

**CHAPTER 1103
Definitions**

1103.01 Interpretation 1103.02 Definitions

1103.01 Interpretation.

For the purpose of this Zoning Code, terms or words used herein shall be interpreted according to this Section. In the case of a discrepancy in meaning or implication between the text of this Code and any illustration or caption, the text shall control.

- (a) The word "shall" signifies a mandatory requirement, one that is not discretionary; the word "may" signifies a permissive or discretionary requirement; and the word "should" is a preferred requirement.
- (b) The word "building" includes the word "structure."
- (c) The word "person" includes a firm, association, organization, partnership, trust, company, corporation, or similar entity, as well as an individual.
- (d) The words "used" and "occupied" include the words "arranged, designed, constructed, altered, or intended to be used."
- (e) The word "lot" includes the words "plot" and "parcel."
- (f) BZA shall mean Board of Zoning Appeals.
- (g) The words "the Commission" or "Planning Commission" shall mean the City of Wooster Planning Commission
- (h) The word "Wooster" shall mean the City of Wooster, Ohio.
- (i) The words "Planning and Zoning Code" shall mean the Planning and Zoning Code of the City of Wooster Ohio.
- (j) ORC shall mean the Ohio Revised Code. This Zoning Code cites specific code sections from the ORC, and while these code sections may change after the adoption of this Zoning Code, the intent of these referenced sections shall remain.
- (k) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (l) Whenever a number of days are specified, days shall mean calendar days unless specifically noted otherwise.

1103.02 Definitions.

- (a) Words used in this Ordinance are used in their ordinary English usage.

- (b) For the purpose of this Zoning Ordinance, the following terms shall have the meaning herein indicated:
- (1) **Abut.** To physically touch or border upon; or to share a common property line but not overlap. For the purposes of this Zoning Code, abut shall include properties separated by a publicly dedicated alley.
 - (2) **Accessory structure.** A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.
 - (3) **Adjacent.** See abut.
 - (4) **Adult care facility.** A facility providing personal care services to adults (typically elderly). Such services may include assistance in daily living activities and self-administration of medicine, and preparation of special diets. There are two categories of adult care facilities licensed by the Ohio Department of Health:
 - A. An adult family home (providing accommodations for 3 to 5 unrelated adults); and,
 - B. An adult group home (providing accommodations for 6 to 16 unrelated adults).
 - (5) **Agriculture.** The use of land for agricultural purposes, including farming, dairying, pasturage, horticulture, floriculture, viticulture, and animal and poultry husbandry, and necessary accessory uses, including the accessory structures necessary for carrying out farming operations and the residence of the person who owns or operates the farm, and the family thereof; provided, however, the following shall not be permitted in connection with any agricultural use:
 - A. The maintenance and operation of commercial greenhouses or hydroponic farms, the raising of poultry or furbearing animals, as a principal use;
 - B. The raising of livestock fed from garbage or offal, and the feeding or grazing of animals or poultry in either penned enclosures or in open pasture within 100 feet of any lot line, are not permitted in any zoning district.
 - C. The operation or maintenance of a stock yard or feedlot is not permitted in any zoning district.
 - D. Wholesale or retail sales as an accessory use, unless the same are specifically permitted by this Planning and Zoning Code.
 - (6) **Alley.** A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation.

- (7) **Animal hospital/clinic.** A facility where domestic animals are given medical or surgical treatment and the boarding of animals occurs only as an incidental use for not more than 30 days. This facility may include outdoor runs or boarding facilities as an accessory use where permitted.
- (8) **Aquifer.** A glacial formation, group of glacial formations, or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.
- (9) **Architectural compatibility.** A design or material/color selection is compatible when it does not strongly deviate from its parent building or the overall character of the neighborhood. To be compatible does not require look alike designs, but rather designs that reflect some aspects of its parent building or buildings in the general vicinity, such as scale of windows, overhangs, building materials, patterns of siding, roof slope. Conversely, incompatibly occurs when an architectural design, landscape design or accessory building proposal is aesthetically harsh or overwhelming in comparison to its neighbors.
- (10) **Architectural feature.** In the context of Chapter 1171, Sign Regulations, an architectural feature means any construction attending to, but not an integral part of, the sign, which may consist of landscape, building, or structural forms that enhance the site in general; also, graphic stripes and other architectural painting techniques applied to a structure that serves a functional purpose, or when the stripes or other painting techniques are applied to a building provided such treatment does not include lettering, logos or pictures related to the intended message of the sign.
- (11) **Assembly hall.** An establishment providing meeting space for social gatherings, including but not limited to wedding receptions, graduations parties and business or retirement functions. This term includes, but is not limited to, a banquet hall or rental hall.
- (12) **Automobile service station.** (See also Gasoline Station): A building, part of a building, structure or space which is used for the retail sale of lubricants and motor vehicle accessories, the routine maintenance and service of vehicles and the making of repairs to motor vehicles. Repairs described under VEHICLE REPAIR GARAGE shall not be permitted.
- (13) **Average.** The result of dividing the sum of two or more quantities by the number of quantities.
- (14) **Bank.** An establishment providing retail banking, credit and mortgage services. This term shall not include a currency exchange, a payday loan agency or a title loan agency.

- (15) **Basement or cellar.** That portion of a building located partly underground but having at least 1/2 of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- (16) **Bed and breakfast establishment.** A residential building, other than a hotel or motel, where overnight lodging, together with breakfast, is offered to the general public in exchange for a daily fee.
- (17) **Berm.** An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
- (18) **Block face.** A single side of a dedicated street running from street to street including parcels and public right-of-way.
- (19) **Boarding house.** A building or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for more than three (3) unrelated persons where no cooking or dining facilities are provided in the individual rooms.
- (20) **Buffer or buffer yard.** A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.
- (21) **Building.** Any structure having one or more floors and a roof supported by columns or walls, which is completely enclosed and is designed or intended for the shelter or protection of persons, animals or property.
 - (a) **Building, accessory:** A subordinate building detached from, but located on the same lot as, the principal or main building, the use of which is incidental and accessory to the principal building or use and which is constructed subsequent to the principal building or main use of the land.
 - (b) **Building, principal:** A building occupied by the main use of the lot on which said building is located.
- (22) **Building height.** The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure excluding:
 - A. Chimneys, flues, stacks, fire escapes, gas holders, elevator enclosures, ventilators, skylights, water tanks, and similar roof structures needed to operate and maintain the building on which they are located; and,
 - B. Flag poles, television aerials, water towers and tanks, steeples, and bell towers, carillons, monuments, and cupolas.
- (23) **Building line.** An imaginary linear extension of the building parallel or substantially parallel to the street right-of-way line defining the limits of the front yard, or in the case of a corner lot, the corner side yard.

