

ARTICLE 2 DEFINITIONS

2.01 DEFINITIONS

For purposes of this Resolution, the following words and phrases shall have the following meanings ascribed to them respectively, unless the context otherwise requires. Words not defined in this Article shall be defined in accordance with their ordinary English usage in the context in which they are used.

"ACCESSORY STRUCTURE" See Structure, Accessory.

"ACCESSORY USE" See Use, Accessory.

"ADULT ENTERTAINMENT ESTABLISHMENT" An establishment having a significant portion of its function as presenting adult material or entertainment. The following are categorized as adult entertainment establishments:

"ADULT BOOK STORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE" A commercial establishment that has as a significant or substantial portion of its stock in trade or inventory in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

"ADULT ENTERTAINMENT" The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

"ADULT ENTERTAINMENT ESTABLISHMENT" An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or semi-nude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Section 4731.15 of the Revised Code, is not an "adult entertainment establishment".

“ADULT MATERIALS” Any book, novelty, sexual paraphernalia, sex toy, sexual devise, magazine, periodical, newspaper, pamphlet, poster, print picture, slide, transparency, figure, image, description, motion picture film, video, phonographic record or tape, compact disc (CD), digital video disc (DVD), computer hardware or software, or other tangible thing that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

“ADULT MINI MOTION PICTURE THEATER” A facility with a capacity for less than 50 persons, which in exchange for any form of consideration, presents adult material for observation by patrons therein.

“ADULT MOTEL OR HOTEL” An establishment offering public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, characterized by the depiction of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this type of material by means of a sign visible from the public right-of-way, or by means of off-premises advertising; or offers a sleeping room for rent for a period of time less than 10 hours; or allows a tenant or occupant to sub-rent the sleeping room for a period of time less than 10 hours.

“ADULT MOTION PICTURE THEATER” A commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five individuals for any form of consideration.

“ADULT THEATER” A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

“ESCORT AGENCY” A person or business association that, for any form of consideration, furnishes, or offers to furnish an escort(s), guide(s), date(s), or companion(s) for another person.

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

“MASSAGE ESTABLISHMENT” Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder, or recreation centers and sports complexes.

“NUDE MODEL STUDIO” Any place where a person, who regularly appears in a state of nudity, semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons. A modeling class or studio is not a nude or semi-nude model studio and is not subject to this chapter if it is operated in any of the following ways: (i) By a college or university supported entirely or partly by taxation; (ii) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation; (iii) In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or semi-nude model is on the premises at any one time.

“SEXUAL DEVICE” Any three-dimensional object designed and marketed for stimulation of the male or female human genitals or anus or female breasts or for sadomasochistic use or abuse of oneself or others, including, but not limited to, dildos, vibrators, penis pumps, and physical representations of the human genital organs, but not including devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

“SEXUAL DEVICE SHOP” A commercial establishment that regularly features sexual devices, but not including any pharmacy, drug store, medical clinic, or establishment primarily dedicated to providing medical or healthcare products or services, and not including any commercial establishment that does not restrict access to its premises by reason of age.

“SEXUAL ENCOUNTER CENTER” A business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between individuals of the opposite sex when one or more of the individuals is nude or semi-nude.

“SEXUAL ENCOUNTER ESTABLISHMENT” A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons congregate, associate or consort, for the purpose of specified sexual activities, or the exposure of specified anatomical areas, or activities when one or more of the persons is in a state of nudity or semi-nude (not including an establishment where a medical practitioner, psychologist, psychiatrist or similar person licensed in the State of Ohio, engages in medically approved and recognized sexual therapy).

“SPECIFIED ANATOMICAL AREAS” Anatomical areas that include human genitals, pubic region, or buttocks or human female breast below a point immediately above the top of the areola.

“SPECIFIED SEXUAL ACTIVITIES” Real or simulated sexual intercourse, oral copulation, masturbation, or sodomy, or excretory functions as a part of, or in connection with, any of these activities.

“ADULT FAMILY HOME” A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

“ADULT GROUP HOME” A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for six to sixteen unrelated adults and provides supervision and personal care services.

“AGRICULTURE” The use of land for agricultural purposes including farming; ranching; algaculture meaning the farming of algae; 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, and as defined in Section 519.01 of the Ohio Revised Code and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals. See Section 7.31 of the Zoning Resolution.

“AGRICULTURAL SERVICES” Any commercial activity that primarily serves the agricultural community. Agricultural Services shall include: tractor and farm implement and materials sales, grain elevators and farming machinery and agricultural equipment repair.

“AIRPORT” Any runway, land area or other facility designed and used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

“ALLEY” Any public way affording a secondary means of access to abutting property and not intended for general traffic circulation.

“ALTERATIONS, STRUCTURAL” Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

“APARTMENT UNIT” A dwelling unit in an apartment building, intended, designed or used as a residence by a single-family unit.

“APPLICANT” A person commencing proceedings under this Resolution to affect the development or use of land for himself or for another, or for the reconstruction or construction of structures already built upon the land which may include but is not limited to the fee simple owner or the designee of the property owner bearing written authorization of the fee simple owner(s).

