

# Chapter 1135: Definitions

## 1135.01 Rules of Construction and Interpretation

### (a) Intent

All provisions, terms, phrases, and expressions contained in this code shall be construed according to this code's stated purpose and intent.

### (b) Lists and Examples

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

### (c) References to Other Regulations, Publications, and Documents

Whenever reference is made to an ordinance, resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

### (d) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Wooster, Ohio, unless otherwise expressly stated.

### (e) Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

### (f) Technical Words

Technical words and phrases not otherwise defined in this code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### (g) Mandatory and Discretionary Terms

The word shall is always mandatory, and the words "may" or "should" are always permissive.

### (h) Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1) "And" indicates that all connected items, conditions, provisions, or events shall apply.
- (2) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

**(i) Tense and Usage**

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

**(j) Gender**

The masculine shall include the feminine, and vice versa.

**(k) Meaning**

For the purpose of this code, words and phrases shall have the meanings set forth in this chapter.

**(l) Other Terms Not Defined**

Words and phrases not otherwise defined in this code shall be construed according to the common and approved usage of American English. For the interpretation of uses, the Zoning Administrator may utilize outside sources as specified in Section [1109.02\(f\)](#), or as defined in Merriam-Webster's or other commonly accepted dictionaries.

**(m) Common Acronyms and Abbreviations**

[Table 1135-1](#) identifies some common acronyms or abbreviations used in this code as well as the related term.

TABLE 1135-1: ACRONYMS AND ABBREVIATIONS	
Acronym	Term
FCC	Federal Communications Commission
ORC	Ohio Revised Code
OAC	Ohio Administrative Code
BZA	Wooster Board of Building and Zoning Appeals
COA	Certificate of Appropriateness
OHPO	Ohio Historic Preservation Office

**1135.02 General Definitions**

**Abandonment**

The lack of building activity or progress towards achieving the scope of work defined in both the zoning certificate and building permit. This does not apply to construction activities that are suspended due to extended illness, building contractors' labor strike, known industry shortage of construction material used in the project, time of war and natural calamities.

**Abutting, Adjoining, or Adjacent**

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

**Access**

Any driveway or other point of entry and/or exit onto or from a street, road, or thoroughfare, which connects to the general street system.

**Accessibility Ramps**

Permanent or portable ramps utilized to provide a disable person with accessibility to a structure.

**Active Recreational Uses**

Any park or recreational facility that is owned or operated by a government or non-profit agency, which requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, golf course and other similar outdoor facilities.

**Addition**

Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with, or increasing the size, height, or capacity of the building or structure.

**Administrative Waiver**

A review process that allows the Zoning Administrator to waive certain dimensional standards by up to 10 percent based on the provisions of Section [1105.12\(f\): Administrative Waiver Requests](#).

**Adult Arcade**

Adult arcade shall mean any place to which the public is permitted or invited wherein coin-operated or 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 where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

**Adult Bookstore, Adult Novelty Store, or Adult Video Store**

A commercial establishment which has a significant or substantial portion of its stock- in trade in, or derives a significant or substantial portion of its revenues from, or devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space to the sale or rental, for any form of consideration, to, any one or more of the following:

- Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
- Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.

**Adult Cabaret**

Adult cabaret means a nightclub, bar, juice bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

- Persons who appear semi-nude;
- Live performances which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or specified sexual activities; or
- Films, motion pictures, videocassettes, digital video discs ("DVDs"), slides, or other photographic reproductions which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

**Adult Motel**

Adult motel means a motel, hotel, or similar commercial establishment which: (1) offers public accommodations, for any form of consideration, and which regularly provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, DVDs, slides, or other photographic reproductions which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas and which regularly advertise the availability of such material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, and (2) offers a sleeping room for rent for a period of time less than ten (10) hours.

### **Adult Motion Picture Theater**

Adult motion picture theater means a commercial establishment where films, motion pictures, videocassettes, DVDs, slides, or similar photographic reproductions which 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.

### **Adult Theater**

A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features: (1) persons who appear semi-nude or (2) live performances which are distinguished or characterized by an emphasis upon the exposure of specified anatomical areas or specified sexual activities.

### **Adult Uses**

Adult uses shall include any use identified in Section [1109.03\(d\)\(1\)](#) that relates to sexually-oriented businesses or activities including, but not limited to, adult arcades, adult bookstores, adult novelty stores, adult video stores, adult cabarets, adult motels, adult motion picture theaters, adult theaters, etc.

### **Agriculture (Livestock)**

- Any use of land for the raising and caring of livestock. This includes necessary buildings and structures which shall be used for agriculture, raising and caring for livestock and animal and poultry husbandry including necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes.
- For the purposes of this code, this use shall also include commercial stables and riding academies defined as the use of a building for animals to lodge and feed in, especially having stalls for horses. Such building may also be used for educational instruction in the care or riding of horses.
- This use shall not include activities which typically are associated with one or more of the following impacts: strong offensive odors, substantial run-off, large concentrations of animal waste, noise, and/or extensive use of chemical, compost, and manure piles. Such uses include, but are not necessarily limited to:
  - Livestock slaughtering areas;
  - Areas for the storage or processing of manure, garbage, or spent mushroom compost; or
  - Structures housing more than large animals (e.g., horses or cows) and factory farming.

### **Agriculture (Raising of Crops)**

Any use of land for the growing and harvesting of legal agricultural crops and trees for commercial agricultural purposes. Agricultural uses include, but not limited to, raising of crops, horticulture, floriculture, and viticulture and the necessary accessory uses for parking, treating or sorting the products; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities. Buildings occupied as residences by persons engaged in agricultural operations shall not be considered to be used for agricultural purposes. See also “community gardens.”

### **Agriculture/Farm Supplies and Sales**

An establishment that stocks and sells goods and supplies for the operation of a farm or for agricultural purposes.

### **Air Activated Graphic**

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

### **Alley**

A service roadway providing a secondary means of public access to abutting property and not intended for general traffic circulation, but is not a public or private street as defined by this code.

### **Alteration**

- Any change, addition or modification in construction, any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed;” any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction or removal of any structure.
- Any change of copy, sign face, color, size, height, shape, illumination, position, location, construction, or supporting structure of any sign.

### **Alternative Equivalency Review**

A review procedure by which an applicant can propose an alternative approach to meeting a standard of this code that meets or exceeds the original standard. See Section [1105.10](#).

### **Amateur Radio Towers and Antennae**

A system of cables, electrical conductors, insulators, metallic or non-metallic tubing, poles, reflecting discs, rods, wires, or similar objects used for transmission or reception of radio signals or electromagnetic waves for amateur radio service.

### **Animal Day Care/Animal Grooming**

A use for the care and supervision of cats and dogs during the course of the day but which does not include any kennel or overnight boarding. This use type shall also include establishments where the primary service provided is the cleaning and grooming of domestic pets including bathing, brushing, combing, nail and hair trimming, etc., and where there are no boarding facilities. The facility may also provide services such as obedience classes, training, or behavioral counseling.

### **Appeal**

A review procedure by which a person may call into question an administrative decision made in accordance with this code. See Section [1105.13](#).

### **Applicant**

Unless otherwise specified, an owner of a property or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to Section [1105.02\(a\)](#).

### **Application**

The process by which the applicant submits a request for any type of development review or approval identified in [Chapter 1105: Review Procedures](#). Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the City.

### **Architectural Feature**

A prominent or significant part or element of a building, structure or site.

### **Assembly Halls**

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.

### **Automated Teller Machine (Stand-Alone)**

An automated device that provides bank and financial institutional customers with cash withdrawal and other financial services without the need for a bank teller. Such uses are independent and not attached to the physical building containing the financial institution.

### **Automotive Fuel Sales**

An establishment that sells unleaded and diesel gasoline or any other fuel used in vehicles.

### **Automotive Repair (Heavy)**

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of major parts of motor vehicles (e.g., major engine repair). Such uses shall not include towing services.

**Automotive Sales and Leasing**

Any building or land used for the display, sale or rental of new or used motor vehicles in operable condition. This use type is intended to be for the sale or long-term lease (one-year or longer) of typical passenger vehicles including, but not limited to, cars, passenger trucks, and motorcycles.

