

CHAPTER 1272
PROVISIONS APPLICABLE TO ALL "DISTRICTS"

- 1272.01 EFFECT OF ESTABLISHMENT OF "DISTRICTS"
 - 1272.02 "NON-CONFORMING" "USES"
 - 1272.03 RESTORATION OF UNSAFE "BUILDINGS"
 - 1272.04 "ACCESSORY STRUCTURES" AND "BUILDINGS"
 - 1272.05 STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS
 - 1272.06 "DOUBLE FRONTAGE LOTS"
 - 1272.07 STRUCTURES AND PLANTINGS IN "FRONT YARDS" ON "CORNER LOTS"
 - 1272.08 "FENCES" AND WALLS
 - 1272.09 "SWIMMING POOLS"
 - 1272.10 "LOT" STORAGE
 - 1272.11 RESTRICTING THE OWNING AND KEEPING OF CERTAIN ANIMALS
 - 1272.12 MOBILE HOMES AND "MANUFACTURED HOMES"
 - 1272.13 EMERGENCY SUSPENSION OF "ZONING" ENFORCEMENT
 - 1272.14 OUTDOOR WOOD BURNING FURNACES & OUTDOOR WOOD FIRED HYDRONIC HEATERS
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1272.01 EFFECT OF ESTABLISHMENT OF "DISTRICTS"

Except as hereinafter provided:

- A) No land or "building" shall be used or intended for any "use" other than those permitted in the "district" wherein such land or "building" is located.
- B) No "building" shall be erected, reconstructed, or enlarged, structurally altered, or moved, in such manner as to evade conformity with height, bulk, "yard", "lot" area and other regulations for the "district" wherein such "building" is located.
- C) Every "building" hereafter erected, reconstructed, enlarged, structurally altered or moved shall be located on a "lot" as herein defined, and in no case shall there be more than one (1) "principal building" on one (1) "lot" except in "Planned Residential Developments" and Commercial "Zoning Districts".
- D) No "yard", provided adjacent to a "building" for the purpose of complying with the provisions of this "Zoning Ordinance", shall be considered as providing any part of a "yard" for another "building" on the same "lot" or on an adjacent "lot".
- E) No "street" or "walkway" shall serve as any part of a required "yard" or minimum "lot" area.

F) No “*yard*” shall be so diminished as to make its width or depth less than the dimensions required by this “*Zoning Ordinance*”.

G) Along any boundary line between “*districts*”, an abutting side yard or “*rear yard*” in the less restricted “*district*” shall have a minimum required width or depth equal to the average of the required minimum widths and depths for such “*yards*” in the “*districts*” adjoining said boundary line.

1272.02 “NON-CONFORMING” “USES”

A) Whenever the “*use*” of a “*building*” or land becomes “*non-conforming*” through a change in the “*Zoning Ordinance*” or “*district*” boundaries, such “*use*” may be continued.

B) If a “*non-conforming*” “*use*” of any “*building*” or “*lot*” is discontinued for a period of one (1) year, the “*use*” of the same shall thereafter conform to the “*use*” permitted in the “*district*” in which such “*building*” or “*lot*” is located.

C) A “*non-conforming*” “*building*” that is partially destroyed or damaged (exclusive of the foundation) to an extent less than fifty percent (50%) of its reproduction value at the time of damage, by fire, flood, earthquake, explosion, riot, war or act of God or of the public enemy, may be restored and the “*use*” of the “*building*” resumed in accordance with the other provisions of this section, provided that the restoration and resumption shall take place within six (6) months from the time of such damage or destruction.

D) The extension of a lawful “*use*” to any portion of a “*non-conforming*” “*building*” or “*structure*” which existed prior to the enactment of this Ordinance shall not be deemed as the extension of such “*non-conforming*” “*use*”.

E) No “*non-conforming*” “*use*” shall displace a conforming “*use*”.

