

## **Bethel Township Zoning Resolution Article 3 - Definitions – September 2018**

### **ARTICLE 3**

#### **DEFINITIONS**

##### **Section 3.01 Interpretation of Definitions**

For the purpose of this Zoning Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular. The word “shall” is mandatory.

The following words and terms, wherever they occur in this Zoning Resolution, shall be construed as herein defined unless the context clearly indicates otherwise. Words not defined in this Zoning Resolution shall be interpreted in accordance with definitions in: The Zoning Dictionary by Lehman and Associates; The Latest Illustrated Book of Development Definitions by Harvey S. Moskowitz; the applicable Fire Code; the State Statutes; or the State Building Code. If a word or term is not defined as identified by the protocol above, it shall have the meaning set forth in the latest editions of Webster’s New World College Dictionary.

##### **Section 3.02 Words and Terms Defined**

###### **A**

**Abutting** – Having a common border with, or being separated from, such a common border by a right-of-way, alley or easement.

**Accessory Use or Building** – See “Use or Building, Accessory”.

**Adult Entertainment Facility** – See “Sexually Oriented Business”:

**Agriculture** – The use of land for farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. “Agriculture” shall also be limited by the definition of “Agriculture” as per the O.R.C. Section 519.01.

**Agricultural Business** – Any establishment supporting local agricultural practices including, but not limited to: feed mills, dairy supplies, poultry processing, creameries, auction yards, agricultural veterinarians, seed sales, grain elevators, large farm implement sales and service, and agricultural product processing facilities.

**Agricultural Structure** – Any building or item constructed or erected that requires location on the ground that is used for agricultural purposes (e.g. Barn, Silo, Water Trough, etc.).

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

**Alteration** – Any change, addition, or modification in construction or type of occupancy or 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".

**Amusement Park** – A business, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, restaurants and souvenir sales.

**Animal Hospital** – See “Veterinarian Clinic”.

**Apartment** – A suite of rooms or a room in a multi-family building arranged and intended as a place of

residence for a single family or for a group of individuals living together as a single housekeeping unit herein defined.

**Assisted Living Facility** – An extended care facility in an establishment that specializes in providing necessary care and services to the frail elderly and/or special needs population, who require assistance in caring for themselves.

**Auto Wash Facility** – The use of a tract of land, building, or portion thereof, for the manual or automatic washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment, for profit.

**Automobile, Mobile Home, Recreational Vehicle, Boat, Truck, Trailer and Farm Implement Sales and Service** - A lot or building for the display and temporary storage, for sale, of new or used motor vehicles including RV's, trucks, motorcycles, and farm equipment and implements, mobile homes or boats, where repair or service work is incidental to the operation of new vehicle sales.

**Automobile Filling Station** – See “Convenience Store.”

**Automobile Repair Garage** - A business conducting general repair, rebuilding or reconditioning of engines, transmissions, mufflers, motor vehicles or trailers, including but not limited to: body work, frame work, welding and painting.

**Automobile Wrecking, Junk or Salvage Yard** – See “Junk Yard”.

## B

**Bar or Tavern** – An establishment serving alcoholic beverages or spirituous liquors in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.

**Bank** – See “Financial Institution”.

**Basement** – That portion of a building having one-half or more of its floor to ceiling height above the average level of the adjoining ground and with a floor-to-ceiling height of not less than six and one-half feet.

**Bed and Breakfast Establishments** - A one family dwelling whose premises are permanently occupied by a family that offers overnight accommodations and breakfast to transient guests for compensation.

**Billboard** – A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the property, building or structure on which the sign is located.

**Block** –The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating), unsubdivided acreage, river or live stream or between any of the foregoing and any other barrier to the continuity of development or corporate limits of a municipality.

**Board of Zoning Appeals** – The Board of Zoning Appeals (BZA) of Bethel Township, Miami County, Ohio.

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

**Building Height** – The vertical distance measured from the front finished grade to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitch, hip or gambrel roof.

**Building Services and Supplies** – An indoor or outdoor establishment where lumber and other building materials such as, but not limited to, brick, tile, cement, insulation, roofing materials, and the like are sold at retail.

**Building Setback Line** – A line, parallel to the street, and touching that part of a building closest to the street. The “building setback line” shall constitute the largest encroachment of the building (e.g. overhang or eave), rather than the foundation.

## C

**Carport** – A covered automobile/motor vehicle parking space not completely enclosed by walls or doors.

A carport shall be subject to all the provisions described in this resolution for an accessory building.

**Carry-Out or Drive Through Facility** – A place of business or portion thereof, from which persons can conduct the major portion of their transactions without leaving their motor vehicles.

**Cemetery** – A place for burying or interment of human remains.

**Cemetery, Pet** - A place for burying or interment of domesticated animals.

**Child Care** - Any place recognized by Ohio Revised Code Section 5104.01 in which supervision is provided for preschool or school age children.

**Clinic** – An establishment where human patients, who are not lodged overnight, are admitted for examination and treatment by a group of physicians, dentists or other licensed medical practitioners.

**Club, Fraternal** – A non-profit organization of persons for special, common purposes or for the promulgation of sports, arts, sciences, literature, politics or the like. Clubs shall exclude places of worship or groups organized solely or primarily to render a service carried on as a commercial or profit-making enterprise.

