

## **CHAPTER 1231**

### **Definitions and Rules of Construction**

---

1231.01 Rules of construction and interpretation.

1231.02 Definitions.

#### **1231.01 RULES OF CONSTRUCTION AND INTERPRETATION.**

- (1) Intent. All provisions, terms, phrases, and expressions contained in this Code shall be construed according to this Code's stated purpose and intent.
- (2) 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, not to be exhaustive lists of all possibilities.
- (3) Computation of Time. Unless the terms of a specific provision state otherwise (e.g., some provisions specify "business days"), periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.
- (4) References to Other Regulations, Publications and Documents. Whenever reference is made to a resolution, ordinance, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, regulation, or document or to the relevant successor document, unless otherwise expressly stated.
- (5) Public Officials and Agencies. All public officials, bodies, and agencies to which references are made are those of the City of Green, unless otherwise expressly stated.
- (6) Delegation of Authority. Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
- (7) Technical Words. Technical words and phrases not otherwise defined in this Code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- (8) Mandatory and Discretionary Terms. The word shall is always mandatory, and the words may or should are always permissive.
- (9) Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
  - (A) "And" indicates that all connected items, conditions, provisions, or events shall apply; and
  - (B) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

(10) Tense and Usage. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

(11) Gender. The masculine shall include the feminine, and vice versa.

(12) Meaning. For the purpose of this Code, words and phrases shall have the meanings set forth in this chapter.

(13) Other Terms Not Defined. Words and phrases not otherwise defined in this Code shall be construed according to the common and approved usage of American English.

(Ord. 2009-21. Passed 10-27-09.)

## **1231.02 DEFINITIONS.**

### **Abbreviated Storm Water Pollution Prevention Plan (Abbreviated SWP3)**

The written document that sets forth the plans and practices to be used to meet the requirements of this regulation.

### **Abutting or Adjacent**

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

### **Accessory Building, Structure, or Use**

A building or use that is detached from the principal structure; is incidental to and found on the same lot as a principal building or use; is subordinate to and serves a principal building or use; is subordinate in area, extent, or purpose to the principal building or use served; and is located on the same lot as the principal building or use served.

### **Accessory Dwelling Unit**

A separate residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit or nonresidential use, either within the same building as the single-family dwelling unit or in a detached building. The accessory dwelling unit shall be developed in accordance with the local building code and only in those zoning districts where the use is listed.

### **Adult Arcade**

Any place to which the public is permitted or invited wherein coin-operated or token-operated, or electronically, electrically or mechanically controlled, still or motion picture machine projectors or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, where the images so displayed are distinguished or characterized by the depiction or description of specified sexual activities or specified anatomical areas.

### **Adult Bookstore or Adult Video Store**

A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, which depict or describe specified sexual activities or specified anatomical areas; or
- Instruments, devices or paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with specified sexual activities.

**Adult Cabaret**

A nightclub, bar, restaurant or similar commercial establishment which regularly features:

- Persons who appear in a state of nudity;
- Live performances which are characterized by the exposure of specified anatomical area or by specified sexual activities; or
- 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.

**Adult Family Home**

A residence or facility, as defined and regulated in Ohio R.C. Section 5123.19, which provides accommodations for three to six unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

**Adult Group Home**

A residence or facility, as defined and regulated in Ohio R.C. Section 5123.19, which provides accommodations for seven to sixteen unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

**Adult Motion Picture Theater**

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown and are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**Adult Theater**

A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

**Agricultural - Animal Husbandry and Keeping of Livestock**

The use of land for dairying, animal raising, breeding, and pasturage of livestock and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities. The above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

**Agricultural - Raising of Crops**

The use of land for field and orchard uses including production of field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree nuts, trees and sod, vegetables. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

**Alley**

A public or private way which affords only secondary means of access to abutting properties.

**Appeal**

A request for review of an administrative interpretation or decision made in relation to this Code.

**Applicant**

Unless otherwise specified, an owner or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for a permit or development review pursuant to Chapter 1224: Development Review Procedures.

**Application**

The process by which the owner, or their agent, of a parcel of land within the City submits a request for a permit or any type of development review or approval identified in Chapter 1224: Development Review Procedures of this Code. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the City.

**Architect**

An individual or firm registered in the State of Ohio to practice in the field of architecture.

**Assisted Living Facility**

A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living.

**Automotive Body Repair**

A facility that provides collision repair services, including body frame straightening and repair, replacement of damaged parts, and painting.

**Automotive Car Washes**

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**Automotive Fuel Sales**

That portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles.

**Automotive Rental**

A facility where new or used cars, motorcycles, and other light load vehicles are leased or rented.

**Automotive Repair and Service**

A building, structure, or land used for the general repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including, but not limited to, muffler, oil change and lubrication, tire service and sales, installation of accessory, or engine repair.

**Automotive Sales**

A facility where new or used cars, motorcycles, and other light load vehicles in operation condition primarily are sold, leased on a long-term basis.

**Banquet Hall**

A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

**Bars and Taverns**

An establishment provided or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

**Basement**

That portion of a structure between the floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade.

**Bed and Breakfast Establishment**

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

**Berm**

In the context of landscaping, bufferyard, or screening requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses.

**Best Management Practices (BMPs)**

Conservation practices or protection measures which reduce impacts from a particular land use. Best Management Practices for construction are outlined in "Rainwater and Land Development, Ohio's Standard for Storm Water Management, Land Development, and Urban Stream Protection" prepared by the Ohio Department of Natural Resources.

**Boat**

A vehicle designed for operation as a watercraft propelled by oars, sails, or one or more combustion engines.

**Buffer or Bufferyard**

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use, no part of which buffer is used for active recreation or parking, or interior access drives. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of Section 1229.07: Landscaping and Screening.

**Building**

A temporary or permanent structure having a roof supported by walls and which can be used for shelter, business, housing, or enclosure of persons, animals, motor vehicles, boats, recreational vehicles, and other goods.

**Building Height**

The vertical distance of a building as measured pursuant to Section 1227.01: Measurements, Computations, and Exceptions.

