

**ARTICLE II
GENERAL REGULATIONS**

- 201 Compliance Required
- 202 General Regulation of Uses
- 203 General Regulation of Lots
- 204 General Regulation of Structures
- 205 Accessory Uses and Structures
 - A. General
 - B. Fences
 - C. Swimming Pools
 - D. Lakes and Ponds
 - E. Home Occupation
 - F. Satellite Dish
 - G. Exterior Lighting
 - H. Exterior Loudspeakers
 - I. Farm Market
 - J. Small Wind Energy
 - K. Outdoor Wood Fired Boilers
 - L. Solar Panel Energy
- 206 Minimum Living Area
- 207 Oil and Gas Wells

201 COMPLIANCE REQUIRED

No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building, structure or land be used in a manner which does not comply with all of the district provisions established by this Resolution for the districts in which the building, structure or land is located.

202 GENERAL REGULATION OF USES

- A. Agriculture
 - 1. Except as provided in Subsection 202.A.2 below, nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land upon which said buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land, any part of which is used for viticulture. No zoning certificate shall be required and no zoning certificate fee shall be charged for such use, building or structure.
 - 2. As authorized by ORC 519.21(B), the following regulations shall apply to any platted subdivision approved under ORC sections 711.05, 711.09 or 711.10 and to any area consisting of fifteen (15) or more lots approved under ORC 711.131 that are contiguous to one another (or some of which are contiguous to one another and adjacent to one side of a dedicated

public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road):

a. On any lot having an area less than one (1) acre, agriculture shall be prohibited, provided that non-commercial agricultural-type activities may be conducted in the rear yard of such lot for the sole purpose of producing goods or maintaining animals for the use by the residents of the dwelling located on the lot. All structures used for agricultural-type activities shall comply with the setbacks established for the district. No agricultural-type activity shall be conducted in a manner which results in a nuisance or hazard.

b. On lots greater than one (1) acre, but not greater than five (5) acres, all buildings or structures incident to the use of land for agricultural purposes shall comply with the regulations of the district relating to setback lines and height. Dairying and animal and poultry husbandry shall be permitted to be established on lots within the subdivision until such time as thirty-five percent (35%) of the lots are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under ORC 4503.06. After thirty-five percent (35%) of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use.

- a
- B. Prohibited Uses. Any use which is not specifically listed as a permitted use or as Conditional use for one or more of the zoning districts, or which is not otherwise interpreted and approved as provided by this Resolution, shall be prohibited. A prohibited use shall not be established in any district, except pursuant to a use variance approved by the Board of Zoning Appeals.
- C. Pre-empted Uses. State and federal laws may require the Township to allow the establishment of a use which is not listed as a permitted or conditional use in a district. Where state or federal laws require that such a use be allowed, all provisions of this Resolution shall apply to do the use to the extent that the application of the provisions is consistent with and not precluded by state or federal laws.
- D. Nuisance Prohibited. No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution and any additional conditions and requirements prescribed, is or may become hazardous or unreasonably noxious or offensive to the public welfare.

203 GENERAL REGULATION OF LOTS**A. Street Frontage:**

1. Every lot hereafter created shall have frontage upon a public road, or upon a private road approved for frontage, conforming to the requirements of this Resolution.
2. Limited Access Right-of-Way. When a parcel is adjacent to a limited access right-of-way to which the parcel has no direct access, such right-of-way shall not be defined as a lot frontage. The yard adjacent to such limited access right-of-way shall be defined as a side yard.

B. Change of Ownership: Any part of a lot which is required by this Resolution as a yard, setback, open space, or for other use or purpose shall not be separated from such lot by change of ownership or by subdivision, nor shall any such required part of a lot be counted or calculated to satisfy the yard or other open space requirement of or for any other building.**C. Projections into Yard Areas:** Except as otherwise provided in this Resolution, every part of a required yard shall be open to the sky unobstructed. Terraces, uncovered porches, platforms which do not extend more than two (2) feet above the level of the ground and not above the level of the floor of the first story may project into a required side or rear yard provided these projections be distant at least five (5) feet from any lot line.**D. Corner Lots:**

1. Required Yards Facing Street on a corner lot, and on a double frontage lot, both yards abutting the public or private streets shall comply with the minimum front yard requirements.
2. Visibility at Corner Lots: So as not to obstruct clear view by passenger car drivers, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street right-of-way lines.

