

**ARTICLE 2**

**DEFINITIONS**

**SECTION 200 DEFINITIONS; NUMBER; TENSES; BUILDING; USED; SHALL**

Unless the content otherwise requires, the following definitions shall be used in the interpretation and construction of the Zoning Resolution. Words used in the present tense include the future; the singular number shall include the plural, and the plural, the singular; the word “building” shall include the word “structure;” and the word “shall” is mandatory and not directory.

**SECTION 201 DEFINITIONS (beginning with letter “A”)**

**201.01 ACCESSORY USE**

Any purpose for which a building, structure, or a tract of land may be designed, arranged, intended, maintained, or occupied which:

- A. Is customarily incidental and subordinate in area, extent and purpose to the principal building, structure or use which it serves.
- B. Is located on the same zoning lot as the principal building, structure or use, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same zoning lot with the building or use served under Subsection 3303.01 E, of this Resolution.

**201.02 ADULT ENTERTAINMENT FACILITY**

A facility having a significant portion of its function as adult entertainment which includes the following listed categories:

- A. Adult Book Store  

An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” as herein defined or an establishment with a segment or section devoted to the sale or display of such material.
- B. Adult Mini Motion Picture theater  

A facility with a capacity of less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas,” for observation by patrons therein.

C. Adult Motion Picture Theater

A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or Specified Anatomical Areas,” for observation by patrons therein.

D. Adult Entertainment Business

Any establishment involved in the sale of services or products characterized by the exposure or presentation of “Specified Anatomical Areas” or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

E. Massage Establishments

Any Establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the state of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

F. Massage

A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

G. Specified Sexual Activities

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
3. Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

H. Specified Anatomical Areas

1. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point

immediately above the top of the areola;

2. Human male genitals in a discernibly turgid state even if Completely and opaquely covered.

**201.03 ADULT FAMILY HOME**

A residence or facility that provides accommodations and supervision to three to five unrelated persons, at least three of whom require personal care services, as the same is defined by Section 3722.01 (A) (7) of the Ohio Revised Code.

**201.04 ADULT GROUP HOME**

A residence or facility that provides accommodations and supervision to six to sixteen unrelated adults, at least three of whom require personal care services, as the same as defined by Section 3722.01 (A) (8) of the Ohio Revised Code.

**201.05 AGRICULTURAL SOILS, PRIME**

Those soils that are best suited for the production of food, fiber and other crops. These soils have been determined by Montgomery County to be based upon average yields per acre of principal crops and the capability of grouping of each soil type. Prime soils fall within capability Class I and II as they are described in the Soil Survey of Montgomery County, Ohio published by the United States Department of Agriculture, Soil Conservation Service, issued June, 1976.

**201.06 AGRICULTURE**

The use of a tract of land for the planting, harvesting, and marketing of crops and produce; horticulture; floriculture; structures necessary for performing these operations; and the residence of the owner or operator. Such agricultural use shall not include the following uses:

- A. The maintenance and operation of commercial greenhouses of hydroponics farms, except in zoning districts in which such uses are expressly permitted.
- B. Wholesale or retail sales as accessory use, unless the same are specifically permitted by this Resolution.
- C. The feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals, or the operation or maintenance of a commercial stockyard or feed yard.

**201.07 ALLEY**

A dedicated public right-of-way, other than a street that affords a secondary means of access to abutting property.

**201.08      AUTOMOBILE OR TRAILER SALES AREA**

An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition; and where no repair work is done.

**201.09      AUTOMOBILE SERVICE STATION**

A structure and surrounding land used for the storage and sale of petroleum fuel, primarily to passenger vehicles, and for accessory uses such as the sale and installation of lubricants, accessories or supplies; the incidental washing of motor vehicles and the performing of tune-ups, tire and brake changing and repair.

**201.010     AUTOMOBILE WRECKING**

The dismantling or disassembling of used motor vehicles, or trailer, or the storage, sale or dumping of dismantled, partially dismantled, non operating or wrecked vehicles or their parts.