“ASSISTED LIVING FACILITY” A residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical to this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.

“AUTOMOTIVE, MOBILE HOME, TRAILER and FARM IMPLEMENT SALES” The sale or rental of new and/or used motor vehicles, mobile homes, trailers or farm implements, but does not include repair work except for incidental warranty repair of the same to be displayed and sold on the premises. The sale of used items must not include merchandise of such poor condition that it can no longer satisfy its intended purpose.

“AUTOMOTIVE FILLING STATION” Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, minor repair, tune-ups and adjustments may be performed. Furthermore, the sale of convenience goods, such a prepackaged foods and drinks, may be permitted as an accessory use.

“AUTOMOTIVE SERVICE AND REPAIR” Any building, structure or premises in which or upon which a business, service, or industry involving the maintenance, servicing, repair or painting of motor vehicles is conducted or rendered.

“AUTOMOTIVE WRECKING” The dismantling, disassembling, or wrecking of used motor vehicles, mobile homes or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

“BASEMENT” A story which is all or partly underground, but having at least one-half of its height below the average level of the adjoining ground. Basement area shall not be included in the minimum square footage required for a dwelling unit.

“BED AND BREAKFAST ESTABLISHMENT” Any owner-occupied home, or portion thereof, where lodging, with meals, is provided for compensation.

“BOARD OF ZONING APPEALS” The Board of Zoning Appeals for Batavia Township.

“BOARD OF TRUSTEES” The Batavia Township Board of Trustees.

“BUFFERYARD” Any open space areas, landscaped areas, fences, walls, earthen berms or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block noise, light, or other nuisances.

“BUILDING” Any structure having a roof supported by columns or walls, designed or intended for the support, enclosure, shelter, or protection of persons, or animals, chattels or property.

“BUILDING, ACCESSORY” A subordinate building detached from, but located on the same lot, as the principal building, the use of which is incidental and accessory to that of the main building or use.

“BUILDING HEIGHT” The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

“BUILDING SETBACK LINE” A line parallel to the street right-of-way line at any story level of a building representing the minimum distance which all or any part of the building is set back from said right-of-way line.

“BUILDING, PRINCIPAL” The building in which is conducted the main or principal use of the lot on which said building is situated.

“BUSINESS, CONVENIENCE” Commercial establishments which cater to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. Uses in this classification tend to serve the daily needs of residents in the neighborhood and may include small bakeries, florists, coffee shops, convenience stores, self-serve laundromats, and neighborhood branches of financial institutions.

“BUSINESS, RETAIL” Any commercial establishment selling goods, wares or merchandise to the ultimate consumer for direct consumption or use and not for resale.

“BUSINESS SERVICES” Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which serves and repairs appliances and machines used in homes and businesses.

“BUSINESS WHOLESALE” Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, or other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

“CEMETERY” Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

“CHANNEL” A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

“CLINIC” A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical and surgical attention but who are not provided with board or room or kept overnight on the premises.

“CLUB” A club shall mean a nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but excludes religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

“COMMERCIAL ENTERTAINMENT FACILITY” Any profit-making activity that is generally related to the entertainment field such as motion picture theaters, carnivals, comedy clubs, theaters, bingo, amusement parks, and similar entertainment facilities. Commercial entertainment facilities shall not include adult entertainment establishments.

"CONDITIONAL USE" See Use, Conditional.

“CONDITIONAL USE CERTIFICATE” A use certificate issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

“CONSTRUCTION SERVICES” The offices related to building trades and construction contractors including, but not limited to, plumbing, electrical, heating, landscaping, excavating, roofing and remodeling.

“CONSTRUCTION SERVICES STORAGE YARDS” The land, grounds or buildings used primarily for the storage of equipment, vehicles, machinery, building materials, paints, pipes or electrical components used by the owner or occupant of the premises for the conduct of a construction service operation.

“CONVALESCENT CARE FACILITY” A place, residence or home used for the boarding and care, for compensation, of not less than three (3) persons, not members of the immediate family operating such facilities, who by reason of age or infirmity are dependent upon the services of others.

“CORNER LOT” See Lot Types.

“CUL-DE-SAC” See Thoroughfare.

“DAY CARE CENTER” A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, or other similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period. Also see “TYPE-B FAMILY DAY CARE HOME”.

“DEAD END STREET” See Thoroughfare.

“DENSITY” A unit of measurement; the number of dwelling units per acre of land.

- A. Gross Density - The number of dwelling units per acre of land of the total land to be developed, except that density for Planned Developments shall be determined according to Article 36.
- B. Net Density - The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, except that density for Planned Developments shall be determined according to Article 36.

“DEVELOPER” A person commencing proceedings under this Resolution to affect the development or use of land for himself or for another, or for the construction or reconstruction of structures already built upon the land.

“DISABLED VEHICLES” One which is extensively damaged including but not limited to missing wheels, tires, motor or transmission, apparently inoperable or unlicensed. The mere licensing of an otherwise inoperable or extensively damaged vehicle will not cause the vehicle to conform to this Zoning Resolution.