F) A “*non-conforming*” “*use*” may not be changed to another “*non-conforming*” “*use*” unless the Board of “*Zoning*” Appeals, on appeal, determines that the proposed “*use*” is less in conflict with the character and “*uses*” in the “*district*” than the existing “*non-conforming*” “*use*”.

1272.03 RESTORATION OF UNSAFE “BUILDINGS”

Nothing in this chapter shall prevent the strengthening, or restoring to a safe condition, of any part of any “*structure*” declared unsafe by the Medina County Building Inspector, or from compliance with any lawful requirement.

1272.04 ACCESSORY “STRUCTURES” AND BUILDINGS”

A) No “*accessory building*” shall be erected in front of the front “*building*” line or in any required “*side yard*” established by this Ordinance. No portion or part of any “*accessory structure*”/“*building*” shall be constructed within fifteen feet (15’) of a side and rear “*lot*” line or required “*front yard*”.

B) No “*accessory building*”/“*structure*” shall be erected less than fifteen feet (15’) from any “*principal building*”. Exception: A “*pergola*”, which may be constructed closer than fifteen feet (15’) to the “*principal building*”.

C) “*Accessory buildings*” shall be permitted as follows:

1) Exterior “*building*” materials shall be of a similar type as the “*principal building* and complimentary in design.

2) The “*accessory building*” shall be permanently affixed to the land by means of pole structures, footers or a concrete slab not less than four inches (4”) in thickness.

3) The maximum height shall be fifteen feet (15’)

4) The combined floor area of “*accessory buildings*” shall not exceed the following:

LOT SIZE	COMBINED FLOOR AREA OF “ <i>ACCESSORY BUILDINGS</i> ”
.5 ACRE OR LESS	ONE HUNDRED FORTY-FOUR (144) SQUARE FEET
.51 ACRES TO 1.0 ACRES	TWO HUNDRED (200) SQUARE FEET
1.01 ACRES TO 2.0 ACRES	EIGHT HUNDRED (800) SQUARE FEET
2.01 ACRES TO 5.0 ACRES	ONE THOUSAND (1,000) SQUARE FEET
5.01 ACRES TO 7.5 ACRES	TWO THOUSAND (2,000) SQUARE FEET
7.51 ACRES AND GREATER	TWO THOUSAND FIVE HUNDRED (2,500) SQUARE FEET

D) On a “*corner lot*”, no accessory “*structure*”/“*building*” shall project beyond the “*front yard*” line on either “*street*”.

E) No accessory “*structure*”/“*building*” shall be constructed on a “*lot*” until construction of fifty percent (50%) or more of the “*principal building*” has been completed.

B) Every “*dwelling*” shall provide for an enclosed, private “*garage*” with at least two (2) “*parking spaces*” being provided for each “*one (1) family dwelling*” and for each unit of a “*multifamily dwelling*”. Parking facilities in the “*basement*” of the foregoing “*structures*” may be used in lieu of an “*accessory building*”.

1272.05 STORAGE OF FLAMMABLE AND COMBUSTIBLE LIQUIDS

The storage of flammable and combustible liquids shall be in compliance with State and National Fire Code Regulations, which shall be enforced by the Westfield Fire Chief, who will issue *"permits"* based on proposed proper compliance. (Ordinance 1980-9 ~ Passed 4/8/1980)

1272.06 "DOUBLE FRONTAGE LOTS"

On *"double frontage lots"*, the required *"front yard"* shall be provided on both *"streets"*.

1272.07 "STRUCTURES" AND PLANTINGS IN "FRONT YARDS" ON "CORNER LOTS"

On any *"corner lot"*, no *"fence"*, wall or other *"structure"*, and no shrubbery, planting or other obstruction to vision, exceeding in height two feet (2') above the established *"street" "grades"* shall be erected or maintained within thirty feet (30') of the point of intersection of the two (2) *"street" "lot"* lines.