**SECTION    202      DEFINITIONS (beginning with letter “B”)**

**202.01      BASEMENT**

That portion of a building located partly underground but having more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**202.02      BOARD**

The Board of Zoning Appeals of Jackson Township.

**202.03      BUILDING**

Any covered structure built for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind; and which is permanently affixed to the ground by means of a footer and foundation as defined in the Montgomery County Building Code.

**202.04      BUILDING HEIGHT**

The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof; or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

**202.05      BUILDING LINES**

A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be set back from side right-of-way, except as specified in Article 29.

**SECTION 203 DEFINITIONS (beginning with letter “C”)**

**203.01 CAMPING AND RECREATIONAL EQUIPMENT**

For the purpose of this Resolution, camping and recreational equipment shall include the following:

**A. Boat and Boat Trailer**

Boat and Boat trailer shall include boats, floats and rafts plus the Normal equipment to transport the same on the highway.

**B. Folding Tent Trailer**

A canvas folding structure, mounted on wheels and designed for travel and vacation uses.

**C. Motorized Home**

A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

**D. Pickup Camper**

A structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use for travel, recreational, or vacation uses.

**E. Travel Trailer**

A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified “travel trailer” by the manufacturer.

**203.02. CELLAR**

A portion of a building located partly or wholly underground and having one-half (1/2) or more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

**203.03 COMMISSION**

The Jackson Township Zoning Commission.

**203.04 COMPREHENSIVE PLAN**

A plan, or any portion thereof, adopted by the Planning Commission and the Board of County Commissioners of Montgomery County, Ohio showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, agricultural land, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of Montgomery County, Ohio and includes the Zoning Resolution.

**SECTION 204 DEFINITIONS (beginning with letter “D”)**

**204.01 DEVELOPMENT STANDARDS**

Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Development standards include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage and maximum floor area ratio.

**204.02 DISTRICT**

A portion of the unincorporated territory of Jackson township within which Certain uniform regulations and requirements or various combinations thereof apply under the provision of this Zoning Resolution.

**204.03 DWELLING**

Dwelling and building or portion thereof occupied or intend to be occupied exclusively for residential purpose, but not including a tent, cabin, trailer or trailer coach or other temporary or transient structure of facility. A “Dwelling” shall include a “Modular Home”

**A. Single family**

A building occupied or constructed to be occupied exclusively for residential purposes by one family or housekeeping unit, but not including a group occupying a boarding house, lodging house or motel, fraternity or sorority house, halfway house, nursing home, rest home, convalescent home, or adult group home licensed as an adult care facility

**SECTION 205 DEFINITIONS (beginning with letter (“E”))**

**205.01 EATING PLACE NO. 1**

An establishment, other than a dining room operated by a hotel, motel or private club, offering food and beverages, which may include liquor, beer and wine, if licensed by the State of Ohio, for consumption only inside the building.

**205.02 EATING PLACE NO. 2**

An establishment having the attributes of an Eating Place No. 1, and which also provides live entertainment excluding adult entertainment activities as defined in Subsection 201.02.

**205.03 EATING PLACE - CARRY OUT**

An establishment offering food and beverages, which may include liquor, beer and wine, if licensed by the State of Ohio, where the food and beverages are dispensed at the counter for consumption within the building or off the premises.

**205.04 EATING PLACE - DRIVE-IN**

An establishment offering food and beverages, which may include liquor, beer and wine, if licensed by the State of Ohio, where the food and beverages are served directly to persons while in motor vehicles, or where the food and beverages are dispensed at the counter for consumption on or off the premises.

**205.05 EQUAL DEGREE OF ENCROACHMENT**

A standard applied in determining the location of encroachment limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment of the hydraulic efficiency of the floodplain along both sides of a stream for significant reach.

