

Article II Definitions

For the purpose of this Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural the singular; the word “building” shall include the word “structure”; the word “shall” is mandatory and not directory; and a “person” shall mean, in addition to an individual, a firm, corporation, association, or any legal entity which may own and/or use land or buildings.

¹100-Year Floodplain: Any land susceptible to being inundated by water from a base flood, which is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. For the purposes of these regulations, the 100-year floodplain shall be defined by FEMA and approved by the County of Summit Department of Building Standards.

²Above Ground Liquid Hydrocarbon Storage Tank: Any container used for the storage of liquid hydrocarbons including, but not limited to, oil, gasoline, kerosene and diesel fuel which is located in whole or in part above the surface of the ground surrounding it

Accessory Building Or Use: A subordinate building or use customarily incidental to, and located upon the same lot occupied by the main building and use, provided always the accessory use does not constitute or become a public or private nuisance.³ A guest house or accessory living quarters may be considered as an accessory use, except that in an R-4 Residential District such guest house or accessory living quarters shall be considered a principal permitted use.

Active Recreation: Leisure time activities characterized by repeated and concentrated use of land, often requiring equipment and taking place at prescribed places, sites, or fields. Examples of active recreation facilities include golf courses, driving ranges, tennis courts, swimming pools, softball, baseball, and soccer fields. For the purpose of these regulations, active recreation facilities do not include paths for biking, hiking, and walking and picnic areas.

⁴Adult Arcade: Any place to which the public is permitted or invited wherein coin-operated or token-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 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

¹ May 19, 2003

² April 29, 2009

³ June 20, 1984

⁴ April 9, 1997

⁵Adult Bookstore Or Adult Video Store: A commercial establishment which, as one of its principal business purposes, offers for sale or rental for any form of consideration any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
2. Instruments, devices, paraphernalia, other than medical or contraceptive devices, which are designed for use in connection with specified sexual activities.

⁶Adult Cabaret: A nightclub, bar, restaurant, or similar commercial establishment, which regularly features:

1. Persons who appear in a state of nudity; or
2. Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or,
3. Films, motion pictures, videocassettes, slides, or other photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Care Facility: An Adult Care Facility is a residence, facility, institution, hotel or congregate housing project, providing accommodations and supervision to three to sixteen unrelated adults, at least three of whom are provided personal care services, regardless of how the facility holds itself out to the public. An Adult Care Facility does not include the following:

1. A facility operated by a hospice care program
2. A nursing home, rest home or home for the aging.
3. A community alternative home.
4. An alcohol and drug addiction program.
5. A habilitation center.
6. A licensed residential facility for the mentally ill.
7. A licensed methadone treatment facility.
8. A residential facility regulated/licensed under the Department of Mental Retardation and Developmental Disabilities.
9. A facility that provides personal care services to fewer than three residents or that provides, for any number of residents, only housing, housekeeping, laundry, meal preparation, social or recreational activities, maintenance,

⁵ April 9, 1997

⁶ April 9, 1997

- security, transportation, and similar services that are not personal care services or skilled nursing care.
10. Any facility that receives funding for operating costs from the Department of Development to provide emergency shelter housing or transitional housing for the homeless.
 11. A terminal care facility for the homeless that has entered into agreement with a hospice care program.
 12. A facility approved by the Veterans Administration.
 13. An assisted living facility.

Adult Group Home (Ord 3722.01): A residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three unrelated individuals. Typically, elderly persons occupy these types of units.

⁷Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

⁸Adult Theater: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

Agriculture: The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce provided that the operation of such accessory use shall be secondary to that of the normal agriculture activities, and provided that the above uses shall not include the commercial feeding of garbage or offals to swine and other animals. ⁹Agriculture does not include the processing, storage or sale of goods that are not produced or raised on the premises except for storage or processing of items necessary for the primary agriculture activity on the premises. A use shall be classified as agriculture only if agriculture is the principal or main use of the land.

Alley: A public thoroughfare, which affords only a secondary means of access to a lot or abutting property.