- (24) **Building marker.** A sign or insignia cut into the exterior building surface, or otherwise permanently mounted on the building or site, indicating the name of the building, address, date of construction, or incidental information about its construction or historical significance.
- (25) **Building wall.** In the context of Chapter 1171, Sign Regulations, any vertical surface of a building or structure (other than a pitched roof) that is integral to, and could reasonably be constructed as a part of, the architecture of the building when signage is not being contemplated. Examples of building walls include, but are not limited to: awnings, canopies, marquees, vertical portions of gable roofs, parapets, mechanical penthouses, etc.
- (26) **Caliper.** The American Association of Nurseryman standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six (6) inches above the ground up to and including four-inch caliper size, and twelve (12) inches above the ground for a caliper size greater than four (4) inches.
- (27) **Campground.** A plot of ground upon which two or more campsites are located, established, or maintained for occupancy by camping units, including recreational dwellings, as temporary living quarters for recreational; education; or vacation purposes
- (28) **Camping unit.** Any tent, cabin, recreation vehicle or similar structure established or maintained and operated in a campground as temporary, with temporary being defined as less than sixty (60) continuous days, living quarters for recreation, education, or vacation purposes.
- (29) **Carport.** A roofed structure, with a foundation, that provides space for the parking of vehicles and enclosed on not more than three (3) sides.
- (30) **Car wash.** A building or enclosed area that provides facilities for washing and cleaning motor vehicles, which may use production line methods with a conveyor, blower, or other mechanical devices and/or which may employ hand labor.
- (31) **Cellar.** See Basement.
- (32) **Cemetery.** Cemetery means land used or intended to be used for the burial of the human or animal dead, and which is dedicated for cemetery purposes. Cemetery includes mausoleums and mortuaries if operated in connection with, and within the boundaries of a cemetery. This term shall not include crematoriums.
- (33) **Church.** A building or structure used for public worship. The word "church" includes the words "place of worship," "house of worship," "chapel," "synagogue" and "temple" and their uses and activities that are customarily related.

- (34) **City Engineer.** The City Engineer of Wooster, Ohio.
- (35) **Cluster Residential Development.** An area of land to be planned and developed as a single residential development, in which a variety of housing units may be accommodated and the minimum lot size and setback requirements may be modified to achieve particular design objectives, while maintaining the same overall density limitations of the district in which the cluster residential development is located, and allowing for the flexible arrangement and clustering of houses to preserve restricted open space areas.
- (36) **Commercial motor vehicle.** Any motor vehicle designed or used to transport persons, property, merchandise or freight primarily for-profit that meets any of the following qualifications:
- A. Any combination of vehicles with a combined gross vehicle weight rating of 26,001 pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of 10,000 pounds;
 - B. Any single vehicle with a gross vehicle weight rating of 26,001 pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of 10,000 pounds;
 - C. Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but that either is designed to transport sixteen or more passengers including the driver, or is placarded for hazardous materials;
 - D. Any school bus with a gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than sixteen passengers including the driver;
 - E. Is transporting hazardous materials for which placarding is required by regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended;
 - F. Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the Federal Highway Administration to be a commercial motor vehicle, including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.
- (37) **Common area.** Any land area and/or facilities that is held in common ownership by the residents through a homeowners' association, community association or other legal entity, or which is held by the individual members of a condominium association as tenants-in-common.
- (38) **Community center.** A building or group of buildings operated by a public or nonprofit group or agency and used for recreational, social, educational or cultural activities.

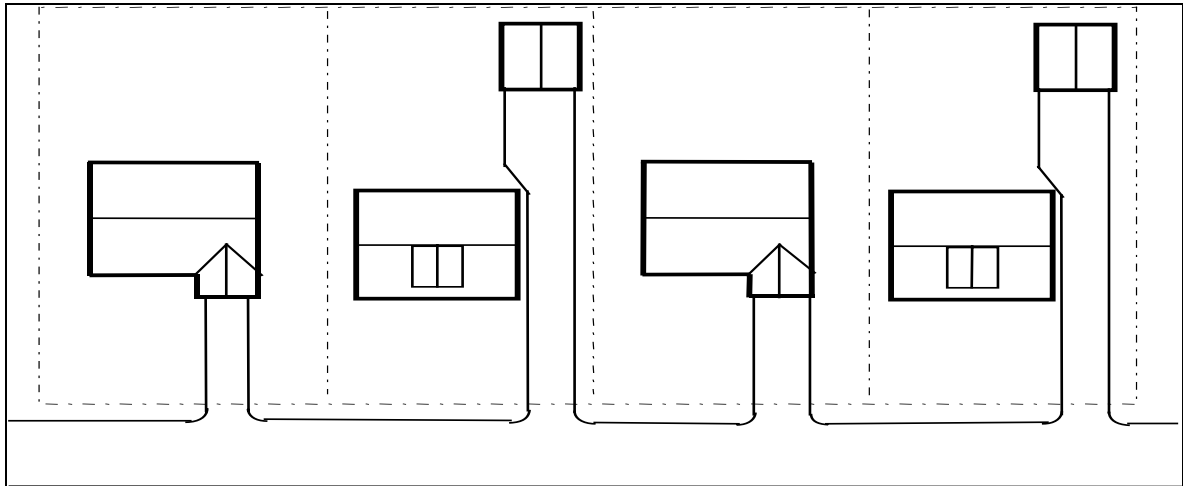
- (39) **Collocation**: The use of a wireless telecommunications facility by more than one wireless telecommunications provider or by one provider for more than one type of telecommunication technology.
- (40) **Commercial Recreation, indoor**. A facility primarily used for the indoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. This term includes, but is not limited to, an indoor driving range, volleyball court, bowling alley, ice or roller skating rink, billiard hall, video game center, archery or shooting range, soccer field or basketball court. This term does not include a health club.
- (41) **Commercial Recreation, outdoor**. A facility primarily used for the outdoor conduct of, or participation in, recreational activities, and secondarily for the viewing of such activities. Such a facility may include one or more structures. This term includes, but is not limited to, a golf or mini-golf course/facility, tennis, basketball or volleyball court, soccer, baseball or football field, or amusement or water park. This term does not include a sports facility, health club, or private golf/swim/tennis club.
- (42) **Community Recreation Facility**. A recreation facility operated by a homeowners association or other non-profit organization and open only to bona fide members and guests of such non-profit organization.
- (43) **Compliance, Certificate of**. An official statement asserting that a given building, other structure or parcel of land is in compliance with the provisions of all existing codes, or is a lawfully existing nonconforming building or use and, hence, may be occupied and used lawfully for the purposes designated thereon.
- (44) **Comprehensive Plan**. The current, adopted long-range plan intended to guide the growth and development of the City, based on study and analysis of the City's existing conditions, including population and housing, historic and natural features, general land use patterns and zoning regulations, and other development considerations.
- (45) **Conference center**. A commercial facility used for trade shows, assemblies or meetings, including exhibition space. This term does not include banquet halls, clubs, lodges or other meeting facilities of private or nonprofit groups that are primarily used by group members.
- (46) **Congregate care facility**. A residential facility that provides for the needs of individuals who are elderly or handicapped. The facility shall consist of residential dwelling units or rooms designed specifically for the elderly or handicapped, and may have common social, recreational, dining and/or food preparation facilities. The facility may be for independent living and/or may provide the residents with a range of personal and medical assistance including nursing care.

