

**DRAFT**

CHAPTER 1123  
Definitions

1123.01 Purpose.

1123.02 Definitions.

1123.01 PURPOSE.

(a) It is the purpose of this Chapter to define certain words and terms utilized in this Zoning Code in order to assist in the interpreting of the provisions, regulations and standards of this ordinance.

(b) Unless the context otherwise indicates, the following words shall have the meaning as defined in this Chapter. Words used in the present tense include the future; the singular number shall include the plural; the plural number shall include the singular; the word “building” shall include “structure”; and the word “shall” is mandatory and not directory.

(Ord. 45-08. Passed 12-15-08.)

1123.02 DEFINITIONS.

ACCESSORY USE

A use both subordinate and incidental to the principally permitted use of a lot, and which is located on the same lot or parcel as the principally permitted use and is not larger than the principally permitted use on the lot or parcel, except as may be approved by the Board of Zoning Appeals.

ACCESSORY STRUCTURE

“Accessory Structure” means a building or structure which is secondary and incidental to a principal use or structure.

~~—ADULT DAYCARE FACILITY~~

~~—“Adult Daycare Facility” means a facility providing personal care services to adults (typically elderly). Such services may include assistance in daily living, socialization activities, and preparation of special diets. These facilities shall be licensed by a state or federal agency. Facilities providing the services and functions of Emergency Housing, Protective Care Facilities, or Traditional Housing shall not be considered Adult Daycare Facilities. There are two categories of Adult Day Care Facilities: (a) an adult daycare home~~

~~that provides accommodations for less than four adults; and (b) an adult daycare center that provides accommodations for five or more adults.~~

## ADULT ENTERTAINMENT FACILITIES

“Adult Entertainment Facilities means any of the following:

(a) “Adult arcade” means any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

(b) “Adult bookstore,” “adult novelty store,” or “adult video store” means a commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

(1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;

(2) Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

“Adult bookstore,” “adult novelty store,” or “adult video store” also includes a commercial establishment as defined in section 2907.38 of the Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

(c) “Adult cabaret” means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

(1) Persons who appear in a state of nudity or semi nudity;

(2) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;

(3) Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

(d) "Adult entertainment" means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

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

(f) "Adult motion picture theater" means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

(g) "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

(h) "Distinguished or characterized by their emphasis upon" means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films "that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.

(i) "Nude or seminude model studio" means any place where a person, who regularly appears in a state of nudity or semi nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

(1) A modeling class or studio is not a nude or seminude model studio and is not subject to this chapter if it is operated in any of the following ways:

A. By a college or university supported entirely or partly by taxation;

B. By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;

C. In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.

(j) "Nudity," "nude," or "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

(k) "Regularly features" or "regularly shown" means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

(l) "Seminude" or "state of semi nudity" means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

(m) "Sexual encounter establishment" means a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

(1) Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

(2) Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to section 4731.15 of the Revised Code, is not a "sexual encounter establishment."

(n) "Specified anatomical areas" means the cleft of the buttocks, anus, male or female genitals, or the female breast.

(o) "Specified sexual activity" means any of the following:

(1) Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;

(2) Excretory functions as a part of or in connection with any of the activities described in division (o) (1) of this section.

AGRICULTURAL VEHICLE

An off-road vehicle designed by the manufacturer to be used in the conduct of agricultural activity, rather than as a vehicle to be used to casually carry passengers, and which is not licensed for use on the public right of way. Agricultural vehicle shall exclude semi- tractor trailers unless such vehicle is necessary for the function of the agricultural use.

## AGRICULTURE

~~—“Agriculture” means the use of the land for such purposes as general farming of crops, pasturage, horticulture, viticulture and animal husbandry and the necessary accessory uses for the packaging, treatment or storing of produce; however, the operation of such accessory uses shall be secondary to that of normal agricultural activities.~~

Farming, including dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary incidental uses, all of which are directly related to the production of food. The operation of any incidental uses shall be secondary to that of the normal agricultural activities.

## AGRICULTURE, RESIDENTIAL HORSES

An accessory use to a single-family dwelling that allows the keeping of personal horses, consistent with TCO 1189.19.

## AIRPORT

Premises designated for the use of public or private aircraft.

## ALLEY

A dedicated public right-of-way, not more than twenty feet wide, which provides secondary access to the rear or side of abutting property.

## APARTMENT

A dwelling unit in a multi-family building.

## ~~—ASSISTED GROUP LIVING FACILITY~~

~~—“Assisted Group Living Facility” means a residence for the elderly that provide rooms, meals, personal care and supervision of self-administered medication. The facility may provide other services such as recreational activities and transportation.~~

## ASSISTED LIVING FACILITY CAMPUS

A facility or campus of facilities designed for the care and housing of older adults. These facilities can be of various housing types but provide varying assistance to residents for daily activities such as dressing, grooming, bathing, etc.~~AUTOMOBILE DISMANTLING YARD~~

~~—“Automobile dismantling yard” means any premises used for the dismantling or disassembling of motor vehicles, including the buying, selling or dealing in such vehicles or integral parts or component materials thereof and the storage, sale or salvage of dismantled, partially dismantled, or wrecked, inoperative vehicles. Automobile dismantling~~

~~does not include the incidental storage of inoperative or disabled vehicles in connection with the legal operation of an automobile repair garage or body and fender shop.~~

#### ~~—AUTOMOTIVE FILLING STATION~~

~~—“Automotive filling station” means a place where motor vehicle fuels, lubricants and related automotive products are sold; convenience items included.~~

#### ~~—AUTOMOTIVE REPAIR~~

~~—“Automotive repair” means general repair of passenger cars and trucks, incidental body, frame, fender or painting work, upholstering and engine rebuilding.~~

#### ~~—AUTOMOTIVE SALES, RENTAL AND LEASE~~

~~—“Automotive sales, rental and lease” means a building or buildings and grounds where new and/or used automobiles and trucks, in operating condition, are offered on display for sale, rental or lease.~~

#### ~~—AUTOMOTIVE SERVICES~~

~~—“Automotive services” means an establishment providing general repair to motor vehicles including minor engine repair, tune-ups, oil changes and lubrication, tire and brake installation, and muffl~~

#### AUTO-ORIENTED USE, LIGHT

Auto-oriented uses that are generally located within commercial areas and where there is a high turnover of customer traffic. Uses within this category shall not have any outdoor storage of vehicles or equipment, any outdoor work of vehicles, and shall not require any customer cars to be stored outdoors overnight. Examples include car washes, tire stores, and oil-change shops.