204 GENERAL REGULATION OF STRUCTURES

- A. Construction Begun Prior to Zoning: Nothing contained in these regulations shall hinder the construction of a structure or prohibit its use where construction has started before the effective date of these regulations provided that a valid zoning certificate has been obtained and provided further that such structure shall be completed within two (2) years from the date of passage of the regulations.
- B. Maximum Height of Structures:
1. Except as otherwise provided in this Resolution, no building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed a maximum height of thirty-five (35) feet.
 2. Fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, water tanks or similar structures may be erected above the height limits herein. The above exceptions may not be erected to exceed more than fifteen (15) feet over the height limit; nor shall such structure be used for any purpose other than a use incidental to the principal use of the building.
 3. Radio, television and other communication aerials or masts may be erected to a maximum of seventy-five (75) feet from ground level.
 4. Churches and temples may be erected to a height not to exceed seventy-five (75) feet if the building is set back from each minimum building setback line at least one (1) foot for each foot of additional building height above the limit otherwise provided in the district in which the building is located.
 5. Small Wind Energy Systems may exceed thirty-five (35) feet in tower Height with the completion of a wind assessment. (See Article II 205.J.)
- C. Principal Buildings: No more than one (1) dwelling unit shall be permitted on any lot unless otherwise specifically stated in this Resolution, and every dwelling shall be located on a lot having the required frontage on a public or private street. Two family dwelling and multifamily dwellings where permitted, may have more than one (1) dwelling unit per lot.

- D. Temporary Building: Temporary buildings for use incidental to construction work may be erected in any of the zoning district contingent upon the following conditions:
1. A six (6) month time limit for removal of the temporary building except that the zoning inspector may approve one extension of up to six (6) additional months.
 2. Approval by Medina County Health Department of the sanitary facilities
 3. At least one (1) off-street parking space shall be provided.
- E. A dwelling shall have a complete foundation installed to a depth below frost line.

205**ACCESSORY STRUCTURES AND USES**

- A. General
1. An accessory building shall comply with all yard setback regulations applicable to the principal building.
 2. Accessory uses and structures shall be permitted in all districts in conformance with the provisions of this Resolution.
 3. An accessory use or structure shall only be established on a lot having a principal use or structure.
 4. An accessory structure shall only be used for a use which is accessory to the principal use.
 5. All accessory structures and uses shall be:
 - a. Clearly subordinate to the principal use or structure.
 - b. Directly serve the principal use or structure.
 - c. Located on the same lot as the principal use or structure.
 - d. Reasonably and customarily incidental to the principal use or structure.

B.
Fences

DISTRICT	MAXIMUM HEIGHT	MAXIMUM OPACITY
RR and SR District		
Front Yard	4 feet	40%
Side Yard	6 feet	None
Rear Yard	6 feet	None
LC, HC, I District		
Front Yard	4 feet	40%
Side Yard	8 feet	None
Rear Yard	8 feet	None

s shall be permitted in compliance with the standards in the following table. Agricultural fences shall be exempted as provided in Subsection 202.A.1

2. Fence Height: The height of a fence shall be measured from the top elevation of the top board, rail, or wire to the natural grade of the ground, or, in the case of a wall, from the top surface to the ground.
 - A. Fence(s) greater than six (6) feet in height require Medina County Building Department review.
3. Fence Opacity: Fence opacity is the degree of openness which light or Views is blocked measured perpendicular to the fence for each fence section between supports.¹
4. Where a traffic vision hazard is created by a fence, the Zoning Inspector shall require a modification to the height or location of the Fence as required to prevent or eliminate the hazard.
5. Fences may be installed abutting the property line.
6. Barbed wire fences and electric fences are prohibited.
7. Fences located in the front yard, or in a side yard which abuts a public right-of-way shall not be made of chain link, wire, mesh, or metal pipe materials.
8. Where the design of a fence results in a different appearance on each side, the fence shall be constructed with the finished side facing toward the abutting property.