**Commercial Entertainment** - A facility for any profit-making activity which provides services related to the entertainment field within an enclosed building. Examples include: theaters, motion picture theaters, bowling alleys, pool and billiard halls and similar entertainment activities. Commercial entertainment shall not include sexually oriented businesses.

**Commercial Recreation** - Land or facilities that are operated as a business and which are open to the general public for a fee, the primary purpose of which is to provide the general public with an amusing or entertaining activity. Commercial recreation facilities may include, but are not limited to water parks, skating rinks, billiard parlors, driving ranges, and batting cages.

**Conditional Use** - See “Use, Conditional”.

**Conditional Use Permit** – A permit issued by the Board of Appeals to allow certain specific developments that would not otherwise be allowed in that particular zoning district where the land is located, if certain conditions are met.

**Condominium** – An individually owned dwelling unit in a larger building or group of buildings.

**Conservation Development** – A form of development that is characterized by rural residential uses, providing large open space areas, reduction of site disturbance, and the protection of rural views through the careful placement of dwellings.

**Constructed** – See “Erected”.

**Convalescent (Also Nursing Home)** – An establishment which specializes in providing necessary services to those unable to care for themselves by reason of advanced age, chronic illness or infirmity.

**Convenience Store** – A business that customarily provides prepackaged food products, and beverages for consumption off premises, newspapers, magazines, groceries or other small-scale retail items. A convenience store may include a car wash, the sales of automotive fuels and lubricants if permitted by the Township Board of Zoning Appeals.

**County Commission** – Means the Board of County Commissioners of Miami County, Ohio.

## **D**

**Density** – The number of dwelling units per acre of land.

**Density, Allowable** – The ratio of dwelling units per gross site area.

**District** – A portion of the unincorporated area of the Township within which certain regulations and requirements or various combinations thereof apply under the provisions of this Resolution.

**Domestic Sale** – A sale conducted on any portion of the property which offers more than two items of personal property for sale to the general public, to include but not to be limited to, garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales, rummage sales and the like.

**Drive-In or Drive Through** – 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.

**Dwelling** – A building or portion thereof, designed for occupancy for residential purposes and having sleeping, kitchen and bathroom facilities for one household, family or individual. A dwelling unit may include an Industrialized Unit but shall not include a Manufactured Home unless it meets the additional requirements as identified in “Dwelling, Manufactured Home, Permanently Sited”.

**Dwelling, One-Family** – A building designed for and occupied exclusively by one (1) family.

**Dwelling, Two-Family** – A building designed for occupancy by two (2) families living independent of each other.

**Dwelling, Manufactured Home** – A building or unit of closed construction fabricated offsite, constructed in conformance with HUD Code of 1974 with a permanent label or tag certifying compliance with all applicable federal construction and safety standards.

**Dwelling, Manufactured Home, Permanently Sited** – A permanently sited manufactured home is considered a single-family dwelling if it meets all the additional criteria:

A. The structure is affixed to a permanent foundation and is connected to appropriate utilities.

B. The structure, excluding any addition, has a minimum width of 22 feet.

C. The structure has a minimum length of 22 feet.

D. Excluding garages, porches, and attachments, the manufactured home has a minimum living area of 900 square feet.

E. The manufactured home has a minimum 6-inch eave overhang including appropriate guttering.

F. The manufactured home was manufactured after 1/1/95.

G. The manufactured home is not located in a manufactured home park.

**Dwelling, Mobile Home** – A closed construction building unit fabricated off site that is more than 35 body feet in length and more than 320 sq. ft., built on a permanent chassis transportable in one or more sections that does not qualify as a manufactured home or industrialized unit. All mobile homes are pre-HUD code (pre-1974). This definition is to include any prefabricated unit or units designed for use as a dwelling that may not conform in all respects to State and County building codes for dwellings.

**Dwelling, Multiple-Family** – A building, or a portion thereof, designed for occupancy by three (3) or more families living independently of each other.

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

## **E**

**Easement** - A grant by a property owner for use of a parcel of land by the public or any person for any specific purpose or for purposes of access, constructing and maintaining utilities, including: sanitary sewers, water mains, electric lines, telephone lines, cable television lines, other transmission lines, storm sewer, storm drainage ways, gas lines or other service utilities.

**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.

**Essential Services** – The erection, construction, alteration or maintenance by public utilities or units of government of underground, surface, or overhead gas, electrical, telephone, cellular and wireless towers, telegraph, fiber optic, steam, fuel or water transmission or distribution systems, collection, 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, including only governmental buildings which are necessary for the furnishing of adequate service for the general health, safety or welfare.

**Established** – Includes any of the following:

A. The opening or commencement of any business as a new business;

B. The conversion of any existing business to any other business;

C. The addition of any business to any other existing business; or

D. The relocation of any business.

**Events** – An event is an activity or gathering which meets any of the following criteria:

1. Use of or impact/encroachment on any city street, sidewalk, alley or other right-of-way area (which includes any indirect impact that will affect the flow of typical vehicular or pedestrian traffic).
2. Is likely to draw a crowd to a venue not properly suited and has the potential to require special accommodations, regulations, traffic control devices or public service personnel.
3. Presence or participation of any for-profit or non-profit vendor that intends to make a sale, advertise for sale, solicit sales, offer for sale, distribute business/organizational information, or provides a service or offer/advertise to provide a service.
4. Including, but not limited to, weddings and receptions, car show, motorcycle shows, club gatherings, church gatherings, school gatherings, concerts, and seasonal parties.

