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DEFINITIONS
SECTION 3

DEFINITIONS, GENERAL

As used in this Zoning Resolution, the following words shall have the meaning ascribed to them in this chapter, unless the content clearly indicated or requires a different meaning.

3.1 - 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, or 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.

3.2 - ACCESSORY BUILDING: means a subordinate building customarily incident to and located on the same lot with the main building.

3.3 - ACCESSORY USE: means a use customarily and subordinate to the principal use or building, located on the same lot or premises as the principal use or building.

a - Swimming pools or ponds shall be deemed as accessory buildings and/or structures.

3.4 - AIRPORT HAZARD: means any structure or object of natural growth, or use of land within an airport hazard area which obstructs the air space required for the flight of aircraft in landing or taking off at any airport, or is otherwise hazardous to such landing or taking off of aircraft.

3.5 - ALTERATIONS: as applied to a building or structure, means a change or rearrangement in the structural parts or in the existing facilities, or an enlargement, whether by extending on a side or increasing in height, or the moving from one location or position to another.

3.6 - AMBIENT DECIBEL LEVEL: The sound pressure level at a given location, normally specified as a reference level to study a new intrusive sound source. (Effective 9-15-11)

3.7 - APPROACH SLOPE: means the glide path an aircraft must follow on its approach to land on a runway or takeoff from a runway.

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3.8 - BILLBOARD: Other than directional signs to local businesses, means a sign which calls attention to a business, commodity, service, entertainment, or other activity conducted, sold, placed or otherwise offered elsewhere on the premises on which the billboard is located. Billboards shall be regarded as buildings or structures within the meaning of the Zoning Resolution.

3.9 - BUILDING:

a - Building: means a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property. When separated by a fire wall, such separated portion of such structure shall be deemed a separate building.

b - Principal Building: means the building housing the principal activity performed on any lot.

3.10 - BASEMENT: means a story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground.
(Amended 5-9-77; Effective 6-8-77)

3.11 - BOARDING HOUSE: means a dwelling where meals or lodging and meals are provided for compensation to two or more persons by prearrangement for definite periods. A boarding house is to be distinguished from a hotel.

3.12 - BUILDING HEIGHT: means the vertical dimensions measured from the average of the finished grade at the front of the building, to the highest point of the front of the house.

3.13 - BUILDING LINE: a line parallel to the street right-of-way line touching that part of the building closest to the street.

a - Setback line: Shall be a line defining the minimum front, side and rear yard requirements.

3.14 - CAMPER: Reference: Appendix 5, Ohio revised Code 4501.01 - Q.

3.15 - CENTRALIZED SEWER SYSTEM: means where the individual lots are connected to a common disposal system, whether publicly or privately owned and operated.

3.16 - CENTRALIZED WATER SYSTEM: means where the individual lots are connected to a common distribution system whether publicly or privately operated.

3.17 - DENSITY: means the number of families residing on, or dwelling units developed on one acre of land.

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3.18 - DWELLING:

a - One-family dwelling: means a detached building designed for, or occupied exclusively by one family.

b - Two-family dwelling: means a detached building designed for, or converted or occupied by, two families, living independently of each other.

c - Multi-family dwelling: means a detached building designed for, or converted or occupied by, three or more families, living independently of each other, with cooking and toilet facilities in each dwelling unit.

d - Dwelling unit: means one or more rooms providing complete living facilities for one family, including equipment for cooking, or provisions for the same, and including a room or rooms for living, sleeping and eating. (Amended 5-9-77; Effective 6-8-77)

e - In-Law Suite: A living area within a single-family dwelling for the express purpose of accommodating a family member not already in residence.

f - Group Home: A residential facility complying with Section 5123.19 of the Ohio Revised Code that provides room and board, personal care, habitation services, and supervision in a family setting for at least six but not more than eight persons with mental retardation or developmental disabilities.

3.19 - EARTH SHELTERED BUILDING: means a structure built wholly or partially underground, which is designed for permanent occupancy with no additional stories planned for a later date. (Amended 10-6-82; Effective 11-5-82)

3.20 - FAA: Federal Aviation Authority. (Effective 9-15-11)

3.21 - FACTORY BUILT HOUSING: Is a factory built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Zoning Resolution: Reference: Appendix 5; Ohio revised Code 4501.01 - O; "factory built housing" shall include the following:

1 - Manufactured Home: Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is 8 feet or more in width or 40 feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, and electrical systems contained therein and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.

2 - Modular Home: Factory built housing certified as meeting the local or State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site built homes.

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3 - Mobile Home: Any non-self-propelled vehicle so designed, constructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet and not in compliance with Federal Manufactured Housing Construction and Safety Standards Act of 1974.

