

Definitions

Chapter 1115

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Section 1115.01 Construction of Language

- A. The words, terms and phrases used in this ordinance shall have the meaning assigned to them in this chapter, except where the context clearly indicates a different meaning.
- B. The following rules shall apply for construing or interpreting the terms and provisions of this ordinance:
1. Meanings and Intent. All provisions, terms, phrases and expressions contained in this ordinance shall be construed according to the purpose statements set forth throughout this ordinance. When a specific section of this ordinance gives a different meaning than the general definition provided in this chapter, the specific section's meaning and application of the term shall control.
 2. Headings, Illustrations and Text. In the event of a conflict or inconsistency between the text of this ordinance and any heading, caption, figure, illustration, table or map, the text shall control.
 3. Lists and Examples. Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.
 4. Computation of Time. The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday observed by the City, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, or holiday observed by the City. References to days are calendar days unless otherwise stated.
 5. References to Other Regulations/Publications. Whenever reference is made to a resolution, ordinance, statute, regulation or document, it shall be construed as a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation or document, unless otherwise specifically stated.
 6. Delegation of Authority. Any act authorized by this ordinance to be carried out by the Planning and Development Director may be carried out by a designee of the Planning and Development Director.
 7. Technical and Non-Technical Terms. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
 8. Public Officials and Agencies. All public officials, bodies and agencies to which references are made are those of the City of North Olmsted, unless otherwise indicated.
 9. Mandatory and Discretionary Terms. The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.
 10. Conjunctions. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions or events apply; and
 - b. "Or" indicates that one (1) or more of the connected items, conditions, provisions or events apply.
 11. Tenses, Plurals and Gender. Words used in the present tense include the future tense.

Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender and vice versa.

Section 1115.02 Definitions A-B

ACCESSORY BUILDING means a detached subordinate structure or building, the use of which is incidental to, and customarily associated with, the principal structure and located on the same lot as the principal structure.

ACRE means a unit of land area equal to 43,560 square feet or 160 square rods. There are 640 acres to a square mile. The acre's metric equivalent is 0.405 hectares (4,047 square meters).

ADDITION means a new structure on a site with an existing structure, or a new component to an existing structure, which causes an extension or increase in floor area or height of a building or structure.

AESTHETICS means a design term that describes the visual quality of buildings and spaces.

ALTERATION means changes made to a building or structure including the construction of additions. Normal maintenance and repairs are not considered to be alterations.

ANIMAL BOARDING FACILITY, INDOOR means any facility where domestic animals owned by another person are temporarily boarded for a fee and whose activities are conducted completely indoors.

ANIMAL, DOMESTIC means an animal commonly domesticated as a companion or pet and kept in a home or yard. Examples include dogs, cats, birds, fish, rabbits, small rodents and similar animals, and are not used for commercial purposes. Household or domesticated animals do not present an unusual risk to a person or property and are not considered farm, wild or exotic animals.

ANIMALS, EXOTIC means any animal that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad and is as defined by 9 CFR 1.1.

ANIMAL HOSPITAL/CLINICS means any facility used for the medical treatment of animals where animals may be boarded only during their convalescence from such medical treatment and where all operations are conducted completely indoors.

ANIMAL GROOMING FACILITY means any facility providing bathing or trimming of domestic animals for a fee where all operations are conducted completely indoors. This term includes facilities that board domestic animals for a maximum period of 48 hours incidental to the grooming services provided.

ANIMAL TRAINING FACILITY means any facility providing training of domestic animals for a fee, where all operations are conducted completely indoors. This term includes facilities that board domestic animals for a maximum period of 48 hours incidental to the training services provided.

APARTMENT means a multi-family building comprised of three (3) or more dwelling units, separated from each other by fireproof walls, floors and/or ceilings, of concrete, masonry or the equivalent, arranged one above the other and/or side by side, each unit having at least one (1) entrance connected to a common interior hall leading to the exterior.

APPEAL means a request for review of an administrative official's or decision-making body's interpretation or decision made under this ordinance.

APPLICANT means a person, firm or governmental agency who executes the necessary forms to obtain approval or a permit for a land disturbing activity.

ART, DANCE, OR PHOTOGRAPHY STUDIO OR GALLERY means a work space for artists or artisans including persons engaged in the application, teaching or performance of fine arts such as, but not limited to, drawing, dance, vocal or instrumental music, painting, sculpture and writing.

AVERAGE FOOT CANDLE means the level of light measured at an average point of illumination between the brightest and darkest areas. The measurement can be made at the ground surface or at three (3) to four (4) feet above the ground.

AUTO WASH means a building and land used for cleaning of passenger vehicles.

BAR means an establishment having as its principal use the serving of beer, wine or liquor for consumption on the premises. Sandwiches, light meals, snacks and/or full service meals are available for consumption on the premises but are not the principal use of the establishment.

BASEMENT means a portion of a building having more than one-half (1/2) its height below grade.

BED AND BREAKFAST INN means an owner-occupied dwelling in which overnight accommodations and a morning meal are provided to transients for compensation.

BERM means an earthen mound formed to shield undesirable views, decrease noise or add topographical interest.

BOARD means the Building and Zoning Board of Appeals (BZBA).

BREWERY means a facility operated as a manufacturing brewery or brewpub duly licensed by the Ohio Division of Liquor Control.

BUFFER means open spaces, landscaped areas, fences, walls, berms, or any combination used to physically separate or screen one use or property from another.

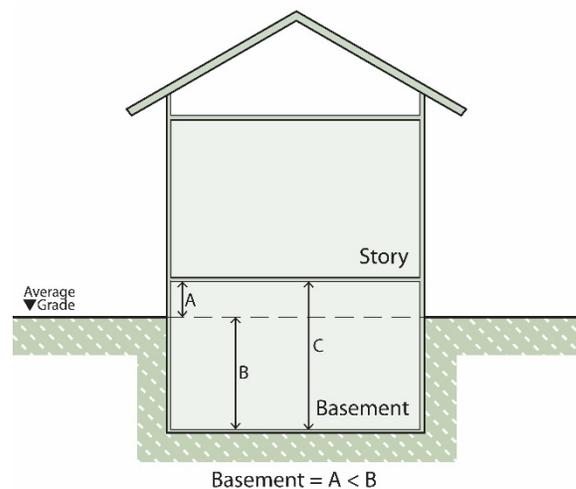
BUILD includes establish, construct, erect, assemble, arrange, reconstruct, enlarge and alter.

BUILD-TO LINE means a specified setback line at which the front of a building shall be located.

BUILD-TO ZONE means the prescribed area within which the front building façade must be placed.

BUILDABLE AREA means the land area of a given lot that is potentially available for construction after all zoning and other municipal requirements have been fulfilled. Buildable area would exclude required yards and areas on which construction may be prohibited, such as floodplains.

BUILDING means any structure having a roof supported by columns or walls and which is designed for shelter, storage or enclosure of persons, animals or property of any kind.

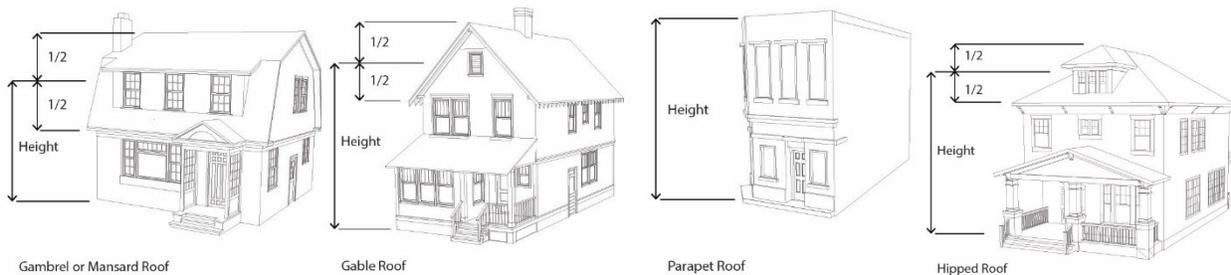


BUILDING, ACCESSORY means a detached building whose purpose is related to, but subordinate to, that of the principal building on the same parcel of land. Examples include detached garages, tool sheds and barns.