#### AUTO-ORIENTED USE, HEAVY

Auto-oriented uses that are generally located within industrial areas and where there is a low to medium turnover of customer traffic. Uses within this category typically require a customer to leave their vehicle for multiple days and may include outdoor storage or customer cars to be stored outdoors overnight, but outdoor work shall not occur. Examples include, but are not limited to, automobile repair including muffler shops, auto repair garages, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

#### AUTO-SALES, NEW

Any property used for the display and sale of new consumer motor vehicles in operable condition. The minimum lot size required for a new auto sales use is 200,000 square feet.

#### AUTO-SALES, USED

Any property used for the display and sale of used consumer motor vehicles in operable condition. The minimum lot size required for a used auto sales use is 100,000 square feet.

#### AUTO RENTAL

Any property used for the display and rental of motor vehicles, motorcycles, recreational vehicles, and/or trucks in operable condition. Vehicle rental is the use of a motor vehicle for a temporary period of time at an agreed upon amount of money for the rental. This definition does not include the leasing of a vehicle.

#### BANQUET HALL

An establishment providing a meeting space for social gatherings, including but not limited to wedding receptions, graduations parties and business or retirement functions. These gatherings should be one day events and should not be open to the general public but rather a group that has booked in advance; in no instance shall this definition be used to allow a bar / lounge.

#### BAR / LOUNGE / NIGHTCLUB

Bars, nightclubs, lounges or dance halls serving alcoholic beverages for consumption on the premises as a primary use and including on-site service of alcohol, including beer, wine and mixed drinks.

#### BASEMENT

That portion of a building located partly underground but having more than one-half (½) of its floor to ceiling height below the average grade of the adjoining ground.

#### BED AND BREAKFAST

~~—“Bed and Breakfast”, often referred to as a B&B, means lodging typically operated out of a large owner-occupied single family residence where guests can be accommodated at night in one to three private guestrooms (which may or may not be equipped with private baths) and where breakfast is the only meal served to guests. The business may be operated either as a primary occupation or as a secondary source of income, and the staff consists primarily of the house's owner(s) and members of their family who live there.~~

A private owner-occupied residence with one to three guest rooms contained within that structure and operate so that guests reside at the home for a finite and temporary basis. No kitchen facilities may be provided for use by guests.

#### ~~—BEER AND WINE CARRYOUT~~

~~—“Beer and Wine Carryout” means vendors licensed to sell alcoholic beverages, but in sealed containers only, and for consumption off the premises. Non-alcoholic beverages and foodstuffs may be also sold incidentally. No sale of gasoline is permitted on the premises.~~

#### BOARD

The Board of Zoning Appeals of the City of Trotwood.

## BOAT / RV STORAGE (OUTDOORS)

An outdoor structure or area designed for the storage of unoccupied boats or recreation vehicles (RV). This definition shall not include junk yards or storage of inoperable vehicles.

## BOARDING / ROOMING HOUSE

Every dwelling, other than hotels and motels, kept, used or held out to be a place where sleeping or lodging rooms are offered for pay to three (3) or more persons.

## BREWERY

A restaurant-brewery with a production capacity of not more than 15,000 barrels (~465,000 gallons) of malt beverages per calendar year that brews primarily for sale in the restaurant, with 25% or more of malt beverages produced on site also sold on-site. A brewpub shall hold a class A-1A and A1-C liquor permit and may also hold any of the following: A-2, A-4, D-6 [Ohio Revised Code Title 43 Chapter 4303].

## BUILDING

Any structure built for the support, shelter or enclosure of persons, animals, chattel or property of any kind.

## BUILDING AREA

That portion of a site, exclusive of the required setback areas, on which a structure or building may be erected.

## BUILDING HEIGHT

The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof; or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

## BUILDING LINE

A line parallel to the street right-of-way line at any story level of a building and representing the distance which all or any part of the building is to be setback from said right-of-way.

## BUILDING PERMIT

A permit issued after review to a party proposing to fall trees, clear, excavate, or fill land, or commence alterations to a structure or commence erection of a structure; such permit recognizing that the proposed work complies with the provisions of this chapter, the applicable zoning district regulations as well as all other requirements of the Trotwood Planning and Zoning Code, and other pertinent ordinances of the Municipality.

## BUILDING SITE

That portion of a lot, which is occupied by a building or that portion of a site, which is proposed to be occupied by a building and for which a building permit has been issued.

## ~~CAR WASH~~

~~—“Car wash” means a structure in which passenger cars and trucks are washed and/or waxed, either by the patron or employees of the establishment, or by machinery specially designed for such purpose(s).~~

## CARPORT

A permanent roofed structure, which is attached to and constructed of similar materials as the primary structure, with not more than two (2) enclosed sides used or intended to be used for automobile shelter and storage. Temporary carports are not classified as permanent structures and are not permitted.

## CEMETERY

Land used or dedicated to the permanent interment, entombment, inurnment of human and or domestic animal remains, possibly including crematoriums and mausoleums.

## CLINIC

~~—“Clinic” means a place where medical or dental care is furnished to persons on an outpatient basis by two or more doctors or dentists.~~  
A facility in which human patients are admitted for medical or dental study or treatment on an outpatient only basis.

## COMMERCIAL CLEANING

A commercial facility dedicated to the cleaning of fabrics including but not limited to carpeting, rugs, uniforms, or other clothing.

## ~~—COMMERCIAL RECREATION~~

~~—“Commercial Recreation” means any profit making activity which is generally related to the entertainment field such as motion picture theaters, carnivals, comedy clubs, theaters, amusement parks, and similar entertainment facilities. Commercial Recreation facilities shall not include sexually oriented businesses or adult entertainment business.~~

## COMMISSION

The Planning Commission of the City of Trotwood.

## COMMUNITY CENTER

~~—“Community center” means a place where public, cultural, educational and recreational services and activities are offered.~~

A building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational, or cultural activities.

## COMMUNITY GARDEN

A location where a government agency, neighborhood association, church group, or other entity offers seasonal garden plots or a common garden area for use by the public to grow fruits and vegetables for their individual household and/or community use. The term

community garden includes associated parking areas, tool sheds, and water supplies, but not the sale of the items grown on site.

