

**CITY OF HILLSBORO, OHIO
ORDINANCE NO. 2022-16**

**AN ORDINANCE AMENDING SECTIONS 155.072, 155.092, AND 155.166 OF THE
CODIFIED ORDINANCES OF THE CITY OF HILLSBORO, OHIO**

WHEREAS, City of Hillsboro Codified Ordinance Section 155.072 provides “Permitted Uses” allowed within the designated zoning districts; 155.092 provides specific development standards that apply to each of the zoning districts, and Section 155.166 provides definitions for the Zoning Code; and

WHEREAS, upon recommendation of the City of Hillsboro Planning Commission, Council desires to amend the City of Hillsboro Zoning Code, specifically Sections 155.072, 155.092 and 155.166; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HILLSBORO, STATE OF OHIO, WITH A MAJORITY OF ALL COUNCIL MEMBERS CONCURRING THAT:

SECTION 1: That Section 155.072 of the Codified Ordinances of the City of Hillsboro shall be amended to read as set forth below with new language underlined:

§ 155.072 PERMITTED USES.

- (A) *General provisions.* Table 4: Permitted Uses lists the uses allowed within the designated zoning districts.
- (B) *Permitted uses.* A “P” in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.
- (C) *Permitted uses with standards.*
 - (1) A “PS” in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced sections.
 - (2) Permitted uses with standards are subject to all other applicable regulations of this code.
- (D) *Conditional uses.*
 - (1) A “C” in a cell indicates that a use may be permitted if approved through conditional use permit review (see § 155.046 (Conditional Use Permit)). Conditional uses may be subject to use-specific standards as identified in the last column of Table 4: Permitted Uses.
 - (2) Conditional uses are subject to all other applicable regulations of this code.
- (E) *Prohibited uses.* A blank and/or shaded cell indicates a use that is prohibited in the respective zoning district.
- (F) *Numerical reference.* The numbers contained in the “Additional Requirements” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Additional Requirements” column apply in all zoning districts unless otherwise expressly stated.
- (G) *Historic and Business “G” Zoning District additional standards.* All development in the Historic and Business “G” Zoning District is subject to the additional standards set forth in § 155.076 (Historic and Business “G” Zoning District Design Criteria).
- (H) *Permitted use table.*

1st Rdg. 7-14-22
2nd Rdg. 8-11-22
3rd Rdg. 9-15-22

Table 4: Permitted Uses								
<i>P=Permitted, PS=Permitted with Standards, C=Conditional, Blank Cell=Prohibited</i>								
<i>Use Type</i>	<i>A</i>	<i>B</i>	<i>F</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>G</i>	<i>Additional Standards</i>
Residential Uses								
Mixed use residential		PS			PS		PS	§ 155.073(A), (K)
Multiple-family dwellings		PS			PS			§ 155.073(K)
Single-family dwellings, attached	C	P						
Single-family dwellings, detached	P	P	P					
Two-family dwellings	C	PS						§ 155.073(K)
Community Facilities, Commercial Uses, and Industrial Uses								
Agricultural uses including the growing and sale of produce, plants, and agricultural goods			P			P		
Animal hospitals and veterinarian offices				PS	PS	PS		§ 155.073(B)
Animal training, boarding, and pet day care						PS		§ 155.073(C)
Assisted living, residential care facilities, and skilled nursing facilities		P		P	P			
ATMs, freestanding				P	P			
Automotive fueling station				P	P			
Automotive repair facilities				P	P	P		
Automotive sales or leasing				P	P			
Automotive washing facilities				P	P			
Bars or taverns				P	P		PS	§ 155.076
Bowling alley				P				
Cemeteries, crematories, and public mausoleums		PS		P	P	P		§ 155.073(D)
Commercial greenhouses			P	P	P	P		
Commercial recreation				P	P	P		
Commercial swimming pools and tennis clubs				P	P			
Community social service facility	C	P		P	P		PS	§ 155.076
Construction and large equipment rental, sales, and service						PS		§ 155.073(E)
Day care facilities and preschools				P	P		PS	§ 155.076
Farmers markets				P	P	P	PS	§ 155.076
Financial institutions				P	P		PS	§ 155.076

[illegible]