BUILDING CODE means the ordinance(s) adopted by the City that prescribes minimum standards for the construction of buildings within its boundaries.

BUILDING COMMISSIONER means the official, or his authorized representative, charged with the administration and enforcement of the building and zoning codes and other ordinances, laws, rules and regulations relating to the use, erection, construction, alteration and repair of any buildings, structures and equipment therefor or the use of the land within the City of North Olmsted.

BUILDING HEIGHT means the vertical distance of a building measured from the average elevation of the finished grade at the front of the building to the highest point of a flat roof; to the average height between the eaves and ridge line for a gable, hip or gambrel roof; or to the deck line of mansard roofs.



BUILDING LINE means a line, established by Zoning Code requirements, that delineates the boundary at grade beyond which no building or structure may extend.

BUILDING, MAIN OR PRINCIPAL means the building occupied by the main use or activity on or intended for the premises, all parts of which building are connected in substantial manner by common walls and continuous roof.

BUILDING PERMIT means a permit that the City issues before such activities as construction, substantial rehabilitation or alteration can legally take place.

BUILDING UNIT means in any building subdivided into separate units or spaces, any interior space occupying any portion of the ground floor of any building having its own exterior entrance and separated from other such spaces by a party wall or walls.

BULB means the source of electric light, to be distinguished from the whole assembly (see "luminaire").

BUSINESS OR TRADE SCHOOL means a specialized instructional establishment that provides on-site training of business, commercial or trade skills, such as accounting, data processing and computer repair or for teaching professional skills such as instrumental music, dancing, barbering, hairdressing or industrial skills.

BYLAWS means a set of rules that provide for the organization and ongoing operations of a legal body or entity, such as a homeowner's association.

Section 1115.03 Definitions C-D

CANOPY means a structure made of cloth, metal, or other material which may be totally or partially attached 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 and may or may not be raised or retracted.

CHANNEL LETTERING means a sign that consists of custom-made metal or plastic that are covered in a translucent plastic material, often internally illuminated.

CHECK CASHING ESTABLISHMENT means a use other than a bank or financial institution that cashes checks, drafts and money orders for a fee, service charge or other consideration regulated pursuant to the provisions of Chapter 1301:8 of the Ohio Administrative Code.

CITY means the City of North Olmsted.

CIVIC CLUBS AND LODGES means membership organizations that hold regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol or engage professional entertainment for the enjoyment of dues paying members and their guests.

CLERK means the duly acting Clerk of Council of the City of North Olmsted.

CLUSTER DEVELOPMENT means a form of residential subdivision that permits housing units to be grouped on sites or lots with dimensions, frontages and setbacks reduced from conventional sizes, provided the density of the tract as a whole shall not exceed the density allowed by the district under existing regulations and the remaining land area is devoted to common open space.

COLLOCATION means the use of a Wireless Telecommunication Facility by more than one (1) wireless telecommunication provider.

COMMERCIAL PROPERTY means any real property in the City that is zoned for other than exclusive residential or industrial use.

COMMERCIAL VEHICLE means any propelled or non-propelled vehicle, trailer or semi-trailer designed or used to carry freight, passengers for a fee or merchandise in the furtherance of any commercial enterprise.

COMMISSION means the City's Planning and Design Commission.

COMMON OPEN SPACE means any portion of a development that is not part of a lot or tract and is designed for the common usage of residents, visitors, guests or the general public. May include complementary structures and improvements.

COMMUNICATION TOWER, FREESTANDING means a structure erected on the ground and used primarily for the support of broadcast and/or receiving equipment and utilized by commercial, governmental or other public or quasi-public users. A communication tower does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission.

COMMUNICATION TOWER, ROOF-MOUNTED means a structure placed on a building used primarily for the support of broadcast and/or receiving equipment and utilized by commercial, governmental or other public or quasi-public users. A communication tower does not include private home use of satellite dishes and television antennas or amateur radio operators as licensed by the Federal Communications Commission.

COMMUNITY CENTER means a building to be used as a place of meeting, recreation or social activity and is not operated for profit and in that neither alcoholic beverages nor meals are normally dispensed or consumed.

CONDOMINIUM means a type of development in which the dwellings, offices, floor area, etc. are owned individually and the structure, common area and joint facilities are owned by all of the individual owners on a proportional and undivided basis as defined in ORC 5311.01.

CONSTRUCTION means any preparation, building or erection of a structure.

COUNCIL means the legislative body of the City of North Olmsted.

COUNTY means the County of Cuyahoga, Ohio.

CUL-DE-SAC means a street having one (1) end open to traffic and being terminated by a permanent vehicular turnaround.

DAY CARE CENTER means a facility, other than a private home, providing care for preschool children, school-aged children during before or after school hours or adults who do not reside in the facility, are present primarily during daytime hours, do not regularly stay overnight and that may include some instruction.

DEDICATION means the transfer of land or an interest in land (for example, a right of way or utility easement) by its owner to public ownership, to be used for a public purpose.

DEED means a written instrument by which the owner of real estate (grantor) conveys their land, or an interest in their land, to another (grantee).

DEMOLITION means the razing of any structure, in whole or in part, including its ruin by neglect of maintenance or repairs.

DENSITY means a ratio of population, residential units or floor area of development to a unit of land area.

DETENTION STRUCTURE means a permanent storm water management structure whose primary purpose is to store storm water runoff temporarily and release the stored runoff at controlled rates.

DEVELOPER means any person acting in his own behalf, or as an owner, or as an agent for an owner of property, and (1) who makes application for plan approval and a permit under the provisions of this ordinance or (2) a person undertaking or for whose benefit, activities covered by these regulations are commenced and/or carried out.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to: subdivision of land; construction or alteration of structures, roads, utilities and other facilities; installation of septic systems; mining, dredging, grading, paving, excavation or drilling operations; deposit of refuse, debris or fill materials; and clearing of natural vegetative cover.

DIAMETER AT BREAST HEIGHT (DBH) means the diameter of a tree measured at 4.5 feet above the base of the tree. Multi-stem trees are considered one (1) individual tree and each stem must be measured 4.5 feet above the base of the stem and added together to determine the diameter of the multi-stem tree.

DIRECT ILLUMINATION means the center of a beam or main beam angle of a lighting fixture.

DISTRICT means one (1) of any number of continuous and contiguous geographic areas within which the provisions and regulations of this ordinance apply uniformly to each class or kind of structure or land.

DRAINAGE means a general term applied to the removal of surface or subsurface water from a given area either by gravity, natural means, or by systems constructed to remove water and is commonly applied to surface water.

~~**DRIVE-IN FACILITIES** means commercial enterprises that allow the consumer to do business without leaving their vehicle.~~

DRIVE-THROUGH FACILITIES means 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" facilities.

DWELLING means a building designed and occupied exclusively for residential purposes. An attached garage shall be considered a part of the dwelling.

DWELLING UNIT means a building or portion of a building designed for use and occupancy by one (1) family having permanent provisions for living, sleeping, eating, cooking and sanitation. A recreational vehicle, vehicle chassis, tent or other transient residential use is not considered a dwelling.

DWELLING, MULTIPLE-FAMILY means a building or portion of a building designed for residential use and containing three (3) or more attached dwelling units with various arrangements of entrances and party walls, comprising a unified building design. This term shall not include hotels and motels.