**205.06 ESSENTIAL SERVICE**

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by public utilities, county, or other governmental agencies of underground or overhead gas, electrical, stream or water generation,, transmission or distribution systems; including building, structures, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment or accessories and the use of land in connection therewith, for the furnishing of adequate service by such public utilities, county, or other governmental agencies or for the public health, safety and morals.

**SECTION 206 DEFINITIONS (beginning with letter (“F”))**

**206.01 FARMLAND, PRIME**

Land with soil characteristics that meet the definition of Prime Agricultural Soils, as defined by this Resolution.

**206.02 FLOOD**

A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

**206.03 FLOOD, REGIONAL**

A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has a frequency of approximately 100 years as is determined by an analysis of floods in a particular stream and other streams in the same general region.

**206.04 FLOOD FREQUENCY**

The average frequency statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

**206.05 FLOOD PROTECTION ELEVATION**

The elevation to which uses regulated by this Resolution are required to be elevated or flood proofed.

**206.06 FLOODPLAIN, REGIONAL**

The area inundated by the regional flood (100 Year Frequency Flood). This is the floodplain area which shall be regulated by the standards and criteria in this Resolution.

**206.07 FLOODWAY**

The channel of the watercourse and those portions of the adjoining floodplains which are reasonable, required to carry and discharge the regional flood.

**206.08 FLOODWAY FRINGE**

The portion of the regional floodplain located outside of the floodway.

**206.09 FLOOR AREA (gross)**

The sum of the gross horizontal area of all the floors of a building measured from the exterior faces of the exterior walls or from the centerline of wall separating two (2) buildings. Floor area shall include the area of basements when used for residential, commercial, or industrial purposes, but shall not include a basement or portion of a basement used for storage or the housing of mechanical or central heating equipment. In calculating floor area, the following shall not be included:



- A. Attic space providing structural head room of less than seven (7) feet, six (6) inches.
- B. Uncovered steps.
- C. Terraces, breezeways and open porches.
- D. Automobile parking space in a basement or private garage.
- E. Accessory off-street loading berths, but not to exceed twice the space required by the provisions of this Resolution.

**206.10 FLOOR AREA RATIO**

The floor area ratio of the building or other structure on any lot is determined by dividing the gross floor area of such building or structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the area of the lot. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for buildings or other structures, in direct ratio to the gross area of the lot.

**206.11 FRONTAGE**

See Lot Frontage Subsection 212.09.

**SECTION 207 DEFINITIONS (beginning with letter "G")**

**207.01 GARAGE, PRIVATE**

A garage intended for, and used to house, the private motor vehicles of the families residence upon the premises, provided that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises.

**207.02 GARBAGE**

Garbage shall be interpreted to mean all putrescible wastes including vegetable, animal offal, and carcasses of small dead animals; but does not include human excreta, sewage and other water carried wastes.

**207.03 GARDEN CENTER - COMMERCIAL GREENHOUSE AND NURSERY**

The selling and growing of plants, flowers, vegetables, shrubs and trees including the selling and warehousing of garden equipment and supplies and the storage of bulk gardening items, bagged and/or on pallets.

**207.04 GRADE**

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

**207.05 GREENBELT**

A strip of land parallel to and extending inwardly from the lot lines or right-of-way lines. Said greenbelt shall be maintained at all times in grass, trees, shrubs or plantings and no structures, parking areas or signs shall be permitted.

**207.06 GREENHOUSE - HOTHOUSE - NURSERY**

A sun or artificially heated structure in which to grow, or the growing of out of season, plants, flowers or vegetables or a form of agriculture whose chief function is the field growing of plants, shrubs and trees.