- (47) **Contour.** An imaginary line connecting all points with the same elevation above or below a fixed base point whose elevation is known.
- (48) **Conversions.** Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or rooming units.
- (49) **County.** Wayne County, Ohio.
- (50) **Crematorium.** A facility that burns human dead to ashes.
- (51) **Cultural institution.** An institution that displays or preserves objects of interest to the arts or sciences. This term includes, but is not limited to, a museum, art gallery, aquarium or planetarium.
- (52) **Day care center.** An establishment in which the operator is provided with compensation in return for providing individuals with care for less than 24 hours at a time. This term includes, but is not limited to, a day nursery, nursery school, pre-school, adult day care center, or other supplemental care facility. This term does not include a family day care home. (See the definition of family day care home below.)
 - A. **Adult day care center.** An adult day care center shall not include a convalescent home, hospital or any other full-time care facility.
 - B. **Child day care center.** Any place that provides day care or publicly funded day care to 13 or more children at one time; or any place that is not the residence of the licensee or administrator where child day care is provided to 7 to 12 children at one time.
- (53) **Density.** The number of dwelling units permitted per acre of land.
 - (a) **Density, Gross.** Gross density means the number of dwelling units permitted per acre of total land area.
 - (b) **Density, Net.** Net density means the number of dwelling units permitted per acre of land when the acreage involved includes only the land devoted to residential uses and excluding land dedicated to public thoroughfares or other unbuildable land areas.
- (54) **Developer.** Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this Planning and Zoning Code to effect a development of land hereunder for himself or for another.
- (55) **Development.** Any building, construction, renovation, mining, extraction, grading, dredging, filling, excavation, or drilling activity or operation; any material change in the use or appearance of any structure or in the land itself; the division of land into parcels; any change in the intensity or use of land,

such as an increase in the number of dwellings units in a structure or a change to a commercial or industrial use from a less intense use.

- (56) **Diameter-at-breast-height (DBH).** The diameter of a tree trunk measured in inches at a height 4.5 feet above ground. If a tree splits into multiple trunks below 4.5 feet, the trunk is measured at its most narrow point below the split.
- (57) **Dormitory.** A building used as living quarters for a student body or religious order and which is related to and/or intended to associate with a college, university, boarding school, orphanage, religious facility, or similar institution.
- (58) **Drive-thru facility.** Any portion of a building from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions. The term "drive-thru" shall also include "drive-up" and "drive-in" but shall not include Car Wash, Gasoline Station, and Automobile Service Station.
- (59) **Driveway.** A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, or other structure.
- (60) **Dwelling.** Any building or portion thereof, containing one or more dwelling units designed for or occupied exclusively for residential purposes, including single-family, two-family and multi-family dwellings as defined herein.
- (61) **Dwelling, attached single-family.** Dwelling units that are structurally attached to one another, side by side, and erected as one building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof and each such building being separated from any other building by space on all sides, and including such elements as separate ground floor entrances, services and attached garages.
- (62) **Dwelling, cluster single-family detached.** A dwelling unit which is designed and used exclusively by one family and separated from all other dwelling units by open space from ground to sky, which is grouped with other dwelling units on a site in an arrangement. The cluster dwelling does not need to be located on its own subdivided lot, but shall comply with the requirements for planned developments.
- (63) **Dwelling, detached single-family.** A dwelling unit designed and used for one (1) family situated on a lot having a front, side and rear yard and separated from all other dwelling units by open space from ground to sky. See also Figure 1.

**Figure 1.
Detached Single-Family Dwellings**



- (64) **Dwelling, multi-family.** A dwelling designed for three (3) or more dwelling units, occupied by three (3) or more families living independently of each other where the units are separated by party walls with varying arrangements of entrances, and which does not meet the definition of attached single-family dwelling units. This term includes the conversion of non-residential buildings to residential use.
- (65) **Dwelling, recreational.** A structure or shelter which is designed not for use as a permanent residential dwelling, but as temporary living quarters for recreational, camping, or seasonal use. Recreational dwellings shall require a building permit in accordance with the building regulations of the City or the State.
- (66) **Dwelling, two-family.** A dwelling, having the exterior appearance of a single-family house, designed for or converted to contain two (2) dwelling units, occupied by two (2) families living independently of each other.
- (67) **Dwelling unit.** One or more rooms comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family.
- (68) **Easement.** A right granted by the owner of land to other parties to use such land for a specific purpose, such as public utility lines or for access to other properties.
- (69) **Equipment sales/rental/service.** Establishments primarily engaged in the sale or rental of tools, trucks, tractors, construction equipment, agricultural implements, and similar equipment, and the rental of recreational and

commercial motor vehicles. This term includes incidental storage, maintenance, and servicing of such equipment.

- (70) **Façade.** That portion of any exterior elevation on the building extending from grade to the top of the parapet, wall, or eaves and the entire width of the building elevation.
- (71) **Factory-built housing.** Factory-built housing consists of three types of dwelling units: mobile homes, manufactured homes, and modular homes.
 - A. **Mobile home.** A residential dwelling, designed to be a permanent residence, that was fabricated in an off-site manufacturing facility prior to enactment of the Federal Manufactured Home Safety and Construction Standards.
 - B. **Manufactured home.** A residential dwelling built in an off-site manufacturing facility in accordance with the Federal Manufactured Home Safety and Construction Standards.
 - C. **Modular home.** A residential dwelling built in an off-site manufacturing facility in accordance with the Ohio Board of Building Standards. Also commonly referred to as a systems-built home, prefabricated home or panelized home.
- (72) **Family.** “Family” means an individual or two or more persons, each related to the other by blood, marriage, or adoption, or foster children as defined in Section 1103.02 (b) (86) and not more than two additional persons not related as set forth above, all living together as a single housekeeping unit and using common kitchen facilities.
- (73) **Family day care home.** A residence certified and licensed by the State of Ohio to provide childcare.
 - A. **Type A.** A permanent residence of the day care provider in which child day care or publicly funded day care is provided for 7 to 12 children at one time; or, a permanent residence of the day care provider in which child day care is provided for 4 to 12 children at one time if 4 or more of these children are under two years of age.
 - B. **Type B.** A permanent residence of the day care provider in which child day care is provided for 1 to 6 children at one time. No more than 3 of these children shall be under two years of age at one time.
- (74) **Federal Emergency Management Agency (FEMA).** The agency with the overall responsibility for administering the National Flood Insurance Program.