1272.08 "FENCES" AND WALLS

A) Prior to obtaining a *"Zoning Permit"*, it is advisable to locate the property boundary pins. No *"fence"* or wall shall be erected that exceeds four feet (4') in height in any *"required yard"*, or that exceeds six feet (6') in height in any other area of the *"lot"*. No vision impairing *"fence"* or wall exceeding twenty-four (24") in height shall be located within twenty feet (20') of a *"street right-of-way"*. The permitted height of any such *"fence"* shall be measured based on the contour of the *"lot"*. (EXHIBIT VII, LOT REQUIREMENTS)

B) The finished side of a *"fence"* or wall shall face outward from the property on which the *"fence"* or wall is located. The side of a *"fence"* or wall containing the posts or poles and/or other bracing appurtenances shall face inward to the property being *"fenced"* or walled in.

C) When erected near a property or *"lot"* boundary line, all of the *"fence"* or wall and any of its supporting *"structures"* or appurtenances shall be contained within the *"lot"* or property of the person erecting or having erected said *"fence"* or wall. If such *"fence"* or wall is erected within three feet (3') of an adjoining property line, an *"easement"* from the property owner(s) of the adjoining property shall be obtained that legally grants access across their property for maintenance of the wall or *"fence"*. If a wall or *"fence"* is constructed along the property line of neighboring parcels, a mutual *"easement"* of access for maintenance purposes shall be granted by both property owners. Any and all *"easements"* required by this section shall be required to be duly recorded prior to the issuance of a *"Zoning Permit"*.

D) No *"fence"* in any required *"yard"*, other than a *"rear yard"*, shall be constructed of chain link, wire, wire mesh or stockade fencing material. Concrete or cinder block walls shall not be permitted in any *"district"* unless the face walls are improved with brick, natural cut stone, or similar façade treatments. The painting of the façade of any concrete or cinder block wall shall not constitute an acceptable façade treatment.

E) *"Fences"* and walls shall be designed and be of such materials that are compatible and harmonious with the architectural design of the *"principal building"* or *"structure"* on a *"lot"*. Any questions, concerns or disputes pertaining to the architectural compatibility, suitability and appropriateness of a *"fence"* or wall shall be referred to the Board of *"Zoning"* Appeals for their final determination on the matter.

F) Prohibited *"Fences"*: *"Fences"* shall not be permitted in the *"front yard"* or *"side yard"* on a corner lot, except that an ornamental *"fence"* may be located in the *"front yard"* and/or *"side yard"* on a corner lot. Nor more than two (2) ornamental *"fences"* shall be allowed in the *"front yard"* or *"side yard"* on a corner lot.

1) For the purposes of this section, *"front yard"* shall be defined as the area bounded by a line parallel to an even with the front façade of the principal structure on a *"lot"* and extending to the lateral boundaries of the *"lot"*, and the line establishing the right-of-way of the street upon which the *"lot"* is located.

2) For the purposes of this section, *"side yard"* on a corner lot shall be defined as that area bounded by a by a line parallel to an even with the side façade of the principal structure that faces a street or corner *"lot"* and extending laterally to the edges of the *"lot"*, and the line establishing the right-of-way of the street which is adjacent to the *"lot"*.

3) An ornamental *"fence"* shall possess all of the following characteristics:

a) Possesses no utilitarian purpose or value.

b) Has a height no greater than thirty-six inches (36") for *"fencing"* components and forty-eight inches (48") for newel posts.

c) Unique character or design used to enhance the aesthetics of the *"landscaping"*.

d) Does not close or enclose any area of the *"lot"*.

e) Does not have more than two (2) walls or panels with each wall or panel being nor more than eight feet (8') in length.

- f) Is in close proximity to the principal structure relative to the area of the **"front yard"**.
- G) No **"fence"** or wall on a **"corner lot"** shall interfere with the site distance triangle required by Section 1272.07.
- H) All **"fences"** and walls shall be maintained in good condition and structurally sound at all times.
- I) No **"fence"** shall be erected prior to obtaining a **"Zoning Permit"** for same from the **"Zoning Inspector"**.

