

ARTICLE II

DEFINITIONS

SEC. 201 As used in this Resolution, the following words shall have the meaning ascribed to them in this article, except as and if the context clearly indicates or requires a different meaning:

“**Accessory Use**” is a use customarily incidental and subordinate to the principal use or building, located on the same lot or premises as the principal use or building.

“**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.

“**Alley**” is a public way which affords only a secondary means of access to abutting property.

“**Alteration**” as applied to a building or structure, is a change or rearrangement in the structural part or in the exit facilities, or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another.

“**Antenna**” is any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission and/or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennae shall include devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be a part of the antenna.

“**Billboard**” other than directional signs to local businesses, is a sign which calls attention to a business, commodity, service, entertainment or any other activities conducted, sold, placed or otherwise offered elsewhere than on the premises on which the billboard is located. Billboards shall be regarded as buildings or structures within the meaning of this Resolution.

“**Basement**” is a story, suitable for business or habitation, partially below the level of the adjoining street or ground and below the first tier of floor beams

or joists. When a basement floor is less than two (2) feet below the average grade, it will be rated as the first story or ground floor.

“**Bed and Breakfast**” is a dwelling where overnight accommodations and a morning meal is provided to overnight transients for compensation.

“**Boarding House**” is a dwelling where meals or lodging and meals, are provided for compensation to two (2) or more persons by pre-arrangement for definite periods. A boarding house is to be distinguished from a hotel.

“**Building**” is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property.

“**Building Height**” is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of ceiling of the top story in the case of a flat roof; to the deck line of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

“**Building Line**” is a line beyond which no part of a building projects.

“**Building, Principal**” is the building housing the principal activity performed on any lot.

“**Centralized Sewer System**” is where individual lots are connected to a common disposal system whether publicly or privately owned and operated.

“**Centralized Water System**” is where individual lots are connected to a common distribution system whether publicly or privately owned and operated.

“**Damaged or Diseased Trees**” means trees that have split trunks; broken tops, heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that put the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a building or structure.

“**Day Care Facility**” is a building or structure where care, protection and supervision are provided on a regular schedule and for a fee to children or adults.

“Designated Watercourse” means a river or stream within Wadsworth Township that is in conformity with the criteria set forth in these regulations.

“Density” is the number of families residing on, or dwelling units developed on, an acre of land.

“Dwelling, One-Family” is a detached building designed for, or occupied exclusively by, one family.

“Dwelling, Two-Family” is a detached building designed for or converted or occupied exclusively by two families, living independently of each other, with cooking and toilet facilities in each dwelling unit.

“Dwelling, Multi-Family” is 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.

“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 Resolution, “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 body feet or more in width or 40 body 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, air conditioning, 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.
3. Mobile Home: Any non-self-propelled vehicle so designed, constructed, reconstructed, 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 the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

“Family” is one (1) or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, a lodging house, club, fraternity, or hotel.

“Federal Emergency Management Agency (FEMA)” means the agency with overall responsibility for administering the National Flood Insurance Program.

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

“Garage, Public or Storage” is a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

“Gasoline Service Station” is any area of land, including any structure or structures thereon, that is or are used or designed to be used for the supply of gasoline or oil or other fuel for the propulsion of vehicles. For the purpose of this Resolution there shall also 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 or servicing such motor vehicles.

“Home Occupation” is any use customarily conducted entirely within a dwelling, or an accessory building on a residential lot, and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

“**Hotel or Motel**” is 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 (5) sleeping rooms.

“**Impervious Cover**” means any paved, hardened or structural surface regardless of its composition including (but not limited to) buildings, roads, driveways, parking lots, loading/unloading spaces, decks, patios, and swimming pools.

“**In-Line Pond**” means a permanent pool of water created by impounding a designated watercourse.

“**Junk Yard**” is the use of more than two hundred (200) square feet of the area of any lot, whether inside or outside a building where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, stored, or handled.

“**Land Development Activity**” means any change to the surface area of a lot including but not limited to, clearing grubbing, stripping, removal of vegetation, dredging, grading, excavating, cut and fill, construction of buildings or structures, paving, and any other installation of impervious cover.

“**Loading Space**” is 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.

“**Lot**” is a parcel of land occupied or capable of being occupied by one or more buildings and the accessory buildings or uses customarily incident to it, including such open spaces as are required by this Resolution.

“**Lot Area**” is the total area within the lot lines of a lot, excluding any street right-of-ways.

“**Lot, Building**” is a parcel of land that meets the minimum requirements of this Resolution for the zone in which the lot is located as well as the General Regulations that are applicable to all use districts.

“**Lot, Corner**” is 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.

“Lot, Depth of” is 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 a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan then the lot depth shall be measured from the proposed right-of-way line.

“Lot Frontage” is the length of the front lot line measured at the street right-of-way line of a street which affords the principal means of access to an abutting property.

“Lot, Interior” is a lot other than a corner lot.

“Lot Lines” are the lines defining the limits of a lot.

“Lot of Record” is a lot which is 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 to which has been recorded in the Office of the Recorder of Medina County.

“Lot, Substandard” is a parcel of land that has less than the minimum area or minimum dimensions required by this Resolution in the zone in which the lot is located.

“Lot Width” is the horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building set back line.