“DISTRICT” A portion of the territory of the unincorporated areas of Batavia Township, within which certain uniform regulations and requirements or various combinations thereof, apply under the provisions of this Resolution.

“DISTRICT, SPECIAL PLANNING OVERLAY” A district established to prescribe special regulations to be applied to a site in combination with the underlying or base district that may further restrict or relax the underlying regulations.

“DRIVE-THROUGH FACILITY” A building opening, including windows, doors, or other mechanical devices through which occupants of a motor vehicle receive or obtain a product or service.

“DWELLING” A dwelling is any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more families, but not including a tent, trailer or trailer coach, boarding or rooming house, hotel, or mobile home.

“DWELLING UNIT” Space within a building comprised of living, dining and sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

“DWELLING, PERMANENTLY SITED MANUFACTURED HOME” A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards and which meets the following requirements for a permanently sited manufactured home:

- A. The structure is affixed to a permanent foundation and is connected to appropriate facilities. “Permanent foundation” means permanent masonry, concrete, or a locally approved footing or foundation, to which a manufactured or mobile home may be affixed;
- B. The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet subject to other minimum dwelling size standards applicable to the district.
- C. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- D. The structure was manufactured after January 1, 1995;
- E. The structure is not located in a manufactured home park as defined by Section 3733.01 of the Ohio Revised Code.

“DWELLING, MOBILE HOME” A movable dwelling for occupancy on land made of one or more units, and having minimum width of ten feet, minimum area of four hundred square feet, and year-round living facilities for one family, including permanent provision for cooking, eating, sleeping, and sanitation.

“DWELLING, MODULAR HOME” A detached, componentized, factory assembled, dwelling unit or units, designed for initial, one-time transportation over highways, for

installation on a permanent foundation when arriving at the site; requiring only the assembly of units and the connection of mechanical subsystems (i.e., plumbing, sewer, electrical and fuel supply). The state certification must be presented with the application. A modular home shall be considered real property.

“DWELLING, MULTI-FAMILY” A building consisting of three or more dwelling units, including condominiums with varying arrangements or entrances and party walls. Each dwelling unit shall be considered the residence of a single household, which may vary from building to building in ownership and possession rights and physical features.

“DWELLING, SINGLE-FAMILY” A building consisting of a single dwelling unit only, separated from other dwelling units by open spaces.

“DWELLING, TOWNHOUSE” A single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

“DWELLING, TWO-FAMILY” A building consisting of two, and no more than two single-family dwelling units, which may be either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances.

“DWELLING UNIT, ATTACHED” Two or more dwelling units within a structure.

“EASEMENT” Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his real property.

“EDUCATIONAL INSTITUTION” A public or private facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools, technical and collegiate level courses.

“FAMILY” A person living alone or two or more persons not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

“FENCE” A man-made yard structure, other than a building, used for decorative purposes or to form a barrier to light, sound, wind, snow, animals, vehicles, or pedestrians and is constructed of customary building materials.

“FINANCIAL INSTITUTION” Any building, property or activity of which the principal use or purpose of which is the provision of financial services including, but not limited to banks, facilities for automatic teller machines (ATM’s), credit unions, savings and loan institutions and mortgage companies.

“FLEA MARKET” An occasional or periodic market located within an enclosed building or structure where groups of individual sellers offer goods, new or used, for sale to the public, not to include private garage or yard sales.

“FLOOR AREA OF A NON-RESIDENTIAL BUILDING” The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows and fitting rooms and similar areas.

“FLOOR AREA, USABLE” Measurement of the usable floor area shall be the sum of the horizontal area of the floor(s) of the dwelling unit or building measured from the interior faces of the exterior walls. In the case of residential dwelling units, this area shall exclude basement floor area.

- A. "GROSS FLOOR AREAS." The total floor area used for the main and accessory activities and storage area of the building served.
- B. “NET FLOOR AREA.” The total floor area of a building, excluding stairwells, elevator shafts, equipment and mechanical rooms, and all floors below the first or ground floor, except when used or intended to be used for service to the public.

“GARAGE, PRIVATE” A detached accessory building or portion of a principal building used for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises. The design of the building shall include doors or openings of no less than 8 feet in width for vehicle access. An attached or detached carport shall be included in this definition.

“GARAGE, PUBLIC” A principal or accessory building other than a private garage, used for the parking or temporary storage of passenger automobiles, and in which no service shall be provided for recuperation.

“GARDEN CENTER” A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

“GOLF COURSE” A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways and hazards and may include a clubhouse and shelter.

“GOVERNMENT BUILDING” A structure or portion of a structure owned, operated or controlled by a government agency for the performance of certain specialized governmental activities required for its day to day functions.

“GRAVEL PITS AND QUARRIES” An open land area where sand, gravel, stone or rock fragments are mined or excavated for sale or off tract use. Surface mining shall also be included in this definition.

“GROWTH POLICY PLAN” A plan or any portion thereof adopted by the legislative authority of the Township of Batavia of Clermont County, Ohio, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. The plan establishes the goals, objectives and policies of the community and may also be referred to as the Batavia Township Land Use Plan or Comprehensive Plan.

