

ORDINANCE NO. 042-13

AN ORDINANCE AMENDING SECTIONS 1101.01 AND 1145.01 OF THE PLANNING AND ZONING CODE OF THE CITY OF NAPOLEON, OHIO TO ADD CERTAIN DEFINITIONS AND MAKE ADDITIONS TO THE TABLE OF PERMISSIBLE USES.

WHEREAS, the City Planning Commission having reviewed the proposed amendments and having passed said amendments under their Resolution PC-13-03, and;

WHEREAS, The City Council does approve of said amendments and the Planning Commission's Resolution PC-13-03, **NOW THEREFORE**;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the following Sections of the Planning and Zoning Code for the City of Napoleon, shall be amended and enacted as follows:

Section 2. 1101.01 DEFINITIONS. For the purpose of this Planning and Zoning Code found in Part 11, Chapters 1101 through 1147, both chapters inclusive, the following definitions shall apply unless the context clearly indicates or requires a different meaning and except when expressly limited to a certain section or provision of this Planning and Zoning Code. When the word is found in the singular form, it may also be interpreted as being defined in the plural form and vice versa.

- (1) **ABUTTING.** Bordering, adjoining, or across the street or alley.
- (2) **ACCESSORY BUILDING.** A building subordinate or incidental to the principal structure or use located on the same lot on which the main building or use is situated and which is reasonably necessary and incidental to the conduct of the primary use of such building or main use.
- (3) **ACCESSORY USE.** As defined in Section 1145.01(d).
- (4) **ADMINISTRATOR.** The Zoning Administrator in and for the City of Napoleon, Ohio.
- (5) **ADULT ENTERTAINMENT.** Vendors of adult sexually oriented merchandise, services, or entertainment, including but not limited to an adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, nude model studio, featured burlesque, adult live entertainment, or sexual encounter center.
- (6) **AGRICULTURAL.** The use of a tract of land for growing crops in the open or for dairying, pasturage, horticulture or viticulture.
- (7) **ALTER OR ALTERATION:** For the sole purpose of Chapter 1138, any material change in the external architectural features of any property, including demolition, removal or construction, but not including landscaping of property; otherwise means any material change.

- (8) AIRPORT. A use devoted to the take-off, landing, and storing of aircraft.
- (9) ALLEY. A permanent service way providing a secondary means of access to abutting lands.
- (10) ANTENNA. Equipment designed to transmit or receive electronic signals or radio waves.
- (11) ANIMAL HOSPITAL/VETERINARY CLINIC. A place that provides animal preventive and medical care, pet dental, pet surgery, and/or other vet services; may also provide a full range of general medical and surgical services as well as specialized treatments to animals, including, but not limited to: wellness, spay/neuter, advanced diagnostic services, internal medicine, oncology, ophthalmology, dermatology, cardiology, neurology, boarding, grooming, and vaccinations.
- (12) APARTMENT. A room or set of rooms fitted with housekeeping facilities and used or leased as a dwelling; also, a building containing several individual apartments.
- (13) APPLICANT. A person submitting an application for development, a permit, or other required approvals. "Applicant" includes the owner of the property subject to the application and any person designated by the owner to represent the owner.
- (14) ARCHITECTURAL FEATURE. Those elements that characterize an architectural style including, but not limited to windows, doors, porches, cornices, decorative trim, and exterior surface material.
- (15) ARTIFICIAL LAKE, POND, OR RESERVOIR. A man made or created lake, pond or reservoir as below defined:
- A. LAKE. A considerable inland body of standing water.
 - B. POND. An inland body of stagnant water without an outlet (except overflow drains) that is larger than a puddle and smaller than a lake.
 - C. RESERVOIR. An inland body of water that is kept and collected in quantity.
- (16) ASSISTED LIVING UNITS.
- A. DEPENDENT: A multiple-family housing form with central dining facilities provided as a basic service to each dwelling unit. Each dwelling unit may contain cooking facilities, but shall contain sanitary facilities.
 - B. INDEPENDENT: A multiple-family housing form with full facilities for self-sufficiency in each individual dwelling unit.
- (17) AUTO WASH. A structure, or portion thereof, containing commercial facilities for washing vehicles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. Also, the term includes a hand operated wand type manual auto wash facility when the operation is equivalent in intensity to a mechanical auto wash.
- (18) AUTO REPAIR. Includes engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair, overall painting, undercoating or steam cleaning of automobiles.

(19) **BANKS.** An establishment for the custody, loan, exchange, or issue of money, for the extension of credit and for facilitating the transaction of funds.

(20) **BASE FLOOD.** The flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also known as the one hundred (100) year flood.

(21) **BASEMENT.** A story partly or wholly underground where more than one-half of its height is above the average level of the adjoining ground. A basement shall be counted as a story for purpose of height measurement.

(22) **BED & BREAKFAST.** A transient lodging establishment, generally in a single-family dwelling that is the principal residence of the operator or detached guest house, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may, but not be required to, provide meals for compensation.

(23) **BLOCK.** A unit of property bounded by streets, or by streets or railroad right-of-way, waterways, or other barriers.

(24) **BLOCK FRONTAGE.** Property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or between the nearest intersecting or intercepting street and railroad right-of-way, waterway, or other definite barrier.

(25) **BOARDING HOUSE.** A residential use where meals are provided to its residents, consisting of at least one (1) dwelling unit together with more than two (2) rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests. A boarding house is distinguished from a rooming house in that meals are provided to its residents.

(26) **BORROW PIT.** An excavated area where material has been dug for use as a fill at another location.

(27) **BUILDING.** Any structure having a roof supported by columns or walls, and designed or intended for shelter, support, enclosure or protection of persons, animals or chattels, excluding small play houses for child play and small dog houses capable of sheltering no more than one (1) dog that is commonly found in residential areas.

(28) **BUILDING AREA.** The horizontal area of a building, including all projections from the building.

(29) **BUILDING MATERIALS.** Articles or things used for construction, excluding tools, machinery, and appurtenances.

(30) **BUILDING, DETACHED.** A building having no structural connection with the principal building on a premises.

