

ARTICLE XI  
RULES OF CONSTRUCTION  
& DEFINITIONS

1101	Rules of Construction
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**1101 RULES OF CONSTRUCTION**

The following shall be applicable to all provisions of this Resolution:

- A. Words used in the present tense shall include the future tense.
- B. The singular number shall include the plural and the plural the singular.
- C. The word “**shall**” is mandatory and not discretionary. The word “**may**” is permissive.
- D. The word “**structure**” shall include the work “**building**”.
- E. The word “**used**” shall include the words “**arranged, designed, constructed, altered, converted or intended to be used**”.
- F. A “**person**” shall mean, in addition to an individual, a firm, corporation, association or any legal entity which may own and/or use land or buildings.
- G. The word “**herein**” means “**this Resolution**”.
- H. The provisions of this Resolution shall be construed to achieve the purposes and intent for which they are adopted.
- I. Nothing in this Resolution is intended to abrogate any easement, covenant, deed restriction or other private agreement; however, where the provisions of this Resolution are more restrictive or impose higher standards or requirements than such easement, covenant, deed restriction, or other private agreement, the requirements of this Resolution shall govern.
- J. In the event of a conflict between the text in this Resolution and any caption, figure, illustration, table or map, the text of this Resolution shall control. In the event of any conflict between a chart and an illustration, the chart shall control. All illustrations included in this Resolution are for illustrative purposes only.
- K. In the event of any conflict in limitations, restrictions or standards applying to an individual use or structure, the more restrictive provisions shall apply.
- L. An act authorized by this Resolution to be carried out by a specific official or agency of the Township is impliedly authorized to be carried out by a designee of such official or agency.
- M. The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded.
- N. Any reference to the Ohio Revised Code or to other state or federal statutes or rules or those of other agencies having jurisdiction shall be construed to be a reference to

the most recent enactment of such statute or rule and shall include any amendments as may from time to time be adopted.

## 1102 DEFINITIONS

For the purpose of this Resolution certain terms are hereby defined. Words and terms not herein defined should be interpreted in accord with their normal dictionary meanings and customary usage.

1. **“Accessory Structure or Use”**. A structure or use customarily incidental and subordinate to the principal use or building and located on the same lot or premises as the principal use or building. Accessory structures include but not limited to: fence, sign, storage shed, swimming pool, satellite dish. Accessory uses include but not limited to: home occupations, parking storage of home maintenance equipment.
2. **“Accessway”**. An area, typically a driveway with an apron and/or curb cut approved for vehicular travel from a road to a lot.
3. **“Agriculture”**. Use of land for farming; ranching; aquaculture; horticulture; viticulture; animal husbandry (including but not limited to the care and raising or livestock, equine and fur-bearing animals) poultry husbandry and the production of poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod or mushrooms; timber; pasturage; any combination of the foregoing; the processing, draying, storage and marketing of agricultural products when those activities are conducted in conjunction with but are secondary to such husbandry or production.
4. **“Alteration”**. As applied to a building or structure is a change or rearrangement in the structural parts or in the exit facilities or an enlargement, whether by extending on a side or by increasing in height or by moving from one location to another.
  - a. **“Structural Alterations”**. 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.
5. **“Automotive Repair”**. The maintenance, repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service and the painting and cleaning of vehicles. The term does not include auto wash or gasoline filling station.
6. **“Auto Wash”**. A permanent facility for washing the exterior of vehicles by machine, by employees of the business or by customers and may include facilities for waxing, drying or vacuuming vehicles. An auto wash is a drive-in facility.

7. **“Basement”**. A story having more than one half (1/2) of its height below average grade.
8. **“Bed and Breakfast Inn”**. An accessory use located within a single-family dwelling which is the principal residence of the owner and operator, providing overnight accommodations and a morning meal to the traveling public for compensation.
9. **“Buffer”**. An area of land, typically a strip of land abutting a lot line, improved with fences, earth mounds, trees, shrubs, other natural or planted vegetation or other characteristics or improvements for the purposes of separating one use from another use of a different character and protecting one use from noise, lights, appearance, litter, other impacts, incompatibilities or nuisances of the abutting or nearby use. Specific setbacks or yards separating uses may also serve as a buffer or part thereof. Required buffer elements may vary depending on the nature of the site and the nature of the uses.
10. **“Building”**. Any structure having a roof supported by columns or by walls and intended for the enclosure, shelter or housing of persons, animals or chattels.
  - a. **“Building Height”**. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip gambrel roofs.
  - b. **“Building, Principal”**. The building housing the principal activity performed on any lot.
11. **“Cemetery”**. Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.
12. **“Church or Place of Worship”**. A church, synagogue, temple, mosque or other facility used for prayer by persons of similar belief or for conducting formal religious services by a religious congregation on a regular basis. A place of worship may include such facilities as meeting rooms and congregate dining areas for communal use by the members or participants. The term does not include such uses as temporary residence, retail sales or other uses specifically defined and regulated by this Resolution.

