

HARRISVILLE TOWNSHIP

MEDINA COUNTY, OHIO

ZONING RESOLUTION

2011

1976
Amended May, 1980
Amended November, 1992
Amended November, 1984
Amended February 1986
Amended February, 1991
Amended September, 1991
Amended February, 1995
Amended September 18 1998 Section 403-B2
Amended September 18 1998 Section 1000-9
Amended February, 2004 Sections 402-3, 403-4, & 404-4
Amended 2007 added Section 407
Revised November 2010 Section 306
Amended November, 2010 Section 493B B-4
Revised November, 2010 Section 802.123a
Revised July, 2011 Section 501-2 e & g

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| Sheriffs Department | non-emergency Number | (330) 725-0028 |

Trustees meet the First and Third Monday of each month at 8:00 P.M.
 Zoning Commission meets the second Thursday of each month at 8:00 P.M.

Updated 12/01/2010

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RECOMMENDED ZONING RESOLUTION FOR HARRISVILLE TOWNSHIP, 1966

This Resolution is based upon review and revisions of the present township zoning resolution and is designed to encourage types of land uses and forms of development, which will be in line with the over-all objectives of the community.

ARTICLE I TITLE, AUTHORIZATION, PURPOSE

Section 101 TITLE

The Resolution shall be known as the Harrisville Township Zoning Resolution.

Section 101-1 AUTHORIZATION

The authorization for establishing “The Harrisville Township Zoning Resolution” is derived from Section 512.01, 512.22, inclusive, of the Ohio Revised Code.

Section 101-2 PURPOSE

A Zoning Resolution enacted pursuant to Chapter 519, Ohio Revised Code for the purpose of promoting the public health, safety, morals, and general welfare, for dividing the unincorporated territory of Harrisville Township, Medina County, Ohio, into use districts (zones) and in such districts to regulate the location, use, height, bulk of building, and other structures; to provide for off-street parking, to authorize Conditional Zoning Certificates to provide for enforcement of and penalties for the violation of the provisions of this Resolution; and to repeal the existing Zoning resolution of Harrisville Township.

ARTICLE II DEFINITIONS

Accessory Use: A use customarily incidental and subordinate to use or building, located on the same lot or premises as the principal use or building.

Agriculture: The use of land for agriculture purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses of packing, treating, or storing of produce; provided that the operation of such accessory use shall be secondary to that of the normal agricultural activities and provided that the above uses shall not include the commercial feeding of garbage or offal's to swine or the slaughtering of farm animals. A use shall be classified as agricultural only if it is the principal or main use of the land.

Alteration: As applied to a building or structure, is a change or rearrangement in the structural parts either, in the entrance or exit facilities, or an enlargement, whether by extending on a side or by increasing in height or by moving from one location to another.

Auto Graveyard: Synonymous with "Junk Yard"

Basement: A story having more than one-half (1/2) of its height below average grade. A basement shall not be counted as a story for the purpose of height regulations.

Building: Any structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property

Building Line: A line defining the minimum front, side, and rear yard requirements.

Building, Principal: The building housing the principal activity or use performed on the lot.

Centralized Sewer System: Where individual lots are connected to a common sewer distribution system whether publicly or privately owned and operated.

Centralized Water System: Where individual lots are connected to a common water distribution system whether publicly or privately owned and operated.

Density of Population: The ratio of population expressed as families, to a unit of land they occupy expressed in acres.

Dike: The ridge of compacted soil located along the perimeter of the site and around storage tanks or pits.

Discarded Waste or Salvaged Vehicles: Any vehicle not currently licensed.

Dog Kennel: A kennel owner is a person, partnership, firm, company, or corporation professionally engaged in the breeding, boarding, and/or training of dogs for hunting or for sale.

Dwelling: Any building or portion thereof, which is designed or used exclusively for residential purposes. An attached garage for purposes of determining the front, side, and rear yards, shall be considered as a part of a dwelling.

Dwelling, Single Family: A building designed for or occupied by one

Dwelling, Two Family: A building designed for or occupied exclusively by two families living independently of each other.

Family: One or more persons occupy a dwelling unit and living as a single housekeeping unit, but not including groups occupying a boarding house, sorority, monastery, or convent.

Finished Grade: The elevation of the finished surface of the ground.

Flood-Prone Area: Land subject to flooding as shown in any of two sources cited in Section 406-3 and depicted on the Natural Hazards District map. Where 100-year flood plains are indicated by HUD, these areas are shown as indicated in the Soil Survey of Medina County, Ohio.

Flood or Flooding: A general and temporary condition of inundation or normally dry areas from the overflow of streams or rivers.