## COMPREHENSIVE PLAN

A plan, or any portion thereof, of the City of Trotwood, as officially adopted and amended by the City Planning Commission. The purpose of such plan is to serve as a guide in the zoning and progressive changes in zoning of land to meet the changing needs, in the subdivision and use of undeveloped land, and in the acquisition of right-of-way or sites for public purposes.

## CONCRETE / ASPHALT PRODUCTION FACILITY

A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the finished product.

## CONDITIONAL USE

A use which may be essential or desirable but which is not allowed as a matter of right within a zoning district. Such uses require approval of a Conditional Use Permit so that the effects of those uses don't negatively impact other properties.

## CONDITIONAL USE PERMIT

A permit which allows the City of Trotwood to consider special uses which may be essential or desirable but which are not allowed as a matter of right within a zoning district. Through a public hearing process the Conditional Use Permit enables the City to control certain uses which could have detrimental effects on the community. Consideration of a Conditional Use Permit application is a discretionary act. Conditions may be imposed as necessary to insure that the proposed use will be compatible with the surrounding properties and environment.

## CONSTRUCTION VEHICLE

Any off-road vehicle designed by the manufacturer to be used in the conduct of construction activity, rather than as a vehicle to be used to casually carry passengers, and is not licensed for use on the public right of way. This definition does not apply to dump trucks and similar construction vehicles designed to be driven on public roads.

## CONTRACTOR'S OFFICE

A location at which a construction contractor maintains an office, a workshop, and/or a facility for the storage of construction equipment and other materials customarily used in the trade carried on by the contractor. No outdoor storage is permitted and all business activities are required to be conducted within a structure.

## CONTRACTOR'S YARD

A location at which a construction contractor maintains an office, a workshop, and/or a facility for the storage of construction equipment and other materials customarily used in

the trade carried on by the contractor. Outdoor storage of materials are permitted and business activity is permitted to be conducted outside a structure.

### CONVENIENCE STORE

A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, alcohol, and other household products. A convenience store may hold up to a Class C-1 Ohio liquor permit.

#### ~~—CONVENIENCE RETAIL STORE~~

~~—“Convenience Retail Store” means any retail establishment offering for sale a relatively limited selection of prepackaged food products, household items, newspapers and magazines, and sandwiches and other freshly prepared foods such as salads, for off-site consumption.~~

~~—“Convenience Retail Store” does not include carry-outs. Convenience Retail Stores are characterized by a rapid turnover of customers and high traffic generation. Convenience Retail Stores may include the sale of gasoline. Convenience Retail Stores may include the sale of beer and wine but only as a minor percentage of sales. “Convenience Retail Stores” definition does not include Beer and Wine Carry-Outs.~~

#### ~~—CORPORATE OR BUSINESS TRAINING FACILITY~~

~~—“Corporate or Business Training Facility” means a place utilized for the vocational training of potential, current or future employees.~~

#### ~~—CPAI-84~~

~~—In 1980, the Industrial Fabrics Association International (formerly the Canvas Products Association) published “A Specification for Flame Resistant Materials Used In Camping Tentage,” referred to as CPAI-84. CPAI-84 has become the standard widely used in the industry and has been adopted by California (19 CCR 332) and other states. The CPAI-84 standard provides test methods for evaluating flame resistance of fabric and other pliable materials in camping tentage. It also provides performance criteria and certification guidelines for suppliers and labeling requirements that identify a tent as being constructed of flame resistant material and caution against action detrimental to the flame-retardant finishes.~~

### CORRECTIONAL FACILITY

A publicly or privately operated facility housing persons awaiting trial and/or persons serving a sentence after being found guilty of a criminal offense. A correctional institution would include a jail, a prison, a work-release center, and any other similar facility. A correctional institution may also include the offices of a sheriff’s department and other similar uses.

#### ~~—CHILD DAY CARE CENTER~~

~~—"Child Day Care Center" means any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven (7) or more children at one time.~~

~~—Cross Reference Ohio Revised Code Section 5104.01.~~

#### ~~—TYPE A FAMILY DAY CARE HOME~~

~~—"Type A Family Day Care Home" means:~~

~~—(a) the permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time;~~

~~—or—~~

~~—(b) a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two years of age.~~

~~—Cross Reference Ohio Revised Code Section 5104.01.~~

#### ~~—TYPE B FAMILY DAY CARE HOME~~

~~—"Type B Family Day Care Home" means a permanent residence of the provider in which care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two years of age at one time.~~

~~—Cross Reference Ohio Revised Code Section 5104.01.~~

#### DAYCARE CENTER, ADULT OR CHILD

A business operated by a person, society, agency, corporation, institution, or any other group for the purpose of providing care, protection, and guidance for adults or children during only part of a 24-hour day.

#### DAYCARE HOME, ADULT OR CHILD

A business operated by a person from their primary residence for the purpose of providing care, protections, and guidance for adults or children during only part of a 24-hour day. Any employees must reside within the residence.

#### TYPE A FAMILY DAY CARE HOME

—(a) the permanent residence of the administrator in which child care or publicly funded child care is provided for seven (7) to twelve (12) children at one time;

—or—

—(b) a permanent residence of the administrator in which child care is provided for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two years of age.

[Cross Reference Ohio Revised Code Section 5104.01.](#)

#### TYPE B FAMILY DAY CARE HOME

[A permanent residence of the provider in which care is provided for one \(1\) to six \(6\) children at one time and in which no more than three \(3\) children are under two years of age at one time.](#)

[Cross Reference Ohio Revised Code Section 5104.01.](#)

#### DIAMETER BREAST HEIGHT

Tree diameter measured at 4 ½ feet above ground level. Diameter can be measured with diameter tape (available from a forestry or arborist supplier) or a tape measure and convert using this ratio (3" on a tape measure = 1" on a diameter tape).

#### ~~—DISTRIBUTION CENTER~~

~~—"Distribution center" means an establishment engaged in the receipt, storage and distribution of goods, products, cargo or materials.~~

#### DISTRIBUTION FACILITY

[A use where goods are received and/or stored for delivery to the final consumer at off-site locations.](#)

#### DISTRICT

A section of the City within which the use of land and structures, and the location, height and bulk of structures is governed by the provisions of this Zoning Code.

#### DRIVEWAY

A private road containing a permanently surfaced area, the use of which is limited to persons residing, employed or otherwise using or visiting the parcel on which it is located.