**BZA**

The City of Green Zoning Board of Appeals, as established in the City of Green Charter and as referenced as the Board of Zoning Appeals in this Code.

**Camper**

~~A vehicular unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite designed to provide temporary living quarters for recreational, camping, or travel use.~~

**Canopy Tree**

A deciduous tree with an expected height of at least thirty-five feet at maturity.

**Cemetery**

A place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

**Centralized Sewage System**

An approved wastewater disposal system, which provides a collection network and disposal system and a central wastewater treatment facility for a single development, community or region.

**Certified Professional in Erosion and Sediment Control (CPESC)**

A professional who has met the requirements of and has been certified by CPESC Inc.

**City Council**

The seven member Council of the City of Green.

**City Engineer**

The City of Green Engineer, or a designee, appointed to serve in the role of the engineer.

**Clearing**

The act of clear cutting and/or removing of trees and vegetation, which result in the exposure of raw land.

**Co-location**

The use of a wireless telecommunications facility by more than one wireless telecommunications provider.

**Commercial Message**

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

**Community Center and Clubhouses**

A building to be used as a place of meeting, recreation, or social activity and not operated for profit and in which alcoholic beverages or meals may be dispensed or consumed as an accessory use when in compliance with all other applicable ordinances and laws.

**Condominium**

A multi-family dwelling or development containing individual owners' dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of a homeowners association and/or Ohio law.

**Construction Entrance**

The permitted points of ingress and egress to development areas regulated under this Code.

**County**

Summit County, Ohio.

**County Board of Health**

The Summit Board of Health of the Summit County General Health District.

**Damaged or Diseased Trees**

Trees that have split trunk, broken tops, heart rot, insect or fungus problems that will lead to imminent death, undercut root systems that put the tree in imminent danger of falling, lean as a result of root failure that puts the tree in imminent danger of falling, or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a stream or onto a structure.

**Day Care Center**

A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a twenty-four-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, or other similar uses. Day care center does not include public or private educational facilities or any

facility offering care to individuals for a full twenty-four-hour period.

**DBH**

Diameter-at-breast-height and is used to measure the caliper of a tree trunk at the specific height of 4.5 feet above the ground.

**Deck**

A platform, either freestanding or attached to a building, that is supported by pillars or posts and which is not enclosed nor has a roof.

**Density**

The quotient of the total number of dwelling units as divided by total area of the site.

**Density, Gross**

The total number of dwelling units as divided by the gross area of a site (including public right-of-way, easements, etc.).

**Density, Net**

The total number of dwelling units divided by the gross area of the site minus any land used for easements and/or rights-of-way.

**Developer**

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity proceeding under this Code to effect a subdivision of land hereunder for himself or herself or for another.

**Development**

Any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structure, mining, dredging, filling, grading, paving, excavation, or drilling.

**Development Area**

A parcel or contiguous parcels owned by one person or persons, or operated as one development unit, and used or being developed for commercial, industrial, residential, institutional, or other construction or alteration that changes runoff characteristics.

**Distribution Facilities, Truck Terminals, and Warehouses**

A use where goods are received and/or stored for delivery to the ultimate customer or uses at remote locations. There is no sale of items to retailers or the general public from such uses unless permitted as an accessory use to the warehouse.

**Domestic Animal**

An animal that is tame or domesticated and not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal.

**Drainage**

The removal of excess surface water or groundwater from land by surface or subsurface drains.

**Drainage Area**

The area of land contributing surface water to a specific point.

**DRB**

The City of Green Design Review Board.

**Drive-Through Facility**

An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

**Driveway**

A private way, other than a street or alley that provides access to one lot of record for the use of vehicles and pedestrians.

**Dwelling**

A building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multi-family dwellings, but not including hotels, motels, tents, recreational vehicle, cabins, or boarding or lodging houses.

**Dwelling Unit**

A single unit of one or more rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel, recreational vehicle, or other temporary or transient structure or facility.

**Dwelling, Multi-Family**

A building or portion thereof designed for or used exclusively for residential purposes by three or more families or housekeeping units. Multi-family dwelling shall include apartment buildings, condominiums, elderly housing, and buildings two or more dwellings are attached by common walls or floors within a single structure.

**Dwelling, Single-Family**

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

**Dwelling, Two-Family**

A building design for or used exclusively for the residential purposes by two families or housekeeping units.

**Easement**

Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

**Educational Facilities**

Buildings or structures used to teach students. Educational facilities may include primary schools, elementary schools, middle schools, high schools. Educational facilities shall not include, colleges, vocational schools, and other similar uses.

**Educational Facilities, Higher**

Buildings or structures used to teach students at a level beyond primary schools, elementary schools, middle schools, high schools. Higher educational facilities shall include, but not limited to, colleges, vocational schools, universities, training centers and other similar uses.

**Engineer**

Any person registered to practice professional engineering by the State Board of Registration as specified in Ohio R.C. 4733.14.

**Entry Drive**

The part of an access drive or driveway leading to a vehicular use area.



**EPA**

The Environmental Protection Agency and includes the Ohio EPA.

**Erosion**

The wearing away of the land surface by the action of wind, water, gravity, or other natural processes.

**Erosion and Sediment Control**

The control of soil, both mineral and organic, to minimize the removal of soil from the land surface and to prevent its transport from a disturbed area by means of wind, water, ice, gravity or any combination of those forces.

**Erosion Control Plan**

A plan developed with the appropriate conservation practices, including a schedule of their installation and location, which will effectively minimize soil erosion and off-site sediment yield.

**Evergreen Shrub**

A shrub that remains green throughout the year.

**Evergreen Tree**

A tree that remains green throughout the year with an expected height of at least forty feet.

**Excavation**

The process of altering the natural grade/elevation by cutting, filling, or moving the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

**Family**

Two or more persons related by blood, marriage or adoption or not more than four unrelated individuals occupying a dwelling unit as an individual housekeeping organization.

**FEMA**

The Federal Emergency Management Agency, the agency with the overall responsibility for administering the National Flood Insurance Program.

