

ARTICLE 2

DEFINITIONS

SECTION 200.01 DEFINITIONS; NUMBER; TENSES; BUILDING USED; SHALL.

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Zoning Resolution. Words used in the present tense include the future, the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure”; and the word “shall” is mandatory and not directory.

SECTION 201 DEFINITIONS (beginning with letter “A”)

201.01 ACCESSORY USE

Any purpose for which a building, structure, or a tract of land may be designed, arranged, intended, maintained, or occupied which:

- A. Is customarily incidental and subordinate in area, extent or purpose to the principal building, structure or use which it serves.
- B. Is located on the same zoning lot as the principal building, structure or use, with the single exception of such accessory off street parking facilities of such accessory off street parking facilities as are permitted to located elsewhere than o the same zoning lot with the building or use served under Section 4303.01 E of this Resolution.

SECTION 201.02 ADULT ENTERTAINMENT FACILITY

A facility having a significant portion of its function as adult entertainment which included the following listed categories:

- A. **Adult Book Store**
An establishment having as a substantial or significant portion of its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” as herein defined or an establishment with a segment or section devoted to the sale or display of such material.

B. **Adult Mini Motion Picture Theater**

A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Anatomical Areas,” for observation by patrons therein.

C. A facility with a capacity for fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “Specified Sexual Activities or “Specified Anatomical Areas,” for observation by patrons therein.

D. **Adult Entertainment Business**

Any establishment involved in the sale of services or products characterized by the exposure or presentation of “Specified Anatomical Areas” or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

E. **Massage Establishments**

Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

F. **Massage**

A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

G. **Specified Sexual Activities**

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts, real or stimulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
3. Fondling or other erotic touching of human genitals pubic region, buttock, or female breasts.

H. **Specified Anatomical Areas**

1. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola;
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

201.03 **AGRICULTURAL SOILS, PRIME**

Those soils which are best suited for the production of food, fiber and other crops. These soils have been determined by Montgomery County to be based upon average yields per acre of principal crops and the capability grouping of each soil type. Prime soils all within capability Class I and II as they are described in Soil Survey of Montgomery County, Ohio published by the United States Department of Agriculture, Soil Conservation Service, issued June, 1976.

201.04 **AGRICULTURE**

The use of a tract of land for the planting, harvesting, and marketing of crops and produce; the breeding, feeding, and marketing of livestock; horticulture, floriculture; structures necessary for performing these operations; and the residence of the owner or operator. Such agricultural use shall not include the following **uses**:

- A. The maintenance and operation of commercial green houses or hydroponic farms, except in zoning districts in which such uses are expressly permitted.
- B. Wholesale or retail sales as accessory use, unless the same are specifically permitted by this Resolution.
- C. The feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals, or the operation or maintenance of a commercial stockyard or feed yard.

201.05 **ALLEY**

A dedicated public right-of-way, other than a street that affords a secondary means of access to abutting property.

201.06 **AUTOMOBILE OR TRAILER SALES AREA**
An open area, other than a street, used for the display sale or rental of new or used motor vehicles or trailer in operable condition; and where no repair work is done.

201.07 **AUTOMOBILE SERVICE STATION**
A structure and surrounding land used for the storage and sale of petroleum fuel primarily to passenger vehicles, and for accessory uses such as the sale and installation of lubricants, accessories or supplies; the incidental washing of motor vehicles and the performing of tune-ups, tire and brake changing and repair.

201.08 **AUTOMOBILE WRECKING**
The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, non-operating or wrecked vehicle of their parts.

SECTION 202 DEFINITIONS (beginning with letter “B”)

202.01 **BASEMENT**
That portion of a building located partly underground but having more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground.

202.02 **BOARD**
The Board of Zoning Appeals of Butler Township.

202.03 **BUILDING**
Any covered structure built for the support, shelter, or enclosure of persons, animals, chattels or moveable property of any kind; and which is permanently affixed to the ground by means of a footer and foundation as defined in the Montgomery County Building Code.