**Automotive Service Station and Part Sales**

Any structure or premises used for dispensing or sale of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site. Repairs and uses described under “automotive repair (heavy)” shall not be permitted.

**Awning**

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. See also definition of “canopy.”



*Figure 1135-A: Examples of traditional awnings*

**Bars and Taverns**

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

**Base Flood Elevation (BFE)**

The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in feet mean sea level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

**Basement or Cellar**

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

**Basketball Hoops**

Small accessory basketball hoops, not related to a "tennis or other recreational court" either mounted to a wall or freestanding, by which occupants of the principal use can play basketball.

**Bed and Breakfast Establishments**

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.

**Berm**

An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise. The height of a berm shall be measured from the average natural grade at the base of the berm.

**Bike and Skateboard Ramps**

An accessory structure utilized for recreational purposes related to bicycle and skateboard use.

**Bikeway**

A portion of a street right-of-way, other public right-of-way, or easement that is improved for the use of pedestrian and/or bike traffic.

**Block**

The property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest such street and a railroad right-of-way, unsubdivided acreage, a river or live stream, or between any of the foregoing and any other barrier to the continuity of development or the corporate lines of the municipality.

**Block Face**

All lots that have frontage on the same street as the subject lot between an intersecting street or other boundary.

**Board of Building and Zoning Appeals (BZA)**

The Board of Building and Zoning Appeals for the City of Wooster, Ohio

**Buffer or Buffer Yard**

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving (with limited exceptions) or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of [Chapter 1123: Landscaping and Buffering](#).

**Building**

Any structure, of more or less permanent construction, 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.

**Building Height**

See Section [1115.01\(e\)](#).

**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. In the case of a corner lot, the building line would apply to the two sides of the building facing streets. If no building exists on a lot, the building line shall be equal to the lot's applicable front yard building setback line.

**Building Massing**

Building massing is the three-dimensional bulk and shape of a structure that includes the height, width, and depth.

**Building Wall**

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.

**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.

**Building, Nonconforming**

A building or portion thereof, lawfully existing on the effective date of this code, or amendments thereto, and which does not conform to the provisions of the code in the district in which it is located.

**Building, Principal or Main**

A building occupied by the main use of the lot on which said building is located.

**Bulk Storage of Liquids or Grain**

A use associated with the bulk storage of non-flammable chemicals, food products, grains, and similar substances.

**Business and Professional Offices**

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

**Business Service Establishments**

Establishments primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing, building maintenance, employment services, management and consulting services, protective services, office equipment rental and leasing, commercial research, development and testing, photo finishing, machine repair, and personal supply services.

**Caliper**

The American Association of Nurserymen standard for trunk measurement of nursery stock. Caliper of the trunk shall be taken six inches above the ground up to and including four-inch caliper size, and 12 inches above the ground for a caliper size greater than four inches.

**Campgrounds**

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

**Canopy**

A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building façade (e.g., structural legs, building extensions, etc.). See also definition of “awning.”



*Figure 1135-B: Example of a canopy and related sign*

**Cemeteries**

A cemetery is 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.

**Certificate of Appropriateness**

A certificate issued by the Design and Review Board pursuant to the applicable provisions of Section [1105.08](#), authorizing an exterior building or site change involving any structure or site element designated as Landmark or located within a Landmark District.

**Certificate of Zoning Compliance**

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. See Section [1105.12](#).

**Change**

Any alteration, addition, demolition, removal or construction involving any property subject to the provisions of this chapter.

**Channel**

A natural stream that conveys water; a ditch or channel excavated for the flow of water.

**Channel Letters**

A sign that consists of custom-made metal or plastic that are covered in a translucent plastic material, often internally illuminated. The space between the letters is not part of the sign structure but rather the building façade though the space may count toward the sign area depending on how the letters are grouped and calculated in accordance with Section [1127.07](#).

**City**

The City of Wooster, Ohio in Wayne County, Ohio

**City Council**

The City Council of the City of Wooster, Ohio

**City Engineer**

The City Engineer of the City of Wooster, Ohio

**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.

**Code Text or Map Amendment**

An amendment or change to the text of this code or to the zoning map as reviewed and decided upon by the City Council in accordance with Section [1105.03](#).

**Colleges and Higher Educational Institutions**

Any private or public secondary educational institution that includes, but is not limited to: secretarial schools, colleges and universities, business schools, post-secondary trade schools, seminaries, or any other institution providing collegiate level curriculum.

**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.

**Commercial Message or Speech**

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

### **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:

- Any combination of vehicles with a combined gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, provided the gross vehicle weight rating of the vehicle or vehicles being towed is in excess of ten thousand (10,000) pounds;
- Any single vehicle with a gross vehicle weight rating of twenty-six thousand one (26,001) pounds or more, or any such vehicle towing a vehicle having a gross vehicle weight rating that is not in excess of ten thousand (10,000) pounds;
- 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;
- Any school bus with a gross vehicle weight rating of less than twenty-six thousand one (26,001) pounds that is designed to transport fewer than sixteen passengers including the driver;
- 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;
- 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.

### **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.

### **Common Drive**

A private driveway that provides shared access to more than one dwelling unit but which is not consider a public or private street.

### **Community Garden**

A single piece of land that is gardened collectively by a group of people that may include individual garden plots designated for individual gardens.

### **Community Recreation Facility**

A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development to which the use is associated with and is privately owned or jointly owned by property owners through a homeowners' association or other non-profit organization and open only to bona fide members and guests of such organization.

### **Completed Application**

An application that contains all information and/or data necessary to enable an informed decision to be made with respect to an application.

### **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.

### **Condominium**

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

**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.

**Construction**

The erection of a new structure, a new site element, or any additions to existing structures.

**Construction Dumpster**

A container used for the temporary storage of rubbish or materials related to the related construction site or project.

**Construction Structures**

See “construction dumpster” and “construction trailer or office.”

**Construction Trailer or Office**

A mobile home, trailer, or similar temporary structure that is used as an office or for storage in conjunction with a construction project.

**Contour**

An imaginary line connecting all points with the same elevation above or below a fixed base point whose elevation is known.

**Contractor Offices**

General office uses that are used by contractors (e.g., painters, HVAC, construction firms, etc.) solely for their administrative activities, but which do not have any storage of materials or storage of vehicles.

**Controlling Interest (Adult Uses)**

Controlling interest means the power, directly or indirectly, to direct the operation, management or policies of a business or entity, or to vote twenty percent (20%) or more of any class of voting securities of a business. The ownership, control, or power to vote twenty percent (20%) or more of any class of voting securities of a business shall be presumed, subject to rebuttal to be the power to direct the management, operation or policies of the business.

**Convent, Monastery, or Other Housing for Places of Worship**

Residential dwellings that are designed specifically to house members of the clergy or those who are employed by places of worship.

**Conversions**

Any modification or change to an existing dwelling which is intended to or actually does increase the number of dwelling or rooming units.

**County**

Wayne County, Ohio

**Crematorium**

A facility that burns human dead to ashes.

**Cul-de-Sac**

See “Street, Cul-de-Sac.”

**Cultural Facilities and Structures**

Public or private facilities use for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, monuments, art performance venues, cultural centers, and interpretative sites but does not include uses defined as “theaters.”

**Culvert**

A transverse drain that channels under a bridge, street or driveway.

**Data Center**

A facility in which the majority of the space is occupied by computer systems and associated components, such as servers, switches, routers, data storage devices, telecommunication equipment, wiring cages/closets, vaults, and racks, where digital data and information is managed, processed, transferred and/or stored. This definition includes, but is not limited to data centers, data storage and hosting facilities, co-located server hosting facilities (CoLo), network operations centers, web hosting facilities, and other similar facilities.

**Dead Storage Area**

An area in the interior of a building utilized for the storage of furniture, files, or other unused or seldom used items for an indefinite period of time. This definition shall not be used to apply to areas used for warehousing of goods or materials which are regularly accessed by the subject establishment.

**Decibel (dBA)**

A unit of measure to gauge the intensity of a sound or the power level of an electrical signal.