13. **“Club”**. A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational or recreational purpose primarily for the exclusive use of members and their guests.
14. **“Clustered Single Family Detached Dwelling”**. A single family dwelling physically detached from other dwellings and located on a lot with other single family dwellings. A cluster single family dwelling is not located on an individual lot. *Added 01-15-2018*
15. **“Common open space (or open space)”** is defined as an area of land and/or water designed and reserved for use and enjoyment by the owners and guests of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for noncommercial uses which are educational, recreational or cultural. *Added 01-15-2018*
16. **“Conditional Zoning Certificate”**. A certificate issued by the Board of Zoning Appeals to allow a conditional use to be established within the district.
17. **“Convenient Care Clinic”**. A Medical Health Care Clinic located in retail stores, truck stops, supermarkets and pharmacies that treat uncomplicated minor illnesses, provide preventative health care services, provide examination and treatment solely on an out-patient basis. They are sometimes called Retail Clinics, Retail Based Clinics or Walk in Medical Clinics. Staffing may include nurses, nurse practitioners, physician assistants and/or physicians.
18. **“Density”**. A unit of measurement; the number of dwelling units per acre of land.
19. **“Development Policy Plan”**. The Westfield Township Development Policy Plan or similar land use plan or a plan or any portion thereof adopted by the Trustees of Westfield Township showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major thoroughfares, parks, schools and other community facilities. This plan establishes the goals, objectives and policies of the community.
20. **“Digital Message Signs”**. A sign on which copy/image changes through electrical or electronic means at intervals.
21. **“District” or “Zoning District”**. An area of the Township within which the provision of this Resolution governing structures and the uses of land are uniform. Boundaries of the districts are shown on the zoning district map which is part of this Resolution.

- a. **“Commercial District”**. Any district in which the permitted uses are primarily commercial sales or services, including the LC Local Commercial District and the HC Highway Service Commercial District.
  - b. **“Overlay District”**. Generally, a district which encompasses one or more underlying districts or parts thereof and which imposes additional requirements above those of the underlying districts. The NH Natural Hazard Overlay District is an overlay district.
  - c. **“Industrial District”**. Any district in which the permitted uses are primarily industrial or manufacturing uses. The (I) Industrial District.
  - d. **“Residential District”**. Any district in which a dwelling is a permitted use, including the RR Rural Residential District and the SR Suburban Residential District.
22. **“Drive-in Establishment”**. Any use which involves sales or services to customers who are in or on vehicles or a facility where vehicles are lined up or queued for service such as washing or oil change. Examples of drive-in facilities include: food windows at restaurants, bank tellers, ATM’s (Automatic Teller Machines), book or videotape drop-offs, auto wash, parcel or material pickup facilities for retail businesses.
23. **“Dump”**. Any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, sewer, trash, refuse, waste material of any kind, junk discarded machinery, vehicles or parts thereof, offal or dead animals.
24. **“Dwelling”**. Any building, including a manufactured home but excluding a house trailer or mobile home as defined herein, having a complete masonry foundation which contains one or more dwelling units.
- a. **“Dwelling Unit”**. Space within a dwelling comprising living, dining, sleeping room or rooms, storage closets as well as space and equipment for cooking, bathing and toilet facilities all used by only one (1) family and its household employees.
  - b. **“Dwelling, Single Family”**. A dwelling containing one (1) dwelling unit only separated from other dwelling units by open space.
  - c. **“Dwelling, Two-Two Family”**. A dwelling containing two (2) dwelling units, which may be either attached side by side or one above the other.
  - d. **“Mobile Home”**. A moveable or portable structure designed and constructed to be towed as a unit or units on its or their own chassis and running gear on the public streets or highways and designed, constructed and equipped with the necessary service connections for human occupancy and habitation.

