

ARTICLE 13. DEFINITIONS

13.01. RULES AND INTERPRETATION

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Zoning Resolution. The following shall apply:

- 13.01.A.** Words used in the present tense include the future.
- 13.01.B.** A singular number shall include the plural number, and the plural the singular.
- 13.01.C.** The word “building” shall include the word “structure.”
- 13.01.D.** The word “used” shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.
- 13.01.E.** The masculine shall include the feminine and non-binary, and vice versa.
- 13.01.F.** The word “shall” is mandatory and not directory.

13.02. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language, are intended to provide examples, and not to be an exhaustive list of possibilities.

13.03. TERMS NOT DEFINED

If a term used in this resolution is not defined herein or elsewhere in this Resolution, the Tate Township Zoning Office, as appropriate, shall have the authority to provide a definition based on the definition’s use in accepted sources including, but not limited to:

- 13.03.A.** A Planner’s Dictionary, A Glossary of Zoning, Development and Planning Terms, and a Survey of Zoning Definitions (all published by the American Planning Association);
- 13.03.B.** General dictionaries, such as Merriam-Webster, American Heritage, Webster’s New World, and New Oxford American dictionaries.

13.04. DEFINED WORDS

The following definitions shall be used in the interpretation and construction of this Resolution.

A

ABANDONMENT

The relinquishment of property or a discontinuance of the use of the property by the owner or lessee for a continuous period as established by the applicable sections of this resolution.

ABUT / ABUTTING

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To have a common border with or being separated from such a common border by a right-of-way, alley, or easement

AGRIBUSINESS

A commercial enterprise that operates in conjunction with or in support of agricultural operations. This may include, but is not limited to, food processing, packaging, equipment sales and repair, agricultural research, farm supply sales, and value-added production such as creameries, wineries, and distilleries.

AGRICULTURE (USE)

"Agriculture" includes 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.

AGRITOURISM

An activity conducted on a working farm or agricultural property that is related to agriculture, and allows members of the general public to observe, participate in, or experience aspects of farming, ranching, heritage, or rural culture for recreational, educational, or entertainment purposes. Agritourism includes, but is not limited to, "pick-your-own" operations, corn mazes, hayrides, petting zoos, farm tours, on-farm markets, agricultural festivals, and farm stays in compliance with Short Term Rentals and Short Term Lodging, Outdoors.

ALTERATION

Any action to change (visual or material), modify, reconstruct, remove, or demolish any exterior feature of an existing structure or site

ANIMAL KENNEL, DAYCARE, AND TRAINING FACILITY

An establishment, structure or premises providing overnight accommodations of more than four (4) household pets of farm animals, with or without compensation; or a structure or premises used for the schooling, exercising, socializing attending to the care of household pets, with or without compensation, during the day and without overnight stays

ANIMAL HOSPITAL, VETERINARIAN OFFICE AND CLINIC

An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. This use does not include 'animal board/kennel,' and overnight boarding of animals shall only be permitted when incidental to such medical treatment and limited to short periods of time. This use shall not include any outdoor animal runs, play areas, or other similar outdoor activities.

APPLICANT

Any action to change (visual or material), modify, reconstruct, remove, or demolish any exterior feature of an existing structure or site

ARCHITECTURAL FEATURE

Ornamentation or decorative feature(s) attached to or protruding from an exterior wall. Such features include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments

AUTOMATED TELLER MACHINE (ATM)

An electronic device used by the public for conducting financial transactions such as withdrawing or depositing cash from a bank, savings, credit union, credit card or similar account wherein the customer operates the device independently

AUTOMOTIVE FUELING / CHARGING

An establishment where liquids used as motor fuels or alternative fuel, power or energy is sold at retail to the public and deliverables are made directly into or onto automobiles. The sale of fuel, power, or energy shall be the primary use of the property. Retail grocery or convenience store sales are permitted. Such use does not include facilities designed for the fueling of semi-trailer trucks.

AUTOMOTIVE RENTAL

Any building or land used for the display and rental of motor vehicles, motorcycles, recreational vehicles, and trucks in operable condition. The act of renting an automobile is the use of a motor vehicle for a temporary period of time at an agreed amount of money for the rental

AUTOMOTIVE SALES / LEASING, COMMERCIAL AND RECREATIONAL VEHICLES

The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, or lease of new and/or used commercial or recreational vehicles, in operable condition. This use includes the storage, maintenance, and servicing of commercial and recreational vehicles as a principally permitted or accessory use.

AUTOMOTIVE SALES / LEASING, PASSENGER VEHICLES

The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, or lease of new and/or used motor vehicles and motorcycles, not including Vehicle, Commercial or Vehicle, Recreational, in operable condition. This use includes incidental storage, maintenance, and servicing of vehicles limited to those sold or leased on premises.

AUTOMOTIVE SERVICE / REPAIR, MAJOR

An establishment where repair of construction equipment, commercial trucks, automobiles, and similar heavy equipment, including major exterior, engine, and transmission are conducted.

AUTOMOTIVE SERVICE / REPAIR, MINOR

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An establishment engaged in the minor repairs to any vehicle including repairs and replacement oil, coolant system, air conditioning system, audio, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignments and balancing, and repair and replacement of shock absorbers for vehicles and other motorized equipment owned by the general public

AUTOMOTIVE WASHING / DETAILING

A facility for washing, cleaning, drying, and waxing of passenger vehicles. An automotive washing facility may be self-service or full service. This does not include vehicular service or repair.

B

BANKS AND FINANCIAL INSTITUTIONS

A facility, building feature, or equipment of which the principal use or purpose of which is the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions, and mortgage companies. Such uses do not include check cashing or short term loan establishments. The use may or may not include a drive-through window. Automated Teller Machines (ATMs) shall not be considered a financial institution. See definition for "Automated Teller Machine."

BAR / TAVERN

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises. Food may also be available for consumption on the premises

BASEMENT

A portion of a building partly or entirely underground whose ceiling or underpart of the floor above is four feet or less above the average finished ground elevation. The "average finished ground elevation" is the mean elevation of the finished grade around all of the exterior of the building

BED AND BREAKFAST

A private owner-occupied residence with one to three guest rooms contained within that structure and operated so that guests reside at the home for a finite and temporary basis that does not exceed 28 days, and wherein the owner of the property remains on site for the duration of the guests stay. No kitchen facilities may be provided for use by guests.

BERM

Landscaped mounds used to buffer and to shield

BOND

Includes a performance bond, surety bond, irrevocable letter of credit, or other form of financial assurance in an amount that is sufficient to meet owner's financial responsibilities under a permit.

BREWERY, DISTILLERY, WINERY, CIDERY (MACRO)

Brewery, distillery, winery, or cidery that produces more than 15,000 barrels per year and may distribute outside the region. Such uses may include accessory uses including tap/tasting rooms, food service, retail sales of merchandise and alcohol, entertainment space for live music, and other similar uses.

BREWERY, DISTILLERY, WINERY, CIDERY (MICRO)

A limited production brewery, distillery, winery, or cidery that produces less than 15,000 barrels per year and that typically produces specialty beers, spirits, wines, or ciders that are generally sold locally. Such uses may include accessory uses including tap/tasting rooms, food service, retail sales of merchandise and alcohol, entertainment space for live music, and other similar uses.

BREW PUB

An establishment primarily engaged in the retail sale of prepared food for consumption on site, which includes the brewing of beer as an accessory use, for consumption on site. The brewing processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage

BUFFER

A designated area between uses or adjacent to the perimeter of natural features designed and intended to provide protection and which shall be permanently maintained.