**Demolition**

The complete or partial removal or destruction of any structure or site element.

**Density**

The number of dwelling units permitted per acre of land.

- Gross density means the number of dwelling units permitted per acre of total land area.
- 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.

**Design Guidelines**

City of Wooster Design Guidelines for Landmarks and Landmark Districts

**Design Review Board**

The Design Review Board for the City of Wooster, Ohio

**Detached Garages and Carports**

An accessory building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building that is detached from the principal building. While a garage is completely enclosed by walls and a garage door, a carport is a roofed structure, with a foundation, that provides space for the parking of vehicles and enclosed on not more than three sides.

**Detached Storage/Utility Sheds, Gazebos, Pool Houses, and other Similar Buildings**

An accessory building, other than a detached garage, that is typically used for storage of items utilized by the occupants of the dwelling or a building used for the general enjoyment of the occupants including, but not limited to, gazebos, structural trellises, storage sheds, etc. Such term shall not include “playsets, treehouses, and trampolines.”

**Developer**

Any individual, subdivider, firm, association, syndicate, partnership, corporation, trust or other legal entity commencing proceedings under this code to affect the development of land for himself or herself or for another,

**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.

**Development Plan**

A plan prepared to scale accurately showing, with complete dimensions, the boundaries of the site, the location of buildings, exterior lighting, landscaping, vehicular use areas, access drives, signs, outdoor storage areas, and any other features that comprise a proposed development that are further defined in Section [1105.07](#) and which demonstrate a development's compliance with this code.

**Diameter-at-Breast-Height (DBH)**

The diameter of a tree trunk measured in inches at a height of 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.

**Director of Administration**

The Director of Administration of the City of Wooster, Ohio

**Distinguished or Characterized by an Emphasis Upon (Adult Uses)**

The dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those in which the dominant or principal character and theme are the exhibition or description of specified anatomical areas or specified sexual activities.

**District,**

See "Zoning District."

**Dormitories**

A building used principally to provide rooms for sleeping accommodations at an educational, public, or religious institution. Common kitchen, sanitary, and social gathering rooms may also be provided.

**Drive-Through 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-through" shall also include "drive-up" and "drive-in" but shall not include vehicle washing establishments, automotive fuel sales, or automotive service stations.

**Driveway**

A private access way used by vehicles and pedestrians for access to a parking space, garage, dwelling, structure, or a use of land.

**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.

**Dwelling Unit**

A single unit of one or more rooms providing complete, independent living facilities for one or more families or housekeeping units including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel, recreational vehicle, or other temporary or transient structure or facility. Dwelling units shall not include short-term (less than six-months) rental activities or businesses.

**Dwelling, Temporary**

A temporary dwelling unit that is, or can be, placed on a site while a permanent dwelling unit is constructed or reconstructed.

**Dwellings, Multi-Family**

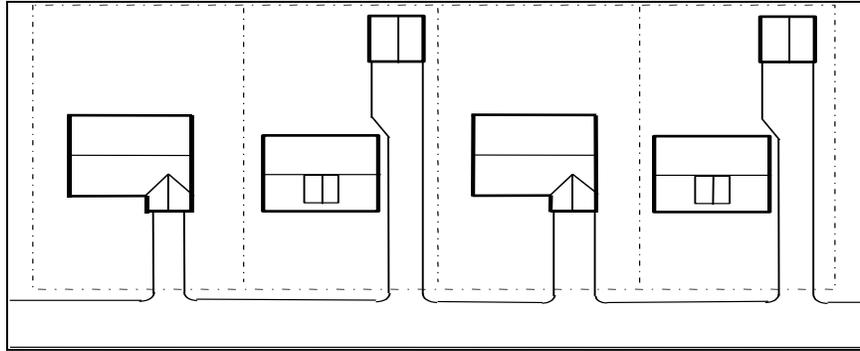
A dwelling designed for three or more dwelling units, occupied by three or more families or housekeeping units living independently of each other where the units are separated by party walls with varying arrangements of entrances, and which does not meet the definition of attached single-family dwelling units. This term includes the conversion of non-residential buildings to residential use.

**Dwellings, Single-Family Attached**

Dwelling units that are structurally attached to one another, side by side or rear-to-rear, 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.

**Dwellings, Single-Family Detached**

A dwelling unit designed and used for one family or housekeeping unit situated on an individual lot having a front, side and rear yard and separated from all other dwelling units by open space from ground to sky. See [Figure 1135-C](#).



*Figure 1135-C: Illustration of single-family detached dwellings*

**Dwellings, Two-Family**

A dwelling designed to contain two dwelling units, occupied by two families or housekeeping units living independently of each other.

**Dwellings, Two-Family Conversion from a Single-Family Dwelling**

A dwelling, that was originally designed for a single-family dwelling and which maintains the exterior appearance of a single-family dwelling, converted to contain two dwelling units, occupied by two families or housekeeping units living independently of each other.

**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.

**Educational Facilities (K-12)**

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction in accordance with the requirements of Chapter 3313 of the ORC. Such uses include, but are not limited to, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include “nursery schools or day care centers (children or adults)” or “colleges and higher educational institutions.”

**Electronic Message Center**

A sign designed so that the characters, letters, or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g. electronic or digital signs).

**Elevation (of a Building)**

The front, rear or side exterior surface of a building as viewed in a flat scale drawing.

**Emission**

That which is sent out, released, discharged, issued, or put in circulation at one time.

**Erosion**

- The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep; and
- The detachment and movement of soil or rock fragments by wind, water, ice or gravity.

**Essential Services**

See Subsection [1101.05\(b\): Essential Services Exempted](#), for a full definition of essential services.

**Establish or Establishment (Adult Uses)**

shall mean and include any of the following:

- The opening or commencement of an adult use as a new business or use;
- The conversion of an existing business, whether or not an adult use, to an adult use;
- The addition of an adult use to any other existing adult use; or
- The relocation of an adult use.

**Façade**

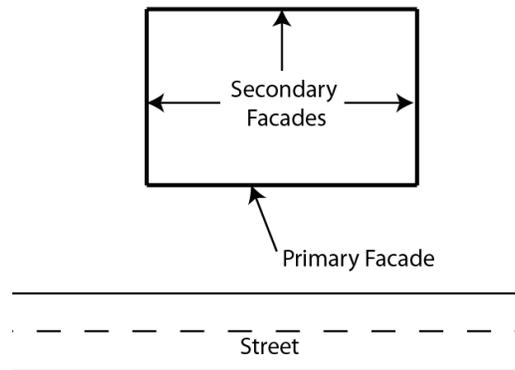
The exterior walls of a building or building face exposed to public view; the exterior face of a building which gives it a distinctive character.

**Façade, Front**

The façade of a building that contains the primary entrance of the building.

**Façade, Primary**

For the purpose of the sign regulations, a primary façade shall be deemed a façade that faces directly onto a public street. See [Figure 1135-D](#).



*Figure 1135-D: Illustration of the primary façade versus the secondary facades.*

**Façade, Secondary**

For the purpose of the sign regulations, a secondary façade shall be deemed a façade that does not face directly onto a public street. See [Figure 1135-D](#).

**Family**

One or two persons or parents, with their direct lineal descendants and adopted children (and including the domestic employees thereof), together with not more than two persons not so related, living together in the whole or part of a dwelling comprising a single housekeeping unit. Every additional group of two or fewer persons living in such housekeeping unit shall be considered a separate family for the purpose of this code.

**Federal Emergency Management Agency (FEMA)**

The agency with the overall responsibility for administering the National Flood Insurance Program.

**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.

**Fence**

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

**Fence, Barbed Wire**

A fence made with metal wire having sharp points, razors, or barbs along its length.

**Fence, Chain Link**

A fence made of metal loops, which may or may not be vinyl clad, interconnected in a series of joined links.

**Fence, Electrified**

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. This shall not include "fence, invisible" as defined in this chapter.

**Fence, Invisible**

An electrical fence, buried underground, used to retain animals on-site.

**Fence, Ornamental**

A fence constructed for its beauty or decorative effect and when viewed at a right angle, has not less than 75 percent 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:

- Rail fence or split-rail fence means a fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts; and
- Wrought iron fences, decorative steel fences, and aluminum fences.