"HEDGE." A row of shrubs or bushes, whose intended purpose either at planting or maturity is to form a barrier to light, sound, wind, snow, animals, vehicles, and pedestrians.

“HIGHWAY DIRECTOR” The director of the Ohio Department of Transportation.

“HOME OCCUPATION” Any occupation, profession, use or activity which is customarily incidental to the principal residential use of the premises and is conducted by a resident occupant which does not alter the exterior of the property or affect the residential character of the neighborhood, and shall not serve as a gathering point for employees engaged in the business that takes place off the premises.

“HOSPITAL” An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

“HOTEL or MOTEL” A facility offering transient lodging accommodations on a daily rate to the general public and potentially providing additional accessory services such as restaurants, meeting rooms and recreational facilities.

“IMPERVIOUS SURFACE” Any material that prevents the absorption of storm water into the ground.

“IMPERVIOUS SURFACE RATIO” (I.S.R.) A ratio derived by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of storm water by the total horizontal area of the lot. Impervious surfaces include, but are not limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

“INCIDENTAL” An object or use necessarily found in connection with the principal structure or use, but subordinate and secondary thereto.

“INSTITUTION” Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative, counseling or other correctional services.

“INTERNET CAFÉ” A place which provides internet access to the public, usually for a fee. These businesses usually provide snacks and drinks, hence the café in the name. The fee for using a computer is usually charged as a time-based rate. This use does not include viewing or ability to view pornographic or sexually oriented materials, and does not include internet sweepstakes establishments.

“INTERNET SWEEPSTAKES ESTABLISHMENT” An establishment that promotes the sale of prepaid internet timecards, phone cards or similar device to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows a customer to use the phone card, internet timecards or similar device at a game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like.

“JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS AND SALVAGE YARDS” Any land, property, structure, building or combination of the same on which junk is stored or processed. Located either within an enclosed building or in the open, where discarded or inoperable vehicles, appliances, building materials, tires and other such material are collected, dismantled, stored and sold to be used as parts or for salvage. This term includes buildings or yards for the collection, sorting or processing of scrap metal.

“JUNK” Disabled, dismantled or inoperative machinery, vehicle or equipment, vehicle or machinery parts, rags or any other discarded objects or debris as defined in the Ohio Revised Code.

“KENNEL” Any lot or premises on which five (5) or more domesticated animals, more than four (4) months of age are housed, groomed, bred, boarded, trained or sold or which offers provisions for minor medical treatments.

“LANDSCAPE CONTRACTOR” See Construction Services.

“LIVESTOCK” Any hooved mammal, including but not limited to horses, cattle, sheep, swine, goats, bison, llamas and other species typically raised for food, fiber or draft. “Livestock” also includes domestic fowl and game birds.

“LOADING SPACE, OFF-STREET” Space logically and conveniently located for the bulk pick up and deliveries scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way and may be located within the facility they serve if appropriate access is provided.

“LOCATION MAP” See Vicinity Map.

“LOT” A designated parcel, tract, or area of land established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed or built upon.

“LOT CONSOLIDATION” The legal combining of two (2) or more existing parcels or lots to form a single, larger parcel or lot.

“LOT, CORNER” See Lot Types.

“LOT COVERAGE” The ratio of the enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

“LOT FRONTAGE” The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided for as indicated under “Yards” in this Resolution. Lot frontage requirements shall not apply to properties over five (5) acres in size where an easement is used for access.

“LOT, INTERIOR” See Lot Types.

“LOT LINE” The boundary of a lot separating it from adjoining public, common, or private land, including a public street.

- A. “LOT LINE, FRONT” The lot line separating an interior lot from the street upon which it abuts; or the lot line of a corner lot upon which the building fronts.
- B. “LOT LINE, REAR” A lot line parallel or within 45 degrees of being parallel to, and most distant from, the front lot line.
- C. “LOT LINE, SIDE” A lot line which is neither a front nor rear lot line.

“LOT, MINIMUM AREA OF” The smallest lot area established by the Zoning Resolution on which a use or structure may be located in a particular district.

“LOT MEASUREMENTS” A lot shall be measured as follows:

- A. Depth of a lot shall be considered to be the horizontal distance between the front and rear lot lines.
- B. Width of a lot shall be considered to be the horizontal distance between the side lot lines, measured at the building setback line.

“LOT OF RECORD” A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

“LOT, THROUGH” See Lot Types.

“LOT TYPES” Terminology used in this Resolution with reference to corner lots, interior lots and through lots is as follows:

- A. A corner lot is defined as a lot located at the intersection of two or more intersecting streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines, drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than 135 degrees.
- B. An interior lot is a lot other than a corner lot with only one frontage on a street.
- C. A through lot is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a double frontage lot.
- D. A reversed frontage lot is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

“MAJOR THOROUGHFARE PLAN” The Batavia Township Growth Policy Plan adopted by the County indicating the general location recommended for arterial, collector and local thoroughfares within the corporate limits of the Township which is based on the Official Clermont County Thoroughfare Plan.