**Excavation** – Is any breaking of ground except tilling, common household gardening, and ground care.

## **F**

**Family** – A person or group of persons occupying a dwelling and living as a single housekeeping unit, whether or not related to each other by birth or marriage as distinguished from a group occupying a bed and breakfast establishment, motel or hotel as defined herein.

**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 further, farms may be considered as including establishments operated as bona fide greenhouses, nurseries, vineyards, orchards, chicken hatcheries, poultry farms, and apiaries. No farm shall be operated for the disposal of garbage, sewage or sewage by-product, rubbish, offal, or rendering plants.

**Farm, Mega (Concentrated Animal Feeding Operation (CAFO))** – A livestock, dairy or poultry farm defined as a facility that confines animals for at least 45 days in a 12-month period and there is no grass or other vegetation in the confinement area during the normal growing season and meets one of the following definitions:

Large CAFO – An operation is a large CAFO if it has at least:

- A. 700 mature dairy cows,
- B. 1,000 beef cattle or heifers,
- C. 2,500 swine weighing more than 55 pounds,
- D. 10,000 swine weighing less than 55 pounds,
- E. 30,000 ducks (other than liquid manure systems),
- F. 5,000 ducks (liquid manure handling systems),
- G. 30,000 chickens (liquid manure handling systems),
- H. 125,000 chickens except layers (other than a liquid manure system),
- I. 82,000 laying hens (other than liquid manure systems),
- J. 1,000 veal calves,
- K. 500 horses,
- L. 10,000 sheep or lambs, or
- M. 55,000 turkeys.

Medium CAFO – An operation is a medium CAFO if a man-made ditch or pipe carries manure or wastewater from the operation to surface water, or the animals come into contact with surface water running through the area where they are confined, and the operation has at least:

- A. 200 mature dairy cows,
- B. 300 beef cattle or heifers,
- C. 750 swine weighing more than 55 pounds,
- D. 3,000 swine weighing less than 55 pounds,

- E. 10,000 ducks (other than liquid manure handling systems),
- F. 1,500 ducks (liquid manure handling system),
- G. 9,000 chickens (liquid manure handling system),
- H. 37,500 chickens except layers (other than liquid manure handling systems),
- I. 25,000 layers (other than liquid manure handling systems),
- J. 300 veal calves,
- K. 150 horses,
- L. 3,000 sheep or lambs, or
- M. 16,500 turkeys.

**Farm Market** – A building located on a farm, which building is used by the owner-operator, or lessee operator of such farm for the sale of (1) produce and plants raised on such farm, (2) produce and plants raised on other farms operated by such owner or lessee, and (3) produce and plants raised elsewhere but which produce and plants are offered for sale as a replacement of and to the extent of a crop shortage, due to natural causes such as weather, lack of plant development and disease, on such farm or other farms operated by such owner or lessee.

**Fence** – An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material, or combination of materials, erected to enclose, screen, or separate areas.

**Filling** – The depositing or dumping of any matter onto or into depressed or low-lying areas to create usable land for development.

**Financial Institution** - A building, property or activity where the principal use or purpose of which is the provision of financial services including, but not limited to financial planning and investment services, banks, credit unions, savings and loan institutions, lending establishments and mortgage companies that are FDIC or NCUA insured.

**Floodplain** - Those areas designated in the 100-year floodplain by the Federal Emergency Management Agency as “areas of special flood-related erosion hazard” or “area of special flood hazard” on any Flood Hazard Boundary Map issued by the Administrator of the Federal Emergency Management Agency (FEMA) or the locally appointed administrator of FEMA’s programs.

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

**Floor Area, Net** – The sum of 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 merchandise, 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 or from the centerline of a party wall.

**Frontage** – Horizontal distance between side lot lines parallel to the front lot line measured at the depth of the minimum front yard required for the zoning district in which it is located.

**Funeral Home** – An establishment engaged in undertaking services such as preparing the dead for burial, arranging and managing the display of the deceased and providing rituals connected therewith before burial or cremation.

## G

**Garage, Parking** – A space, structure, or series of structures for the temporary storage or parking of motor vehicles.

**Garage, Private** – An accessory building, or portion of a main building, designed or used solely for the storage of motor vehicles, boats and similar vehicles owned or used by the occupants of the building to

which it is accessory.

**Garage, Service** – Any building or structure used for the storage or care of motor vehicles or where any such vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

**Grade (Ground Level)** – The average level of the finished ground at the center of all walls of a building.

**Greenhouse, Commercial** – A building largely constructed of glass or other transparent or translucent material in which the temperature and humidity can be regulated for the cultivation of plants for the subsequent sale.

## H

**Heavy Manufacturing** – See “Manufacturing, Heavy”.

**Home Occupation** – An accessory, customary or incidental occupation or activity operated for gain, in its entirety, by the person or persons residing within a dwelling. Such occupation or activity shall be incidental to and secondary to the residential occupancy, shall not change the residential and/or agricultural character of the property, shall not involve any alteration or construction not customarily accessory to the residential structure, shall not utilize an area in excess of 200 square feet, shall not create any objectionable 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.