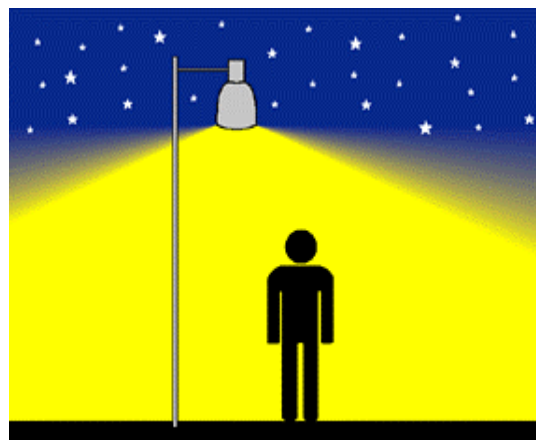
- (75) **Feedlot.** The feeding of livestock, poultry, or small animals usually in lots, pens, ponds, sheds, or buildings where food is supplied primarily by means other than grazing, foraging, or other natural means.
- (76) **Fence.** Any structure composed of wood, steel or other material erected in such a manner and positioned to enclose or partially enclose any premises or part of any premises. Hedges, trellises or other structures supporting or for the purpose of supporting vines, flowers and other vegetation when erected in such position to enclose any premises or part of any premises shall be included within the definition of the word “fence”. Structures erected other than on lot lines or in close proximity to lot lines, which have solely an ornamental purpose and which do not serve the purpose of enclosing or partially enclosing premises or of separating premises from adjoining premises, shall not be included within the definition of the word “fence”. For the purposes of this Planning and Zoning Code, a fence erected upon a graded earth mound shall be measured from the average site grade, prior to the addition of the mound, to the tallest element of the fence. Specific types of fences include:
- A. **Barbed wire.** “Barbed wire fence” means a fence made with metal wire having sharp points, razors, or barbs along its length.
 - B. **Chain link.** “Chain link fence” means a fence made of vinyl-clad metal loops interconnected in a series of joined links.
 - C. **Electrified.** “Electrified fence” means all fences or structures, included or attached to any device or object which emits or produces an electrical charge, impulse or shock when the same comes into contact with any other object, person or animal or which causes or may cause burns to any person or animal.
 - D. **Open ornamental.** “Open ornamental fence” means a fence constructed for its beauty or decorative effect and when viewed at a right angle, has not less than seventy-five percent (75%) of the area of its vertical plane, the area within a rectangular outline enclosing all parts of the fence in its plane, open to light and air. Ornamental fences include:
 - (i) “**Rail fence**” or “**split-rail fence**” means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts; and,
 - (ii) Wrought iron fences, decorative steel fences, and aluminum fences.
 - E. **Privacy.** “Privacy fence” means a fence made to inhibit public view and provide seclusion and when viewed at right angles, has less than twenty-five percent (25%) of the area of its vertical plane open to light and air. Privacy fences include:

- (i) “Basket weave fence” or “woven fence” which means a fence made of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.
 - (ii) “Louver fence” or “ventilating fence” which means a fence made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.
 - (iii) "Board on board fence" or "picket fence."
 - (iv) “Stockade fence” or “palisade fence” means a fence constructed with a row of stakes, pales or pickets placed upright against each other and having at least fifty percent (50%) of the area of its vertical plane closed to light and air.
- (77) **Financial institution.** See bank.
- (78) **Flag.** Any fabric, banner or bunting used as a symbol of government, political subdivision, corporate or commercial entity, or institution, or used to convey any message, or otherwise used in a manner consistent with the definition of a sign.
- (79) **Fleet vehicles.** Trucks, vans, and other vehicles, including motorized equipment, which are used as part of the operation of a principal use, but not including privately owned customer or employee vehicles.
- (80) **Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
- A. The overflow of inland or tidal waters, or
 - B. The unusual and rapid accumulation or runoff of surface waters from any source.
- (81) **Flood Insurance Rate Map (FIRM).** An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (82) **Flood insurance study.** The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.
- (83) **Floor area, gross.** The sum of the gross horizontal areas of all floors of a building, measured from the exterior faces of the exterior walls of a building or from the center line of a common wall separating two (2) or more units of a building, including accessory storage areas located within selling or working space, but not including space in cellars or basements, space in machinery

penthouses or floor space used for accessory off-street parking. However, if the cellar or basement is used for business or commercial purposes, it shall be counted as floor area in computing off-street parking requirements.

- (84) **Floor area, net.** The total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.
- (85) **Footcandle.** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.
 - A. **Footcandle – Horizontal.** The measurement of footcandles utilizing a direct reading, portable light meter mounted in the horizontal position.
 - B. **Footcandle – Vertical.** The measurement of footcandles utilizing a direct reading, portable light meter mounted in the vertical position.
- (86) **Foster child.** “Foster child” means a person under eighteen (18) years of age who is placed in a dwelling units by an institution or agency, licensed or approved by an appropriate State-regulating agency to place foster children.
- (87) **Freestanding drive-thru facility.** A facility whose only use is transacting business with customers located in a motor vehicle during such business transaction.
- (88) **Full-shielded or full cut-off type fixture.** An outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.

Figure 2
Full cut-off lighting



Full cut-off lighting directs light down and to the sides as needed.

University of Texas, Austin

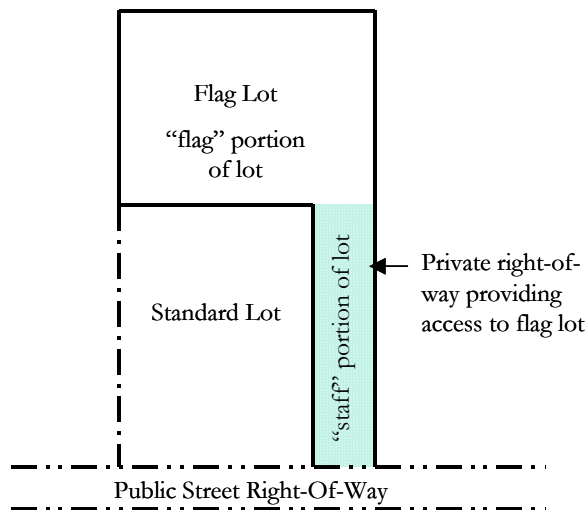
- (89) **Funeral home.** A building or part thereof used for human funeral services. Where a funeral home is permitted, a funeral chapel shall also be permitted. Such building may contain space and facilities for:
- A. Embalming and the performance of other services used in preparation of the dead for burial;
 - B. The performance of autopsies and other surgical procedures;
 - C. The storage of caskets, funeral urns, and other related funeral supplies;
 - D. The storage of funeral vehicles; and,
 - E. May include facilities for cremation.
- (90) **Garage.** A building, or part thereof, used or intended to be used for the parking and storage of vehicles.
- (91) **Gasoline station.** (See also Automobile Service Station): An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by an attendant or by persons other than the station attendant and may include accessory facilities available for the sale of other retail products.
- (92) **Glare.** Direct light that causes annoyance, discomfort or loss in visual performance and visibility.
- (93) **Health club.** An establishment for the conduct of indoor sports and exercise activities, along with related locker and shower rooms, offices and classrooms, where use of such establishment is offered on a membership basis.
- (94) **Health services.** See Office, medical/dental.
- (95) **Historic district.** A geographically definable area possessing a significant concentration, Linkage, or continuity of sites, buildings, structures, and/or objects united by past events or aesthetically by plan or physical development.
- (96) **Home occupation.** Any use or profession conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change its character
- (97) **Homeowners' association.** A community association that is organized within a development in which individual owners share common interests

and responsibilities for open space, landscaping, private roads, or other such facilities.

- (98) **Hospital.** A facility which provides accommodations and continuous services for the sick and injured which may include pediatrics, obstetrical, medical, surgical, psychiatric or extended care.
- (99) **Hotel/motel.** A building or portion thereof, or a group of buildings, which provides sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, automobile court, motel, motor inn, motor lodge, tourist cabin, tourist court or otherwise. This definition shall not include emergency or transitional housing.
- (100) **Household.** A family living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.
- (101) **Improvements.** The term means street pavement or resurfacing, curbs, gutters, sidewalks, water lines, sewer lines, storm drains, street lights, flood control and drainage facilities, utility lines, landscaping, and other related matters normally associated with the development of raw land into building sites.
- (102) **Illuminance.** The quantity of light arriving at a surface divided by the area of that surface. Measured in footcandles.
- (103) **Itinerant Vendor.** Any person who engages in, does, or transacts any temporary or transient business in the City of Wooster and who, for the purpose of carrying on such business, occupies any location for a period of less than forty-five (45) days.
- (104) **Landscaped area.** An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass or other plant material.
- (105) **Lattice tower.** A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure, which often tapers from the foundation to the top.
- (106) **Library.** A facility in which literary, musical, artistic or reference materials, such as, but not limited to, books, manuscripts, computers, recordings or films are kept for use or loaning to patrons of the facility, but are not normally offered for sale.
- (107) **Light pollution.** Any measurable exterior artificial illumination that strays beyond a property line both horizontally at grade and vertically to the building height limitation.