**Fence**

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

**Fence Height**

The vertical distance from the existing/adjoining grade along the fence line to the top of the fence.

**Fence, Decorative**

A permanent structure designed primarily for aesthetic appeal and not intended or designed as a method of prohibiting entry to a property.

**Fence, Electric**

A fence through which an electric current can be passed, giving an electric shock to any person or animal touching it.

**Fence, Top of**

The uppermost part, point or surface of a fence; not including support posts or architectural features.

**Final Plat**

A final tracing of all or a portion of a subdivision in its complete survey information.

**Final Stabilization**

All soil disturbing activities at the site have been completed and a uniform perennial vegetative cover with a density of at least seventy percent coverage for the area has been established or equivalent stabilization measures, such as the use of mulches or geotextiles, have been employed.

**Financial Institution**

An establishment engaged in deposit banking. Financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

**Flag**

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**Flood Insurance Rate Map (FIRM)**

An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

**Flood Insurance Study**

The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries, and the water surface elevations of the base flood.

**Floodplain Management Definitions**

The following terms used in this Code are defined as set forth in the regulations governing the National Flood Insurance Program (44 CFR Section 59.1). Wherever there exists a conflict between the following definitions, the Federal definitions shall apply.

- Base Flood shall mean the flood having a one percent chance of being equaled or exceeded in any given year.
- Flood or Flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulations or runoff of surface waters from any source.
- Floodplain shall mean the land area susceptible to inundation by water as a result of a flood and for the purposes of this Code shall mean the 100-year and 500-year floodplain as determined by the Federal Emergency Management Agency.
- Floodway shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- Floodway Fringe shall mean those portions of the floodplain, other than the floodway, which can be filled or otherwise obstructed without causing substantially higher flood levels or flow velocities.

**Floor Area, Gross**

The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center of party line walls, including the floor area of accessory buildings and structures.

**Floor Area, Net**

The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the

center of party line walls, including the floor area of accessory buildings and structures but excluding areas used exclusively for the parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl spaces or areas occupied by mechanical equipment, toilets, or restrooms.

### **Frontage, Building and Tenant**

The length of an enclosed building facing a public street. If the building is not located on a property that faces a public street, it shall mean the length of the enclosed building that has the primary entrance to the building.

### **Funeral Homes**

A building or part thereof used for human funeral services and which may include space for the embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns, and other related supplies, the storage of funeral vehicles, facilities for cremation, chapels, and other related uses.

### **Garage**

A building or portion of a building which is primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building.

### **Government Offices and Facilities**

A building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including township, state, county, or other recognized public entity. Such use may include, but is not limited to, township offices, public works, libraries, post offices, and other uses not defined separately within this chapter. Government and public use shall not include schools or other educational facilities as defined elsewhere in this Code.

### **Grade**

Grade shall mean:

- For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.
- For buildings having walls adjoining more than one street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets.
- For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street.

### **Grading**

The act of changing the existing or natural topography of an area of land by artificial means. This shall include the excavation or filling of earth materials on a given site.

### **Grass**

A species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

### **Ground Cover**

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

### **Heavy Industrial Uses**

Manufacturing or other enterprises with significant external effects, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials or processes in the manufacturing or other process.

**High Water Mark, Normal or Ordinary**

That mark on a waterway that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

**Historic Structure**

Historic structure shall mean any structure that is:

- Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
- Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office; or
- Individually recognized as a local historic landmark as maintained by the City of Green whose historic preservation program has been certified by the Ohio Historic Preservation Office.

**Home Occupation**

An occupation or profession for financial gain or profit which is incidental to and carried on entirely within a dwelling unit located on a lot, exclusive of attached garage or patio areas, by resident occupants of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property and is without adverse effect to the property and shall not exceed thirty-five percent of gross area of structure.

**Hospital and or Clinic**

A facility providing physical or mental health services, outpatient, inpatient or over-night accommodations, and medical or surgical care of the sick or injured. This land use category shall also include urgent care centers or clinics that can receive ambulance service.

**Hotel and Motel**

A building in which lodging, with or without meals, is offered for compensation and in which there are five or more sleeping rooms.

**Household Pets**

See "Domestic Animal."

**Housekeeping Unit**

One or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment, hotel, or motel.

**Impervious Surface**

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking and driveways, sidewalks, and pavement.

**Improvements**

Grading, draining, sanitary and storm sewers, water mains, pavement, curbs and gutters, sidewalks, street signs, street lights, parks, monuments and the appropriate appurtenances required to render land suitable for the use proposed.

**Indoor Recreation and Entertainment Facilities**

Public or private recreational facilities where the principal use is located completely within an enclosed building. Such uses are generally related to the recreation or entertainment field such as bowling alleys, fitness centers, and similar activities. Indoor recreation and entertainment facilities differ from active parks, playgrounds, and recreational facilities where the principal use and activities are located outdoors.

**Kennel**

Any lot or premises on which four or more cats or dogs, or any combination thereof, not owned by the resident, more than four months of age, are housed, groomed, bred, boarded, trained or sold, provided, however, that a kennel shall not include a veterinary or animal clinic.

**Knox Box**

A small wall-mounted safe that holds building keys for use by Fire Departments, EMS and Safety Services in emergency situations. Local safety forces possess master keys for all boxes in their response area to allow them to quickly enter a building without forced entry or obtaining individual keys held in deposit at their Station.

**Land Use**

The utilization of land for trade, industry, residence, recreation or any other purpose including, but not limited thereto, all related land development activities necessary for the preparation of a site such as excavation, filling, grading, or building construction for the aforementioned uses.

**Landscape Architect**

A professional Landscape Architect registered in the State of Ohio.

**Landscaping**

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

**Larger Common Plan of Development or Sale**

A contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one plan.

**Law Director**

The City of Green's Law Director.

**Libraries, Museums, Galleries, and Cultural Centers**

A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, cultural centers, or interpretive sites, but does not include commercially-operated theaters.

**Light Industrial Use**

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties.

**Light, Cutoff**

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 1229.11: Outdoor Lighting.

**Light, Non-Cutoff**

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 1229.11: Outdoor Lighting.