BUILDING – (SEE ALSO “STRUCTURE”)

Any structure having a roof supported by columns or walls, used, or intended to be used for the shelter or enclosure of persons, animals, or property.

BUILDING, AREA

The sum of the horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

BUILDING, FRONTAGE

The length of an outside building wall that fronts a dedicated street right-of-way or access drive. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit

BUILDING, HEIGHT

The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the main height level between eaves and the ridge for gable, hip or gambrel roofs.

BUILDING, SETBACK

The closest point at which a building may be constructed in relation to the property line.

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BUILDING MATERIALS SALES AND STORAGE

A building and land used for the storage of building materials and lumber for sale that may be sold to the general public or contractors.

BUILDING TRADE AND EQUIPMENT SALES AND STORAGE

A commercial use consisting primarily of offices for building trades, construction contractors, or similar service providers—such as plumbers, electricians, HVAC contractors, carpenters, or general contractors—whose principal work is performed off-site. The use may include accessory indoor or outdoor storage of vehicles, tools, equipment, and construction materials, and limited on-site sales or distribution of materials, supplies, or equipment customarily incidental to the primary trade or service. This use does not include general retail sales to the public, large-scale warehousing or distribution, manufacturing, fabrication, or contractor yards primarily devoted to bulk material processing

BZA

Board of Zoning Appeals

C

CAMPGROUNDS AND RECREATIONAL VEHICLE CAMPS

A lot or parcel on which two or more tents, cabins, lean-tos, recreational vehicles, or other similar object is established or maintained as temporary living quarters for recreation, education, or vacation purposes.

CEMETERY

An area of land set apart for the purpose of the burial of remains of deceased persons or animals, and for the erection of customary markets, monuments, columbaria, and mausoleums.

CLUB, LOUNGE, OR MEETING HALL

A building, or portion thereof, or premises owned by a corporation, association, person, or persons having well-defined requirements for membership, for a social, educational, or recreational purpose, not primarily for profit nor to render a service which is customarily carried on as a business.

D

DATA CENTER

A building housing a large group of networked computer servers typically used by organizations for the remote storage, processing, or distribution of large amounts of data.

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. This

use does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period.

DAY CARE HOME, TYPE A

The permanent residence of the administrator in which childcare is provided for seven (7) to 12 children at one time or a permanent residence of the administrator in which childcare is provided for four to 12 children at one time if four or more children at one time are under two years of age. In counting children for the purpose of this definition, any children under six years of age who are related to the administrator or any employee on the premise shall be counted.

DAY CARE HOME, TYPE B

The permanent residence of the administrator in which childcare is provided for one (1) to six (6) children at any 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 division, any children under six years of age who are related to the administrator or any employee on the premises shall be counted.

DENSITY

The number of dwelling units per gross acre.

DISTRIBUTION / FULFILLMENT CENTER AND WAREHOUSING

A third-party warehouse that receives products and goods from suppliers, processes orders from e-commerce retailers, and ships products directly to individual consumers.

DRIVE-IN THEATER

A commercial outdoor entertainment use in which motion pictures or similar visual media are exhibited on one or more outdoor screens and are intended to be viewed by patrons seated in motor vehicles parked on the same lot. Such use may include accessory concession stands, ticket booths, restrooms, projection or control buildings, and on-site circulation lanes customarily incidental to the operation. Sound shall be transmitted primarily through in-vehicle or personal listening devices or otherwise controlled to minimize off-site impacts. A drive-in theater does not include indoor movie theaters, outdoor performance venues without vehicle accommodation, or temporary special events unless expressly permitted

DRIVE-THROUGH FACILITIES

An accessory facility consisting of one or more vehicular service lanes, ordering points, service windows, or similar features designed to allow customers to obtain goods or services from a principal use while remaining within a motor vehicle. A drive-through facility shall be subordinate to and customarily incidental to the principal use on the lot and shall not constitute a separate or standalone use.

DROP OFF RECEPTACLE

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A standalone container, structure, or receptacle located on private or public property used for the collection of donated goods, recyclables, or other materials from the general public. Examples of such receptacles include donation bins for clothing, books, second-hand items, or recyclables. These receptacles are typically unattended and not used for the purpose of general refuse.

DUMPSTER, CONSTRUCTION

A container having the capacity of at least one cubic yard used for the temporary storage of rubbish or materials to be disposed, recycled, composted, or donated pending collection.

DWELLING

Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, recreational vehicle or other temporary or transient building or use.

DWELLING, SINGLE-FAMILY

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

DWELLING, SINGLE-FAMILY, ATTACHED

Dwelling units that are structurally attached to one another, side by side, and erected as a single building, with a limit of three (3) units per building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.

DWELLING, SINGLE-FAMILY, DETACHED

A building designed for, or used exclusively for, residence purposes by one family or housekeeping unit, situated on a parcel having a front, side, and rear yard.

DWELLING, TWO-FAMILY

A residential structure containing exactly two dwelling units that, when arranged side-by-side, are separated from each other by an unpierced common wall extending from ground to roof. The units may either be attached and consist of one or more stories or stacked vertically with one dwelling unit located on top of the other.

DWELLING, THREE-FAMILY

A building or portion thereof designed for or used exclusively for three (3) families or housekeeping units.

DWELLING, MULTI-FAMILY, SMALL SCALE

A building or portion thereof designed for or used exclusively for four (4) to five (5) families or housekeeping units.

DWELLING, MULTI-FAMILY, MEDIUM SCALE

A building or portion thereof designed for or used exclusively for six (6) to 15 families or housekeeping units.

DWELLING, MULTI-FAMILY, LARGE SCALE

A building or portion thereof designed for or used exclusively for 16 or more families or housekeeping units.

DWELLING UNIT

One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family or housekeeping unit with separate toilets and facilities for cooking and sleeping.

DWELLING UNIT, ACCESSORY

A dwelling unit that is accessory, supplementary, and secondary to a principal use.

E**EATING AND DRINKING ESTABLISHMENT**

An establishment engaged in the retail sale of prepared food and drinks for consumption on the premises or for carry-out

EDUCATION FACILITY – PUBLIC OR PRIVATE

Any institution organized and operated under the laws of Ohio to provide regular courses of instruction for students in kindergarten through grade 12 by the Ohio Department of Education or by an accrediting association recognized by the United States Office of Education.

EDUCATION FACILITY – TRADE, COLLEGE, OR UNIVERSITY

Any institution organized and operated under the laws of Ohio to provide regular courses of instruction for students in any college or university accredited by the Ohio Department of Education or by an accrediting association recognized by the United States Office of Education.

ELECTRIC VEHICLE (EV) CHARGING STATION

A vehicle parking space served by an electrical component assembly or cluster of components assemblies (battery charging station) designated and intended to transfer electric energy by conductive or inductive means from the electric grid or other electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

EQUESTRIAN FACILITIES AND RIDING STABLES

A facility used for the keeping, boarding, training, breeding, riding, or instruction of horses, ponies, or similar equine animals, including associated riding areas, barns, paddocks, and accessory structures. Typical uses include boarding stables, training facilities, riding lessons, and indoor or outdoor arenas.

ENCLOSURE

An area of a structure enclosed by walls on all sides.

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F

FAÇADE

The face or front of a structure in any vertical surface adjacent to a public way.

FAMILY

A person living alone, or two (2) or more persons related by blood or marriage or a group of not more than five (5) persons who need not be related, living together as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house

FENCES AND WALLS

A structure, other than a building, comprised of customary exterior finishes, which serves to form a barrier or boundary for means of protection, privacy, confinement, or used for decorative purposes.