- (108) **Light trespass.** Light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space.
- (109) **Light uniformity ratios.** The uniformity ratio is expressed as either the maximum or average illuminance divided by the minimum illuminance. For example, if the average to minimum ratio is 3:1 and an average illuminance of 6 footcandles is desired, the minimum illuminance at any one point must be 2 footcandles.
- (110) **Loading space, off-street.** An area located completely outside of any public right-of-way and on the same lot with a building or contiguous to a group of buildings, for the temporary parking of vehicles entering the premises for loading or unloading merchandise or materials.
- (111) **Lot coverage.** That portion of a lot, which when viewed directly above, which would be covered by a building or structure, parking and loading areas and other surfaces that are impermeable or substantially impervious to water.
- (112) **Lot, flag.** A lot so shaped and designed that the main building site area is set back from the public street on which it fronts and access to the public street right-of-way is by a narrow private right-of-way also referred to as the “staff”. See Figure 3 below.

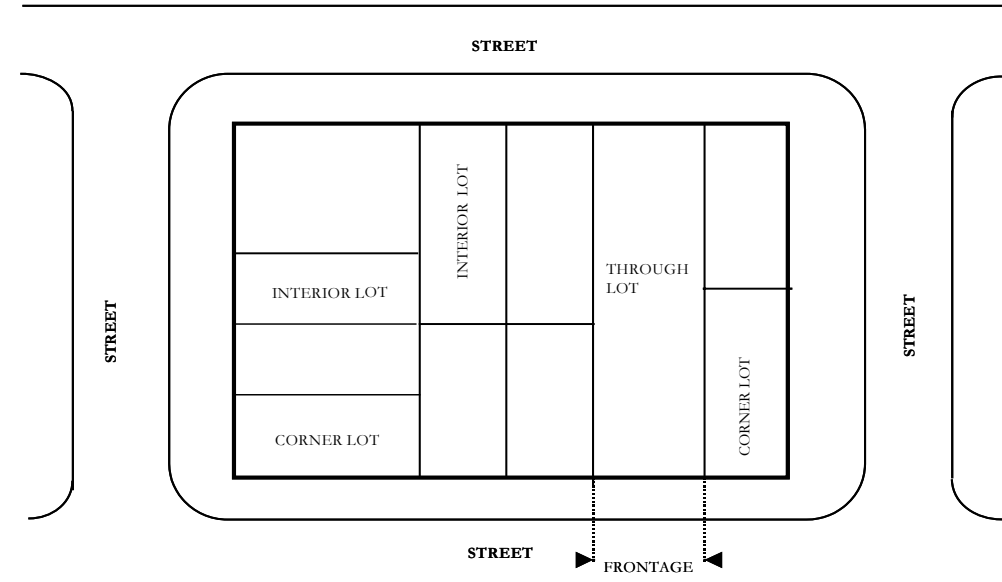
**Figure 3
Illustration of Flag Lot**



- (113) **Lot frontage.** That portion of the lot extending along the street right-of-way.
- (114) **Lot line.** The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

- (a) **Lot line, front:** The line separating an interior lot from the street right-of-way on which the lot fronts. On a corner lot, the street right-of-way with the least amount of street frontage shall be the front lot line.
- (b) **Lot line, rear:** The lot line opposite and most distant from the front lot line; or in the case of triangular or otherwise irregularly shaped lots, a line 10 feet in length entirely within the lot, parallel to and at a maximum distance from the front lot line.
- (c) **Lot line, side:** Any lot line other than a front or rear lot line.
- (115) **Lot of record.** A lot which is part of a subdivision, the part of which has been recorded in the office of the Recorder of Deeds of Wayne County, or a parcel of land the deed to which was recorded, prior to adoption of this Planning and Zoning Code.
- (116) **Lot size.** The total horizontal area contained within the lot lines exclusive of any portion of the right-of-way of any public street.
- (117) **Lot types.** Terminology used in this Planning and Zoning Code with reference to corner lots, interior lots and through lots is as follows. See also Figure 3 for an illustration of lot types.
 - (a) **Lot, corner.** A lot which adjoins the point of intersection or meeting of two (2) or more streets and in which the interior angle formed by the street lines is 135 degrees or less.
 - (b) **Lot, interior.** A lot abutting or with frontage on only one street.
 - (c) **Lot, through:** A lot having frontage on 2 parallel or approximately parallel streets.

Figure 4 - Illustration of Lot Types



- (118) **Lot width.** The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front setback line.
- (119) **Lot, zoning.** A parcel of land not separated by street or alley that is designated by its owner or developer at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfies the above requirements, such lot may consist of:
 - A. A single lot of record, or;
 - B. A portion of lot of record, or;
 - C. A combination of complete lots and portions of lots of record, or portions of lots of record.
- (120) **Luminaire.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- (121) **Major tree.** A living tree with a diameter at breast height (DBH) measurement of at least six (6) inches.
- (122) **Manufactured home.** See factory-built housing.
- (123) **Manufactured home community.** A residential development in which all land is under single ownership and home sites within the community are leased to individual homeowners, who retain customary leasehold rights. Also known as a land-lease community.

- (124) **Medical/dental/health services clinic.** An establishment where human patients are examined and treated by a group of dentists, physicians or similar medical professionals. Clinics provide outpatient service only. This term does not include a medical office or hospital.
- (125) **Membership clubs.** An incorporated or unincorporated association of persons organized for a common purpose to pursue common goals, interests, or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings, and a constitution and by-laws.
- (126) **Mobile home.** See factory-built housing.
- (127) **Modular home.** See factory-built housing.
- (128) **Monopole.** A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.
- (129) **Motor vehicle body shop.** An establishment providing the repair or rebuilding of motor vehicle bodies by the replacement, smoothing, sanding or painting of the exterior surfaces of such vehicles within an enclosed building.
- (130) **Motor vehicle, operable.** An operable motor vehicle is a motor vehicle whose engine can be started and the vehicle can be driven under its own power at least 100 yards immediately upon request, or within 24 hours of the initial request, and which does not have disabling damage.
- (131) **Motor vehicle rental.** An establishment where contracts are prepared or reservations accepted for the rental or leasing of motor vehicles. This term includes outdoor storage of vehicles, but does not include on-premise maintenance of vehicles or a tool/equipment rental facility.
- (132) **Motor vehicle sales.** An establishment providing wholesale and retail sale of motor vehicles, including incidental storage and maintenance.
- (133) **Non-conformity.** A lot, use of land, building, site conditions, use of buildings, or use of buildings and land in combination lawfully existing at the time of enactment of this Planning and Zoning Code or its amendments, which do not conform to the current regulations of the district or zone in which it is situated or other regulations in this Planning and Zoning Code.
 - A. **Non-conforming building.** A building existing lawfully when this Planning and Zoning Code, or any amendment thereto, became effective, but which does not conform to the current regulations governing buildings and structures of the district in which it is located.
 - B. **Non-conforming lot.** A lot lawfully existing on the effective date of this Planning and Zoning Code or any amendment thereto, which on

such effective date, does not conform to the current lot area, width or frontage requirements of the district in which it is located.