(31) **BUILDING SETBACK LINES.** The lines nearest the front and across a lot establishing the minimum open space to be provided between the front line of buildings and structures, and the front lot line.

(32) **CEMETERY.** Any land, five acres or more, used for the burial of the dead and dedicated as a cemetery, including columbariums, crematories, mausoleums,

and mortuaries when operated in conjunction with and within the boundary of such cemetery.

(33) **CERTIFICATE OF APPROPRIATENESS:** A certificate issued by the Preservation Commission indicating that a proposed alteration, demolition, or in-fill new construction within the preservation district boundaries is in accordance with the provisions of Chapter 1138.

(34) **CERTIFICATE OF ZONING.** A certificate signed by the Administrator indicating that the use of the land, building or structure complies with the provisions of this Planning and Zoning Code.

(35) **CERTIFY.** Whenever this Planning and Zoning Code or the Administrator requires that some agency certify the zoning existence of some fact or circumstance to the City, the certification shall mean a writing from some agency in the form of letter or other document, as determined by the Administrator.

(36) **CHANGE.** For the sole purpose of Chapter 1138, any alteration, demolition, removal, or construction involving any property subject to the provisions of this Planning and Zoning Code, including signs, notwithstanding the Sign Code.

(37) **CHILD CARE INSTITUTION.** An institutional facility housing more than nine (9) orphaned, abandoned, dependent, abused, or neglected children.

(38) **CIRCULATION AREA.** That portion of the vehicle accommodation area used for access to the vehicle accommodation area. Essentially, driveways and other maneuvering area (other than parking aisles) comprise the circulation area.

(39) **CITY.** The City of Napoleon, Ohio.

(40) **CLUBS.** Buildings and facilities operated for a social, educational, or recreational purpose, but not for profit or to render a service which is customarily carried out as a business.

(41) **COLLOCATION.** The use of a wireless telecommunication facility by more than one wireless telecommunication provider.

(42) **COMMON OPEN SPACE.** An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.

(43) **COMBINATION USE.** A use consisting of combination on one (1) lot of two (2) or more principal uses separately listed in the Table of Permissible Uses. Under some circumstance, when a second principal use may be regarded as accessory to the first, a combination use is not established (see accessory uses). In addition, when two (2) or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this does not constitute a combination use.

(44) **COMMERCE:** The exchange of goods, productions, services, or property of any kind; or, the buying, selling, and exchanging of articles or services.

(45) **COMMERCIAL.** Relates to or is connected with trade and traffic or commerce in general; is or is designated to be occupied with business or commerce.

(46) **COMMERCIAL RECREATIONAL FACILITIES.** Any establishment of which the main purpose is to provide the general public with an amusing or entertaining

activity and where tickets are sold or fees are collected for the activity. Commercial recreation facilities include, but are not limited to, skating rinks, water slides, miniature golf courses, arcades, bowling alleys, and billiard halls, but not movie theaters.

(47) **COMMERCIAL SCHOOLS.** Schools operated for profit such as business schools, training schools for trade, real estate, training and similar schools, but not including elementary, intermediate or high schools for education of children.

(48) **COMMERCIAL SEMI-TRUCK SALES/SERVICE.** An establishment that for profit sells, services, or repairs commercial semi-truck vehicles or the like as a part of its business.

(49) **COMMISSION.** Unless the context clearly indicates otherwise, means the City Planning Commission.

(50) **COMMON WALL.** A wall that is common to two (2) buildings, such as in a shopping center setting having multiple businesses adjacent to each other.

(51) **COMPREHENSIVE PLAN.** See Master Plan.

(52) **CONDITIONAL USE PERMIT.** A permit that may be issued by the City for a use that is not otherwise permissive as a matter of right in the same sense that a "permitted use" is, for uses that have been determined by the City to have a significant impact, thus requiring a hearing which is administrative in nature. Also, for uses that have not been identified as a permitted use within the Planning and Zoning Code. The conditional use permit may contain conditions for, or restrictions on, the said use. Also considered to be a type of "use permit", may also be referred to as a special use.

(53) **CORNER LOT.** A lot at the junction of and abutting two (2) or more intersecting streets.

(54) **CONVENIENCE STORE.** A one-story retail store that contains less than 2,000 square feet of gross floor area, that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic.

(55) **COUNCIL.** The City Council of the City of Napoleon, Ohio.

(56) **CUL-DE-SAC.** A short street having one end open to traffic and being permanently terminated by a vehicle turnaround.

(57) **DAY CARE CENTER.** Any care arrangement that provides day care on a regular basis for more than four (4) hours per day for more than five (5) children or adults or a combination thereof.

(58) **DEMOLITION:** The razing or destruction, whether entirely or in part, of a building or structure, and for the purpose of Chapter 1138, includes demolition by neglect.

(59) **DETACHED BUILDING.** Also known as building, detached, a building having no structural connection with the principal building on a premises.

(60) **DEVELOPER.** A person who is responsible for any undertaking in the developing of real estate, or a person that improves and subdivides land.

(61) **DEVELOPMENT.** An act, process or result of developing real estate which is to be done pursuant to a zoning permit or conditional use permit.

~~(85)~~ (86) FRONT YARD. The area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed for each zoning district. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. On corner lots, the front yard shall be the yard which abuts on the narrowest street frontage on the lot.

~~(86)~~ (87) FUNCTIONAL EQUIVALENT FAMILY. A collective number of individuals domiciled together in one (1) dwelling unit whose relationship is of a continuing non-transient domestic character and who are living and cooking as a single nonprofit housekeeping unit. This definition shall not include any society, club, fraternity, sorority, association, lodge, coterie, organization or group of students or other individuals whose domestic relationship is of a transitory or seasonal nature or for an anticipated limited duration of a school term or terms or other similar determinable period.

~~(87)~~ (88) GRADE. For buildings having walls adjoining one (1) street only. The elevation of the sidewalk at the center of the wall adjoining the street.

A. For buildings having walls adjoining more than one (1) street. The average of the elevation of the sidewalk at the center of all walls adjoining the streets.