#### DRY CLEANING / LAUNDROMAT

[An establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk-in basis, generally with patrons dropping off, and picking up their clothing.](#)

#### ~~—DWELLING~~

~~—"Dwelling" means any building, or portion thereof, designed or used exclusively as the residence of one or more persons, but not including tents, cabins, trailers, hotels and motels.~~

~~—(a) "Dwelling, Attached" means a building containing a single dwelling unit and having one or more walls in common with another such unit.~~

~~—(b) “Dwelling, Detached” means a building containing a single dwelling unit and having no walls in common with another such unit.~~

~~—(c) “Dwelling, Multi-Family” means a building or portion thereof designed for or used exclusively for resident purposes by three or more families living independently of one another.~~

~~—(d) “Dwelling, Single-family” means a building designed for or used exclusively for residential purposes by one family.~~

~~—(e) “Dwelling, Two-family” means a building designed for or used exclusively for residential purposes by two families living independently of one another.~~

#### DWELLING, MULTI-FAMILY

A structure designed for and occupied by 5 or more families, with the number of families in residence not exceeding the number of dwelling units provided. The term dwelling, multi-family also includes multiple single, two, and multi-family dwelling units located on a single lot, possibly organized as an apartment complex or under condominium ownership.

#### DWELLING, SINGLE-FAMILY

A structure designed for and occupied by 1 family, and therefore including no more than 1 dwelling unit.

#### DWELLING, THREE/FOUR-FAMILY

A structure designed for occupancy by 3 or 4 families and therefore including no more than 3 or 4 dwelling units. The term dwelling, three/four-family may also include two two-family dwellings located on a single lot.

#### DWELLING, TWO-FAMILY

A structure designed for occupancy by 2 families and therefore including no more than 2 dwelling units. The term dwelling, two-family may also include two single-family dwellings located on a single lot.

#### DWELLING UNIT

A single family, two-family, or multi-family dwelling used by one family for cooking, living and sleeping purposes.

#### ~~—EDUCATIONAL INSTITUTION (ELEMENTARY)~~

~~—“Elementary education institution” means a facility that provides a curriculum of elementary academic instruction, including kindergartens and elementary schools. This definition does not include private training schools such as driving, beauty, secretarial schools, etc. Nor does it include junior high schools, high schools, technical and collegiate level courses.~~

#### ~~—EDUCATIONAL INSTITUTION (SECONDARY)~~

~~—"Secondary education institution" means a facility that provides a curriculum of secondary academic instruction, including junior high schools, high schools, technical and collegiate level courses. This definition does not include private training schools such as driving, beauty, secretarial schools, etc. Nor does it include kindergartens and elementary schools.~~

#### EQUIPMENT SALES / RENTAL

Establishments primarily engaged in the sale or rental of tools, construction equipment, agricultural implements, and similar agricultural equipment.

#### EVENT / CONFERENCE CENTER

A facility that is operated and staffed by a permanent business that holds scheduled events such as conferences, performances, guest speakers, or similar events. Such a venue shall be staffed by the permanent business during any events.

#### ESSENTIAL SERVICES

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by City or other Governmental agencies underground or overhead gas, electrical, steam or water generation, transmission or distribution systems; including buildings, structures, towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment or accessories and the use of land in connection therewith, for the furnishing of adequate service by such public utilities or City or other governmental agencies or for the public health, safety and morals.

#### FAMILY

A group of individuals, not necessarily related by blood, marriage, adoption or guardianship living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

#### FARM ANIMAL (LARGE)

Any domestic species of cattle, sheep, goats, llamas, alpacas, ostriches, emus or horses, except swine, which are normally or historically, been kept and raised on farms in the United States, and used or intended to be used as a transportation, food or fiber source.

#### FARM ANIMAL (SMALL)

Any domestic species of poultry (wings shall be clipped), rabbits, mink or chinchilla which are normally and have historically, been kept and raised on farms in the United States, and used or intended to be used as food or fiber.

#### FARMER'S MARKET

A commercial operation and/or facility through which one or more farms offer seasonal products for sale. A farmers' market includes only those sales operations which occur in a

pre-designated location and in which the vendors are the same entities which have raised the products for sale. A farmers' market occurs off-site from the location where the products have been raised. A farmers' market may include products in which items raised on the farm are the primary ingredients (such as pies, jams, jellies, etc.)

#### ~~—FAST FOOD RESTAURANT~~

~~—“Fast food restaurant” means an establishment that sells prepared food either indoors or outdoors in disposable containers (e.g., paper or plastic). These uses include retail bakeries that provide on-site seating.~~

#### FENCE

An enclosure or barrier which physically and/or visually contains certain uses and activities which are carried out on a particular parcel of property. Fences may be constructed of natural or manmade materials.

#### FINANCIAL INSTITUTION

~~—“Financial Institution” means an establishment which the principal use or purpose of which is the provision of financial services including, but not limited to: banks, accessory facilities for automated teller machines (ATM's), credit unions, savings and loan institutions and mortgage companies.~~

Any establishment wherein the primary use is concerned with such federal or state-regulated business as banking, savings and loans, loan companies, and investment companies.

#### FITNESS CENTER

A place or building where passive or active exercises and related activities are performed for the purpose of education, physical fitness, improved circulation or flexibility, and/or weight control.

#### FLOOR AREA

(a) For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the interior faces of the exterior walls. The floor area measurement is exclusive of areas of basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches, but includes basement areas which are approved under the building code and designed and used for dwelling purposes.

(b) For the purpose of computing parking requirements, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, for utilities or sanitary facilities, and hallways, stairways and elevator shafts shall be excluded from this computation of FLOOR AREA. Measurements of useable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls."

## FLOOR AREA RATIO

The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

## FOOD & BEVERAGE PRODUCTION

The large-scale processing of raw ingredients and materials to create finished or unfinished food and beverages. In no instance shall this term be interpreted as including any type of Brewery or Microbrewery / Artisan Distillery.

## FOOD TRUCK VENDOR

~~—“Food Truck Vendor” means any~~Any commercially manufactured, self-contained motorized vehicle currently licensed by the Ohio Department of Motor Vehicle and Public Health Dayton & Montgomery County selling food prepared specifically on site within the self-contained vehicle.

## FOSTER HOME

A private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Foster home facilities shall be approved by the appropriate public or private health/welfare agency.

Cross Reference Ohio Revised Code Section 5103.02.

## FUELING STATION

Any facility designed and constructed primarily for the use of supplying individual vehicles oil, gasoline, diesel, electricity or other sources of power. A convenience store attached to a fueling station shall be considered a fueling station for the purposes of this Ordinance.