- C. **Non-conforming site condition.** A site improvement that was legally established, but no longer conforms with the regulations in the Planning and Zoning Code.
 - D. **Non-conforming use:** Any building or land lawfully occupied by a use on the effective date of this Planning and Zoning Code or any amendment thereto, which does not conform to the current use regulations of the district in which it is situated.
- (134) **Nursing home.** An establishment providing full-time nursing and medical care to three (3) or more people, not related by blood or marriage, who, by reason of chronic illness, are unable to care for themselves. Hospitals and sanitariums shall not be included in this definition.
 - (135) **Occupant.** A person who, on a regular basis, spends nights at a residence. A person is considered an occupant regardless of whether they spend the majority of their nights at a residence, if the times they do stay overnight are regular and recurrent. In addition, a person shall be considered an occupant if their clothes or other daily living supplies are maintained at the residence.
 - (136) **Office, administrative/business/professional.** An establishment within which specific services are conducted with other businesses, individuals, organizations or corporate customers, generally on a contractual basis, and not involving the retail sales of merchandise on the premises for walk-in traffic from the street.
 - (137) **Office, medical/dental.** Facilities which provide diagnoses, minor surgical care and outpatient care on a routine basis, but which do not provide overnight care or serve as a base for an ambulance service. Medical/dental facilities are operated by doctors, dentists, or similar practitioners licensed by the State of Ohio. Emergency treatment is not the dominant type of care provided at this facility. Health services includes establishments providing support to medical professionals and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.
 - (138) **Official thoroughfare plan.** The official thoroughfare plan for the City of Wooster establishing the official right-of-way width of major streets, on file in the office of the Division of Planning and Zoning, together with all amendments thereto subsequently adopted.
 - (139) **Open Space.** See Restricted open space.
 - (140) **Outdoor display/sales.** Merchandise placed in an outdoor area that is open to the general public, when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for

purchase inside the building and/or is available for purchase by the general public directly from the display area.

- (141) **Outdoor storage.** The storage of goods, materials, merchandise or vehicles in an area outside of a building or structure in the same place for more than 24 hours, except for merchandise placed in an area for outdoor display.
- (142) **Park.** A tract of land, designated and used by the public, for active and/or passive recreation.
- (143) **Parking lot.** An outdoor paved area made up of marked parking spaces and associated access drives where motor vehicles may be stored for the purpose of temporary off-street parking. Also known as a parking area.
- (144) **Parking space, off-street.** An open or enclosed area, defined by painted lines, raised curbs or a combination thereof, outside the public street right-of-way that is used for the parking or temporary storage of registered and licensed motor vehicles
- (145) **Parking structure.** A building or structure consisting of more than one (1) level and used to store motor vehicles.
- (146) **Performance guarantee.** A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.
- (147) **Performance standard.** A criterion established to control enclosure, dust, smoke, fire and explosive hazards, lighting, glare and heat, noise, odor, toxic and noxious matter, vibrations and other conditions created by or inherent in uses of land or buildings.
- (148) **Place of Worship.** See Church.
- (149) **Plan, development.** A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings; landscaping; parking areas; access drives; signs; outdoor storage areas; and any other features that comprise a proposed development
 - A. **General Development Plan:** Drawings and maps including all the elements set forth in Section 1115.10.
 - B. **Final Development Plan:** Drawings and maps including all the elements set forth in Section 1115.11.
- (150) **Plan, plot.** A plan of a lot, drawn to scale, showing the actual measurements, the size and location of any existing structures or structures to be erected, the location of the lot in relation to abutting streets, and other such information.

- (151) **Plan, preliminary subdivision.** A drawing for the purpose of study of a major subdivision and which, if approved, permits proceeding with the preparation of the final plat.
- (152) **Plant nursery/greenhouse.** An establishment engaged in growing crops of any kind within or under a greenhouse, cold frame, cloth house or lath house, or growing nursery stock, annual or perennial flowers, vegetables or other garden or landscaping plants. This term does not include a garden supply or landscaping center.
- (153) **Plat.** A map of a lot, tract or subdivision on which the lines of each element are shown by accurate distances and bearings. In the case of minor subdivisions, the plat which, if approved, will be submitted to the Recorder of Wayne County.
- (154) **Plat, Final.** The final map, drawing or chart on which the subdivder’s plan is submitted to the Planning Commission for approval, and which, if approved, will be submitted to the Recorder of Wayne County.
- (155) **Playground.** An active recreational area with a variety of facilities including equipment for younger children as well as court games.
- (156) **Porch.** A roofed open structure that projects from the front, side or rear wall of a building. For the purposes of this Planning and Zoning Code, an enclosed porch shall be considered part of the principal building.
- (157) **Project boundary:** The boundary defining the tract(s) of land that is included in a proposed development to meet the minimum required project area for a planned development or multi-family development. The term “project boundary” shall also mean “development boundary”.
- (158) **Public hearing.** An official meeting called by the City Council, the Planning Commission, or the Board of Zoning Appeals, duly noticed, which is intended to inform and obtain public comment or testimony, prior to the governing body rendering a decision.
- (159) **Public safety facility.** A municipal, government facility for public safety and emergency services, including a facility that provides police or fire protection and related administrative facilities.
- (160) **Recessed ceiling fixture.** An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.
- (161) **Recreation vehicle/equipment.** A vehicular-type portable structure without a permanent foundation that can be towed, hauled, or driven and primarily designed, by the manufacturer, as temporary living accommodation for recreational, camping, and travel use. For the purposes of this Code, recreational vehicle/equipment shall include a recreational vehicle, boat, boat trailer, pick-up truck camper, snow mobile, folding tent trailer, or other

camping and recreational equipment as determined by the Zoning Administrator, and any trailer that may be used to convey such a vehicle or equipment.

- (162) **Religious assembly.** See church.
- (163) **Residential facility.** A facility licensed by the Ohio Department of Mental Health that provides room, board, personal care, supervision, habilitation services and mental health services, in a family setting, to one or more persons with mental illness or severe mental disabilities. There are three size categories of residential facilities:
 - A. **Family home.** A residential facility that provides the services listed above for six (6) to eight (8) mentally retarded or developmentally disabled persons.
 - B. **Foster family home.** A residential facility that provides the services listed above for five (5) or fewer mentally retarded or developmentally disabled persons.
 - C. **Group home.** A residential facility that provides the services listed above for nine (9) to sixteen (16) mentally retarded or developmentally disabled persons.
- (164) **Restaurant, indoor dining.** An establishment where food and drink are prepared, served, and consumed within the principal building.
- (165) **Restaurant, outdoor dining.** An establishment where food and drink are prepared inside the establishment and consumed outside the principal building in an area adjacent to the principal building.
- (166) **Restricted open space.** The portion of the open space in a Cluster Residential Development or a Planned Development that is of sufficient size and shape to meet the minimum zoning requirements, and on which further development is restricted.
- (167) **Retail establishment.** An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such products. Such an establishment is open to the general public during regular business hours and has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows may be considered. This term does not include any adult entertainment uses.
- (168) **Right-of-way.** A strip of land or the air space above it taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips,

sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges and the air space above the surface.