B. For buildings having no wall adjoining the street -- the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

C. Street grade - the elevation of the pavement measured at the centerline intersection of two (2) streets.

~~(88)~~ (89) GROCERY STORES. Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

~~(89)~~ (90) GROUND FLOOR AREA. The area of a building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

~~(90)~~ (91) GSF. Gross square feet.

~~(91)~~ (92) HEIGHT OF BUILDING. The vertical distance measured from the ground level to the highest point of the roof for a flat roof; to the deck line of a mansard roof; and to the mean height between eaves and ridges for gable, hip, and gambrel roofs.

~~(92)~~ (93) HIGH-VOLUME TRAFFIC GENERATION. Large amounts of traffic generated by an establishment as it relates to traffic flow in the immediate area.

~~(93)~~ (94) HISTORIC DESIGN REVIEW GUIDELINES: The building construction and building rehabilitation criteria derived from local historical and architectural information and reflecting the Secretary of the Interior's standards for rehabilitation to be used by the Preservation Commission in considering certificate of appropriateness applications.

~~(94)~~ (95) HISTORIC RESOURCE: A publicly or privately owned building of historic significance, eligible for listing or already listed on the National Register of Historic Places, thus deserving protection.

~~(95)~~ (96) HISTORIC SIGNIFICANCE: Attributes of a building or district that possess integrity of location, setting, design, materials, workmanship, and association with:

- A. Events that have made a significant contribution to the broad patterns of history, or
- B. Persons significant in the past,
- C. Architectural characteristics of a type, period, or method of construction, or
- D. Have yielded or may be likely to yield information in prehistory or history.

~~(96)~~ (97) HOME. Same as dwelling.

~~(97)~~ (98) HOME OCCUPATION. Occupations or activity regularly engaged in for personal monetary gain and meeting all of the following standards:

- A. The home occupations conducted within a dwelling that is the bona fide residence of the principal practitioner or in an accessory building thereto which is normally associated with residential use. The home occupation is carried on wholly indoors and should be imperceptible from off the premise;
- B. Having no signs or displays of any sort in connection with a home occupation;
- C. Having no commodities, merchandise or wares of any kind being sold or distributed on the premises;
- D. Having only those persons residing on the premises as employees of the home occupation;
- E. Having no exterior storage, dumping or burial on the premises of materials or refuse resulting from the operation of the home occupation;
- F. Having no equipment or process being used in the home occupation which creates noise, vibration, glare, fumes, odors, dust, or electrical interference that is excessive or otherwise inconsistent with typical residential uses; and,
- G. Having no additional parking demand or increase in traffic or congestion in the public right-of-way above that normally experienced in a residential neighborhood.

(99) HOSPITAL FACILITIES PROVIDING MEDICAL OR SURGICAL CARE TO PATIENTS AND OFFERING INPATIENT (OVERNIGHT) CARE.

~~(98)~~ (100) HOSPITALITY FACILITIES. Lodging facilities with full service dining facilities that may include meeting rooms, conference facilities and other site and building amenities catering to lodging occupants.

~~(99)~~ (101) HOTEL. An establishment that furnishes lodging and sometimes meals, entertainment and various personal services for the public.

(102) INSTITUTIONAL USE. A USE THAT PROVIDES A PUBLIC SERVICE AND IS OPERATED BY A FEDERAL, STATE OR LOCAL GOVERNMENT, PUBLIC OR PRIVATE UTILITY, PUBLIC OR PRIVATE SCHOOL OR COLLEGE, TAX-EXEMPT ORGANIZATION, AND/OR A PLACE OF RELIGIOUS ASSEMBLY. EXAMPLES INCLUDE: PUBLIC AGENCY, PUBLIC SAFETY AND EMERGENCY SERVICES, ESSENTIAL AND UTILITY SERVICES, CULTURAL, SERVICE AND RELIGIOUS FACILITIES, PUBLIC/PRIVATE HEALTH FACILITIES OR OTHER SIMILAR USES.

(100) (103) JUNK YARD. An establishment or place of business that is maintained or operated for the purpose of storing, keeping, buying, or selling junk. For the purposes of this Planning and Zoning Code, the term "junk yard" also includes scrap metal processing facilities and salvage yards.

(101) (104) JURISDICTION. The corporate limits of the City of Napoleon, Ohio, and those other areas of jurisdiction authorized by law.

(102) (105) KENNELS. Any lot or premises on which five (5) or more dogs, cats or other household pets, or combination thereof, are either permanently or temporarily boarded.

(103) (106) LAND AREA. When gross, meaning the area contained within the boundaries of a parcel of land; when net, meaning the area contained within the boundaries of a parcel of land after deducting dedicated rights of way or private roads and access easements.

(104) (107) LATTICE. A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

(105) (108) LABORATORIES. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for manufacture or sale of products, except as incidental to the main purpose of the laboratory.

(106) (109) LIVESTOCK. Farm type animals or poultry kept or raised for use, pleasure or profit, such as chickens, turkeys, pigs, goats, sheep, horses, buffalo, cattle, and the like, kept or raised as one or many.

(107) (110) LOADING AND UNLOADING AREA. That portion of the vehicle accommodation area used to satisfy the requirements of the parking sections of this Planning and Zoning Code.

(108) (111) LOT. A portion of a subdivision or other parcel of land intended as a unit for transfer or ownership or for development. Lot includes the word parcel and when the context demands, the word plat. When the context demands, also means a portion of land.

(109) (112) LOT AREA. The total area circumscribed by the boundaries of a lot, except that:

A. When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing the lot area shall be the street right-of-way line, or if the right-of-way line

cannot be determined, a line running parallel to and thirty (30') feet from the center of the traveled portion of the street; and,

B. In a residential district, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing the lot area shall be the inside boundary of the traveled portion of that road.

~~(110)~~ (113) LOT COVERAGE. The total ground area of a lot, usually expressed as a percentage of the lot area that is covered, occupied, or enclosed by principal and accessory buildings or structures.