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

202.05 **BUILDING LINE**
A line parallel to the street right-of-way at any story level of a building and representing the distance which all or any part of the building is to be set back from said right-of-way, except as specified in Article 39.

SECTION 203 DEFINITIONS (Beginning with letter “C”)

203.01 CAMPING AND RECREATIONAL EQUIPMENT

For the purpose of this Resolution, camping and recreational equipment shall include the following:

- A. Boat and Boat Trailer
Boat and boat trailer shall include boats, floats and rafts plus the normal equipment to transport the same on the highway
- B. Folding Tent Trailer
A canvas folding structure, mounted on wheels and designed for travel and vacation uses.
- C. Motorized Home
A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. Pickup Camper
A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use for travel, recreation or vacation uses.
- E. Travel Trailer
A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified “travel trailer” by the manufacturer.

203.02 CELLAR

A portion of a building located partly or wholly under ground and having one-half (1/2) or more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground

203.03 COMMISSION

The Butler Township Zoning Commission.

203.04 COMMUNITY ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITIES

A facility which provides resident services to a group of individuals of whom one or more are unrelated. These individuals are mentally retarded, handicapped, aged, or disable, are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed, supervised, or under contract by any federal, state, county, or other political subdivision. “Community Oriented Residential Social Services Facilities (residential homes) includes, but is not limited to, the following listed categories:

- A. **Foster Homes for Children**
Residential homes for mentally retarded or mentally ill children or adolescents under the age of 18 requiring protective supervision in a home setting and for children or adolescents who for various reasons cannot reside with natural family.
- B. **Foster Homes for Adults**
Residential homes for mentally retarded or mentally ill adults over the age of 18 requiring protective supervision in a home setting. Residential homes for the aged would also be included under this category.
- C. **Social Care Homes**
Residential homes for children or adolescents who lack social maturity or have emotional problems but who have not been judged delinquent. Residency may be permanent or transient.
- D. **Intermediate Care Homes**
Residential homes for children or adolescents who have been so judged delinquent and have been assigned by a court to a residential home in lieu of placement in a correctional institution.
- E. **Halfway Houses**
Residential homes for adolescents or adults who have been institutionalized and released or who have had alcohol or drug problems which make operation in society difficult and who require the protection of a group setting.

203.05 **COMPREHENSIVE PLAN**

A plan, or any portion thereof, adopted by the Planning Commission and the Board of County Commissioners of Montgomery County, Ohio showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, agricultural land, major thoroughfares, parks, school, and other community facilities. This plan establishes the goals, objectives, and policies of Montgomery County, Ohio and includes the Zoning Resolution.

SECTION 204 **DEFINITIONS (Beginning with letter “D”)**

204.01 **DEVELOPMENT STANDARDS**

Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Developments standards include regulations controlling maximum height, minimum lot areas, minimum lot frontage, minimum size of yards and set backs, maximum lot coverage and maximum floor area ratio.

204.02 **DISTRICT**
A portion of the unincorporated territory of Butler Township within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Zoning Resolution.

204.03 **DWELLING**
Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a mobile home, tent, cabin, trailer or trailer coach or other temporary or transient structure or facility.

A. **Single Family**
A building occupied or constructed to be occupied exclusively for residential purposes by one family or housekeeping units.

B. **Two Family**
A building occupied or constructed to be occupied exclusively by not more than two (2) families or housekeeping units.

C **Multiple**
A building or portion thereof occupied or constructed to be occupied by more than two (2) families or housekeeping units.

204.04 **DWELLING GROUPS**
A group of two (2) or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

204.05 **DWELLING UNITS**
One room, or a suite of two (2) or more rooms, designed for or used by one family for living and sleeping purposes and which includes permanently installed cooking a lawfully required sanitary facilities.

SECTION 205 DEFINITIONS (Beginning with letter {"E"})

205.01 **EATING PLACE NO. 1**
An establishment, other than a dining room operated by a hotel, motel or private club, offering food and beverages, which may include liquor, beer and wine, if licenses by the State of Ohio, for consumption only inside the building.

205.02 **EATING PLACE NO. 2**
An establishment having the attributes of an Eating Place No. 1, and which also provides live entertainment excluding Adult entertainment activities as defined in Subsection 201.02.