“Major Thoroughfare and Collector Thoroughfares” are thoroughfares designated as such on the Land Use and/or Thoroughfare Plan duly adopted by the Medina County Planning Commission.

“Minimum Building Setback Line, Front” is 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 is 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.

“Minimum Living Floor Area” is the measurement of useable floor area consisting of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, dens, library and family rooms, recreation rooms, utility

rooms, but not including areas such as porches, breezeways, terraces, garages and basements.

“Non-Conforming Use” is a building, structure or use of land legally existing at the time of the enactment of this resolution, and which does not conform to the regulations.

“Nursing or Convalescent Home” is any dwelling with sleeping rooms where persons are housed or lodged and furnished with meals and nursing care for hire.

“Ohio Environmental Protection Agency” means the governmental agency referred to herein as the Ohio EPA.

“One Hundred Year Floodplain” means any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one percent or greater chance of being equaled or exceeded in any given year. The one hundred year floodplain shall be identified by the Federal Emergency Management Agency maps of Wadsworth Township.

“Ordinary High Water Mark” means the point of the bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse.

“Parking” is the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

“Quasi-Public” uses operated by private individuals or groups of individuals for a public purpose, but with only limited public control or accessibility such as charitable organizations, churches, private schools, private golf clubs, cemeteries, lodge halls, fraternal organizations and the like.

“Riparian Area” means naturally vegetated land adjacent to designated watercourses that if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants or performs other functions consistent with the purposes of these regulations.

“Riparian Setback” means the real property adjacent to a designated watercourse located within the area defined by the criteria set forth in these regulations.

“Rooming House or Lodging House” is a building other than a hotel where lodging only is provided for two (2) or more persons for compensation pursuant to previous arrangements but not open to the public or transients.

“Service Establishments” are those business establishments engaged in a service and include such uses as finance, insurance, and real estate services, personal services, business services, repair services, indoor amusement services, professional and semi-professional services. These uses do not include retail sales, wholesaling and manufacturing.

“Sign” is 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.

“Soil and Water Conservation District (SWCD)” means the Medina County, Ohio Soil and Water Conservation District, organized under Chapter 1515 of the Ohio Revised Code, including the Board of Supervisors and its designated employees.

“Soil Distributing Activity” means clearing, grading, excavating, filling or other alteration of the earth’s surface where natural or human made ground cover is destroyed and which may result in, or contribute to, erosion and sediment pollution.

“Stream Bank Stabilization” means soil-disturbing activities undertaken to control erosion along the banks of designated watercourses. Stream bank stabilization shall also include stream restoration that is defined as the process of converting an unstable, altered, or degraded stream corridor, including adjacent riparian area and flood prone areas, to its natural or referenced stable conditions, considering recent and future watershed conditions. Stream restoration also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream’s watershed in order to achieve dynamic equilibrium.

“Street, Public” is a public thoroughfare which has been dedicated to the public for public use and accepted by the county and which affords principal means of access to abutting property.

“**Street, Private**” is a thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.

“**Structure**” is anything constructed or erected which requires location on the ground, including billboards, but not including fences or walls used as fences.

“**Structure Alterations**” is any change in the supporting members of a building such as bearing walls, columns, beams, girders, or any substantial changes in the roof and exterior walls.

“**Subdivision**” 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 of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership.

“**Swimming Pool**” shall be deemed an accessory use.

“**Telecommunications Tower**” is any freestanding structure, or any structure to be attached to a building or other structure that meets all of the following criteria:

1. The free-standing or attached structure is proposed to be constructed on or after October 31, 1996.
2. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
3. The free-standing or attached structure is proposed to be located in an area zoned for residential use.
4. The free-standing structure is proposed to top at a height greater than the maximum allowable height of the residential structures within the zoned area or the maximum allowable height of such a free-standing structure.
5. The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached or the maximum allowable height of such an attached structure.

6. The free-standing or attached structure is proposed to have attached to it radio frequency transmission and/or reception equipment.

“**Thoroughfare**” is a street or alley.

“**Trailer, Independent**” is a mobile home which has a flush toilet and a bath or shower.

“**Trailer Park**” is an area where two (2) or more trailers are parked or which is used or offered for the purpose of providing parking space for two (2) or more trailers for dwelling or sleeping purposes.

“**Tourist Home**” is a dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

“**Waste Water Treatment Plant (WWTP)**” means a facility at the end of a sanitary collection system, which processes the influent waste and discharges water to a receiving stream, treated to the standards of the Ohio EPA.

“**Watercourse**” means any brook, channel, creek, river, or stream having banks, a defined bed, and definite direction of flow, either continuously or intermittently flowing.

“**Wetland**” means those areas that are inundated or saturated by surface or ground water as a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (Code of Federal Regulations, 40 C.F.R. 232, as amended).

“**Wetlands, Category 1**” means a low quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-154(C) of the Ohio EPA.

“**Wetlands, Category 2**” means a medium quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-154(C) of the Ohio EPA.

“**Wetlands Category 3**” means a high quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-154(C) of the Ohio EPA.

“Yard Width, Side” the perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on said lot.

“Yard Depth, Front” is the perpendicular distance between the street right-of-way line, or front property line for rear lot parcels, and the nearest portion of any structure existing or to be constructed excluding steps. 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.

“Yard Depth, Rear” is 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.