~~(111)~~ (114) LOT OF RECORD. A lot which is part of a duly recorded plat of a subdivision; or, a parcel of land which has been conveyed by the identical description by deed or record recorded prior to; or, a parcel of land conveyed by a deed or record, if, on the date of the recording of said deed, such parcel met all the requirements of this Planning and Zoning Code or regulations then in effect.

~~(112)~~ (115) LOW-VOLUME TRAFFIC GENERATION. Small amounts of traffic generated by an establishment as it relates to traffic flow in the immediate area.

~~(113)~~ (116) MANUFACTURED HOME(S). A dwelling unit that:

A. Is not constructed in accordance with the standards set forth in the state or local building code applicable to site built homes; and,

B. Is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis; and,

C. Exceeds forty (40') feet in length and eight (8') feet in width, or,

D. Regardless of the above is classified as a manufactured home, Class A, B or C.

~~(114)~~ (117) MANUFACTURED HOME, CLASS A. A manufactured home, also referred to as mobile home, Class A, constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

A. The home has a length not exceeding four (4) times its width; and,

B. The pitch of the home's roof has minimum vertical rise of one (1') foot for each five (5') feet of horizontal run, and the roof finished with a type of shingle that is commonly used in standard residential construction; and,

C. The exterior siding consists of wood, vinyl, hardboard, aluminum, (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the external siding commonly used in standard residential construction; and,

D. A continuous, permanent masonry foundation, unpierced except for required ventilation and access, is installed under the home; and,

E. The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the foundation and before occupancy.

~~(115)~~ (118) MANUFACTURED HOME, CLASS B. A manufactured home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A manufactured home. Also referred to as a mobile home, Class B.

~~(116)~~ (119) MANUFACTURED HOME, CLASS C. Any manufactured home that does not meet the definitional criteria of Class A or Class B manufactured home. Also referred to as a mobile home, Class C.

~~(117)~~ (120) MANUFACTURED HOME PARK. A residential use in which more than one (1) manufactured home is located on a single lot. Also may mean a mobile home park.

~~(118)~~ (121) MANUFACTURING, GENERAL. Manufacturing, processing or assembling of materials in a manner that would create any of the commonly recognized nuisance conditions or characteristics described below in the manufacturing, light definition.

~~(119)~~ (122) MANUFACTURING, LIGHT. Production, processing, assembling, packaging, or treatment of food and non-food products; or manufacturing and/or assembly of electronic instruments and equipment and electrical devices. These facilities should involve limited outside storage of materials, not require federal air quality discharge permits, and be compatible with any contiguous or nearby residential uses because there are few or no offensive nuisance conditions that are detectable from the boundaries of the subject property, such as, but not limited to:

- A. Continuous, frequent or repetitive noises or vibrations;
- B. Noxious or toxic fumes, odors or emissions;
- C. Electrical disturbances; or,
- D. Night illumination into residential areas.
- E. Exceptions: Noise and vibrations from temporary construction;

noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than fifteen (15) minutes per day; and noise detectable only as part of a composite of sounds from various off-site sources.

~~(120)~~ (123) MARGINAL ACCESS STREETS. Streets that are parallel to and adjacent to an arterial street and that are designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and so that the flow of traffic on the arterial streets is not impeded by the direct driveway access from a large number of abutting properties.

~~(121)~~ (124) MASSAGE/ RELAXATION ESTABLISHMENT - An establishment that for profit uses touch through rubbing or kneading of parts of the body to aid circulation, relax the muscles, or provides sensual stimulation or therapy; or, an establishment that through other means such as fragrance, provides a means for relieving stress.

~~(122)~~ (125) MASTER PLAN. The plan of the City, or any of its parts, for the orderly development of the City, including all parts thereto, including the Thoroughfare Plan. Also, may include the Official Zone Map. To the extent permitted by law, means

the most current adopted Master Plan. Master Plan as used in this Planning and Zoning Code also means the City's Comprehensive Plan.

~~(123)~~ (126) **MICROWAVE RECEIVING ANTENNA.** A dish shaped device greater than thirty-nine (39") inches in diameter designed to receive signals transmitted from ground mounted transmitters.

~~(124)~~ (127) **MINIMUM LOT AREA.** That area of a lot in any zoning district, exclusive of the area of any street, road, or access easement on or across such lot.

~~(125)~~ (128) **MONOPOLE.** A support structure constructed of a single, self supporting hollow metal tube securely anchored to a foundation.

(129) MORTUARIES. AN ESTABLISHMENT PROVIDING SERVICES SUCH AS PREPARING THE HUMAN DEAD FOR BURIAL AND ARRANGING AND MANAGING FUNERALS AND MAY INCLUDE LIMITED CARETAKER FACILITIES. THIS CLASSIFICATION EXCLUDES CEMETERIES, CREMATORIUMS AND COLUMBARIUMS.

~~(126)~~ (130) **MOTEL.** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed primarily for use by tourists and that furnishes customary hotel services.

~~(127)~~ (131) **MULTI-FAMILY DWELLINGS.** A multi-family residential use other than a multi-family conversion or multi-family townhouse.

~~(128)~~ (132) **MULTI-FAMILY CONVERSION.** A multi-family dwelling containing not more than four (4) dwelling units and which results from the conversion of a single building containing at least two thousand square feet of gross floor area that was originally designed, constructed, and occupied as a single-family dwelling.

~~(129)~~ (133) **NEIGHBORHOOD BUSINESS LESS THAN 10,000 SQUARE FEET.** Establishments primarily engaged in the provision of frequently or recurrently needed goods for household consumption, such as prepackaged food and beverages and limited household supplies. Neighborhood stores does not include fuel pumps or the selling of fuel for motor vehicles. Typical uses include neighborhood markets and small retail outlets.

~~(130)~~ (134) **NEIGHBORHOOD UTILITIES FACILITIES.** Utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood where such facilities are proposed to be located.

~~(131)~~ (135) **NOISE.** Any sound that annoys, endangers or injures the safety or health of humans or animals, annoys or disturbs a reasonable person of normal sensitivities, or endangers or injures personal or real property.

