

ARTICLE 3

CONSTRUCTION OF LANGUAGE AND DEFINITIONS

3.01

Construction of Language

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual; the present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the words "used" or "occupied" include the words "intended", "designed" or "arranged to be used or occupied", the word "building" includes the word "structure" and the word "dwelling" includes the word "residence", the word "lot" includes the words "plot" or "parcel". In case of any difference of meaning or implication between the text of this Ordinance and any caption or illustration, the text shall control.

Terms not herein defined shall have the meaning customarily assigned to them.

3.02

DEFINITIONS

1. Accessory Use or Building: Is a use or building on the same lot width and of a nature customarily incident or subordinate to those of the main use or building. For yard setback and maximum allowable lot coverage purposes only, a private in-ground swimming pool shall be considered an accessory building or structure. All temporary and/or manufactured carports shall be considered detached accessory buildings, even if attached or anchored to a main structure.

2. Adult Entertainment Facility: A facility having significant portion of its function as adult entertainment which includes the following listed categories:

Adult Book/Video Store: An establishment which deals in books, magazines or other periodicals, or video tapes of which at least ten percent, as measured by publicly accessible display area, are distinguished or characterized by an emphasis on depictions or descriptions relating to specified sexual activities or specified anatomical areas, as defined below, or an establishment having an area devoted primarily to the sale or display of such materials.

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Adult Entertainment Theater: A facility used to a substantial extent for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities, or specified anatomical areas as herein defined for the observation by patrons therein.

Adult Entertainment Business: Any establishment involved in the sale of services or products characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons, the exposure or presentation of specified anatomical areas or physical contact of live males or females, and characterized by including but not limited to photography, dancing, stripping, reading, massage, male or female impersonation, and similar functions which utilize activities as specified below.

Specified Sexual Activities:

- (a) Human genitals in a state of sexual stimulation or arousal:
- (b) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio:
- (c) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

Specified Anatomical Areas:

- (a) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; and
- (b) Human male genitals in a discernable turgid state even if completely and opaquely covered.

3. **Agriculture:** See Farm.

4. **Alley:** Any dedicated public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

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5. **Alterations:** Is any change, addition, or modification in construction or type of occupancy, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed".

6. **Antenna (Dish):** A dish-shaped antenna to be used for receiving communication signals from satellites.

7. **Apartment:** A suite of rooms or a room in a multi-family building arranged and intended for a place of residence of a single family or a group of individuals living together as a single housekeeping unit as herein defined.

8. **Apartment Hotel:** A building designed to contain both dwelling units and individual guest rooms or suites of rooms, which building may include accessory uses such as a cigar store, coffee shop, etc., when such uses are accessible only from the lobby.

9. **Auto Service Station:** Is a place where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises; including the sale of minor accessories and the servicing of and general repair and engine rebuilding of automobiles, not including storage of inoperable vehicles.

10. **Auto Repair Station:** Is a place where, along with the sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body frame, or fender straightening and repair; overall painting and undercoating of automobiles.

11. **Basement:** That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, except as provided in paragraph 99

12. **Block:** Is the property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, un-

subdivided acreage, river or live stream or between

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any of the foregoing and any other barrier to the continuity of development, or corporate lines of the municipality.

13. **Board of Zoning Appeals:** Means the Board of Zoning Appeals of Bellbrook, Ohio.

14. **Boarding House:** (Rooming House) a building other than a hotel, where for compensation and by pre arrangement for definite periods, meals or lodging and meals are provided for three or more persons, but not exceeding ten sleeping rooms. A rooming house or a furnished room house shall be deemed a boarding house for the purposes of this Ordinance.

15. **Building:** Is any structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

16. **Building Height:** Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

17. **Building Line:** Is a line formed by the face of the building, and for the purposes of this Ordinance, a building line is the same as a front setback line.

18. **Carport:**

(a) Temporary: A building with a rigid roof comprised of metal, wood or fiberglass, open on two or more sides for the purpose of storing of vehicles and RVs. All temporary freestanding carports and/or manufactured carports shall be considered detached accessory buildings, even if attached or anchored to a main building. No tarpaulins or colored plastic covers are permitted to cover a vehicle housed in a temporary carport.

(b) Permanent: A carport may be built as a permanent addition to a residence and formed by extension of a main building, comprised of the same building materials and having the same characteristics as the main building.

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19. **Carry-Out:** A place of business where beverages and prepared food are sold for consumption off the premises.

20. **Channel:** A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water.

21. **Clinic:** An establishment where human patients who are not lodged overnight are admitted for examination and treatment by a group of physicians, dentists or similar professions.