- e. **“Manufactured Home”**. A dwelling fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufacturing Housing Construction and Safety Standards HUD Code and otherwise complying with all zoning requirements applicable to a dwelling unit in the district in which the manufactured home is proposed to be installed.
25. **“Family”**. One or more persons occupying a premise and living as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.
26. **“Farm Market”**. A use as provided in ORC 519.21( C ), involving the sale of goods from which 50% or more of the gross income is derived from produce raised on farms owned or operated by the market operator in a normal crop year and otherwise established and operated in compliance with Section 205.I.
27. **“Fence”**. An accessory structure constructed of wood, iron, steel, vinyl or other material (not including shrubbery or other natural growth) erected in a manner and positioned to enclose or partially enclose a lot or part of a lot. Structures which have an ornamental purpose and which do not serve the purpose of enclosing a lot or part thereof and which are not erected on lot lines or in close proximity to lot lines shall not be included in the definition of “fence”.
28. **“Fire Chief”**. The Chief of the Westfield Fire & Rescue District
29. **“Flood”** terms relating to:
- a. **“Channel”**. A natural or artificial watercourse of perceptible extent with bed and banks to confine and conduct continuously or periodically flowing water.
  - b. **“Flood or Flooding”**. A general and temporary condition of partial or complete inundation of normally dry areas from the overflow of streams, rivers or other inland water.
  - c. **“Flood Plain”**. The relatively flat area or low lands adjoining the channel of a river, stream, watercourse, ocean, lake or other body of standing water which has been or may be covered by flood water.
  - d. **“Floodway”**. The channel of the watercourse and those portions of the adjoining flood plains which are reasonable required to carry and discharge the regional flood.
  - e. **“Floodway Fringe”**. That portion of the regional flood plain located outside of the floodway.

- f. **“Regional Flood”**. A flood which is representative of large floods known to have occurred generally in the area and reasonable characteristic of what can be expected to occur on a particular stream. The regional flood generally has a frequency of approximately 1 every 100 years as determined by an analysis of floods in a particular stream and other streams in the same general region.
  - g. **“Flood-prone Area.”** Land subject to flooding as shown on any of the three sources cited in Section 301.2 and generalized on the NH District Map. Where 100-year flood plains are indicated by USGS or HUD, these areas are shown on the NH District Map. Otherwise, flood areas are shown as indicted in the Soil Survey of Medina County, Ohio.
  - h. **“Regional Flood Plain”**. The area inundated by the regional flood (100-year frequency flood). The regional flood plain is comprised of floodway and the floodway fringe as defined above and is the basis for flood plain regulation.
30. **“Floor Area”**.
- a. **“Floor Area of a Dwelling”**. The sum of the gross horizontal areas of the several floors of a dwelling, excluding basement floor areas not devoted to residential use but including the area of roofed porches and roofed terraces. All dimension shall be measured between interior faces of walls.
  - b. **“Floor Area of a Building Other Than a Dwelling”**. (To be used in calculating parking requirements.) The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms or similar areas.
31. **“Frontage”**. The line along which the front line of a lot and the road right-of-way line are coincident.
32. **“Garbage Dump”**. An area of land used for disposing of old or scrap copper, brass, rope, rags, trash, waste, batteries, rubber, iron, steel, old or scrap ferrous or nonferrous materials solid or liquid, hazardous waste materials by burying or injection into the soil. As used herein, “hazard waster” means those substances which singly or in combination pose a significant present or potential threat or hazard to human health or to the environment, and which, singly or in combination require special handling, processing or disposal because they are or may be flammable, explosive, reactive, corrosive, toxic, infectious, carcinogenic, biocentrative, or persistent in nature, potentially lethal or an irritant or strong sensitizer.
33. **“Gasoline Filling Station”**. 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, oil or