Accessory buildings and structures	PS	PS	PS	PS	PS	PS	PS	§ 155.074(A)
Commercial antennas and cellular telephone towers			PS			PS		§ 155.074(B)
Drive-through facilities				PS	PS		C	§ 155.074(C)
Garages	PS	PS	PS					§ 155.074(D)
Home occupations	PS	PS	PS					§ 155.074(E)
In-home child and adult day care	PS	PS	PS					§ 155.074(F)
Outdoor dining				P	P		PS	§ 155.076
Signage	PS	PS	PS	PS	PS	PS	PS	§ 155.125
Small cell facilities			PS	PS	PS	PS	PS	§ 155.074(G)
Solar panels	PS	PS	PS	PS	PS	PS	C	§ 155.074(H)
Swimming pools, tennis courts, and similar structures	P	P	P					
Temporary Uses								
Mobile food and medical sales				PS	PS	PS	PS	§ 155.075(A)
Outdoor sales				PS	PS		PS	§ 155.075(B)

(Ord. 2018-06, passed 7-9-2018, § 155.148; Ord. 2020-13, passed 12-14-2020)

SECTION 2: That Section 155.092 of the Codified Ordinances of the City of Hillsboro shall be amended to read as set forth below with new language underlined:

§ 155.092 NONRESIDENTIAL AND MIXED USE STANDARDS.

Table 6: Nonresidential and Mixed Use Standards identifies the specific development standards that apply to each of the non-residential zoning districts.

Table 6: Nonresidential and Mixed Use Standards					
<i>Development standard</i>	<i>Business "C"</i>	<i>Business and Residential "D"</i>	<i>Industrial "E"</i>	<i>Historic and Business "G"</i>	<i>Additional Regulations (notes below)</i>
Table 6: Nonresidential and Mixed Use Standards					
<i>Development standard</i>	<i>Business "C"</i>	<i>Business and Residential "D"</i>	<i>Industrial "E"</i>	<i>Historic and Business "G"</i>	<i>Additional Regulations (notes below)</i>
Minimum lot area	10,000 sq. ft.	10,000 sq. ft.	43,560 sq. ft. (1 acre)	4,800 sq. ft.	<u>C</u>
Minimum floor area of dwelling unit	—	500 sq. ft. per dwelling unit for multi-family uses	—	500 sq. ft. per dwelling unit for multi-family uses	
Minimum lot width	38 feet	38 feet	38 feet	38 feet	
Maximum height	100 feet	100 feet	100 feet	75 feet	
Minimum front yard setback	20 feet	20 feet	20 feet	20 feet	A

Minimum side yard setback	5 feet	5 feet	5 feet	—	B
Minimum rear yard	20 feet	20 feet	20 feet	—	
Accessory buildings	May occupy in the aggregate not over 40% of the required rear yard plus 50% of any additional space in the rear of the principal building	May occupy in the aggregate not over 40% of the required rear yard plus 50% of any additional space in the rear of the principal building	May occupy in the aggregate not over 30% of the required rear yard plus 50% of any additional space in the rear of the principal building	Must be located in the rear yard	
Accessory buildings maximum height	20 feet	20 feet	20 feet	20 feet	
A. For existing nonresidential and mixed use areas, the required minimum front yard setback shall be the average of the existing front yard setbacks of all principal structures on the same side of the street and within 300 feet of the subject lot; if the average is less than the district requirement, the required minimum front setback is the average as calculated; this does not apply to panhandle lots					
B. For the C, D, and E Districts, buildings that are greater than 35 feet in height, the required side yard setback shall increase one foot for every two feet of additional building height over 35 feet					
C. For High Tech Industrial developments in the Business & Residential “D” District, the required lot minimum is one acre.					

(Ord. 2018-06, passed 7-9-2018, § 155.163)

SECTION 3: That Section 155.092 of the Codified Ordinances of the City of Hillsboro shall be amended to read as set forth below with new language underlined:

§ 155.166 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONMENT. To permanently give up, surrender, leave, desert, or relinquish all interest or ownership in a property.

ABUTTING or ADJOINING. The land, lot, or property adjacent to the property in question along a lot line or separated only by an alley, easement, or street.

ACCESSORY BUILDING. A building which is subordinate or incidental to the principal building on the same lot.

ACCESSORY STRUCTURE. A structure (such as a garage or fence) incidental to the main use of the land or building.

ACCESSORY USE. A use incidental to the main use of the land or building.

AGRICULTURE. Farming, dairying, pasturage, horticulture, animal or poultry husbandry, and limited processing and sale of agriculture products from land under the same ownership.

ALLEY. A narrow public or private thoroughfare that provides secondary access to abutting properties and is not intended for through traffic.