FESTIVAL AND SIMILAR-EVENT

A temporary civic, recreational, fund-raising, or promotional activity or event that typically has a specific focus with its own social activities, food, music, or ceremonies. Such use typically takes place in a specified location and on a specific day or days.

FINAL DEVELOPMENT PLAN

A detailed site plan, submitted as part of the Planned Development process of a proposed development prepared by a professional urban planner, engineer, architect, or landscape architect which indicates the proposed use, building plans, engineering plans, and landscaping plans for a specific project.

FITNESS CENTER

A facility where members or non-members use equipment or space for the purpose of physical exercise, improved circulation, or flexibility, and weight control. This use includes but is not limited to exercise facilities, gymnasiums, and health clubs.

FITNESS STUDIO

A facility where members or non-members use equipment or space for the purpose of physical exercise, improved circulation, or flexibility, and weight control. Facilities and activities can include, among other things, running, jogging, aerobics, weight lifting, court sports, whirlpools, saunas, massage rooms, yoga, karate, dance, and swimming, as well as locker rooms, showers, food and beverage services, and personal services

FLAG

A sign made of flexible material which is mounted on a pole, and which represents or symbolizes an organization, group, cause, event, activity, or unit of Government

FLOOR AREA, RESIDENTIAL

The sum of the gross horizontal area of all floors of a dwelling unit devoted to residential living purposes, measured from the interior faces of the exterior walls.

Residential floor area shall include living rooms, bedrooms, closets, kitchens and pantries, dining rooms, bathrooms, dens, libraries, family rooms, stairways, hallways, entry and access ways, and other habitable spaces. Residential Floor Area shall exclude garages (attached or detached), carports, basements that are unfinished or not designed for habitable use, mechanical rooms, storage areas, attics not meeting habitable space requirements, breezeways, porches, decks, terraces, balconies, and other unenclosed or non-habitable areas.

FOUNDATION, PERMANENT

A system of supports that is: capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure; constructed of concrete; and placed at a depth below grade adequate to prevent frost damage.

FREIGHT SERVICES, TRUCK TERMINALS

A premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of trucks.

FUNERAL HOME

An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the deceased. Typical uses include funeral parlors, crematories, or mortuaries, but does not include crematories or cemeteries

G**GALLERY**

A facility that includes work, with display or teaching space for one or more artists, artisans, or musicians.

GARDEN CENTER / GREENHOUSE / NURSERY

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

GOVERNMENTAL FACILITY

Any buildings, structure, or use, or portion thereof, used by a governmental agency for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.

GRADE, FINISHED

The final elevation of the ground surface after man-made alterations such as grading, filling, and excavating have been made on the ground surface.

GREEN SPACE

An area of land which is used exclusively for grass, trees, landscaping, and other non-noxious living ground cover.

GREENHOUSE

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A building with a roof and sides made largely of a transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for personal use or enjoyment.

H

HOME OCCUPATION, HOME OFFICE

A home-based activity conducted entirely within the dwelling by a resident of the premises, which is clearly incidental and subordinate to the residential use of the property. No employees other than household members are permitted, and there shall be no exterior evidence of the business. Examples include but are not limited to: bookkeeping, remote consulting, graphic design, computer programming, or other office-based work conducted entirely within the home.

HOME OCCUPATION, MAJOR

A home-based business conducted within a dwelling or accessory structure by a resident of the premises, which may include a limited number of nonresident employees, customer or client visits, or deliveries. Major Home Occupations remain clearly subordinate to the residential or rural use but may include modest, regulated exterior indications of business activity, such as a small identification sign, designated parking, or limited screened outdoor storage. Examples include but are not limited to: woodworking, small engine repair, home-based catering, home beauty or barber services, or home-based contractor offices.

HOME OCCUPATION, MINOR

A home-based activity conducted within the dwelling by a resident of the premises, which may involve limited small-scale production or service activities. No nonresident employees are permitted. Minor Home Occupations generate minimal traffic, noise, or other impacts beyond what is customary for a residence and do not involve on-site sales, signage, or outdoor storage. Examples include but are not limited to: tutoring, sewing or alterations, online retail (without on-site pickup), small craft production, or professional services conducted on a small scale.

HOSPITAL

An institution that provides primary health services and psychological, medical, or surgical care to persons suffering from illness, disease, injury, deformity, and other physical or mental conditions, that provides inpatient (overnight) accommodations for persons receiving treatment, and that includes as an integral part of the institution, related facilities such as laboratories, outpatient, or training facilities

HOTEL / MOTEL

A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests. Such uses may include conference and event spaces, business centers, meeting rooms, restaurants, bars, personal service uses, and other similar accessory uses that cater to the patrons of the establishment

HOUSEHOLD

A group of individuals not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single unit.

HOUSEKEEPING UNIT

Any household whose members are an interactive group of persons jointly occupying a dwelling unit, including joint access to and use of all common areas including living, single kitchen, and eating areas within the dwelling unit, and sharing household activities and responsibilities such as meals, chores, expenses, and maintenance, and whose makeup is determined by the members of the unit rather than by the landlord, property manager, or other third party.

HUSBANDRY

The care, raising or breeding of farm animals or poultry, such as cattle, horses, hogs, sheep, chickens, turkeys, ducks, geese et., for the purpose of meat, eggs, milk, or other products.

I

ILLUMINATED, DIRECTLY

Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.

ILLUMINATED, INDIRECTLY

Light source project light onto the exterior of the sign surface or onto the building where the sign is located.

ILLUMINATED, INTERNALLY

Light source is within the sign, with a transparent or translucent background or cover which silhouettes letters or designs

IMPERVIOUS, SURFACE / COVERAGE

Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall include paved driveways and parking areas, sidewalks, roofs, and other similar structures.

IMPROVEMENT, PUBLIC

Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facilities for which the local government may ultimately assume the responsibility by the local government is established.

INSTITUTIONAL CARE FACILITY

Any facility for the elderly, infirm, or individuals requiring rehabilitation or treatment for addiction, mental health disorders, or physical infirmities, in which three (3) or more unrelated individuals may stay on a predominantly intermediate or long-term basis, and where inpatient care and living accommodations are provided in exchange for compensation from any source. Institutional care facilities include, but are not limited

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to, nursing homes, assisted living facilities, hospices, addiction treatment facilities, mental health treatment facilities, inpatient physical rehabilitation facilities, convalescent homes, or similar uses. Institutional care facilities shall not include hospitals, medical offices, medical or dental clinics, urgent care centers, outpatient physical rehabilitation centers, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured without a component of predominantly intermediate or long-term stays

J

JUNK OR UNLICENSED VEHICLE

A vehicle, including but not limited to collector's vehicles, cars, trucks, buses, trailers, and boats, shall be deemed a junk or inoperable vehicle whenever all of the following occur and as may be amended pursuant to [ORC 505.173](#):

- Three model years old, or older;
- Apparently inoperable;
- Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

JUNK

Scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, rags, rubber, inoperable Vehicles, and parts thereof, except when processed as part of a recycling operation as defined and regulated by this Resolution.

JUNK / SALVAGE YARD / TOW YARD

Any area, lot, or other parcel of land used for the storage, collection, processing, purchase, sales, salvage, or disposal of junk

K

KEEPING OF FARM ANIMALS

The accessory keeping, raising, housing, or pasturing of domesticated livestock customarily associated with farming, including but not limited to cattle, horses, sheep, goats, swine, llamas, alpacas, and similar animals, on a lot not otherwise devoted to agricultural production. The keeping of farm animals is intended for personal use, hobby, or non-commercial purposes and does not include commercial livestock operations, concentrated animal feeding operations (CAFOs), or activities regulated as agriculture under the Ohio Revised Code.