Alteration: Any exterior building renovation, modification, building demolition, removal, or new construction of property.

⁷ April 9, 1997

⁸ April 9, 1997

⁹ August 1, 1990

¹⁰Antenna: Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

Appearance Review Commission: The Township Board created by Article XI to review alterations and other building and physical changes.

Applicant: Any person, persons, association, organization, partnership, units of government, public bodies and corporations who applies for any type of zoning approval required by this Resolution.

Association: A legal entity operating under recorded land agreements or contracts through which each unit property is a member and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities such as maintaining common open space, common areas, active recreation areas, and providing services needed for the development. An association can take the form of a Homeowner's Association, Community Association, Condominium Association, or other similar entity.

Automobile Wrecking Yard: Is the use of more than twenty five (25) square feet of any land, building or structure used for the purpose of wrecking dismantling or storing, for private and/or commercial purposes, any discarded motor vehicle.

Basement: A story having more than one-half (1/2) of its height below average grade. A basement shall not be counted as a story for the purpose of height regulations.

Board: The Township Board of Zoning Appeals as created by this Resolution.

Boarding House: A building other than a hotel or motel, where, for compensation by the week or month, meals, or lodging and meals are provided for five (5) or more but not more than twenty (20) persons.

Buffer: A designated area between uses or adjacent to the perimeter of natural features designed and intended to provide protection and which shall be permanently maintained.

Riparian Buffer: A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks and limit erosion.

Wetlands Buffer: An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.

Building: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

¹⁰ July 30, 1997

Building Envelope: An area that is designated as a location within which a dwelling unit and accessory structures are to be placed in compliance with the building setback and spacing requirements established. A building envelope may or may not be located within a subplot and may or may not have frontage on a public street.

¹¹Building Footprint: The outline of the total area covered by a building's perimeter at the ground level.

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

Building Lines: The line defining the minimum front, side, and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.

Business Principal: The building on a lot used to accommodate the primary use to which the premises are devoted.

Business Sign: A sign, which directs attention to a business or profession, conducted upon the same premises.

Cabin Camp: A tract or parcel of land open to the public upon which cabins for automobile tourists are provided for a consideration, whether for overnight, by the day, the week, or the month.

Carport: A covered automobile parking space not completely enclosed by walls or doors. For the purpose of this Resolution, a carport shall be subject to all the regulations prescribed in this Resolution for a private garage.

Centralized Sewer System: A system where individual lots are connected to a common sewerage system ¹²that is governmentally operated and maintained.

Centralized Water System: A system where individual lots are connected to a common water distribution system ¹³that is governmentally operated and maintained.

Child Day Care Centers: Any place where child day care is provided for 13 or more children at one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided for 7 to 12 children.

¹⁴Collector's Vehicle: Any motor vehicle or agricultural tractor or traction engine of special interest having a fair market value of one hundred dollars (\$100.00) or more, whether operational or not, that is owned, operated, collected, preserved, restored,

¹¹ May 19, 2003

¹² August 1, 1990

¹³ August 1, 1990

¹⁴ June 15, 1983

maintained or used essentially as a collector's item, leisure pursuit or investment, but not as the owner's principal means of transportation.

¹⁵**Collocation:** Locating wireless telecommunication antenna(s) and associated equipment from more than one provider on a single wireless telecommunication-communication tower site.

Commission: The Bath Township Appearance Review Commission and The Bath Township Zoning Commission.

Common Area: Any land area and associated facilities that is held in common ownership by the residents of the development through a Homeowner's Association, Community Association or other legal entity, or which is held by the individual members of a Condominium Association as tenants-in-common.

Community Alternative Home: A Community Alternative Home is a residence or facility that provides accommodations, personal assistance, and supervision for three to five unrelated individuals who have immunodeficiency syndrome or a condition related to Acquired Immunodeficiency Syndrome (AIDS). A Community Alternative Home does not include nursing homes, rest homes, or homes for the aging, adult foster care facilities, hospice care facilities or an assisted living facility.

