

ARTICLE IV - DEFINITIONS

SECTION 4.01 – DEFINITIONS: All words used in this Zoning Resolution shall, unless otherwise defined herein, be given the precise meaning or significance as that which is normally attributed to such word or as the same is defined in Webster's Dictionary. The following listed words, terms and phrases are specifically defined for use in this Zoning Resolution:

- a) **“Adult”** means an individual eighteen years of age or older.
- b) **“Adult arcade”** means any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.
- c) **“Adult bookstore,” “adult novelty store,” or “adult video store”** means a commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:
 - 1) Hard core material.
 - 2) Adult novelties, instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.
- d) **“Adult cabaret”** means a nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:
 - 1) Persons who appear in a state of nudity or semi-nudity;
 - 2) Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
 - 3) Films, motion pictures, video cassettes, slides, or other photographic reproductions, which are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

- e) **“Adult entertainment”** means the sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.
- f) **“Adult entertainment establishment”** or **“Sexually Oriented Business”** means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, lingerie modeling studio, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Section 4731.15 of the Revised Code, is not an "adult entertainment establishment."
- g) **“Adult motion picture theater”** means a commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions, or any other media, that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
- h) **“Adult theater”** means a theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.
- i) **“Display publicly”** means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other than hard core material are on display to the public.
- j) **“Distinguished or characterized by their emphasis upon”** means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films "that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.
- k) **“Establishment”** means any business regulated by this Resolution.

- l) **"Footcandle"** means a unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle. Footcandles will be measured with the meter pointed perpendicular to the property line or grade plane.
- m) **"Four-sided Architecture"** means that a building has equivalent design treatment given to all facades, incorporating design elements into each of the four sides of the building while pairing economic feasibility with sustainable design. Design elements on all sides of a building are compatible with the front elevation and/or the adjacent buildings. Architectural elements such as, but not limited to, window mullions, shutters, masonry exterior veneers, cornice detailing and window casing should demonstrate consistency on all four sides of the structure.
- n) **"Full-shielded type fixture" or "full cut-off type fixture"** means an outdoor lighting fixture that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest light-emitting part of the fixture.
- o) **"Glare"** means the direct light that causes annoyance, discomfort, or loss in visual performance and visibility.
- p) **"Grade, natural"** means the elevation of the undisturbed natural surface of the ground prior to any recent excavation or fill.
- q) **"Gross public floor area"** means the total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled public), stage areas, aisles, hallways and entryways.
- r) **"Hard core material"** means media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.
- s) **"Harmonious"** means adapted to each other; having the parts combined in a proportionate, orderly, or pleasing arrangement; congruous; symmetrical.
- t) **"Illuminance"** means the quantity of light arriving at a surface divided by the area of that surface, measured in footcandles.

- u) **“Licensed professional massage studio”** means an establishment offering massage therapy and/or body work by a massage therapist licensed under the Ohio Revised Code or under the direct supervision of a licensed physician.
- v) **“Light pollution”** means any measurable exterior artificial illumination that strays beyond a property line both horizontally at grade and vertically to the structure height.
- w) **“Light trespass”** means light in sufficient quantity that crosses over property boundaries, impacts surfaces, and produces a negative response in persons owning or using the violated space.
- x) **“Light uniformity ratio”** is expressed as either the maximum or average illuminance divided by the minimum illuminance.
- y) **“Lingerie modeling studio”** means an establishment or business that provides the services of live models modeling lingerie to individuals, couples, or small groups in a room smaller than 600 square feet.
- z) **“Live entertainment”** means on site entertainment by live entertainers that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.
- aa) **"Lumen"** means the unit of luminous flux in the international system, equal to the amount of light given out through a solid angle by a source of one candela intensity radiating equally in all directions.
- bb) **“Luminaire”** means a complete lighting unit consisting of a light source and all necessary mechanical, electrical and decorative parts.
- cc) **“Maintained Passive Open Space”** means open space area which is designed or well-suited for passive recreation or aesthetic effect, including but not limited to: open fields and meadows, walking and bike paths, entrance and landscaping features or landscape buffers, all of which are to be mowed and maintained by the owner or responsible party. Within such areas trees and vegetation may be planted and structures not incompatible with such purposes may be erected if approved within the original development plan. Such Open Space shall not be included within an individual residential lot.
- dd) **“Media”** means anything printed or written, or any picture, drawing, photograph, motion picture, film, video, DVD, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is used or may be used as a means of communication. Media includes, but shall not necessarily be limited to,

books, newspapers, magazines, movies, videos, sound recordings, CD-ROMs, other presentation in magnetic, digital or analog format, and undeveloped pictures.