KEEPING OF FOWL

The accessory keeping, raising, or housing of domesticated birds, including but not limited to chickens, non-crowing chickens (hens), ducks, geese, turkeys, guinea fowl, and similar species, for personal use, egg production, or other non-commercial purposes. The keeping of fowl does not include commercial poultry operations, the

keeping of roosters or other crowing birds unless expressly permitted, slaughtering or processing, or on-site retail sales of birds or poultry products, except as otherwise authorized by this Resolution

L**LABORATORY / RESEARCH & DEVELOPMENT**

Facilities equipped for experimental study in a science or for testing and analysis; facilities providing opportunity for research, experimentation, observation, or practice in a field of study.

LANDSCAPED AREA

An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass, or other plant material.

LIBRARY

A facility that contains books, periodicals, and other materials for reading, viewing, listening, study, or reference, that consists of a room, set of rooms, or a building where such materials may be accessed or borrowed.

LIVESTOCK

Animals, other than customary domestic pets, commonly associated with agriculture. These include but are not limited to cows, cattle, sheep, goats, hogs, horses, mules, llamas, and poultry.

LOADING SPACE, OFF-STREET

An off-street area, used exclusively for loading and unloading, at least 10 feet wide, 50 feet long, and 15 feet high; within or outside a building, and located outside of the front, side, or rear setback area required of the building it serves; for the temporary parking of commercial vehicles which are loading or unloading merchandise or materials.

LOT

A piece or parcel or tract of land, which is legally recorded by the Clermont County Recorder's Office, occupied or intended to be occupied by a principal building or structure or utilized for a principal use and uses accessory thereto, together with such open spaces and frontage as required by this Resolution.

LOT, AREA

The computed area contained within the lot lines

LOT, CORNER

A lot at the intersection of and abutting two streets, such streets forming an interior angle of less than 135 degrees.

LOT, COVERAGE

The percentage of the site which is covered by impervious surface.

LOT, CUL-DE-SAC

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A lot with frontage along a curved street or cul-de-sac.

LOT, DEPTH

The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE-FRONTAGE (THROUGH-LOT)

An interior lot having frontage on two non-intersecting legally recorded public streets.

LOT, FRONTAGE

The length of any one property line of a premises which property line abuts a legally recorded public street right-of-way.

LOT, INTERIOR

A lot other than a corner lot, with frontage only on one street.

LOT LINE, RESIDENTIAL

A lot line of any property containing a residential use.

LOT, LINES

The property lines which bound the lot.

LOT, OF RECORD

Any lot which individually or as a part of a subdivision has been recorded in the office of the Recorder or Auditor of Clermont County, or on which the recording has been delayed by mutual consent of the subdivider, developer, and Tate Township, Ohio

LOT, PANHANDLE (OR FLAG)

Lots approved under certain conditions that contain less frontage on a street than is normally required. The panhandle is typically an access corridor to lots or parcels located behind parcels with normally required street frontage.

LOT LINE, FRONT

On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting the street; or on a panhandle lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE

Any lot line which is not a front or rear lot line.

M

MAINTENANCE

Any normal upkeep or repair which does not require a building permit and does not constitute alteration as defined.

MANUFACTURED HOME, PERMANENTLY SITED

A permanently sited manufactured home is 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. Such home shall meet the following criteria for a permanently sited manufactured home, as established by ORC 3781.06:

- The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- 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;
- The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- The structure was manufactured after January 1, 1995;
- The structure is not located in a manufactured home park as defined by section [4781.01](#) of the Revised Code.

MANUFACTURED HOUSING UNIT

Any non-self-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utility, and includes the plumbing, heating, and electrical system contained therein.

MANUFACTURING, GENERAL

The assembling, altering, converting, fabricating, finishing, processing or treatment which combines one or more raw materials or components into a product using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent properties in terms of truck traffic, railroad activities, noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not meet the definition of "Light Manufacturing". This use may include outdoor storage and activities.

MANUFACTURING, LIGHT

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The assembling, altering, converting, fabricating, finishing, processing or treatment which combines one or more raw materials or components into a product utilizing a relatively clean and quiet process which does not include or generate objectionable or hazardous elements such as smoke, odor, vibration, water pollution, or dust and which is operating and storing products and materials in a completely enclosed structure.

MARIJUANA BUSINESS

Any business, laboratory, retail establishment, or other enterprise that cultivates, processes, distributes, tests, or sells marijuana or any derivative of marijuana, whether for medical or recreational purposes.

MEDICAL OFFICE, CLINIC, OR URGENT CARE

A health care facility where patients are admitted for examination and treatment on an out-patient basis by one or more physicians, dentists, or other medical personnel, and where patients are not kept overnight. This use includes immediate medical care clinics, surgical centers, birthing centers, and outpatient care facilities.

MAJOR AMENDMENT

A change to an approved Planned Development that materially alters the scope, character, or impacts of the development from that which was originally approved. Major modifications include, but are not limited to, changes affecting the overall land area or lot coverage of the Planned Development; the mix, intensity, or combination of permitted land uses; or the size, placement, configuration, or arrangement of buildings, structures, streets, access points, circulation patterns, or other approved site design elements in a manner that may reasonably affect adjacent properties or the intent of the approved Planned Development.

MINOR AMENDMENT

A change to an approved Planned Development that is limited in scope and intended to address practical difficulties, improve functionality, or refine the design of the development without materially altering its overall character or impacts. Minor modifications include, but are not limited to, adjustments to the size, placement, or arrangement of accessory structures; modifications to internal street layouts, circulation patterns, or common open space; amendments to approved conditions; or other changes to approved elements of the Planned Development that do not materially affect adjacent properties or the intent of the approved development.

MIXED USE

A building, lot, or development that contains a mixture of uses including residential, commercial, or industrial uses. Such uses may be mixed within one building (either horizontally or vertically) or within an overall development.

MOBILE FOOD VENDOR

A vehicle or vehicle and trailer propelled by an engine which has been specifically designed or use for mobile food vending, and which serves food and/or beverages in

individual portions in a ready-to-consume state. It does not include the sale of groceries or vegetables and fruits not prepared for immediate consumption at the vehicle

MOBILE HOME

Any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon streets and as a dwelling for one or more persons.

MOBILE HOME PARK

A lot which has been planned and improved for the placement of manufactured homes for residential use, with single control or ownership.

MOBILE HOME SUBDIVISION

A mobile home subdivision is a subdivision designed and intended for residential use where residence is in mobile homes exclusively.

MONOPOLE

A structure composed of a single spire anchored to a foundation used to support telecommunications equipment.

MUSEUM

A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having significant scientific, historical, cultural, or artistic value.

N**NATURAL FEATURE**

An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.

NEGLECT

The lack of proper maintenance for a building or structure.

NONCONFORMITY

A lot, use of land, structure, or use of structures and land in combination lawfully existing at the time of enactment of this Zoning Resolution or its amendments which do not conform to the regulations of the district in which they are situated and are therefore incompatible with the purposes and regulations in this Zoning Resolution.

NOXIOUS WEED

Any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interest of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.

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O

OFFICE

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations .

OPEN SPACE

An area of land or an area of water, or a combination thereof, that is designed for either environmental, scenic, or recreational purposes. It may include buffer areas, active and passive recreation areas, wooded areas, water courses, and similar amenities. Open space shall not include off-street parking areas, streets, or part of road rights-of-way.

OUTDOOR DINING / FOOD SERVICE AREA

An accessory porch, patio, deck, or other designated area used for consumption of food and/or beverages by the public which is not completely enclosed within the exterior building walls, windows and doors of a principally permitted fast-casual restaurant, full-service restaurant, quick-serve restaurant, or drinking establishment, and which may or may not have a solid roof cover.