## FUNERAL HOME

A facility used for the preparation or cremation of the deceased for display and burial and the conducting of rituals and rites associated with burial or cremation.

## GARAGE

~~—“Garage” means a~~A fully enclosed accessory building used only for the storage of vehicles and incidental personal property.

## GARDEN STORE / PLANT SHOP

A retail establishment that primarily sells garden implements, plants, landscaping materials, and related accessories. Shall not include businesses that sell and store large quantities of item such as mulch for wholesale.

## GENERAL INDUSTRIAL PRODUCTION

Industrial production involving manufacturing, fabrication, and related processes.

#### GOVERNMENT FACILITY, NON-OFFICE

A building, group of buildings, and/or piece of property operated or occupied by the local governmental agency (Trotwood) to provide a governmental service to the public. Government facility, non-office includes the storage and servicing of vehicles and equipment, the storage of bulk supplies and materials, and specialized training facilities (such as a fire training facility).

#### GOVERNMENT FACILITY, OFFICE

An office space or facility occupied by a local governmental agency (Trotwood) that provides a governmental service to the public.

#### GROCERY STORE

A facility specializing in the retail sales of food, typically specializing in fresh produce and / or meat products.

#### GROUP HOME

A publicly or privately operated home or facility operated by person(s) other than the residents themselves, in which two to sixteen unrelated persons reside for a period of more than twenty-four hours, and which is used or intended to be used for the purpose of letting rooms, providing meals and/or providing personal assistance, personal services, personal care and protective care but not skilled nursing care, designed to help the residents adjust to the community and society. Group Homes shall be approved by the appropriate public or private agency.

(a) "Adult Group Home" means a Group Home for persons 18 years or older.

(b) "Youth Group Home" means a Group Home for persons under the age of 18.

"Group Home" includes but is not limited to residential facilities as defined by Ohio R.C. 5119.34, and facilities commonly known as three quarter-way homes, halfway houses, transitional residences, custodial and diagnostic homes, boarding homes, and community alternative homes.

"Group Home" shall not include:

(a) licensed residential facilities for persons with disabilities established under Ohio R.C. 5123.19.

(b) a facility licensed under Ohio R.C. 5119.37 to operate an opioid treatment program.

(c) foster homes.

(d) assisted living homes for the elderly.

(e) nursing homes.

(f) hospice care.

(g) any facility that receives funding for operating costs from the department of development under any program established to provide emergency shelter housing or transitional housing for the homeless.

(h) child-care centers.

(i) "independent living" in which residents themselves operate the home or facility.

#### HAZARDOUS MATERIALS PRODUCTION & STORAGE

All structures, other appurtenances, and any improvement to the land used for treating, storing, processing, or disposing of hazardous materials.

#### HISTORIC TREE

~~—“Historic tree” means any~~ Any tree which has a diameter breast height (DBH) of 30 inches or larger.

#### HOME OCCUPATION

~~—“Home occupation” means any~~ Any occupation, profession, activity or use which is customarily incidental to the principal 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

An institution where sick or injured persons are given medical care and, during the course of that treatment, are housed overnight, fed, and provided nursing and related services. Related services include diagnostic facilities, laboratories, hospices, outpatient facilities, treatment facilities, and training facilities. Hospital does not include nursing homes, retirement facilities, shelters, or institutions for developmentally disabled/mentally ill.

#### HOTEL

~~—“Hotel” means a facility with room entrances accessed through an interior corridor, offering transient lodging accommodations for a daily rate to the general public and possibly providing additional services such as: restaurants, taverns, meeting rooms and recreational facilities. “Bed and Breakfast” facilities are not included under this definition.~~

A building in which lodging is provided and offered to the public for compensation, and in which egress and ingress from all rooms is made through an inside lobby or office. “Bed and Breakfast” facilities are not included under this definition.

#### IMPERVIOUS SURFACE RATIO

The measure of the intensity of a land use on a lot or parcel which is determined by dividing the total area of all impervious surfaces on the site by the area of the lot or parcel.

#### JUNK

Old or scrap copper, brass, rope, rags, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or nonferrous materials which are not held for sale for melting purposes by an establishment having facilities for processing those materials.

#### ~~JUNK YARD~~

~~"Junk yard" means an establishment or place of business, other than an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for re-melting purposes, which is maintained or operated for the purpose of storing, keeping, buying or selling junk or for the maintenance or operation of an automobile graveyard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed ninety days exclusively for storage, repair or resale without alteration.~~

#### KENNEL

Any building or property which is used, in whole or part, for the breeding and subsequent boarding of typical household animals (cats, dogs, rabbits, etc.) with the intention of selling the aforementioned animals as a commercial good. ~~"Kennel" means any premises except animal hospitals, where three or more dogs, cats or other household pets which are over the age of six months are sold, boarded or bred.~~

#### LANDSCAPING

The placement of materials such as grass, flowers, shrubs, hedges, trees, decorative walls and fences, and berms improved with ground cover, within a designated area.

#### LIBRARY

A public facility in which literary, musical, artistic, or reference materials are kept for use or loaning to patrons of the facility, but are not normally offered for sale.

#### LIGHT INDUSTRIAL ASSEMBLY & PRODUCTION

Assembly and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effect of processing such as smoke, noise, odor, etc.

#### LIQUOR SORE

A store that offers retail and/or wholesale liquor, including wine and beer and where the consumption of those items does not occur on-site.

#### LOADING SPACE

An off-street space or berth on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

## LOT

A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces as are required by this Zoning Ordinance, and having frontage on a public or an approved private street.

(a) "Lot area" means the area of land within the boundary of a lot.

(b) "Corner Lot" means a lot at the junction of and abutting on two or more intersecting streets where the intersection does not exceed 135 degrees.

(c) "Lot depth" means the mean horizontal distance between the front and rear lot lines.

(d) "Double frontage Lot" means an interior lot having frontage on two non-intersecting streets.

(e) "Lot frontage" means the distance between the side lot lines, measured by a line drawn parallel with the front lot line at a point of required minimum front yard depth.

(f) "Interior Lot" means a lot other than a corner lot.

(g) "Front Lot Line," means, in the case of an interior lot, a line separating the lot from the street; and in the case of a corner lot, a line separating the narrowest lot frontage of the lot from the street.

(h) "Rear Lot Line" means the lot line opposite and most distant from the front lot line.

(i) "Side Lot line" means any lot line other than a front or rear lot line.