205.03 **EATING PLACE – CARRY OUT**
An establishment offering food and beverages, which may include liquor, beer and wine, if licensed by the State of Ohio, where the food and beverages are dispensed at the counter for consumption on or off the premises.

205.04 **EATING PLACE – DRIVE IN**
An establishment offering food and beverages, which may include liquor, beer and wine, if licensed by the State of Ohio, where the food and beverages are served directly to person while in motor vehicles, or where the food and beverages are dispensed at the counter for consumption on or off the premises.

205.05 **EQUAL DEGREE OF ENCROACHMENT**
A standard applied in determining the location of encroachment limits so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of floodflows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the floodplain along both sides of a stream for a significant reach.

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

SECTION 206 DEFINITIONS (Beginning with letter “F”)

206.01 **FAMILY**
One or more persons occupying a single family dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over three (3) persons. This does not include Community Oriented Residential Social Service Facilities.

206.02 **FLOOD**
A temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

- 206.03** **FLOOD, REGIONAL**
A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has a frequency of approximately 100 years as is determined by an analysis of floods in a particular stream and other streams in the same general region.
- 206.04** **FLOOD, FREQUENCY**
The average frequency statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.
- 206.05** **FLOOD PROTECTION ELEVATION**
The elevation to which uses regulated by this Resolution area required to be elevated or flood proofed.
- 206.06** **FLOODPLAIN, REGIONAL**
The area inundated by the regional flood (100 year frequency flood). This is the floodplain area which shall be regulated by the standards and criteria in this Resolution.
- 206.07** **FLOODWAY**
The channel of the watercourse and those portions of the adjoining floodplains which are reasonable, required to carry and discharge the regional flood.
- 206.08** **FLOODWAY FRINGE**
That portion of the regional floodplain located outside of the floodway.
- 206.09** **FLOOR AREA (GROSS)**
The sum of the gross horizontal area of all the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. Floor area shall include the area of basements when used for residential, commercial, or industrial purposes, but shall not include a basement or portion of a basement used for storage or the housing of mechanical or central heating equipment. In calculating floor area, the following shall not be included:
- A. Attic space providing structural head room of less than seven (7) feet, six (6) inches.
 - B. Uncovered steps.
 - C. Terraces, breezeways and open porches.
 - D. Automobile parking space in a basement or private garage.

- E. Accessory off-street loading berths, but not to exceed twice the space required by the provisions of this Resolution.

206.10 **FLOOR AREA RATIO**

The floor area ration of the building or other structure on any lot is determined by dividing the gross floor area of such building of structure by the area of the lot on which the building or structure is located. When more than one building or structure is located on a lot, then the floor area ratio is determined by dividing the total floor area of all buildings or structures by the areas of the lot. The floor area ratio requirements, as set forth under each zoning district, shall determine the maximum floor area allowable for buildings or other structures, in direct ratio to the gross area of the lot.

206.11 **FRONTAGE**

See Lot Frontage Subsection 212.08

SECTION 207 **DEFINITIONS (Beginning with letter “G”)**

207.01 **GARAGE, PRIVATE**

A garage intended for, and used by, the private motor vehicles of the families resident upon the premises, provided that not more than one-half (1/2) of the space may be rented for the private vehicles of persons not resident on the premises.

207.02 **GARBAGE**

Garbage shall be interpreted to mean all putrescible wastes including vegetable, animal offal, and carcasses of small dead animals. but does not include human excreta, sewer and water carried wastes.

207.03 **GARDEN CENTER-COMMERCIAL GREENHOUSE AND NURSERY**

The selling and growing of plants, flowers, vegetables, shrubs and trees including the selling and warehousing of garden equipment and supplies and the storage of bulk gardening items, bagged and/or on pallets.

207.04 **GRADE**

The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

207.05 **GREENBELT**

A strip of land parallel to and extending inwardly from the lot lines or right-of-way lines. Said greenbelt shall be maintained at all times in grass, trees, shrubs or plantings and not structures, parking areas or signs shall be permitted.