DWELLING, SINGLE-FAMILY ATTACHED means a building consisting of separate dwelling units sharing common or party walls with at least one (1) other dwelling unit with each unit having at least two (2) separate entrances.

DWELLING, SINGLE-FAMILY DETACHED means a freestanding dwelling unit designed for and occupied exclusively by one (1) family and having at least two (2) separate entrances.

DWELLING, TWO-FAMILY means a building consisting of two (2) dwelling units which may be either attached side by side or one above the other, separated from each other by tenant walls, floors and/or ceilings of concrete, masonry or the equivalent, and each unit having either a separate or combined entrance(s).

Section 1115.04 Definitions E-F

EASEMENT means a grant or reservation made by the owner of a strip or parcel of land for specific purpose to the general public, specific people, or a corporation. The property owner retains ownership and grants perpetual use of a defined portion for a specific purpose.

ELDERLY HOUSING means a residential structure designed specifically to provide for the special housing needs of elderly persons, including any and all special safety and convenience features as required in buildings qualifying for governmental housing assistance for the elderly.

ELECTRONIC MESSAGE CENTER means 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 shall mean one of the following:

- a. A scale drawing of the view of one side of a building or structure that indicates location and dimensions of doors and windows, floor-to-floor heights and the final grade level of the ground adjacent to the building in relation to the floor level. Elevations generally show the

types of wall finishes, such as wood, stone or brick, as well as architectural details of doors, windows and exterior stairs.

b. The altitude of the ground or a place above sea level.

ENGINEER means the City Engineer of the City of North Olmsted.

EMPLOYEES means the maximum number of employees on the two (2) largest successive shifts.

ERECT shall mean to build, construct, alter, relocate, modify, attach, hang, place, suspend or affix, and shall also include the painting of signs.

EROSION means the wearing away of land surface by the action of wind, water, gravity, ice or any combination of those forces.

EROSION AND SEDIMENT CONTROL means the control of solid material, both mineral and organic, during a land disturbing activity to prevent its transport out of the disturbed area by air, water, gravity or ice.

ESSENTIAL SERVICES means the erection, construction, alteration or maintenance by a public utility or municipal department of underground, surface or overhead gas, communication, telephone, electrical, steam, fuel or water, transmission, distribution collection, supply or disposal systems. This includes related poles, wires, pipes, conduit, cables, public safety alarm and communication equipment, traffic signals, hydrants and similar accessories that are necessary to furnish adequate service, addressing general public health, safety, convenience or welfare. Wireless telecommunication towers (unless located on public property and used as part of a municipal emergency communications network), wind energy conversion systems, office buildings, substations or structures that are enclosures or shelters for service equipment, or maintenance depots are not considered essential services.

EXTERIOR LIGHTING means temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this ordinance.

FAÇADE, PRIMARY means, for the purpose of sign regulations, a façade that faces directly onto a public street or that contains the majority of customer entrances, if the façade does not face a public street. A building may have only one primary façade.

FAÇADE, SECONDARY means, for the purpose of the sign regulations, a façade other than the primary façade that faces directly onto a public street. A building may have only one secondary façade.

FALL ZONE means the area on the ground within a prescribed radius from the base of a WECS. The fall zone is the area within which there is a potential hazard from falling debris (such as ice) and, in the case of towers, shall not be less than a radius equal in distance to the total height of the WECS.

FAMILY means one (1) or more persons, living together as a single housekeeping unit and occupying a single dwelling unit, whether or not related to each other by birth or marriage.

FILL means a deposit of soil, rock or other material placed by humans.

FLAG means any fabric or bunting containing distinctive colors, patterns or design that displays words, letters, figures, designs, symbols, fixtures, logos or colors, that may be mounted to a flag pole or other structure.

FLOOD LIGHT means any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.

FLOOR AREA means the total area of all the floors as measured from the exterior faces of the building, except that an area used for storage of merchandise or housing of mechanical equipment may be excluded if approved by the Building Commissioner.

FLOOR AREA, GROSS means the sum of the area of all of a building's floors existing within its exterior walls.

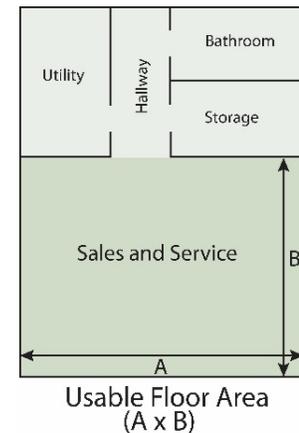
FLOOR AREA, LIVEABLE means the total area of all floors within a dwelling unit whose height is more than half above the finished grade, having a minimum floor-to-ceiling height of seven and one-half (7½) feet, located on a permanent foundation, wired for electrical service and fully enclosed for year-round use. This term shall not include garages.

FLOOR AREA, MINIMUM means the required minimum number of square feet of floor area of a dwelling unit or structure.

FLOOR AREA, NET means the total floor area of a structure minus the square footage devoted to elevator shafts, stairwells, interior space used for parking or loading, equipment and utility rooms and basement areas.

FLOOR AREA, USEABLE means the actual occupied area not including unoccupied accessory areas such as corridors, stairways, bathrooms, storage rooms, mechanical/utility rooms and closets.

FOOTPRINT means the area of land surface on the site that will be covered by the planned building. It shall equal the outside dimensions of the structures depicted on the plans used by the builder or contractor.



FRONTAGE means the distance between the side lot lines measured at the street right-of-way.

FRONTAGE, BUILDING means the linear dimension of the width of the widest portion of the building face including all appurtenant overhangs or other structures, either:

- a. Closest to parallel to the principal street or
- b. Containing the primary building entrance, of any building on any lot.

FULL CUTOFF FIXTURE means an outdoor light fixture shielded or constructed in such a manner that it emits no light above the horizontal plane of the fixture.

Section 1115.05 Definitions G-H

GAME ROOM OR AMUSEMENT ARCADE means a place of business wherein a building or any part of a building has more than two (2) mechanical amusement devices which are used for the purpose of public entertainment through the operation, use or play of any amusement device which is operated by placing therein any coin, plate, disc, plug, key or token of value, or by the payment of a fee.

GARAGE, PRIVATE means an enclosed building with doors, accessory to a one-family, two-family or multi-family dwelling, used exclusively for the parking or temporary storage of passenger vehicles.

GARAGE, REPAIR means a main building designed and used for repairing motor vehicles. "Repair Garage" means a service garage, if accessory to an automobile salesroom.

GARAGE, STORAGE means a main enclosed building with doors, other than a private garage, used for the parking or temporary storage of passenger vehicles and in which no service shall be provided.

GLARE means stray, unshielded light striking the eye that may be viewed by the average person as resulting in:

- a. Nuisance or annoyance glare such as light shining into a window;
- b. Discomfort glare such as bright light causing squinting of the eyes;
- c. Disabling glare such as bright light reducing the ability of the eyes to see into shadows; or
- d. Reduction of visual performance.

“Glare” also includes light emitting from a luminaire with an intensity great enough to reduce the average viewer’s ability to see, or, in extreme cases, causing momentary blindness.

GRADE, NATURAL means the ground elevation of the undisturbed natural surface of the ground prior to manmade alterations, such as grading, filling or excavating.

GRADE, FINISHED means the elevation of the finished surface of the ground adjoining the building after filling, final grading or excavating and settlement.

GRADING means altering surfaces to specified elevations, dimensions, and/or slopes; including excavating, stripping, cutting, filling, stockpiling and shaping or any combination.

GROUND COVER means any vegetative growth including trees, stone, gravel or other materials which render the soil surface stable against erosion.