OUTDOOR DISPLAY / RETAIL

An accessory and subordinate use that is an unenclosed area exhibiting sample goods or merchandise. The items for sale must be from the principal business in which the outdoor display or retail area is associated with.

OUTDOOR STORAGE

The keeping, in an unroofed area, of any goods, material, merchandise, vehicles, trailers, or equipment in the same place for more than 24 hours.

P

PARCEL

Any quantity of land and water capable of being described with such specificity that its location and boundaries may be established as distinct from other parcels which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

PARK OR RECREATION FACILITY, PUBLIC

A park, playground, community center, wildlife preserve, recreation or conservation area owned and operated by a tax-supported agency in the public interest and including buildings and structures customary for its operation.

PARKING, AREA

A permanently surfaced or otherwise delineated open area, other than a street or other public way, which is used for the parking of vehicles and trailers.

PARKING, COMMERCIAL AND FLEET VEHICLES

A principal use consisting of a lot or facility used primarily for the parking, staging, or storage of commercial vehicles or fleet vehicles, including delivery vans, service trucks, box trucks, or similar vehicles, that are not located on the same lot as the principal use, business, or facility the vehicles serve. Such use may include paved or improved parking areas, internal circulation aisles, security fencing, lighting, and limited accessory structures customarily incidental to vehicle storage. This use does not include accessory parking located on the same lot as a principal use, vehicle maintenance or repair facilities, freight terminals, warehousing, or dispatch centers, unless expressly permitted.

PARKING / STORAGE OF RECREATIONAL VEHICLES AND EQUIPMENT

The parking, storage, or temporary placement of recreational vehicles, boats, trailers, campers, personal watercraft, or similar equipment on the same lot as a principal use. Such parking or storage is intended solely for the use of the occupants of the principal use and shall not operate as a commercial rental, sales, or storage facility for vehicles or equipment owned by others

PEDESTRIAN FACILITIES

Elements of a development for the intended use and enjoyment of pedestrians including amenities such as walkways, benches and other outdoor seating, bus waiting areas, sidewalk displays, trash containers, fountains, statutes, paths and plazas.

PERFORMANCE STANDARDS

Quantitative tests given to a prospective use of the land to determine whether the use is in harmony with the purpose of the zone which may include definite measurements for: noise, smoke, odor, dust and dirt, noxious gases, glare and heat, fire hazards, industrial wastes, transportation and traffic, aesthetics and psychological effects.

PERSONAL SERVICES

An establishment that provides informational, instructional, personal improvement, and similar services. Typical uses include, but are not limited to, barber shops, beauty shops, yoga or dance studios, driving schools, martial arts studios, shoe repair shops, tailor shops, laundromats and dry cleaners. A massage establishment operated by a licensed massage therapist is also included within the "personal improvement service" use category.

PETS

Any domesticated animal such as a dog, cat, bird, rodent (including a rabbit), fish, reptiles, or turtle, that is traditionally kept in the home for non-commercial purposes.

PICK-UP WINDOW

An accessory service window attached to or integrated into a principal building through which pre-ordered goods or services are provided to customers, including those in motor vehicles, without requiring customer entry into the building. A pick-up

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window shall be subordinate to and customarily incidental to the principal use and shall not operate independently of that use.

PLANNED DEVELOPMENT

Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned unit development. A planned development is built according to general and detailed plans that include not only street, utilities, lots and building and building locations, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned unit development includes a program for the provisions, operations and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned unit development or community

PLAT

A map indicating the subdivision or re-subdivision of land and intended to be recorded in the Clermont County Recorder's plat books.

PORTABLE STORAGE UNIT

Portable storage containers typically utilized temporarily for the storage of equipment, furniture, clothing, merchandise or other personal or business belongings as part of the process of moving and/or as part of an intent to store items offsite at a commercial storage location.

PRELIMINARY DEVELOPMENT PLAN

A site plan submitted as part of the Planned Development process during the amendment process for district designation indicates the approximate areas and arrangement of the proposed uses and zone districts.

PREMISES

A lot and all of the use(s) conducted thereon.

R

RECREATION OR ENTERTAINMENT FACILITY, INDOOR

Facilities for entertainment, sports, and recreational activities such as bowling, billiards, arcades, skating, swimming, tennis, escape clubs, escape rooms, and similar indoor activities taking place inside an enclosed building. This definition shall not include gambling devices, adult motion picture theaters, adult entertainment businesses, gun ranges, or any other devices prohibited by law

RECREATION OR ENTERTAINMENT FACILITY, OUTDOOR

A principal use that consists of commercial entertainment, recreation, or games of skill where any portion of the activity takes place outside of a building. Such activities

include, but are not limited to, miniature golf, bungee jumping, amusement parks, golf course, golf driving ranges, drive-in theaters, and other similar uses. This use does not include outdoor gun ranges.

RECREATIONAL VEHICLE AND EQUIPMENT

Recreational equipment and vehicles are defined as, and shall include the following, in addition to other equipment and/or vehicle which meets the same general standard as outlined:

- A. Fifth Wheel Trailers.** A vehicle that is of such a size and weight as to be movable without a special highway permit, that has a gross trailer area of 400 square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.
- B. Folding Tent Trailer.** Any vehicle intended to be used, when stationery, as a temporary shelter with living and sleeping facilities.
- C. Motorized Home (Motor Home).** A self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.
- D. Park Trailer.** A vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of 400 square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities for the operation of installed features and appliances..
- E. Pick-Up Camper (Truck Camper).** A non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle, it does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.
- F. Watercraft.** Any of the following when used or capable of being used for transportation in the water:
 - 1. A vehicle or vessel operated by machinery either permanently or temporarily affixed;
 - 2. A sailboat other than a sailboard;
 - 3. An inflatable, manually propelled boat that is required by Federal law to have a hull identification number meeting the requirements of the United States Coast Guard; or
 - 4. A canoe or rowboat.

RELIGIOUS ASSEMBLY / PLACE OF WORSHIP

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An institution that a congregation of people regularly attends to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held.

RELOCATION

Any change in the position of a structure or object from one setting to another.

RESIDENTIAL FACILITY

A residential dwelling or facility that falls into one of the following categories:

1. Provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances.
2. Provides accommodations, supervisions, and personal care services to any of the following:
 - a. One (1) or two (2) unrelated persons with mental illness,
 - b. One (1) or two (2) unrelated adults who are receiving payments under the residential state supplement program,
 - c. Three (3) to 16 unrelated adults

RESIDENTIAL FACILITY, SMALL

A residential facility that is designed for and occupied by five (5) or fewer residents living together

RESIDENTIAL FACILITY, MEDIUM

A residential facility that is designed for and occupied by between six (6) and 16 residents living together.

RESIDENTIAL FACILITY, LARGE

A residential facility that is designed for and occupied by more than 16 residents living together.

RESIDENTIAL OUTDOOR SALES

The sale of personal property owned and sold by the occupants of the household at which such personal property is sold.

RESIDENTIAL TREATMENT FACILITY

A residential dwelling or facility where persons are living together, with or without staff, as a single housekeeping unit providing care, supervision, or treatment to reduce dependence or maintain independence of opioid drugs. A "residential treatment facility" is subject to the protections of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, as they apply to citizens in drug addiction treatment programs, and by any similar legislation of the State of Ohio.

RESIDENTIAL TREATMENT FACILITY, SMALL

A residential treatment facility that is designed for and occupied by five (5) or less residents living together.