207.06

GREENHOUSE – HOTHOUSE – NURSERY

A sun or artificially heated structure in which to grow, or the growing of out of season, plants, flowers or vegetables or a form of agriculture whose chief function is the field growing of plants, shrubs, and trees.

SECTION

208

DEFINITIONS (Beginning with letter “H”)

208.01

HOME OCCUPATION

A home occupation shall be an occupation carried on within a dwelling unit by members of the family residing therein and provided:

- A. Said occupation does not require a state or local licensed and/or inspection.
- B. It does not occupy more than two hundred (200) square feet of floor area within the dwelling unit and does not require alteration of the structure.
- C. There are no signs or other announcements of such occupation.
- D. The only mechanical equipment installed or used is that which is normally used for domestic or household purposes.
- E. No home occupations shall be conducted in any accessory building.
- F. Only family members shall conduct the home occupations.
- G. There shall be no sales on the premises.
- H. There shall be no inventory stored on the premises.

SECTION

209

DEFINITIONS (Beginning with “I”)

209.01

INDEPENDENT HOUSING ALTERNATIVES FOR THE ELDERLY

Housing arrangements for elderly persons completely capable of independent living, who do not require protective supervision and are not mentally retarded, mentally ill or disabled, or require rehabilitation.

- A. **Shared Housing**
A housing arrangement for more than three independent/elderly persons who pool their resources to maintain a single housekeeping unit.

B. **Congregate Housing**

A housing arrangement for more than three elderly persons who are independent adults where at least meal services are provided. Other services provided to the residents from within the home may include transportation and housekeeping. Personal assistance or care is not provided. This definition includes homes licensed by the Ohio Department of Human Services under the category of Family Group Homes.

SECTION 210 DEFINITIONS (Beginning with letter “J”)

210.01 JUNK

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

210.02 JUNK YARD

An establishment or place of business (other than an establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes), which is maintained or operated for the purpose of storing, keeping, buying, or selling junk; or for the maintenance or operation of an automobile graveyard, except an establishment or place where automobiles, wrecked or otherwise, are held or impounded for a period not to exceed ninety (90) days exclusively for storage, repair, or resale without alteration.

SECTION 211 DEFINITIONS (Beginning with letter “K”)

211.01 KENNEL OR ANIMAL SHELTER

Any structure or runway in which dogs or other small animals are kept for compensation or sale.

SECTION 212 DEFINITIONS (Beginning with letter “L”)

212.01 LANDSCAPING

The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass, and other vegetation.

212.02 LIFE CARE RETIREMENT CENTER

Nursing homes, rest homes, and convalescent homes which include individual dwelling units for the elderly as an integral part of the facility where the total floor area devoted to individual dwelling

units does not exceed 70 percent of the total floor area of the entire facility.

212.03 **LIVABILITY SPACE**

Part of the open space as found in Planned Development which includes all land not covered by roof or devoted to streets, easements of access and parking.

212.04 **LIVE ENTERTAINMENT**

Any entertainment, provided in eating places, other than music mechanically produced by juke boxes or other devices for the dissemination of recorded music.

212.05 **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 commercial vehicle while loading or unloading merchandise or materials; and which abuts upon a street, alley or other appropriate means of access.

212.06 **LOT**

A piece or parcel of land occupies or intended to be occupied by a principal building or a group of such buildings and its accessory buildings and uses, including all open spaces required by this Zoning Resolution, and having frontage on a public street.

A. **Corner**

A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less.

B. **Double Frontage**

A lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

C. **Interior**

A lot other than a corner lot.

D. **Zoning**

A parcel of land not separated by street or alley that is designated by its owner or developer at the time of applying for a zoning certificate, as a tract all of which is to be used, developed, or built upon as a unit under single ownership. As long as it satisfied the above requirements, such lot may consist of:

1. a single lot of record; or
2. a portion of a lot of record; or
3. a combination of complete lots and portions of lots of record.

212.07

LOT AREA

The computed area contained within the lot lines.

212.08

LOT COVERAGE

That percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, or any part thereof, excluding projecting roof eaves.