**Lighting, Outdoor**

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility.

**Livestock**

Generally accepted outdoor farm animals including, but not limited to, cows, goats, horses, pigs, barnyard fowl, etc. Livestock shall not include dogs, cats, and other household pets.

**Loading Area/Dock**

An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

**Long Range Land Use Plan**

The City of Green Long Range Land Use Plan or any amendment thereto.

**Lot Area**

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication.

**Lot Coverage**

That portion of a lot that is, unless otherwise specified, covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways.

**Lot Depth**

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

**Lot Frontage**

The dimension of a lot abutting a public street measured along the street right-of-way line.

**Lot Line, Front**

The front property line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than forty-five degrees to the rear lot line. The front lot line is generally opposite the rear lot line. A corner lot or double frontage lot has more than one front lot line.

**Lot Line, Rear**

An internal lot line opposite a front yard. A rear lot line is generally parallel to or less than forty-five degrees to the front street right-of-way line. A lot line greater than forty-five degrees from the front street right-of-way line would be a side lot line.

**Lot Line, Side**

An internal lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line.

**Lot Lines**

The property lines bounding the lot.

**Lot of Record**

A lot which is part of a subdivision, the map of which has been recorded in the office of the Fiscal Officer of Summit County; or a parcel of land, the deed to which was of record on or prior to the effective date of this Code.

**Lot**

A parcel of land occupied or intended for occupancy by a use permitted in this Code and the open spaces required by this Code and having its principal frontage upon a street or place.

**Lot Width**

The horizontal distance between side lot lines measured at the required front setback or at the building line for any irregularly shaped lot.

**Lot, Corner**

A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees.

**Lot, Double Frontage**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot.

**Lot, Panhandle or Flag**

A lot not fronting or abutting a public street and where access to the public street is limited to a narrow strip of land.

**Lowest Floor**

The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor provided that such enclosure is built in accordance with the applicable design requirements specified in this Code for enclosures below the lowest floor.

**Manufactured Home**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Ohio R.C. 3733.01, for which the Ohio Public Health Council has exclusive rule making power.

**Manufactured Home Subdivision**

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Ohio R.C. 3733.01, for which the Ohio Public Health Council has exclusive rule making power.

**Maximum Extent Feasible (Maximum Extent Practicable)**

The phrase "maximum extent feasible" or "maximum extent practicable" shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

**Medical and Dental Offices**

A use providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. The term "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

**Mineral Extraction**

Any artificial or mechanical act by which earth, sand, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or moved and shall include the conditions resulting therefrom, including but not limited to gravel pits and not including the impacts of such operation. Such use shall require appropriate permits from the State of Ohio.

**Mobile Home**

An industrialized building unit constructed on a chassis for towing to the point of use, designed to be used with or without a permanent foundation and intended to be occupied as a dwelling.

**Monument**

A survey marker used to mark a street intersection, a start or end of a curve, a subplot corner, an allotment corner, an original lot corner or a section corner, or to witness any of the above.

**Nameplate**

A sign indicating only the name and address of the person, business, profession or activity occupying a lot or building, or part of the operation or maintenance of any equipment which is placed on the building or site.

**Natural Succession**

A gradual and continuous replacement of one kind of plant and animal group by a more complex group. The plants and animals present in the initial group modify the environment through their life activities, thereby making it unfavorable for themselves. They are gradually replaced by a different group of plants and animals better adapted to the new environment.

**New Construction**

Structures for which the "start of construction" commenced on or after the initial effective date of the City of Green's Flood Insurance Rate Map, and includes any subsequent improvements to such structures.

**Nonconforming Site Condition**

Any lot, building or structure lawfully existing on the effective date of this Code or any amendment or supplement thereto, which does not conform to the use regulations of the district in which it is situated.

**Nonconforming Use**

Any building or land lawfully occupied by a use on the effective date of this Code or any amendment or supplement thereto, which does not conform to the use regulations of the district in which it is situated.

**Nonconformities**

Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this Code or its amendments, which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

**Non-principal Façade**

Any exterior wall of a building that does not face a public or private street, park, or plaza.

**Noxious Weed**

Any plant defined as "Prohibited Noxious Weeds" in Section 901:5-37-01 of the Ohio Administrative Code and any of the following: Goldenrod, Poison Hemlock, Poison Ivy, Poison Oak, Ragweed, Stinging Nettle, and other plants capable of causing skin reactions upon contact or producing severe allergic respiratory reactions.

**NPDES**

National Pollutant Discharge Elimination System. A regulatory program in the Federal Clean Water Act that prohibits the discharge of pollutants into surface waters of the United States without a permit.



**Nude Model Studio**

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

**Nudity**

Nudity or a state of nudity shall mean:

- The appearance of a human bare buttock, an anus, genitals or an areola of a female breast; or
- A state of dress which fails to cover opaquely a human buttock, an anus, genitals or an areola of a female breast.

**Nurseries and Greenhouses**

Any buildings and enclosures used for the cultivation and protection of plants.

**Nursing Home**

A boarding facility for the extended care of babies, children, pensioners or elderly persons who may be mentally or physically infirm.

**Offices**

Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, medical, dental, employment, advertising, design, engineering, accounting, and similar uses.

**Official Filing**

The submission of a preliminary or final plat of a major or minor subdivision, which meets all of the requirements prescribed by these regulations.

**Ohio EPA NPDES General Construction Permit**

A permit issued by the Ohio Environmental Protection Agency to an applicant for the discharge of storm water from sites where construction activity is being conducted with discharges to subsequent receiving waters. (Permit Number OHC000002 as amended)

**Ohio Rapid Assessment Method**

A multi-parameter qualitative index established by the Ohio Environmental Protection Agency to evaluate wetland quality and function.

**Open Space**

Land and water areas retained for use as active or passive recreation areas for resource protection in an essentially undeveloped state, or for stormwater management devices when such features are developed as visual site amenities as approved by the PZC.

**Open Space Subdivision**

A residential subdivision development in which lot sizes are reduced for the purpose of preserving large open space areas within the project for the benefit of the neighborhood and community at large while generally maintaining the underlying base density allowed on the site and the specific district regulations.