- ee)** “**Nude or seminude model studio**” means any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

A modeling class or studio is not a nude or seminude model studio and is not subject to the regulations of Article XVIII of this Resolution if it is operated in any of the following ways:

- 1) By a college or university supported entirely or partly by taxation;
- 2) By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- 3) In a structure to which all of the following apply:
 - (a) It has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing.
 - (b) In order to participate in a class in the structure, a student must enroll at least three days in advance of the class.
 - (c) Not more than one nude or seminude model is on the premises at any one time.

- ff)** “**Nudity,**” “**Nude**” or “**State of Nudity**” means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

- gg)** “**Performance**” means any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

- hh)** “**Performance standard**” means a criterion established in the interest of protecting the public health, safety and welfare from nuisance factors and other objectionable or dangerous elements generated by, or inherent in, uses of land or buildings.

- ii) **“Prostitute”** means a male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.
- jj) **“Recessed ceiling fixture”** means an outdoor lighting fixture recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling.
- kk) **“Recreational Open Space”** means open space area which is designed or well-suited for active recreation, including but not limited to: baseball and soccer fields; jogging, walking and bike paths; playgrounds; outdoor swimming pools; shelter houses and picnic grounds; basketball and volleyball courts; and skating parks. Such Open Space shall not be included within an individual residential lot. Such open space shall be mowed and maintained by the owner or responsible party.
- ll) **“Regularly features”** or **“regularly shown”** means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.
- mm) **“Seminude”** or **“state of semi-nudity”** means a state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.
- nn) **“Sexual activity”** means sexual conduct or sexual contact, or both.
- oo) **“Sexual conduct”** means vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal cavity of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.
- pp) **“Sexual contact”** means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.
- qq) **“Sexual encounter establishment”** means a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:
 - 1) Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.

- 2) Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.
 - 3) An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Section 4731.15 of the Revised Code, is not a "sexual encounter establishment."
- rr)** **“Sexual excitement”** means the condition of human male or female genitals when in a state of sexual stimulation or arousal.
- ss)** **“Sign”** or **“exterior sign”** means any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, represented directly or indirectly upon, or projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization, or business. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior façade of any building or structure as well as back-lighted translucent panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify and attract attention rather than illuminate space for human activity.
- tt)** **“Specified anatomical areas”** means the cleft of the buttocks, anus, male or female genitals, or the female breast.
- uu)** **“Specified sexual activity”** means any of the following:
- 1) Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;
 - 2) Excretory function as part of the activities described in subpart (1) of the definition of “Specified Sexual Activity”.
- vv)** **"Structure"** means anything constructed or erected, with a fixed location on the ground or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, and billboards. For the purposes of this zoning resolution, fences are not considered structures.

- ww) “Touching Business”** means any adult entertainment establishment that encourages and/or allows physical contact between patrons and employees, for the purpose of sexual gratification or stimulation.
- xx) “Unmaintained Passive Open Space”** means undeveloped open space area which functions to: preserve a site’s natural amenities; provide a cover for wildlife; and preserve scenic views, jurisdictional wetlands, floodplains or ravines. Unmaintained Passive Open Space shall be restricted in perpetuity from development with buildings, structures or uses and shall be preserved in its natural state. Within areas designated as such Open Space, the natural resources shall remain undisturbed and no topsoil, clay, sand, gravel, rock or minerals shall be excavated or removed therefrom and nothing shall be permitted to occur thereon which would contribute to the erosion of the land and no trees or vegetation shall be cut or removed therefrom except such dead, diseased or decayed trees or vegetation as may be required for conservation or scenic purposes or for reasons of public safety. No private encroachment shall occur within such Open Space including but not limited to: the planting of flowers, shrubs, garden material, etc.; dumping of trash, refuse, yard waste or debris; or the installation of any type of recreational or other facility or convenience. No dumping or burning of refuse, trash, debris or yard waste shall occur in such Open Space. No hunting or trapping shall occur in such Open Space. No roadway nor any facility of any public utility other than existing roadways and public facilities designated in the original development plan shall be constructed or installed therein, and no existing roadway or public utility facility shall be extended or enlarged within such area. Designation of such area shall not be interpreted to interfere with or detract from the use of such Open Space by the owner and their successors in interest for all purposes not inconsistent with the provisions herein. It is the intent of the designation of such Open Space to restrict and prohibit any activity or use which would, as a natural consequence of such, impede or make more difficult the accomplishment of the purpose for which such Unmaintained Passive Open Space is created. Such Open Space shall not be included within an individual residential lot.
- yy) “Uplighting”** means any light source that distributes illumination above a 90-degree horizontal plane.