212.09

LOT FRONTAGE

The distance between the side lot lines, measured by a line drawn parallel with the front lot line at a point of required minimum front yard depth.

212.10

LOT LINES

A. **Front**

A street right-of-way line forming the boundary of a lot. On a corner lot, the street right-of-way lines with the least amount of street frontage shall be the front lot line.

B. **Rear**

The lot lines that is most, distant from, and is, or is most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to the front lot line.

C. **Side**

A lot line which is neither a front lot line nor a rear lot line. On a corner lot, the street right-of-way line with the greatest amount of street frontage shall be a side lot line.

212.11

LOT OF RECORD

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

SECTION 213 DEFINITIONS (beginning with letter “M”)

213.01 MANUFACTURING

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

213.02 MOBILE HOME – SEE TRAILER (house)

213.03 MOTEL, MOTOR HOTEL

A building, or group of buildings, comprising individual sleeping or living unit attached in groups of six (6) or more per building for the accommodation of transient guests.

SECTION 214 DEFINITIONS (beginning with letter “N”)

214.01 NONCONFORMING USE OF BUILDINGS AND LAND

The lawful use of any dwelling, building, or structure and of any land or premises, as existing and lawful at the time of enactment of a zoning resolution or amendment thereto, may be continued, although such use does not conform with the provisions of such resolution or amendment. If any such non-conforming use is voluntarily discontinued for two (2) years or more, any future use of such land shall be in conformity with Section 303.01 to 303.25 inclusive, of the Revised Code of the State of Ohio.

214.02 NURSERY OR CHILD CARE CENTER

A building used for the commercial care of three (3) or more children, not members or wards of the family.

214.03 NURSING HOME, REST HOME OR COLVALESCENT HOME

A place, residence or home used for the boarding and care, for a consideration, or not less than three (3) persons, not members of the immediate family operating such facilities, who by reason of age or infirmity are dependent upon the services of others.

SECTION 215 DEFINITIONS (beginning with letter “O”)

215.01 OBSTRUCTION (RFP Regional Floodplain District)

Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel ratification, bridge conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projection into any channel, watercourse, or regional flood hazard area which may impede, retard or change the direction of flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the

flow of water might carry the same downstream to the damage of life or property.

215.02

OPEN SPACE

A parcel of land or an area of water, or combination of both land and water, within a site designated as a Planned Development and designed and intended for the use and enjoyment of the residents of the Planned Development. Open space includes streets, easements, parks, recreation areas, off-street parking or loading areas, public open space, or other facilities dedicated by the developer for public use. Open space shall be substantially free of structures, or may contain such improvements as are approved as a part of the general Development Plan and are appropriate for the residents or occupants of the Planned Development.

215.03

OPEN STORAGE

Storing or keeping of chattels not enclosed in a building.

SECTION 216

DEFINITIONS (beginning with letter “P”)

Planned Development is:

- A. Land under unified control, planned and developed as a whole, and
- B. In a single development operation or a definitely programmed series of development operations including all lands and buildings, and
- C. According to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans and design principles for all buildings as intended to be located, constructed, used, and related to each other; and detailed plans for other uses and improvements on the land as related to buildings, and
- E. With a program for provision, operation, and maintenance of such areas, improvements, and facilities necessary for common use by some or all of the occupants of the development, but which will not be provided, operated, or maintained at general public expense.

216.02

PLANNED COMMISSION

The Planning Commission of Montgomery County, Ohio.

216.03

PREMISES

Any lot or combination of contiguous lots held in a single ownership, together with the development thereon; a condominium complex constitutes one premises.

SECTION 217

DEFINITIONS (beginning with letter “Q”)

SECTION 218

DEFINITIONS (beginning with letter “R”)

218.01

REACH

A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the flood hazard area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would typically constitute a reach.

218.02

RECREATION SPACE (countable)

All area, open or enclosed, available for the general use of the residents of a Planned Residential district for active or passive recreation. Recreation space shall be provided in locations easily accessible to the living units, but where they will not impair the view and privacy of living units. Such space may be a part of the required livability space.