**ORC**

The Ohio Revised Code

**Original Tract**

A contiguous quantity of land held in common ownership, which has not been platted by the existing owner or owners.

**Ornamental Shrub**

A deciduous shrub with visual appeal through flowers, fruit, leaf color, or fall colors.

### **Ornamental Tree**

A small to medium tree with an expected height of twenty feet at maturity and that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

### **Outdoor Displays or Sales**

An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service. For the purposes of this Code, objects or materials weighing over twenty pounds shall be considered outdoor storage.

### **Outdoor Storage**

The keeping of any goods, materials, merchandise, or vehicles outside of a structure or building for more than forty-eight hours. Outdoor storage shall not include car lots, tool rental establishments, greenhouses, or other uses where the sale of the merchandise is the primary use of the property pursuant to Section 1229.12: Outdoor Sales, Display, and Storage.

### **Parking Aisle**

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

### **Parking Area**

The entire paved area that encompasses all parking spaces and the access drives that provided access to those spaces but that does not include the entry drive or driveway with no direct access to a parking space.

### **Parking Space**

A graded and surfaced area, either enclosed or open, for the parking of a motor vehicle, having adequate ingress and egress to a public street, alley or parking aisle.

### **Parks, Playgrounds, and Recreational Facilities**

Any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other active sports facilities with the exception of bike and hike trails. The principal use and activities of an active park, playground, and recreational facility are generally located outdoors although the use may include some enclosed structures that are accessory to the principal use.

### **Passive Parks and Conservation Areas**

Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

### **Pedestrian Walkways**

A dedicated public right-of-way limited to pedestrian use.

### **Performance Bond or Surety Bond**

An agreement between a developer and the City for the amount of the estimated construction cost, guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

### **Personal Service Establishments**

Establishments that primarily engage in providing services generally involving the care of the person or

person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, massage therapy, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**Phasing**

Clearing a parcel of land in distinct sections, with the stabilization of each section before the clearing of the next.

**Planning Department**

The City of Green Department of Planning.

**Pollution**

Any contamination or alteration of the physical, chemical, or biological properties of any waters that will render the waters harmful or detrimental to: public health, safety or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; livestock, wildlife, including birds, fish or other aquatic life.

**Pollution, Non-Point Source**

Pollution that is generated by various land use activities rather than from an identifiable or discrete source, and is conveyed to waterways through natural processes, such as rainfall, storm runoff or ground water seepage rather than direct discharge.

**Pollution, Point Source**

Pollution that is traceable to a discrete point or pipe.

**Porch**

A covered but unenclosed projection from the main wall of a building that may or may not use columns or other ground supports for structural purposes.

**Preliminary Plan**

A drawing of a major subdivision for the purpose of study, and which, if approved, permits proceeding with the preparation of the final plat.

**Principal Building**

The building containing the main or principal uses of the lot.

**Principal Façade**

Any exterior wall of a building that faces a public or private street, park, or plaza.

**Professional Engineer/Surveyor**

A professional registered in the State of Ohio by the appropriate board.

**Public and Private Utility Services**

Services provided by public and private utilities, necessary for the exercise of the principal use or service of other uses in the City. These services include, but are not limited to, underground, surface, or overhead gas, electrical, steam, water, sanitary sewerage, and stormwater drainage. Such accessories may include mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants.

**Public Safety/Service Facility**

A public facility providing services necessary for the safety of the residents of the City, including police, fire protection and rescue activities, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants, and other similar public service structures operated by a public utility, by a railroad, whether publicly or privately owned, or by a City or other governmental agency.

**Public Utility**

Any person, firm, corporation, governmental agency or board having a public utility commission or regulatory body permit to furnish to the public, under regulations, electricity, gas, sewer, water, telephone, transportation, steam or other similar public services.

**Public Way**

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

**PZC**

The City of Green Planning and Zoning Commission.

**Qualified Individual**

Professional Engineers, Professional Surveyors, and Landscape Architects registered in the State of Ohio or a Certified Professional in Erosion and Sediment Control as recognized by CPESC Inc.

**Rainwater and Land Development Manual (RWLD)**

Issued by Ohio Department of Natural Resources. The RWLD Manual contains Ohio's minimum technical standards for post construction storm water quality and erosion and sediment control standards. The most current edition of these standards shall be applicable with this Code.

**Ramp**

A structure attached to a principal building that is constructed at a slope that meets the requirements of the applicable building and safety codes that provides access to a building.

**Recreational Vehicle**

Recreational vehicle shall mean a vehicle that is:

- Built on a single chassis;
- 400 square feet or less when measured at the largest horizontal projection;
- Designed to be self propelled or permanently towable by a light duty truck; and
- Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Religious Places of Worship**

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

**Research Facilities and Laboratories**

A building for research, development, and testing laboratories that does not involve the mass manufacture, fabrication, processing, or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standard as specified herein.

**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.

**Retail and Service Commercial Uses**

An establishment primarily engaged in the sale of goods and materials to the general public. Retail commercial uses may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores, and other similar uses. Service commercial uses are primarily engaged in rendering services to businesses including, but not limited to, printers, equipment rental, protective services, mailing, photo finishing, and other similar uses.

**Right-of-Way**

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

**Riparian Area**

A transitional area between flowing water and terrestrial ecosystems which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.

**Riparian Setback**

The area set back from each bank of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. Riparian setbacks are those lands within the City that fall within the area defined by the criteria set forth in these regulations.

**Roadside Stand**

A structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agricultural products produced on the premises.

**Rowhouse or Townhome**

A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation.

**Runoff**

The portion of rainfall, melted snow, or irrigation water that flows across the ground surface and is eventually conveyed to water resources or wetlands.

**Sanitary Sewer**

Sanitary sewer shall mean both centralized sewer, on-site septic systems, on-site wastewater disposal, and other approved wastewater disposal systems.

**Satellite Dish**

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

**Sediment**

The soils or other surface materials that are transported or deposited by the action of wind, water, ice, gravity, or any combination of those forces, as a product of erosion.