**Hospital** – An institution providing inpatient and outpatient medical and surgical care or diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, training facilities, and other necessary accessory facilities.

**Hotel** – A building in which overnight lodging is provided to the public for compensation and which may include additional accessory services such as restaurants, meeting rooms, lounges, conference rooms and personal fitness facilities.

## I

**Impervious Surface (Lot Coverage)** - Any hard-surfaced material that does not readily absorb storm water into the ground located directly below the material including building footprints, parking, driveways, sidewalks, patios, or any compacted areas.

**Impervious Surface Ratio** - The measure of intensity of impervious surfaces, determined by dividing the total of all impervious surfaces on a site by the gross area of the site.

**Industrialized Unit** – A building unit of closed construction built pursuant to Ohio Basic Building Code that is substantially self-sufficient as a unit or part of a greater structure that requires transportation to a site. This includes units installed as independent units, installed as a part of a group of units or incorporated with standard construction methods to form a completed structural entity. Industrialized Unit does not include a manufactured home or a mobile home.

**Inspector** - The Zoning Administrator of Bethel Township appointed by the Board of Township Trustees, to enforce the provisions and regulations of this Zoning Resolution.

## J

**Junk Yard (Salvage Yard)** – 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 areas for storage, keeping, or abandonment of junk unless established entirely within enclosed buildings. Where the use of the land involves two (2) or more unhoused inoperative or unlicensed (where applicable) vehicles, such condition shall be considered prima facie evidence of the existence of a junkyard.

## K

**Kennel** – The keeping of dogs, cats or other household pets whether for sale, boarding, or breeding for

profit or which are not kept for personal use and enjoyment, on any lot or premises or contiguous lots under common ownership. Kennel shall also mean the keeping on or in any lot, group of commonly owned contiguous lots, or building of 3 or more dogs, cats or other household pets which are over the age of 6 months.

## **L**

**Landscaping** - The alteration of the natural terrain by the planting of trees, grass, shrubs and installation of ground cover indigenous to Zone 6 of the United States Department of Agriculture Plant Hardiness Zone Map.

**Light Manufacturing** – See “Manufacturing, Light”.

**Loading Space** – 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 materials.

**Lot** – A parcel of land occupied by a use or occupied or to be occupied by a main building or a group of such buildings or utilized for the principal use and uses accessory thereto together with such open spaces as are required under the provisions of this Resolution.

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

**Lot, Flag** – A lot that does not meet the minimum frontage requirements and where access to the public road is by a narrow, private right-of-way, easement, or driveway.

**Lot, Interior** – Any lot other than a corner lot.

**Lot, Through** – Any interior lot having frontages on two more or less parallel streets as distinguished from a corner lot. In the case of a row of double frontage lots, each side of each lot adjacent to a street shall be considered frontage, and front yards shall be provided as required.

**Lot Area** – The total horizontal area within the lot lines of the lot.

**Lot Coverage** – The part or percent of the lot occupied by buildings including accessory buildings.

**Lot Lines** – The lines bounding a lot as defined herein.

A. Front Lot Line: In the case of an interior lot, is that line separating said lot from the right-of-way sideline of a street or roadway. In the case of a corner lot, or double frontage lot, is that line separating said lot from either right-of-way sideline.

B. Rear Lot Line: 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.

C. 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.

**Lot Measurements** –

A. Width: The horizontal distance between the side lot lines measured at the two points where the building setback line intersects the side lot lines.

B. Depth: The distance between the mid-point of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

**Lot of Record** – A parcel of land, the dimensions of which is shown on a document or map on file with the Miami County Recorder.

## **M**

**Main Building** – A building in which the principal use of the lot upon which it is situated is conducted.

**Main Use** – The principal use to which the premises are devoted and the principal purpose for which the premises exist.



**Major Thoroughfare** – An arterial street which is intended to serve as a large volume traffic way and which has an existing or proposed right-of-way width of at least eighty (80) feet as shown in the Official Thoroughfare Plan of Miami County, Ohio.

**Major Thoroughfare Plan** – The Official Thoroughfare Plan of Miami County, as adopted by the County Planning Commission, of the major highways and streets on file in the office of the County Recorder, including all amendments and supplements subsequently adopted.

**Manufacturing, Heavy** – A use engaged in the processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, odor, vibration, water pollution, electromagnetic disturbances, radiation, noise or dust.

**Manufacturing, Light** – A use engaged in the assembling, altering, converting, fabricating, finishing, processing or treatment of a product utilizing a relatively clean and quiet process which does not include or generate objectionable or hazardous elements off site such as smoke, odor, vibration, water pollution or dust and which is operating and storing products and materials in a completely enclosed structure.

**Master Plan** – See “Strategic Plan”.

**Medical and Dental Office** – See “Office, Medical and Dental”.

**Medical Marijuana** – Medicinal marijuana is legal in Ohio under ORC 3796. Cultivation is classified as “medical manufacturing” and is allowed in I-1 and I-2 zoning districts. Processing, laboratories and dispensaries are allowed in applicable zoning districts.

**Mezzanine** – An intermediate floor in any story occupying not more than two-thirds (2/3) of the floor area of the room in which it is located.