- other fuel for the propulsion of vehicles. The term “gasoline filling station” does not include automotive repair or auto wash.
34. **“Home Occupation”**. A use accessory to a dwelling unit, which is an activity, profession, occupation, service, craft or revenue producing hobby conducted on a lot on which a dwelling is the principal use, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the character thereof.
35. **“Impound Lots”**. See “Junkyard, Impound Lots and Salvage Yards”.
36. **“Junk”** means old or scrap copper, brass, brass, rope, rags, trash, waste, batteries, paper, rubber iron, steel and other old scrap ferrous or nonferrous materials.
37. **“Junk Yard, Impound Lot, Salvage Yard”**. A place, structure or part thereof for private and/or commercial use where junk, waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled including automobile wrecking yards, house wrecking and structural steel materials and equipment; with such lot or yards as being at least 100 square feet in size with storage of more than five (5) days.
38. **“Light Industrial”**. Any operation which assembles, improves, manufactures, produces, fabricate or packages goods or materials in a manner which does not create a noticeable amount of the external effects of the manufacturing process such as smoke, noise, soot, dirt, pollution, vibration, odor, etc. Warehousing, wholesaling and distribution of the finished products produced at the site are allowed as part of this use.
39. **“Loading Space”**. 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.
40. **“Lot”** terms relating to:
- “Lot”**. For the purposes of this Resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are herein required. Such lot shall be inclusive of any area of any public right-of-way conveyed by easement of



- dedication of any public road and it shall be inclusive of any private road. Such lot shall have frontage on an improved public or private road.
- b. **“Lot, Corner”**. A lot at the junction of and abutting on two (2) or more intersecting streets.
  - c. **“Lot Depth”**. The distance between the mid points of straight lines connecting the foremost points of the side lot lines at the lot frontage and the rearmost points of the side lot lines in the rear.
  - d. **“Lot, Double Frontage”**. A lot which abuts two or more public street which do not intersect at the boundaries of the lot.
  - e. **“Lot Frontage”**. Lot frontage shall be the distance between side lot lines measured along the front line of the lot coincident with the right-of-way line of a public street (or a private street approved for frontage). **See 203.D.1**
  - f. **“Lot, Interior”**. A lot which abuts another lot or lots on the full length of its side and rear lot lines.
  - g. **“Lot Lines”**. The lines defining the limits of a lot.
  - h. **“Lot, Minimum Area Of”**. The area of a lot as computed inclusive of any portion of any right-of-way for any public or private road.
  - i. **“Lot Width at Minimum Building Setback Line”**. The distance between the side lot lines perpendicular to or as nearly perpendicular to the side lot lines as possible measured at the minimum building setback line.
  - j. **“Lot, Rear”**. A panhandle shaped lot or parcel with its widest area set back some distance from a road and having a strip of land connecting to the road to provide legal access to the road.
41. **“Mini-storage Facility”**. A structure containing separate, individual and private storage spaces leases or rented on individual leases.
42. **“Minimum Building Setback Line”**. A line parallel to the street right-of-way line 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.
43. **“Motel” or “Hotel”**. An establishment or building providing a number of bedrooms, baths, etc., and usually food service for the accommodation of travelers.
44. <sup>1</sup>**“Nacelle”**. The enclosure located at the top of a wind turbine tower that houses the gearbox, generator and other equipment.

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<sup>1</sup> Added 12-05-2009

45. **“Nuisance”**. The unreasonable, unwarranted or unlawful use of one’s property in a manner that substantially interferes with the enjoyment or use of another individual’s property, without an actual trespass or physical invasion to the land.
46. **“Operator”**. The word “operator” means and includes the owner, permit or certificate holders, custodian, manager, operator or person in charge of any permitted or licensed premises.
47. **“Organic Soil”**. Land identified in the Soil Survey of Medina County as having Carlisle muck, Linwood muck, Willete muck or Wallkill silt loam soils.
48. **“Person”**. An individual, proprietorship, partnership, corporation, association or other legal entity.
49. **“Performance Bond”**. An agreement by a sub divider or developer with the Township for the amount of the estimated construction cost guaranteeing the completion of
- physical improvements according to plans and specifications within the time prescribed by the applicant’s agreement.
50. **“Pond, Lake”**. A water filled space, in ground or enclosed by earthen dikes, having a depth greater than 24 inches (24”) when completely filled, which is designed, used or maintained for aesthetic value, wildlife habitat or the control of storm water. As distinguished from a swimming pool, a lake or pond is typically constructed: with a bottom of soil, sand, clay or gravel; with sides having low or moderate slopes; and is typically filled with untreated water from natural sources such as a spring, stream, collection of surface water or may fill from the natural level of groundwater and commonly has a free-flowing outlet or controlled overflow.
51. **“Poor Natural Drainage Area”**. Lands shown in the Soil Survey of Medina County as having a severe hazard for dwellings with basements due to seasonable high water table or poor natural drainage as indicated in Table 7 of the Soil Survey.
52. <sup>2</sup>**“Power Center”**. Serves as the central connection point for the electrical components in the system and provides a number of necessary control functions.