**Sedimentation**

The deposition or settling of sediment.

**Self-Storage Facilities**

A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares. Such facilities do not include sales, service, or storage of hazardous materials.

**Setback Line**

A line established by this Code, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory structure, may be located above ground, except as may be provided in this Code. See also "Yard."

**Sexually Oriented Business**

An adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater or adult theater. A sexually oriented business does not include a nude model studio.

**Sign**

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

**Sign Area**

The entire area of the sign as measured according to Section 1229.06: Signs.

**Sign Copy**

Any graphic, word, numeral, symbol, insignia, text, sample, model, device or combination thereof which is primarily intended to advertise, identify, or notify.

**Sign Copy Changes or Message Changes**

The ability to modify or change displays, words, lines, logos, or symbols on a sign to provide different information. Changeable copy signs include computer signs, reader boards with changeable letters, and time and temperature units.

**Sign Face**

The area or display surface used for the message.

**Sign Height**

The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

**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, Attached**

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than twelve inches from such building or structure.

**Sign, Awning**

A sign painted on, printed on, or permanently attached flat against the surface of a canopy, marquee, or awning.

**Sign, Bench**

A sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.

**Sign, Canopy.**

See "Sign, Awning."

**Sign, Directional**

A sign directing or guiding traffic and parking on private property.

**Sign, Electronic Information**

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

**Sign, Freestanding**

A sign that is mounted on a freestanding pole or other support so that the bottom of the sign copy area is five feet or more above grade.

**Sign, Ground Mounted**

Any sign placed upon or supported by the ground independent of any other structure.

**Sign, Identification**

A sign giving the nature, logo, trademark, or other identifying symbol, address, or any combination of a building, business, development or establishment on the premises.

**Sign, Marquee**

See "Sign, Awning."

**Sign, Nonconforming**

A sign that is erected legally but which does not comply with subsequently enacted sign restrictions and regulation. A nonconforming sign is also a sign that does not conform to the sign requirements but for which a special permit has been issued.

**Sign, Off-Premises**

A sign that directs attention to a business, commodity, or service not exclusively related to the premises where the sign is located.

**Sign, Projecting**

A sign that is wholly or partly dependent upon a building for support and which projects more than twelve inches from the wall of such building.

**Sign, Roof**

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

**Sign, Snipe**

A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to

other objects or which is located within the public right-of-way.

**Sign, Temporary**

A nonpermanent sign erected, affixed, and maintained on a premises for a short, usually fixed, period of time.

**Sign, Window**

A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window.

**Site Plan, Conceptual**

A plan or map that conceptually illustrates the development proposal for the subject property, including but not limited to public and private roadways, building footprints and square footage, proposed uses, landscape areas and buffers, plazas, pedestrian and vehicular circulation, parking, site access, service areas, stormwater management, general locations of proposed utility lines, and the identification of potentially sensitive design issues. The relationship of the proposed development to existing, surrounding developments should also be reflected.

**Site Plan, Final**

A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations. Includes lot lines, streets, building sites, reserved open space, buildings, major landscape features- both natural and manmade, detailed engineering drawings of the proposed public and/or private improvements as well as the locations of proposed utility lines required for the development.

**Social Clubs And Fraternal Organizations**

A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Soil-Disturbing Activity**

Clearing, grading, excavating, filling or other alteration of the earth's surface where natural or human-made ground cover is destroyed, and which may result in, or contribute to, erosion and sediment pollution.

**Soil Erodibility**

The susceptibility of soil to erosion and the amount and rate of runoff, as measured under the standard unit plot condition. Soil erodibility factors are available in the Summit County Soil Survey

**Specified Anatomical Areas**

Specified anatomical areas shall mean human genitals.

**Specified Sexual Activities**

Specified sexual activities shall mean any of the following:

- The fondling or other erotic touching of human genitals, the public region, buttocks, an anus or female breasts;
- Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- Masturbation, actual or simulated.

**Stabilization**

The use of BMPs, such as seeding and mulching, that reduce or prevent soil erosion by water, wind, ice, gravity, or combination of those forces.

**Start of Construction**



The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

### **Storm Water Pollution Prevention Plan (SWPPP)**

The plan which describes all the elements of the storm water strategy implemented during and after construction. The plan addresses erosion control and storm water quality.

### **Storm Water Quality Treatment**

The removal of pollutants from urban runoff and improvement of water quality, accomplished largely by deposition and utilizing the benefits of natural processes.

### **Stormwater Management**

A plan in which runoff water from a development is safely dispersed at an allowable rate to minimize erosion and flooding.

### **Story**

That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

### **Stream**

A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water in such a way that terrestrial vegetation cannot establish roots within the channel.

### **Street, Arterial**

A class of street that brings traffic to and from expressways and other arterials and serves those major movements of traffic within or through the City not served by expressways. Arterials interconnect the principal traffic generators and high-volume corridors that connect within the City and rural areas for long and through traffic trips.

### **Street, Collector**

A class of street that serves the internal traffic movement within an area of the City, such as a subdivision, and connects this area with the arterial system. Collectors do not handle long through trips and are not, of necessity, continuous for any great length. This principal difference between collector and arterial streets is the length of the trip they accommodate. Collectors in an industrial area would properly carry truck movements that serve to terminate in that area.

### **Street, Cul-se-Sac**

A local street having one end open to vehicular traffic and the other end permanently closed with a vehicular turnaround.

### **Street, Dead-End**

A street temporarily having only one outlet for vehicular traffic, but intended to be extended or continued in the future and provided with a vehicular turnaround on a temporary easement.

**Street, Local**

Those streets whose sole function is to provide access to immediately adjacent land. They make up a large percentage of the total street mileage of the City, but carry a small portion of the vehicle miles of travel.

**Street, Local Collector**

A class of street that serves the internal traffic movement within areas such as major subdivisions, industrial areas and commercial areas and connects with other collector streets.

**Street, Private**

A right-of-way that provides vehicular and pedestrian access to residential, commercial or industrial structures or groups of structures, and is not dedicated.