**Financial Guarantee**

A financial deposit to ensure that all improvements, facilities, or work required will be completed in conformance with the approved plan.

**Financial Institutions**

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

**Flag**

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

**Flood Insurance Rate Map (FIRM)**

An official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**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.

**Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- The overflow of inland or tidal waters, or
- The unusual and rapid accumulation or runoff of surface waters from any source.

**Floodway**

The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one-foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: moderate to high velocity flood waters; high potential for debris and projectile impacts; and moderate to high erosion forces.

**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 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 activities related to the principal but use but not including storage, it shall be counted as floor area in computing off-street parking requirements.

**Footcandle**

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle

**Fraction or Fraction Thereof**

Where a calculation required by this code results in a fraction, the fraction shall be rounded to the closest whole number. Any fraction one-half or less shall rounded down and any fraction over one-half (#.5) shall be rounded up to the next highest whole number.

**Fraternalities or Sororities**

A building used for a meeting place for a women's or men's organization that has been officially recognized by a college, university, or seminary, in which sleeping accommodations may or may not be provided for members.

**Frontage**

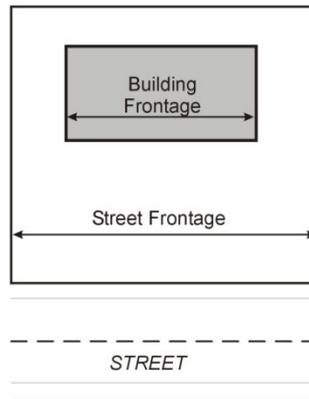
See the definition of "frontage, street or lot."

**Frontage, Building**

The length of an enclosed building facing a public or private street. When a business does not front a public right-of-way the Zoning Administrator shall have the authority to designate the building frontage. In structures with more than one business, the frontage of each business shall be calculated separately in determining its sign area. See [Figure 1135-E](#).

**Frontage, Street or Lot**

The distance between the side lot lines measured along the front lot line. In the case of a corner lot, frontage shall be measured along the shortest front lot line. Property lines which abut limited access roads shall not be construed to be included within any calculation of frontage. See [Figure 1135-E](#).



*Figure 1135-E: Illustration of building frontage versus street frontage.*

**Funeral Homes and Mortuaries**

Any dwelling or establishment used and occupied by a professional licensed mortician for human burial preparation and funeral services.

**Garage**

A building, or part thereof, used or intended to be used for the parking and storage of vehicles.

**Garage/Yard Sales**

Sales by residents of used or surplus personal possessions including, but not limited to all sales entitled garage, yard, lawn, basement, attic, porch, room, tent, backyard, patio, or moving. This term shall include garage sales, lawn sales, attic sales, rummage sales or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large can be made aware of such sale.

**Glare**

Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

**Government Facilities**

Any building or structure or portion thereof, used by a government agency for service purposes. "Government facilities" includes but is not limited to fire stations, police stations, salt storage, transit operations, and other similar uses.

**Government Offices**

Any building or structure or portion thereof, used by a government agency for administrative or professional purposes. "Government offices" includes but is not limited to city hall, county offices, state offices, and other similar uses.

**Grade**

The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

**Grading**

The stripping, cutting, filling or stockpiling, or any combination thereof of earth-disturbing activity, inclusive of land in its cut or filled conditions

**Grass**

A species of perennial grass grown as permanent lawns or for landscape purposes.

**Gravel Surface Parking Lots**

Temporary parking lots paved with gravel that may be utilized on a temporary basis while a site is under construction.

**Green Infrastructure**

Stormwater management techniques that use natural systems, or engineered systems that mimic natural process.

**Greenhouses and Nurseries**

An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales. Greenhouses and nurseries that are part of a larger agricultural use shall be considered accessory to the principal agricultural use of the land. This term does not include a garden supply or landscaping center that may be accessory to another principal use.

**Ground Cover**

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

**Group Homes or Residential Facilities**

Any residential facility meant as a permanent residence for persons, licensed by the State of Ohio, designed to allow not more than sixteen (16) persons, needing specialized care, counseling, ongoing medical treatment or supervision to live in the same building or complex of buildings and engage in some congregate living activity in a non-institutional environment as regulated by Chapters 5119, 5120 and 5123 of the Ohio Revised Code.

**Hedge**

A barrier of natural vegetation usually consisting of evergreen trees, shrubs, or tall grasses that can be used to enclose, screen, or separate areas.

**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.

**Home Occupation**

A business, profession, occupation, or trade that is conducted within a residential dwelling unit for the economic gain or support of a resident of the dwelling and is incidental and secondary to the residential use of the lot and does not adversely or perceptively affect the character of the lot or surrounding area.

**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.

**Hospitals**

An institution providing health services primarily for human in-patient medical/surgical care for the sick or injured and including related facilities such as laboratories. The use may also include out-patient departments, training facilities, central service facilities and staff offices that are an integral part of the facility and goes beyond general care typically administered within a doctor's office.

**Hotels**

A building or portion thereof used for providing lodging for transient guests and operated for profit which may provide additional services such as restaurants, meeting rooms and recreational facilities. Hotels shall provide access to the rooms via an interior lobby and hallways. See also "motels."

**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.

**Housekeeping Unit**

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

**Illuminance**

The quantity of light arriving at a surface divided by the area of that surface, which is measured in footcandles.

**Itinerant Vendor**

Any person who engages in, does, or transacts any temporary or transient business in the City of Wooster.

**Kennels/Animal Boarding**

Any place where domesticated animals, owned by another person, are temporarily housed or boarded for pay, trade, barter, commission, or remuneration of any sort; provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the law.

**Landmark**

Any building, site element, structure, or property designated as a "Landmark" by ordinance of the City Council, according to the criteria and pursuant to the procedures prescribed in Section [1105.09](#).

**Landmark District**

An area designated as a "Landmark District" by ordinance of the City Council, according to the criteria and pursuant to the procedures prescribed in Section [1105.09](#).

**Landscaping**

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects. In no case shall landscaping include the use of artificial plants or flowers as a replacement for living plant material unless such artificial plant closely resembles its natural counterpart in size, form, and color.

**Large Waste Receptacles**

A dumpster, garbage can, or other container designed to temporarily hold refuse or waste until collected that exceeds a capacity of 100 gallons.

**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.

**Light Pollution**

Any measurable exterior artificial illumination that strays beyond a property line both horizontally at grade and vertically to the building height limitation.

**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.

**Light, Cutoff**

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1117.03](#).

**Light, Non-Cutoff**

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [1117.03](#).

**Live/Work Units**

A use that combines a commercial activity allowed in the zoning district with a residential living space for the owner of the commercial business, or the owner's employee, and that person's household. The unit is also where the resident owner or employee of the business is responsible for the commercial activity performed.

**Loading Area**

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

**Loading Space**

An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials that has an appropriate means of access.

**Lot**

A parcel of land occupied, or to be occupied, by a main building and accessory buildings, or utilized for the principal use and uses accessory thereto, together with such open spaces as are required and having the minimum size required for a lot under the provisions of this code. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage required in the zoning district in which the lot is located.

**Lot Area**

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication. See Section [1115.01\(b\)](#).

**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.

**Lot Line**

The boundary line defining the limits of the lot. Lot line is synonymous with "property line."

**Lot Line, Front**

In the case of an interior lot, means that line separating such lot from the street. In the case of a corner lot or double frontage lot, the front lot line is that line separating such lot from either street. See Section [1115.01\(d\)](#).

**Lot Line, Rear**

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See Section [1115.01\(d\)](#).

**Lot Line, Side**

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Section [1115.01\(d\)](#).