3.22 - FALL ZONE: The area surrounding a wind energy conversion system or telecommunication structure that, if it were to fall, would remain confined within the property on which it is located. (Effective 9-15-11)

3.23 - FAMILY: shall mean one individual or any number of individuals living as a single housekeeping unit.

3.24 - FIRE POND: Any body of water, except bodies of water used for the storage of hazardous wastes, may be used as a fire pond, but must meet requirements of Appendix 7. (Amend 3-09-00; Effective 4-08-00)

3.25 - GARAGE:

a - Private Garage: means a building or part thereof accessory to a main building and providing for storage of automobiles, and in which no occupation or business for profit is carried on other than permitted as a home occupation and not reducing the storage of that number of vehicles for which the garage was designed.

b - Public or Storage Garage: means a building or part thereof, other than a private garage, for the storage of motor vehicles and which service activities may be carried on.

3.26 - GASOLINE SERVICE STATION: means any area of land, including any structures thereon that is, or are used or designed to be used, for the supply of gasoline, oil or other fuel for the propulsion of vehicles. For the purpose of this Zoning Resolution, there shall be deemed to be included within this term any area or structure used or designed to be used for polishing, greasing, washing, spraying, dry cleaning or otherwise cleaning, servicing or repairing such motor vehicles.

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3.27 - HOME OCCUPATION:

TYPE "A" HOME OCCUPATION: means any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the residence. (i.e. computer services, home office, secretarial services, etc.)

TYPE "B" HOME OCCUPATION: is a non-residential use utilizing an accessory building on a residential owners property, and is carried on by the property owner in residence, with a maximum of one (1) non-resident employee, which is clearly incidental and secondary to the use of the property for residential purposes. This may also include the parking and maintenance of a truck exceeding twenty six (26) feet in length, seven (7) feet in height, one (1) ton load capacity and nine thousand (9,000) pounds gross vehicle weight.

(Amended 9-11-97; Effective 10-11-97)

3.28 - HOTEL OR MOTEL: means a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals, with or without meals, and in which there are more than five sleeping rooms and in which no provision is made for cooking in any individual room.

3.28a - IN LAW SUITE: A secondary set of rooms which has its own outside entrance, kitchen, inside passage entrance, bathroom, bedroom and living area.

3.29 - JUNK YARD: means land used to dismantle used motor vehicles or trailers, or land used to store, sell or dump partly dismantled, obsolete or wrecked vehicles or their parts, second hand building material, junk, paper, containers, machinery or other salvaged articles, not limited to, but including old iron, glass, cordage, tires, waste, discarded materials which have outlived their usefulness in their original form.

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

3.31 - LOT:

a - Lot: means a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or use customarily incidental to it, including such open spaces as are required by this Zoning Resolution.

b - Corner Lot: means a lot at the point of intersection of and abutting on two or more intersecting streets, the angle of intersection being not more than 135 degrees. It is the land occupied or to be occupied by the corner buildings.

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c - Depth of Lot: means the mean distance from the right-of-way line of the street at the front of the lot to its opposite rear line, measured in the general direction of the side lines of the lot. Where the right-of-way is not established, it shall be assumed to be thirty (30) feet from the center line of the street.

d - Interior Lot: means a lot other than a corner lot.

e - Lot Lines: means the lines defining the limits of a lot.

f - Lot of Record: means a lot which is a part of a subdivision, the plat of which has been recorded in the office of the Recorder of Medina County, or a lot described by metes and bounds, the deed of which has been recorded in the office of the Recorder of Medina County.

g - Width of Lot: means the width measured along the minimum setback line.

h - Minimum Lot Width: the smallest horizontal distance between opposite side lot lines a parcel of land is permitted to be, as measured by any perpendicular line drawn between the side lot lines, as measured at the building line, and parallel to the street right-of-way line.

3.32 - MINIMUM BUILDING SETBACK LINE: means a line in back of and parallel to the street right-of-way and at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it located. Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the setback line shall be measured from the proposed right-of-way line.

3.33 - MINIMUM LIVING FLOOR AREA: The measurement of usable floor area consisting of areas such as living rooms, bedrooms, bathrooms, dining rooms, rooms for cooking, dens, libraries and family rooms, recreation rooms, utility rooms, but not including areas such as porches, breezeways, terraces, garages, and basements.

3.34 - MOBILE HOME: Deleted 3-2-99. Defined in 3.21-3 on Page 7.

3.35 - MOBILE HOME PARK: Reference: Appendix 6; Ohio Revised Code 3733.01-A.