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

ANIMAL BOARDING. A structure or premises providing overnight accommodations of household pets with or without compensation.

ANIMAL HOSPITALS. A building or structure in which facilities are provided for the prevention, cure, and alleviation of disease and injury to animals and in conjunction with which there may be shelter provided, within the building or structure, during the period of treatment.

ANIMAL TRAINING or PET DAY CARE. A structure or premises used for the schooling, exercising, attending to the care of, or any other animal husbandry activities for household pets with or without compensation during the day between the hours of 6:00 a.m. and 9:00 p.m.

APPLICANT. Unless otherwise specified, an owner of a property or an agent for the owner, including a subdivider, developer, attorney, or similar representative, who has filed an application for development review.

APPURTENANCE. Any structure or object subordinate to a principal structure or site and which is attached to a piece of land or building such that it becomes part of that property. Examples include garages, septic systems, or water tanks.

ARCHITECTURAL CHARACTER. The architectural style, general design, and general arrangement of the exterior of a building or other structure including the type and texture of the light fixtures, signs, and their appurtenant fixtures.

ASSISTED LIVING. A long-term care facility that provides housing, personalized support services, and health care designed to meet the individual needs of persons who need help with the activities of daily life such as meals, medication management, or assistance with bathing and dressing, but do not need the degree of medical care provided in a skilled nursing facility.

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 STATIONS. The use of a building or structure or any portion thereof for the purpose of dispensing motor fuel from fixed equipment into the fuel tanks of motor vehicles and the services incidental thereto.

AUTOMOTIVE REPAIR FACILITIES. A facility that performs all customary repair services for automobiles or other motorized equipment owned by the general public.

AUTOMOTIVE SALES OR LEASING. Any building or land used for the display and sale or lease of new or used motor vehicles, motorcycles, recreational vehicles, and trucks in operable condition.

BAR or TAVERN.

(1) An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises.

(2) A **TAVERN** shall be this type of establishment where food may also be available for consumption on the premises.

BASEMENT. A portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.

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. No kitchen facilities may be provided for use by guests.

BILLBOARD. A sign that directs attention to a business, commodity, service, or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located.

BUILDING. A structure which is permanently affixed to the land having one or more floors and a roof, being bounded by open space or lot lines, and used as a shelter or enclosure for persons, or animals, or as an enclosure for property. **BUILDING** shall also be construed to include structures as defined in this section unless otherwise noted, and shall be construed as if followed by the words "part or parts thereof" unless otherwise noted.

BUILDING AREA. The total floor area of the principal building and all accessory buildings, including unenclosed porches, but excluding terraces and steps, measured from the outside surface of the exterior walls.

BUILDING FRONTAGE. Total lineal feet of the building facade which fronts the principal dedicated street, or that facade upon which the main entrance to the building is situated.

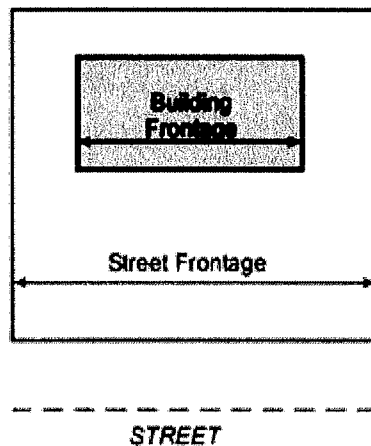


Illustration of Building Frontage

BUILDING HEIGHT. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the vertical distance measured from the ridge of a pitched roof to the average finished grade across the face of the building containing its principal entrance.

BUILDING, PRINCIPAL. The building occupied by the main or principal use (see *USE, PRINCIPAL*) or activity on or intended for the premises, all parts of which building are connected in a substantial manner by common walls and a continuous roof.

CEMETERY. An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals, and for the erection of customary markers, monuments, and mausoleums.

CERTIFICATE OF APPROPRIATENESS. A permit authorizing any exterior change to properties designated as being within the Hillsboro Historic and Business "G" Zoning District.

CHANGE. Any alteration, construction, removal, or demolition.

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.

CHARACTERISTICS. The unique attributes or qualities of a property.

COMMUNITY SOCIAL SERVICE FACILITY. An establishment housing a public or non-profit agency that provides counseling, therapy, or other social or human service to persons needing such services due to physical, mental, emotional, or other disability or hardship. This definition does not include schools, hospitals, clinics, day cares, or residential uses.

