

Accessory Structure: A building, the use of which is incidental to that of the main building and which is located on the same lot.

Accessory Use: A use naturally and normally incidental and subordinate to, and devoted exclusively to the main use of the premises.

Adult Business Establishments: Bookstores, bars, lounges, restaurants, theaters, or shops, which have more than 20% of their stock in trade, or fare, books, pictures, slides, films, media of electronic visual portrayal, or live entertainment, which are distinguished or characterized by their emphasis on matter or live conduct depicting, describing, exposing, or relating to sexual activities or anatomical areas.

Alley: A public way which affords only secondary means of access to abutting property and not intended for general traffic circulation.

Alteration: Any change, addition or modification in construction or type of occupancy; and any change in the structural members of a building such as walls, partitions, columns, beams, girders, or any change which may be referred to herein as "altered" or "reconstructed".

Automobile Repair: General repair; engine rebuilding; rebuilding or reconditioning of motor vehicles; collision services such as body, frame or fender straightening and repair; overall painting; and vehicle rustproofing.

Automobile Service Station: A building or structure designed or used for the retail sale of a supply of fuels (stored only in underground tanks), lubricants, air, water, and other separating commodities for motor vehicles, aircraft or boats, and includes the customary space and facilities for storage, minor repair or servicing, but does not include bumping, painting, refinishing, major repairs and overhauling, steam cleaning, rustproofing, where the primary use of the premises is such, or high speed washing thereof.

Automobile Wash Establishment: A building, or portion thereof, the primary purpose of which is that of washing motor vehicles.

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

Block: The property abutting one (1) side of a street lying between two (2) nearest intersecting streets, or between one (1) intersecting street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development.

Board: The Board of Zoning Appeals of Metamora, Ohio.

Boarding House: A building occupied for, or arranged, intended or designed to be occupied for rooming and boarding for compensation by not less than four (4), but not more than fifteen (15) persons, by pre-arrangement for definite periods. The term "boarding house" includes "lodging house", "rooming house", and "bed and breakfast".

Building: A permanent structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals or chattels. When any portion of a building is completely separated from every other part thereof by division walls from the ground up, and without openings, each portion of such building may be deemed a separate building.

Building Area: The space of a lot remaining after the minimum open space requirements of this Zoning Ordinance have been complied with.

Building Height: The vertical distance measured from the reference level to the highest point of the roof surface of a flat room; to the deck of mansard roofs; and to the mean height level between eaves and ridge of gable, hip and gambrel roofs.

Building Line: A line established, in general, parallel to the front street line, between which line and the front street line no part of a building shall project, except as otherwise provided by this Zoning Resolution.

Building, Main or Principal: A building in which is conducted the principal use of the lot on which it is situated.

Business Services: Any profit making activity which renders services primarily to other commercial or individual enterprises.

Child Care Center: Any facility whatsoever which cares for one (1) or more children under eighteen (18) years of age, not related to the operator by blood, marriage, adoption or foster care responsibility, away from the child's own home, for periods of less than twenty-four (24) hours per day, per child. Occasional extended stays may also be provided. Such facilities may be for profit or non-profit.

Club: A building or portion thereof or premises owned or operated for a fraternal, literary, political or education purpose primarily for the exclusive use of its members and their guests.

Clinic: A facility which provides treatment which requires observation normally lasting one (1) to five (5) hours for illness, injury, abnormality or pregnancy. Such facilities may also provide examination, diagnosis, ambulatory care and outpatient services, but do not provide overnight care.

Commission: The Planning Commission of the Village of Metamora, Ohio.

Conditional Use: Any use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Metamora Zoning Commission.

Conditional Use Permit: A permit issued by the Zoning Inspector upon approval by the Village Board of Appeals to allow a use other than a principally permitted use to be established within the district.

Condominium: A multi-family project of one (1) family dwelling units which may consist of one (1), a part, or more than one (1) building wherein the real property title and ownership are vested in an owner, who has undivided interest with others in the common usage areas and facilities which serve the development. The means of administration and maintenance of common areas are mutually entered into by the respective owners.