**SECTION 208 DEFINITIONS (beginning with letter (“H”))**

**208.01 HALFWAY HOUSES**

A facility for the supervision and rehabilitation of persons placed therein, whether voluntarily or involuntarily, by the Ohio Department of Rehabilitation and Correction, a court, or another member of the criminal justice system, for parole, probation, furlough, treatment of drug or alcohol abuse or addiction, vocational training and counseling, or adjustment to private life and non-institutional society and which may be licensed, funded, and/or inspected by the Ohio Department of Rehabilitation and Correction, the Adult Parole Authority, the Ohio Department of Health or a similar agency, whether private or nonprofit. This definition specifically includes community residential facilities for the transitional housing of offenders released by the Department of Rehabilitation and Correction.

**208.02 HOME OCCUPATION**

A home occupation shall be an occupation carried on within a dwelling unit by members of the family residing therein and provided:

- A. Said occupation does not require a state or local license and/or Inspection.
- B. It does not occupy more than two hundred (200) square feet of floor area within the dwelling unit and does not require alteration of the structure.
- C. There are no signs or other announcements of such occupation.

- D. The only mechanical equipment installed or used is that which is normally used for domestic or household purposes.
- E. no home occupation shall be conducted in any accessory building.
- F. There shall be no sales on the premises.
- G. There shall be no inventory stored on the premises.

**SECTION 209 DEFINITIONS (beginning with letter “I”)**

**SECTION 210 DEFINITIONS (beginning with letter “J”)**

**210.01 JUNK**

Old or scrap copper, brass, rope, rags, batteries, paper, rubber; junked, dismantled, or wrecked motor vehicles or parts thereof; iron, steel, and other old or scrap ferrous or nonferrous materials which are not held for sale or re-melting purposes by an establishment having facilities for processing such materials.

**210.02 JUNK YARD**

An establishment or place of business (other than an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or non ferrous scrap for sale for re-melting purposes), which is maintained or operated for the purpose of storing, keeping, buying or selling junk; or the maintenance or operation of any automobile graveyard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed ninety (90) days exclusively for storage, repair, or result without alternation.

**SECTION 211 DEFINITIONS (beginning with letter “K”)**

**211.01 KENNEL OR ANIMAL SHELTER**

Any structure or runway in which dogs or other small animals are kept for compensation or sale.

**SECTION 212 DEFINITIONS (beginning with letter “L”)**

**212.01 LANDSCAPING**

The improvements of open areas by planting and maintenance of trees, bushes, flower gardens, grass, and other vegetation.

**212.02 LIVABILITY SPACE**

Part of the open space as found in Planned Development which includes all land not covered by roof or devoted to streets, easements of access and parking.

**212.03 LIVE ENTERTAINMENT**

Any entertainment, provided in eating places, other than music mechanically produced by juke boxes or other devices for the dissemination of recorded music.

**212.04 LOADING SPACE**

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.

**212.05 LOT**

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory buildings and uses, including all open spaces required by this Zoning Resolution, and having frontage on a public street

A. Corner

A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less.

B. Double Frontage

A lot having a frontage of two (2) nonintersecting streets, as distinguished from a corner lot.

C. Interior

A lot other than a corner lot.

D. Zoning

A parcel of land not separated by street or alley that is designed 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. As long as it satisfied the above requirements, such lot may consist of:

1. a single lot of record; or
2. a portion of lot of record; or
3. a combination of complete lots and portions of lots of record, or portions of lots of record.

**212.06 LOT AREAS**

The computed area contained within the lot lines.

**212.07 LOT COVERAGE**

That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

**212.08 LOT FRONTAGE**

The distance between the side lot lines, measured by a line drawn parallel with the front lot line at a point of required minimum front yard depth.

**212.09 LOT LINES**

A. Front

A street right-of-way line forming the boundary of a lot. On a corner lot, the street right-of-way lines with the least amount of street frontage shall be the front lot line.

B. Rear

The lot line that is most distance from, and is, or is most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front lot line.

C. Side

A lot line which is neither a front lot line nor a rear lot line. On a corner lot, the street right-of-way line with the greatest amount of street frontage shall be a side lot line.