Condominium: An estate of real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

Congregate Housing: A residential facility for four or more elderly persons (age 60 or older) within which are provided living and sleeping facilities, meal preparation, laundry services, and room cleaning. Such facilities may also provide other services, such as transportation for routine social and medical appointments, and counseling.

Conservation Easement: An incorporeal right or interest in land that is held for the public purpose of retaining land, water, or wetland areas predominantly in their natural, scenic, open, or wooded condition, in agricultural, horticultural, silvicultural, or other farming or forest use, or as suitable habitat for fish, plants, or wildlife; that imposes any limitations on the use or development of the areas that are appropriate at the time of creation of the conservation easement to achieve one or more of such purposes; and that includes appropriate provisions for the holder to enter the property subject to the easement at reasonable times to ensure compliance with its provisions.

Conventional Residential Subdivision: A major subdivision, as defined by Section 303.2 of "General Rules and Regulations for Plats and Subdivisions in the Unincorporated Area of Summit County, Ohio" (also known as the Summit County Subdivision Regulations), that does not meet the requirements of Section 301-6.

¹⁵ July 30, 1997

Density: Is the number of families residing on, or dwelling units developed on, an acre of land.

¹⁶Dish Antenna: Any antenna designed, constructed, or modified to bring in or receive satellite signals, but excluding such antennas less than 39.37 inches (1 meter) in diameter or equivalent area.

District: A section or sections of the unincorporated territory of Bath Township for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

¹⁷Drive-In: The description or identification of any business establishment designed or developed so that all or part of its retail or service character is dependent on providing a driveway approach and/or parking spaces for the service of clients or patrons while said clients or patrons remain in or on their motor vehicles.

¹⁸Driveway Entry Structures: Structures consisting of columns, pillars, walls, gates, or combinations thereof which are placed at or near the point of entry of a driveway to a thoroughfare.

Dwelling Unit: Any building, or portion thereof, which is designed or used exclusively for residential purposes for a family, but not including hotels, motels, boarding houses or lodging houses. For purposes of determining the front, side and rear yards, an attached garage shall be considered a part of the dwelling.

Dwelling, Single-Family: A dwelling designed for or occupied by one (1) family.

Dwelling, Single-Family Attached: Dwelling units that are structurally attached to one another, side by side, and erected in a single building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.

Dwelling, Single-Family Detached: A building designed for, or used exclusively for, residential purposes by one family situated on a parcel.

Dwelling, Two-Family: A dwelling designed for or occupied exclusively by two (2) families living independently of each other.

Dwelling, Multi-Family: A building or portion thereof used for occupancy by three (3) or more families living independently of each other and containing three or more dwelling units.

¹⁶ Amended January 5, 2002

Discarded or Junk Motor Vehicle – Deleted January 5, 2002

¹⁷ May 3, 1981

¹⁸ May 10, 2004

Essential Services: Is the erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing or adequate service by such public entities or municipal departments or commissions or for the public health or safety or general welfare.

Exterior Architectural Feature: The architectural style, general design and arrangement of the exterior of a structure including, but not limited to, the type, color, and texture of the building material, doors, windows, roof, porches, and other appurtenant fixtures.

¹⁹**Family:** One or more persons occupying a dwelling living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a motel or hotel, as herein defined, provided that no family shall contain more than five (5) persons not related by blood, marriage or adoption.

Federal Emergency Management Agency (Fema): The agency with the overall responsibility for administering the National Flood Insurance Program.

²⁰**Fixed Equipment:** Including, but not limited to, permanently mounted machinery, apparatus and other devices capable of and producing sound.

Floodplain: The 100-year regulatory floodplain as defined by FEMA and illustrated on the applicable National Flood Insurance Program Flood Insurance Rate Map.

Frontage: All the property on one side of the street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended then all the property abutting on one side between an intersecting street and the dead end of a street.

Garage, Private: An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of passenger vehicles and located on the same lot as the dwelling to which it is accessory.

Garage, Auto Service Shop: A building or portion of a building in which repairs are made to motor vehicles, and in which there is no painting of cars nor body and fender work done.