Council: The Village Council of Metamora, Ohio.

District Use: A portion of the municipality within which, on a uniform basis, central uses of land and buildings are permitted and certain regulations and requirements apply under the provisions of this Zoning Ordinance.

Drive-In Establishment: A business establishment so developed that its principal retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles to serve patrons while in, or momentarily stepped away from their motor vehicle, such as banks, laundry or dry cleaning pick-up establishments and restaurants.

Drive-Up Establishment: Any establishment or facility where goods or services are provided from windows or in drive through areas to customers in cars or to cars, and where the cars are temporarily stopped or standing and which commonly does, or could involve a line-up of cars waiting in line for such goods or services.

Duplex: A building designed exclusively for occupancy by two (2) families living independently of each other.

Dwelling: Any structure designed for use by human occupants for sleeping and living purposes, whether occupied or vacant and shall include factory built or manufactured.

Dwelling, Multiple: A building containing three (3) or more dwelling units, or two (2) or more dwelling units above the first or ground floor, or one (1) or more dwelling units if the building contains a use other than a dwelling use. The words "multiple dwelling", "tenement house" and "apartment house" are synonymous.

Dwelling, Single Family: Detached, individual dwelling units, which accommodate one family related by blood, adoption, or marriage; or up to five unrelated individuals living as one housekeeping unit. The type of construction of such units shall conform either to the OBOA, or CABO "One and Two Family Dwelling Code", or other applicable building code if adopted, or be classified as an "Industrialized Unit" under the Ohio Basic Building Code.

Permanently Sited Manufactured Housing must:

- a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. It must also have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.
- b. Be attached to a permanent frost-free foundation (slab, crawl space foundation or full foundation).
- c. Be connected to appropriate utilities.
- d. Have a length of at least 22 feet and a width of at least 22 feet, as manufactured.
- e. Have at least 900 square feet of living area, or whatever greater square footage is uniformly required by this ordinance.
- f. Have conventional residential siding (i.e. lap, clapboard, shake, masonry, vertical natural materials), a 6 inch minimum eaves overhang, and a minimum "A" roof pitch of 3:12.
- g. Have removed it indicia of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.
- h. Be intended to be assessed and taxed as permanent real estate, not personal property.

Dwelling Unit: One (1) or more rooms arranged for the use of one (1) or more individuals as a single house-keeping unit, with cooking, living, sanitary, and sleeping facilities excluding state approved group homes.

Essential Services: The erection, construction, alteration or maintenance by a public utility, or municipal department or commission of underground surface or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment and accessories reasonably in connection therewith, for the furnishing of adequate services by such public utility or municipal department or commission or for the public health or general welfare, but not including buildings other than such buildings as are primarily enclosures or shelters of the above essential service equipment.

Family: An individual, two (2) or more persons related by blood, marriage or law, or a group of not more than any five (5) persons not related, living together in a dwelling unit. Servants having common housekeeping facilities are a part of the family for the purposes of this Zoning Ordinance.

Family-Care Facility: A facility licensed or supervised by an appropriate State, Federal, or County agency to provide resident services and twenty-four (24) hour supervision to five (5) or fewer persons who are not related to the resident household. Such a facility is headed by agency approved staff and functions as a single housekeeping unit. These individuals may be handicapped, aged, disabled or in need of adult supervision and are provided service and supervision in accordance with their individual needs. This category includes: foster or boarding homes for children, group homes and family homes.

Fence: Any man-made structure, partition or gate, made of any combination of materials, intended to act or acting as a marker, barrier, or enclosure to restrict access to and/or egress from a lot or parcel of land, whether enclosing all or part of said lot or parcel, or acting as a barrier to travel.

Food Processing Establishment: A commercial establishment in which food is processed or otherwise prepared for human consumption but not consumed on the premises.

Garage, Private: An accessory building designed or used for the storage of vehicles owned and used by the occupants of the building to which it is necessary.

Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, or storing vehicles.