RESIDENTIAL TREATMENT FACILITY, MEDIUM

A residential treatment facility that is designed for and occupied by between six (6) and 16 residents living together.

RESIDENTIAL TREATMENT FACILITY, LARGE

A residential treatment facility that is designed for and occupied by more than 16 residents living together.

RETAIL SALES AND SERVICE

A facility or establishment up to 20,000 square feet of gross floor area, which engages in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Within a multi-tenant or mixed-use building, the overall building may be more than 20,000 as long as each tenant does not exceed the square footage threshold.

RETAIL SALES AND SERVICE, LARGE-SCALE

A facility or establishment greater than 20,000 square feet of gross floor area, which engages in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY

A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

ROADSIDE STAND

A temporary structure on land adjacent to a street usually for the attraction of motorists for profit-making purposes. Common roadside stands sell local food, produce, firewood, handcrafted items, or imported goods.

S**SEASONAL OUTDOOR SALES**

The temporary sale of seasonal goods, which may include, but is not limited to, the sale of Christmas trees, pumpkins, and similar items. This use does not include the outdoor display or sales of goods from the principal business in which the display or sales is associated with.

SELF-STORAGE FACILITY

A structure or group of structures used for the storage of personal property where individual owners control individual storage spaces.

SENSITIVE ENVIRONMENTAL AREA

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Any areas determined by the Ohio Department of Natural Resources that consist of unique or sensitive ecological, biological, or related ecosystems.

SETBACK

The required distance between a building and a lot line, street right-of-way, pavement, stream or riverbank, wetland or other delineated site feature.

SETBACK, FRONT YARD

A setback that is measured from the front lot line.

SETBACK, REAR YARD

A setback that is measured from the rear lot line.

SETBACK, SIDE YARD

A setback that is measured from the side lot line.

SEXUALLY ORIENTED BUSINESS

Sexually oriented businesses include the following categories:

A. Adult Arcade

A commercial establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, or similar machines, or other image-producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or photographic reproductions 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 25% or more of its stock-in-trade, or derives a twenty-five percent or more of its revenues, or devotes twenty-five percent or more of its interior business or advertising to the sale, 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, or other visual representations, characterized by the depiction of specified "sexual activities" or "specified anatomical areas";
2. Instruments, devices or paraphernalia designed for use or marketed primarily for stimulation of human genital organs, or for sadomasochistic use or abuse.

C. Adult Cabaret

A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

1. "Private Club" shall mean an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or

liquor) and purchase a mixture for the same or use of a glass from the club or business.

2. Persons who appear nude or in a state of nudity or semi-nude state;
3. Live performances which are characterized by the exposure of "specified anatomical areas" or by specified "sexual activities";
4. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified "sexual activities" or "specified anatomical areas"; or
5. Physical contact (whether simulated or actual) of live males or females which is characterized by salacious conduct appealing to prurient interest for the observation by patrons provided that one or more of the parties appears in a state of nudity or semi-nude state. Prurient shall have the meaning given to it by the United States Supreme Court in *Brockett v. Spokane*, 472 U.S.

D. Adult Motel

A motel, hotel, or similar commercial establishment which:

1. Offers 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, which depict specified "sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premise advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
2. Offers a sleeping room for rent for a period of time less than 10 hours; or
3. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than 10 hours.

E. Adult Motion Picture Theater

A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which depict or describe specified "sexual activities" or "specified anatomical areas" and which 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 persons who appear in a state of nudity or performances which expose "specified anatomical areas" or specified "sexual activities".

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G. Escort Agency

A person or business association that, for any form of consideration, furnishes, or offers to furnish an escort(s), guide(s) or date(s) for another person. For purposes of this resolution "Escort" is a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or agrees or offers to privately model lingerie or to privately perform a striptease for another.

H. Massage Parlor

Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as a part of, or in connection with specified "sexual activities", or where any person providing such treatment, manipulation or service related thereto, exposes his or her "specified anatomical areas". This definition shall not include the practice of therapeutic massage by a licensed physician, surgeon, technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, a licensed podiatrist, a licensed nurse or any other licensed health professional nor by trainers for any amateur, semi-professional or professional athlete, or athletic team, or school athletic program. "Licensed" means licensed, certified or registered to practice in the State of Ohio.

I. Nude Model Studio

Any place where a person, who regularly appears in a state of nudity, or displays "specified anatomical areas", is provided, for any form of consideration, to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

J. 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 may 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. This definition shall not include any establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed in the State of Ohio, engages in medically approved and recognized sexual therapy.

K. Sexual Paraphernalia Center

Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing sexual conduct or used in connection with specified sexual conduct.

SHORT TERM LODGING, OUTDOOR

A accessory use providing temporary overnight accommodations for transient guests, generally for periods of less than 30 consecutive days. This use includes, but is not limited to, tents, yurts, cabins, glamping units, or other non-traditional lodging structures and may be located on agricultural, residential, or other compatible properties. Short term lodging does not include permanent residential occupancy, hotels, motels, or boarding houses, and may be subject to applicable health, safety, and zoning standards regarding sanitation, access, and site design.

SHORT TERM RENTAL

A dwelling which is rented, wholly or in part, to a person or person(s) for a fee for less than 28 consecutive days. A Short-Term Rental owner/ operator may or may not be present when a Short-Term Rental guest is on the premises. Short-Term Rentals do not include bed and breakfast facilities, hotels or motels.

SIGN

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

SIGN, AREA

The area of a sign shall be considered as including the entire area within a single continuous perimeter enclosing the extreme limits of writing, representations, emblems, or any figure of similar character together with any frame or other material or color forming an integral part of the display are or used to differentiate such sign from the background against which it is placed; excluding supports, trim, uprights, or base which are necessary for structural purposes.

SIGN, AWNING

Applied directly to the surface of an awning; defined as a shelter supported entirely on a wall and made of non-rigid material supported by a frame.

SIGN, BACKLIT

A sign whose light source is located behind fully opaque letters or graphics.

SIGN, BANNER

A sign of lightweight fabric or similar non-rigid material mounted to a pole and/or building with a design, picture, or writing on it.

SIGN, BILLBOARD

An off-site sign structure advertising an establishment, merchandise, service, special message, or entertainment.

SIGN, CANOPY

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Any sign attached to or suspended under any rigid or non-rigid portion or support by a building or other structure, including, but not limited to, a breezeway, pedestrian passageway, porch or veranda.

SIGN, CHANGEABLE COPY

A sign designed so that the characters, letter or illustrations can be replaced or rearranged manually or electronically without altering the sign display surface. May also be known as reader boards.

SIGN, CLEARNACE

The vertical distance between the lowest point of any sign and the grade at the base of the sign.

SIGN, DRIVE-THROUGH

Any signage pertaining to items, goods, or services offered by a drive-through business

SIGN, ELECTRONIC MESSAGE BOARD

Any sign that uses plasma display panels (PDPs), liquid crystal displays (LCDs), light emitting diode signs (LEDs), and/or television (CRTs), or other electronic medium.

SIGN, FACE

The largest portion, in square feet, of a sign's area that is visible; measured at the location where the largest amount of the sign's area can be viewed by the eye at one point in time

SIGN, FEATHER / FLUTTER FLAG

A sign of lightweight fabric or similar non-rigid material generally shaped like a feather commonly attached to a pole, which is intended to flutter in the wind.

SIGN, FREESTANDING

A sign supported permanently upon the ground by poles or braces and not attached to any building or structure.

SIGN, HEIGHT

The vertical distance from the uppermost point of a sign structure to the average finished ground elevation under the sign.

SIGN, INCIDENTAL

A sign which provides assistance to an establishment conveniently and safely.