GROUP HOME means a residential facility designed to accommodate a group of individuals, due to age or disability, living as a family unit in a non-institutional, neighborhood setting.

HEALTH AND FITNESS CLUBS means a building or portion of a building designed and equipped for the conduct of sports, exercise, leisure time activities or other customary and usual recreational activities.

HIGHWAY means a street or traffic way serving and designated as an Ohio or United States route.

HOME OCCUPATION means a gainful occupation enumerated in this Code conducted by members of a resident family wholly within a dwelling.

HOSPITAL means an establishment providing physical or mental health services with overnight accommodations for the sick and injured and is open to the general public 24 hours each day including as an integral part of the establishment related facilities such as emergency care, laboratories, outpatient facilities, training facilities and medical offices.

HOSPITAL, MICRO means a limited service hospital with no more than 12 beds which is no greater than 50,000 square feet in size.

HOTEL/MOTEL means a building that provides rooms or suites intended primarily as sleeping accommodations for public rental and temporary accommodation on a daily basis for registered transient guests. A hotel contains a central, internal lobby and provides daily room cleaning and linen changes. Other supportive facilities may also be included such as, but not limited to, meeting rooms, incidental retail sales, restaurants, lounges, swimming pools, recreational and fitness facilities, personal services and similar amenities intended principally to serve registered guests.

HOUSEHOLD means one (1) or more people living together in a single dwelling unit with common access to and common use of all living and eating areas and facilities for the preparation and serving of food within the dwelling unit.

HUB HEIGHT means the vertical distance from the base of the wind energy tower to the center of rotation of the rotor.

Section 1115.06 Definitions I-J

IMPERVIOUS SURFACE means any material that substantially reduces or prevents the infiltration of storm water into the earth.

IMPROVEMENTS means permanent additions to real property that are designed to make the property more useful or to increase its value, such as buildings, parking and utilities.

INDUSTRIAL PARK means an area within the Limited Industry-Industrial Park District consisting of ten (10) or more acres which shall be developed in accordance with a development plan submitted to the Planning and Design Commission.

Section 1115.07 Definitions K-L

KENNEL means any facility used for the boarding, breeding, raising, training, showing, or selling of dogs and/or cats for a fee. Such facilities may include outdoor dog runs.

LAMP means the source of electric light, the bulb and its housing. To be distinguished from the whole assembly (see "luminaire").

LAND means any ground, soil or earth, including marshes, swamps, drainage ways and areas not permanently covered by water within the City.

LAND USE means the various ways in which land may be used, employed or occupied.

LANDSCAPE NURSERY means the growing, storage and sale of garden plants, shrubs, trees, or vines for resale, including incidental retail sales.

LANDSCAPE PLAN means a site plan depicting planned locations of trees, shrubs, lawns, and other landscaping that will be established on the site.

LATTICE TOWER means a support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

LAW DIRECTOR means the chief legal officer for the City of North Olmsted.

LOADING SPACE means an open or enclosed space, other than a street, used for temporary parking of a commercial vehicle while its goods are being loaded or off loaded.

LOT means a division of land separated from other divisions for purposes of sale, lease or separate use, described on a recorded subdivision plat, recorded survey map or by metes and bounds. "Lot" also means an area of land being described as a lot in a duly recorded subdivision or appearing as a single parcel on the Auditor's Map Records or subdivided into a separate area or parcel in accordance with the provisions of ORC 711.01. "Lot" includes the term "plot."

LOT, CORNER means a lot with at least two (2) contiguous sides abutting the intersection of two (2) streets, forming an interior angle of less than 135 degrees. Also a lot abutting a curved street shall be considered a corner lot if the tangents of the curve, at the points of beginning with the lot or the points of intersection of the side lot lines with the street line, meet at an interior angle of less than 135 degrees.

LOT, INTERIOR means a lot other than a corner lot.

LOT, THROUGH

means an interior lot having frontage on two (2) parallel streets. A corner lot shall be considered having double frontage if it has access on three (3) or more sides. Also referred to as a “Double Frontage Lot.”

LOT AREA means the total horizontal area within the property lines of the lot.

LOT COVERAGE means the proportion of the

surface of a lot that is covered by the ground floor area of the main building and all accessory building, excluding unenclosed porches, terraces and steps, measured from the outside surface of the exterior walls.

LOT DEPTH means the mean horizontal distance of a lot measured between the front and rear lot lines.

LOT LINE means the boundary of a lot separating it from adjoining public, common or private land, including a public street.

LOT LINE, FRONT means the lot line separating a lot from the street upon which it abuts, or the shortest lot line of a corner lot which abuts upon a street, **except when lot lines abutting streets are of equal length, the front line shall be considered on the street having the longest frontage within the same block.** Unless the context clearly indicates the contrary, “front lot line” shall also mean “street line.”

LOT LINE, REAR means ~~the line that is opposite the front lot line and also the farthest in distance from the front lot line~~ a lot line parallel or within 45 degrees of being parallel to the front lot line.

LOT LINE, SIDE ~~means the line that extends from the front to the rear lot line and separates a lot from an adjacent lot that faces on the same street~~ a lot line which is neither a front lot line nor rear lot line.

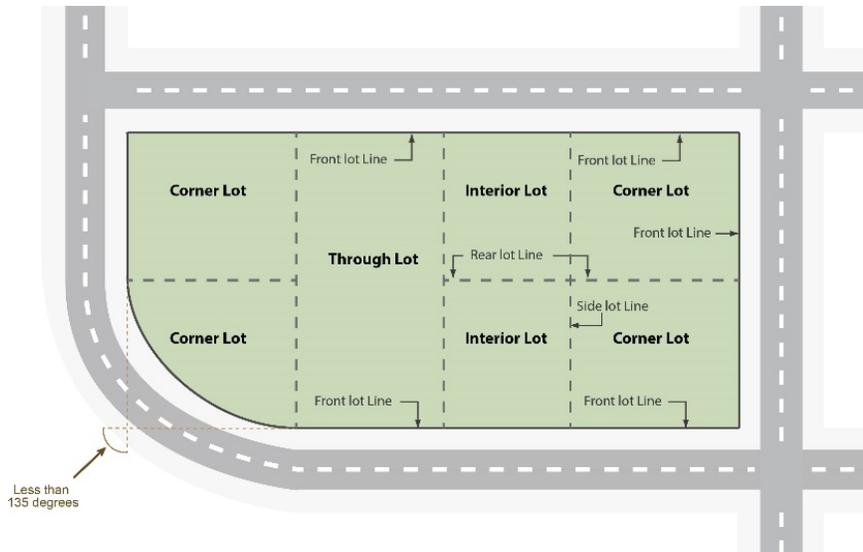
LOT, NONCONFORMING means a lot existing lawfully at the time this Code, or an amendment thereto, became effective but which does not conform to the lot area, width, access or other requirements of the district in which it is located.

LOT OF RECORD means a lot that exists as shown or described on a subdivision plat, plat map or deed in the records of Cuyahoga County.

LOT SIZE, MINIMUM, means the minimum size that a building lot must be for a building to be constructed legally at that site.

LOT WIDTH means the horizontal distance of a lot measured along the front building line at the front building setback line.

LOT, ZONING means a parcel of land abutting a dedicated street, occupied or intended to be occupied by a main and accessory use or a main and accessory building, the minimum area of



which shall be as required by this Code. A zoning lot may or may not coincide with a lot of record.

LOWEST FINISHED FLOOR means the lowest finished floor of the lowest enclosed area. An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access, or storage located in an area other than a basement is not considered a building's lowest finished floor; provided such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

LUMINAIRE means the complete lighting unit, including the lamp, the fixture and other parts.

Section 1115.08 Definitions M-N

MARQUEE means a permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building.