¹⁹ Definition amended effective July 30, 1997

²⁰ January 15, 1997

Garage Sales: Sales by residents of used or surplus personal possessions including, but not limited to all sales entitled garage, yard, lawn, basement, attic, porch, room, tent, backyard, patio, or moving.

Gasoline Service Station: A gasoline service station is a building or part of a building or structure or space for the retail sale of gasoline lubricants and automobile accessories and for minor services and repairs of automobiles not accompanied by objectionable noises, fumes, dusts or odors.

Grade: For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street. (Where no sidewalk exists, the elevation of the centerline of the street shall be used in lieu thereof). For buildings having walls adjoining more than one street, the average elevation of the sidewalk at the centers of all walls adjoining the streets. For buildings having no walls adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the buildings. Any wall approximately parallel to and not more than five feet (5') from a street line is to be considered as adjoining the street.

²¹**Gross Floor Area:** The sum of the total horizontal areas of the several floors of a building on a lot, measured from the exterior faces of exterior walls. The term gross floor area shall include basements (with headroom of six feet, six inches or more); elevator shafts; stairwells at each story; floor space used for mechanical equipment with structural headroom of six feet, six inches or more; penthouses; attic space, whether or not a floor has actually been laid, providing structural headroom of six feet, six inches or more; interior balconies; and mezzanines.

Group Home: A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for between nine and sixteen mentally retarded or developmentally disabled persons.

Guest House Or Accessory Living Quarters: Living quarters located on a lot with a principal dwelling designed for the use of persons employed on the premises or for the temporary use of guests of the occupants of the principal dwelling. Such guesthouse or accessory dwellings are not rented, leased, or otherwise transferred to an individual or organization as a separate dwelling.

Home Occupation: Any use or profession customarily conducted entirely within a dwelling, and further regulated by **Section 802.R.**

Homes For The Aged: A home that provides accommodations, supervision, and personal care services or accommodations, supervision, personal care services, administration of medication, and supervision of special diets for three or more unrelated individuals who are dependent on the services of others by reason of age and physical or mental impairment, and personal care services and skilled nursing care for three or more

²¹ May 19, 2003

unrelated individuals. Homes for the aged shall include congregate housing, life care facilities, nursing homes, rest homes, and homes for the aging.

Hotel: A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, as distinguished from a boarding house or a lodging house.

²²Improvement: Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property, or any part of such addition.

Institution: A building occupied by a nonprofit corporation or a nonprofit establishment for public use.

Intermittent Stream: A natural waterway that contains water throughout the year except during periods of low precipitation.

Junk Yard: The use of more than twenty five (25) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc., are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.

Kitchen: Any room and/or other space used or intended or designed to be used for cooking or for preparation of food for one (1) family.

²³Lattice: A framework or structure of crossed metal strips typically resting on three (3) or more members constructed vertically to which antennas are affixed.

Level Of Service: A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety, as defined in the Highway Capacity Manual published by the Transportation Research Board.

Life Care Facilities: A facility for the transitional residency of elderly and/or disabled persons, progressing from independent living in single-family units to congregate apartment living where residents share common meals, culminating in a full health and continuing care nursing home facility.

Loading Space: An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley or other appropriate means of access.

²² May 10, 2004

²³ July 30, 1997

Lodging House: A building where lodging only is provided by the week or the month for compensation for five (5) or more, but not more than twenty (20) persons.

Lot: A piece, parcel, or plot of land, which may include one or more lots of record, occupied or to be occupied by a principal building and accessory building, or utilized for a principal use or uses accessory thereto, and including such open spaces as are required by this Resolution.

Lot Area: The area contained within the lot lines, except that no area within the street right-of-way lines shall be considered in determining lot sizes.

Lot, Corner: A lot abutting upon two (2) intersecting streets.

Lot Depth: The lot depth shall be the mean horizontal distance between the right-of-way line of the street and the rear lot line.

Lot, Double Frontage: A lot having frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Interior: A lot other than a corner lot.

Lot Lines: The lines defining the limits of a lot.

Lot Of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of this County; or a parcel of land, the deed to which was of record on or prior to actual date of this Resolution.