**Lot of Record**

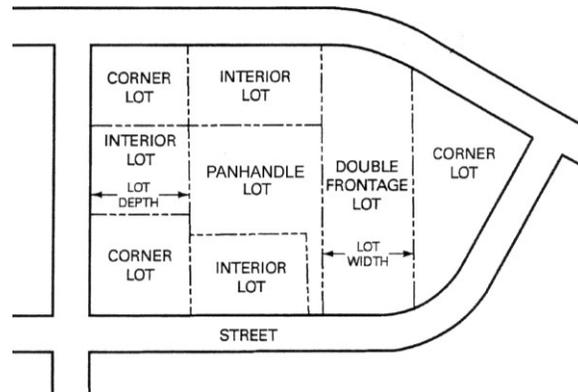
A lot which is part of a subdivision, the part of which has been recorded in the office of the Recorder of Deeds of Wayne County, or a parcel of land the deed to which was recorded, prior to adoption of this code.

**Lot Width**

The horizontal distance between the side lot lines, measured at right angles to the lot depth at the front yard building setback line.

**Lot, Corner**

A lot which adjoins the point of intersection or meeting of two or more streets and in which the interior angle formed by the street lines is one 135 degrees or less. See [Figure 1135-F](#).



*Figure 1135-F: Illustration of typical lot types.*

**Lot, Curved or Cul-De-Sac**

A lot with frontage along a curved street or cul-de-sac. See Section [1115.01\(d\)](#).

**Lot, Double Frontage (Through)**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section [1115.01\(d\)](#).

**Lot, Flag (Panhandle)**

A lot that does traditionally have a frontage on or abutting a public street but where access is provided through a narrow strip of land that fronts or has access to the street. See Section [1115.01\(d\)](#).

**Lot, Interior**

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Section [1115.01\(d\)](#).

**Lot, Nonconforming**

A lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

**Luminaire**

A complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply; also called the lighting fixture. Luminaire shall not include the light pole used to support the luminaire.

**Machinery and Heavy Equipment Sales, Leasing, and Storage**

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.

**Manufactured Home**

A residential dwelling built in an off-site manufacturing facility in accordance with the Federal Manufactured Home Safety and Construction Standards.

**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.

**Manufacturing**

The mechanical or chemical transformation of materials or substances into new products; the fabrication, processing, reduction, or destruction of any article, substance, or commodity, or any other treatment thereof in such a manner as to change the form, character, or appearance thereof.

**Manufacturing and Production (Heavy or Outdoors)**

An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials, or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its lot line. Such use shall also include any manufacturing or assembly facility that requires outdoor storage areas that exceed 2,000 square feet in area.

**Manufacturing and Production (Indoors)**

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties. This use type shall not include establishments that provide electroplating, metal stamping or forging, or vehicle processing. See also “manufacturing and production (heavy or outdoors).”

**Marijuana**

A controlled substance as defined in the ORC. The meaning shall be the same regardless if the spelling of the term is “marijuana” or “marihuana”.

**Marquee**

A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

**Maximum Extent Feasible**

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

**Mechanical Equipment**

Equipment, devices and accessories, the use of which relate to water supply, drainage, heating, ventilating, air conditioning and similar purposes.

**Medical Marijuana**

Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

**Medical Marijuana Dispensary**

A use owned and operated by a person holding a dispensary license as allowed and issued by the State of Ohio for the purposes of dispensing medical marijuana to clients with a medical marijuana prescription.

**Medical Marijuana Testing and Processing**

A facility where medical marijuana is tested and or processed in accordance with all rules established for such facilities in the ORC.

**Medical or Dental Clinics/Offices and 24-Hour Urgent Care**

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings related to medicine or dental. This term shall also include the operation of an urgent care clinic that may be opened for 24 hours and that is meant to accommodate non-emergency medical situations. This definition does not include “hospitals,” “skilled nursing facilities” or “personal care facilities.”

**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.

**Mezzanine**

An intermediate floor in any story occupying not more than two-thirds of the floor area of such story.

**Microbrewery, Microdistillery or Microwinery**

An establishment with a primarily use as a bar or tavern where beer, liquor, wine, or other alcoholic beverage is manufactured on the premises in a limited quantity subordinate to the primary table service restaurant use. The gross floor area utilized in a microbrewery, microdistillery or microwinery for the production of beer, liquor, wine, or other alcoholic beverage shall be no greater than the gross floor area utilized for the associated bar or tavern. A microbrewery, microdistillery or microwinery may include some off-site distribution of its alcoholic beverages consistent with state law. A tasting room or taproom may exist in a microbrewery, microdistillery or microwinery where patrons may sample the manufacturer's products.

**Mixed Use Buildings (With Residential Uses)**

A lot or building that contains a mixture of uses that are permitted in the applicable zoning district but that exclude any uses permitted in the agricultural use category but does include residential dwelling units.

**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.

**Mobile Home, Commercial Truck, and Recreational Vehicle Sales, Leasing, Service, or Storage**

Facilities where new or used boats, trailers, commercial trucks (not passenger pick-up trucks), mobile homes, and/ recreational vehicles, in operational condition, are sold, leased (short- or long-term), serviced, or stored.

**Modification**

Any change in use, addition or alteration of a building or structure, or any change in type and/or increase in quantity of regulated substances used, stored, handled or produced.

**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.

**Monopole**

A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

**Motels**

A building or portion thereof used for providing lodging for transient guests and operated for profit which may provide additional services such as restaurants, meeting rooms and recreational facilities. Motels shall provide access to the rooms via outdoor hallways or sidewalks. See also "hotels."

**Multi-Use Trail**

A trail that may or may not be located within a public right-of-way that can be used by pedestrians, bike, or other non-motorize vehicular transportation.

**Natural Vegetation**

Any ground cover in its original state before commencement of earth-disturbing activities.

**Noncommercial Speech**

Any sign, wording, logo or other representation that, does fall under the definition of "commercial message or speech."

**Nonconforming Site Condition**

A site improvement that was legally established, but no longer conforms with the regulations in the Planning and Zoning Code.

**Nonconformity**

Lots, uses of land, structures, and uses of structures and land in combination, lawfully existing at the time of enactment of this ordinance or its amendments, which do not conform to the regulations of the applicable zoning district, and are therefore incompatible. See also the definitions for “use, nonconforming,” “lot of record,” “building, nonconforming,” “nonconforming site condition,” and “structure, nonconforming.”

**Nudity or State of Nudity**

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 breast with less than a fully opaque covering of any part of the areola.

**Nursery Schools or Day Care Centers (Children or Adults)**

A facility administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours, by persons other than their parents or guardians, custodians, or relatives by blood, marriage or adoption for any portion of the 24-hour day in a building other than the child's own home. This use may include, but is not limited to, after school programs, office day care centers and principal structures used for only day care/nursery school programs. This term may also include adult day care centers where persons other than children, family members, or guardians care for adult for a portion of a 24-hour day in a building other than the adult's home.

**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.

**Open Space**

Open areas, including parks, nature areas, playgrounds, and trails. This does not include holding ponds, streets, driveways, or vehicular use areas.

**Operate or Cause to be Operated (Adult Uses)**

To cause to function or to put or keep in a state of doing business. "Operator" means any person on the premises of an adult use who is authorized to exercise overall operational control of the business or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated an adult use, whether or not that person is an owner, part owner, or licensee of the business. More than one person may be an "Operator" at any given time.

**Outdoor Dining**

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, that are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

**Outdoor Displays and Sales**

The placement of products or materials for sale outside of a retail or wholesale sales establishment.

**Outdoor Lighting**

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See Section [1117.03](#).

**Outdoor Storage and Bulk Sales**

A facility or lot used for the outdoor storage of materials and/or vehicles that are to be used for construction or for manufacturing processes and where such uses are the principal use of the lot. Such use may also include the sales of materials related to construction or manufacturing where the sales are direct to contractors or business and not open to the general public for retail sales. This use may also include the outdoor storage of fleet vehicles.

**Outdoor Vending Machines and Drop-Off Boxes**

Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines). Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

**Owner**

Any individual, firm, association, syndicate, co-partnership corporation, trust or any other legal entity, having legal title to or sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these regulations.

**Parapet or Parapet Wall**

A building façade that rises above the roof level, typically obscuring a gable or flat roof as well as any roof-mounted equipment.

**Parking Aisle**

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

**Parking Area**

An area designed for the parking of vehicles that includes parking spaces and any driveways or access drives specifically related to the parking spaces.