**Mobile Home** – See “Dwelling, Mobile Home”

**Modular Home** – See “Dwelling, Industrialized Unit”.

**Motel** – A series of attached, semi-detached, or detached rental units containing a bedroom, bathroom, and closet space that are accessed from the outside of the unit. Units shall provide for overnight lodging, are offered to the public for compensation, and shall cater primarily to the public traveling by motor vehicle.

**Motor Freight Terminal** – See “Truck Transfer Terminal”.

**Multiple Tenant Building** – A building, managed as one entity, containing two or more retail, personal service, professional service, office or industrial uses that are permitted in the district the multi-tenant use is located.

## N

**New Urbanism** – Characteristics used to describe an area that includes walkability, mixed uses, mixed housing types, increased density, etc. in a compact development.

**Nonconforming Building or Structure** – A building, structure or portion thereof lawfully existing at the effective date of this Resolution or amendments thereto that does not conform to the provisions of the Resolution in the district in which it is located.

**Nonconforming Use** – Is a use, which lawfully occupied a building or land at the effective date of this Resolution or amendments thereto, and that does not conform to the use regulations of the district in which it is located.

**Nonconformity** – Any use, structure, site, lot of record, or sign lawfully established prior to the effective date of this Resolution which would not be permitted by, or is not in full compliance with, the regulations in this Zoning Resolution or any subsequent amendments.

**Nonconforming Site** – Any site legally established prior to the effective date of this Zoning Resolution which does not fully comply with the standards imposed by this Resolution or any subsequent amendments.

**Nonconforming Lot of Record** – Any recorded lot, which at the time it was recorded with the Miami County Recorder’s Office, fully complied with all then existing Zoning and Subdivision regulations but which does not fully comply with the lot requirements of this Zoning Resolution or of any other ordinance or regulation of Bethel Township and subsequent amendments to this Zoning Resolution or other ordinances.

**Nonconforming Sign** – Any sign legally established prior to the effective date of this Zoning Code which is not fully in compliance with the regulations of this Zoning Code or subsequent amendments to this Zoning Code.

**Nude, Nudity or State of Nudity** – A live person exhibiting: (1) specified anatomical areas, or (2) a state of dress which fails to opaquely and fully cover specified anatomical areas.

**Nursery, Plant** –

A. Wholesale: 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 sale and/or storage of live trees, shrubs, or plants often used for gardening or landscaping.

**Nursery School** - An establishment providing for the care, supervision, and protection of children on a daily basis for compensation.

## O

**Off Street Parking Lot** – A permanently surfaced parcel of land devoted to unenclosed parking spaces including adequate drives and aisles for maneuvering and proper access for entrance and exit.

**Office, Medical and Dental** – A building or portion where patients who are not lodged overnight are admitted for examination, testing, diagnosis and/or treatment by a physician, group of physicians, licensed medical practitioners, including urgent care facilities, or dentist for medical or dental work.

**Office, Administrative, Business and Professional** – A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations which carries on no retail trade and maintains no stock of goods for sale.

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

**Open Space, Common** – That area dedicated to the public or commonly owned and/or available to all the residents of a development.

**Outdoor Display** - An area of designated size outside of an enclosed building used for the sample display of merchandise, goods, wares or tangible property normally sold, rented or leased within the business on the property where the merchandise is sold, rented or leased.

**Outdoor Storage** - The keeping, outside of an enclosed building or structure, of personal or business property, goods, wares, or merchandise which are not located in that specific area for customer viewing or immediate sale, in the same place for a period of more than seventy-two (72) hours.

**Overlay District** – A zoning district that modifies the basic underlying zoning district(s) in some specific manner including, but not limited to uses, design guidelines, setbacks, building heights, etc.

## P

**Paint and Body Shop** – Facility which provides collision repair services, including body frame straightening and repair, replacement of damaged parts, and painting for motor vehicles.

**Parking Lot** - A permanently surfaced parcel of land devoted to unenclosed parking spaces.

**Parking Space** – A dedicated area for the parking of a motor vehicle within a public or private parking lot.

**Personal Service** - Any business activity that caters to customers personal needs and which may include the incidental sale of products. Personal services may include barber shops, beauty shops, dry cleaners,

health clubs, pet grooming and tanning spas. Personal services shall not include adult entertainment or sexually oriented businesses.

**Planned Unit Development** – Land under unified control which is planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots or building sites, 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 programmed series of development operations, including all lands and buildings, with a program for provision, operation, and maintenance of such areas, improvements, and facilities necessary for common use by the occupants of the development.

**Planning Commission** – Means the Planning Commission of Miami County, Ohio.

**Portable Storage Unit** – Means any enclosed unit of durable construction or material, not to exceed eight (8) feet in width by eight (8) feet in height by sixteen (16) feet long, designed for permanent or temporary storage, which can be transported by vehicle and left on site or are delivered to site, filled by the owner or renter, and stored off site (See Section 30.37, Portable Storage Unit).

**Professional service** – Any office or place of business which engage in providing to the general public services of a professional nature, such as, but not limited to, legal, engineering, medical, dental, accounting, real estate agencies, architectural, contractors, tradesmen, exterminators, landscape architectural services, learning centers and other similar professions including therapeutic massage and chiropractors.