- (169) **Right-of-way line.** The line between a lot, tract, or parcel of land and a contiguous public street, and demarcating the public right-of-way. "Right-of-way line" also means "street line."

- (170) **School (public/private) college/university.** An educational institution authorized by the State of Ohio to award associates or higher degrees.

- (171) **School (public/private) elementary/secondary.** Publicly or privately owned facilities providing full-time day instruction and training at the elementary, junior high and high school levels in accordance with the requirements of Chapter 3313 of the Ohio Revised Code, or facilities providing kindergarten or nursery school training and care whose annual sessions do not exceed the school sessions for full-time day schools and which are operated by a board of education or an established religious organization.

- (172) **School, specialty/personal instruction.** A facility primarily teaching usable skills that prepare students for jobs within a specific trade or a facility providing instruction on social and religious customs and activities, performing arts and/or sports. Such facilities may include beauty schools, dance instruction centers, cooking schools and martial arts studios. This term does not include health club.

- (173) **Scientific research, development, training and testing facility.** A building or group of buildings used for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

- (174) **Seasonal market.** A temporary facility used to conduct retail trade for a period not exceeding 90 days in a calendar year.

- (175) **Self-storage facility, indoor.** Self-service storage facility or mini-warehouse means a facility consisting of a building or group of buildings in a controlled access compound that contains varying sizes of individual, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods or wares.

- (176) **Service establishment, business.** An establishment providing services to business establishments on a fee or contract basis, including, but not limited to, advertising and mailing services, employment services, business equipment and furniture sales or rental, photocopy services, protective services, or similar services.

- (177) **Service establishment, personal.** An establishment providing services that are of a recurring and personal nature to individuals. This term includes, but is not limited to, a barber shop, beauty salon, shoe repair shop, seamstress, tailor, fortune teller, tanning salon, massage establishment, body piercing establishment or tattoo establishment. This term does not include a portrait studio, dry cleaning establishment, laundromat, photocopy center, health club or repair shop for household items.

- (178) **Setback.** Setback means the required minimum horizontal distance between a lot line or the proposed thoroughfare line shown on the Official Thoroughfare Plan, whichever is more restrictive and a building, surface parking lot or structure as established by this Planning and Zoning Code.

- (179) **Setback Line.** A line established by this Planning and Zoning Code generally parallel with and measured from the lot line or the proposed thoroughfare line shown on the Official Thoroughfare Plan whichever is more restrictive, defining the minimum distance a building, structure, parking area or outdoor storage area shall be located from the said lot or thoroughfare line, except as may be provided in this Planning and Zoning Code.

- (180) **Shade tree.** A tree with foliage that usually sheds annually and is planted primarily for its high crown of foliage or overhead canopy.

- (181) **Shrub.** A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

- (182) **Sign.** Any visual communication display, object, device, graphic, structure or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure in order to direct or attract attention to, or announce or promote, an object, product, place, activity, person, ideology, institution, organization, business or the like, by means of letters, words, models, banners, flags, pennants, insignia, devices, designs, colors, symbols, fixtures, images, illuminations or representations used as, or which is in the nature of, an announcement, direction, advertisement or other message.

- (183) **Sign, abandoned.** Any sign that no longer identifies or advertises a bona fide business, institution, organization, lessor, service, owner, product, or activity and/or for which no legal owner can be found.

- (184) **Sign, address.** Any building sign or freestanding sign of no more than two (2) square feet indicating only the street number of the building or use.

- (185) **Sign, animated.** Any sign that uses flashing lights or movement of the entire sign or portion thereof to depict action or create a special effect or scene.

- (186) **Sign, awning or canopy.** Any building sign that is painted on, or otherwise attached to, an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window.
- (187) **Sign, banner.** Any sign made of lightweight fabric or similar material with no enclosing framework that is mounted to a building or other structure at one or more edges.
- (188) **Sign, billboard or off-premise sign.** Any permanent sign structure advertising an establishment, merchandise, event, service, or entertainment that is not sold, produced, manufactured or furnished at the property on which the sign is located.
- (189) **Sign, building.** Any sign attached to any part of a building including wall, awning, canopy and projecting signs.
- (190) **Sign, changeable copy.** Any portion of a sign with letters, characters or graphics that are not permanently affixed to the structure, framing or background, allowing the letters, characters or graphics to be periodically modified, manually, mechanically or electronically, such as a bulletin board or electronic message center. Changeable copy signs shall not be used to display commercial messages relating to products or services that are not offered on the premises.
- (191) **Sign, construction.** Any temporary sign relating to a project or facility, or relating to its construction, during the time of its construction. Such signs typically include the name of an architect, engineer and/or contractor for a building.
- (192) **Sign, entrance or exit.** Any sign situated so as to promote safe traffic circulation by indicating appropriate places of ingress and egress.
- (193) **Sign face.** The space or surface of a sign intended to contain the message.
- (194) **Sign, flashing.** Any sign that contains an intermittent or sequential flashing light source used primarily to attract attention.
- (195) **Sign, freestanding.** Any sign supported from the ground and not attached to any building. A freestanding sign may be supported by a single pole, two poles, a pylon or a solid base.
- (196) **Sign, illuminated.** Any sign incorporating an internal or external artificial light source for the purpose of illuminating the message of the sign.
- (197) **Sign, inflatable.** Any inflatable shape or figure designed or used to attract attention to a business location or event. Inflatable promotional devices shall be considered to be temporary signs under the terms of this Section and subject to the regulations thereof.

- (198) **Sign, instructional.** Any sign that has a purpose secondary to the use on the lot and that is intended to instruct employees, customers or users as to matters of public safety or necessity such as specific parking requirements, the location or regulations pertaining to specific activities on the site or in the building, and including signage erected by a public authority, utility, public service organization, or private industry that is intended to control traffic circulation, direct or inform the public, or provide needed public service as determined by the rules and regulations of governmental agencies or through public policy.
- (199) **Sign, marquee.** Any sign, other than a projecting sign or an awning/canopy sign, attached to a structure and projecting from a building wall above an entrance and extending over a street, sidewalk, or part thereof.
- (200) **Sign, permanent.** Any sign that is not temporary sign.
- (201) **Sign, portable.** Any sign that is designed to be transported on wheels, skids, a bench, runners, brackets or has a frame to which wheels, skids, runners, brackets or similar mechanical devices are or can be attached. A portable sign also includes mobile signs such as parked vehicles or trailers, when such vehicles are visible from the public right-of-way unless such vehicle is regularly used in the normal daily operations of the attendant business, organization or institution.
- (202) **Sign, projecting.** Any sign that is attached to a building wall and that extends away from (i.e., is not parallel to) the building wall or any sign suspended beneath a canopy, ceiling, roof, or marquee, intended to be viewed by pedestrians from the sidewalk beneath the canopy, ceiling, roof, or marquee.
- (203) **Sign, roof.** Any sign, or portion thereof, erected, constructed or projecting upon or over the roof or parapet wall of any building whether the principal support for the sign is on the roof, wall or any other structural element of the building.
- (204) **Sign, temporary** Any sign that is designed to be used only temporarily and is not intended to be permanently attached to a building, structure, or permanently installed in the ground. Temporary signs may be displayed as window signs.
- (205) **Sign, wall.** A building sign that is painted on, or attached to, a building wall, with the exposed sign face in a plane parallel to the plane of the wall, that does not extend more than twelve (12) inches there from, and that does not project above the roofline or beyond the corner of the building.
- (206) **Sign, window.** Any sign that is applied to the interior or exterior of a window or door, or a sign located near a window or door within a building, for the purpose of being visible and read from the outside of the building.