**212.10 LOT OF RECORD**

A lot which is part of subdivision, the plot of which has been recorded in the office of the Recorder of Montgomery County; or a parcel of land, the deed to which was of record as of the effective date of this Zoning Resolution.

**SECTION 213 DEFINITIONS (beginning with letter “M”)**

**213.01 MANUFACTURING**

The assembling, altering, converting, fabricating, finishing, processing or treatment of a product.

**213.02 MOBILE HOME - SEE TRAILER (house)**

**213.03 MOTEL, MOTOR HOTEL**

A building, or group of buildings, comprising individual sleeping or living units attached in groups of six (6) or more per building for the accommodation of transient guests.

**SECTION 214 DEFINITIONS (beginning with letter “N”)**

**214.01 NONCONFORMING USE OF BUILDINGS AND LAND**

The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment. If any such nonconforming use is voluntarily discontinued for two (2) years or more, any future use of such land shall be in conformity with Sections 303.01 to 303.25 inclusive, of the Revised Code of the State of Ohio.

**214.02 NURSERY OR CHILD CARE CENTER**

A building used for the commercial care of three (3) or more children, not members or wards of the family.

**214.03 NURSING HOME, REST HOME OR CONVALESCENT HOME**

A Privately operated State Licensed place of domicile or other facility which provides skilled nursing and dietary care for persons who are ill or incapacitated, or service for the rehabilitation of person who are convalescing from illness or incapacitation.

**SECTION 215 DEFINITIONS (beginning with letter “O”)**

**215.01 OBSTRUCTION (RFP Regional Floodplain District)**

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regional flood hazard area which may impede, retard or change the direction of the flow

of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

**215.02 OPEN SPACE**

A parcel of land or an area of water, or combination of both land and water, within a site designated as a Planned Development and designed and intended for the use and enjoyment of the residents easements, parks, recreation areas, off-street parking or loading areas, public open space, or other facilities dedicated by the developer for public use. open space shall be substantially free of structures, or may contain such improvements as are approved as a part of the general Development Plan and are appropriate for the residents or occupants of the Planned Development.

**215.03 OPEN STORAGE**

Storing or keeping of chattels not enclosed in a building.

**SECTION 216 DEFINITIONS (beginning with the letter "P")**

**216.01 PLANNED DEVELOPMENT**

Planned Development is:

- A. Land under unified control, planned and developed as a whole, and
- B. In a single development operation or definitely programmed series of development operations including all lands and buildings, and
- C. According to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans and design constructed, used, and related to each other; and detailed plans for other uses and improvements on the land as related to buildings, and
- E. With a program for provisions, operations and maintenance of such areas improvements, and facilities necessary for common use by some or all of the occupants of the development, but which will not be provided, operated, or maintained at general public expense.

**216.02 PLANNING COMMISSION**

The planning Commission of Montgomery County, Ohio

**216.03 PREMISES**

Any lot or combination of contiguous lots held in single ownership,

together with the development thereon; an condominium complex constitutes one premises.

**SECTION 217 DEFINITIONS (beginning with letter “Q”)**

**SECTION 218 DEFINITIONS (beginning with letter “R”)**

**218.01 REACH**

A hydraulic engineering term to describe longitudinal segments of stream or river. A reach will generally included the segment of the flood hazard are where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

**218.02 RECREATION SPACE (countable)**

All area, open or enclosed, available for the general use of the residents of a Planned Residential District for active or passive recreation. Recreation space shall be provided in locations easily accessible to the living units, but where they will not impair the view and privacy of living units. Such space may be a part of the required livability space.

**218.03 REFUSE**

Refuse shall mean combustible and noncombustible waste materials, except garbage, rubber, leather, tree branches, tin cans, metals, mineral matter and dust.

**218.04 ROADSIDE STAND**

A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

**218.05 ROOMING HOUSE**

A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

**SECTION 219 DEFINITIONS (beginning with letter “S”)**

**219.01 SERVICE CLUBS**

An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases



premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association or conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or serviced to members and their guest, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, state, county and local laws.