~~(132)~~ (136) **NONCONFORMING LOT.** A lot existing on or before the effective date of this Planning and Zoning Code (and not created for the purposes of evading the restrictions of this Planning and Zoning Code) that does not meet the minimum area requirement of the district in which the lot is located.

~~(133)~~ (137) **NONCONFORMING PROJECT.** Any structure, development or undertaking that is incomplete on the effective date of this Planning and Zoning Code and

would be inconsistent with any regulation applicable to the district in which it is located if completed as proposed or planned.

~~(134)~~ ~~(138)~~ **NONCONFORMING USE.** An existing use of land or building which fails to comply with the requirements set forth in this Planning and Zoning Code applicable to the district in which such use is located or, a situation that occurs when, on the effective date of this Planning and Zoning Code, an existing lot or structure or use of an existing lot or structure does not conform to one (1) or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming use may arise because a lot does not meet minimum square footage/acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and the land (in such case matters as density and setback requirements) is not in conformity with this Planning and Zoning Code, or because land or buildings are used for purposes made unlawful by this Planning and Zoning Code. Nonconforming signs, unless specific to an overlay district, are not regarded as nonconforming uses for purposes of this Planning and Zoning Code, but are governed by provisions of Chapter 1335.

~~(135)~~ ~~(139)~~ **NURSERY/GREENHOUSE.** A space, building or structure, or combination thereof, for the storage of live trees, shrubs, flowers or plants offered for retail sale on the premises including products used for gardening or landscaping.

~~(136)~~ ~~(140)~~ **NURSING CARE INSTITUTION.** An institutional facility maintained for the purpose of providing skilled nursing care and medical supervision at a lower level than that available in a hospital to more than nine (9) persons.

~~(137)~~ ~~(141)~~ **OFFICE.** A building or part thereof where a professional person conducts his or her professional business, or where it is the directing headquarters of a business or enterprise, having work such as clerical, bookkeeping, records, or consulting.

~~(138)~~ ~~(142)~~ **OIL AND GAS WELLS.** Any perforation through the earth's surface designated to find and release both petroleum oil and gas hydrocarbons.

~~(139)~~ ~~(143)~~ **OPEN SPACE.** The total horizontal area of a lot excluding the building area, but including parking areas and recreational areas.

~~(140)~~ ~~(144)~~ **ORIGINAL PLANNING AND ZONING CODE.** Means the Zoning Code in existence prior to July 17, 1995 or any amendment thereto that existed prior to July 17, 1995.

~~(141)~~ ~~(145)~~ **OUTSIDE STORAGE.** Any premises not indoors used for the temporary storage of household goods or personal items which is placed on a site for the use of the occupants of a dwelling or building for a limited period of time.

~~(142)~~ ~~(146)~~ **PARKING SPACE.** A portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

~~(143)~~ ~~(147)~~ **PERMITTED USE(S).** Permitted use(s) are those allowed as of right and as expressly permitted by this Planning and Zoning Code, provided the landowner meets all other local, state and federal requirements.

~~(144)~~ ~~(148)~~ **PERSON.** An individual, trustee, executor, other fiduciary, corporation, firm, partnership, association, organization, or other entity acting as a unit.

~~(145)~~ (149) **PERSONAL SERVICES.** An establishment or place of business primarily engaged in the provisions of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and nail salons, licensed massage establishment, barbershops, shoe repair shops, tailor shops, laundromats and dry cleaners.

~~(146)~~ (150) **PERSONAL WIRELESS SERVICES.** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services as defined by federal law at 47 U.S.C. §332(c)(7).

~~(147)~~ (151) **PLANT CULTIVATION.** The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses, but not including such plant cultivation as is conducted on residential properties for the primary benefit of the resident family.

~~(148)~~ (152) **PLANNED APARTMENT DEVELOPMENT (PAD).** A development constructed on a tract of land of a minimum acreage requirement and developed as a multi-apartment complex.

~~(149)~~ (153) **PLANNED CLUSTER DEVELOPMENT (PCLD).** A development constructed on a tract of land of a minimum acreage requirement and having a minimum number of dwelling units contained within and having a minimum number of principal buildings.

~~(150)~~ (154) **PLANNED COMMERCIAL DEVELOPMENT (PCD).** A development constructed on a tract of land of a minimum acreage requirement and having a minimum number of principal buildings and a maximum number of commercial establishments within a single building.

~~(151)~~ (155) **PLANNED DEVELOPMENT (PD).** A Planned Apartment Development, Planned Cluster Development, Planned Commercial Development, and Planned Residential Development.

~~(152)~~ (156) **PLANNED RESIDENTIAL DEVELOPMENT (PRD).** A development constructed on a tract of not less than five (5) acres of land under single ownership, planned and developed as an integral unit, and consisting of single-family detached dwellings combined with either two (2) family dwellings or multi-family dwellings, or both, all developed in accordance with Section 1143.06.

~~(153)~~ (157) **PLANNING AND ZONING CODE.** Part 11 of the Codified Ordinances commencing with Chapter 1101 and ending with Chapter 1147, both chapters inclusive; also means any newly enacted Planning And/or Zoning Ordinance not currently codified.

~~(154)~~ (158) **PLANNING COMMISSION.** The Planning Commission of the City of Napoleon, Ohio.

~~(155)~~ (159) **PLANNING JURISDICTION.** The area within the City's corporate limits as well as the area beyond the City's corporate limits within which the City is authorized to plan for and regulate development.

~~(156)~~ (160) **PLAT.** A map or chart of a tract or parcel of land.

~~(157)~~ (161) PRESERVATION COMMISSION. A Preservation Commission established pursuant to Chapter 181 of the Codified Ordinances having certain specified powers and duties.

~~(158)~~ (162) PRESERVATION DISTRICT. Clearly identified area(s) designated on the Official Zone Map that contain a significant concentration of historic resources.

~~(159)~~ (163) PRINCIPAL BUILDING. The primary building on a lot or a building that houses a principal use.

~~(160)~~ (164) PRINCIPAL USE. The main use of land or buildings as distinguished from a subordinate or accessory use.