Group Home: A facility wherein: 1) the operator is not legally related to the individuals supervised and is licensed by the Federal, State, or County agency and wherein; 2) one (1) or more individuals are provided with room, board, specialized and distinctive care and supervision in a family environment, or where five (5) or more individuals reside and are provided with room, board, ordinary care and supervision in a family environment.

Health Services: Establishments primarily engaged in furnishing medical, surgical or other health services to individuals, including the offices of physicians, dentists, optometrists, ophthalmologists, and other health practitioners, medical and dental laboratories, out-patient care facilities, blood banks and oxygen and miscellaneous types of medical supplies and services.

Home Occupations: A home occupation is an accessory use of a dwelling unit, conducted entirely within the dwelling unit.

Hotel/Motel: A building occupied or used as a temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms.

Industrialized Unit: A building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein.

Industry: Those fields of economic activity including forestry, fishing, hunting and trapping, mining, construction, manufacturing, transportation, communication, electric, gas, sanitary services and wholesale trade.

Institutional Use: A non-profit or quasi-public use or institution such as a church, library, public, or private school, hospital, or municipally owned or operated building, structure or land used for public purposes.

Junk: Glass, paper, metal, waste or discarded articles.

Junk Yard: Automobile wrecking yards and salvage areas and includes any area of more than two hundred (200) square feet for the storage, keeping or abandonment of junk, including scrap metals, other scrap materials or reclaimed materials, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof, but does not include uses established entirely within enclosed buildings.

Kennel: Any lot or premises on which three (3) or more dogs four (4) months or older, are kept for the purpose of breeding, permanently or temporarily boarded for sale.

Loading Space: A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of twelve (12) by forty-five (45) feet and a vertical clearance of at least fourteen (14) feet.

Lot: A designated parcel, tract or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed or built upon as a unit.

Lot Coverage: That portion of the lot that is covered by buildings and structures.

Lot Depth: The distance measured from the front lot line to the rear lot line.

Lot, Minimum Area of: The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

Lot of Record: Any lot which individually or as a part of a subdivision has been recorded in the Fulton County Recorder's Office.

Manufactured Home: A non self-propelled building unit or assembly of closed construction fabricated in an off site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation

when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows. (ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

Manufacturing, General: Any manufacturing or industrial production which by the nature of the materials, equipment and process utilized or are objectionable by reason of odor, radiation, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter or water-carried waste.

Manufacturing, Restricted: Any manufacturing or industrial production which by the nature of the materials, equipment and process utilized are to be clean, quiet and free of any objectionable or hazardous element.

Mineral Extraction, Storage and Processing: Any mining, quarrying or processing of limestone, sand, gravel, or other material resources.

Mobile Home: a non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length, which when erected on site is 320 or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit.

Mortuary: A place for the storage of human bodies prior to their burial or cremation.

Motel: See Hotel.

Non-Conforming Use: Any building, structure or land lawfully occupied by a use on the effective date of this Zoning Ordinance, or any amending or supplement thereto, which does not conform to the use regulations of the district in which it is situated.

Nursing Home: A facility licensed and regulated by the State of Ohio, which provides lodging and long-term skilled nursing care of aged, chronically ill or convalescent patients. This term does not include hospitals, clinics, or similar institutions.

Off-Street Parking Space: A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

Open Storage: All outdoor storage of building materials, equipment, vehicles, and other materials.

Personal Services: Any enterprise which primarily offers services to the general public.

Planned Unit Development: (PUD) See Section 1300

Planning Commission: The Planning Commission of the Village of Metamora, Ohio.

Porch: A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from a building. A porch becomes a room when the space enclosed is heated or air-conditioned, and if glazed, when the percentage of window area to wall area is less than fifty percent (50%).

Principal Use: The principal permitted use as provided in each district.

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants or pumping stations, sewage disposal or plumbing plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services and all other facilities, equipment and structures necessary for conducting a service by a government

or public utility.

Restaurant: An establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state.

Recreation Facility: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

Residential Floor Area: The interior floor area of a dwelling, including stairways, halls and closets, but not including basements, porches, garages, breezeways or carports.