Lot, Width Of: The width measured along the minimum building setback lines.

Major Thoroughfare And Collector Thoroughfare: Thoroughfares designated as such on the Bath Township Comprehensive Plan duly adopted by the Bath Township Board of Trustees and Zoning Commission.

Minimum Building Setback Line: A line parallel to the street right-of-way line and at a distance therefrom equal to the required depth of the front yard, and extending across the full width of the lot. Where the right-of-way line is not established, the right-of-way shall be assumed to be sixty feet (60'). Where a major thoroughfare or collector thoroughfare is designated on the Bath Township Comprehensive Plan the setback line shall be measured from the proposed right-of-way line.

Minimum Living Floor Area: The living floor area consists of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library, and family rooms, but shall not include areas such as porches, breezeways, basements, terraces, and garages.

Mobile Home: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or when erected on site, is three hundred twenty or more square feet built on a permanent chassis and is transportable in one or more sections, and does not qualify as a manufactured home as defined by this Resolution.

²⁴**Monopole:** A single, slender and typically cylindrical, vertical structure to which antennas or antenna support structures are affixed.

Motel: Any building or group of buildings containing sleeping rooms, with or without cooking facilities, designed as overnight sleeping quarters for automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motor lodges, and tourist courts.

Natural Feature: An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.

Nonconforming Use: Any building or land lawfully occupied by a use on the effective date of this Resolution or any amendment or supplement thereto, which does not conform to the Use Regulations of the District in which it is situated.

²⁵**Nude Model Studio:** Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided solely to be sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

²⁶**Nudity Or A State Of Nudity:**

1. The appearance of a human bare buttock, anus, genitals, or aureole of the female breasts; or,
2. A state of dress which fails to cover opaquely a human buttock, anus, or genitals, or aureole of the female breast.

Nursing Home: A home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care of individuals who require personal care services, but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled care services.

²⁴ July 30, 1997

²⁵ April 9, 1997

²⁶ April 9, 1997

Opacity: An imaginary vertical plane extending from the established grade to a required height of which a required percent of the vertical plane will be visually screened from adjacent property use.

Open Space Residential Subdivision: A major subdivision, as defined by **Section 303.2** of “General Rules and Regulations for Plats and Subdivisions in the Unincorporated Area of Summit County, Ohio” (also known as the Summit County Subdivision Regulations), that meets all requirements of **Section 301-7**.

²⁷**Ordinary High Water Mark:** The point of the bank or shore to which the presence and action of surface water is so continuous as to leave a district marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the channel of a stream.

²⁸**Outdoor Wood-Fired Boilers:** Any equipment, device, or apparatus which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat to a principal residential structure or any other site structure on the residential premises (Does not include fire pits, wood-fired barbecues, grills or “chimineas”)

Parking Space: An off-street space or berth for the temporary parking of a vehicle for a period longer than required to load or unload persons or goods.

Peak Hour: A one-hour period representing the highest hourly volume of traffic flow on the adjacent street system during the morning (a.m. peak hour), during the afternoon or evening (p.m. peak hour); or representing the hour of highest volume of traffic entering or exiting a site (peak hour of generator).

²⁹**Personal Wireless Services:** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by Federal Law 47 U.S.C. 5332 (7).

³⁰**Portable Storage Unit:** A Portable Storage Unit is a container of whatever type construction or material, designed or used for storage, outside of a structure, which can be transported by a vehicle and left on-site for a specific length of time.

Private Street: A local private way which provides vehicular access to residential structures that is not and will not be dedicated to public use, but which is owned and maintained by an association.

²⁷ May 19, 2003

²⁸ April 29, 2009

²⁹ July 30, 1997

³⁰ April 29, 2009

Project Boundary: The boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area.

Public Utility: Any person, firm, corporation, governmental agency or board,³¹ with the power of eminent domain, fully authorized to furnish and furnishing to the public electricity, gas, steam, telephone, telegraphy, transportation, water or any other similar public utilities.