1272.09 "SWIMMING POOLS"

- A) The term **"swimming pool"**, as used in this section, means any in-ground or above ground pool that is constructed for the purpose of swimming or wading and has a capacity for water depths that exceed eighteen inches (18").
- B) Prior to beginning construction of any pool, a **"Zoning Permit"** shall be obtained.
- C) Private residential pools shall be designed and intended for the **"use"** of the residents of a single household and their relatives and friends without payment of any fee and shall not necessitate the provision of **"parking spaces"**, dressing and restroom facilities, or other services and facilities not normally available in the **"dwelling"**.
- D) All pools shall be located within an enclosed **"structure"** or completely surrounded by a **"fence"** or wall not less than four feet (4') in height above the **"finished grade"** prior to putting water in the pool. The pool enclosures shall comply with the following requirements:
 - 1) All **"fences"** and other pool enclosures shall comply with all appropriate requirements for **"fences"** or walls as contained herein.
 - 2) All **"fences"** and other pool enclosures shall be constructed so as to have no openings, holes, or gaps larger than three inches (3") in width, except for doors, gates, and windows which shall be equipped with suitable locking devices to prevent unauthorized access. Access secured accessory **"buildings"** and walls of primary **"buildings"** may be used in or as part of the enclosures.
 - 3) Above ground pools having vertical surfaces of at least four feet (4') above the **"finished grade"** shall be required to have **"fences"**, enclosures and secured gates at the access point of the pool.

E) No *"swimming pool"* shall be erected in front of the front *"building line"* or in any required *"side yard"* established by this Ordinance. No portion or part of any *"swimming pool"* shall be constructed within fifteen feet (15') of a *"side" and "rear" "lot" "line"* or required *"front yard"*. No *"swimming pool"* shall be erected less than fifteen feet (15') from the *"principal building"*.

1272.10 "LOT" STORAGE

A) *"Junk Motor Vehicles"*: Motor Vehicles meeting the requirements set forth in Codified Ordinance 660.07 for a *"junk motor vehicle"* shall not be left on any private property for more than seventy two (72) hours, unless parked in an enclosed *"structure"*.

B) *Disabled Motor Vehicle Parts*: Vehicle parts from any vehicle including but not limited to, cars, farm tractors, garden tractors or any other motor vehicle, shall not be permitted to be left out in the open on private property for more than seventy-two (72) hours.

C) *Trash*: Any item or items no longer usable that would tend to cause the attraction of any type of animal or person shall not be permitted to remain on any private property for a period of time exceeding seven (7) days. The storage of trash or waste materials, including but not limited to discarded household goods, discarded commercial products, industrial by-products, and other similar materials shall not be visible from the property line on which such materials are being stored or otherwise placed. All such materials shall be housed in an appropriate container or enclosure, excepting trash that is properly placed in an appropriate enclosed container at an assigned location for regularly scheduled trash pickup. Trash and/or garbage or containers containing such items shall not be placed for pickup more than twenty-four (24) hours in advance of the regularly scheduled pickup time.

D) *Vehicles and Trailers*: In Residential *"Districts"*, no vehicles greater than one (1) ton payload capacity, or trailers longer than twenty feet (20') in length, shall be stored or parked. Notwithstanding the foregoing, vehicles and trailers may be parked for temporary periods of conducting maintenance and construction operations. There is a limit of one (1) truck and one (1) trailer.

E) *Noncommercial Trailers*: In Residential *"Districts"*, no trailer, other than boat trailers as included in Section (F) hereof, longer than twenty feet (20') shall be stored or parked.

F) *Boats, Boat Trailers, Recreational Vehicles and Camping Trailers*: Boats and their trailers, recreational vehicles and camping trailers may be parked from May 1st to September 30th. They cannot be stored from October 1st to April 30th unless stored in an enclosed *"garage"*.