**Public Utility** – Any person, firm or corporation, company, governmental department, board or commission duly authorized to furnish under federal, state, or local regulations to the public: natural gas, steam, electricity, sewage disposal, telegraph, telephone, cellular or wireless towers (unless meeting the requirements of Section 519.211 of the ORC), transportation, cable, or water.

## Q

No definitions for “Q”.

## R

**Recreation, Non-Commercial** – An outdoor area providing active or passive uses where no fee is charged for admission or use. Non-commercial recreation may include, but is not limited to: greenway networks, pedestrian and bicycle paths (excluding sidewalks), athletic fields, open spaces, parks and playgrounds.

### **Recreational Vehicle** –

A. A vehicular portable structure designed and constructed to be used as temporary dwelling for travel, recreational, and vacation uses and being classed as follows:

1. Travel Trailer: a non-self-propelled vehicle and includes a tent type fold out camping trailer as defined in 4517.01 of the Ohio Revised Code.
2. Motor Home: a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
3. Truck Camper: a non-self-propelled recreational vehicle without wheels for road use and designed to be placed upon and attached to a motor vehicle. Truck campers do not include truck covers, which consist of walls and roof but do not have floors and facilities for using same as dwelling.

B. Part of a group including, but not limited to boats, boat trailers, snowmobiles, wet bikes, etc.

**Recycling Center or Facility** – A lot or parcel of land, with or without buildings, upon which used materials are separated and processed for shipment to another facility for eventual reuse in new products. Recycling centers or facilities shall not include junk yards.

**Recycling Collection Point** – An accessory or incidental use that serves as a neighborhood drop off point for the temporary storage of recyclable materials.

**Research and Development Facility** – An establishment where scientific research, investigation, prototype development and process development, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.

**Residential Facility** - A facility that provides resident services to a group of individuals of whom one (1) or more are unrelated. These individuals may be mentally challenged, handicapped, aged or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed, supervised, or under contract by any Federal, State, County, or other political subdivision. Residential facilities include, but are not limited to, the following listed categories:

A. Adult Family Home - A residential facility that provides accommodations to three (3) to five (5) unrelated adults and supervision and personal care services to at least three (3) of these adults pursuant to Title 37 of the Ohio Revised Code.

B. Adult Group Home - A residential facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults pursuant to Title 37 of the Ohio Revised Code.

C. Family Home - A residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for at least six (6) but not more than eight (8) mentally retarded or developmentally disabled persons pursuant to Title 51 of the Ohio Revised Code.

D. Family Foster Home - A private residence in which children are receiving care apart from their parents, guardian, or legal custodian by an individual for hire, gain or reward for non-secure care, supervision, or training twenty-four (24) hours a day pursuant to Title 51 of the Ohio Revised Code. Family foster home does not include babysitting care provided for a child in the home of a person other than the parents, guardian or legal custodian of the child.

E. Foster Family Home - A residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for not more than five (5) mentally retarded or developmentally disabled persons pursuant to Title 51 of the Ohio Revised Code.

F. Foster Home - Foster home means a family home in which any child is receiving care apart from the child's parents for care, supervision or training pursuant to Title 51 of the Ohio Revised Code.

G. Group Home - Group home means a residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) mentally retarded or developmentally disabled persons pursuant to Title 51 of the Ohio Revised Code.

H. Semi-Independent Living Home - Semi-independent living home means a residential facility for a mentally retarded or developmentally disabled person where, according to the person's individual habilitation plan, the person demonstrates skills that would enable the person to function for specified periods of time without supervision. Such skills include, but are not limited to, home management, community mobility, personal hygiene, interpersonal relationship skills, and self-preservation pursuant to Title 51 of the Ohio Revised Code.

**Restaurant** – A business establishment, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual servings.

**Restaurant, Fast Food** – A business establishment whose principal business is the sale of rapidly prepared food, directly to the consumer in a ready to consume state for consumption either within the restaurant or off-premises, in an average preparation time of 240 seconds or less.

**Retail Business** – A business selling goods, wares or merchandise, directly to the ultimate consumer, for direct consumption and not for resale. A retail business use includes, but is not be limited to such uses as, supermarkets; stores that sell electronics, hardware, apparel, footwear, appliances, furniture, beverages, food, supermarkets, department stores, and discount stores. Retail businesses shall not include sexually oriented businesses.

**Retail Business, Neighborhood** – A retail business use servicing the local needs of the immediate surrounding community such as: gas station, convenience store, local restaurant, etc.

**Right-of-Way** - A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, public sidewalk, crosswalk, railroad, electric distribution or transmission line, telephone line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

## S

**Satellite Dish** – A parabolic or dish shaped antenna or other similar type apparatus or device that is designed for the purpose of receiving radio waves.

**School, Elementary, Junior High, High** – A public or private facility that provides a curriculum of elementary or secondary academic instruction.

**School, Vocational, College, University, Business or Training Center** - A public or private postsecondary facility, with an academic curricula, including uses, structures, and/or facilities sanctioned by, ancillary to or necessary for the operation of such institution. This includes, but is not limited to, dormitories, food sales, retail sales, indoor and/or outdoor recreation facilities, offices, printing, museums, and professional service (affiliated with the college or university, vocational, business or training center).