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<sup>2</sup> Added 12-05-2009

53. **“Public Utility”**. Any person, firm, corporation, governmental agency or board fully authorized to furnish to the public electricity, gas, steam telephone, telegraphy, transportation or water.
54. **“Right-of-way”**. A strip of land used or dedicated for use as a public or private way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, drainage facilities and may include special features, (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.
55. <sup>3</sup>**“Rotor”**. The rotating part of a turbine, including the blades.
56. **“Sanitary Landfill”**. A land disposal site employing a method of disposing of solid or liquid wastes and/or solid or liquid hazardous hazards by burying in injection into the land.
57. **“Satellite Dish”**. A satellite signal receiving antenna characteristically shaped like a saucer or dish.
58. **“School, Non-Public”**. An educational use, including pre-school/kindergarten, elementary, middle school, high school or trade school, but not child day care operated by an organization accredited by the Ohio Department of Education but other than the local school district.
59. **“School, Public”**. An educational use operated by the local school district including child day care, pre-school/kindergarten, elementary, middle school, high school or trade school.
60. **“Setback Line”**. *See minimum building setback line.*
61. **“Sewers, Central or Group”**. An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.
62. **“Sexually-oriented Business”**. Terms relating to:
- “Adult Arcade”**. A commercial use where any form of consideration, one or more still motion picture projectors, slide projectors or similar machines, or other image producing machines for viewing by five or fewer persons each are

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<sup>3</sup> Added 12-05-2009

regularly used to show films, motion pictures, video cassette, slides or other photographic reproductions which are characterized by their depiction or description of specified sexual activities.

- b. **“Adult Bookstore, Adult Novelty Store, Adult Video Store”**. A commercial use in which 50% or more of its revenues or 50% or more of its interior business or advertising is devoted to the sale, rental and/or for any form of consideration of any one or more of the following:
  - I. Books, magazines, periodicals or other printer matter, photographs, films, motion pictures, video cassettes, slides or other visual representation which are characterized by the depiction of specified sexual activities or specified anatomical areas
  - II. Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or toehers.
- c. **“Adult Motion Picture Theater”**. A commercial use where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical area are regularly shown for any form of consideration.
- d. **“Adult Theater”**. A theater, convert hall, auditorium or similar commercial use which for any form of consideration regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.
- e. **“Adult Cabaret”**. A nightclub, bar, restaurant bottle club or similar commercial use, whether or not alcoholic beverages are served, in which persons appear in a state of nudity in the performance of their duties.
- f. **“Escort Agency”**. A commercial use which furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes for a fee, tip or other consideration. **“Excort”**. A person who for any form of consideration, agrees or offers to act as a companion, guide, date for another person or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- g. **“Massage Parlor”**. Any place where for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments or any other treatment manipulation of the human body which occurs as a part of or in connection with specified sexual activities or where any person providing such treatment, manipulation or service related thereto

exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital nor by a licensed chiropractor or osteopath nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

- h. **“Nude Model Studio”**. Any place where a person who regularly appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted by other persons. **“Nude Model Studio”** does **not** include: a proprietary school licensed by the state of Ohio, a college, junior college or university supported entirely or in part by public taxation; a private college or university that offers educational programs in which credits are transferable to a college, university supported entirely or in part by public taxation; or a use where classes are held in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing where a student must enroll at least three days in advance of the class in order to participate and where no more than one nude or semi-nude model is on the premises at any one time.
  - i. **“Sexual Encounter Establishment”**. A business or commercial establishment that as one of its primary business purposes offers for any form of consideration a place where two (2) or more persons may congregate, associate or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one (1) or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall **not** include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
63. **“Sign”** terms relating to:
- a. **“Sign”**. A structure or part thereof or any device attached to land, buildings or any object of any nature which is displayed for purposes of advertisement, announcement, declaration, demonstration, identification or expression or to direct attention to a person, institution, organization, activity, place, object, product or business.
  - b. **“Sign, Freestanding”**. A sign erected on a free-standing frame, mast, pole, wall or other brace or support structure and not attached to any building.