DAY CARE. A place in which supervision, protection, and care is administered to a person or persons, by an adult other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption, but not including overnight lodging.

DAY CARE, ADULT. A place that provides community based programs designed to meet the health, social, and related needs of functionally impaired adults (18 years and older) during daytime hours.

DAY CARE, CHILD. A place in which care is provided to children, with or without compensation during daytime hours.

DEMOLITION. Razing and removing all or a substantial portion of a building, structure, or appurtenance.

DRIVE-THROUGH FACILITY. An establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product while remaining in a motor vehicle on the premises.

DWELLING. Any building or portion thereof which is designated for or used for residential purposes.

DWELLING, MULTIPLE-FAMILY. A building used or designed as a residence for three or more households living independently of each other, each having their own method of ingress/egress, and each doing their own cooking therein. This definition includes apartment houses, garden apartments, and row houses.

DWELLING, SINGLE-FAMILY. A building designed for or occupied exclusively by one household. This does not include dwellings that have dormitory type units that have individual access, but may have shared facilities.

DWELLING, SINGLE-FAMILY ATTACHED. A single-family dwelling unit that is attached to one or more dwelling units that each have their own independent exterior access and each with not less than two exterior walls.

DWELLING, TWO-FAMILY/DUPLEX. A building designed for or occupied exclusively by two housekeeping units. Also referred to as a *DUPLEX*.

DWELLING UNIT. Space within a building designed as a residence of one household unit.

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

FARMERS MARKET. An organized seasonal outdoor market containing four or more independent vendors open to the public at which locally grown produce and flowers, value-added agriculture products, and fresh baked goods are sold by persons or their representatives who typically grow, harvest, or process such items from their farm or agricultural operation.

FENCE. A human-made yard structure which forms, or which has the intended purpose to form, a barrier to light, sound, wind, snow, animals, vehicles, or pedestrians.

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

FUNERAL HOME or MORTUARY. An establishment primarily engaged in the provision of services involving the care, preparation or disposition of human remains. Typical uses include funeral parlors, crematories, mortuaries, or columbaria.

GARAGE, RESIDENTIAL. An enclosed building or a part of a residence, in which to store vehicles and personal property, and is incidental to the use of the property.

GOVERNMENT BUILDING. Any 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.

GREENHOUSE. A glassed or translucent enclosure used for the cultivation or protection of plants.

GROUP HOME, CHILD. A public or private facility which provides placement services for children and is licensed, regulated, approved, and operated under the direction of, or otherwise certified as a group home by, the state.

GROUP HOME, ADULT. Any residence, institution, or similar facility that provides accommodations and supervision to three to 16 unrelated adults, at least three of whom require personal care services. An *ADULT GROUP HOME* does not include a nursing home, residential care facility, or home for the aging; an alcohol and drug addiction program; a residential facility for the mentally ill licensed by the State Department of Mental Health; a facility licensed to provide methadone treatment; or a facility operated by a hospice care program.

HISTORIC LISTED PROPERTIES. Any property having special character, historical, aesthetic, or architectural value, which has been designated by the city, state, or United States government.

HOME OCCUPATION. Any career, profession, use, or activity which is customarily incidental to the principal residential use of the premises and is conducted by a resident occupant which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOSPITAL. A facility providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured.

HOTEL or MOTEL. A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contrast to a lodging house.

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

INDUSTRIAL, FACILITIES. Any nongovernmental or nonresidential facility that is used for activities such as manufacturing, processing, assembling, storing, testing and similar industrial uses. Facilities are a controlled

operation and free from objectionable noise and pollution. Also known as Light Industrial. (To be permitted only in Business and Residential "D" and Industrial "E.")

INDUSTRIAL, HIGH TECH. An industry that specializes in research, development and application of high technologies and which provides a center for fostering high-tech enterprises, for training human resources in high technologies and for manufacturing and trading high-tech products. These industries often include high concentrations of workers in STEM (Science, technology, engineering, and mathematics). These facilities shall not create or emit fumes, gases, smokes, vapors, noise, glare, or other nuisances. (To be permitted only in Business and Residential "D" and Industrial "E.")

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 building where such materials may be accessed or borrowed.

LODGING HOUSE. A building where housing is provided by prearrangement for definite periods of time for compensation for three or more persons in contrast to hotels/motels which are open to transients or group homes.