22. **Club:** Is an organization of persons for special purposes or for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit.

23. **Conditional Use:** A conditional use is a use permitted only after review of an application by the Board of Zoning Appeals, such review being necessary because the provisions of this Ordinance covering conditions, precedent or subsequent, are not precise enough to all applications without interpretation, and such review is required by the Ordinance.

A conditional use does not require "undue hardship" in order to be allowable. The conditional uses that are found in this Ordinance appear as "special approval" on recommendation by the Planning Board and review by the Board of Zoning Appeals. These land uses could not be logically allocated one zone or another, or the effects of such uses could not be definitely foreseen as of a given time.

24. **Conditional Use Permit:** This is a permit issued by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in that particular zoning district where the land is located. These permits are issued only after the applicant has followed the procedures as stated in this Ordinance. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and if approved, he must follow those plans exactly or re-apply for a permit before deviating from that plan.

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25. **Convalescent or Nursing Home:** An establishment which specializes in providing necessary services to those unable to care for themselves.
26. **Council:** Means the Municipal Council of Bellbrook, Ohio.
27. **Development:** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.
28. **District:** Is a portion of the incorporated are of the municipality within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
29. **Drive-In:** Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the drive-in service.
30. **Dwelling Unit:** Is a building, or a portion thereof, designed for occupancy of one (1) family for residential purposes and having cooking facilities.
31. **Dwelling, One-Family:** Is a building designed exclusively for and occupied exclusively by one (1) family.
32. **Dwelling, Two-Family:** Is a building designed exclusively for occupancy by two (2) families living independently of each other.
33. **Dwelling, Multiple-Family:** Is a building, or a portion thereof, designed exclusively for occupancy by three (3) or more families living independently of each other.
34. **Encroachment Lines:** Lines marking the limits of the floodway and the limit of encroachment of fill into the flood plain.
35. **Erected:** Includes built, constructed, altered, reconstructed, moved upon, or any physical operations on the premises, which are required for the construction. Excavation, fill, drainage, and the like, shall be considered a part of erection.

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36. **Essential Services:** Is the erection, construction, alteration or maintenance by public utilities or municipal departments of underground, surface, or overhead gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants, and similar accessories in connection therewith, but not including buildings which are necessary for the furnishing of adequate service by such utilities or municipal departments for the general health, safety or welfare.

37. **Excavation:** Is any breaking of ground, except common household gardening and ground care.

38. **Family:** Is one or two persons or parents, with their direct lineal descendants and adopted children together with no more than two persons not so related, or a group of not more than three persons who need not be related, living together as a single housekeeping unit in a dwelling unit.

39. **Farm:** All of the contiguous neighboring or associated land operated as a single unit on which bona fide farming is carried on directly by the owner-operator, manager or tenant farmer, by his own labor or with the assistance of members of his household or hired employees; provided, however, that land to be considered a farm hereunder shall include a continuous parcel of five (5) acres or more in area; provided, further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, orchards, chicken hatcheries, poultry farms, and apiaries; but establishments keeping fur-bearing animals, or operate riding or boarding stables, commercial dog kennels, non commercial stone quarries or gravel or sand pits, shall not be considered farm hereunder unless combined with bona fide farm operations on the same continuous tract of land of not less than twenty (20) acres. No farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one (1) year immediately prior thereto and for the use and

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consumption by persons residing on the premises.

40. **Fence**: Any structure other than part of a building which encloses or partially encloses any premises.

41. **Filling**: Is the depositing or dumping of any matter on to, or into the ground, except common household gardening and ground care.

42. **Flood**: General and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

43. **Flood Control**: The construction of dikes, river embankments, channels or dams for protection from floods.

44. **Flood Plain**: A channel and the areas adjoining a channel which may be flooded.

45. **Flood Profile**: A graph, chart or longitudinal plot along a stream or river of maximum water surface elevations of a flood.

46. **Flood Proofing**: A combination of structural and non-structural additions, changes or adjustments to properties and structures subject to flooding primarily for the reduction or elimination of flood damage to properties, water and sanitary facilities, and contents of buildings. Walls must be water-tight and structural components must be able to resist hydrostatic and hydrodynamic loads and effects of buoyancy.

47. **Flood Protection Level**: The elevation at any point along a watercourse equal to the regional flood elevation plus one and one half (1.5) feet.

48. **Floodway**: The channel and those parts of the adjoining flood plain which are required to convey the regional flood.