3.36 - MONOPOLE: a support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation/ (Effective 9-15-11)

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3.37 - NATURAL GRADE: The original way the land lies without any kind of excavation or mounding. (Effective 9-15-11)

3.38 - NON-CONFORMING USE:A lot, use of land, building, or use of buildings and land in combination lawfully existing at the time of enactment of this Zoning Resolution or its amendments, which do not conform to the regulations of the district or zone in which it is situated.

a - NON-CONFORMING BUILDING OR STRUCTURE: A building or structure lawfully existing when this Zoning Resolution or any amendment thereto became effective, which does not conform to the regulations governing buildings of the district in which it is located.

b - NON-CONFORMING LOT: A lot lawfully existing on the effective date of this Zoning Resolution or any amendment thereto, which does not conform to the lot area, width or frontage requirements of the district in which it is located.

c - NON-CONFORMING SITE CONDITION: Any structure lawfully existing on the effective date of this Zoning resolution or any amendment thereto, which does not conform to the yard regulations, parking requirements, sign regulations, landscaping or screening requirements or other development standards of the district in which it is situated.

d - NON-CONFORMING USE: Any building or land lawfully occupied by a use on the effective date of this Zoning Resolution or any amendment thereto, which does not conform to the use regulations of the district in which it is situated.
(Adapted 1-3-06; Effective 2-2-06)

3.39 - NURSING OR CONVALESCENT HOME: means a **Rest Home** or **Boarding Home** for the aged or mentally or physically challenged and is any place of abode, building, institution residence, or home for the reception and care, for a consideration of three or more persons who, by reason of age or mental or physical infirmities, are not capable of properly caring for themselves, and for which a license has been issued by the Department of Public Welfare of the State of Ohio.

3.40 - OUTDOOR WOOD BOILER: See “OUTDOOR WOOD-FIRED HYDRONIC HEATER.” (Effective 9-15-11)

3.41 - OUTDOOR WOOD FURNACE: See :OUTDOOR WOOD-FIRED HYDRONIC HEATER.” (Effective 9-15-11)

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3.42 - OUTDOOR WOOD-FIRED HYDRONIC HEATER (OWHH): Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat or a hot water source for the principle structure, the site, or any other building or structure on the premises. an Outdoor Wood-Fired Hydronic Heater may also be referred to as an Outdoor Wood Boiler or Outdoor Wood Furnace.
(Effective 9-15-11)

3.43 - OUTDOOR WOOD-FIRED HYDRONIC HEATER, EXISTING: An Outdoor Wood-Fired Hydronic Heater that was purchased and installed prior to the effective date of these definitions. (Effective 9-15-11)

3.44 - OUTDOOR WOOD-FIRED HYDRONIC HEATER, NEW: An Outdoor Wood-Fired Hydronic Heater that is first installed, established or constructed after the effective date of these definitions.
(Effective 9-15-11)

3.45 - OVERSPEED CONTROL: A mechanism used to limit the speed of rotation on a wind energy conversion system so that it remains below the design limits of the wind turbine system. (Effective 9-15-11)

3.46 - PASSIVE OPEN SPACE: means an area of land that cannot be built upon, but may be used for agriculture, hiking, horse back riding and the like. All motorized vehicles, except agricultural and maintenance vehicles, are prohibited.
(Amended 8-23-01; Effective 9-22-01)

3.47 - PARKING: means the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

3.48 - PARKING SPACE: means a space equal to two hundred forty (240) square feet (10x24) provided for the parking of vehicles.

3.49 - POND/LAKE: means a body of water, other liquids or sludge, and may be a natural or artificial structure made by constructing a dam or embankment or by using a natural or manmade hollow or pit. The pond shall include the liquid portion and all components necessary to construct and maintain said pond or lake.

3.50 - RECREATIONAL VEHICLE PARK: Reference: Appendix 6; Ohio Revised Code 3733.01-B.

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3.51 - ROOMING HOUSE OR LODGING HOUSE: means a building other than a hotel, where lodging only is provided for two or more persons for compensation pursuant to previous arrangements, but no open to public or transients.

3.52 - ROADSIDE STAND: means a temporary structure used or intended to be used solely by the home owner or tenant of a property on which it is located, for the sale of goods produced on the premises.

3.53 - SETBACK, WIND TURBINE: The distance from the wind energy conversion system to the property line or any human-occupied structures on the turbine-site property.
(Effective 9-15-11)

3.54 - SHADOW FLICKER: The visible flicker effect when rotating turbine blades cast shadows on the ground and nearby structures causing the repeating pattern of light and shadow.
(Effective 9-15-11)

3.55 - SIGN: Any object, device, display, or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected images.

3.56 - SLUDGE: is a generic term for solids separated in suspension in a liquid.