This term does not include signs that are not legible from a distance of more than three (3) feet beyond the building on which such sign is located.

- (207) **Single housekeeping unit.** Single housekeeping unit means common use and access to all living and eating areas, bathrooms, and food preparation and serving areas.
- (208) **Slope.** An inclined ground surface. The inclination is expressed as a ratio of the horizontal distance to the vertical distance.
- (209) **Street, private.** An area set aside to provide access for vehicular traffic within a development that is not dedicated or intended to be dedicated to the City and that is not maintained by the City.
- (210) **Structure.** Anything constructed or erected that requires a fixed location on the ground or attachment to something having a fixed location on the ground including, but not limited to, buildings, walls, sheds, gazebos, signs, patios, platforms, paving or fences.
- (211) **Structural alteration.** Any change or rearrangement in the supporting members of a building, such as beams, girders, bearing walls, columns or partitions or any increase in the area or cubical contents of the building.
- (212) **Subdivider.** Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this Planning and Zoning Code to effect a subdivision of land hereunder for himself or for another.
- (213) **Subdivision.** Subdivision includes the following:
 - A. 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 five acres or less for the purpose, whether immediate or future, of transfer of ownership provided 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 parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted.
 - B. 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; 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.

- (214) **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 (5) lots after the original tract has been completely subdivided. Also known as lot split.
- (215) **Subdivision, major.** Any subdivision that does not meet the requirements of a minor subdivision.
- (216) **Technically suitable:** The location of a wireless telecommunication antenna that reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within developed areas of the City.
- (217) **Telecommunication facility.** See Wireless Telecommunication Facility.
- (218) **Telecommunications.** The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or electromagnetic systems.
- (219) **Theater.** A building or part of a building devoted to showing motion pictures or for dramatic, dance, musical, or other live performances.
- (220) **Transport and truck terminal.** A building or area in which freight brought by truck is assembled and/or stored for routing in intrastate and interstate shipment by truck or in which semi-trailers, including tractor and/or trailer units, and other trucks are parked or stored.
- (221) **Use.** The purpose for which land, a building or structure is arranged, designed, intended, maintained or occupied; or any occupation, activity or operation carried on in a building or structure or on land.
 - A. **Use, accessory.** A use located on the same lot with the principal use of building or land, but incidental and subordinate to and constructed subsequent to the principal use of the building or land.
 - B. **Use, conditional.** A use permitted in a district, other than a principal use permitted by right, which is allowed only under certain conditions as set forth in Chapter 1147, Conditional Use Regulations, and which requires conditional use approval by the Planning Commission, in accordance with the standards and procedures set forth in Chapter 1107, **Procedures for Zoning Certificates, Development Review, & Conditional Use Approval.**
 - C. **Use, permitted.** A use that is authorized by this Planning and Zoning Code as either a use permitted by right, a conditional use or an accessory use.

- D. **Use permitted by right.** A permitted use that is approved administratively when it complies with the standards and requirements set forth in the Planning and Zoning Code, the approval of which does not require a public hearing.
 - E. **Use, principal.** The primary or main use or activity of a building or lot.
 - F. **Use, temporary.** A use that is established for a fixed period of time with the intent to discontinue such use upon the expiration of such time and does not involve the construction or alteration of any permanent structure.
- (222) **Uplighting.** Any light source that distributes illumination above a 90-degree horizontal plane.
- (223) **Utility substation/distribution facility, indoor.** A facility contained entirely within a building, which performs either of the following functions:
- A. Aids in the transmission or distribution of gas, electricity, steam or water, or landline telephone communications.
 - B. Is used as a distribution center, including but not limited to a water pumping station, water reservoir, transformer station, landline telephone exchange, or building for radio, television, but not including a yard or building for storage, maintenance or repair service.
- (224) **Utility substation/distribution facility, outdoor.** A facility, other than a transmission tower and not contained entirely within a building, which performs either of the following functions:
- A. Aids in the transmission or distribution of gas, electricity, steam or landline telephone communications.
 - B. Is used as a distribution center, including but not limited to a transformer station, landline telephone exchange, or building for radio, television.
- (225) **Variance.** A grant by the Board of Zoning Appeals to a property owner authorizing the property owner to vary from the literal terms of the relevant regulations.
- (226) **Vehicle repair garage.** An establishment providing repair services for motor vehicles, including the sale, installation and servicing of related equipment and parts, where all such work is performed within an enclosed building. This term includes, but is not limited to, the repair or servicing of transmissions, engines or upholstery including the rebuilding or reconditioning of motor vehicles, or parts thereof, including clutch, transmission, differential, axle, spring, and frame repairs; major overhauling or engines requiring the removal of the engine cylinder, head or crankcase pan; repairs to radiators requiring the removal thereof; or similar activities.

This term includes, but is not limited to, an auto repair shop, wheel and brake shop, tire sales and installation, or upholstery shop. This term shall not include vehicle dismantling or salvage, tire re-treading or recapping, or motor vehicle body shop.

- (227) **Vehicular use area.** An area for storage of any and all types of vehicles whether such vehicles are self propelled or not, and an area including all land designed to be traversed by vehicles including, but not limited to, drive-in activities such as filling stations, grocery and dairy stores, banks, restaurants and the like.

- (228) **Warehousing.** A building used for the indoor storage of goods and materials.

- (229) **Wholesale sales & distribution, indoor.** Establishments or places 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 companies. All such activities take place inside principal or accessory buildings.

- (230) **Wholesale sales & distribution, outdoor.** Establishments or places 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 companies. Such activities may take place outside of the principal or accessory buildings.

- (231) **Wireless telecommunications antenna.** The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communication Commission (FCC) are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

- (232) **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.

- (233) **Wireless telecommunications tower.** A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

- (234) **Yard.** An open space on the same lot with a principal building or structure extending between the lot line and the extreme front, rear or side wall of the main building or structure.

- A. **Yard, corner side.** On a corner lot, the yard between the principal building and the side lot line adjacent to the street and extending from the front yard to the rear lot line.
 - B. **Yard, front.** The area across the full width of the lot between the front of the principal building and the front line of the lot.
 - C. **Yard, rear.** The area across the full width of the lot between the rear of the principal building and the rear line of the lot.
 - D. **Yard, side.** The area between the main building and the side line of the lot extending from the front wall to the rear wall of the main building.
- (235) **Zoning Administrator.** The individual designated to administer the Planning and Zoning Code of the City of Wooster, Ohio. A person designated by the Zoning Administrator may also perform duties of the Zoning Administrator.
- (236) **Zoning Certificate.** A document issued by the Zoning Administrator authorizing the construction or alteration of a building or structure and/or use of a lot or structure in accordance with this Planning and Zoning Code.
- (237) **Zoning Map.** An accurate map depicting the City of Wooster, Ohio, and indicating the boundaries of the zoning districts established by this Planning and Zoning Code.