MASTER PLAN means the City of North Olmsted's Master Plan.

MECHANICAL AMUSEMENT DEVICE means a machine, device or instrument that upon the insertion of a coin, plate, disc, plug, key or token of value, or payment of money operates or may be operated for use as a game, contest of skill or amusement of any description. Music devices (juke boxes), postage dispensing machines, kiddie ride machines and other penny-operated machines are not included in this definition. Use of a building or any part of a building for a mechanical amusement device shall be accessory only to a permitted main use.

MEDICAL CLINICS AND MEDICAL OFFICES

- a. **CLINIC** means facility other than a hospital where medical, mental health, surgical and other personal health services are provided on an outpatient basis. Examples of these uses include: medical offices with five (5) or more licensed practitioners and/or medical specialties, outpatient care facilities, urgent care facilities and other allied health services. These facilities may also include incidental medical laboratories and/or pharmacies.
- b. **MEDICAL OFFICE** means a facility other than a hospital where medical, dental, mental health, surgical and/or other personal health care services are provided on an outpatient basis, and that accommodates no more than four (4) licensed primary practitioners (for example, chiropractors, medical doctors, psychiatrists, etc., other than nursing staff) within an individual office suite. A facility with five (5) or more licensed practitioners is classified under "Clinic."

MESSAGE, COMMERCIAL means 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.

MESSAGE, NONCOMMERCIAL means any sign, wording or logo that does not represent a commercial message or commercial speech. Such signs may express messages that include, but are not limited to, free speech opinions, ideological messages, religious messages, political messages, etc.

MICROBREWERY see "Brewery"

MIXED USE DEVELOPMENT means a development of multiple buildings that blends a combination of residential, commercial, cultural and/or institutional uses, where those functions are physically and functionally integrated and that provides interior connectivity for vehicles and pedestrians.

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

MUNICIPALITY means the City of North Olmsted.

NONCONFORMING is a term applied to lots, structures and uses of land which were lawful before the adoption of this ~~ordinance~~ **Zoning Code**, or subsequent amendment, but which are prohibited by, or which are not in compliance with, the requirements of this ~~ordinance~~ **Zoning Code**.

NON-ESSENTIAL LIGHTING means lighting that is not necessary for an intended purpose after the purpose has been served. Non-essential lighting does not include any sign lighting or lighting used for safety and/or public circulation purposes.

NORTHEAST OHIO AREAWIDE COORDINATING AGENCY (NOACA) is the federally designated metropolitan planning organization for northeast Ohio.

NURSING HOME means a residential care facility designed to provide a range of personal and medical services to chronically ill or disabled individuals.

Section 1115.09 Definitions O-P

OCCUPANCY CERTIFICATE or CERTIFICATE OF OCCUPANCY means an official statement certifying that a building, other structure or parcel of land is in compliance with the provisions of all applicable codes, or is a lawfully existing nonconforming building or use and hence may be occupied and used lawfully for the purposes designated thereon.

OCCUPIED BUILDING means a residence, school, hospital, church, library or other building used for public gathering that is occupied or in use when the permit application is submitted.

OPEN SPACE means land that is either undeveloped or is improved with various recreation facilities.

OPERATOR means the individual who has day-to-day supervision and control of activities occurring at a construction site, such as a permit holder, custodian, developer, general contractor or manager. It is anticipated that at different phases of a construction project, different parties will satisfy the definition of "operator."

ORDINARY REPAIR AND MAINTENANCE means any work to correct or prevent any deterioration, damage or decay of a structure in part or in whole and to restore the structure, as nearly as may be practicable, to its prior condition using materials which are of a design, color and outer appearance as close as practicable to the original.

OTHER ADVERTISING STRUCTURE shall mean any marquee, canopy, awning, campanile, gazebo, kiosk or street clock serving to image, identify or promote a commercial enterprise.

OUTDOOR STORAGE LOT means any portion of a site where material or items are stored for a period greater than 24 hours, such as pipes, building materials, lumber, plumbing supplies, damaged vehicles or salvaged construction equipment.

OWNER means the individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision, any interstate body or any legal entity, who owns a legal interest in the property or the person in control of the property.

PARK means a public area or facility, under the control, operation or management of the city park and recreation authorities or the equivalent state, county or recreation district authorities, which has been designated for active or passive recreational activities and allow the enjoyment of natural features or natural beauty and to be used for recreation, exercise and/or sports.

PARKING LOT means any area, paved or unpaved, used for egress or ingress or to store or park vehicles. The areas designated for the display of new and used vehicles for sale are not included in this definition.

PARKING STRUCTURE means a structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building, such as parking garages, deck parking and underground or underbuilding parking areas.

PARKING SPACE, OFF-STREET means a defined space used to park a motor vehicle other than on a street.

PEDESTRIAN PATHWAY means a sidewalk, trail or other facility designated for use by pedestrians. Such facility may also accommodate bicycles, skates, skateboards, other non-motorized vehicles or battery powered golf carts and self-balancing personal transport vehicles.

PERFORMANCE STANDARDS means criteria that are set to ensure that a particular structure, operational activity, type of land use or development will be able to meet certain minimum standards so that its impact upon the community will not exceed established limits.

PERMIT means the authorization necessary to begin a land use activity under the provisions of this ordinance.

PERMITTEE shall mean a person receiving a permit pursuant to the provisions of this ordinance.

PERSON means any individual, partnership, corporation, company, association, syndicate, or any legal entity, whether he, she or it is acting for himself, herself or itself or as the servant, employee, agent or representative of another.

PERSONAL SERVICES means an establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Examples include, without limitation: beauty and barbershops, shoe repair shops, watch repair and tailor shops.

PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR means the director of the Department of Planning and Community Development for the City of North Olmsted or his/her designee. *Also called Planning Director and Planning and Development Director.*

PLAT means a map or drawing upon which the subdivider's drawing of the subdivision is presented for approval.

PORCH means a roofed, open structure projecting from the front, side or rear wall of a building.

PRELIMINARY PLAT means the preliminary plat of a subdivision submitted pursuant to the subdivision regulations.

PRESCHOOL means a school for children primarily between birth and five (5) years of age.

PROFESSIONAL TRAFFIC ENGINEER means a person who is registered by the State of Ohio pursuant to Chapter 4733 of the Ohio Revised Code as amended and who is certified as a Professional Traffic Operations Engineer (PTOE) by the Transportation Professional Certification Board Inc. (TPCB).

PRINCIPAL STRUCTURE means the building that contains the main use for which the premises is allowed according to the applicable zoning district.

PRIVACY WALL means a continuous visual screen not less than six (6) feet in height. The screen shall be a windowless wall, fence or other type of impenetrable and opaque material that is aesthetically compatible with existing development.

PROPERTY OWNER OF RECORD means the person identified as owner by county tax records.

PUBLIC PARKING AREA means an open or enclosed publicly-owned area used for passenger automobile parking.

PUBLIC UTILITY means any person, firm, corporation, governmental agency or board fully authorized to furnish and furnishing under governmental regulation to the public electricity, gas, steam, telephone, telegraph, transportation or water or any other similar public utilities.

Section 1115.10 Definitions Q-R

RACEWAY OR WIREWAY means a form of mounting structure for signs that are a narrow structure attached to a wall where electrical conduit can run within and where the sign structure itself is mounted to it.

RECREATIONAL VEHICLE means any type of vehicle used temporarily or periodically for recreational or leisure pursuits including, but not limited to, travel trailers, motor homes, boats, special purpose automobiles, floats, rafts, trailers, detachable travel equipment of the type adaptable to light trucks, personal watercraft and other vehicles or equipment of a similar nature, as well as any trailer used to transport them.