**Street, Public**

A public thoroughfare which has been dedicated for public use or subject to public easements therefore, and which affords the principal means of access to abutting property.

**Street, Thoroughfares, or Road**

All property dedicated or intended or used, whether public or private, for vehicular and pedestrian movement, including street, highway, freeway or other motorway right-of-way, and, except where limited or controlled access, affording the principal means of access to abutting property.

**Structural Alteration**

Any change in the area or cubical content of a building.

**Structure**

Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, including buildings, walls, advertising signs, billboards, roadside stands, fences, pools, decks and tents.

**Subdivider**

An individual, firm, association, corporation, trust or other legal entity, including their agents, commencing proceedings under these regulations to subdivide land.

**Subdivision**

The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres, not involving any new streets or easements of access, and the sale or exchange of which does not create additional building sites, shall be exempted; or the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; or the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities.

**Subdivision, Major**

Any subdivision that does not meet the requirements of a minor subdivision.

**Subdivision, Minor**

A division of a parcel of land along an existing public street or road, not involving the opening, widening or extension of any street or road, and involving not more than five lots, any one of which is less than five acres,

after the original tract has been completely subdivided.

**Substantial Damage**

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. Substantial damage also means flood related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

**Substantial Improvement**

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

- Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions;
- Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or
- Any improvement to a structure which is considered new construction.

**Summit County Storm Water Management Manual**

Summit County's storm water management requirements developed and updated by the County Engineer.

**Surveyor**

A person registered to practice professional surveying by the State Board of Registration as specified in Ohio R.C. 4733.14.

**SWCD**

The Summit County Soil and Water Conservation District, referred to as the Summit County SWCD.

**Swimming Pool**

A structure, whether above or below grade level, designed to hold water more than thirty inches deep to be used for recreational purposes.

**Telecommunications**

The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems.

**Temporary Event**

A gathering or assemblage of individuals for the purpose of observing or engaging in legal activities including, but not limited to, festivals, fairs, shows, showcases, house or garden tours, concerts, dances, rallies, parades, demonstrations or competitions of creative athletic form. Temporary events could include incidental retail sales of the products of such activities, as long as such sales are not advertised off-site.

**Temporary Storage in Portable Containers**

A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation. Temporary storage containers can include semi-tractor trailers if they are used for storage and not transport.

**Theater**

A building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

**Thoroughfare Plan**

Any mapped and/or written proposal for future road development of the City of Green and its affected area.

**Trailer**

A vehicle without motor power that is designed to be towed by a motorized passenger vehicle and not for human occupancy. This includes, but is not limited to, ~~utility trailers and trailers for the transport of boats, snowmobiles, landscaping/construction equipment, and horses.~~

**Trailer, House**

See "Mobile Home."

**Trailer, Travel**

See "Recreational Vehicle."

**Trickle Charger**

A small, mains operated device used to charge a battery under no-load at a rate equal to the self-discharge rate.

**Type-A Day Care Home**

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

**Type-B Day Care Home**

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

**Unstable Soils**

A portion of land that is identified by the Summit County Engineer, Summit County Building Standards and/or the Summit SWCD as prone to slipping, sloughing, or landslides, or is identified by the U.S. Department of Agriculture Natural Resource Conservation Service methodology as having a low soil strength.

**Use**

Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

**Use, Principal**

The primary or main use of any lot.

**Use, Temporary**

A use that may be permitted for a specified period of time. Temporary uses may require a temporary zoning permit in compliance with Section 1226.04: Temporary Uses and may be subject to additional building and zoning requirements.

**Utility Trailer**

A single axle, wheeled vehicle without motor power, which is fourteen feet (14 ft) or less in length, that has an open-top cargo area with sides that shall not be greater than thirty-six inches (36") in height from the trailer floor, and that is designed to be towed by a motorized passenger vehicle and intended not for human occupancy but rather for hauling light loads.

**Variance**

A modification of a provision of this Code where such modification will not be contrary to the public interest and where, due to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**Vehicle**

Any contrivance that is used in the public or private transportation of one or more persons, is used in the transportation of goods over public or private property or roadways, or is used in a commercial or agricultural enterprise. A contrivance that is designed to be pushed, pulled or towed by any self-propelled vehicle is considered a vehicle.

**Vehicular Use Area**

Any portion of land used for parking, ingress, egress, or vehicular circulation.

**Veterinary Clinic**

A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations in a wholly enclosed building on the premises only for treatment, observation and/or recuperation.

**Violation**

The failure of a structure or other development to be compliant with this Code or plan as approved.

**Water Resource**

Any public or private body of water including lakes and ponds, as well as any brook, creek, river, or stream having banks, a defined bed, and a definite direction flow, either continuously or intermittently flowing.

**Watercourse**

A natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through or borders the community.

**Watershed**

An area of land that drains into a particular watercourse, usually defined by topography.

**Wetland Professional**

An individual with training and experience in wetland delineation acceptable to the Army Corp of Engineers.

**Wetlands**

Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are

sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands includes swamps, marshes, bogs, and similar areas that are delineated in accordance with the 1987 United States Army Corps of Engineers Wetland Delineation Manual and any other procedures and requirements adopted by the United States Army Corps of Engineers for delineating wetlands.

### **Wholesale Commercial Use**

The sale of merchandise to retail and service commercial uses, office uses, or institutional uses, or to other wholesalers. Wholesale commercial uses may also mean acting as an agent or broker in the buying or selling of merchandise; but not selling to the general public.

### **Wireless Telecommunications Antenna**

The physical device through which electromagnetic, wireless telecommunication signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

### **Wireless Telecommunications Facility**

A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

### **Wireless Telecommunications Tower**

A structure intended to support equipment used to transmit and/or receive telecommunications signals, including monopoles, and guyed and lattice construction steel structures.

### **Yard**

An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest portion of the main building shall be used.

### **Yard, Front**

A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway.

### **Yard, Rear**

A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches.

### **Yard, Side**

A yard between the main building and the side lot line of the lot extending from the front yard to the rear yard.