Garage, Private: An accessory building or an accessory portion of the main building, enclosed on all sides and designed or used for the shelter or storage of vehicles and located on the same lot as a dwelling to which it is accessory.

Junk Yard: The use of more than two hundred (200) square feet of the area of any lot, whether private or commercial, where waste, discarded or salvaged materials, motor vehicles, or other equipment are bought, sold, stored, exchanged, baled, packed, disassembled, dismantled, or handled.

Lot: A piece, parcel, or plot of land, which may include one (1) or more lots of record, and can be under single or joint ownership and occupied, or designed to be occupied by one building and the accessory buildings or uses customary incidental to it.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of this County; of a parcel of land, the deed to which was of record on or prior to actual date of this Resolution.

Nursing Homes: A nursing home is any home used for the reception and care, for a consideration or not, of three or more persons who by reason of illness, physical or mental impairment require skilled nursing care.

Organic Soil: Land identified in the Soil Survey of Medina County as having Carlidle Muck, Willette Muck or Walkill silt loam soils.

Public Buildings: Any building owned, leased or held by the United States, the state, the county, the township, any special district, or any other agency or political subdivision of the state or the United States, which building is used for government purposes.

Public Park or Recreation Area: Public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township, which is under the control or management of the Township Board of Trustees, the County Commissioners, or another public agency or entity.

Religious Institution (church): Any church, synagogue, mosque, temple or building which is used primarily for religious and related religious activities.

Road: A dedicated Public Highway.

Schools: Any public or private education facility including but not limited to child day care facilities, nursery school, preschools, ballet or gymnastics academy or facilities, kindergartens, elementary schools, primary schools, intermediate schools, junior colleges, and universities. School includes the schools grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

Yard Front: A space extending across the full width of a lot and being the perpendicular distance between the street right-of-way line and the building line.

Yard Rear: A space extending along the full length of the rear lot line between side lot lines of an interior lot or between a side lot and a street lot line of other lots.

Yard Side: A space extending along a side lot line, extending from a front yard to a rear yard.

ARTICLE III GENERAL

Section 301 ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the public health, safety, morals, convenience and the general welfare, of the community, Harrisville Township is hereby divided into the following districts:

- R-1 Residential District
- B-1 Business District
- B-2 Highway Service Business District
- B-3 Interchange Commercial District
- M Multi Use District
- I-1 Industrial District

Section 302 ZONING DISTRICTS MAP

The boundaries of these districts and classes of districts are hereby established on the Zoning Districts Map of Harrisville Township, Medina County, Ohio, and said map with all notations and references shown, is hereby made a part of this Resolution. When definite distances in feet are not shown on the Zoning Districts map, the district boundaries shown are intended to be along existing street or plotted street or plotted lot lines, or extensions of the same. Such dimensions shall further be determined by the use of scale shown on Zoning Districts Map.

Section 303 AGRICULTURE

- a) Land in any district may be used for agricultural purposes.
- b) No Zoning certificate shall be required for the construction of building incident to the use of the land for agricultural purpose on which such buildings located. The residence must comply with the zoning regulations and a zoning certificate is required.
- c) Roadside stand shall be classified as an accessory use to agriculture and may be located on the premises for the purpose of selling products produced on the same property where the stand is located.

Section 304 SUPPLEMENTARY REGULATIONS

- a) Permitted Uses

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used, designed or arranged for any purpose other than is permitted in tile district in which the building or land is located.

- b) Building Permit and Zoning Certificate

No building permit or zoning certificate shall be issued without evidence that the Medina County Health Department has approved the proposed sanitary sewerage disposal facilities for the use for which the building permit and zoning certificate has been requested.

- c) Principal Building

No more than one principal building shall be permitted on any one lot and every principal building shall be located on a lot having frontage on a public street.

- d) Corner Lots

Corner lots in all districts are required to have the minimum front yard requirements, as indicated in the district, facing both streets.

e) Accessory Building

An accessory building (garages, etc.) attached to the principal building on a lot, shall be made structurally a part thereof, and shall comply in all respects with the requirements of this Resolution which are applicable to the principal building. Any accessory building one story in height and detached from the main building, when located behind the main building, and the rear lot line may be placed five (5) feet from the side or rear property lines.

f) Inconsistencies

In the event any of the requirements or regulatory provisions of this Resolution are found to be internally incompatible, or inconsistent one with another, the more restrictive or greater requirement shall be applicable.

g) Where centralized sewer and water facilities are not provided the minimum lot size shall be two (2) acres.

h) Regulation governing the location and construction of a lake or pond.