SIGN, INFLATABLE

Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.

SIGN, MENU BOARD

Freestanding signs placed at properties where there is a permitted drive-thru lane, or pick-up window.

SIGN, MOBILE

Affixed to a frame having wheels or capable of being moved. Mobile signs do not have a permanent foundation and cannot withstand the wind-load stress requirements of the adopted building code as they are designed to stand free from a building. The removal of the wheels from such a sign or temporarily securing of a sign of this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle.

SIGN, MULTI-TENANT

A freestanding sign for a development that contains multiple users with a combined area of at least 20,000 square feet.

SIGN, MURAL

Any mosaic, painting, or graphic art or combination thereof which is professionally applied to a building and does not contain brand names, product names, letters of the alphabet spelling or abbreviating the name of any product, company, profession or business, or any logo, trademark, trade name, or other commercial message.

SIGN, NONCONFORMING

A sign existing and lawful at the time of the enactment of this Resolution or any amendment thereto, which does not conform to the regulations of the district in which it is located.

SIGN, PERMANENT

A sign permitted by this resolution to be located on a premises for an unlimited period of time.

SIGN, PROJECTING

A sign that is wholly or partly dependent upon a building for support or suspended from a pole or canopy that is attached to a building.

SIGN, READER BOARD

Any sign that displays changeable copy through manual changing of copy that prohibits the utilization of computer-generated messages or some other electronic means of changing copy.

SIGN, ROOF

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

SIGN, STRUCTURE

The supports, foundation, uprights, bracing, or framework for a sign.

SIGN, TEMPORARY

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A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

SIGN, WALL

A sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs.

SIGN, WINDOW

Any sign that is printed, painted on, attached, glued, or otherwise affixed to the interior or exterior side of a window, and designed to be viewed from adjoining streets, walkways, or parking lots available for public use.

SLEEPING ROOMS

A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.

SOLAR COLLECTOR

A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

SOLAR ENERGY

Radiant energy (direct, diffuse, and reflected) received from the sun.

SOLAR ENERGY SYSTEM

A Solar Collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and can collect, distribute, and store the sun's radiant energy for beneficial use.

SOLAR ENERGY SYSTEM, BUILDING-MOUNTED

A Solar Energy System designed to be attached to a building's structural wall(s), other than the roof, of the principal and/or accessory structure(s) on the parcel of land on which the Solar Energy System is located.

SOLAR ENERGY SYSTEM, GRID

A Solar Energy System whose primary design and purpose is to generate electricity for use on a parcel or contiguous parcels owned by the same owner and may include necessary sub-components to allow the return of excess produced or stored energy into the utility grid by way of arrangements with the parcel(s)'s utility provider. Grid Solar Energy Systems shall not exceed 10 MW aggregate generative capacity and shall not exceed 30 percent of the footprint of the total parcel size.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED

A Solar Energy System that is not attached to and is separate from any building on the parcel of land on which the Solar Energy Collector System is located.

SOLAR ENERGY SYSTEM, ON-SITE

A Solar Energy System designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

SOLAR ENERGY SYSTEM, POINT OF USE

A self-contained or single-purpose Solar Energy System and components such as signage lighting panels, well or water pump systems, or electric fencing systems.

SOLAR ENERGY SYSTEM, PRIVATE

A Solar Energy System and components with a total generative capacity of less than 5 MW with the purpose of creating electricity solely to be used on site. A Private Solar Energy System shall not have a generation interconnection agreement for net metering with any utility provider.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED

A Solar Energy System, to include solar panel shingles, designed to be attached to a building's roof of the principal and/or accessory structure(s) on the parcel of land on which the Solar Energy System is located.

SOLAR ENERGY SYSTEM, SMALL

A Solar Energy System with Solar Panels 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 50 MW with a primary design and purpose to supply energy into a utility grid.

SOLAR PANEL

A panel consisting of an array of photovoltaic cells used to generate electricity directly from sunlight.

SOLAR PANEL, ACCESSORY

Panels installed on a building or on a lot to allow for the conversion of solar energy to electrical current for on-site consumption.

STACKING SPACE

A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

STORAGE, OUTDOOR

The keeping, in an unroofed area, of any goods, material, merchandise, vehicles, trailers, or equipment in the same place for more than 24 hours.

STREET

A right-of-way dedicated or otherwise legally established for public use, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name.

STREET, ARTERIAL

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High-capacity, high-volume streets that provide access to and through the county. The primary function of these streets is traffic movement, not access to property.

STREET, CENTER LINE

A line halfway between the street right-of-way lines.

STREET, COLLECTOR

Medium-volume roads that collect and distribute traffic from lower-classification streets to arterials and expressways or activity centers. Traffic movement on these roads is a higher priority than access to property.

STREET, COLLECTOR – MAJOR

Intended primarily for non-residential traffic. Direct access to property from these streets is extremely limited.

STREET, COLLECTOR – MINOR

Intended primarily for residential traffic. Direct access to property from these streets is permitted under specified circumstances

STREET, CUL-DE-SAC

A street with only one outlet and having a paved, usually circular, turnaround at one end.

STREET, EXPRESSWAY

Limited-access highways that carry large volumes of traffic and are of more importance regionally than locally. They provide continuous, high-speed traffic flow.

STREET, FRONTAGE

Property line that lies adjacent to street right-of-way.

STREET, PRIVATE

An improved street or roadway which has not been dedicated for public use, or accepted by the Township, and is not maintained by the Township.

STREET, PUBLIC

An improved street or roadway which has been dedicated for public use, and accepted by the Tate Township, Clermont County, the State of Ohio, or a Federal agency.

STRUCTURE

Anything constructed, excluding pavement, the use of which requires the permanent location on the ground, or attachment to something having permanent location on the ground.

STRUCTURE, ALTERATION

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

STRUCTURE, ACCESSORY

A subordinate structure located on the same lot as the principal use, which is intended, designed, or used for long-term or continuous occupancy, storage, or utility. A structure shall be deemed permanent if it is affixed to the ground, hooked to utilities, or remains stationary on the lot for more than 90 total days in any calendar year, regardless of whether it possesses a formal foundation or footing.

STRUCTURE, AGRICULTURAL

Any structure or building accessory to the principle agricultural use of the land. Farm dwellings, however, are principal buildings..

STRUCTURE, NONCONFORMING

Any building that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such building is being put to use.

STRUCTURE, TEMPORARY

A building or structure without any permanent foundation or footing, intended for a limited duration and expressly tied to a specific, short-term event, construction project, or seasonal activity. Such structures must be removed immediately upon the expiration of a valid temporary use permit or within a maximum of 90 consecutive days or as otherwise specified in the provisions of this Zoning Resolution, whichever is less. The absence of a permanent foundation alone does not qualify a structure as temporary if it remains on a property beyond these prescribed limits.

SUBDIVISION

The division of land, lot, tract, or parcel into two or more parcels, plats, or sites, approved by the Clermont County Planning Commission, for sale, lease, offer, or development.

SWIMMING POOL

Any structure intended for swimming or recreational bathing that is designed to hold or capable of holding water to a depth of more than 24 inches. The water level depth is the level that water could reach before it spills out. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

T**TELECOMMUNICATIONS TOWER**

Any free-standing structure, or any structure to be attached to a building or another structure, which is capable of transmitting or receiving radio frequency waves.

TENANT

A person, corporation, partnership, or group: whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOWNSHIP TRUSTEES

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The Tate Township, Clermont County, Ohio Board of Township Trustees. Also referred to as Board of Township Trustees or Trustees.