LOT. A division of land separated from other divisions for purposes of either sale, lease, or separate use, described on the recorded subdivision plat, recorded survey map, or by metes and bounds.

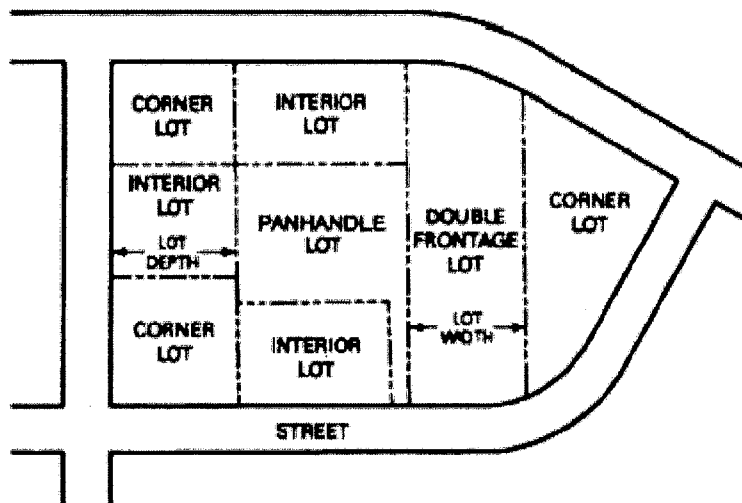


Illustration of lot configuration and types

LOT AREA. The sum of land area encompassed within the property lot lines.

LOT, CORNER. A lot abutting on two streets at their intersection, if the interior angle of intersection is not more than 135 degrees.

LOT DEPTH. The mean horizontal distance of a lot measured between the front and rear lot lines.

LOT, DOUBLE FRONTAGE. A lot with opposite ends abutting on public or private streets.

LOT FRONTAGE. The lineal distance of a property line which abuts a public right-of-way.

LOT, INTERIOR. A lot other than a corner lot or a double frontage lot.

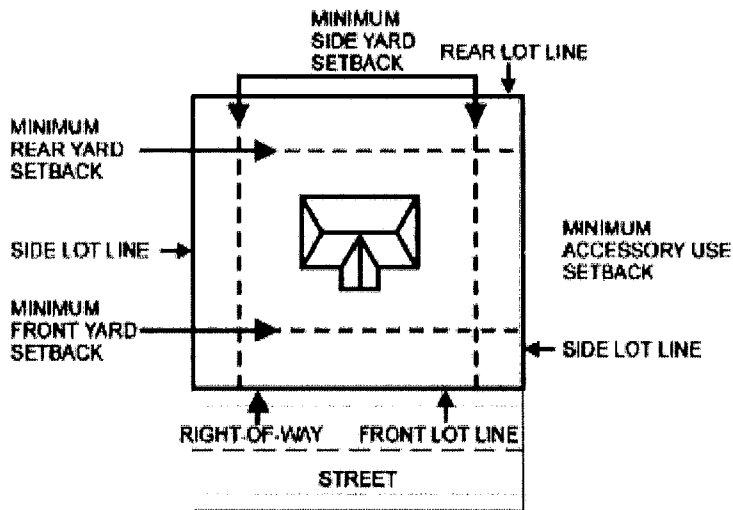


Illustration of Setbacks and Lot Lines

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

LOT LINE, FRONT. The lot line separating an interior lot from the street upon which it abuts; or the lot line of a corner lot upon which the building fronts.

LOT LINE, REAR. A lot line parallel or within 45 feet of being parallel to, and most distant from, the front lot line.

LOT LINE, SIDE. A lot line which is neither a front nor a rear lot line.

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

MANUFACTURED HOME. 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 unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.

MEDICAL FACILITY. A place where sick or injured people are given care or treatment (as a hospital, urgent care center, clinic, or similar facility). See also *HOSPITAL*.

MIXED USE BUILDING. A building that contains both businesses and residential uses within the same structure.

MIXED USE RESIDENTIAL. A dwelling unit, designed in a way that is functionally integrated into the same building or development as other uses, such as office, institutional, or commercial.

MOBILE HOME. Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30 feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974, being 42 U.S.C. Chapter 70, §§ 5401 et seq.

MOBILE USE, FOOD. A vehicle or cart used to prepare and/or serve 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 USE, MEDICAL. A vehicle used for the following: blood donations; immunization; medical evaluation; imaging; diagnostic; or testing procedures. It does not include massage or any type of surgery.