## LOT OF RECORD

Any lot which is part of a subdivision, the plot of which has been recorded in the office of the Recorder of Montgomery County; or a parcel of land, the deed of which was of record as of the effective date of this Zoning Code.

## MANUFACTURING

The assembling, altering, converting, fabricating, finishing, processing or treatment of a product.

## MARIJUANA CULTIVATION FACILITY—~~MANUFACTURING, LIGHT~~

A facility where an adult use cultivator or a level III adult use cultivator is authorized to operate. R.C. 3780.01

~~—"Light Manufacturing" means the assembling, altering, converting, fabricating, finishing, processing or treatment of a product which is conducted wholly within an enclosed building and one which does not emit odors, glare, heat, vibrations, noises or hazardous processes outside of said enclosed building.~~

#### ~~—MEDICAL MARIJUANA CULTIVATOR~~

~~—“Medical Marijuana Cultivator” means the use by the holder of a current, valid cultivator license issued by the State of Ohio per ORC 3796.18 to cultivate medical marijuana or deliver or sell medical marijuana to one or more licensed processors.~~

#### ~~—MEDICAL MARIJUANA DISPENSARY~~

~~—“Medical Marijuana Dispensary” means the use by the holder of a current, valid retail dispensary license issued by the State of Ohio per ORC 3796.20 to obtain medical marijuana from one or more processors and/or dispense or sell medical marijuana in properly labeled packaging.~~

#### ~~—MEDICAL MARIJUANA PROCESSOR~~

~~—“Medical Marijuana Processor” means the use by the holder of a current, valid processor license issued by the State of Ohio per ORC 3796.19 to obtain and process, package or label medical marijuana from licensed cultivators for the purpose of preparation to dispense or sell.~~

#### MARIJUANA DISPENSARY

A facility who has a certificate of operation to operate a dispensary under Chapter 3796 of the Revised Code and Chapter 3796 of the Administrative Code or under Chapter 3780.01 of the Revised Code, this chapter and any rules promulgated there under, to sell adult use cannabis as authorized.

#### MARIJUANA PROCESSOR

A facility licensed pursuant section 3780.14 of the Revised Code, and any rules promulgated thereunder to manufacture adult use cannabis as authorized.

#### MANUFACTURED HOME SALES

The sale and incidental storage of single-family detached housing that includes mobile homes and manufactured homes.

#### MICROBREWERY / ARTISAN DISTILLERY

A facility for the production and packaging of malt beverages and/or distilled spirits for distribution, retail, or wholesale, on or off-premise, with a production capacity of not more than 15,000 barrels of malt beverage or 10,000 gallons of distilled spirits per calendar year, and less than 25% of its products sold onsite. The facility may include tastings, a restaurant, a bar, and/or event space. A microbrewery / artisan distillery shall hold at least one of the following liquor permits: A-1C, A-2, or A-3.

#### MINERAL EXTRACTION

Any operation where soil, topsoil, water, loam, sand, gravel, clay, rock, peat, or other mined material is removed from its natural location or where it is handled for use off-site.

including incidental uses and activities such as processing facilities, access roads, structures, offices, parking areas, and stockpiles.—~~MINI-WAREHOUSE~~

~~—“Mini-warehouse” means a facility which provides self-storage units of varying sizes only within one or more completely enclosed buildings leased or rented for varying periods of time.~~

#### MINI SELF-STORAGE FACILITY

A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of goods.

#### ~~—MIXED-USES~~

~~“Mixed uses” means two or more permitted uses within the same building or structure.~~

#### MIXED-USE, LOW INTENSITY

A building in which multiple uses are located, with commercial or service uses being located on the ground floor with residential uses above. Any proposed commercial to be located in the building must be either a permitted or conditional use within the zoning district the property is located in. Low intensity mixed-use development shall not exceed a FAR (Floor Area Ratio) of 0.5 and a density of 8 units/acre for upper floor residential.

#### MIXED-USE, HIGH INTENSITY

A building in which multiple uses are located, with commercial or service uses being located on the ground floor with residential uses above. Any proposed commercial to be located in the building must be either a permitted or conditional use within the zoning district the property is located in. High intensity mixed-use development shall not exceed a FAR (Floor Area Ratio) of 0.75 and a density of 30 units/acre for upper floor residential.

#### MOBILE HOME / MANUFACTURED HOME PARK

A parcel of land containing 2 or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings. A Manufactured Home Park does not involve sales of Mobile Home Dwellings or Manufactured Dwellings or storage areas in which unoccupied units are parked for inspection or sale.

#### **MOBILE VENDOR**

Any commercially manufactured, self-contained motorized vehicle currently licensed by the Ohio Department of Motor Vehicles and Public Health Dayton & Montgomery County selling retail items and prepackaged food products.

#### **MONARCH TREE**

Any tree which has a diameter breast height (DBH) of thirty (30) inches or larger.

## MOTEL

An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space but not including an oven, located on a single lot, and designed for use by transient automobile tourists for the purpose of temporary lodging. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture. ~~“Motel” means a facility with exterior room entrances, offering transient lodging accommodations for a daily rate to the general public and possibly providing additional services such as: restaurants, taverns, meeting rooms and recreational facilities. “Bed and Breakfast” facilities are not included under this definition.~~

## MUSEUM

A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, or literary materials, objects of interest, or works of art, and designed to be observed by the public with or without an admission charge. It may include as an accessory use the sale of goods to the public.

## NATURE PRESERVE

An area in which plants, animals, and topographic features are protected in their current, natural condition.

## NONCONFORMING

A legally existing use, structure or land at the time of adoption of this Zoning Code or any amendment thereto, and which does not conform with the regulations of the district in which it is located.

## NURSING ~~AND CONVALESCENT~~ HOME

A facility designed for 24-hour per day care of the aged, infirm, or any other person in need of nursing care which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics. Nursing home does include physical therapy equipment used in an on-going basis for the rehabilitation of patients. ~~“Nursing and convalescent home” means an establishment operated as a lodging house in which five or more unrelated convalescent, aged and/or invalid persons, not including those suffering from contagious or mental diseases, alcoholism or drug addiction, or those requiring surgery, are provided nursing, dietary and other personal services.~~

## OFFICE

Administrative, executive, professional, research, or similar organizations, as well as laboratories having only limited contact with the public, with no merchandise or merchandising services sold on the premises. Outdoor storage is not permitted in association with any use defined as an office.—~~“Office” means a building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.~~

#### OFF-STREET PARKING SPACE

A permanently surfaced area for vehicular parking measuring not less than ten feet in width by twenty feet in length, exclusive of driveways and access drives.