TRAILER

Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

TRAILER / OFFICE, CONSTRUCTION

A mobile structure that is used to accommodate temporary offices, facilities, and/or storage of materials during an active construction project..

TRAILER, SEMI

Non-motive powered commercial vehicle that is designed and intended to be towed by another vehicle in a manner that part of the weight of the vehicle being towed rests on and is carried by the towing vehicle.

TRAILER, TRAVEL

Non-self-propelled recreational vehicles not exceeding an overall length of 35 feet, exclusive of bumper and tongue or coupling, and including tent-type fold-out camping trailers as defined in [Section 4517.01\(R\)](#) of the Revised Code of the State of Ohio as amended.

TRAILER, UTILITY

Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the unit to be used to transport materials or goods.

TRAILER PARK

A tract of land prepared and approved according to the procedures of this Zoning Resolution to accommodate three or more mobile homes.

TRUCK, BOX

A truck with an enclosed cargo space or a small box-shaped van.

TRUCK, CAMPER

Non-self-propelled recreational vehicles, without wheels for road use, and designed to be placed upon and attached to a motor vehicle.

TRUCK, PICK-UP

A small truck with an enclosed cab and open cargo area with sides.

TRUCK, SEMI-

Motor vehicle designed and used primarily for towing other vehicles and not so constructed so as to carry a load other than a part of the weight of the vehicle and load so towed.

U**USE**

Use broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.

USE, ACCESSORY

A use subordinate to the principal use of a building or to the principal use of land, located on the same lot as such principal use and serving a purpose customarily incidental to the use of the principal building or land use.

USE, AGRICULTURAL

Any use listed in [Table 3.03-1: Use Table](#) listed under the "Agricultural Uses" heading.

USE, CONDITIONAL

A use permitted in a district other than a principally permitted use or a permitted use with standards, and which requires the approval of a conditional use permit, in accordance with this Resolution. Such use may be subject to special requirements to ensure the use and operation is not detrimental to public health, safety, morals, comfort, and general welfare.

USE, NONCONFORMING

The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of enactment of this Resolution or any amendment thereto, which does not conform with the regulations of the district in which it is located.

USE, PRINCIPAL

The primary use and chief purpose of a lot or structure.

USE, RESIDENTIAL

Any use listed in [Table 3.03-1: Use Table](#) listed under the "Residential Uses" heading.

USE, NON-RESIDENTIAL

Any use listed in [Table 3.03-1: Use Table](#) listed under the "Public & Institutional Uses," "Commercial Uses," and "Industrial Uses" heading.

USE, TEMPORARY

A use permitted for a limited and specified period of time.

UTILITY, PUBLIC OR PRIVATE

A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under governmental regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. The erection, construction, alteration or maintenance by public utilities or

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municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, not including buildings, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare

V

VARIANCE

A departure from the strict conformance with the dimension and area regulations which may be approved by the Board of Zoning Appeals.

VEHICLE

Any self-powered unit moving on wheels or runners and used as a means of transport.

VEHICLE, COMMERCIAL

Any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

1. Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of 26,001 pounds or more; provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed in excess of 10,000 pounds;
2. Any single vehicle with a gross vehicle weight or gross vehicle weight rating of 26,001 pounds or more;
3. Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport 16 or more passengers including the driver;
4. Any school bus with a gross vehicle weight or gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than 16 passengers including the driver;
5. Is transporting hazardous materials for which placarding is required under subpart F of 49 CFR part 172, as amended; or
6. Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal Motor Carrier Safety Administration to be a commercial motor vehicle including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

VEHICLE, INOPERABLE

Any transportation device which is not currently licensed for use on roads or is unfit for use due to all of the following conditions: apparently inoperable, and extensively damaged, including, but not limited to missing wheels, tires, engine, or transmission.

VEHICLE, RECREATIONAL

A vehicle or trailer used exclusively for personal use and includes watercrafts, motor homes, pop-up campers, truck campers, travel trailers, and similar vehicles that are not used in whole or in part for occupational, commerce or employment purposes.

VENTILATION

The natural or mechanical process of supplying conditioned or unconditioned air to, or removing air from, any space.

VIOLATION

The failure of a structure, use or other development to be fully compliant with this Resolution.

W**WALL**

A boundary enclosure or separating barrier which is usually opaque

WALL, SCREENING

A constructed solid barrier that closes, marks, or borders an area and creates a visual shielding or obscuring of the view from one side of the wall to another and is not associated with a building.

WHOLESALE FACILITY

A facility for the storage and wholesale sales of merchandise and bulk goods and non-retail store sales, which are not sold directly to the consumer, including electronic shopping, mail-order houses, and other direct-selling establishments.

WIRELESS TELECOMMUNICATION FACILITY

Any free-standing structure or any structure to be attached to a building or other structure in the unincorporated area of Tate Township, Clermont County, Ohio, that is proposed to be owned or principally used by a public or private utility engaged in the provisions of telecommunications services and proposed to have radio frequency transmission or reception equipment attached to it.

Y**YARD**

The open space surrounding the principle building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this Zoning Resolution. Yards are further defined as follows:

YARD, FRONT

That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which lines shall be designated as the front yard line. On corner lots, the front yard shall be considered the area between the façade of the structure and the rights-of-

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way that the lot fronts. Front Yard for fences shall be defined by [Section 3.10.K.2. Fences in Front Yards](#) based on lot type.

YARD, REAR

That portion of the yard extending the full width of the lot and measured between the rear lot line and a parallel line tangent to the nearest part of the principal building.

YARD, SIDE

Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal building

YARD, WIDTH / DEPTH

The horizontal distance from a lot line to the principal building measured perpendicular to the building. Yard Depth and Width fall into two categories:

- **Rear Yard Depth.** The minimum horizontal distance between the rear lot line and the main building or any projection thereof other than the projections of uncovered steps or uncovered porches.
- **Side Yard Width.** The minimum horizontal distance between a side lot line and the main building or any projection thereof other than projections of uncovered steps or uncovered porches.

YARD REQUIREMENT

The open space between a lot line and a setback line that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Zoning Code.

YARD SALES

The sale or offering for sale of new, used or secondhand items of personal property at any one (1) time. Includes all sales in residential areas entitled "garage sale", "yard sale", "tag sale", "porch sale", "lawn sale", "attic sale", "basement sale", "rummage sale", "flea market sale", or any similar casual sale of tangible personal property.

Z

ZONING CERTIFICATE

A document issued by the Zoning Inspector which certifies that a building, structure, or use has been reviewed by the department and found to be consistent with the terms of this Resolution.

ZONING DISTRICT

A portion of the unincorporated areas of the Township for which certain uniform regulations governing the location, height, bulk, number of stories, and size of buildings and other structures, percentages of lot area that may be occupied, set back building lines, sizes of yards, courts and other open spaces, the density of

population, the uses of buildings and structures and the use of land for trade, industry, residence, recreation or other purposes have been established.

ZONING DISTRICTS, AGRICULTURAL

The following zoning districts are considered agricultural districts: Agricultural (AG).

ZONING DISTRICTS, RESIDENTIAL

The following zoning districts are considered residential districts: Residential Rural (RR), Residential Low Density (RL), Residential Medium Density (RM).

ZONING DISTRICTS, NON-RESIDENTIAL

The following zoning districts are considered non-residential districts: Commercial, Rural (CR), Commercial Community (CC), Commercial General (CG), Enterprise Professional (EP), Enterprise Operational (EO).

ZONING INSPECTOR

The Zoning Inspector is the person or persons designated by the Township Trustees to administer and enforce this Zoning Resolution

ZONING MAP

The Zoning Map of Tate Township, Clermont County, Ohio.