MODULAR HOME. Factory-built housing certified as meeting the local or State Building Code as applicable to modular housing. Once certified by the state, *MODULAR HOMES* shall be subject to the same standards as site-built homes.

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

NONCONFORMING BUILDING. A building existing lawfully prior to the time this zoning code, or an amendment thereto, became effective, but which does not comply with the area, height, or bulk of building, yard, or other requirements of the district in which it is located.

NONCONFORMING SIGN. A permanent sign existing on any premises which was legal prior to the effective date of the applicable section or sections of this zoning code, but which does not comply with the provisions of this zoning code.

NONCONFORMING USE. The use of a building or land, existing lawfully prior to the time this zoning code, or an amendment thereto, became effective, but which does not comply with the use regulations, off-street parking requirements, loading requirements, performance standards, or other regulations of the district in which it is located.

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

OFFICE, MEDICAL. Offices organized as a unified facility for licensed physicians, dentists, chiropractors, or other health care professionals providing diagnosis or care of sick or injured persons but are not provided with room and board and are not kept overnight on the premises. Medical services and medical clinics include medical and dental laboratories incidental to the medical office use.

OHIO REVISED CODE. The Ohio Revised Code (R.C.) contains all current statutes of the Ohio General Assembly of a permanent and general nature, consolidated into provisions, titles, chapters and sections. It can be found online at <http://codes.ohio.gov/orc/>.

ORNAMENTAL. Serving or intended as an ornament; decorative, such as a picket or wright iron.

OUTDOOR DINING. A porch, patio, deck, or other 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 limited restaurant, full service restaurant or a drinking establishment, and which may or may not have a solid roof cover.

OUTDOOR SALES. Any unenclosed area exhibiting sample goods, merchandise, or vehicles for rental, lease, or sale.

OUTDOOR STORAGE. The keeping, in an enclosed or unenclosed area, of any goods, junk materials, merchandise, or vehicles in the same place for more than 24 hours.

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, PRIVATE. A park or playground which is not owned by a public agency, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

PARK, PUBLIC. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

PARKING DRIVE. The driveway or access drive by which a car enters and departs a parking space.

PARKING GARAGE. A structure built that may be above grade, below grade, or a combination thereof, that provides off-street parking for motorized vehicles.

PARKING LOT. An area of ground upon a lot that is used for the parking of vehicles.

PERSONAL SERVICE. An establishment primarily engaged in providing individual services generally related to personal needs, such as, but not limited to, barber shops, beauty shops, nail salons, day spas, travel agencies, and photographic studios.

PLACES OF WORSHIP. 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.

PRESERVATION. The process, including maintenance, of treating an existing building to arrest or slow future deterioration.

RECREATION, COMMERCIAL. A public or private indoor or outdoor recreation facility operated as a commercial activity, including, but not limited to, batting cages, bowling alleys, dragstrips, raceways, golf driving ranges, archery ranges, shooting ranges, mechanical rides, miniature golf courses, golf courses, tennis clubs, arenas, amphitheaters, stadiums, health and fitness facilities, and swimming pools.

REHABILITATION. The act or process of returning a building, object, site, or structure to a state of utility through repair or remodeling.

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

RESIDENTIAL CARE FACILITY. See *ASSISTED LIVING*.

RESTAURANT. An establishment whose principal business is the selling of food and beverages to the customer in a ready-to-consume state, in individual servings.

RESTORATION. The act or process of accurately recovering the exterior form and details of a building, object, site, or structure, and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

RETAIL SALES. An establishment engaged in the sales of goods, including, but not limited to, clothing and shoes, jewelry, luggage and leather goods, alcoholic beverage sales, furniture and home furnishings, electronic appliances, sporting goods and hobbies, books, periodicals and music, tobacco sales, department stores, flowers, office supply and stationery, gifts and novelties, pets, hardware, pawn shops, video stores and auto parts. The classification includes the retail sale of merchandise not specifically listed under another use classification.

SCHOOL. A facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools, and technical and collegiate level courses.

SELF-STORAGE FACILITY. A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for the storage of personal property.

SIGN. Any display, figure, drawing, painting, placard, poster or other device placed or designed to be visible from a public right-of-way or adjoining property which is designed, intended or used to convey a message, advertise, inform, or direct attention to a person, institution, organization, activity, place, object or product.

SIGN, ABANDONED. A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.