RECYCLING COLLECTION CENTER means a facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books and other paper products; glass; metal cans; and plastics and other products are collected, sorted and temporarily stored prior to shipment for remanufacture into new materials. Such a facility may allow limited compacting or crushing of recyclable materials.

RECYCLING FACILITY means any facility that is not a junkyard, as that word is currently defined in Chapter 4737 of the Ohio Revised Code, and in which recoverable resources, such as newspapers, magazines, books and other paper products; glass; metal cans; and plastics and other products are recovered, reused, reprocessed, and treated to return such products to a condition in which they may again be used for production.

REDEVELOPMENT means a land disturbance activity that alters the use of land but does not necessarily alter the pre-development runoff characteristics.

REGISTERED LANDSCAPE ARCHITECT means a person who is registered by the State of Ohio pursuant to Chapter 4703 of the Ohio Revised Code, as amended.

REGISTERED PROFESSIONAL ENGINEER (P.E.) means a person who is registered by the State of Ohio pursuant to Chapter 4733 of the Ohio Revised Code as amended.

REGISTERED LAND SURVEYOR means a person who is registered by the State of Ohio pursuant to Chapter 4733 of the Ohio Revised Code as amended.

REGULATION means any regulation, rule or requirement prepared by the City and adopted by North Olmsted City Council pursuant to this ordinance.

RELIGIOUS INSTITUTION OR PLACE OF WORSHIP means a structure or place in which worship, ceremonies, rituals and education pertaining to a particular system of beliefs are conducted, together with its accessory buildings and uses, and which are operated, maintained and controlled under the direction of a religious group. Accessory uses may include school facilities, daycares, cemeteries, mausoleums, caretaker's housing, pastor's housing, recreational activities and group living facilities such as convents.

REPAIR means the replacement or renewal of any part of an existing building or device for the purpose of maintenance.

RESEARCH LABORATORY means a facility 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.

RESTAURANT means an establishment whose method of operation involves either the delivery of prepared food by servers to customers seated at tables within a building or prepared food is acquired by customers at a counter or cafeteria line and consumed at tables within a completely enclosed building.

RESTAURANT, DRIVE-IN means an establishment designed to accommodate the ordering and consumption of prepared food and/or beverage in motor vehicles parked on the premises of such establishment.

RESTAURANT, DRIVE-THROUGH means an establishment whose method of operation includes both indoor seating to accommodate customers who order at a counter, as well as delivery of prepared food to the customer in a motor vehicle through a drive-through window after orders are placed at a remote menu board.

RETAINING WALL means a wall designed to prevent the lateral displacement of soil or any other material.

RIGHT-OF-WAY means a strip or parcel of land dedicated to public or private use to accommodate a transportation system and necessary public utility infrastructure, such as sewer lines, power lines, water lines and gas lines, and to allow the future maintenance of those systems.

ROADWAY means that portion of a street intended for the use by vehicular traffic.

Section 1115.11 Definitions S-T

SALES LOT means an open area used for the display, sale or rental of new or used motor vehicles, on which no repair work is performed.

SCHOOL, PUBLIC OR PRIVATE means an institution at the elementary, middle or high school level that provides educational instruction to students. This definition does not include business schools or colleges.

SCREENING means any constructed wall, fence, building or living plant material used for the purpose of visually or functionally separating adjacent land uses as required by this ordinance.

SEAT means the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs or similar seating facilities; spacing of rows shall be assumed at 30 inches on center.

SERVICE STATION means a building and land, including pumps, tanks and grease racks, used for the retail sale of gasoline, lubricants, batteries and tires and possibly including the performance of minor services and repairs. A service station may include an attached convenience store that sells packaged food, convenience items, automobile accessories and beverages.

SELF-SERVICE STORAGE FACILITY means a building or group of buildings divided into sections for storage of personal items, either temporarily or long-term, also called "mini-warehouse."

SETBACK means the minimum horizontal distance that any principal or accessory building shall be separated from a street right-of-way or front, side or rear lot line to meet the minimum requirements of this ordinance.

SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult bath house, adult motel, adult motion picture theater, adult theater, escort service, massage parlor, sexual encounter center or nude model studio.

ADULT ARCADE means 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 maintained to show images to five (5) or fewer persons per machine at any one (1) time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

ADULT BATH HOUSE means a commercial establishment which provides adult patrons with such facilities as spas, saunas, swimming pools, spa rooms, spa services, showers, lockers, themed rooms and other opportunities to engage in sexual activities with other patrons. Admittance is typically, but not always, by membership only.

ADULT BOOKSTORE, NOVELTY STORE AND VIDEO STORE means a commercial establishment which has as a significant or substantial portion of its stock in trade or derives the majority of its revenues from or devotes a significant or substantial portion of its interior business or advertising to the sale or rental, for any form of consideration, of any one (1) or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, film, videos, slides or other visual description of specified sexual activities or specified anatomical areas.
- b. Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
- c. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store or adult video store. These other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store as long as one (1) of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.

ADULT CABARET means a nightclub, bar, restaurant, bottle club or similar commercial establishment, without regard to whether or not alcoholic beverages are served, which regularly features:

- a. Persons who appear nude or nearly nude;
- b. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- c. Films, motion pictures, slides or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

ADULT MOTEL means a motel, hotel or similar commercial establishment that:

- a. Offers public accommodations, for any form of consideration, and which provides patrons with closed circuit television transmissions, films, videos, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of 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, leaflets, radio or television;
- b. Offers a sleeping room for rent for a period of time less than ten (10) hours; or
- c. Allows a tenant or occupant to subrent the sleeping room for a time period of less than ten (10) hours.

ADULT MOTION PICTURE THEATER means a commercial establishment where films, videos, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

ADULT THEATER means a theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or near nudity or regularly features live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.

EMPLOYEE means, as used in the context of a sexually oriented business, a person who works for or performs in and/or for a sexually oriented business, regardless of whether or not the person is paid a salary, wage, or other compensation by the operator of the business.

ESCORT SERVICE means a person or business that furnishes, offers to furnish, or advertises to furnish escorts as one (1) of its principal business purposes.

ESTABLISHMENT means, as used in the context of a sexually oriented business, any of the following:

- a. The opening or commencement of any such business as a new business;
- b. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
- c. The addition of any of the sexually oriented businesses to any other existing sexually oriented business; or
- d. The relocation of any such sexually oriented business.

LIVE ENTERTAINMENT a person who appears nude, seminude or a performance which is characterized by the exposure of "specified sexual activities."

MASSAGE PARLOR means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatment or any other treatment or manipulation of the human body occurs as part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or service related thereto exposes specified anatomical areas; provided, this provision shall not apply to a medical doctor, osteopathic physician, chiropractor, or similar medical professional licensed by the State of Ohio to perform medical procedures on the human body.

NEARLY NUDE means a state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting belts, strips of cloth, straps or like devices, or a state of dress which leaves exposed a substantial portion of the buttocks so that the effect of achieved by such appearance is approximately the same as viewing nudity.

NUDE MODEL STUDIO means any place where a person who appears nude or nearly nude or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons who pay money or any form of consideration.

NUDE, NUDITY OR STATE OF NUDITY means the appearance of the human bare buttock, anus, male genitals, female genitals or the areola or nipple of the female breast or a state of dress which fails to opaquely and fully cover the human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

PERMITTED OR LICENSED PREMISES means any premises that requires a license and/or permit and that is classified as a sexually oriented business.

PERMITTEE AND LICENSEE means a person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one (1) of its primary business purposes, offers, for any form of consideration:

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b. Other activities between persons of the opposite sex or persons of the same sex, or both, when one (1) or more of the persons are likely to be touching, fondling or caressing other persons on the genitals, pubic area, buttocks or female breast in a manner that would stimulate sexual arousal.