3.57 - SOUND PRESSURE LEVEL: A logarithmic measure, measured in decibels (dB), of the effective sound pressure of a sound relative to a reference value. (Effective 9-15-11)

3.58 - STORY, HEIGHT OF: Height of story, means the vertical distance from the top surface of one floor to the top surface of the next above. The height of the top most story is the distance from the top surface of the ceiling joists.

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

3.60 - STRUCTURE: means anything constructed or erected which requires location on the ground including billboards, swimming pools, lakes and ponds, but not including fences or walls used as fences.
(Amended 6-1-10; Effective 7-1-10)

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3.61 - STRUCTURAL ALTERATIONS: means any change in the supporting members of a building, such as bearing walls, columns, or any substantial changes in the columns, beams, or roof and exterior walls.

3.62 - THOROUGHFARE: means a street, road or alley.

3.63 - TRAILER, AUTOMOBILE TRAILER, TRAILOR COACH: A vehicle used or intended for use as a conveyance upon the streets or highways, so designed, constructed, or added to by means of portable accessories in such manner as will permit the occupancy thereof as a movable sleeping place.

3.64 - TRAILER PARK: Means an area where two or more trailers are parked, or which is used or offered for the purpose of providing parking space for two or more trailers for dwelling or sleeping purposes on a daily basis. Also called a Mobile Home Park.

3.65 - TOURIST HOME: means a dwelling in which overnight accommodations are provided for transient guests for compensation.

3.66 - TOWNSHIP EASEMENT: gives the Township Trustees the right to maintain said open spaces in accordance to the law, by means of assessing the lot owners and/or Homeowners Association, for any and all expenses incurred.

3.67 - UL - Underwriters Laboratory (Effective 9-15-11)

3.68 - VEHICLES:

1 - Private Passenger Vehicle: is an automobile, station wagon, van, small truck or motorcycle used primarily as a passenger vehicle for hauling personal property of the owner.

Pick-up trucks or panel trucks may qualify as private passenger vehicles only when used exclusively for hauling personal property of the owner and not equipped as a recreational vehicle.

2 - Commercial Vehicle: is a truck of any size, van or station wagon of any type, used or maintained primarily to transport goods and materials or operate a power attachment or tool, such as a snow plow. Any vehicle with advertising or business designation affixed to it shall be considered a commercial vehicle.

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3 - Commercial Equipment: means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: ditch-digging apparatus, spreaders, mixers, bucket loaders, tractors, other than truck tractors, graders, rollers, scarifiers, earth moving carryalls, scrapers, power shovels, draglines, backhoes, bulldozers, self-propelled cranes and other earth moving equipment and the trailers designed to carry them.

4 - Truck Tractor: means any motor vehicle designed and used primarily for drawing other vehicles and not so constructed to carry a load other than as part of the weight of the vehicle and load so drawn.

5 - Truck-trailer or Semi-trailer: means a vehicle of the truck type so designed and used in conjunction with the truck-tractor that a part of its own weight or its load rests upon and is carried by the truck-tractor and shall include a trailer drawn by a truck-tractor, semi-trailer combination.

6 - Recreational Vehicle: is any vehicle not permanently fixed to the ground, and is not permanently connected to any utilities, including water and sewage. It may be self-propelled or a vehicle towed on its own wheels or transported on a trailer. It is used primarily for hobbies, vacations, extended travel, camping, sports and aquatic uses. It is designed for temporary occupancy only for recreational use. They include, but are not limited to: motor homes and converted buses, camper shells, camper cabins, camping and travel trailers, boats, houseboats, rafts, and their trailers.

3.69 - WECS - Wind Energy Conversion System (Effective 9-15-11)

3.70 - WIND ENERGY CONVERSION SYSTEM: an apparatus for converting kinetic energy available in the wind to mechanical energy that can be used to power machinery and/or to operate an electrical generator. (Effective 9-15-11)

3.71 - WIND TURBINE, FREESTANDING: A single mono-pole, ground mounted, self-supporting tower wind energy conversion system designed to convert kinetic wind energy into rotational energy that drives an electrical generator, and includes all types of wind energy systems, turbines, cubes, spirals, etc. (Effective 9-15-11)

3.72 - WOOD, NATURAL: Wood which has not been painted, varnished or coated with similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products. (Effective 9-15-11)

DEFINITIONS (Continued)

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3.73 - YARD:

a - Front Yard Depth: means the perpendicular distance between the street right-of-way and the nearest portion of any structure existing or to be constructed excluding steps and uncovered porches. Where the right-of-way is not established, it shall be assumed to be thirty feet from the center-line of the proposed right-of-way. Where a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the front yard depth shall be measured from the proposed right-of-way line. (Effective 0-00-00)

b - Rear yard Depth: means an open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

c - Side Yard Width: means the perpendicular distance between the established side lot line and the portion of any building/structure existing or to be constructed on such lot.