49. **Floodway Fringe**: The part of the regulatory flood plain which is outside the floodway. One boundary of the floodway fringe is the encroachment line and the other boundary is the landward boundary of the regional flood.

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50. **Floor Area**: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways and enclosed and unenclosed porches, except basement areas designed and used for dwelling or business purposes.

51. **Floor Area Gross**: The sum of the gross horizontal areas of all the several floors of a building or buildings, including interior balconies and mezzanines. All horizontal measurements are to be made between the exterior faces of walls including the walls of roofed porches having more than one (1) wall. The gross floor area of a building shall include the floor area of accessory buildings, on the same lot, measured the same way.

52. **Floor Area: (For the purpose of computing parking)**: That area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandising, such as hallways, stairways and elevator shafts, or for utilities or sanitary facilities, shall be excluded from this computation of "Floor Area." Measurements of useable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

53. **Garage: Parking**: A space or structure or series of structures for the temporary storage or parking of motor vehicles, not primarily of commercial vehicles or for dead storage of vehicles, having no public shop or service in connection therewith, other than for the supplying of motor fuels and lubricants, air, water and other operating commodities wholly within the buildings, to the patrons of the garage only and not readily visible from other advertised for sale on the exterior of the building.

54. **Garage: Private**: An accessory building or portion of a main building designed or used solely for the storage or motor-driven vehicles, boats, and similar vehicles owned or used by the occupants of the building to which it is accessory.

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55. **Garage: Service:** Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

56. **Grade (Ground level):** The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five (5) feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

57. **Hedge:** Any planting which encloses or partially encloses any premises.

58. **Home Occupation:** Any occupation operated in its entirety within the principal dwelling and only by the person or persons maintaining a dwelling therein; not having a separate entrance from outside the building; not involving alteration or construction not customarily found in dwellings; not utilizing more than twenty-five percent (25%) of the total actual floor area of any one story; not utilizing any equipment except that which is used normally for purely domestic or household purposes; not displaying, or creating outside the structure any external evidence of the operation of the home occupation, except, for one unanimated non-illuminated, name plate having an area of not more than one (1) square foot attached to the building entrance. Signs advertising or bearing the name of the home occupation are also prohibited on any vehicle or other portable stand on or off the premises on which the home occupation is being conducted.

In addition, no commodity may be sold upon the premises, no person may be employed other than a member of the immediate family residing on the premises; and no mechanical or electrical equipment may be used except of a type that is similar in size, capacity, style, and character to that which is normally and customarily used for purely domestic or household purposes; a professional person may use his residence for infrequent consultation, emergency treatment or performance of religious rites, but not for the general practice of his profession; no occupation, activity or profession shall be deemed to constitute a permitted home occupation if and to the extent it causes or results in the arrival or entrance at or upon the premises of more than five persons upon any given day for the purposes of, or in connection with, such occupation, activity, or profession. In no event

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may any home occupation cause or result in persons arriving at or entering the premises before 7:00 a.m. or after 8:00 p.m. This would include employees of the homeowner meeting and/or parking at his residence on a regular basis to prepare for working either on or off the premises.

59. **Hospital or Sanitarium**: A public or semi-public facility that provides accommodations and continuous service for the sick and injured including obstetrical, medical and surgical care.

60. **Hotel**: A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals in which there are ten (10) or more sleeping rooms and no provision made for cooking in any individual room or apartment. A hotel may include a restaurant or cocktail lounge, public banquet halls, ballrooms, or meeting rooms.

61. **Junk Yards (Salvage Yards)**: Is an open area where waste, used or second hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A "Junk Yard" includes automobile wrecking yards and includes any area of more than two hundred (200) square feet for storage, keeping or abandonment of junk but does not include uses established entirely within enclosed buildings. Two (2) or more inoperative or unlicensed vehicles shall be construed to be a junk yard.

62. **Kennel**:

(a) any lot or premises used for the sale, training, boarding or breeding of dogs, cats or other animals;

(b) or any lot or premises upon which are kept more than four (4) animals which are over the age of four (4) months and which are either dogs or cats. Kennels are not included as permitted principal or accessory uses in any Residential Zoning Districts and so are not allowed in those Districts;

(1) an excess number of dogs and/or cats on premises that exist as of the effective date of this ordinance (May 26, 2010) may remain without penalty until the permitted number of dogs and/or cats is achieved on the premises. No additional dogs and/or cats may be added to any such lot or premises until the number of dogs and cats is reduced to three (3) or less.

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63. **Loading Space:** Is an off-street space on the same lot with a building, or group of buildings, for the temporary parking of a commercial vehicle while loading and unloading merchandise or material.