Public or private ponds or lakes containing over one and one-half (1 1/2) feet of water depth shall be considered as structures for the purpose of permits, and shall conform to all required yard setback lines.

In no case shall a pond or lake be located closer than twenty-five (25) feet from a main building.

Ponds or lakes shall meet standards and specifications of the Medina County Soil and Water Conservation Districts, and/or Chapter 1521 of the Ohio Revised Code.

Upon making application for a zoning permit the applicant will be required to submit to the zoning inspector a copy of the proposed pond and/or lake plans which have been reviewed and stamped by the Medina County Soil and Water Conservation District.

Section 305 SITE PLAN REVIEW AND CONFORMANCE

a) General

All business uses, industrial uses, conditionally permitted uses and other such uses as specifically required shall have a site plan approved by the Township prior to the issuance of a zoning certificate or conditional zoning certificate. Site plans for permitted business, industrial and other such uses as specifically required shall be reviewed by the Zoning Commission or the Zoning Inspector and Zoning Commission. Site Plans for conditionally permitted uses shall be reviewed by the Board of Zoning Appeals.

Procedures, requirements and standards for review of site plans are established below. Site plans shall be reviewed by the Zoning Commission and/or Board of Zoning Appeals to insure that the general requirements of the zoning resolution are complied with in the interest of the community and surrounding development.

b) Procedures

Applications for site plan review shall be submitted to the Zoning Inspector for review by the appropriate Township body. Site plans shall be reviewed by the Zoning Commission and/or Board of Appeals at one or more of its public meetings. Within 45 days after the first meeting at which the site plan is reviewed the Zoning Commission or Board of Appeals shall approve, approve with modifications and/or disapprove the site plan.

c) Application Requirements

The site plan shall be drawn to a legible scale, shall show topographical features of the lot, building placement, and activity areas, and shall include a circulation and parking plan, planting and landscape plan, and architectural drawings of the exterior of structures. A description of the proposed development or operation shall be provided in sufficient detail to indicate possible emission of energy or matter beyond the lot lines, thereof. The site plan shall include drawings of accessory building, signs, and screening for trash or other outdoor storage areas.

d) Review Standards

Review and action on site plan applications shall be based on the following standards:

1. The site plan shall show that thoroughfares, service roads, driveways, and parking areas are designed to encourage pedestrian and vehicular traffic safety on both public and private lands.
2. All the development features including the principal buildings, open spaces, service roads, driveways, and parking areas shall be located and related as to minimize the possibility of adverse affects upon adjacent development.
3. The architectural design of buildings shall be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, materials, lines and pattern, and character.
4. Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography.
5. Maximum possible visual and auditory privacy for surrounding properties and occupants shall be provided through good design and use of proper building materials and landscaping.
6. In large parking areas, visual relief shall be provided through the use of trees planted and landscaped dividers, islands, and walkways.
7. Screening of parking areas, service areas, and refuse storage areas from surrounding properties shall be provided through landscaping and/or ornamental walls or fences where necessary to promote harmony with adjacent development.
8. On-site traffic circulation shall be designed to make possible adequate fire and police protection.
9. In case of an industrial use, adequate provisions shall be made for the disposal of industrial wastes containing poisonous, corrosive, flammable or explosive solids, liquids or gases, oils or grease shall not be discharged into the sanitary sewer or into water sources.
10. Curb cuts, internal drives, parking areas and pedestrian walkways shall be arranged to promote safe and efficient movement within the site, between adjacent sites, and between the site and the adjacent thoroughfare system.
11. The number and location of openings from the site to adjacent thoroughfares shall designed to maintain the traffic movement function of arterial and collector streets.
12. The overall development concept shall reflect the intent and recommendations of applicable comprehensive plans adopted by Harrisville Township.
13. All lighting shall be directed away from adjacent streets or roads so as not to impair safe movement of traffic. No lighting shall shine directly on adjacent properties.

e) Conformance with Site Plan

All aspects of the development shall conform to the approved site plan.

f) Issuance and Revocation of Zoning Certificate

Upon the approval of a site plan application, the Zoning Inspector or Board of Appeals shall issue a zoning certificate specifying the conditions of the Zoning Commission's or Board of Appeals approval. Approval of a site plan, and the zoning certificate, if any, however, shall be revoked if construction has not began within one year after the date of approval. At the expiration of one year any deposit of a performance bond or financial guarantee shall be returned to the depositor, and each application thereafter shall be accompanied by the required data and fees.

Section 306 OIL AND GAS WELL REGULATIONS

According to State Laws adopted pursuant to Chapter 1509 of the Ohio Revised Code and/or federal laws, the most stringent regulations shall apply.