**219.02        SETBACK**

See Building line Subsection 202.05.

**219.03        SIGN**

A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land; or affixed to the glass on the outside or inside of a window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

The following are types of signs”

A.     Advertising

A sign which directs attention to a use, commodity or service not related to the premises on which the sign is located.

B.     Awning, Canopy or Marquee

A sign that is mounted on or painted on or attached to an awning, canopy or marquee.

C.     Bulletin Board

A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein.

D.     Construction

A sign indicating the name of architects, engineers, contractors and

similar persons involved in the design and construction of a structure or project.

E. Directional

A sign directing vehicular or pedestrian movement onto or within a premises with no identification or advertising on the sign.

F. Flashing

Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

G. Freestanding

A sign suspended or supported by one or more uprights or braces in or upon the ground surface.

H. Identification

A sign which displays only the same address and/or use of the premises upon which the sign is located or to which it is affixed or the product or service offered therein.

I. Illuminated

A sign that is lighted by an artificial light source.

J. Moving

Any sign which in part or total, rotates, revolves or otherwise is in motion.

K. Name Plate

A sign designating only the name and address or the name and professional occupation and address of a person or persons residing in or occupying space in such building or premises.

L. Painted Bulletin

An advertising structure on which advertising design is painted or painted and posted, and which may incorporate the use of cutouts and/or other embellishments.

M. Portable

A sign that is attached to wheels, skids, or other forms of mounting

which is not permanently affixed in or to the ground.

N. Poster Panel

An advertising structure measuring not more than twelve (12) feet by twenty-five (25) feet overall on which posters are displayed.

O. Projecting

A sign suspended from or supported by a building, structure, or column and extending therefore, more than fifteen (15) special event.

P. Promotion

A temporary sign, the function of which is to announce a special event.

Q. Real Estate

A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structure or a portion thereof located on such lot or tract of land.

R. Roof

Any sign which is erected over the roof or parapet above the roofline and/or receives any or all its support from the roof structure.

S. Temporary

A banner, pennant, poster display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, products, place, person, institution, organization or business and is constructed of cloth, canvas, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time.

T. Wall

A sign which is affixed, painted on or attached to the wall of the building or other structure and which extends not more than fifteen (15) inches from the face of the wall.

U. Warning

Any sign indicating danger or a situation which is potentially dangerous.

**219.04 SIGN AREA**

The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other materials or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.

The area of a sign having more than one display surface shall be computed as the total of the exposed exterior display surface area.

**219.05 SIGN FACE**

The surface of the sign upon, against or through which the message of the sign is exhibited.

**219.06 SIGN HEIGHT**

The vertical distance from the uppermost point used in measuring the area of the sign to the crown of the road on which the property fronts.

**219.07 SIGN STRUCTURE**

The supports, uprights, bracing or framework for signs.

**219.08 SMALL SOLAR FACILITIES**

- A. Ground Mounted Solar Energy Systems: means a solar energy system that mounts a solar panel or panels and facilities on or above the ground.
- B. Integrated Solar Energy Systems: means a solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings canopies, skylights, or windows.
- C. Rooftop solar Energy Systems: means a solar energy system that is mounted to a structure or building's roof on racks.
- D. Small Solar Facility: means a Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.

- E. Solar Energy: radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
- F. Solar Energy System: a system and associated facilities that collect Solar Energy, which may include, but is not limited to, an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

**219.09 STABLE**

A structure for the keeping of horses and ponies.

**219.10 STORY**

That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

**219.11 STREET**

An improved public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Resolution and provided such street has been accepted by Montgomery County. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

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**219.12 STREET, MAJOR**

A street with a right of way of seventy (70) feet or greater as shown on the Official Thoroughfare Plan for Montgomery County, Ohio.

