

MILTON TOWNSHIP ZONING RESOLUTION

ARTICLE III DEFINITIONS

For the purpose of this Resolution certain terms and words are described as follows:

- 300 The words “used for” include “designed for” and vice versa; words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word “building” includes the word “structure”; the word “dwelling” includes the word “residence”; the word “lot” includes the word “plot”; and the word “shall” is mandatory and not directory.
- 301 Accessory Use: A use of land or of a structure or a portion thereof customarily incidental and subordinate to the principal use of land or building and located on the same lot with such principal use.
- 302 Agriculture: As used in this Resolution, “agriculture” includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops; tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.
- 303 Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams or girders.
- 304 Board: Shall mean that Milton Township Board of Zoning Appeals.
- 305 Building: A structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, or chattels. When separated by division walls from the ground up without openings, each portion of such buildings shall be deemed a separate building.
- 306 Building Height: The vertical distance measured from the average elevation of the finished grade along the front of the building to the high point of the roof surface in a flat roof, to the deck line of a mansard roof, and to the main height level between eaves and ridges for a gambrel roof.
- 307 Building, Main: A building in which is conducted the principal use of the lot on which it is located.
- 308 Business: The buying, selling, or trading of goods and services. Any business will require a Zoning Certificate except as identified in Section 600.

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- 309 Butchering, Custom: A facility to slaughter livestock owned by an individual. Said facility shall not offer meat for wholesale or retail trade. A facility of clearly limited nature for the convenience of individuals raising livestock for their own consumption.

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- 310 Commercial Telecommunication Towers: Any free-standing structure, or any structure to be attached to a building or other structure, that is proposed to be constructed on or after October 31, 1996; is not owned or principally used by a public utility engaged in the provision of telecommunications services; is proposed to top at a height that is greater than the maximum allowable height of structures within the applicable zoning district or at a height that is greater than the height of the building or other structure to which it is to be attached; and is proposed to have attached to it radio frequency transmission or reception equipment. Any tower not owned or principally used by a public utility. The services of the tower are not provided indiscriminately to the public and are not a matter of public concern.
- 311 Communication Facilities: The erection, construction, alteration or maintenance of facilities or structures used for the transmission and/or reception of radio and television frequencies. These include buildings, transmitters, towers, antennas, including but not limited to telecommunication towers and facilities as defined in Section 519.211 of the Ohio Revised Code, to the extent permitted by that statute.
- 312 Conditional Use: A use which is subject to approval by the Board of Zoning Appeals. A conditional use may be granted by the Board when there is a specified provision for such exception made in this Resolution.
- 313 Dwelling: means any building or structure (except a mobile home or recreational vehicle as defined herein) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants. A dwelling shall include an industrialized unit and a manufactured dwelling as defined herein. Dwellings must be affixed to a permanent foundation and connected to the appropriate facilities.
1. Manufactured dwelling: means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.
 2. Permanently sited manufactured dwelling means a manufactured residence that meets all the following criteria:
 - A. The structure is affixed to a permanent foundation and is connected to the appropriate facilities:
 - B. The structure, excluding any additions, has a width of at least Twenty-two (22) feet at One (1) point, a length of at least Twenty-two (22) feet at One (1) point, and a total living area, excluding garages, porches, or attachments, of at least One Thousand (1000) square feet:
 - C. The structure has a minimum 3:12 residential roof pitch, conventional residential siding and a Six (6) inch minimum eave overhang, including appropriate guttering:
 - D. The structure was manufactured after January 1, 1995:
 - E. The structure is not located in a manufactured home park as defined by section 3733.01 of the Ohio Revised Code.

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313 Dwelling (continued):

3. Single Family Dwelling: A dwelling which is designed for and occupied by not more than One (1) family and containing a minimum of One Thousand (1000) sq. ft. of habitable floor area exclusive of porches, basements or garages.
4. Two Family Dwelling: A structure on a single lot of record containing a maximum of Two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to both units. Each unit shall contain a minimum of One Thousand (1000) sq. ft. of habitable floor area exclusive of porches, basements or garages.
5. Multi-Family Dwelling: A structure on a single lot of record containing no more than Four (4) dwelling units, each of which is totally separated from the others by an unpierced wall extending from an exterior wall to exterior wall, except for a common stairwell exterior to all dwelling units. Each unit shall contain a minimum of One Thousand (1000) square feet of habitable floor area exclusive of porches, basements or garages.

314 Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of gas, electrical, water or communication, supply distribution, service or disposal facilities, including poles, wires, mains, drains, pipes, signals or hydrants including any necessary structures or building reasonably required to assure the provision of adequate supplies of public facilities by the utility or branch of government.