“MAINTENANCE AND STORAGE FACILITY” Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and materials for use on the property where they are stored.

“MANUFACTURING” The process of making, assembling, adding value added improvements or fabricating raw materials by hand, machinery or the combination thereof into finished or semi-finished parts or products.

“MANUFACTURED HOME” See Dwelling, Manufactured Home.

“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 or dust.

“MANUFACTURING, LIGHT” A use engaged in the processing and manufacturing of materials and products predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assembly, treatment, packaging, incidental storage, sales and distribution of such products which would not generate

objectionable or hazardous elements such as smoke, odor, vibration, water pollution or dust.

“MARIJUANA BUSINESS” Any business, laboratory or other enterprise that cultivates, processes, distributes or sells marijuana or any derivative of marijuana as defined by the Ohio Revised Code.

“MEDICAL AND DENTAL LABORATORIES” An establishment or other facility for carrying on investigation and/or testing in the medical or dental fields.

“MOBILE HOME” See Dwelling, Mobile Home.

“MOBILE HOME PARK” Any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

“MOBILE HOME SUBDIVISION” A subdivision designed and intended for residential use where residence is in Mobile Homes exclusively.

“MODULAR HOMES” See Dwelling, Modular Homes.

“NONCONFORMING SITE” A lot where the use is a conforming use, but the site does not meet the parking, signage, landscaping, lighting, or other applicable development standard.

“NONCONFORMING STRUCTURE” A structure that contains a use permitted and approved in the applicable zoning district that does not meet the applicable site development standards.

“NONCONFORMING USE” A use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the District or Zone in which it is situated.

“NURSERY, PLANT” Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail or wholesale on the premises, and may include accessory products used for gardening or landscaping.

“NURSING HOME” See Convalescent Care Facility.

“OFFICE” A building or portion of a building wherein services are performed involving predominately administrative, professional, consultative, or clerical operations, that may include ancillary services for office workers.

"OFFICE, MEDICAL or DENTAL " An office, clinic or facility operated by medical professionals such as medical practitioners, chiropractors or dentists, used for the care,

diagnosis or treatment of sick, ailing, infirm, or injured persons and those who are in need of medical, dental or outpatient surgical attention but who are not provided with room or board or kept overnight on the premises.

“OPEN SPACE” An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts and other recreational facilities. Streets, structures for habitation, and the like shall not be permitted in any required or designated open space.

“OUTDOOR DISPLAY” An outdoor arrangement of objects, items, products, or other material, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product or services for sale.

“OUTDOOR STORAGE” The keeping of goods, materials, or equipment in a location not enclosed by walls and a roof.

“OUTDOOR STOVE/FURNACE” A freestanding outdoor unit that provides heat and/or hot water to buildings, swimming pools or hot tubs, through the heating of water by burning seasoned wood, wood pellets or corn with the hot water being circulated to and from the home or commercial building through underground, insulated piping. These units are also classified as hydronic heaters.

“OWNER” An individual firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

“PARCEL” See Lot.

“PARKING SPACE, OFF-STREET” An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room but located totally outside of any street or alley right-of-way.

“PARKING AREA” or “PARKING LOT” An area of ground upon a lot covered with a cementitious or asphaltic surface and used for the parking of vehicles.

“PERFORMANCE STANDARD” A criterion established to control the dust, effluent, smoke, fire and explosive hazards, glare, heat, noise, odor, toxic and noxious matter, vibrations, and other conditions created by, or inherent in uses of land or buildings.

“PERSON” An individual, firm, partnership, association, joint venture, corporation, trust, or any other legal entity, including his, her or its agents.

“PERSONAL SERVICES” Any commercial enterprise catering to the personal needs of a customer, such as, but not limited to those services provided by a barber, beautician, photographer, fitness trainer, seamstress or tailor, or tattooing and piercing parlors or

health and fitness facilities, and including limited sales of products associated with such services.

“PLANNED DEVELOPMENT”- (PD) An area of land, in which a variety of housing types and commercial uses may be accommodated in a preplanned unified environment under more flexible standards, than those restrictions that would normally apply under standard zoning district guidelines, such as variable lot sizes, setbacks and density requirements. The procedure for approval of such development includes detailed submittals and requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

“PLANNING COMMISSION” The Planning Commission of Clermont County.

“PLAT” A map of a lot, parcel, subdivision, or development area on which the lines of each element are shown by accurate distances and bearings.

“PRINCIPAL USE” The primary purpose or function that a lot serves or is proposed to serve.

“PROFESSIONAL SERVICES” The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

“PUBLIC SERVICE FACILITY” The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electric, gas, rail, transport, communication, public water and sewage services.

“PUBLIC USES” Public parks, schools, and administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

“PUBLIC WAY” An alley, avenue, boulevard, bridge, channel, ditch easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity has a right, or which are dedicated whether improved or not.

“RECREATION, COMMERCIAL” Any land or facility operated as a business and which is open to the general public for a fee that shall include, but not be limited to: roller blade rental, billiard parlors, video amusement arcades, pay-to-play athletic fields, ice skating rinks, tennis courts, swimming pools, fishing pay lakes, paint ball facilities, canoe liveries, etc..