**Parking Garages**

Structures used to provide parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles. This may be permitted as a principal use of the lot in accordance with Section [1109.03\(d\)\(11\)](#) or as an accessory to a principal use as established in Section [1113.01](#).

**Parking Lots**

An outdoor 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.

**Parking Space**

A suitably surfaced and permanently maintained area on privately owned property either within or outside of a building of sufficient size to store one standard automobile.

**Passive Parks, Open Space, and Natural Areas**

Parks, open spaces, and natural areas where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that open spaces and conservation areas may include the development of trails and sidewalks.

**Patios (Unenclosed)**

Uncovered, non-enclosed outdoor hard surfaced areas that are no higher than 18 inches above the ground and does not require a building permit for construction.

**Pedestrian Connection**

A pedestrian walkway that includes sidewalks but may also include sidewalks on private property (not in the right-of-way) through the form of trails, designated walking areas, and similar walkways that are strictly used for pedestrian activity.

**Pennants**

A triangular or irregular piece of fabric or other material, whether or not containing a message of any kind, commonly attached by strings or strands, or supported on small poles, intended to flap in the wind.

**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. See Section [1117.01](#).

**Person**

Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, Wayne County or State agency within Ohio, the federal government, or any combination thereof. An agency is further defined in the Ohio R.C. 111.15 as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district or state community college. Agency does not include the general assembly, the controlling board, the adjutant general's department, or any court.

**Personal Care**

Personal care means the provision of personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

**Personal Care Facility**

A long-term or short-term residential facility that provides personal care in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as "hospitals," "group home or residential facility," "skilled nursing facility," or "transitional housing."

**Personal Service Establishments**

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**Places of Worship**

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship. Places of worship may include, but are not limited to, churches, mosques, houses of worship, chapels, synagogues, and temples.

**Planned Development**

A development that is planned for a single use, or to integrate a variety of uses with collateral uses, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses. See [Chapter 1111: Planned Developments](#).

**Planning Commission**

The Planning Commission of the City of Wooster, Ohio

**Plat**

A map graphically indicating a proposed land subdivision or re-subdivision prepared in a form suitable for filing for record, with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots, blocks, streets, alleys, public areas, and other dimensions of land.

**Plat, Final Subdivision**

The final map of all or a portion of the subdivision which is presented to the Planning Commission and City Council for final approvals in accordance with this code, and which, if approved, shall be filed with the proper county recording officer.

**Plat, Preliminary Subdivision**

A plat of all parts of a subdivision prepared by a professional registered engineer or surveyor, incorporating recommendations and requirements of planning authorities, and showing topography, means of drainage, roadways, grades, sanitary and water service, and other information for preliminary approval by the Planning Commission in accordance with [Section 1105.06](#).

**Playsets, Treehouses, and Trampolines**

Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

**Porches and Decks**

An enclosed or unenclosed surface area attached to, or abutting, a building, that is not used for livable space but that is elevated above the ground, at its highest point, by at least 18 inches.

**Printing and Publishing**

An establishment engaged in the printing and/or publishing of newspapers, books, periodicals, magazines as well as record pressing and publishing; establishments serving the printing trade including bookbinding, typesetting, engraving, photoengraving, and electrotyping; establishments manufacturing business forms and binding devices. This definition shall not include quick printing services (See “service commercial uses” or desktop publishing).

**Private Water Towers, Tanks, or Reservoirs**

A large container designed to hold water for the private use of the associated, principal industrial use.

**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, multi-family development, or similar project. The term “project boundary” shall also mean “development boundary”.

**Public**

Owned, operated or controlled by a public or governmental agency, either Federal, State, County, township or City, including a corporation created by law to perform certain specialized governmental functions.

**Public Hearing**

An official meeting called by the City Council, the Planning Commission, or the Board of Building and Zoning Appeals, duly noticed, which is intended to inform and obtain public comment or testimony, prior to the governing body rendering a decision.

**Public 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, structures, landscaping, and other related matters normally associated with the subdivision of raw land into building sites.

**Raceway**

An elongated metal enclosure used to mount individual channel lettering and to conceal related transformers and wiring.

**Radio and Television Stations**

Facilities used to produce, operate, or develop radio or television programs for distribution through various telecommunication formats but that do not include on-site towers or satellites.

**Raising of Small Livestock**

The noncommercial raising of chickens, rabbits, or other similarly small livestock on a lot used for residential purposes, as an accessory use.

**Real Estate Sales/Model Homes**

A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

**Recessed Ceiling Fixture**

An outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.

**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.

**Recreational Facilities (Indoors)**

Facilities operated by a business or group other than a government agency or a non-profit that is open to the general public for a fee that shall include, but is not limited to: roller rink, billiard parlors, ice skating rinks, basketball courts, archery or shooting range, soccer fields, indoor swimming pools, bingo parlors, athletic fields, volleyball courts, basketball courts, golf courses, outdoor swimming pools, amusement parks and other similar activities.

**Recycling Collection/Processing Facilities**

A building that is used to collect, sort, and prepare recyclable materials for distribution to other facilities.

**Regularly Features or Regularly Shown (Adult Uses)**

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 use.

**Rehabilitation**

The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural and cultural values.

**Removal**

The deletion of a feature located upon or composing a structure or site element.

**Repair**

The ordinary maintenance to correct any deterioration, decay or damage to all, or a portion of, a structure or site element which restores the element to its original state as nearly as practicable.

**Research and Development Facilities**

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.

**Restaurants**

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

**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.

**Retail Commercial Uses**

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.

**Review Board**

The review boards for this code include the City of Wooster Planning Commission, BZA, and the Design and Review Board.

**Right-of-Way**

A strip or area of land dedicated for use as a public roadway, railroad, or dedicated for other public uses. For streets, the right-of-way typically includes the paved roadway, curbs, lawn strips, sidewalks, lighting, drainage facilities and utilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**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."

**Riparian Buffer**

The vegetated area located along both sides of a water way or water course that protects the resource from pollution, provides land bank stabilization, and protects the local habitat.

**Roof Line**

Either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. In regards to sign placement, where a building has several roof levels, the pertinent roofline or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

**Satellite Dishes**

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

**Screening**

A method of visually shielding or obscuring a structure, parking, mechanical equipment, refuse collection center or incompatible land use, from another and from public view by fencing, walls, beams or densely planted vegetation.

**Self-Storage Facilities**

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.

**Semi-Nude Model Studio**

Any place where a person, who regularly appears in a state of semi-nudity, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons, except that such a modeling class operated:

- By a college, junior college, or university supported entirely or partly by taxation;
- By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- In a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing and where, in order to participate in a class a student must enroll at least three days in advance of the class, is not a "semi-nude model studio."

**Semi-Nude or State of Semi-Nudity**

A state of dress in which opaque clothing covers no more than the genitals, anus, anal cleft or cleavage, pubic area, vulva, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

**Service Commercial Uses**

An establishment providing services to business establishments on a fee or contract basis, including, but not limited to, business equipment and furniture sales or rental, educational services (not classified as an "educational institution (K-12)" or "collect and higher educational institution"), instructional services, photocopy services, protective services, or similar services.

**Setback**

Setback means the required minimum horizontal distance between a lot line or the proposed right-of-way, whichever is more restrictive and a building, surface parking lot or structure as established by this code.

**Setback, Building**

The setback required from any right-of-way and the principal or accessory building as established in this code.

**Setback Line**

A line established by this code generally parallel with and measured from the lot line or the right-of-way, 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 code.

**Setback, Front**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the front lot line.

**Setback, Rear**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and the rear lot line.

**Setback, Side**

The minimum distance required between a building, structure, parking area, outside storage area, or other use of the property, and a lot that is shared with another lot where such lot line is defined as a side lot line.

**Sexual Encounter Establishment**

A business or commercial establishment which, as one of its principal business purposes, offers, for any form of consideration, a place where two or more persons congregate, associate, or consort for the purpose of engaging in or viewing specified sexual activities or at least one of them appearing in a state of semi-nudity. The definition of "sexual encounter establishment" shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

**Sexually Oriented Business**

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, semi-nude model studio, and/or sexual encounter establishment. The definition of "sexually oriented business" shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

**Sexually Oriented Entertainment Activity**

The sale, rental, or exhibition for any form of consideration, of books, films, videocassettes, DVDs, magazines, periodicals, or live performances which are distinguished or characterized by an emphasis upon the exposure or display of specified sexual activities or specified anatomical areas.