#### OPEN SPACE

A land area including resource protection, recreation amenities and buffer yards or water body designed and intended for the use and enjoyment of the public or members of a homeowners association or other similar group.

#### OUTDOOR RECREATION SALES

Any establishment that sells and / or services recreational vehicles or large equipment such as campers, boats, or similar vehicles.

#### PARK / PLAYGROUND

Any public or private land and related structures, including athletic facilities, shelter houses, and maintenance facilities that are designed to provide recreational, educational, cultural, or aesthetic use to the community.

#### PARKING LOT / GARAGE

An open off-street area to be used for the storage of motor vehicles for limited periods of time and open to the general public. A parking lot includes all parking spaces, interior drives, and maneuvering areas.

#### PATIO

A paved surfaced area, open on at least one side, which is customarily incidental to a dwelling unit.

#### PERSONAL CARE SERVICES

An establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, or tanning salon.—~~“Personal services” means activities conducted in an office, store or other place of business, catering to the personal needs of a customer such as normally provided by a barber, beautician, tailor, dressmaker, shoe repair and similar.~~

## PET BOARDING FACILITY

An establishment operating that keeps, houses, and maintains dogs solely for the purpose of providing shelter, care, and feeding of the dogs on a temporary basis.

## PLACE OF WORSHIP

The use of a building and/or property by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility, such as day-care center or school. Worship facility includes synagogue, temple, mosque or any other like facility used primarily for worship and religious activities.

## PLANNED UNIT DEVELOPMENT

Land under unified control, planned and developed as a whole according to comprehensive and detailed plans. Development may be a single operation or a definite sequential series of development operations including all lands and buildings, with a program for provisions, operation and maintenance of such areas, improvements and facilities necessary for common use by the occupants of the development.

## PORCH

A structure which is attached to an outer wall, open on at least two sides, and is covered by a roof.

## POWER GENERATION FACILITY

A commercial facility that produces usable electricity by harnessing any array of resources including fossil fuels, water, wind, and solar sources.

## ~~—PRIVATE SCHOOLS~~

~~—"Private schools" means institutions, organizations, businesses and individuals providing training and education of individuals and groups for a fee. Private schools shall include art schools, dancing schools, secretarial and business schools, etc. but does not include uses classified under the definition of "Educational Institution."~~

## ~~—PROFESSIONAL SERVICES~~

~~—"Professional Services" means activities conducted in an office, store or other place of business providing services of a recognized profession such as an attorney at law, accountant, architect, engineer, consultant, real estate agent, etc.~~

## PROTECTIVE BARRICADE

A physical structure not less than four feet in height, limiting access to protected and significant trees. A suitable protective barrier shall be composed of wood or another durable material, which insures protection of protected trees and significant trees during development.

## PUBLIC UTILITY

A closely regulated enterprise with a franchise for providing to the public a utility service, such as gas and electric, deemed necessary for the public health, safety and welfare.

#### ~~RECREATION, ACTIVE~~

~~—“Active Recreation” means the improvement of the land, open to the general public, which provides facilities serving the recreational needs of the community. Active recreation areas may include, but are not limited to: public swimming pools, athletic fields, tennis courts, community centers and playgrounds.~~

#### ~~—RECREATION, COMMERCIAL~~

~~—“Commercial Recreation” means land or facilities operated as a business and are open to the general public for a fee that may include, but is not limited to: rollerblade rental, billiard parlors, go-cart tracks, amusement parks, pay to play athletic fields, golf courses or sports stadiums.~~

#### ~~—RECREATION, NON-COMMERCIAL~~

~~—“Non-commercial Recreation” means any land or facility operated by a governmental agency or a non-profit organization which is open to the public or members of the non-profit organization, without a fee, that may include, but is not limited to: picnic areas, bike/hike trails or athletic fields.~~

~~—~~

#### ~~—RECREATION, PASSIVE~~

~~—“Passive Recreation” means the use of unimproved land, in its natural state and open to the general public, which provides for a variety of activities for the outdoor exercise and activity needs of the community. Passive recreation may include, but are not limited to: unimproved backpacking trails and hiking trails and primitive camping.~~ RECREATION, INDOORS

Recreational uses that tend to serve a community-wide area and where the activities are completed entirely indoors. Examples of indoor recreational uses include but are not limited to arcades, bowling alleys, skating rinks, and indoor athletic facilities. In no instance shall this definition be used for bars, brewpubs, or microbreweries / artisan distilleries.

#### RECREATION, OUTDOORS

Recreational uses that tend to serve a community-wide area and where the activities are completed primarily outdoors but may have indoor components that are accessory to the outdoor activity. Examples of outdoor recreational uses include but are not limited to golf courses, driving ranges, outdoor swimming pools, tennis courts, baseball fields, and outdoor athletic facilities.

#### RECREATIONAL VEHICLES

Travel trailers, pickup trucks with slide-in campers, motorized homes, fold-tent trailers, and boats and boat trailers.

## RECYCLING CENTER

A facility where recyclable materials are sorted and temporarily stored prior to shipment for remanufacturing into new materials. All activities related to this facility shall take place in principal or accessory buildings. This definition shall not include junk yards or waste disposal facilities.

## ~~—RESTAURANT~~

~~—“Restaurant” means an establishment that sells prepared food or beverages either indoors or outdoors in non-disposable containers. A restaurant may provide for the accessory sale of food and nonalcoholic beverages for off-site consumption provided that all food and beverages sold for on-site consumption are served in non-disposable containers.~~

## RESTAURANT, SIT DOWN

A structure in which the principal use is the preparation and sale of food and non-alcoholic beverages.

## RESTAURANT, FAST-FOOD / DRIVE-THROUGH

A structure in which the principal use is the preparation and sale of food and non-alcoholic beverages, with sales taking place both inside the restaurant and by means of a drive-up window.

## RESEARCH & DEVELOPMENT

A structure or group of structures used primarily for applied and developmental research where product testing is an integral part of the operation and goods or products used in the testing may be manufactured and stored.

## ~~—RETAIL SALES~~

~~—“Retail Sales” means an establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption and rendering of services incidental to the sale of such goods.~~

## RETAIL, GENERAL

Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the business. These businesses typically serve a community-wide area.