“RECREATION, NON-COMMERCIAL” Any land or facility operated by a governmental agency or non-profit organization and is open to the general public or members of the non-profit organization without a facility or entrance fee that shall include, but not be limited to: picnic areas, bike/hike trails, riding stables, and athletic fields.

“RECREATIONAL FACILITIES” Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include but need not be limited to: miniature golf courses, amusement parks, stadiums, tennis courts, health and fitness facilities and bowling alleys.

“RECREATIONAL VEHICLE PARK” A parcel of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

“RECREATIONAL VEHICLE SITE” A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit on a temporary basis.

"RECREATIONAL VEHICLE STORAGE FACILITY" A business devoted primarily to seasonal or year-round outdoor storage of recreational vehicles, including boats, campers and other items related to recreational use.

“RECYCLING CENTER” An operation, potentially located within a fully enclosed building, utilized for the collection, initial processing and resale of: aluminum, glass, paper, plastics and other used materials.

“RELIGIOUS PLACES OF WORSHIP” An institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held.

“RESEARCH AND DEVELOPMENT LABORATORIES” An establishment in which scientific research, investigation, 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, SMALL” A home or facility, as defined and regulated in Section 5123.19 of the ORC, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code, or a dwelling in which the only

mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living. Residential Facility, Small shall mean a residential facility where there is supervision in a family setting of 6 to 8 persons. See also “ADULT FAMILY HOME”.

“REST HOME” See Convalescent Care Facility.

“RESTAURANT” An establishment with or without table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings or in nondisposable containers.

“RESTAURANT, FAST FOOD” An establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers, with or without table service, directly to the consumer in a ready-to-consume state.

“RIGHT-OF-WAY” A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curb, lawn strips, sidewalks, lighting, and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges. The right-of-way of any street, except as specified in the Official Highway Plan for Clermont County, Ohio, shall be deemed to be 50 feet in width.

“ROADSIDE STAND” A temporary structure designed or used for the display or sale of agriculturally related products where fifty percent or more of the gross income received from the stand is derived from produce raised on farms owned or operated by the stand operator in a normal crop year.

“SEAT” For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

“SEATING CAPACITY” or “MAXIMUM SEATING CAPACITY” The maximum seating capacity of the building as determined by the Ohio Building Code.

“SECONDARY DWELLING UNIT” An additional dwelling unit, attached to a single-family dwelling, for residential purposes for related family members which is clearly subordinate to the primary unit.

“SELF-SERVICE STORAGE FACILITY” A structure containing separate, individual and private storage spaces of varying sizes that are owned, leased or rented, for varying periods of time, for the storage of customer’s goods or wares.

“SETBACK LINE” The required minimum horizontal distance between the building line and the related front, side or rear property line in which no building, other than an accessory building or structure, may be located above ground.

“SEWERS, CENTRAL OR GROUP” An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for single development, community or region.

“SEWERS, ON-SITE” A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

“SHALL” Imposes a mandatory requirement or restriction.

“SHOPPING CENTER” A grouping of retail and service uses on a single site that is developed, owned and managed as a unit with off-street parking as an integral part of that unit.

“SHOULD” Expresses that the application of such criteria, standard, or course of conduct is desired and essential unless commensurate criteria or standards are permitted or achieved.

“SIDEWALK” That portion of the road right-of-way outside of the roadway, which is improved for the use of pedestrian traffic and therefore must be maintained in a manner that does not impede such traffic flow.

“SIGN” Any surface, fabric, device, or display which bears lettered, pictured, or sculptured matter, including forms shaped to resemble any human, animal, or product, designed to convey information visually and which is exposed to public view. The term sign shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered a single sign.

“SIGN, ABANDONED” A sign, the use for which it represents, has been discontinued for any period of time.

“SIGN, AREA” See Article 40.

“SIGN, BANNER” Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plaster or fabric of any kind. National flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners.

“SIGN, BILLBOARD” See “SIGN, OUTDOOR ADVERTISING”.

“SIGN, CANOPY” A sign attached to the soffit or fascia of a canopy, of a covered entrance or walkway, or to a permanent awning or marquee.

“SIGN, CHANGEABLE COPY” A sign designated so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign. This shall also include the changing of copy on billboards. Changeable copy shall include copy that is changed mechanically, electronically or manually.

“SIGN, CONSTRUCTION” Any sign giving the project name, architect or engineer, contractor, lending institutions, materials supplier, or others engaged in work on the construction site on which the sign is located.

“SIGN, DIRECTIONAL” A non-commercial sign of an instructional nature, such as “parking”, “exit”, or “entrance”, displayed solely for the convenience of the public. No more than twenty-five (25%) of such sign shall be devoted to the name or logo of the property, business, or profession on the site and containing no business advertising, product trade name identification, or listing of any product sold or offered on or off the premises.

“SIGN, ELECTRONIC MESSAGE” A sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments.

“SIGN, FREESTANDING” Any sign which is supported by structures or supports in or upon the ground and independent of support from any building not to include portable or mobile signs.