Retail Sales: Establishments engaged in selling goods or merchandise to the general public for personal or household use and rendering service incidental to the sale of such goods.

Retail Services: Establishments providing services or entertainment, as opposed to products, to the general public.

Roadside Stand: A 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 products.

Rooming House: See Boarding House.

Semi-Public Uses: Churches, Sunday Schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.

Sewage Disposal System, Group: An publicly owned sewage disposal system which provides for the combined collection and disposal of sewage from a group of residential, commercial or industrial buildings.

Sewage Disposal System, on Site: A septic tank installation on an individual lot which utilizes an anaerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sign: Any display, figure, painting, drawing, placard, poster, or other device visible for public way which is designated or intended to be used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity, place, object or product. It may be a structure or part thereof printed or attached directly or indirectly on a structure.

Sign, Advertising: A sign which directs attention to a business, commodity or service or entertainment conducted, sold or offered elsewhere than on the premises and only incidentally on the premises, if at all.

Sign, Billboard: A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

Sign, Business: A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered on the premises where the sign is located.

Solicitor: Legal Council appointed by the Village of Metamora Council.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top most story shall be that habitable portion of a building included between the upper surface of the top most floor and ceiling or roof above.

Story, Half: A space under a sloping roof which has the line of intersection of the roof and will face not more than three (3) feet above the floor level, and in which space the possible floor area, with head room of five (5) feet or less, occupies at least forty percent (40%) of the total floor area of the story directly beneath.

Structural Alterations: Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimension or configuration of the roof or exterior walls.

Structure: Any assembly of material forming a construction for occupancy or use, including, but not limited to, buildings, manufactured homes, factory built homes, tents, platforms, towers, water tanks, open sheds, swimming pools, shelters and fences.

Swimming Pool: Any structure or container including hot tubs or similar structures, located above or below grade, designed to hold water to a depth of greater than eighteen (18) inches, and intended for swimming or wading. A swimming pool shall be considered an accessory use and shall be subject to the regulations of this Zoning Ordinance.

Telecommunication Tower: A self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. The term tower shall not include amateur radio operator's equipment, as licensed by the FCC.

Tourist Home: An establishment in a private dwelling that supplies temporary accommodations to overnight guests for a fee.

Truck Terminal: A building or area in which freight brought by truck is assembled and/or stored for routing or reshipment, or in which semi-trailers, including tractor and/or trailer units and other trucks, are parked or stored.

Variance: A variance is a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to condition peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship.

Variance, Hardship: A departure from the provisions of a zoning ordinance relating to setbacks, side yards, frontage requirements, and lot size, but not involving the actual use or structure.

Variance, Lot: A departure from the yard area, coverage, setback, size or other requirements of the applicable zoning district.

Variance, Use: A variance granted for a use or structure that is not permitted in the zone.

Wholesale Trade: Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; or acting as agents or broker and buying merchandise for, or selling merchandise to such individuals or companies.

Yard: An open space at grade between a building and the adjoining lot lines occupied and unobstructed by any portion of a structure from the ground upward except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth horizontal distance between the lot line and the main building shall be used.

Yard, Front Corner Lots: A yard located on a lot having frontage on more than one (1) street.

Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum distance between the street right-of-way and the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch.

Yard, Rear: A yard extending across the rear of a lot and being required minimum horizontal distance between the rear yard and the rear of the main building or any projection thereof, other than the projection of uncovered steps, or unenclosed porches.

Yard, Side: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot and the side of the main building or any projection thereto.

Zero Lot Line: The location of a building on a lot in such a manner that one or more of the building's sides rests directly on a lot line.

Zoning Certificate: The document issued by the Village Zoning Inspector authoring the use of the land or buildings.

Zoning District Map: The Zoning District Map of the Village together with all amendments subsequently adopted.

Zoning Inspector: The Zoning Inspector or his authorized representative appointed by the Village Council.

Zoning Permit: A document authorizing the use of lots, structures, uses of land and structures and the characteristics of the uses.