218.03

REFUSE

Refuse shall mean combustible and noncombustible waste materials, except garbage, rubber, leather, tree branches, tin cans, metals, mineral matter and dust.

218.04

ROADSIDE STAND

A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

218.05

ROOM, HABITABLE

A room occupied or designed to be occupied by one or more persons for living, sleeping, eating or cooking, including kitchens serving a dwelling unit; but not including bathrooms, toilet compartments, laundries, pantries, cellars, attics for storage and other similar spaces.

218.06

ROOMING HOUSE

A building or part thereof, other than a hotel, motel, or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in individual rooms.

SECTION 219

DEFINITIONS (beginning with letter “S”)

219.01

SERVICE CLUBS

An association organized and operated not for profit for persons who are bona fide members paying annual dues, which owns, hires, or leases premises, the use of which premises is restricted to such members and their guests. The affairs and management of such association are conducted by a board of directors, executive committee, or similar body chosen by the members at their annual meeting. Food, meals and beverages may be served on such premises, provided adequate dining room space and kitchen facilities are available. Alcoholic beverages may be sold or served to members and their guest, provided such service is secondary and incidental to the promotion of some other common objective of the organization, and further provided that such sale or service of alcoholic beverages is in compliance with all applicable federal, state, county and local laws.

219.02

SETBACK

See Building Line Subsection 202.05.

219.03

SIGN

A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land; or affixed to the glass on the outside or inside of a window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

The following are types of signs:

- A. Advertising
A sign which directs attention to a use, commodity or service not related to the premises on which the sign is located.
- B. Awning, Canopy or Marquee
A sign that is mounted on or painted on or Attached to an awning, canopy or marquee.

- C. Bulletin Board
A structure containing a surface upon which is displayed the name or a religious institution, school or library, auditorium, stadium, athletic field or area of similar use for the announcement of services or activities to be held therein.
- D. Construction
A sign indicating the names of architects, engineers, contractors and similar persons involved in the design and construction of a structure of project.
- E. Directional
A sign directing vehicular or pedestrian movement onto a premises or within a premises with no identification or advertising on the sign.
- F. Flashing
Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.
- G. Freestanding
A sign suspended or supported by one or more uprights or braces in or upon the ground surface.
- H. Identification
A sign which displays only the same address and/or use of the premises upon which the sign is located or to which it is affixed or the product or service offered therein.
- I. Illuminated
A sign that is lighted by an artificial light source.
- J. Moving
Any sign which in part or total, rotates, revolves or otherwise is in motion.
- K. Name Plate
A sign designating only the name and address or the name and professional occupation and address of a person or persons residing in or occupying space in such building or premises.

- L. Painted Bulletin
An advertising structure on which advertising design is painted or painted and posted, and which may incorporate the use of cutout and/or other embellishments.
- M. Portable
A sign that is attached to wheels, skids, or other forms of mounting which is not permanently affixed in or to the ground.
- N. Poster Panel
An advertising structure measuring not more than twelve (12) feet by twenty-five (25) feet overall on which posters are displayed.
- O. Projecting
A sign suspended from or supported by a building, structure, or column and extending there from, more than fifteen (15) inches.
- P. Promotional
A temporary sign, the function of which is to announce a special event.
- Q. Real Estate
A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.
- R. Roof
Any sign which is erected over the roof or parapet above the roofline and or receives any or all its support from the roof structure.
- S. Temporary
A banner, pennant, poster display of illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, person, institution, organization or business and is constructed of cloth, canvas, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time not to exceed thirty (30) days.

- T. Wall
A sign which is affixed, painted on or attached to the wall of the building or other structure and which extends not more than fifteen (15) inches from the face of the wall.
- U. Warning
Any sign indicating danger or a situation which is potentially dangerous.