SPECIFIED ANATOMICAL AREAS means any of the following:

- a. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
- b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES means any of the following:

- a. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts, regardless of whether such areas of the body are covered or not;
- b. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- c. Masturbation, actual or simulated;
- d. Human genitals in a state of sexual stimulation, arousal or tumescence; or
- e. Excretory functions as part of or in connection with any of the activities set forth in paragraphs a through d of this definition.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS means the increase in floor areas occupied by the business by more than 25 percent, as the floor areas exist on the effective date of the ordinance from which this division is derived.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS means any of the following:

- a. The sale, lease, or sublease of the business.
- b. The transfer of securities that constitute a controlling interest in the business, whether by sale, exchange, or similar means.

- c. The establishment of a trust, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

SHADE TREE means any evergreen or deciduous tree whose mature height can be expected to exceed 35 feet and whose crown spread can be expected to exceed 30 feet according to standards set forth by the American Standard for Nursery Stock, ANSI Z60.1-2014 published by AmericanHort.

SHADOW FLICKER means the on-and-off flickering effect of a shadow caused when the sun passes behind the rotor of a wind turbine.

SHIELDING means a design feature or a device that is applied to a luminaire to prevent its luminous output from being visible from selected locations or horizontal and/or vertical angles.

SHOPPING CENTER means a group of stores planned, designed and functioning as a unit on the site on which it is built and which may have one (1) or more common features, such as off-street parking, landscaped areas and pedestrian malls or plazas provided on the property as an integral part of the center.

SHORT-TERM LENDING ESTABLISHMENT means a business or use that regularly assists consumers in finding a lending establishment, other than the broker itself, in consideration of a fee. This definition pertains only to those businesses capped by state law as to the loan amount. This definition is specific to those businesses that perform payday lending or title loan broking.

SHRUBS means self-supporting woody plants, either deciduous or evergreen, with several stems and a normal mature height of three (3) to 20 feet according to standards set forth by the American Standard for Nursery Stock, ANSI Z60.1-2014 published by AmericanHort.

SIGN means any object, device, display or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination or projected images. The term "sign" does not include the display of merchandise for sale on the site of the display.

SIGN, BANNER means 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 "Sign, Yard."

SIGN, BUILDING means a sign that is attached to the building including wall signs, projecting signs and canopy signs.

SIGN, CANOPY means a sign attached to the soffit or fascia of a canopy, marquee, awning, covered entrance, covered walkway, arbor, pergola or other similar structure.

SIGN, CHANGEABLE COPY means a sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface.

SIGN, DRIVEWAY means a small sign located near driveway access points.

SIGN, DRIVE-THROUGH FACILITY means a sign that is located along the path or aisle utilized for a drive-through facility.

SIGN, GROUND means a 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 ground or pedestal structure.

SIGN, ILLUMINATED means any sign which has characters, letters, figures, designs or outlines illuminated externally or internally by any light source other than non-reflected natural daylight.

SIGN, MANUAL CHANGEABLE COPY means a changeable copy sign designed so that the characters, letter or illustrations can be changed or rearranged manually. May also be known as readerboard.

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

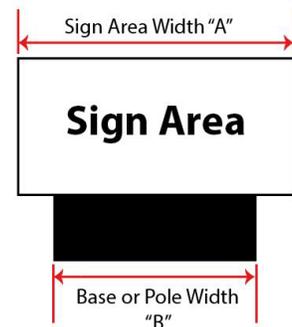
SIGN, PERMANENT means a sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

SIGN, POLE means any sign, other than a flag, that is supported by a pole, poles, columns or other base or structure, and designed either:

- a. To allow pedestrian or vehicular clearance beneath any of the sign's message area, or
- b. To allow the sign structure or cabinet containing the sign area to overhang the pole, poles, columns or other base or structure in total by more than 20 percent of the sign message area's breadth.

A sign is considered a pole sign when the following calculation results in a number greater than 0.2

$$("A" - "B") \div "B"$$



SIGN, PORTABLE means any sign not attached to the ground in either a temporary or permanent manner. Portable signs shall also include any sign designed to be transported, including signs designed to be transported by means of wheels.

SIGN, PROJECTING means a sign that is affixed perpendicular to a building or wall extending more than 18 inches beyond the face of such building or wall.

SIGN, TEMPORARY means 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, WALL means a sign attached directly to an exterior wall of a building with the exposed face of the sign in a plane parallel to the building wall. Wall signs shall not include signs that are painted directly onto a wall.

SIGN, WINDOW means a sign attached to, in contact with, placed upon, painted on or otherwise viewable through the window or door of a building that is intended for viewing from the outside of such building. This does not include merchandise located in a window. A structure that would be considered a sign if mounted on the exterior of the building, but which is mounted inside the building and oriented to be visible through the window by a person outside of the window shall be considered a window sign for the purposes of this code.

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

SIGN AREA means the entire display area of a sign copy including the advertising surface located on one or more sign faces, but not including the supporting structure.

SIGN COPY means those letters, numerals, and figures, symbols, logos and graphic elements comprising the content or message of a sign.

SIGN FACE means the surface of the sign upon, against or through which the message of the sign is exhibited.

SIGN HEIGHT means the vertical distance to top of sign structure.

STACKING LANE means a portion of the parking lot or other vehicular use area of a site that is dedicated to the temporary storage or queuing of vehicles engaged in drive-through use of the site or development.

START OF CONSTRUCTION means the first placement of permanent construction of a structure on a site such as the pouring of slabs or footings or any work beyond the stage of excavation, including the relocation of a structure. Permanent construction does not include installation of streets and/or sidewalks.

STATE means the State of Ohio.

STATIC OR INSTANT MESSAGE CHANGE means 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.

STORM WATER means the direct runoff response of a watershed to rainfall including the surface and subsurface runoff and any associated material that enters a ditch, stream or storm sewer during a rainfall event.

STORY means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it, including a basement with a ceiling more than four (4) feet six (6) inches above the surface of the adjoining ground.

STREET means a dedicated public thoroughfare designed to provide the principal means of access to abutting property or designed to serve as a roadway for vehicular travel, or both, but excluding alleys.

STREET, ARTERIAL means a major street designed to carry high volumes of through-traffic long distances at relatively high speeds.

STREET, COLLECTOR means a street designed to carry traffic from local streets to arterial streets, as well as to serve as a means of access to traffic generators.

STREET, LOCAL means streets that are designed to provide access to primarily residential areas and relatively short distances of travel.

STREET WIDTH means the shortest distance between the lines delineating the rights-of-way of a street.

STRUCTURAL ALTERATIONS means any change to the supporting members of a building, such as foundation, bearing walls, columns, beams, girders, rafters, etc.

STRUCTURE means anything constructed or erected that requires permanent location on the surface of the land the use of which requires a location on the ground or attached to something

having a location on the ground, including, but not limited to, tennis courts, swimming pools and buildings.

SUBDIVISION means the division of land which is five (5) acres or less into two (2) or more building lots or building sites. A division of land into parcels of more than five (5) acres for agricultural purposes or a division not involving new streets or easement of access, or a division, sale or exchange of parcels between adjoining lot owners, if such exchange does not create additional building sites, shall not be considered a subdivision.

SUBDIVISION, MINOR means the proposed division of a parcel of land along an existing public street not involving the opening, widening or extension of any road or street, and involving not more than five (5) lots.

SUBDIVISION, MAJOR means a division of a parcel into two (2) or more lots when such subdivision involves the opening, widening or extension of any street or the granting of easements for the extension and maintenance of sewer, water, storm drainage or other facilities. Also, any division of a parcel into more than five (5) lots.