~~(161)~~ (165) PRINTING. An establishment in which the principal business consists of duplicating and printing services using photography, blueprint, or offset printing equipment, including publishing, binding and engraving.

~~(162)~~ (166) PRIVATE ROAD. A private drive or thoroughfare other than a street or alley permanently reserved in order to provide a means of access to a zoning lot.

~~(163)~~ (167) PROPERTY LINES. The lines bounding a zoning lot.

(168) PUBLIC SERVICE FACILITY. ANY BUILDING HELD, USED, OR CONTROLLED EXCLUSIVELY FOR PUBLIC TRANSPORTATION SYSTEMS OR FACILITIES, WATER SYSTEMS OR FACILITIES, WASTEWATER SYSTEMS OR FACILITIES, STORM DRAINAGE SYSTEMS OR FACILITIES, FIRE, POLICE, AND EMERGENCY SYSTEMS OR FACILITIES, PARKS AND RECREATION, ELECTRIC UTILITIES, GAS UTILITIES, CABLE FACILITIES, OR OTHER PUBLIC UTILITIES.

(169) PUBLIC/PRIVATE UTILITY. A PERSON, FIRM, OR CORPORATION, MUNICIPAL DEPARTMENT, BOARD OR COMMISSION DULY AUTHORIZED TO FURNISH AND FURNISHING UNDER GOVERNMENTAL REGULATIONS TO THE PUBLIC: GAS, STEAM, ELECTRICITY, SEWAGE DISPOSAL, COMMUNICATION, TELEGRAPH, TRANSPORTATION OR WATER.

~~(164)~~ (170) PUBLISHING. A commercial printing operation involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including, but not limited to, off-set printing, lithography, web offset, flexographic and screen process printing.

~~(165)~~ (171) PURELY RESIDENTIAL STRUCTURES. For the sole purpose of Chapter 1138, dwellings used exclusively for residential purposes.

~~(166)~~ (172) REAR LOT LINE. That boundary of a lot which is most distant from, and is most nearly parallel to, the front lot line.

~~(167)~~ (173) REAR YARD. The space area extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches. On all lots, the rear yard shall be in the rear of the front yard.

~~(168)~~ (174) REASONABLE ACCOMMODATION USE. Provisions for providing housing opportunities suited to the needs of persons entitled to housing accommodations under law.

~~(169)~~ (175) RECREATIONAL VEHICLES/ EQUIPMENT OUTDOOR SALES. An establishment that sells or stores for sale, in the open, vehicles or equipment used or designed for recreation.

~~(170)~~ (176) RECYCLING CENTER. Any place in which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition, and is owned, possessed, collected, accumulated, dismantled, or sorted, including, but not limited to, used or salvaged metals, paper, glass, plastic, rubber, and the associated processing equipment.

~~(171)~~ (177) REPAIR SERVICES, CONSUMER. Provisions of repair services to individuals and households, but not to firms. Excludes vehicle sales and service uses. Typical uses include appliance repair shops, locksmiths, shoe and apparel repair and musical instrument repair.

~~(172)~~ (178) RESTAURANT CARRY-OUT ONLY. A restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption off the premises.

~~(173)~~ (179) RESTAURANT DRIVE-IN. A restaurant at which any patrons are served from a drive-by window or while within a motor vehicle or where food is consumed within the motor vehicle on the premises.

~~(174)~~ (180) RESTAURANT FAST FOOD. A restaurant at which patrons are served from a counter and the food or beverage is served in disposable containers or wrappers for consumption on or off the premises.

~~(175)~~ (181) RESTAURANT FULL SERVICE. An establishment maintained, operated, and/ or advertised or held out to the public as a place where food and beverages are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed on the premises primarily inside the building at tables, booths, or counters, with chairs, benches or stools.

~~(176)~~ (182) RESTAURANT OUTDOOR CAFÉ. An outdoor service area as a part of a restaurant.

~~(177)~~ (183) RETAIL BUSINESS. Businesses involved in the sale, lease or rent of new or used products to the general public. This excludes animal services, business equipment sales and services, construction sales and services, food and beverage retail sales, gasoline and fuel sales and vehicle sales and service. Typical uses include department stores, drug stores, apparel stores and furniture stores.

~~(178)~~ (184) ROAD. All ways used to provide motor vehicle access to (i) two (2) or more lots; or, (ii) two (2) or more distinct areas or buildings in developments. As used in this Planning and Zoning Code, may mean depending on the contexts used, either private or public road.

~~(179)~~ (185) ROOMING HOUSE. A residential use, where meals are not provided to its residents, consisting of at least one (1) dwelling unit together with more than two (2) rooms that are rented or are designed or intended to be rented but which rooms, individually or collectively, do not constitute separate dwelling units. A rooming

house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests. A rooming house is distinguished from a boarding house in that meals are not provided to its residents.

(180) (186) SALVAGE YARD. An establishment or place for the purpose of selling salvage motor vehicle parts and secondarily for the purpose of selling at retail salvage motor vehicles or manufacturing or selling a product of gradable scrap metal. For the purpose of this definition "salvage yard" also means junk yards and scrap metal processing facilities.

(181) (187) SATELLITE ANTENNA. A dish-shaped device greater than thirty-nine (39") inches in diameter designed to receive signals transmitted from orbiting satellites. Also, an antenna of any size greater than thirty-nine (39") inches in diameter, shape or description designed for the purpose of receiving microwave transmissions from satellites.

(182) (188) SCRAP METAL PROCESSING FACILITIES. Establishments or places having facilities processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes. For the purpose of this definition "scrap metal processing facilities" also means junk yards and salvage yards.

(183) (189) SCREENING. Acceptable things or material that adequately protects against injury or danger, or when the context demands, acceptable things or material that adequately shields the view from others.

(184) (190) SECRETARY OF THE INTERIOR'S STANDARDS. Ten standards first developed by the Department of the Interior to evaluate proposed treatments of historic properties and to ensure that work affecting a historic property would be consistent with the character of the building and the district in which it is located.