**219.13 STRUCTURAL ALTERATION**

Any change in the structural members of a building, such as load bearing walls, beams or girders.

**219.14 STRUCTURE**

Anything constructed, except pavement, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground by means of a footer and foundation as defined in the Montgomery County Building Code.

**219.15 SWIMMING POOL**

Any body of water or receptacle for water having a depth greater than two (2) feet, used or intended to be used for swimming or bathing, and

constructed, installed or maintained in or above the ground outside a building.

**SECTION 220 DEFINITIONS (beginning with letter “T”)**

**220.01 TELECOMMUNICATION TOWER**

Telecommunication tower means any free-standing structure, or any structure attached to a building or another structure, that meets all of the following criteria as contained in the ORC Section 519.21 (B)(1).

- A. The free-standing or attached structure is proposed to be constructed on or after the act’ effective date.
- B. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services;
- C. The free-standing or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use:
- D.(1) The free-standing structure is proposed to top at a height that is greater than the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free - standing structure as set forth in any applicable zoning regulations in effect immediately prior to the act’s effective date or as those regulations subsequently are amended;  
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- D.(2) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to the act’s effective date or as those regulations subsequently are amended;
- F. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

**220.02 THOROUGHFARE PLAN**

The Official Thoroughfare Plan of, and as adopted by the Planning Commission of Montgomery County, establishing the location and official right-of-way widths of principal highways and streets in Montgomery

County, on file in the Office of the Recorder, together with all amendments thereto subsequently adopted.

**220.03 TRAILER**

- A. House Trailer or Mobile Home

A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation. House Trailers of Mobile Homes are permitted in Mobile Home Parks only. (See Section 2912)

B. Travel Trailer  
See Camping and Recreational Equipment.

C. Mobile Home Park  
An area of land for the parking of three (3) or more mobile homes.

D. Travel Trailer Park  
An area of land for the parking of three (3) or more travel trailers.

**220.04 TRUCK TERMINAL**

Premises which are used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of two (2) or more trucks.

**SECTION 221 DEFINITIONS (beginning with letter “U”)**

**SECTION 222 DEFINITIONS (beginning with letter “V”)**

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**SECTION 223 WIND TURBINES-WIND ENERGY CONVERSION SYSTEMS**

Small wind farm means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or

capable of, operation at an aggregate capacity of less than five megawatts.

**SECTION 224 DEFINITIONS (beginning with letter “X”)**

**SECTION 225 DEFINITIONS (beginning with letter “Y”)**

**225.01 YARD, FRONT**

A. Front Yard

An open space extending the full width of the lot between buildings and the front lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

B. Front Yard (least depth)

The shortest distance, measured horizontally, between any part of the building and the front lot line.

C. Front Yard (least depth, how measured)

Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan.

**225.02 YARD, REAR**

A. Rear Yard

An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

B. Rear Yard (least depth)

The average distance measured horizontally between any part of a building, other than such parts hereinafter excepted in Article 29, and the nearest rear lot line.

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**225.03 YARD, SIDE**

A. Side Yard

An open space extending from the front yard to the rear yard between a building and the nearest side lot line unoccupied and unobstructed from the ground upward except as hereinafter specified.

B. Side Yard (least width)

The shortest distance, measured horizontally, between any part of the building, other than such parts hereinafter excepted, and the nearest side lot line.

C. Side Yard (least width, how measured)

Such width shall be measured from the nearest side lot line. On a corner lot when the side lot line is a side street lot line, the required side yard shall be the same as the required front yard of the lot adjacent thereto.



**SECTION 226 DEFINITIONS (beginning with letter “Z”)**

**226.01 ZONING INSPECTOR**

The Zoning Inspector (Administrative Officer) or his authorized representative, appointed by the Board of Trustees of Jackson Township.

**226.02 ZONING MAP**

The Zoning Map or Maps of a zoned township or portion thereof together with all amendments thereto subsequently adopted.