- c. **“Sign, Marquee”**. A sign attached to the underside, topside or face of a marquee roof over a walk or permanent awning
  - d. **“Sign, Projecting”**. A sign erected on or attached to the outside wall of a building and which projects out at an angle therefrom.
  - e. **“Sign, Temporary”**. A sign constructed of cloth, paper, wood, fabric or other temporary material with or without a structural frame and intended or designed for a limited period of display
  - f. **“Sign, Wall”**. A sign erected on, attached to, painted on the surface of or integral with the wall of any building, located in a plane parallel to the plane of the wall and supported by the building.
  - g. **“Sign, Window”**. A sign painted on, attached or affixed to the interior or exterior surface of windows or doors of a building or otherwise intended to be seen through a window or door.
64. <sup>4</sup> **“Small Wind Energy System”**. A wind energy conversion system consisting of a wind turbine, tower and associated control or conversion electronics which has a rated capacity of less than 5MW and which is intended to primarily reduce on site consumption of utility power.
65. <sup>5</sup> **“Solar Energy Commercial Installation”**. A facility established for the primary purpose of generating electricity with photovoltaic panels to be sold at wholesale and/or retail purposes.
66. **“Storage and Warehouse”**. A use engaged in storage wholesale and distribution of the manufactured products, supplies and equipment excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive or a nuisance.
67. **“Street”, “Thoroughfare” or “Road”**. For purposes of these Regulations, “street, thoroughfare or road” and all the following words and phrases shall have the same definitions as provided in the Medina County Subdivision Regulations.
- a. Arterial Street
  - b. Collector Street
  - c. Cul de sac
  - d. Local Street
  - e. Marginal Access Street
  - f. Private Street
  - g. Public Street

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<sup>4</sup> Added 12-05-2009

<sup>5</sup> Added 10-20-2014

- 68.<sup>6</sup> **“Structure”**. Anything constructed or erected which required location in or on the ground, including signs, fences, walls, buildings, lakes, ponds, swimming pools, satellite dishes and communication towers **except that** on a lot which is used for a dwelling in any district. The following shall not be interpreted as a structure when established for personal use by the occupant of the dwelling: mail boxes, swing sets, play sets, sand boxes, bird houses and feeders, basketball, football, tennis, badminton, soccer and volley ball areas.
69. **“Subdivision Regulations”**. The Medina County Subdivision Regulations, as amended.
70. **“Swimming Pool”**. A water filled enclosure, permanently constructed or portable, having a water depth of more than twenty-four inches (24”) when completely filled, which is designed, used or maintained for swimming or wading. As distinguished from a lake or pond, a swimming pool is typically constructed with enclosure walls of metal, plastic, wood or concrete; one or more sides are typically steeply sloped and it is typically filled with water from wells or a public water source as opposed to surface water sources.
- “Private Residential Pool”**. A swimming pool which is an accessory structure and used on a lot with a dwelling exclusively used by the residents and guests of a dwelling without paying a charge for admission.
  - “Club Pool”**. A swimming pool exclusively used by the residents and guests of a homeowners’ association, condominium or other similarly associated area of the Township; members and guests or a private club; patrons of a motel provided that use of the pool shall not be subject to paying a charge for admission other than annual membership fees or motel room fees.
  - “Commercial Pool”**. A swimming pool operated with a charge for admission.
71. **“Telecommunication Tower”**. A telecommunication tower as defined in ORC 519.211
- 72.<sup>7</sup> **“Tower”**. The support structure, including guyed, monopole and lattice types, upon which a wind turbine or other mechanical device is mounted.
- 73.<sup>8</sup> **“Tower Height”**. The height of a tower measured from the natural grade surrounding the support pad to the tip of the blade in a vertical position along with the vertical axis of the tower.