64. **Lot:** Is a parcel of land occupied, or to be occupied by a main building or a group of such buildings and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this Ordinance. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage of forty (40) feet thereon.

65. **Lot Area:** Is the total horizontal area within the lot lines of the lot.

66. **Lot, Corner:** A lot which has at least two (2) contiguous sides, each abutting upon a street for its full length.

67. **Lot, Interior:** Is any lot other than a corner lot.

68. **Lots, Through:** Is any interior lot having frontages on two (2) more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of said lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

69. **Lot, Coverage:** Is the part or percent of the lot occupied by buildings including accessory buildings.

70. **Lot Line:** The lines bounding a lot as defined herein.

71. **Front Lot Lines:** In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.

72. **Rear Lot Lines:** Is that lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension.

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73. **Side Lot Line:** Is any lot line other than the front lot line or 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 side lot line.

74. **Lot Width:** Is the horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.

75. **Lot of Record:** Is a parcel of land, the dimensions of which are shown on a document or map on file with the County Register of Deeds or in common use by Municipal or County Officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

76. **Main Building:** Is a building in which is conducted the principal use of the lot upon which it is situated.

77. **Main Use:** Is the principal use to which the premises are devoted and the principal purpose for which the premises exist.

78. **Major Thoroughfare:** Is an arterial street which is intended to serve as a large volume traffic way for both the immediate municipal area and the region beyond, and may be designated a major thoroughfare, parkway, freeway, expressway or equivalent term to identify those streets comprising the basic structure of the street plan. Any street with a width, existing or proposed, of eighty (80) feet shall be considered a major thoroughfare.

79. **Major Thoroughfare Plan:** The official plan, as adopted by the Planning Board, of the major highways and streets, on file in the Office of the County Recorder, including all amendments and supplements subsequently adopted.

80. **Master Plan:** Is the comprehensive plan approved by the Planning Board including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and all physical development of the municipality and includes any unit or part of such plan, and any amendment to such plan or parts thereof.

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81. **Mezzanine:** Is an intermediate floor in any story occupying not to exceed two-thirds (2/3) of the floor area of such story.

82. **Motel:** Is a series of attached, semi-detached or detached rental units containing a bedroom, bathroom and closet space. Units shall provide for overnight lodging and are offered to the public for compensation and shall cater primarily to the public traveling by motor vehicle. It may include all facilities specified under the definition of "Hotel" in Item 58.

83. **Non-Conforming Building:** Is a building or portion thereof, lawfully existing at the effective date of this Ordinance, or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

84. **Nursery:**

(a) **Plant Material:** Is a space including accessory building or structure, for the growing or storage of live trees, shrubs or plant materials not offered for retail sale on the premises, including products used for gardening or landscaping.

(b) **Retail:** Is a space including accessory building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping.

85. **Off-Street Parking Lot:** Is a facility 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 two (2) vehicles.

86. **Open Space:** That part of a zoning lot, including courts or yards which is open and unobstructed from its lowest level to the sky, accessible to all tenants upon the zoning lot.

87. **Open Space (Common):** That area either dedicated to the public or commonly owned and/or available to all the residents of a Planned Unit Development Area.

88. **Parking Space:** Is hereby determined to be a minimum area of two hundred (200) square feet, said area shall be exclusive of drives, aisles or entrances giving access thereto, and shall be fully accessible for the storage

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or parking of permitted vehicles.

89. **Personal Wireless Services:** Services as defined in Title 47, Section 3320(7) of the United States Code.

90. **Personal Wireless Service Antenna:** A device for transmitting or receiving electromagnetic signals which carry information essential to the provision of a Personal Wireless Service.

91. **Personal Wireless Service Facility:** Facilities for the provision of Personal Wireless Services.

92. **Personal Wireless Service Site:** A place where Personal Wireless Service Facilities are maintained and operated.

93. **Personal Wireless Service Tower:** A structure for supporting a Personal Wireless Service Antenna.

94. **Planned Development:** Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, site plans and design principles for all buildings as intended to be located, constructed, used and related to each other, and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations including all lands and buildings, with a program for provision, operations and maintenance of such areas, improvements and facilities necessary for common use by the occupants of the development.

95. **Planning Board:** Means the Planning Board of Bellbrook, Ohio.

96. **Pool, Swimming:** A structure constructed or placed below ground or above ground including a pond, which is capable of containing water in excess of eighteen inches (18") of depth.

97. **Public Utility:** Is any person, firm or corporation, municipal department, board or commission duly authorized to furnish and furnishing under state or municipal regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, telephone, transportation or water.