(185) (191) SELF- SERVICE STORAGE. A facility designed and used for the temporary storage of household goods or personal items which is placed on a site for the use of the occupants of a dwelling or building for a limited period of time.

(186) (192) SEMI-TRUCK VEHICLES. Are truck tractors designed to pull a freight trailer.

(187) (193) SERVICE STATION. A building or premises used for the retail sale of fuel (stored only in underground tanks and to be dispensed from fixed equipment), lubricants, air, water and other commodities designed for motor vehicles, aircraft and boats. Such an operation includes space and facilities for selling, installing, or adjusting tires, batteries, parts and accessories within a completely enclosed building provided that such repair and installation are of minor auto repair nature and may include accessory convenience store merchandise primarily sold to patrons purchasing gasoline and/or services.

(188) (194) SEXUALLY ORIENTED BUSINESS. A business establishment providing entertainment or products of a sexual nature.

(189) (195) SHOPPING CENTER. A single piece of real estate containing more than three (3) commercial establishments and a total business space of more than

three thousand two hundred (3,200) square feet planned, constructed and managed as a total entity with customer and employee parking provided on site.

~~(190)~~ (196) SIDE LOT LINE. Any boundary of a lot which is not a front lot line or a rear lot line.

~~(191)~~ (197) SIDE YARD. The space area between the main buildings and the side line of the lot and extending from the required front yard building setback line to the required rear yard building setback line and being the minimum horizontal distance between a side lot line and the side of the main buildings, or any projections thereto.

~~(192)~~ (198) STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

~~(193)~~ (199) STREET. A right-of-way, dedicated to and accepted for the public use or, declared as such by a governmental authority having ownership or control thereof, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, place, or other appropriate name. A street may also be identified according to type of use, as follows:

A. ARTERIAL STREETS. Those streets designated in the Thoroughfare Plan for large volumes of traffic movement. Certain arterial streets may be classified as business streets to serve congested business sections, and others as limited access highways to which entrances and exits are provided only at controlled intersections, with access denied to abutting properties.

B. FEEDER STREETS. Those streets designated in the Thoroughfare Plan as important streets to facilitate the collection of traffic from residential streets, to permit circulation within neighborhood areas and to provide convenient ways for traffic to reach arterial streets.

C. RESIDENTIAL STREETS. Those streets not designated in the Thoroughfare Plan as arterial or feeder streets. When they are designed for the primary purpose of providing access to abutting property on one (1) side only, they are identified as marginal access streets. Another type of residential street is a cul-de-sac.

D. LOCAL STREET. A street that has a sole function to provide access to abutting properties. It serves or is designed to serve at least ten (10) but not more than twenty-five (25) dwelling units and is expected to or does handle between seventy-five (75) and two hundred (200) trips per day.

~~(194)~~ (200) STRUCTURE. Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground.

~~(195)~~ (201) STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.

~~(196)~~ (202) SUBDIVIDER. Any person engaged in subdivision of land within the jurisdiction of the City.

~~(197)~~ (203) SUBDIVISION.

A. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two (2) or more parcels, sites, or lots, any one (1) of which is less than five (5) acres for the purpose, whether immediate or future; or,

B. The improvement of one (1) or more parcels of land for residential, commercial, or industrial structures or groups of structures involving the division or allocation of land, for the opening, widening, or extension of any street, except private streets or private roads serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants, or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage, or other public facilities.

~~(198)~~ (204) SUBDIVISION, MINOR. A subdivision that does not involve any of the following:

A. The creation of more than a total of three (3) lots; or,

B. The creation of any new public streets.

~~(199)~~ (205) 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 capability within developed areas of the City.

~~(200)~~ (206) TELECOMMUNICATION(S). The technology that enables information to be exchanged through the transmission of voice, video or data signals by means of electrical or magnetic systems and includes the term "personal wireless services".

~~(201)~~ (207) TEMPORARY EMERGENCY CONSTRUCTION, OR REPAIR DWELLING. A dwelling (Which may be a manufactured home) that is:

A. Located on the same lot as a dwelling made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by such disaster; or,

B. Located on a nonresidential construction site and occupied by persons having construction or security responsibilities over such construction site.

~~(202)~~ (208) THROUGH LOT. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets, and which is not a corner lot.

~~(203)~~ (209) THOROUGHFARE PLAN. A part of the master plan, which sets forth the location, alignment, dimensions, identification, and classification of existing and proposed public streets, highways, and other thoroughfares.

~~(204)~~ (210) TOURIST HOME. A building in which one (1) but not more than five (5) rooms are used to provide or offer overnight accommodations to transient guests for compensation.

~~(205)~~ (211) TOWER. Any structure typically higher than its diameter and high relative to its surroundings having a principal function to support an antenna, windmill or other fixed object.

~~(206)~~ (212) TRACT. A lot (see lot). The term tract is used interchangeably with the term lot, particularly in the context of subdivisions, where one (1) "tract" is subdivided into several "lots".

~~(207)~~ (213) **TRANSPORT & TRUCKING.** Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading and unloading goods.

~~(208)~~ (214) **TRAVEL TRAILER.** A structure that:

A. Is intended to be transported over the streets and highways (either as a motor vehicle or attached to or hauled by a motor vehicle); and,

B. Is designed for temporary use as sleeping quarters but that does not satisfy one (1) or more of the definitional criteria of a manufactured home.

~~(209)~~ (215) **USE.** The activity or function that actually takes place or is intended to take place on a lot.

~~(210)~~ (216) **USE PERMIT.** A permit that may be issued by the City which authorizes the recipient to make use of property in accordance with the requirements of this Planning and Zoning Code as well as any additional requirements imposed by the City, commonly referred to as a "conditional" use permit.

~~(211)~~ (217) **UTILITY FACILITIES.** Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose by (the appropriate provision of state law) and used in connection with the production, generation, transmission, delivery, collection, or storage of water, sewage, electricity, gas, oil, or electronic signals. Excepted from this definition are utility lines and supporting structures declared in this Planning and Zoning Code to be a permissible use.