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Section 307 BACK LOT HOUSING UNITS

To allow for the orderly use of land, to prevent the isolation of back lands by frontage development, and to protect the rural character of the Township, Back Lot housing units shall be a permitted use subject to the following specific conditions.

1. The minimum area for a Back Lot shall be five (5) acres of lot area for a single-family dwelling.
2. The minimum lot dimension, width or length, for a Back lot shall be three hundred fifty (350) feet.
3. All buildings and structures shall be located to provide maximum privacy for adjacent frontage lots. No building or structure on a Back lot shall be located within two hundred (200) feet of the rear property line of a frontage lot. A minimum setback of fifty (50) feet from all other Back Lot property lines shall be required for all buildings and structures.
4. No dwelling shall be erected, altered or used on a back lot unless the lot has access to a public street, road or highway by an allowance for access.
5. Lot area computation shall be exclusive of the allowance for access.
6. The Back Lot plan filed with the Permit Application shall clearly show the delineation between the Back Lot proper and the allowance for access.
7. The allowance for access shall be joined, by a lawfully executed and filed deed, to the main parcel of the Back Lot.
8. The allowance for access for Back Lots shall have a minimum of sixty (60) feet of frontage on a Public Street, road or highway. The minimum width of the allowance for access, over the entire length, shall be sixty (60) feet.
9. The driveway within the allowance for access shall be at least ten (10) feet from the allowance for access sidelines. The driveway shall be an all weather road with a turn around suitable for use by any and all emergency vehicles. A turn around shall be no more than three hundred (300) nor less than fifty (50) feet from the Back lot dwelling.
10. The allowance for access shall be free of buildings and other permanent structures.
11. The driveway shall not be located in a watercourse, drainage ditch or swale. Where the driveway must cross a water course, ditch or swale, bridging, culverts or other means shall be used to prevent flooding and other means shall be used to prevent flooding and provide the adequate drainage or water flow along the water way. The building or the driveway shall in no manner inhibit or modify the water flow characteristics of the surrounding area.
12. All applications for a Zoning Permit for a Back Lot shall have attached the following acknowledgment signed by the applicant(s):

The undersigned grantee(s) hereby acknowledge(s) that the premises described in the attached application is located upon a non-dedicated allowance for access, and further the grantee(s) understand(s) that no governmental body is responsible for care and maintenance of access
13. Review will be required by Harrisville emergency service personnel; optional review by other agencies (County Engineer, Soil and Water Conservation District, MCPC)

ARTICLE IV USE, AREA, AND HEIGHT REGULATIONS

Section 400

Section 400-4 Yard Requirements

- | | |
|--|------------------------|
| A. <u>Minimum Front Yard Depth</u> | One Hundred (100) feet |
| B. <u>Minimum Rear Yard Depth</u> | Twenty-five (25) feet |
| C. <u>Minimum Side Yard Width On Each Side</u> | Fifteen (15) feet |

Section 400-5 Maximum Building Height Thirty-five (35) feet

Section 401 R-1 RESIDENTIAL DISTRICTS

Section 401-1 Permitted Uses

- a) One-family dwelling
- b) Accessory Uses provided such uses are incidental to the principal use and do not include any activity conducted as a business. Such uses must be situated on the same lot with the principal building.
- c) Signs as regulated by Article VI Section 601-1A of this Resolution.

Section 401-2 Conditionally Permitted Uses

The Zoning Board of Appeals may issue Conditional Zoning Certificates for uses listed herein subject to Section 801-1 and 802 of Article VIII and other sections of Article VIII referred to below.

- a) Basement dwellings subject to Subsection 802.112.
- b) Independent trailers or mobile homes subject to Subsections 802.105 and 802.113.
- c) Churches and other buildings for the purpose of religious worship subject to Subsections 802.101, 802.105, 802.109, 802.118, and 802.121.
- d) Publicly owned and/or operated buildings and facilities subject to Subsections 802.105, 802.109, and 802.110.
- e) Governmentally owned and/or operated parks, playgrounds, golf courses subject to Subsections 802.102, 802.103, 802.105, 802.106, 802.107, and 802.121.
- f) Recreational uses other than those governmentally owned or operated subject to Subsections 802.102, 802.103, 802.105, 802.106, 802.107, 802.113, & 802.121.
- g) Strip and open pit mining or extraction operations for sand, clay, gravel, and other natural resources subject to Subsections 802.107, 802.117, 802.119, 802.120, 802.121, and 802.126.
- h) Home occupations subject to Subsection 802.122.
- i) Airports subject to Subsection 802.124.
- j) Limited trucking operation subject to Subsection 802.125.