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<sup>6</sup> Amended 06-15-2016

<sup>7</sup> Added 12-05-2009

<sup>8</sup> Added 12-05-2009

74. **“Truck Sales and Repair”**. The sales of trucks, truck-tractors, semi-trailers and repair and maintenance services provided that the trucks, truck-tractors and semi-trailers shall be limited to those which have not been acquired for dismantling purposes and that any mechanical repair or body work shall be conducted within an enclosure.
75. **“Use”** terms relating to:
- a. **“Use”**. The principal purpose for which a lot or building thereon is designed, arranged, intended and for which it may be used, occupied or maintained.
  - b. **“Conditional Use”**. A use permitted within a district other than a principally permitted use requiring a conditional zoning certificate and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the district regulations in Article III.
  - c. **“Accessory Use”**. *See Accessory Use or Structure”*
  - d. **“Nonconforming Use”**. A building, structure or use of land existing at the time of the enactment of the Resolution and which does not conform to the use regulations of the district in which it is located.
  - e. **“Permitted Use”**. A use permitted listed as a permitted use in a district, **not** a conditional use.
76. **“Variance”**. A grant by the Board of Zoning Appeals permitting use of property in a manner not wholly in accordance with the provisions of this Resolution as a means of resolving a practical difficulty or unnecessary hardship.
77. **“Vehicle”** terms relating to:
- a. **Vehicle**. Anything on wheels or runners including motorized bicycles but **not** including vehicles operated exclusively on rails or tracts or from overhead trolley wires and not including vehicles of a police department or fire department and vehicles used by such department in the discharge of its functions.
  - b. **Disabled Motor Vehicle**. A vehicle which is:
    1. Extensively damaged including but not limited to any of the following: missing wheels, tires or transmission etc.
    2. Apparently inoperable.
  - c. **“Commercial Semitrailer”**. A vehicle of the truck type so designed and used in conjunction with the truck tractor that a considerable part of its own weight or that of its load rests upon and is carried by the truck tractor and shall include a trailer drawn by a truck tractor, semitrailer combination.
  - d. **“Commercial Truck”**. Any motor vehicle designed, used or maintained primarily for the transportation of property and not for the carrying of passengers.
  - e. **“Commercial Truck Tractor”**. Any motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicles and load so drawn.



- f. **“Commercial Unit”**. A combination of one (1) commercial vehicles and one (1) commercial trailer.
  - g. **“Commercial Vehicle”**. A motorized vehicle with commercial plates.
  - h. **“Vehicle, Recreational”**. A vehicular type unit designed as temporary living quarter for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. A recreational vehicle may be a travel trailer camping trailer, truck camper or motor home.
78. **“Warehouse and Storage”**. *See Number 64 “Storage and Warehouse”*
79. **“Water, Central or Group”**. An approved public water system, well or wells required to be approved by Ohio EPA.
- 80.<sup>9</sup> **“Wind Turbine”**. A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle, body, power center and a rotor with two or more blades.
- 81.<sup>10</sup> **“Yard”** terms relating to:
- a. **Yard, Front**. An area extending between side lot lines across the front of a lot and from the public or private road right-of-way line to the front of the principal building.
  - b. **Yard, Rear**. An area extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
  - c. **Yard, Side**. An area extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.
  - d. **Yard Setbacks**. A required open space unoccupied and unobstructed by any structure or portion of a structure from 3 feet above the general ground level of the graded lot upward, unless otherwise regulated by the Resolution. Yard ornaments not exceeding 27 cubic feet (3’x3’x3’) and furniture may be permitted in any yard, setback subject to height limitations and requirements limiting obstruction of visibility. Yard Depth shall be measured perpendicular to or as nearly perpendicular as possible to the front, side, or rear lot lines.
  - e. **Yard Setbacks, Front**. An area extending between side lot lines across the front of a lot and from the public or private road right-of-way line to the depth setback requirements per the zoning district. In the case of a private road, an additional thirty (30) feet from the center of the road is required.

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<sup>9</sup> Added 12-05-2009

<sup>10</sup> Amended 06-15-2016 with d,e,f,g added

- f. **Yard Setbacks, Rear.** An area extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the depth setback requirements per the zoning district.
  - g. **Yard Setbacks, Side.** An area extending from the side lot line on both sides parallel extending from the front lot line to the rear lot line to the depth setback requirements per the zoning district.
82. **“Zoning Certificate”.** A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structure.
83. **“Zoning District Map” or “Zoning Map”.** Means the Zoning District Map of Westfield Township together with all amendments subsequently adopted.
84. **“Zoning Inspector”.** Means the Zoning Inspector of Westfield Township or the authorized representative of the Zoning Inspector.