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition or improvement, the cost of which equals or exceeds 50% of the assessed value of the structure before the start of construction of the improvement. This term includes structures that have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. Substantial improvement or construction is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structure. The term does not include any project for improvement of a structure to comply with state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions.

TECHNICALLY SUITABLE means the location of a Wireless Telecommunication Antenna reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the Antenna has been licensed by the Federal Communications Commission (FCC) to operate without a significant loss of communication capability within developed areas of the City.

TELECOMMUNICATIONS means the technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term "Personal Wireless Services."

TEMPORARY means a specified period of time for which an activity or use is authorized.

TOTAL HEIGHT means the vertical distance from the base of the tower to the tip of a wind generator blade when the tip is at its highest point.

TOWER, MONOPOLE means a wind energy conversion system tower consisting of a single pole, constructed without guyed wires and anchors.

TRACT means an area, parcel, site, piece of land or property that is the subject of a development proposal and application.

TRUCK OR FREIGHT TERMINAL means an area and building where buses, trucks and cargo are stored, where loading and unloading is carried on regularly and where minor maintenance of these types of vehicles is performed.

Section 1115.12 Definitions U-V

USE means any purpose for which a building, other structure or land may be arranged, designed, intended, maintained or occupied. "Use" also means any activity conducted in a building or other structure or on the land.

USE, ACCESSORY means a use of land or building, or a portion thereof, that is subordinate to, and customarily associated with or incidental to the principal or primary use.

USE, CONDITIONAL means an uncommon or infrequent use which may be permitted in specific districts, subject to compliance with certain standards and explicit conditions set forth in this ordinance and subject to the granting of a conditional use permit.

USE, NONCONFORMING is a term applied to lots, structures and uses of land which were lawful before the adoption of this ordinance, or subsequent amendment, but which are prohibited by, or which are not in compliance with, the requirements of this ordinance.

USE, PERMITTED means a type of land use that is authorized by right for a particular zoning district.

USE, PRINCIPAL OR PRIMARY means the significant or primary activity carried out within a structure or upon land.

UTILITY ROOM means a room at or above or not more than four (4) feet below the finished ground elevation in a dwelling and used or designed to house equipment used for laundry, heating or other related purposes.

VARIANCE means a grant of relief from the requirements of this ordinance, based on conditions of the property that pose an unnecessary hardship in complying with the requirements.

VEGETATION means all plant growth including trees, shrubs, mosses and grasses.

VEHICLE REPAIR, MAJOR means the repair, rebuilding or reconditioning of engines, motor vehicles, or trailers, including body and fender work, framework, welding and painting service.

VEHICLE REPAIR, MINOR means a building or premises used primarily to provide general maintenance on vehicles such as oil changes and lubrication; servicing a repair of spark plugs, batteries, pumps, belts, hoses, air filters, windshield wipers and distributors; replacement of mufflers and exhaust systems, brakes and shock absorbers; radiator cleaning and flushing; sale and installation of vehicle accessories such as tires, radios and air conditioners; wheel alignment and balancing; but, excluding tire recapping or grooving or any major mechanical repairs, collision work or painting.

VEHICLE WASH means a building or portion of a building with machine or hand-operated facilities used principally for the cleaning, washing, polishing or waxing of motor vehicles.

VETERINARY CLINIC means a facility for the care and treatment of small animals, including household pets. Such facilities may be entirely indoors or may have both indoor and outdoor components.

Section 1115.13 Definitions W-Z

WALL means one of the sides of a room or building connecting floor and ceiling or foundation and roof up to and including an exterior parapet that is parallel to and projects no more than four feet above the roof line.

WALL, COMMON OR PARTY means a wall shared by two (2) buildings or used to separate units within a building.

WHOLESALE ESTABLISHMENT means an establishment primarily engaged in selling and distributing merchandise to retailers, industrial, commercial, institutional or professional business users, or to other wholesalers; and, acting as agents or brokers by buying merchandise for, or selling merchandise to, such individuals or companies.

WINDBLOWN DEVICES means objects and signs designed to inform or attract attention, all or part of which is set in motion by or remains inflated by wind, mechanical, electrical or any other means and may include, but are not limited to pennants, ribbons, streamers, balloons and hot or cold air inflatable devices, spinners or similar objects.

WIND ENERGY CONVERSION SYSTEM (WECS) means equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire or other component used in the system.

WIND ENERGY CONVERSION SYSTEM, BUILDING INTEGRATED means a wind energy facility designed to be permanently mounted on an occupied building or accessory structure, designed to be operated in direct contact with a building.

WIND ENERGY CONVERSION SYSTEM, MEDIUM means a wind energy system that has a total height of 170 feet or less, is primarily used to generate energy for use by its owner, reduces the need to purchase utility power from the grid, and has the ability to sell power back to the grid.

WIND ENERGY CONVERSION SYSTEM, SMALL means a wind energy system that has a total height of 75 feet or less, is primarily used to generate energy for use by its owner, reduces the need to purchase utility power from the grid, and has the ability to sell power back to the grid.

WIRELESS TELECOMMUNICATION ANTENNA or “Antenna” or “Antenna Array” means the physical device or an array of elements constituting a physical device through which an electromagnetic, wireless telecommunication signal authorized by the FCC is transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

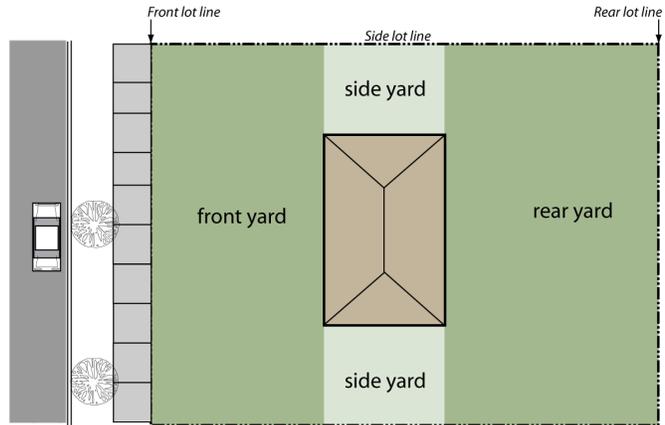
WIRELESS TELECOMMUNICATION EQUIPMENT SHELTER or “Equipment Shelter” means the structure or cabinet in which the electronic receiving and relay equipment for a Wireless Telecommunication Facility is housed.

WIRELESS TELECOMMUNICATION FACILITY or “Facility” means 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 for the provision of Personal Wireless Services.

WIRELESS TELECOMMUNICATION TOWER or “Tower” means any structure, other than a building, that elevates the Wireless Telecommunication Antenna and may include accessory transmission and receiving equipment.

YARD means an open space at grade between a building and the adjoining lot lines.

YARD, FRONT means ~~an open space between the front of a building and the front lot line, generally adjacent to a street~~ the area extending from the front wall of a building to the front lot line, and extending the full width of the lot. ~~Corner lots have two (2) front yards, a primary and a secondary front yard.~~



YARD, REAR means ~~an open space between the rear of a building and the rear lot line~~ the area extending from the rear wall of a building to the rear lot line and extending the full width of the lot.

YARD, SIDE means ~~an open space between the side of a building and the side lot line~~ the area extending between a side lot line and the nearest wall of a building and extending from the front yard to the rear yard.

ZONING CODE means this ordinance and any other adopted regulations of the City of North Olmsted pertaining to the development and use of land.

ZONING DISTRICT means a portion of the community that is officially delineated on the Zoning Map and is subject to a particular set of land use requirements as set forth in the Zoning Code. These requirements, which are uniform throughout the district, control the use of land, the intensity of development and the arrangement of buildings on the land within the district.

ZONING MAP means a map (or maps) that graphically delineate(s) the boundaries of all zoning districts within the corporate boundary of the City.