1272.11 RESTRICTING THE OWNING AND KEEPING OF CERTAIN ANIMALS

- A) No person shall house, feed, own or keep a hog, swine or mink within the Village.
- B) No person shall house, feed, graze, own or keep any chicken, poultry or other fowl, rabbits, hoofed quadrupeds or other animals except a domestic household pet within two hundred feet (200') of any side or rear property line, nor upon any land containing less than two (2) acres or within twenty feet (20') of any reservoir or stream, public sidewalk, "*right-of-way*" or "*thoroughfare*" within the Village of Westfield Center.
- C) No person shall house, feed, graze, own or keep more than one (1) four (4) hoofed quadruped or other animal except a domestic household pet for each two (2) acres of land used for such purpose; however, if such property is less than five (5) acres in total, then no animal shall be housed, fed, grazed, owned or kept upon the property except a domestic household pet.
- D) Under no circumstances shall any chicken, poultry, or other fowl, rabbit, hoofed quadruped, or domestic pet be permitted to become offensive to the surrounding area or to the general public either by offensive odor, habits, noise, or by any other means.
- E) Household Pets: Household pets are permitted in all land "*use*" "*districts*" where residential "*uses*" are allowed subject to the following provisions:
- 1) Up to three (3) dogs or cats or any combination thereof may be kept as household pets. Livestock and roosters are not permitted to be kept as household pets.
 - 2) No animals are permitted to run at large, but shall be, at all times, confined within a suitable enclosure, kept within the main "*building*", or otherwise be under the control of the owner of the property.
 - 3) Animal enclosures, pen, or runs shall not be located within the "*front yard*" (as defined in this Code).
 - 4) Newborn and baby animals up to the age of ten (10) weeks shall not be counted in determining compliance with the numerical limits of this subsection.

1272.12 MOBILE HOMES AND “MANUFACTURED HOMES”

A) Mobile homes and “*manufactured homes*” all as defined herein shall not be a permissible “*use*” as a “*principal building*” or as an “*accessory building*” in any “*Zoning District*”. A mobile home or trailer may be used as a temporary office or “*building*” incidental to construction or development of the premises on which the mobile home or trailer is located, but only during the time construction or development is actively underway not to exceed eighteen (18) months. Upon approval by Council for the Village of Westfield Center one (1) or more mobile homes or trailers may be used during states of emergency and any ensuing period of time as determined by Council.

B) “Mobile Home” means a “*structure*” that:

- 1) Is intended for residential or non-residential “*use*” which is designed to permit its conveyance upon a public “*street*” by means of integral structural elements consisting of a permanent chassis attached to axles(s) wheels and towing hitch, or;
- 2) Is manufactured at an off-site facility and is subsequently transported to a permanent or semi-permanent site where its components are then set onto a foundation and connected to utilities, or;
- 3) Is defined as a “*manufactured home*” under the provisions of the Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401 et seq., and any amendments thereto or regulations in supplement thereof, whether or not the design of the “*structure*” has been approved and/or certified by the U. S. Department of Housing and Urban Development.

1272.13 EMERGENCY SUSPENSION OF “ZONING” ENFORCEMENT

In the event of an emergency, or the imminent threat of an emergency, which would adversely affect the safety, health and welfare of residents, the Council for the Village of Westfield Center may pass a resolution temporarily suspending the enforcement of the specified sections of this “Zoning” Code, provided:

- A) The suspension is limited in time to the duration of the emergency and its aftermath, and;
- B) The specific sections of the “*Zoning Ordinance*” are enumerated in the resolution and only those sections that would immediately impede the preparation for or response to the emergency are suspended, and;
- C) The resolution sets forth the nature of the emergency and determinations of Council as to the necessity of the suspension.

1272.14 OUTDOOR WOOD BURNING FURNACES AND OUTDOOR WOOD FIRED HYDRONIC HEATERS

Outdoor wood burning furnaces and outdoor wood fired hydronic heaters are not permitted in any *"district"*. The operation of an outdoor wood burning furnace or outdoor wood fired hydronic heater is declared to be a nuisance due to the emission of large volumes of *"hazardous"*, noxious and offensive effluent, smoke and cinders.