**School, Nursery** – An educational establishment providing for the care, supervision, and protection of children on a daily basis for compensation.

**Self-Storage Building (and Storage Yard)** – A building containing individual, compartmentalized and controlled access stalls, rooms or lockers or property that is leased, rented or owned by different individuals for the storage of individual possessions or personal property.

**Setback** - The required distance the largest extremity of a building or structure (overhang or eave) must be located from a lot line, easement, right-of way, adjacent building or other feature as indicated in this Resolution.

**Sexually Oriented Business** – Any business defined as the follows:

A. Adult Arcade. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other imaging producing machines, or other visual representations, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, digital video discs, slides, or other photographic reproductions which are characterized by the depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas”.

B. Adult Bookstore, Adult Novelty Store or Adult Video Store. A commercial establishment which has at least 50% of its stock in trade or derives at least 50% of revenues or devotes at least 50% of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, digital video discs, or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”

2. Instruments, devices, or paraphernalia, which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

3. An establishment may have other principal business purposes that does not involve the offering for sale, rental or viewing of materials depicting or describing “specified sexual activities” or “specified anatomical areas,” and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments for being categorized as an adult bookstore, adult novelty store or adult video store if the above definition is met.

C. Adult Cabaret. A nightclub, bar, restaurant, bottle club, juice bar, or similar commercial establishment,

whether or not alcoholic beverages are served, which regularly features: (a) a person or persons who appear nude or semi-nude or in a state of nudity or semi-nudity; (b) live performances which are characterized by the exposure of “specified anatomical area” or “specified sexual activities”, or; (c) films, motion pictures, video cassettes, digital video discs, or other photographic reproductions which are characterized by the depiction of “specified sexual activities” or “specified anatomical areas.”

D. Adult Movie. A motel, hotel, or similar commercial establishment which offers public accommodation, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures with close-circuit televisions transmissions, films, motion pictures, video cassettes, digital video discs, slides or other photographic reproductions which are characterized by the depiction of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this sexually oriented material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.

E. Adult Motion Picture Theater. A commercial establishment where films, motion pictures, video cassettes, digital video discs, slides or similar photographic reproductions which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” are regularly shown for any form of consideration.

F. Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features a person or persons who appear in a state of nudity or semi-nudity or live performances which are characterized by exposure of “specified anatomical areas” or by “specified sexual activities” and which is not customarily open to the general public during such theaters because it excludes minors by reason of age.

G. Massage Parlor. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation's, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as a part of or in connection with “specified sexual activities” is offered, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her “specified anatomical areas.” The definition of massage parlor shall not include: the practice of massage in any licensed hospital, nor by a license hospital, nor by a licensed physician, surgeon, chiropractor, or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semi-professional or professional athlete or athletic team or school, athletic program, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck or shoulder, nor by any other individual license by the state to perform massages.

H. Semi-Nude Model Studio. Any place where a person or persons regularly appear in a state of nudity or semi-nudity or displays “specified anatomical areas” for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted for other reasons. Reference above to nudity should not be construed or interpreted to permit nudity or a state of nudity in a semi-nude model studio. Semi-nude model studio shall not include any school, college, or university licensed by the state.

I. Sexual Encounter Establishment. A business or commercial establishment, that as one of its principal business purposes, offers for any form of consideration: (1) a place where two or more persons may congregate, associate, or consort for the purpose of “specified sexual activities” or the exposure of “specified anatomical areas,” or (2) activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminudity. A sexual encounter establishment shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

J. Striptease Parlor/Escort Agency. A person or business association that furnishes, offers to furnish, or advertises to furnish, for hire, striptease performances, or the appearance of a person or persons

in a state of nudity or semi-nudity for another person or persons.

**Sign** – Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

**Sign, Changeable Copy** – A sign so designed that characters, letters or illustrations can be changed without altering the permanent surface of the sign.

**Sign, Directional** – A sign which informs the public of designated use areas or regulations such as “entrance/exit”, parking and aisle signs.

**Sign, Ground:** A detached sign which is solely supported by one or more poles, uprights, or braces in or upon the ground.

**Sign, Marquee** – A sign fastened or painted on a canopy, awning or permanent construction that projects from a wall of a building, usually above the entrance.

**Sign, Name Plate** - A small sign that announces limited information such as the name of the occupant of a premise. For the purposes of this Resolution, a Name Plate Sign shall not be considered as advertising.

**Sign, Portable** - A changeable copy sign supported by a mobile frame that is not fixed on the ground or any structure and that is easily moved from site to site.

**Sign, Projecting** - A sign that typically projects perpendicular to the building face that is wholly or partly dependent on a building for support and that projects more than twelve (12) inches from the building.

**Sign, Wall:** A sign which is attached directly to the wall of a building and which extends no more than twelve (12) inches from the wall.

**Sign, Window:** A sign either painted on or attached to the interior surface of a window so that the information can readily be seen from the exterior of the building.

**Sign Area** - The gross square footage of the sign face area which is normally visible from any one (1) direction. Sign cabinet supporting structures, which by size or which have been designed to attract attention, shall be considered part of the sign square footage.