## RETAIL, SMALL-SCALE

Retail uses that tend to serve a local area and include establishments such as delicatessens, bakeries, gift shops, and ice cream shops.

## RETAIL, WHOLESALE

An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

## RIGHT OF WAY

Any land which is reserved, used or designated by the City of Trotwood for future use which may include but shall not be limited to: utility easements, quasi- public easements, easements, streets, walkways or bikeways, drainage, utilities, etc...

## SCHOOL, PRE-SCHOOL THROUGH 12

A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Ohio School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools. As an accessory use, may also include dormitories for students to be housed. Dormitories provide sleeping quarters for students and communal spaces such as bathrooms and kitchens.

## ~~—SERVICE CLUB~~

~~—"Service Club" means an association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases the premises, the use of which premises is restricted to such members and their guests.~~

## SETBACK LINE

The closest point at which a building or structure may be placed in relation to the lot line.

## SHOOTING RANGE

Any non-residential or commercial establishment at which firearms are discharged for the purpose of recreation and/or entertainment.

## SIGN

Any object, device, display or structure or part thereof situated outdoors or adjacent to the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images." (For other sign definitions see Chapter 1185.)

## SIGN, WARNING

Any sign indicating danger or a situation which is potentially dangerous.

## SMOKE LOUNGE

A smoking establishment whose business operation, whether as its primary use or as an ancillary use, is devoted to on-premise smoking. This also includes uses such as a hookah

bar, which includes but is not limited to establishments variously known as hookah parlors, hookah cafes, and hookah lounges.

#### SMOKE SHOP

A retail establishment that specializes in the sale of smoking products and accessories. Examples of this may include, but are not limited to, cigarettes, cigars, vapes, pipes, hookahs, and others. This definition shall not include the sale of recreational or medical marijuana, consistent with Ohio Revised Code 3780.01

#### SOCIAL CLUB

A facility owned and/or operated by a 501(C)3 non-profit group for the purposes of social engagement and for which membership is required for participation.

#### STORY

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

#### STREET

An improved public right-of-way which provides a public means of access to abutting property. The term "street" shall include avenue, drive, circle, court, road, parkway, boulevard, highway, thoroughfare or other similar term, except alley.

#### STRUCTURE

Anything constructed or erected which requires location on the ground or attachment to something having location on the ground.

#### SWIMMING POOL

A water filled enclosure, permanently constructed or portable, having a depth of more than eighteen (18) inches below the level of the surrounding land, or an above surface pool of more than thirty (30) inches in depth, designed, used and maintained for swimming and bathing.

#### ~~TAVERN~~

~~—"Tavern" means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.~~

#### TENT

A temporary structure having a roof and/or walls of fabric.

#### THEATER

A facility for audio and visual productions and performing arts.

## THOROUGHFARE PLAN

The Official Thoroughfare Plan of, and as adopted by, the City of Trotwood Planning Commission, establishing the location and official right-of-way widths of principal highways and streets in the City, together with all amendments thereto subsequently adopted.

### TRADE / BUSINESS SCHOOL

A specialized instructional establishment that provides onsite training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. Includes vocational schools and career centers.

### TRUCK STOP / TRAVEL CENTER

A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility. To be considered a truck stop / travel center, a facility shall include at least four of the components listed above.

### TRUCK & TRAILER SALES & SERVICE

Any establishment that sells and / or services semi-tractor trailers, grain trucks, consumer trailers, and other vehicles similar in size. Inoperable trucks may be stored on a temporary basis, and only if they are to be serviced.

### TRUCK TERMINAL

~~—“Truck Terminal” means a~~A premises which is used for loading or unloading trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of two or more trucks.

### UNIVERSITY / COLLEGE

An institution for post-secondary education, public or private, offering courses in general, technical, or religious education. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution. A university shall not include trade schools operated for profit.

### USE

The purpose for which a lot or structure is or may be leased, occupied, maintained, arranged, designed, intended, constructed, erected, moved, altered or enlarged.

(a) “Accessory Use” means a use or structure subordinate to the principal use of a building or to the principal use of the land, which is located on the same lot or parcel as the

principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.

(b) “Conditional Use” means a use which is permitted in a district only if a zoning permit therefore is expressly authorized by the Board of Zoning Appeals in accordance with Chapter 1133, Conditional Uses.

(c) “Principal Use” means a use which is permitted as-of-right in a district for which a zoning permit shall be issued by the Zoning Administrator, provided that the applicant meets the applicable requirements of this Code.

## VARIANCE

A modification of the strict terms of the relevant regulations of this Code, where such modification will not be contrary to the public health, safety and welfare and, where owing to conditions peculiar to the property and not to the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

### VETERINARIAN OFFICE, NO OUTDOOR KENNELS

An establishment for the care, observation, or treatment of domestic animals. A veterinarian's office can include, as an accessory use, the boarding, training, or grooming of animals provided that no outdoor runs or kennels are present and all business activity is conducted indoors.

### VETERINARIAN OFFICE, OUTDOOR KENNELS

An establishment for the care, observation, or treatment of domestic animals. A veterinarian's office can include, as an accessory use, the boarding, training, or grooming of animals that may occur outdoors.

## WALL

A masonry structure intended to act as an enclosure, barrier or divider along a property line.

### WAREHOUSE

A building where raw materials or manufactured goods may be stored before their export or distribution of sale.

### WASTE DISPOSAL FACILITY

Any facility that functions to store or dispose of waste including incinerators, junk metal yard, sanitary landfills, refuse dumps, and inoperable vehicle storage.

### WASTEWATER TREATMENT FACILITY

Any facility designed for the treatment of wastewater that serves an entire community, region, or specific geographic area.

## WHOLESALE

An establishment or place of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

## YARD

A space on the same lot with a main building, open, unoccupied and unobstructed from the ground up.

(a) "Front Yard" means an open space extending the full width of the lot between a building and the front lot line.

(b) "Rear Yard" means an open space extending the full width of the lot between a building and the rear lot line. (Also see 1189.11 CORNER LOTS)

(c) "Side Yard" means an open space extending from the front yard to the rear yard between a building and the nearest side lot line.

## ZONING

The act of regulating the use of land and the size of and location of buildings and structures on the land, such regulations being designed to assure the health, safety and general welfare of a community.

## ZONING ADMINISTRATOR

The administrator of the Planning and Zoning Code of the City of Trotwood, as appointed by the City Manager.

(Ord. 20-23. Passed 6-5-23.)