Manufacturing” means any production or industrial process, including food processing, which combines one (1) or more raw materials or components into a product or which changes the nature of the materials entering the process, and which by the nature of the materials, equipment and/or process utilized is not objectionable by reason of odor, noise, vibration, gas fumes, dust, smoke, refuse, or water-carried wastes.

“Manufactured Housing” shall mean any non-self propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on the site, is 320 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. In addition, such unit shall bear a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards (1974).

“Manufactured Home Community” shall mean a development constructed primarily for manufactured homes, with continuing local general management and

with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space.

“Modular Home” means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Ordinance, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

“Mobile Home” shall mean a transportable, not-site built dwelling unit designed to be used as a year-round residential dwelling, and built prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Because mobile homes, as herein defined, were not constructed to accepted standards, such homes shall not be considered as a permitted or conditional use in the MH-R District or any other zoning District.

“Nonconforming Use” means the use of land or a building, or a portion thereof, which does not conform with the use regulations of the district in which it is situated, which use was lawful prior to the enactment of this Ordinance.

“Nursery” or “Day Care Center” means a facility which temporarily assumes responsibility for more than six (6) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

“Nursing Home” includes convalescent and extended care facilities: an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

“Parking Space (off-street)” means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in Article XXXIV of this Ordinance.

“Parking Area” or “Parking Lot” means any area other than street, drive or alley, used or intended to be used for the storage of motor vehicles, with or without a fee.

“Person” means any individual, corporation, company, business, partnership, association or legal entity.

“Personal Services” means any enterprise, conducted for gain, which primarily offers non-tangible services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

“Professional Office” means the business office of a person or persons engaged in providing to the general public services of a professional nature such as legal, medical, account, and architectural services.

“Recreational Facilities” means public or privately-operated uses such as country clubs, golf courses, swimming pools, or other areas maintained for the purpose of providing active and passive recreation.

“Residence” - see “Dwelling”.

“Restaurant” means a business establishment where food and beverages are prepared and presented for human consumption on the premises.

“Retail stores” means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

“Right-of-way” means a strip of land lying between property lines, wherein is located a street,

thoroughfare, alley or easement dedicated or otherwise acquired for use by the public.

“Sidewalk” means a paved portion of a street lying outside the curb lines or edge of pavement of a roadway, intended for pedestrian use.

“Similar Use” means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 11.02.05 of this Ordinance.

“Street” means the full width of the right-of-way between two (2) property lines, both paved and unpaved, intended to provide principal means of access to an abutting property.

“Structure” means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. For the purposes of this Ordinance, the term “structure” shall not include fences. Notwithstanding anything to the contrary, “structure” includes mobile or moveable structures.

“Structural Alteration” means any change which would replace or tend to prolong the life of a supporting member of a structure, such as bearing walls, columns, beams, or girders.

“Use” means the purpose for which a building or land is arranged, designed or intended, or for which such or building may be occupied or maintained.

“Variance” means a modification from the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of action by the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

“Yard” means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general level of the graded lot upward.

“Front Yard” means that portion(s) of a lot extending across the lot between the lot lines and being the minimum horizontal distance between the street rights-of-way and the building or structure.

“Rear Yard” means that portion of a lot extending across the rear of the lot between the side lot lines and being the required minimum horizontal distance between the rear lot line and the rear of the building or structure.

“Side Yard” means that portion of a lot that is located between the side lot line and the nearest building or structure.

“Zoning Certificate” or “Zoning Permit” means an official statement, as issued by the City, certifying that all requirements of this Ordinance have been met.

“Zoning District” means a portion of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of Parts One through Four of this Ordinance.

“Zoning Enforcement Officer” means the employee of the City duly charged with enforcement of this Ordinance, pursuant to Article III.

“Zoning Map” means the map of the City showing the various zoning districts, as established by Article XI, together with all amendments subsequently adopted by City Council.

Revisions: Ord 09-74, effective 07/21/09