**Specified Anatomical Areas** – Includes any of the following:

A. Less than completely and opaquely covered human genitals, public region, anus, or areolas or nipple of female breast; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**Specified Sexual Activities** – Includes any of the following:

A. The fondling or other intentional touching of human genitals, pubic region, anus or female breast.

B. Sex acts, normal or perverted, whether actual or simulated, including: vaginal intercourse, fellatio, cunnilingus, bestiality, anal intercourse, oral copulation, or sodomy.

C. Masturbation, or the masturbation of another, whether actual or simulated.

D. Human genitals in a state of sexual stimulation, arousal or tumescence; or excretory functions as part of or in connection with any of the activities set forth in the above subsection (1) through (4).

**Stable** – A shelter that is used for the boarding and care of horses.

**Strategic Plan** – A compilation of policy statements, goals, standards and maps for guiding the physical, social, and economic development, both private and public, of Bethel Township, adopted by the Township, and as may be amended from time to time.

**Story** – 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.

**Street** – A dedicated public thoroughfare or roadway, which affords the principal means of access to abutting property.

**Structure** – Anything constructed or erected which requires permanent location on or in the ground or attachment to something having location on or in the ground.

**Swimming Pool** – A permanent structure constructed or placed below ground or above ground which is

designed with side walls in excess of thirty-six (36) inches in depth and is suitable or utilized for swimming or wading.

## T

**Temporary Building** – A building or structure without any foundation or footings and that is removed when the designated time period, activity, or use for which the temporary building was erected has ceased.

**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.

**Towing Service** – An establishment that provides for the removal and temporary storage of vehicles but that does not include disposal, permanent disassembly, salvage or accessory storage of inoperable vehicles.

**Traditional Neighborhood** – A residential neighborhood characterized by varying sized lots, open private and public yards and the preservation of natural features.

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

**Truck Transfer Terminal** – Land and buildings used as a relay station for the transfer of a load from one truck or truck trailer to another, or from one party to another, which can accommodate the simultaneous loading or unloading of four (4) or more trucks.

## U

**Undue Hardship** - A hardship, by reason of exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Economic considerations alone shall not constitute an undue hardship if any reasonable use for the property exists under the terms of the Zoning Resolution.

**Use** – The purpose for which land, structure or a building is arranged, designed, or intended or for which land or a building is or may be occupied.

**Use or Building, Accessory** – A use or building on the same lot with, and of a nature customarily incident and subordinate to, those of the main use or building.

**Use, Conditional** – A use that is permitted in a district only if a conditional use permit is expressly authorized by the Board of Zoning Appeals in accordance with the provisions in this Zoning Resolution.

**Use, Permitted** – A public or private use which conforms with the purposes, objectives, requirements, regulations and performance standards of the particular District in which the use is located.

**Use, Principal** – The primary or main use of a lot.

## V

**Variance** – A modification of the literal provisions of the Zoning Resolution granted when the strict enforcement of the Zoning Resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

**Vehicle** – Any device that is used in the public or private transportation of one or more persons, is used in the transportation of goods over public or private property or roadways, or is used in a commercial or agricultural enterprise. A device that is designed to be pushed, pulled or towed by any self-propelled vehicle shall be considered a vehicle for the purpose of this Resolution.

**Vehicle, Collector's** – Any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation. "Licensed collector's vehicle" means a collector's vehicle, other than an agricultural tractor or traction engine, that



displays current, valid license tags issued under section 4503.45 of the Ohio Revised Code, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

**Vehicle, Motor** – Any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires.

**Veterinarian Clinic** – A place, licensed by the State of Ohio, used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, those who are in need of medical or surgical attention, and which may include overnight accommodations on the premises for treatment, observation and/or recuperation.

## W

**Warehouse** – A completely enclosed facility used for the storage, sorting, loading and unloading of goods and materials.

**Wetland** – Those areas subject to regulation as “wetlands” by the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers or the Ohio Environmental Protection Agency.

**Wholesale Distributor** – An establishment primarily engaged in selling merchandise to retailers and not to the direct consumer, including associated showrooms and warehousing; to industrial, commercial, institutions, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**Wireless Telecommunication Facility** – Any freestanding structure or any structure to be attached to a building or other structure that meets all of the following criteria:

A. The freestanding or attached structure is proposed to be constructed on or after October 31, 1996.

B. The freestanding or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.

C. The freestanding or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.

D. The freestanding structure is proposed to top at a height that is greater than either 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 freestanding structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

E. 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 October 31, 1996, or as those regulations subsequently are amended.

F. The freestanding or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

## X

No definitions for “X”.

## Y

**Yard** – The open spaces on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Resolution 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 main building.

## **Z**

**Zoning Administrator/Personnel** - The Zoning official of Bethel Township appointed by the Board of Township Trustees, to enforce the provisions and regulations of this Zoning Resolution.

**Zoning Amendment** - A change of the zoning map or zoning text authorized by the Township, either in the allowable uses within a District, in the boundaries of a District or in a change to the Resolution text.

**Zoning Certificate** - A document issued by the Zoning Administrator authorizing buildings, structures or uses which are consistent with the terms of this Zoning Resolution and for the purpose of carrying out and enforcing its provisions.

**Zoning Commission** – Means the Zoning Commission of Bethel Township, Miami County, Ohio.

**Zoning Map** - The map or maps incorporated into this Resolution as a part thereof, designating the Zoning Districts of Bethel Township.