“SIGN, GROUND-MOUNTED” A sign supported by direct contact with the ground, a permanent base, or rests upon one or more posts or supports that are no more than 4 feet high.

“SIGN, ILLUMINATED” Any sign illuminated in any manner by an artificial light source.

“SIGN, MOBILE or PORTABLE” A sign which is affixed to a frame having wheels or capable of being carried, or otherwise portable, which does not have a permanent foundation and cannot withstand the stress and wind loads of the building code and designed to stand free from a building or structure. Signs designed to be affixed to the surface of real estate shall be deemed freestanding signs and not mobile signs, but the mere removal of wheels or temporary securing of a sign to the surface of real estate shall not prevent its being a mobile sign.

“SIGN, MARQUEE” Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building wall and generally designed and constructed to provide protection against the weather.

“SIGN, OFF PREMISE” A sign that advertises goods, products, services, or facilities or diverts persons to a different location from where the sign is installed.

“SIGN, ON PREMISE” A sign identifying or advertising a business, person, activity, goods, products or services located on the premise where the sign is installed and maintained.

“SIGN, OUTDOOR ADVERTISING” Any sign that advertises or otherwise directs attention to an activity not on the same lot where the sign is located, including “Billboard Signs”.

“SIGN, POLE” A sign which is supported by a pole or poles and designed to permit pedestrian or vehicular traffic thereunder.

“SIGN, POLITICAL” A sign advocating action on a public issue or indicating a candidate for public office.

“SIGN, PROJECTING” A sign, other than a wall sign, affixed to any building or wall whose leading edge extends beyond such building or wall.

“SIGN, REAL ESTATE” A sign which is used to offer for sale, rental, or lease of the premises or part of the premises on which the sign is placed.

“SIGN, ROOF” Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

“SIGN, SNIPE” Any sign of any material whatsoever that is attached in any way to a utility pole, tree or any object located or situated on a public or private property.

“SIGN, TEMPORARY” A sign or searchlight of any type, including banners and pennants, to announce special events or sales, to announce the sale, lease, or rental of property, designed for use for a limited period of time.

“SIGN, WALL” A sign painted on or attached to and erected parallel to the face of, or erected and confined within the limits of the outside wall of, any building and supported by such wall or building and which displays only one advertising surface.

“SIGN, WINDOW” A sign painted, attached, or affixed inside or upon a window or doors of a building, facing the outside, or any sign placed, hung, or affixed on the inside of a premises which is intended to be seen from the exterior of the building.

“SOLAR ENERGY SYSTEM” A system and associated facilities that collect solar energy. The following are terms associated with a Solar Energy System.

“GROUND MOUNTED SOLAR ENERGY SYSTEM” A solar energy system that mounts a solar panel or panels and facilities on or above the ground.

“**INTEGRATED SOLAR ENERGY SYSTEM**” A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

“**LARGE SOLAR FACILITY**” A solar energy system and/or installation of electric generating plants that consist of solar panels and associated facilities designed for operation at a capacity of fifty (50) megawatts or more. Large Solar Facilities are required to submit an application with the Ohio Power Siting Board (OPSB) the Public Utilities Commission of Ohio (PUCO), are required to meet OPSB regulations, and per Ohio Revised Code are not regulated by township zoning regulations.

“**ROOFTOP SOLAR ENERGY SYSTEM**” A solar energy system that is mounted to a structure or building’s roof on racks.

“**SMALL SOLAR FACILITY**” A solar energy system and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.

“**SOLAR ENERGY**” Radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

“**SOLAR PANEL**” A single photovoltaic panel or a group of photovoltaic panels that convert solar energy to electricity.

“**STABLE**” A structure for the keeping of livestock such as: horses, ponies, goats or cows.

“**STORY**” That part of a building, other than a basement as defined herein, included between the finished floor and the finished floor next above, or, if no floor above, the space between the floor and the ceiling immediately above.

“**STORAGE or UTILITY SHED**” An accessory structure devoted to the storage of household items, including lawn equipment, pool equipment, and similar domestic type belongings. The structure, by size and design, is not intended for the storage of automobiles, travel trailers and other such vehicles. If structure is 50 square feet or less, it shall be classified as a utility shed and does not require a zoning permit.

“**STREET OR ROAD**” A public right-of-way which provides a public means of access to abutting property for motor vehicles.

“STREET OR ROAD, PRIVATE” A shared means of vehicular ingress and egress located within an easement of access not dedicated to the public by recorded instrument that is maintained by the party or parties using such private street for private access.

“STREET OR ROAD, PUBLIC” A street with the entire width, either curb to curb, or edge of pavement to edge of pavement, open and dedication to the use of the public as a thoroughfare for purposes of vehicular travel. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

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

“STRUCTURE, ACCESSORY” A subordinate structure detached from the main building on the same lot, the use of which is incidental and accessory to that of the main building or principal use. Connection of an accessory structure to the principal structure by a breezeway or similar connection does not make the accessory structure part of the principal structure.

“SUPPLY YARDS” A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

“SWIMMING POOL, PRIVATE” Any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their non-paying guests.