**Shrub**

A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground.

**Sidewalk**

That portion of the road right-of-way, easement, or private property that is improved for the use of pedestrian traffic by the general public. See also "walkway."

**Sign**

Any object, device, display or structure or part thereof situated outdoors or adjacent 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.

**Sign Area**

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to [Section 1127.07](#).

**Sign Copy**

Those letters, numerals, and figures, symbols, logos, and graphic elements comprising the content or message of a sign.

**Sign Face**

The surface of the sign upon, against or through which the message of the sign is exhibited.

**Sign, A-Frame Sidewalk**

A freestanding sign which is ordinarily in the shape of an “A” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of “sign, T-frame sidewalk”.

**Sign, Awning**

A sign painted on, printed on or attached flat against the surface of an awning.

**Sign, Balloon**

A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for air-activated sign.

**Sign, Banner**

A temporary sign constructed of canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method. Where a banner sign is supported by stakes or another type of supporting structure for posting in the ground, such sign shall be classified as a temporary “yard sign.”

**Sign, Building**

Any sign attached to any part of a building including awning, canopy, marquee, projecting, hanging, or wall signs.

**Sign, Canopy**

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

**Sign, Changeable Copy**

A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as readerboards. See also the definition of “electronic message center.”

**Sign, Drive-Through**

Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

**Sign, Driveway**

A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

**Sign, Freestanding**

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building. See also the definition of “monument sign” and “pole sign.”

**Sign, Hanging**

A sign that is affixed underneath and hanging, or suspended, from a marquee, awning, canopy, or ceiling of a building or structure.

**Sign, Marquee**

A sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed or both types of lettering in use.

**Sign, Monument**

A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

**Sign, Nonconforming**

Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

**Sign, Permanent**

A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground that is constructed of rigid, non-flexible materials.

**Sign, Pole**

A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.

**Sign, Portable**

Any sign not attached to the ground or a sign designed to be transported, including signs designed to be transported by means of wheels. This definition shall not include “sign, A-frame sidewalk” or “sign, T-frame sidewalk.”

**Sign, Projecting**

A sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall.

**Sign, Temporary**

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

**Sign, T-Frame Sidewalk**

A freestanding sign which is ordinarily in the shape of an upside down “T” or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for “sign, A-frame sidewalk”.

**Sign, Wall**

A sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

**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 feet beyond the building on which such sign is located.

**Sign, Yard**

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

**Significant or Substantial Portion (Adult Uses)**

Ten percent or more.

**Site Element**

Significant objects or features, excluding structures, located on a property including, but not limited to, walkways, signage, railings and independent lighting features.

**Site Element Change**

Any alteration, demolition, or construction (as those terms are defined herein) to a site element.

**Skilled Nursing**

Those nursing services and procedures employed in caring for the sick which require training, judgment, technical knowledge, and skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

**Skilled Nursing Facility**

A long-term or short-term residential facility that provides skilled nursing services in a facility that is not in a traditional dwelling type (e.g., single-family dwelling). Such facility shall not mean the same as "hospitals" or "group home or residential facility." See also "personal care facility" or "transitional housing."

**Slope**

The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slope is usually expressed in a percentage based upon vertical differences in feet per 100 feet of horizontal distance.

**Soil**

All earth material of whatever origin that overlies bedrock, which may include the decomposed zone of bedrock which can be readily excavated by mechanical equipment.

**Soil and Mineral Extraction Activities**

The extraction, removal, or basic processing of minerals, soil, or other natural resources from the earth. Such uses also include quarrying, mining, or other procedures typically done at an extraction site.

**Solar Energy Systems**

A structure designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

**Special Flood Hazard Area**

Also known as "areas of special flood hazard," it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated and defined by the Federal Emergency Management Agency.

**Specified Anatomical Areas**

Specified anatomical areas shall mean human genitals, anus, cleft of the buttocks, or the female breast.

**Specified Sexual Activity**

Specified sexual activity means any of the following:

- Sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or
- Excretory functions as a part of or in connection with any of the activities above.

**Waiting Space**

A portion of the vehicular use area on a site that is dedicated to the temporary storage or "standing" of vehicles engaged in drive-through use of the site or development.

**Start of Construction**

The date when either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Static/Instant Message Change**

On electronic message centers, a static or instant message change is when one message changes to another message instantly without scrolling, flashing, or other movement of the message.

**Story**

The part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or, if there is no floor above, then the ceiling next above, and having a height consistent with the requirement of occupiable space as defined in the residential building code.

**Stream**

A body of water running or flowing on the earth's surface or a channel in which such flow occurs continuously or that is seasonally intermittent.

**Streamer**

A ribbon-shaped or cord-like rope which may have pennants and/or banners attached and which is stretched or hung between two or more supports.

**Street**

A public right-of-way with of width of 50 feet or more, which provides a public means of access to abutting property, or a public right-of-way more than 30 feet and less than 50 feet in width, provided that it existed prior to the effective date of this code. The term street includes avenue, drive, circle, road, parkway, boulevard, lane, place, highway, thoroughfare or any other similar term.

**Street, Arterial**

Arterial streets are streets designed for the movement of large amounts of fast traffic between points of heavy traffic generation (e.g., freeways, large residential areas or business and industrial areas) and from one section of the community or communities to another. Major arterial streets have the widest rights-of-way and carry the largest volumes of traffic within the City.

**Street, Collector**

Collector streets are designed to collect and distribute traffic between local access streets and other minor street streets to arterial streets and freeways.

**Street, Cul-de-Sac**

A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn-around.

**Street, Dead-End**

A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

**Street, Local**

A street designed primarily for providing access to residential, commercial or other abutting property.

**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.

**Street, Public**

An avenue, highway, road, thoroughfare, boulevard, parkway or other way proposed for vehicular traffic including any existing State, County, or City street or way shown upon a plat heretofore duly approved, filed and recorded in the office of the County Recorder that has been dedicated or deeded to the public for public use and which affords principal access to abutting property. Included in this definition is the land between the street right-of-way lines, whether improved or unimproved, and may comprise pavement, shoulder, gutters, sidewalks, division strips or other areas within the street lines. Roadways defined as alleys in this Zoning Code are not included as public streets by this definition.

**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.

**Structure**

Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, freestanding signs, cabins, manufactured homes, and other similar items. Patios, parking lots, or other similarly paved surfaces shall not be deemed structures.

**Structure, Accessory**

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

**Structure, Nonconforming**

Any structure which was legally constructed prior to the effective date of this zoning code but which does not comply with the applicable setbacks, development standards, site development standards or other dimensional or numerical standards of this code.

**Nonconforming Site**

Any site element (e.g. parking, landscaping, etc.) which was legally constructed prior to the effective date of this code but which does not comply with the applicable setbacks, development standards, site development standards or other dimensional or numerical standards of this code

**Structure, Temporary**

A structure permitted for limited duration with the intent that such use will terminate or the structure will be removed automatically upon expiration of the fixed time period. A temporary structure is without a foundation or footing.

**Subdivider**

Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity commencing proceedings under this code to effect a subdivision of land hereunder for himself or for another.

**Subdivision**

The division of any parcel of land, shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites or lots, for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures, not involving the division, combination, alteration, or allocation of land for the opening, widening or extension of any street or streets, and 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, shall be exempted.

**Subdivision Modification**

A modification to any of the public improvement or subdivision design standards of [Chapter 1129: Subdivision Design](#), as authorized by the Planning Commission in accordance with Section [1105.06\(h\): Subdivision Modifications](#).

**Subdivision, Major**

A subdivision that is not classified as a minor subdivision in Section [1105.06: Major Subdivisions](#).

**Subdivision, Minor**

A division of a parcel of land along an existing street not involving the opening, widening or extension of any street or road and involving no more than five lots after the original tract has been completely subdivided. See further distinction in Section [1105.05: Minor Subdivisions](#).