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

SIGN, DIRECTIONAL. A sign indicating the direction to which attention is called for purposes of aiding vehicular or pedestrian traffic on the lot on which the sign is located.

SIGN, ELECTRONIC. A sign which displays a text message or graphic image by illuminating a matrix of light emitting diodes (LED), or other similar technology, in a programmed pattern to illustrate text or a graphic image.

SIGN FACE. The area or display surface used for the message.

SIGN, GROSS AREA. The entire area including all of the surfaces placed or designed to be visible from a public right-of-way, and measured as the area enclosed by the closest shaped rectangle which completely encloses the sign face, the sides of which make contact with the extreme point or edges of the sign, excluding the supporting structure if such structure does not form a part of the advertisement of the sign proper. The area of a sign composed of characters or words, if such characters or words stand-alone without framing or additional backdrop, which is attached directly to a large, uniform building wall surface, shall be the smallest rectangle which encloses the entire group of characters or words.

SIGN, HEIGHT. The height of a ground sign shall be determined by measuring the vertical distance between the top parts of the sign to the elevation of the ground beneath the sign at the point of the sign located the

closest to the public right-of-way and prior to construction, excluding any additional elevation added by the creating of berming or mounding.

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

SIGN, MONUMENT. A sign supported by direct contact with the ground, a permanent base, or rests upon one or more posts or supports that are no more than four feet high.

SIGN, NAMEPLATE/IDENTIFICATION. A sign indicating the name, address, or profession of the person or persons occupying a lot or building or any portions thereof.

SIGN, OBSCENE. A sign which bears or contains statements, words, or pictures which are obscene under the prevailing state statutes or U.S. Supreme Court decisions.

SIGN, OFF-PREMISES. A permanent sign which directs attention to a business, commodity, or commercial or non-commercial service or entertainment which is not conducted, sold or offered upon the site where such sign is located or affixed.

SIGN, POLE. A sign which is supported by a pole or poles.

SIGN, PROJECTING. A sign, other than a wall sign, erected on the outside wall of a building and which projects out at an angle therefrom.

SIGN, ROOF. A sign erected or maintained in whole or in part upon, against, or directly above the roof or parapet line of a building.

SIGN, STREAMER. An attention-attracting device consisting of two or more pennants, banners, balloons, ribbons, reflectors, fringes, or similar objects strung together on a common line, pole, or similar structure, or attached to one or more products offered for sale.

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

SIGN, TRAILER OR MOBILE. A sign commonly attached to a trailer, or similar device, and mobile, with or without illumination.

SIGN, WALL. A sign integral with the exterior face of an exterior wall of a building, or attached to the wall or parallel with the wall and projecting not more than 18 inches therefrom.

SIGN, WINDOW. A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window.

SITE, HISTORIC. Any significant historical, archeological, or architectural property without a principal structure, such as the location of a prehistoric or historic activity, or a significant event. A site may also include a property of significant landscape design.

SKILLED NURSING FACILITY. A facility that offers short and long-term care for individuals who need rehabilitation services or who suffer from serious to persistent health issues. Certificates of need are issued by the State of Ohio for bed units. *SKILLED NURSING FACILITIES* do not include facilities providing surgical or emergency medical services, substance abuse programs, or mental health facilities.

SMALL CELL FACILITY. Small cell facilities are between 20 and 35 feet in height, including distributed antenna systems (DAS) and small cell sites, communication nodes, antennas, fiber optic cables, radio transceivers, and any additional equipment associated with transmission, which are typically used to supplement the service of larger communication towers and reduce the need for additional larger communication towers.

SOLAR FARM. A utility-scale commercial facility that converts sunlight into electricity, whether by photovoltaics (PV), concentrating solar thermal devices (CST), or various experimental solar technologies, for the primary purpose of wholesale or retail sales of generated electricity.

SOLAR PANEL. Panels installed on a building or on a lot to allow for the conversion of solar energy to electrical current.

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

STORY. The portion of a building, other than a basement as defined herein, included between the finished floor and the finished floor next above, or, if no floor above exists, the space between the floor and the ceiling next above.

STREET, PUBLIC. A public way for purposes of vehicular travel, including the entire area within the rights-of-way.

STRUCTURE. A building, object, monument, work of art, or work of engineering permanently affixed to the land.

SWIMMING POOL. An open tank or structure either above or below ground designed to contain a depth of at least 24 inches of water at any point, including the lounging and spectator areas and any accessory buildings, structures, or equipment. Detention or retention ponds shall not be considered a *SWIMMING POOL*.