Required Open Space: That portion of an Open Space Residential Development that is restricted from further subdivision and development activity by deed restriction, conservation easement, public dedication or other means acceptable to Bath Township.

Rest Homes: A home that provides either of the following:

1. Accommodations for 17 or more unrelated individuals, and supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; or in the case of a rest home component of a home for the aging, accommodations to three or more individualism and supervision and personal care services for at least three of those individuals.
2. Accommodations for three or more unrelated individuals, supervision and personal care services for at least three of those individuals who are dependent on the services of others by reason of age or physical or mental impairment, and supervision of special diets and of the administration of medication to at least one of those individuals.

³²Restaurant: A lot, premises, or building whereupon or in which food or beverages are cooked or prepared and offered for sale and where consumption is permitted on said lot, premises or building, whether or not entertainment is offered, and includes establishments commonly known as bars, grills, cafes, taverns, drive-ins, and fast food establishments.

Drive-In Or Carry-Out Restaurant: Any business designed or developed to permit or facilitate the serving of meals, sandwiches, ice cream, beverages or other food, served directly to or permitted to be consumed by the patrons in vehicles parked on or driving up to the business premises, or permitted to be consumed by patrons elsewhere on the site outside the main building. Carry-out or drive-in food service shall not include food taken from the premises by patrons who have been served said food as part of a meal consumed on the premises, and shall not be construed to prevent a restaurant designed primarily with interior dining rooms from having an outside dining garden, patio, or deck so long as such exterior dining areas are serviced by the same personnel, food items, utensils and

³¹ “with the power of eminent domain” - Added Effective July 30, 1997

³² May 3, 1981

kitchen, entrance, waiting areas and other facilities as the primary interior dining areas.

³³**Fast-Food Restaurant:** Any business designed or developed to permit or facilitate the serving of meals or individual food items primarily from a food service counter, not normally providing menu ordering and food delivery to individual tables in a dining area separate from the primary food service counters; providing for no or a very short wait for the filling of food orders from stocks of previously prepared and cooked food items, and requiring the payment for the food items prior to consumption of said items on or off the premises.

³⁴**Retaining Wall:** A special type of wall which is a physical partition that resists the lateral displacement or movement of soil or other similar material.

³⁵**Riparian Area:** A transitional area between flowing water and terrestrial ecosystems, which provides a continuous exchange of nutrients and woody debris between land and water. This area is at least periodically influenced by flooding. Riparian areas, if appropriately sized and managed, help to stabilize banks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants, or perform other functions consistent with the purposes of these regulations.

³⁶**Riparian Setback:** The area set back from the ordinary high water mark of a stream to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion. Riparian Setbacks are those lands within Bath Township that fall within the area defined by the criteria set forth in these regulations.

Roadside Stands: A removable structure used or intended to be used solely by the owner or the tenant of a property on which it is located for the sale of seasonal agriculture products produced on the premises and to be removed and stored ³⁷in the rear yard, or a minimum of one hundred feet (100') from the street if the property has no dwelling, and effectively screened so as to not be visible from the road or adjacent property. No illuminated sign or signs shall be used to advertise such products.

Setback: The required distance between a building and a lot line, street right-of-way, pavement, wetland, or other delineated site feature.

³⁸**Sexually Oriented Businesses:** An adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theatre or adult theatre. Sexually oriented business does not include a nude model studio.

³³ May 3, 1981

³⁴ April 29, 2009

³⁵ May 19, 2003

³⁶ May 19, 2003

³⁷ August 1, 1990

³⁸ April 9, 1997

Sign: Any structure, or natural object such as a tree, rock, bush, and the ground itself, or part thereof, or device attached thereto or painted or represented thereon, which shall be used to attract attention to any object, product, place, activity, person, institution, organization or business, or which shall display or include any letter, word, banner, flag, pennant, insignia, badge, device, corporate logo, or representation used as, or which is in the nature of an announcement, direction or advertisement. For the purpose of these Regulations the word “sign” does not include the flag pennant, badge, or insignia of any government, or governmental agency or of any charitable, religious, educational or similar organization. The word “sign” shall include a writing, representation, or other figure of similar character located on the interior of a building when located to be viewed from the exterior of the building through a window or other opening.