SECTION

- 219.04** **SIGN AREA**
The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure or similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the back ground against which it is placed; excluding the necessary supports or uprights on which such sign is placed.
- 219.05** **SIGN FACE**
The surface of the sign upon, against or through which the message of the sign is exhibited.
- 219.06** **SIGN HEIGHT**
The vertical distance from the uppermost point used in measuring the area of the sign to the crown of the road on which the property fronts.
- 219.07** **SIGN STRUCTURE**
The supports, uprights, bracing or framework for signs.
- 219.08** **STABLE**
A structure for the keeping of horses and ponies.
- 219.09** **STORY**
That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.
- 219.10** **STREET**
An improved public right-of-way fifty (50) feet or more in width which provides a public means of access to abutting property or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Resolution and provided such street has been accepted by Montgomery County. The term “street” shall include avenue, drive,

circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.

219.11 **STREET, MAJOR**

A street with a right-of-way of seventy (70) feet of greater as shown on the Official Thoroughfare Plan for Montgomery County, Ohio.

219.12 **STRUCTURAL ALTERATION**

Any change in the structural members of a building, such as load bearing walls, columns, beams or girders.

219.13 **STRUCTURE**

Anything constructed, except pavement, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground by means of a footer and foundation as defined in the Montgomery County Building Code.

219.14 **SWIMMING POOL**

Any body of water or receptacle for water having a depth greater than two (2) feet, used or intended to be used for swimming or bathing, and constructed, installed or maintained in or above the ground outside a building.

SECTION

220 **DEFINITIONS (beginning with letter “T”)**

220.01 **THOROUGHFARE PLAN**

The Official Thoroughfare Plan of, and as adopted by the Planning Commission of Montgomery County, establishing the location and official right-of-way widths of principal highway and streets in Montgomery County, on file in the office of the Recorder, together with all amendments thereto subsequently adopted.

220.02 **TRAILER**

A. **House Trailer or Mobile Home**

Any self-propelled or non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation; whether resting on wheels, jacks, or other temporary or permanent foundation and used or so constructed as to permit its use as a conveyance upon the public streets or highways.

B. **Travel Trailer**

See Camping and Recreational Equipment

- C. Mobile Home Park
An area of land for the parking of three (3) or more mobile homes.
- D. Travel Trailer Park
An area of land for the parking of three (3) or more travel trailers.

220.03 **TRUCK TERMINAL**

Premises which are used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point, and which is designed to accommodate the simultaneous loading or unloading of two (2) or more trucks.

221 **DEFINITIONS (beginning with letter “U”)**

222 **DEFINITIONS (beginning with letter “V”)**

223 **DEFINITIONS (beginning with letter “W”)**

224 **DEFINITIONS (beginning with letter “X”)**

225 **DEFINITIONS (beginning with letter “Y”)**

225.01 **YARD, FRONT**

- A. Front Yard
An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.
- B. Front Yard (least depth)
The shortest distance, measured horizontally, between t any part of the building, and the front lot line.
- C. Front Yard (least depth, how measured)
Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan.

- 225.02** **YARD, REAR**
- A. **Rear Yard**
An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.
- B. **Rear Yard (least depth)**
The average distance measured horizontally between any part of a building, other than such parts hereinafter accepted in Article 39, and the nearest rear lot line.

- 225.03** **YARD, SIDE**
- A. **Side Yard**
An open space extending from the front yard to the rear yard between a building and the nearest side lot line unoccupied and unobstructed from the ground upward except as hereinafter specified.
- B. **Side Yard (least width)**
The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter accepted, and the nearest side lot line.
- C. **Side Yard (least width, how measured)**
Such width shall be measured from the nearest side lot line. On a corner lot when the side lot line is a side street lot line, the required side yard shall be the same as the required front yard of the lot adjacent thereto.

SECTION **226** **DEFINITIONS (beginning with letter “Z”)**

226.01 **ZONING CERTIFICATE**
That document signed by the Zoning Inspector or his authorized agent with certifies that the use to be made of a particular property is a permissible use according to the terms of the Butler Township Zoning Resolution.

226.02 **ZONING INSPECTOR**
The Zoning Inspector (Administrative Officer) or his authorized representative, appointed by the Board of Trustees of Butler Township.

226.03 **ZONING MAP**
The Zoning Map or Maps of the unincorporated areas of Butler Township or portion thereof together with all amendments thereto subsequently adopted.