THEATER, MOVIE THEATER or INDOOR THEATER. A building in which movies are screened before a live audience, or in which dramatic performances are carried out.

USE. Any purpose for which buildings, other structures or land may be arranged, designed, intended, maintained, or occupied; or any activity conducted in a building, other structure or on the land.

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

USE, CONDITIONAL. A use which is permitted in a district only if a conditional use permit is therefore expressly authorized by the planning commission in accordance with this code.

USE, PRINCIPAL. A use which is permitted as of right in a district for which a zoning certificate shall be issued by the Building Official, provided that the applicant meets the applicable requirements of this code.

USE, TEMPORARY. A use permitted for a period of time as specified in § 155.049 (Temporary Uses and Permits).

VACATE. To surrender possession or occupancy of a property.

VARIANCE. The administrative relief provided by the Board of Zoning Appeals from the strict terms of the relevant regulations.

VEHICLE. Everything on wheels or runners, including motorized bicycles, but does not mean vehicles operated exclusively on rails or tracks or from overhead electric trolley wires and vehicles belonging to any police department, municipal fire department, or volunteer fire department or used by such department in the discharge of its functions.

VEHICLE, COMMERCIAL. A vehicle which displays any commercial activity and which use is primarily for commercial purposes.

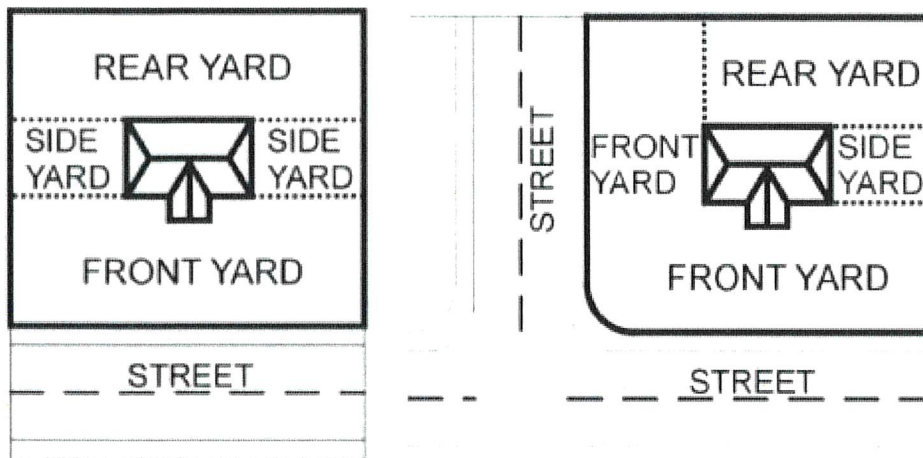
VEHICLE, RECREATIONAL. A vehicular portable structure designed and constructed to be primarily used as a temporary dwelling for travel, recreational, and vacation uses including, but not limited to, motor homes, travel trailers, or truck campers.

VEHICLE, STORAGE YARD. Fleet storage or other inactive vehicle storage which is not accessible to vehicular traffic of the general public.

VEHICLE WASHING ESTABLISHMENTS. A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.

VETERINARIAN OFFICES. See *ANIMAL HOSPITAL*.

YARD. The portion of the open area on a lot extending between a building and the nearest lot line.



Typical yard locations on an interior lot and corner lot

YARD, FRONT. The yard extended from the front walls of the main building to the front lot line across the full width of the lot. For the purposes of these regulations, any yard abutting a street shall be considered a front yard.

YARD, REAR. The yard extending from the rear wall of the main building to the rear lot line across the full width of the lot.

YARD, SIDE. The yard extending between a side lot line and the nearest wall of the main building, and from the front yard to the rear yard; however, for a corner lot the side yard extends from the front yard to the rear lot line along the side street and shall be considered a second front yard for the purposes of these regulations.

(Ord. 2018-06, passed 7-9-2018, § 155.212; Ord. 2020-13, passed 12-14-2020)

SECTION 4: That all language not specifically amended herein shall remain in full force and effect.

SECTION 5: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 6: This Ordinance shall become effective at the earliest date allowed by law.

Passed this 15th day of September, 2022.

Attest: Whitney Seitz
Whitney Seitz, Clerk of Council

Tom Eichinger, Council President

Approved: Justin Harsha
Justin Harsha, Mayor

Date: 9/15/22

Prepared by the City Law Director.