**Swimming Pools (Outdoors)**

Any pool, lake, or open tank, primarily used for swimming or wading, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two feet.

**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 FCC to operate without a significant loss of communication capability within developed areas of the City.

**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.

**Temporary Outdoor Sales**

Temporary outdoor sales activities include sidewalk sales, inventory reduction or liquidation sales, seasonal merchandise sales, itinerant vendors, and transient produce merchant sales. Seasonal merchandise sales include the sale of plants (also vegetables), flowers, shrubs, trees, mulch, fertilizer, weed killer products, soil, peat moss, lime, small decorative stones, landscape timbers, railroad ties, pumpkins, salt (for ice removal) and similar products, and Christmas trees.

- Temporary outdoor sales activities shall not include carnivals, festivals, promotional events or any City-sponsored function that may or may not include outdoor sales of food and/or merchandise related to such events.
- A transient produce merchant sale involves the selling of products of the farm or garden occupied and cultivated by that person on property other than that which the produce is grown.

**Temporary Storage in a Portable Container**

A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation. This category may be further divided into temporary storage for commercial uses and residential uses.

**Tennis and Other Recreational Courts (Outdoor)**

An area of a yard that is permanently improved and surfaced for the recreational use of the property owner for games such as tennis, basketball, racquetball, and similar sports or games.

**Tent**

Any temporary structure used for temporary sleeping purposes, or for temporarily sheltering a gathering, constructed wholly or in part from canvas, tarpaulin, cotton, fabric or other similar materials.

**Theaters**

Any building or part of a building used for the showing of motion pictures or for dramatic, dance, musical, live or pre-recorded performances. Such use may include a lobby area and refreshment stand for the patrons.

**Trailer**

Any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle.

**Trailer, Commercial**

A trailer that is used by the owner for commercial purposes.

**Trailer, Noncommercial**

A trailer used by the owner for the transport of personal property that is not used for any commercial purposes.

### **Transfer of Ownership or Control (Adult Uses)**

Transfer of ownership or control of an adult use shall mean any of the following:

- The sale, lease, or sublease of the business;
- The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

### **Transitional Housing**

A temporary housing arrangement designed to assist persons to obtain skills, financial wherewithal and/or the physical, psychological and emotional stability necessary for independent living in permanent housing in a community. Transitional housing is housing in which:

- An organization provides a program of therapy, counseling, supervision and/or training for the occupants;
- The organization operating the program may or may not be licensed or authorized by a governmental authority; and
- The program is for the purpose of assisting the occupants in one or more of the following types of care:
  - Protection from abuse and neglect;
  - Developing skills and the personal stability that is necessary to adjust to life in the community; and
  - Treatment of the effects of substance abuse, even if under criminal justice supervision.

The definition of “transitional housing” includes the terms halfway house, safe house, temporary care home, and other similar uses. The definition of “transitional housing” does not include the terms “group home”, as defined in the code, or other similar permanent group living facilities.

### **Tree, Deciduous**

Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

### **Tree, Evergreen**

A tree that remains green throughout the year.

### **Tree, Shade**

A tree with foliage that usually sheds annually and is planted primarily for its high crown of foliage or overhead canopy.

### **Type-B Day Care Home (1-6 Children)**

A permanent residence of the provider in which child care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the provider and who are on the premises of the type B home shall be counted; or as defined in the Ohio Revised Code.

### **Use**

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

### **Use, 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.

**Use, Conditional**

A use which may be appropriate or desirable in a specified zoning district, but requires special approval through the conditional use approval (See Section [1105.04.](#)) because, if not carefully located or designed, it may create special problems such as excessive height or bulk or abnormal traffic congestion.

**Use, Nonconforming**

Any use which was legally established and in operation or use on the effective date of this zoning code but which does not comply with the applicable use regulations of this code

**Use, Principal or Main**

The main use of land or buildings as distinguished from subordinate or accessory uses. A principal use may be either permitted, permitted with standards, or conditionally permitted.

**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. See Section [1113.02.](#)

**Utility Facilities and Buildings**

Buildings, structures, or facilities used by a public utility or similar agency for the provision of water, sewer, electric, and other public utilities that is not exempted as essential services. This use may include, but not limited to, electric substations, sewer plants, etc.

**Variance**

A modification of the strict terms of these regulations where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of these regulations would result in a practical difficulty. See Section [1105.11: Variances.](#)

**Variance, Area/Dimensional**

A procedure whereby the strict application of the provisions of this code relating to height, area, yard requirements, and the like may be modified by the BZA in a particular instance, without changing the zoning ordinance or the underlying zoning district of the parcel.

**Variance, Use**

A procedure whereby the BZA may allow the establishment of a land use that is not permitted within a particular zoning district without changing the zoning code or the underlying zoning district of the parcel where the land use is to be located.

**Vehicle Washing Establishments**

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

**Vehicle, Commercial Motor**

Any motor vehicle designed or used to transport persons or property that meets the definition of such vehicle in the ORC.

**Vehicle, Fleet**

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.

**Vehicle, Operable**

A motor vehicle whose engine can be started and the vehicle can be driven under its own power at least one hundred (100) yards immediately upon request, or within 24 hours of the initial request, and which does not have disabling damage.

**Vehicular Use Area**

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

**Veterinarian Offices/Animal Hospital**

A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding of animals being treated at the facility and shall not include outdoor runs.

**Viewing Room**

Viewing room shall mean the room, booth, or area where a patron of an adult use would ordinarily be positioned while watching a film, videocassette, DVD, or other video reproduction.

**Violation**

The failure of a structure or other development to be fully compliant with these regulations.

**Walkway**

A dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not.

**Wall**

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure.

**Wall, Retaining**

A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

**Warehouses**

A business establishment primarily engaged in the storage of merchandise, goods, and materials, not including "self-storage facilities."

**Watercourse**

Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, drainageways, waterways, gullies, ravines or washes) in which waters flow in a definite direction or course, either continuously or intermittently, and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

**Wetland**

Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

**Wholesale Sales and Distribution Centers (Indoors)**

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 uses shall also include activities where goods are received and/or stored for delivery to the ultimate customer or user at remote locations. All such activities take place inside principal or accessory buildings.

**Wholesale Sales and Distribution Centers (Outdoors)**

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 uses shall also include activities where goods are received and/or stored for delivery to the ultimate customer or user at remote locations. Such activities may take place outside of the principal or accessory buildings.

**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.

**Wireless Telecommunications Facilities**

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

**Wireless Telecommunications Tower**

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

**Yard**

An open space on the same lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided in this code. See Section [1115.01\(d\)](#) for rules of measurement and determination for all yard types.

**Yard, Front**

Unless otherwise stated in Section [1115.01\(d\)](#), a front yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building.

**Yard, Rear**

Unless otherwise stated in Section [1115.01\(d\)](#), a rear yard is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building.

**Yard, Side**

Unless otherwise stated in Section [1115.01\(d\)](#), a side yard is an open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

**Zoning Administrator**

The individual designated to administer the Planning and Zoning Code of the City of Wooster, Ohio.

**Zoning Certificate**

A permit issued by the Zoning Administrator stating that a proposed development or activity complies with this code as established in Section [1105.12: Zoning Certificate](#).

**Zoning District**

An area within the City limits for which the regulations and requirements governing use are uniform as defined by [1107.01: Establishment of Zoning Districts](#).

**Zoning District, Nonresidential**

The term “nonresidential zoning district” shall include the C-1, C-2, C-3, C-4, I-1, I-2, and I-3 districts, regardless if residential uses are permitted.

**Zoning District, Residential**

The term “residential zoning district” shall include the R-1, R-2, R-T, R-3, R-4, and R-5 districts.

**Zoning District, Special**

The term “special zoning district” shall include the CF, AG, and PD districts.

**Zoning Map**

An accurate map depicting the City of Wooster, Ohio, and indicating the official boundaries of the zoning districts established by this Planning and Zoning Code.

**Zoning Map Amendment**

An amendment or change to the Wooster Zoning Map reviewed and decided upon by the City Council in accordance with [1105.03\(d\): Code Text or Map Amendment Review Procedure](#).