Sign, Area Of: That area which is normally visible from any one direction. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except that where two (2) such faces are placed back to back, and are at no point more than two feet (2') from one another, the area of the sign shall be taken as the area of one (1) face if the two (2) faces are of equal area, or as the average of the two (2) faces if of unequal areas. Where a sign consists solely of lettering or other sign symbols including a corporate logo or elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, the area of the sign shall be calculated as the total area of individual rectangular areas containing each individual letter, symbol, or element. Sign supporting structures or other elements, which by size, ornateness, or other features have been designed to attract attention or relay a message, shall be considered as part of the sign square footage.

Sign, Directive: A sign which has as it's only feature the direction of vehicular or pedestrian traffic upon a premises and which contains no advertising matter other than the name of or a symbol for the business, project development or activity to which the sign relates.

Sign, Monument: A freestanding sign, other than a pole or high-rise sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure.



Sign, Outdoor Advertising: Any sign erected, placed, or located for the benefit of any person, organization, business, cause, product, or service not residing or located on the premises upon which said sign is erected, placed or located, except for the temporary signs provided for under Section 501-2-b-2.

Sign, Pole Or High-Rise: Any free-standing sign or other sign supported by poles, pipes or other structural elements which support the sign face(s) above the ground, roof, wall, or other area upon which the sign is located so that the sign face(s) are visible from distances exceeding normally required front yard setback distances or are visible above vegetation, buildings, vehicles and other features existing on the ground. For purposes of these regulations, all free-standing on the ground signs exceeding four feet (4') in overall height above the average grade in the area of the sign shall be considered to be pole or high-rise signs.

³⁹Specified Anatomical Areas: Human genitals.

⁴⁰Specified Sexual Activities: Any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
3. Masturbation, actual or simulated.

Stable, Private: A building used for housing horses, or other permitted animals, together with equipment incidental thereto for the private use of the occupants of the premises.

⁴¹A private stable in a residential district shall be allowed only as an accessory use.

Story: The portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it than the space between the floor and the ceiling next above it.

Story, Half: A space under sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

⁴²Stream: A surface watercourse with a well-defined bed and bank, either natural or artificial, which confines and conducts continuous or periodical flowing water (ORC

³⁹ April 9, 1997

⁴⁰ April 9, 1997

⁴¹ June 20, 1984

⁴² May 19, 2003

6105.01) in such a way that terrestrial vegetation cannot establish roots within the channel.

Streambank: The ordinary high water mark of the stream or river, otherwise known as the bank-full stage of the stream or river channel. Indicators used in determining the bank-full stage may include changes in vegetation, slope or bank materials, evidence of scouring, and stain lines.

Structure: Anything constructed or erected, requiring a location on the ground or attached to something having a location on the ground.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of a building.

⁴³**Substantial Evidence:** More than a mere scintilla of evidence. It means such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.

Swimming Pool: Shall be deemed an accessory use.

Swimming Pool, Commercial: A body of water, whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming by adults or children, or both adults and children, whether or not any charge or fee is imposed upon adults or children, operated and maintained by any person as herein defined, whether he be an owner, lessee, operator, licensee, or concessionaire, exclusive of a family pool as defined herein, and shall include all structures, appurtenances, equipment, appliances and other facilities appurtenant to and intended for the operation and maintenance of a swimming pool, and also all swimming pools operated and maintained in conjunction with or by clubs, motels, and community associations.

Swimming Pool, Family: A swimming pool used or intended to be used solely by the owner of a residence or lessee thereof and his family, and/or friends invited to use it without payment of any fee.

⁴⁴**Technically Suitable:** The location of a wireless telecommunication antenna(s) reasonably serves the purpose for which it is intended within the band width of frequencies for which the owner or operator of the antenna(s) has been licensed by the Federal Communications Commission ("FCC") to operate without a significant loss of communication capacity within the developed areas of the Township.