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98. **Recreational Vehicle (or RV):** A vehicle which is used primarily for pleasure and/or recreational purposes. For purposes of determining the length, width and/or height of a recreational vehicle, the dimensions as stated on an official Certificate of Title will be used. Types of recreational vehicles include: boats, motor homes, travel trailers, campers, jet skis, snowmobiles, off road vehicles, unattached truck caps and trailers of any kind.

99. **Regional Flood:** A flood having an average frequency of occurrence on the order of once in 100 years, although such a flood may occur in any year.

100. **Regulatory Flood Plain:** The channel and areas adjoining a channel which may be covered by the regional flood.

101. **Restaurant:** An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

102. **Row House or Town House:** A two (2) story row of three (3) or more attached one (1) family dwellings, each unity of which extends from the basement to the roof.

103. **Sign:** A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.

104. **Sign, (Ground or Free Standing):** A sign which is supported by one (1) or more poles, uprights or braces in or upon the ground, which are not a part of a building.

105. **Sign, (Wall):** A sign which is attached directly to the wall of a building and which extends not more than twelve (12) inches from the wall including window sign.

(a) **Wall or Flat:** A sign which is flush mounted directly to a building having only one (1) message bearing side, or a sign painted directly on a building.

(b) **Projecting:** A sign suspended or supported by a building having two (2) or more message bearing sides.

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(c) **Roof:** A sign of permitted size mounted vertically on a pitched roof which overhangs a wall at ground level precluding the placement of a sign on the wall.

106. **Story:** Is that part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six (6) feet above grade, such basement shall be considered a story.

107. **Story (Half):** Is an uppermost story lying under a sloping roof having an area of at least two hundred (200) square feet, with a clear height of seven feet six inches (7'6"). For the purposes of this Ordinance, the usable floor area is only that area having at least four feet (4') clear height between floor and ceiling.

108. **Street:** Is a public thoroughfare which affords the principal means of access to abutting property.

109. **Structure:** Is anything constructed or erected, the use of which requires location on or in the ground or attachment to something having location on or in the ground.

110. **Substantial Improvement:** Any repair or reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the actual cash value of the structure either (a) before the improvement is started or (b) if the structure has been damaged and is being restored, before the damage occurred. Substantial improvement, as defined, is deemed to begin when the first alteration of any wall, ceiling, floor or other structural part of the building commences.

111. **Temporary Use or Building:** Is a use or building permitted by the Board of Zoning Appeals to exist during periods of construction of the main building or use, or for special events.

112. **Tent:** Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and shall include: shelter provided for circuses, carnivals, side shows, revival meetings, camp meetings, and all similar meetings or exhibitions in temporary structures.

113. Mobile Home, Commercial Semi-trailer, Truck and Tractor:

(a) Mobile Home: Is a detached single-family dwelling to be located on foundation supports, designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment to outside systems; and designed to be transported after fabrication on its own wheels, or in flatbed or other trailers or detachable wheels.

(b) Commercial Semi-trailer: Any commercial vehicle designed or used for carrying persons or property with another and separate motor vehicle so that in operation a part of its own weight or that of its load, or both, rests upon and is carried by another vehicle, also defined as a vehicle having wheels only at the rear, the front resting on a tractor or towing vehicle.

(c) Commercial Truck: Any automotive vehicle designed to carry loads and which exceeds ten thousand pounds (10,000 lbs.) in weight unloaded.

(d) Commercial Tractor: Every motor vehicle having motive power designed or used for drawing other vehicles and not so constructed as to carry any load thereon, or designed or used for drawing other vehicles while carrying a portion of such other vehicles or the load thereon, or both.

114. Trailer Court, (Mobile Home Park): Any plot of ground upon which two or more trailer coaches or mobile homes occupied for dwelling or sleeping purposes may be located.

115. Use: Is the purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

116. Variance: Is a modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause practical difficulty owing to circumstances unique to the individual property on which the variance is granted. The crucial points of variances are undue hardship and unique circumstances applying to the property. A variance is not justified unless both elements are present in the case.

Article # 3, Language & Definitions

117. **Wall:** Any solid structure other than part of a building which encloses or partially encloses any premises.

118. **Watercourse:** A natural or artificially constructed channel in which a flow of water occurs either continuously or intermittently in a definite direction.

119. **Yards:** The open spaces on the same lot with a main building, unoccupied and unobstructed from the ground upward except as otherwise provided in this Ordinance, as defined herein:

(a) **Front Yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

(b) **Rear Yard:** Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

(c) **Side Yard:** Is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.