“SWIMMING POOL, PUBLIC” Any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not fee is charged for use, but does not mean any private swimming pool or impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.

“TAVERN” An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food is available for consumption on the premises.

“TELECOMMUNICATION TOWER” Any structure or device, including accessory structures, used to receive or transmit electromagnetic waves between cellular phones, pagers, and ground wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services or other structures that meets all of the criteria as established in the Ohio Revised Code, Section 519.211(B).

“TELECOMMUNICATIONS TOWER, HEIGHT OF.” The height from the base of the structure to its top; including any antenna located thereon.

“THROUGH LOTS” See Lot Types.

“TRAILER” Any vehicle without motor power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed greater than 25 miles per hour, except a house trailer and travel trailer.

“TYPE-A FAMILY DAY CARE HOME” A permanent residence of the provider in which child day care or publicly funded day care is provided for seven to 12 children at one time or is the permanent residence of the provider in which child day care is provided to four to 12 children at one time if four or more children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type-A day care home shall be counted. Type-A day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-A day care homes do not include any child day camp as defined in ORC Section 5104.01.

“TYPE-B FAMILY DAY CARE HOME” A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day care homes do not include any child day camp as defined in ORC Section 5104.01.

“USE” The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

“USE, ACCESSORY” A use located on the same zoning lot with the main building, other structure, or land, which is subordinate and related to that of the main building or principal use.

“USE, CONDITIONAL” A use that owing to some special characteristics, may be permitted in a district but only after approval of the Board of Zoning Appeals, and may be subject to special requirements or conditions to ensure that the use and operation will not be detrimental to the public health, safety or general welfare of the Township.

“USE, PRINCIPAL” A use which is permitted, as of right, in a district for which a Zoning Certificate shall be issued by the Zoning Administrator, provided that the applicant meets the applicable requirements of this Code.

“USE, TEMPORARY” A use established for a fixed period of time with the intent that such use will terminate upon expiration of the fixed time period unless permission to conduct the use is renewed.

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

“VEHICLE, COMMERCIAL” Any vehicle used or designed to be used for business or commercial purposes that includes, but is not necessarily limited to: a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, step van, tank truck, tar truck or other commercial type vehicle licensed by the state as a commercial vehicle or truck.

“VEHICLE, RECREATIONAL” A vehicular portable structure designed and constructed to be primarily used as a temporary dwelling for travel, recreational, and vacation uses including but not limited to the following:

- A. “TRAVEL TRAILER” A non-self-propelled recreational vehicle not exceeding an overall length of 35 feet, exclusive of bumper and tongue or coupling, and includes tent type fold out camping trailer.
- B. “MOTOR HOME” A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
- C. “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 camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling.

“VETERINARY HOSPITAL or CLINIC” A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation. This facility may also provide relevant services related to the daily care and wellbeing of healthy animals. If accessory services include a boarding kennel with outdoor runs, additional setback requirements will apply.

“VICINITY MAP” A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments

or landmarks and community facilities and services within Clermont County in order to better locate and orient the area in question.

“WALKWAY” A dedicated public way, four (4) feet or more in width, for pedestrian use only, whether or not along the side of a road.

“WAREHOUSE” A building used primarily for the storage of goods and materials.

“WHOLESALE BUSINESS” Establishments or places of business primarily engaged in selling merchandise to retailers; 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.

“WIND ENERGY SYSTEM” A system and associated facilities that collect wind energy. The following are terms associated with a Wind Energy System.

“ECONOMICALLY SIGNIFICANT WIND ENERGY SYSTEM” Wind turbines and associated facilities designed to generate between five (5) and fifty (50) megawatts of electricity.

“LARGE WIND ENERGY SYSTEM” Electric generating plants that consist of wind turbines and associated facilities designed for operation at a capacity of fifty (50) megawatts or more.

“SMALL WIND ENERGY CONSERVATION SYSTEM” An engine or motor having a drive shaft driven by the impulse air to create power for the site where such system is located. For the purposes of this zoning resolution, a small wind energy conservation system is one that creates under 100 kilowatts (or 0.1 megawatts) of power.

“WIND TURBINE” A machine that converts kinetic energy from the wind into electricity.

“YARD” A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- A. “YARD, FRONT” A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- B. “YARD, REAR” A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

C. “YARD, SIDE” A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

“YARD, REQUIRED” The minimum yard required between a lot line and building line or the line of any parking area or any other use requiring a yard in order to comply with the zoning regulations of the district in which the lot is located. A required yard shall be opened and unobstructed from the ground upward except for projections on buildings as permitted in this code, and except for walks and landscaping and other permitted yard or site features.

“ZONING ADMINISTRATOR” The person(s) responsible for administering the regulations of the Batavia Township Zoning Resolution as established herein.

“ZONING CERTIFICATE” A document, also known as a Zoning Permit, issued by the Zoning Department authorizing the use of lots, structures, uses of land and structures, and the characteristics of those uses.

“ZONING COMMISSION” The Zoning Commission of Batavia Township.

“ZONING INSPECTOR” The Zoning Inspector of Batavia Township.