⁴³ July 30, 1997

⁴⁴ July 30, 1997

⁴⁵**Telecommunication(s)**: The technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term “personal wireless services”.

Thoroughfare: A street or alley.

Traffic Impact Study: The analysis of the potential traffic impacts generated by a proposed project prepared by a qualified registered professional engineer (PE).

Trip (I.E. Directional Trip): A single or one-direction vehicle movement with either the origin or the destination (exiting or entering) inside the study site.

Tourist Dwelling: A dwelling where overnight accommodations are provided for automobile tourists.

⁴⁶**Tower**: Any ground or roof mounted pole, spire, structure, or combination thereof taller than fifteen (15) feet, including support lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

Trailer Or Trailer Coach: A vehicle used or intended for use as a conveyance upon the public street or highways, so designed, constructed, reconstructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a mobile home or sleeping place.

Trailer Park: A tract or parcel of land open to the public upon which spaces for trailers, or trailer coaches are provided for a consideration, whether for overnight, by the day, the week, or the month.

Trustees: The Board of Trustees of Bath Township.

⁴⁷**Unlicensed Wireless Service**: The offering of telecommunication services using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services.

Use: The purpose for which a building or premises is or may be occupied. In the classification of uses, a “use” may be a use as commonly understood or the name of the occupation, business, activity or operation carried on, or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.

Walkway: A public way, four or more feet in width, for pedestrian use only, which may or may not be located within the street right-of-way.

⁴⁵ July 30, 1997

⁴⁶ July 30, 1997

⁴⁷ July 30, 1997

⁴⁸**Watercourse:** A natural or artificial waterway, such as a stream or river, with a defined bed and channel and a definite direction of course that is contained within, flows through, or borders the community.

⁴⁹**Watershed:** An area of land that drains into a particular watercourse, usually divided by topography.

Wetland: An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation, and wetland hydrology.

⁵⁰**Wireless Telecommunication Antenna:** An antenna designed to transmit or receive telecommunications as authorized by the Federal Communications Commission (“FCC”), excluding amateur radio operator antennas.

⁵¹**Wireless Telecommunication Equipment Building:** The structure in which the electronic receiving and relay equipment for a wireless telecommunication facility is housed.

⁵²**Wireless Telecommunication Facility:** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines for the provision of personal wireless services.

⁵³**Wireless Telecommunication Site:** The leased or other area upon which the wireless telecommunications facility is located together with ingress and egress routes.

⁵⁴**Wireless Telecommunication Tower:** A tower including but not limited to self-supporting lattice or monopole, which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

Yard: An open space on the same lot with a building, unoccupied, and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

⁴⁸ May 19, 2003

⁴⁹ May 19, 2003

⁵⁰ July 30, 1997

⁵¹ July 30, 1997

⁵² July 30, 1997

⁵³ July 30, 1997

⁵⁴ July 30, 1997

Yard, Front: A yard extending across the full width of a lot and being the perpendicular distance between the street right-of-way and the ⁵⁵nearest wall of the principal building. Where the right-of-way line is not established, the right-of-way shall be assumed to be sixty feet (60'). Where a major or collector thoroughfare is designated on the Bath Township Comprehensive Plan the front yard depth shall be measured from the proposed street right-of-way.

Yard, Rear: A yard extending across the full width of a lot between the side lot lines and ⁵⁶being the perpendicular distance between the rear lot line and the nearest wall of the principal building. On corner lots the rear yard shall be considered parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall be, in all cases, at the opposite end of the lot from the front yard.

Yard, Required: ⁵⁷The minimum yard required between a lot line and the building line in order to comply with the regulations of the district in which the zoning lot is located.

Yard, Side: A yard ⁵⁸between the principal building and the side lot line, extending from the front yard to the rear yard.

Zoning Commission: The Bath Township Zoning Commission.

Zoning Map: The “Zoning Districts Map of Bath Township, Summit County, Ohio”.

⁵⁵ August 1, 1990

⁵⁶ August 1, 1990

⁵⁷ August 1, 1990

⁵⁸ August 1, 1990