Section 401-3 Area and Height Regulations

- a) Minimum Lot Size -- two (2) acres
- b) Minimum lot width at road right of way -- one hundred seventy-five (175) feet and minimum lot width at building setback line -- one hundred seventy-five (175) feet
- c) Minimum Front Yard Depth from road right of way -- one hundred (100) feet
- d) Minimum Side Yard Width -- fifteen (15) feet
- e) Minimum Rear Yard Depth -- twenty-five (25) feet
- f) Minimum Living Floor Area per Family -- exclusive of garages, breezeway, basements, porches, terraces, balconies, and outside enclosures
 - 1. One story or split level dwellings without basement -- 1200 square feet
 - 2. One story or split level dwelling with full basement -- 1100 square feet
 - 3. Two story or multi-level dwellings without basement -- a total of not less than 1400 square feet and a minimum of 800 square feet on any one level
 - 4. Two story or multilevel dwellings with full basement -- of not less than 1200 square feet and a minimum of 800 square feet on any one level
- g) Height Regulations -- no structure shall exceed thirty-five(35) feet in height,
- h) Off-Street Parking Regulations -- As regulated by Article VII, Section 701 of this Resolution

Section 401-4 Site Plan Review and Conformance

All uses conditionally permitted in the R-1 district shall be issued zoning certificates only after review and approval of the site plans by the Board of Appeals according to the procedures and requirements of Section 305.

Section 402 B-1 BUSINESS DISTRICT

Section 402-1 PURPOSE

The purpose of this district is to provide for a variety of retail, service and administrative establishments in designated areas. The B-1 district regulations are designed to provide opportunities for well-planned, attractive, safe commercial development that has a minimal adverse impact on surrounding residential areas, and shall be clean, quiet and free of hazardous or objectionable elements such as chemicals, noise, odor, dust, smoke or glare, and operate principally within enclosed structures.

Section 402-2 USES

A. Permitted Uses

- 1. Establishments engaged primarily in the fields of finance, insurance and real estate such as banks (without drive-in facilities), credit agencies, investment firms, real estate and insurance firms.
- 2. Establishments engaged in providing a variety of services to individuals and business establishments such as personal services, miscellaneous business services, medical and health services, engineering and architectural services, legal services, accounting, auditing and

bookkeeping services, nonprofit professional, charitable and labor organizations, dance studio and school, bowling alley, and motion picture and theatrical playhouse.

3. Establishments engaged in retail trade, such as drug stores, books and stationery, apparel, florist, garden supply, antiques, sporting goods, jewelry, optical goods, furniture, home furnishings, office supplies, beverages, restaurants, and food stores not exceeding 7,500 square feet.
4. Churches and other buildings for the purpose of religious worship.
5. Publicly owned and/or operated buildings and facilities.
6. Clubs, lodges, fraternal charitable or social organizations.
7. Veterinary clinic or hospital.
8. Educational, religious or philanthropic institutions.
9. Public self-storage facilities provided:
 - a) Storage inside buildings only.
 - b) Master key available for fire inspection.
10. Accessory uses clearly incidental to the principal uses permitted on the same premises.
11. Signs as regulated by Article VI.
12. Parking and loading as regulated by Article VII.

B. Conditionally Permitted Use

Within the B-1 District the following uses may be permitted as conditional use upon issuance of a conditional zoning certificate by the Zoning Inspector, subject to the general requirements of Article VIII and to the specific requirements of the subsections of section 802 referred to below.

1. Drive-in establishments including banks, restaurants and refreshment stands, but excluding drive-in theaters and commercial amusement parks, subject to subsections 802.107, 802.109, 802.127, 802.128.
2. Gasoline service station, garage and automotive repair subject to subsection 802.107, 802.109, 802.121, 802.130, 802.131, and 802.132.
3. The following uses may be conducted no closer than 100 feet from any residential district or existing residential use, subject to subsections 802.107, 802.121, 802.127, 802.128, 802.129, 802.131.
 - a) Carpenter, cabinet, upholstering, sheet metal, plumbing, heating, roofing, air conditioning, sign painting, surface preparation and other similar establishments.
 - b) Repair services for machinery and equipment including repair garages and specialty establishments such as motor, body and fender, radiator, motor tune-ups, muffler shops, tire repairing, sales and service.
4. Uses comparable to those as set forth in section A above, but not specifically provided for, may be conditionally permitted subject to procedures and criteria in Article X.
5. Use or uses conditionally permitted in the residential district.