### **Zoning District**

A section or sections of the incorporated territory of the City of Green for which regulations governing the use of buildings and premises, the height of buildings, development standards, yards, lot areas, and other standards are uniform.

## Zoning Division

The City of Green Zoning Division.

(Ord. 2009-21. Passed 10-27-09; Ord. 2012-24. Passed 11-13-12; Ord. 2013-19. Passed 11-12-13; Ord. 2014-15. Passed 12-9-14; Ord. 2016-01. Passed 4-26-16.)

### APPENDIX "A" Woody Plants Suitable for Riparian Areas

Flood Tolerance*	Shade Tolerance **	Common Name
High Flood Tolerance		
Aronia arbutifolia	3	Red chokeberry
Aronia melanocarpa	3	Black chokeberry
Cephalanthus occidentalis	5	Common buttonbush
Clethra alnifolia	2	Summersweet clethra ***
Cornus amomum	4	Silky dogwood
Cornus stolonifera (sericea)	5	Redosier dogwood
Hamamelis vernalis	3	Vernal witchhazel ***
Ilex decidua	3	Possumhaw ***
Ilex glabra	2	Inkberry ***
Ilex verticillata	3	Common winterberry
Itea virginica	1	Virginia sweetspire ***
Magnolia virginiana	2	Sweetbay magnolia ***
Myrica pensylvanica	4	Northern bayberry
Physocarpus opulifolius	4	Common ninebark

Potentilla fruticosa	4	Bush cinquefoil
Sambucus canadensis	1	American elderberry
Salix x cotteti	5	Bankers willow ***
Salix exigua	5	Sandbar willow
Salix purpurea	5	Streamco willow ***
Viburnum cassinoides	2	Witherod viburnum
Parthenocissus quinquefolia	1	Virginia creeper (vine)

<b>Flood Tolerance*</b>	<b>Shade Tolerance **</b>	<b>Common Name</b>
Moderate Flood Tolerance *		
Calycanthus floridus	1	Common sweetshrub
Hypericum kalmianum	5	Kalm St. John's wort
Viburnum dentatum	2	Arrowwood viburnum
Xanthorhiza simplicissima	1	Yellowroot ***
Intermediate Flood Tolerance *		
Aesculus parviflora	2	Bottlebush buckeye ***
Aesculus pavia	2	Red buckeye ***
Cornus racemosa	2	Gray dogwood
Lindera benzoin	1	Common spicebush
Rosa setigera	4	Prairie rose
Campsis radicans	3	Trumpet creeper (vine)
Lonicera dioica	2	Limber honeysuckle (vine)
Corylus americana	2	American filbert
Diervilla lonicera	1	Dwarf bushhoneysuckle
Fothergilla gardenii	1	Dwarf fothergilla ***
Fothergilla major	1	Large fothergilla ***
Hydrangea arborescens	1	Smooth hydrangea
Hydrangea quercifolia	1	Oakleaf hydrangea ***
Mahonia aquifolium	1	Oregon grape holly ***
Rosa carolina	4	Carolina rose
Rubus odoratus	1	Fragrant thimbleberry
Vaccinium stamineum	2	Common deerberry
Low Flood Tolerance *		
Arctostaphylos uva-ursi	4	Bearberry
Cornus rugosa	1	Roundleaf dogwood

<b>Flood Tolerance*</b>	<b>Shade Tolerance **</b>	<b>Common Name</b>
Low Flood Tolerance *		
Corylus americana	2	American filbert
Diervilla lonicera	1	Dwarf bushhoneysuckle
Fothergilla gardenii	1	Dwarf fothergilla ***
Fothergilla major	1	Large fothergilla ***



Hydrangea arborescens	1	Smooth hydrangea
Hydrangea quericifolia	1	Oakleaf hydrangea ***
Mahonia aquifolium	1	Oregongrape holly ***
Rosa carolina	4	Carolina rose
Rubus odoratus	1	Fragrant thimbleberry
Symphoricarpos albus	1	Common snowberry
Vaccinium stamineum	2	Common deerberry
No Flood Tolerance *		
Amorpha canescens	5	Leadplant ***
Ceanothus americanus	3	New Jersey tea
Comptonia peregrina	2	Sweetfern
Dirca palustris	1	Leatherwood
Hypericum frondosum	5	Golden St. John's wort
Juniperus communis	5	Common juniper
Juniperus horizontalis	5	Creeping juniper ***
Rhus aromatica	5	Fragrant sumac
Sambucus pubens	1	Scarlet elder
Symphoricarpos albus	1	Common snowberry
*High Flood Tolerance: Generally lowland wet species surviving when flooded or exposed to high water table more than 40% of the growing season.		
*Moderate Flood Tolerance: Generally lowland wet species surviving when flooded or exposed to high water table more than 30% of the growing season but less than 40%.		

Flood Tolerance*	Shade Tolerance **	Common Name
*Intermediate Flood Tolerance: Generally lowland wet-mesic species surviving occasional inundation or elevated water table between 20% and 30% of the growing season.		
*Low Flood Tolerance: Generally upland mesic and mesic-dry species rarely inundated or exposed to an elevated water table for periods of short duration, between 5% and 20% of the growing season.		
*No Flood Tolerance: Generally upland dry species exhibiting immediate and rapid decline frequently culminating in death if inundated or exposed to elevated water table for more than 5% of the growing season.		
**Shade Tolerance: Shade tolerance means able to grow in a state of health and vigor beneath dense shade. In this ranking, shrubs and vines are ranked on a scale of 1 to 5, with 1 being very shade tolerant, and 5 being very shade intolerant.		
Notes: 1. The majority of plants listed are available on the local commercial market and do not displace native species. 2. The cultivated varieties ("cultivars") of the species listed above may also be used. 3. Primary information taken from Hightshoe, Gary, 1987. Native Trees, Shrubs, and vines for Urban and Rural America. Van Nostrand. NY, NY. 4. For further assistance contact Roger Gettig, Landscape Consulting Program, The Holden Arboretum, or Steve Roloson, ODNr Scenic Rivers Program.		

(Ord. 2009-21. Passed 10-27-09.)