~~(212)~~ (218) **VARIANCE.** A grant of permission by the applicable zoning administrator, board, or commission, or Council, that due to hardship or when in the best interest of the community, authorizes the recipient to do that which, according to the strict letter of this Planning and Zoning Code, the recipient could not otherwise legally do. A variance should not to be construed to mean a conditional use permit.

~~(213)~~ (219) **VEHICLE(S).** Means every device, in, upon, or by which any person or property may be transported or drawn upon a highway, except motorized wheelchairs, devices moved by power collected from overhead electric trolley wires or used exclusively upon stationary rails or tracks and devices other than bicycles moved by human power.

~~(214)~~ (220) **VEHICLE ACCOMMODATION AREA.** That portion of a lot that is used by vehicles for access, circulation, parking, and loading and unloading. It comprises the total of circulation areas, loading and unloading areas, and parking areas.

~~(215)~~ (221) **VIBRATION.** Earthborne vibrations from any operation, activity, or land use.

~~(216)~~ (222) **WAREHOUSING.** Wholesale, storage and warehousing services within enclosed structures.

~~(217)~~ (223) **WHOLESALE BUSINESS.** A business that sells products meant for resale by the purchaser.

~~(218)~~ (224) **WIND GENERATOR (TURBINE).** A device which is placed outside of a structure that is used for the generation of electricity through the use of

propellers or turbine blades or, which means a wind operated device used to generate electricity or produce water acting on oblique vanes or sails that radiate from a horizontal shaft; also may include a windmill.

~~(219)~~ (225) WIRELESS TELECOMMUNICATION ANTENNA OR "ANTENNA" OR "ANTENNA ARRAY". As used in Section 1127.21, means the physical device or array of physical devices through which an electromagnetic, wireless telecommunication signal authorized by the FCC is transmitted or received. Antennas used by amateur radio operators are excluded from this definition as it relates to Section 1127.21 of this Planning and Zoning Code.

~~(220)~~ (226) WIRELESS TELECOMMUNICATION EQUIPMENT SHELTER OR "EQUIPMENT SHELTER". As used in Section 1127.21, means the structure or cabinet in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

~~(221)~~ (227) WIRELESS TELECOMMUNICATION FACILITY OR "FACILITY". As used in Section 1127.21, means a facility consisting of the equipment, towers, 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.

~~(222)~~ (228) WIRELESS TELECOMMUNICATION TOWER OR "TOWER". As used in Section 1127.21, means any structure, other than a building, that elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

~~(223)~~ (229) WHOLESale SALES. On-premises sales of goods primarily to customers engaged in the business of reselling the goods, or an article involved in creating a finished product.

~~(224)~~ (230) YARD. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portions of a structure from the ground upward.

~~(225)~~ (231) ZONING. To partition land by ordinance into sections which may be reserved for different uses.

~~(226)~~ (232) ZONING ADMINISTRATOR. Such officer as may be designated from time to time by the City Manager. Such officer who is the administrative officer of this Planning and Zoning Code and who shall, in furtherance of such authority carry out the duties described in the City's Administrative Code; also called "Administrator".

~~(227)~~ (233) ZONING LETTER. A letter indicating the Zoning Administrator's interpretation or decision regarding any section of this Planning and Zoning Code.

~~(228)~~ (234) ZONING LOT. A single tract of land located within a single block, which, at the time of filing for a building permit, is designated by its owner or developer as a tract to be used, developed, or built on as a unit under single ownership or control. Therefore, a "zoning lot" may or may not coincide with a lot of record.

~~(229)~~ (235) ZONE MAP. A map entitled "Napoleon, Ohio, Zone Map 2006", and to the extent permitted by law, any amendments thereto.

~~(230)~~ (236) **ZONING CODE.** The portion of the Codified Ordinances beginning with Chapter 1105 and ending with Chapter 1147, both chapters inclusive; also means any newly enacted Zoning Ordinance not currently codified. The Planning and Zoning Code of the City.

~~(231)~~ (237) **ZONING ORDINANCE.** A duly passed ordinance related to the zoning of the City.

~~(232)~~ (238) **ZONING PERMIT.** A permit issued by the Zoning Administrator that authorizes the recipient to make use of property in accordance with the requirements of this Planning and Zoning Code.

(Ord. 074-10. Passed 12-20-10.)

Section 3. That, Section 1145.01 of the Planning and Zoning Code for the City of Napoleon, shall be amended and enacted to remain essentially the same with the exception that the Table of Permissible Uses shall be amended to include the "Institutional" table, as outlined below:

Institutional	Residential				Commercial					Industrial	
	R1	R2	R3	R4	C1	C2	C3	C4	C5	I1	I2
Cemetery	C	C	C	C	C		C	C	C	C	C
Child Day Care Centers				C	P		P	P	P		
Clubs, Lodges, Fraternal and Civic Assembly				C	P		P	P	P		
Convalescent and Nursing Homes				C	P		P	P	P		
Essential Services	P	P	P	P	P		P	P	P	P	P
Hospital					P		P	P	P		
Institutional Use			C	C	P		P	P	P	P	
Mortuaries and Funeral Homes			C	C	P		P	P	P		
Public and Private Schools			C	C	P		P	P	P		
Public Service Facility	P	P	P	P	P		P	P	P	P	P

Wireless Telecommunication Facilities																C	C
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Section 4. That, Sections 1101.01 and 1145.01 of the as existed prior to the enactment of this Ordinance shall be repealed.

Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Ordinance were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Ordinance, then the provisions of this Ordinance shall prevail. Further, if any portion of this Ordinance is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or any part thereof.

Section 7. That, upon passage, this Ordinance shall take effect at the earliest time permitted by law.

Passed: October 21, 2013

John A. Helberg
 John A. Helberg, Council President

Ronald A. Behm
 Ronald A. Behm, Mayor

Approved: October 21, 2013

VOTE ON PASSAGE 5 Yea 0 Nay 0 Abstain

Attest:

Gregory J. Heath
 Gregory J. Heath, Clerk/Finance Director

I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Ordinance No. 042-13 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 25th day of November 2013; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Gregory J. Heath
 Gregory J. Heath, Clerk/Finance Director