¹ Amended in its entirety 7-15-2016

C. Swimming Pools

1. Swimming pools shall require a zoning certificate
 - a. Swimming pools not requiring an electrical permit shall not require a zoning certificate and shall comply with all applicable Medina County Codes.

2. A private residential pool shall only be established as accessory to and on the same lot as a dwelling.
 - a. Swimming pools are not permitted in the Local Commercial District without an established residence.
3. Swimming pools shall not be located closer to any street than the dwelling and shall conform to all required side and rear yard minimum building setback lines.²

D. Lakes and Ponds:

1. Lakes and ponds containing over 1 ½ feet of water depth shall be considered as structures. A zoning certificate shall be required for new construction or significant expansion of the surface area of a lake or pond.

2. Lakes or ponds and all associated structures and embankments, including the outside base of the dam associated with a lake or pond shall not be located in the required front, side and rear yard setbacks and shall not be located closer than fifty (50) feet to the right-of-way of a street.

3. Lakes or ponds shall meet standards and specifications of the Medina County Soil and Water Conservation District and/or Chapter 1521 of the Ohio Revised Code. A copy of the approved lake specifications shall be submitted with the application for zoning certificate to the Zoning Inspector.

4. Fire Ponds: A copy of the approved fire pond specifications shall be submitted with the application to the Zoning Inspector.

² Amended 7-19-2012

- E. Home Occupation: A home occupation may be permitted as an accessory use according to the criteria established below and the district regulations of Article III.
1. A home occupation shall be clearly incidental and subordinate to the use of the lot and structure as a dwelling.
 2. Not more than 25% of the floor area and no more than 800 square feet of the dwelling unit shall be used in the conduct of the home occupation.
 3. A home occupation shall only be conducted by persons residing on the lot with no more than one (1) non-resident employee.
 4. No activity, material, goods or equipment indicative of the occupation shall be visible from any public right-of-way or adjacent property except for such material, goods and equipment that would be normally visible in the district.
 5. Signs shall be permitted subject to Article IV.
 6. Accessory structures for home occupations may be a garage or other building detached from the dwelling. The maximum floor area in an accessory structure used for a home occupation shall be 800 square feet. Accessory structures for home occupation shall comply with all other applicable requirements in the zoning district.
 7. The total of all floor area used for the home occupation, inclusive of floor areas in all buildings on a lot, shall not exceed 800 square feet. Any basement floor area used for the home occupation shall be included in calculation of the total.
- F. Satellite Dish:
1. A satellite dish having a diameter of nineteen inches (19 in.) or greater shall not be located in a front yard or a side yard abutting a street, except where evidence is provided to the Zoning Inspector that such location is necessary to receive the signal. A satellite dish shall comply with all setback requirements for accessory structures.

2. A satellite dish over three (3) feet in diameter shall not be located on
- a
- roof unless plans for the installation are prepared by a qualified engineer certifying its safety.
- G. Exterior Lighting:
1. Exterior lighting shall be permitted as an accessory use in all districts
- to
- extent necessary for the normal use, function and enjoyment of property for the permitted uses and conditional uses of the lots within the districts and as necessary for purposes of safety.
2. All lighting shall be directed away from adjacent streets or roads so as not to impair safe movement of traffic.
3. No lighting shall shine directly onto adjacent properties.
4. Lighting installed on lots used for other than dwelling shall comply
- with
- the following standards:
- a. All lighting fixtures shall be “cutoff fixtures” or “down lighting” designed to produce light of an intensity sufficient for the proposed use and to direct light to the intended areas.
- b. Total height of pole and fixture shall not exceed 25 feet.
- H. Exterior Loudspeakers: Exterior loudspeakers and/or amplifiers and other sound generating equipment such as bells, buzzers or sirens which are audible outside
- of the lot on which they are located shall be prohibited in commercial and industrial
- districts except where specifically approved in a Site Plan Review or conditional zoning certificate or where required for safety purposes.
- I. Farm Market: As provided in 519.21(C) of the Ohio Revised Code, a farm market shall not be prohibited in any industrial, commercial or residential district of Westfield Township provided that fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and further provided that the farm market complies with the following regulations necessary to protect the public health and safety:
1. Parking: At least one (1) off-street parking space shall be provided in a paved or gravel surfaced area for each 200 square feet of floor area of the farm market. Parking spaces and aisles shall be set back at least twenty (20) feet from the public right-of-way.