315 Facilities: the structures and equipment that provide the means by which a business or activity can be conducted.

316 Factory, Cheese: A facility of a clearly local nature for the processing of dairy products into cheese and related products.

317 Family: One or more persons occupying a single family dwelling as a single housekeeping unit under a common housekeeping management plan based on an internally structured relationship providing organization and stability.

318 Flood Plain Regional: That land inundated by the One Hundred (100) year flood (regional flood).

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- 319 Flood Regional: Large floods which have previously or which may be expected to occur on a particular stream because of local physical characteristics.
- 320 Front Yard: See Yard.
- 321 Heat Load: means the amount of heat attributable to reflective glare from solar energy systems measured as degrees Fahrenheit above the average ambient outdoor air temperature.
- 322 High Impact Uses: A use that has significant effect on the environment, traffic volume, noise, and advertising and building visibility. For example: service stations, grocery stores, carry out and motels
- 323 Home Occupations: A home occupation is a business conducted in the dwelling or existing garage of the owner of the residence. The home occupation shall be clearly incidental to the use of the dwelling and property as a residence, shall be limited to low intensity activities that generate a limited amount of additional vehicular traffic and shall not create noise or nuisance to neighboring property owners, nor alter the appearance of the neighborhood.
- 324 Industrialized Unit: means a structure as defined in Ohio Revised Code 3781.06 (C) (2).
- 325 Lot: A parcel of land of sufficient size to meet minimum zoning requirements and to provide such yards and other open spaces as herein required.
1. Such lots shall have Two Hundred (200) ft. frontage on an improved road which is the mailing address and main access to the dwelling and may include:
 - A. A single lot of record;
 - B. A portion of a lot of record;
 - C. A combination of complete lots of record, or complete lots of record and portions of lots of record, or portions of lots of record.
 2. Types of lots are:
 - A. Corner Lot: A lot located at the intersection of Two (2) or more roads. A lot abutting on a current road or roads shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than One Hundred and Thirty- Five (135) degrees.
 - B. Interior Lot: A lot other than a corner lot.
 - C. Reversed Corner Lot: A corner lot the side road line of which is substantially continuation of the front line of the lot to its rear.
 - D. Through Lot: An interior lot having frontage on Two (2) or more roads.

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- 326 Lot Area: The total area within the lot lines of a piece of property inclusive area in the road right of-way.
- 327 Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the Two (2) side lot lines.
- 328 Lot Lines: The lines bounding a lot as defined herein.
- 329 Lot Width: is the distance measured at a right angle to the side lot lines at the minimum front yard set-back measured from the center of the road.
- 330 Low Impact Uses: A use that has minimal effect on the community environment, traffic volume, noise, advertising and building visibility. For example: Office buildings, small retail and small warehousing.
- 331 Mobile Home: means a building unit or assembly of closed construction as defined in Ohio Revised Code Section 4501.01 (O). and which is designed to be used as a dwelling with or without a permanent foundation, and which does not conform to the National Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403 as amended. A "mobile home" does not mean an "industrialized unit", "manufactured home" or "recreational vehicle" as defined in this resolution. A building or nonself-propelled vehicle is a "mobile home" whether or not axles, chassis, hitch, wheels, or other appurtenances of mobility have been removed and regardless of the nature of the foundation provided.
- 332 Nonconforming Building: A building or a portion thereof lawfully existing at the time of this Resolution is adopted which was designed, erected or structurally altered for a use that does not conform to the use regulations of the district in which it is located.
- 333 Non-conforming Use: A use which lawfully occupied a building or land at the time of adoption of this Resolution and which does not conform with the regulations of the district in which it is located.
- 334 Nuisance: A nuisance is anything which endangers life or health, gives offense to the senses, violates the laws of decency, or obstructs the reasonable and comfortable use of property. Any thing or act that causes injury to property of another or obstructs the reasonable use or enjoyment of such property or cause physical discomfort to such other person.
- 335 Occupation: A trade, profession or activity which engages one's time and provides any form of compensation.
- 336 Parcel: See Lot.
- 337 Planned Unit Development (PUD): A contiguous area of land in which a variety of housing types and clusters are accommodated in a pre-planned environment under more flexible standards such as lot sizes and set-backs, than those that normally apply under these regulations.