2. The market structure and goods displayed or for sale shall be setback at least twenty (20) feet from the public right-of-way.

- J. ³Small Wind Energy Systems: It is the purpose of this regulation to promote the safe, effective and efficient use of small wind energy systems installed to reduce the on-site consumption of utility supplied electricity. A small wind energy system is permitted ⁴ as an accessory use in the Rural Residential, Local Commercial, Highway Commercial and Industrial District.

Westfield Township shall notify all contiguous property owners of the applicant to inform them that an application has been submitted and recommend establishing a baseline of operations and reception for all electrical devices due to possible interference from the installation of a power generator for a small wind energy system. The cost of the notification shall be calculated and added to the application fee.

A Small Wind Energy System with a tower height exceeding thirty-five (35) feet shall be required to complete a wind assessment.

Prior to the issuance of a zoning certificate for the installation of a small wind energy system with a tower height in excess of thirty-five (35) feet on any approved parcel or in any zoning district, the applicant shall have completed a Wind Speed Analysis or Wind Study performed by a qualified professional. The purpose of this is to identify the optimum energy producing height on the applicant's site and shall provide the following information:

1. Ranges of wind speed.
2. The hours per year of wind speed in each range.
3. The output during those hours.
4. Total output in kilowatt hours per year for each of the ranges.
5. Recommended height based on analysis.

No person shall cause, allow or maintain the use of a small wind energy system without first having obtained a zoning permit from the Zoning Inspector. A small wind energy system must meet the following requirements:

³ Added in its entirety 12-5-2012

⁴ Added 9-20-2017

1. Primary purpose shall be to provide power to the principal and accessory uses of the property and not for the generation of power for commercial purposes.
2. One small wind energy system tower per lot or parcel.
3. A small wind energy system shall not be erected on a rooftop.
4. Minimum setback from all property lines, structures, right-of-ways and above ground utility lines shall be no less than 110% of the tower height.
5. Anchor points for guy wires for the tower shall be located no closer than twenty-five (25) feet from any property line and not on or across any above ground electric transmission or distribution lines.
6. Minimum height from the base of the tower to the lowest part of the blade tip or rotor system shall be twelve (12) feet.
7. Tower and blade color shall only consist of white, off white, gray or neutral colors such as earth tones of green or brown.
8. No tower, nacelle or blades shall be used for advertising of any kind excluding the manufacturer of the system.
9. No. small wind energy system shall be lighted except as required by the Federal Aviation Administration, or other applicable federal, state or county law.
10. The tower shall have either:
 - a. Tower climbing apparatus located no closer than twelve (12) feet to the ground level at the base of the structure.
 - b. A locked anti-climb device installed on the tower; or
 - c. Shall be completely enclosed with a locked fence at least six (6) feet in height to prevent uncontrolled access from unauthorized personnel.
11. Warnings of electrical shock or high voltage information shall be posted on the small wind energy system.
 - a. Emergency contact information shall be posted on the tower climbing apparatus, locked anti-climb device or locked perimeter fence on all small wind energy systems, listing the emergency contact personnel and 24- hour emergency phone numbers.
 - b. Owners of all small wind energy systems must register those structures with local emergency and police authorities.
12. An automatic braking system shall be required to prevent uncontrolled rotation.
13. All small wind energy systems must comply with all federal, state and county regulations, including to but not limited to building,

mechanical and electrical regulations and shall not create a nuisance to contiguous properties.

14. No homemade small wind energy systems shall be permitted.
15. All small wind energy systems shall be installed, operated and maintained per the manufacturer's instruction, including compliance with the Ohio EPA regulations regarding storage and disposition of batteries and other hazardous materials.
 - a. All small wind energy systems shall be maintained in working order, structurally sound and with any surface treatments intact.
16. Site Plan Requirements for Zoning Certificate Application shall include:
 - a. Property lines and physical dimensions of the site.
 - b. Location of small wind energy system tower, guy wires, set-backs from property lines, easements and any structures on the property.
 - c. Location of warnings/emergency information.
 - d. Tower height of the proposed small wind energy system.
 - e. Scaled drawing no smaller than 1"=100'

K. ⁵Outdoor Wood Fired Boilers (OWB) Phase 2 EPA Emission Standards **ONLY**

Shall be permitted as an accessory use in the Rural Residential District and Local Commercial District according to the criteria established below and the district regulation of Article III Sections 303 and 305.