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- 38 Professional Services: The use of office and related spaces for such services as, but not limited to, medical practitioners, veterinarians, lawyers, architects, dentists, engineers, etc.
- 39 Public Use: Public parks, schools and administrative, cultural and service buildings devoted solely to the storage and maintenance of equipment and material.
- 340 Public Utility: means any company or other legally existing entity which hold a valid license issued by the Public Utilities Commission of Ohio (PUCO); or any company or legally existing entity which provides goods or services to the public indiscriminately and reasonably.
- 341 Public Utility Telecommunication Tower: means any telecommunication tower and supporting facility owned and operated by a public utility which is occupied by antennas whose principal use is by public utilities.
- 34 Recreational Facilities:
1. Commercial Recreational Facilities: Recreational facilities established for profit, such as, but not limited to, commercial golf courses, swimming pools, ice skating, riding stables, and race tracks.
 2. Noncommercial Recreational Facilities: Private and semi-private recreational facilities which are not operated for commercial gain, such as, but not limited to, country clubs, riding clubs, private golf courses, game preserves or community swimming pools. Noncommercial recreational facilities may be leased to outside groups or organizations provided the fees for such purposes is limited to incidental maintenance and custodial expenses.
- 34 Recreational Vehicle: A vehicular type portable structure without permanent foundation which can be towed, hauled or driven and primarily designed as temporary living accommodations for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes as set forth in Ohio Revised Code 4501.01.
- 34 Residential Enterprise: A business owned and conducted by the resident on the same lot of record as the enterprise owner's principle residence. A Residential Enterprise shall be limited to low intensity activities that generate a limited amount of additional vehicular traffic and shall not create a nuisance to neighboring property owners, nor alter the appearance of the neighborhood. A Residential Enterprise shall require a Conditional Use Certificate.

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- 34 Rezoning: An amendment to, or change in the Zoning Resolution. Rezoning can take Three (3) forms:
1. A comprehensive revision or modification of the Zoning text and map;
 2. A text change in Zoning requirements;
 3. A change in Zoning map
- 34 Roadside Stands: Small structures (a maximum of One Hundred (100) square feet) for the sale of agricultural and plant nursery products, a minimum of Fifty percent (50%) of the produce shall be raised on the premises.
- 34 Setback Line: A line established by zoning, platting or other legal authority on a lot of specified distance and parallel to the lot line to restrict the intrusions of buildings onto a lot line and providing free movement of air and adequate amounts of light.
- 34 Semi-Public Use: Churches and other places of worship, Sunday Schools, Parochial Schools, Colleges, Hospitals and other institutions of an educational, religious, charitable or philanthropic nature.
- 34 Self-Service Storage Facility: A building or group of buildings on a lot consisting of individual self-contained and fully enclosed units of various sizes for self-service storage of personal property.
- 350 Sexually Oriented Business: means an adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, sexual device shop, sexual encounter center, and sexual encounter establishment as defined by Section 2907.39 and 2907.40 of Ohio Revised Code, as it may be amended, but does not include a business solely by reason of its showing, selling, or renting material that may depict sex. For the definitions of terms and conditions contained in this Section #525 refer to Ohio Revised Code Section 2907.40, as it may be amended.
- 351 Sign: means a structure or part of a building or surface or any device or part thereof which displays or includes any letter, word, model, banner, flag, pennant, insignia, device, or other representations used for announcement, direction or advertisement.
- 352 Solar Energy: means radiant energy (direct, diffuse, and/or reflected) received from the sun.
- 353 Solar Energy System: means an energy conversion system, including but not limited to a solar panel array, and other appurtenances, which converts solar energy to a usable form of energy to meet all or part of the energy requirements of the on-site user.
- 354 Solar Panel: means a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy.
- 55 Structure: Anything constructed or erected that requires location on the ground or is attached to something having location on the ground. Among other things, structures include signs, towers, poles and similar constructions.

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- 356 Technically Suitable: means 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 capability within the developed areas of the township.
- 357 Telecommunication: Technology permitting the passage of information from the sender to One (1) or more receivers in a useable form by means of an electromagnetic system and includes the term personal wireless services.
- 58 Tower: A structure that is mounted in the ground or affixed to a building or other structure.
- 359 Variance: A variance is a relaxation of requirements where such variances will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this Resolution would result in unnecessary and undue hardship.
- 360 Wholesale: Selling in bulk for resale, or to a dealer or anyone for resale.
- 61 Wind Farm: Wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than Five (5) megawatts.
- 362 Wind Turbine: A structure designed and erected solely for the purpose of generating electrical current by means of a wind driven mechanism with associated facilities and single interconnection to the electrical grid.
- 363 Yard: An open space at grade between a building and the adjoining lot line, unoccupied and unobstructed by any portion of a structure from the ground upwards, except as otherwise provided herein:
1. Front Yard: A yard extending across the full width of the lot between the front of the main building and the center of the road; the depth of the required front yard shall be measured horizontally from the nearest point of the center of the road.
 2. Rear Yard: A yard extending across the full width of the lot between the nearest rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest point of the rear lot line, or to the center of an alley if one is present.
 3. Side Yard: A yard between a main building and the side lot lines extending from the front yard, or from the front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot lines towards the nearest point of the main building.