1. Outdoor wood fired boiler shall require a zoning certificate.
2. May be permitted on any lot or parcel of three (3) acres or more
3. Shall be permitted as a residential accessory use only.
4. Shall be permitted as a means to produce heat for a structure, accessory use and or water.
5. Shall be located a minimum of one hundred (100) feet from property lines and or road right-of-ways.
6. May be located in a side yard, with compliance of Section 205.K.5.
7. Shall require a smoke stack height of minimum of twenty feet (20), measured at (OWB)base of unit.
8. The installation, location, maintenance, operation and fuels burned shall be in compliance, conformance and or by recommendations of the manufacture of the OWB.

⁵ Added in its entirety 3-12-2014

9. Must comply with all applicable Medina County Building Department regulations (building, electrical, mechanical, plumbing, heating.)

In order to obtain a zoning certificate for an Outdoor Wood Fired Boiler (OWB) the applicant must provide the following information prior to zoning certificate issuance.

- a. Proof of manufacture's certified Phase 2 EPA emission standards of OWB to be installed.
- b. Completion of application by property owner of record or designee.
- c. Information from County Tax Maps indicating acreage, property owner and lot dimensions.
- d. A scaled drawing detailing the OWB staked location, and distances from property lines and existing structures.
- e. Provide a printed copy of manufacture's documentation and specifications for installation, maintenance, operation of the OWB and recommended fuels to burn.

By authorizing the installation of an Outdoor Wood Fired Boiler, Westfield Township or its representatives are NOT authorizing a nuisance as defined in Article XI.

L. Solar Panels

Solar panels are a permitted accessory structure, subject to the following requirements.

1. All solar panel installations shall comply with all applicable building, electrical and plumbing codes.
2. Ground mounted solar panels shall be located in accordance with the side and rear yard setbacks established for all accessory structures of the district and shall be permitted in the front yard with a one hundred (100) door setback from the road right-of-way and shall not exceed twelve (12) in height.
3. Roof mounted solar panels on the principal building and/or accessory building when installed on the same plane as the roof structure plane and not exceeding eight (8) inches above or beyond the roof plane or that are made part of the roof design utilizing capping and or framing, **shall not be considered as an accessory structure.**
4. Roof mounted solar panels that by design or roof plane must be mounted above the eight (8) inch restriction, shall be

considered an accessory structure and shall comply with the following:

- a. Within the Suburban Residential (SR) District and Rural Residential (RR) District the installed solar panel must not be above the peak/ridge of the roof line.
5. ⁶Roof mounted solar panels on a flat roof shall not exceed ten (10) feet in height above the roof deck.

M. ⁷ Driveway Entrance Feature

Structure built at the entrance and/or exit of a lot for the purpose of security and/or decoration.

1. **SHALL NOT** be built within the road right-of-way.
2. **SHALL NOT** be made of chain link, wire, mesh or metal pipe material.
3. May be solid wall construction, not to exceed forty (40) linear feet from the wall opening on either side of entrance.
4. Minimum opening width twenty (20) feet.
5. Minimum opening clearance height sixteen (16) feet.
6. Structures greater than six (6) feet in height require a Medina County Building Department permit.

206 MINIMUM FLOOR AREA

No structure shall be erected, reconstructed or converted for use as a dwelling Unit unless the following minimum floor area per dwelling unit is provided

<u>Unit type</u>	<u>Minimum floor area per dwelling unit</u>
Single or two-family dwelling With full basement	1,400 square feet
Single or two-family dwelling Without full basement	1,600 square feet

207 ⁸OIL AND GAS WELLS

No building shall be erected within two hundred (200) feet from any oil and gas well, storage tank and/or separator units abandoned or not abandoned.

⁶ Added in its entirety 10-20-2014

⁷ Added in its entirety 6-15-2016

⁸ Amended 1-6-2006