

# ARTICLE III

## GENERAL PROVISIONS

### **Section 301 ESTABLISHMENT OF DISTRICTS**

For the purposes of this Resolution, Homer Township is divided into the following districts:

- R-1 Low Density Residential District
- R-2 Residential District (Adopted 6-28-01)
- B-1 Business District

The boundaries of these districts and classes of districts are hereby established upon the official Zoning Districts Map of Homer Township, Medina County, Ohio, and shall be maintained and exhibited in the office of the Township Clerk including all amendments. A copy of this map is attached hereto. When distances in feet are not shown on the Zoning District Map, the district boundaries shown are intended to be along existing street or plotted lot lines, or extensions of the same. Such dimensions shall be further determined by the use of the scale shown on the Zoning Districts Map, and by the written description of the Zoning Districts Map.

#### **Section 301-1 R-2 RESIDENTIAL (Rev. 6-28-01)**

- A. Land in any district may be used for agricultural purposes.
- B. For the purpose of this Resolution, "Agriculture" shall be defined by the Ohio Revised Code (ORC) Sec. 519. *(Eff. 6/27/14)*
- C. No zoning certificate shall be required for the construction of buildings incidental to the use of the land for agricultural purposes on which such buildings shall be located. Any residence or garage must comply with the zoning regulations and a zoning certificate is required. *(Eff. 6/27/14)*
- D. Section 401-1-D-1 notwithstanding, roadside stands may be located on the premises for the purpose of selling agricultural products which are produced on the same property where the stand is located, or on properties owned or operated by the stand operator, provided such stands are at least twenty-five (25) feet from the road right-of-way, and provided that adequate off-street parking facilities are available. See Sec. 401-4-D-1.

*(Eff.*

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Setback for undedicated roadways shall be twenty-five (25) feet from the edge of the roadway. *(Added 6/27/14)*

**Section 301-2 SUPPLEMENTARY REGULATIONS**

- A. No more than one (1) principal building shall be permitted on any one (1) lot.
- B. Every principal building shall be located on a lot having frontage on a public street. If there is no established right-of-way line on any road or street, side line shall be deemed to be thirty (30) feet from the center of the road.
- C. Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district, facing both streets.
- D. No structure shall be erected in any front yard between the principal building and the right-of-way, except a pond and/or lake. **(Rev. 6-8-2000)**
- E. An **Accessory Structure** is defined as a structure detached from a principal building located on the same lot and customarily incidental and subordinate to the principal building use, and shall comply in all respects with the requirements of this Resolution.**(Added 5/26/2010)**
- F. No building permit or zoning certificate shall be issued without evidence that the Medina County Health Department has approved the proposed sanitary sewage disposal facilities for the use for which the building permit or zoning certificate is required.

G.

Accessory uses provided such  
do not include any activity  
situated on the same lot as the principal building.

H.

Lots – the following requ  
township: **(Adopted. 2/4/99)**

1. The minimum lot width shall not be less than the minimum lot frontage required by the Resolution for the district in which the lot is located, excepting those lots along the bulb turnaround of a cul-de-sac street where the minimum lot width shall be achieved at the minimum building setback line and maintained for the entire depth of the lot.
  
1. Lots shall be laid out with side lot lines perpendicular to the road right-of-way except on the bulb of a cul-de-sac street, or when curvature of the road or unique physical condition of the land makes this impossible. This requirement shall not be interpreted to discourage the development of curved streets following the natural land contour.

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**Section 301-4            SITE PLAN REVIEW (Adopted 1/14/2000)**

**PURPOSE**

The purpose of this section is to establish procedures for site plan review to ensure that all the elements required in this Resolution are illustrated in the applicant's site plan. The design and the physical location of the use shall conform to the general intent of the community as specified in the Homer Township Zoning Resolution. *(Amended 9/17/15)*

A.        Developments that Require a Site Plan Review

Upon making application for a zoning permit for a business/commercial activity in any zone within Homer Township, the applicant will be required to submit to the Homer Township Zoning Commission, or when a

conditional use permit is involved, to the Homer Township Board of Zoning Appeals, a complete site plan for the proposed business/commercial development. See Sec. 901-2 of this Resolution. *(Amended 9/17/15)*

The Zoning Commission shall conduct a site plan review for all developments that come before it, as set forth in this section and all other applicable sections of this Resolution. Site plan review shall be required for the following types of developments. *(Amended 6/27/14)*

1. New construction or relocation of a building for all types of development, except for single and two-family dwellings;
1. Conversion of an existing structure to a non-residential permitted use, where no new exterior construction or site development is planned - for example, the conversion of residential use to a commercial use; *(Amended 9/17/15)*
1. Uses outlined in Section 403, which are implementing an addition or expansion having at least one of the following effects:
  - a. Alterations or rearrangements of on-site parking which results in a reduction or increase in the number of parking spaces,
  - b. An increase in the existing floor space area by 40% or more,
  - c. Alteration of traffic flows by way of ingress and egress or within the site itself,
  - d. The construction of public or private off-street parking areas where they are permitted under this Resolution, and
  - e. Employment increases where additional parking is required to remain compliant with Article VII, Section 701 of this Resolution.

B. Site Plan Application Requirements *(Amended 9/17/15)*

The site plan shall include the following requirements:

1. Completed application form,
1. Site plans, seven (7) copies, illustrating the following items and drawn to a legible scale:
  - a. General Vicinity Map
  - b. Property Boundary Lines and Setback Lines
  - c. Elevation Contours, existing and proposed
  - d. Traffic and Circulation Plan
  - e. Landscaping/Screening/Buffering Requirements (see Article

III, Section 301-4)

- f. Lighting Plan – See Sec. 301-4C-5 (Eff. 5/30/18)
- g. Adjacent Streets
- h. Parking and Loading Plan
- i. Grading and Erosion Control, Surface Drainage Plan
- j. Proposed Signage
- k. Footprints of existing and proposed structures
- l. Utilities Plan, and Structures,
- m. All easements and rights-of-way affecting the site.

All site plan drawings shall include dimensions and be clearly drawn to the indicated scale. *(Amended 6/27/14)*

Additional information may be requested by the Zoning Commission or by the Board of Zoning Appeals from the applicant, if deemed necessary to comply with zoning regulations. *(Added 6/27/14)*

- 1. The application shall be accompanied by a fee, as outlined in Section 901-5 of this Resolution, in order to be processed.

C. Review Standards

All site plan applications shall illustrate the following considerations:

- 1. Site plan shall show that thoroughfares, service roads, driveways and parking areas encourage pedestrian and vehicular traffic safety on both public and private lands.
- 1. 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 create a visual and/or physical barrier between conflicting and incompatible land uses.
- 1. On-site traffic circulation shall be designed for fire and police protection.
- 1. Grading and surface drainage provisions shall be designed to minimize adverse effects on abutting properties, streams, and public streets and to minimize the possibility of erosion.
- 5. A lighting plan shall be submitted as part of the site plan that includes information on the location and height of each lighting fixture and a photometric plan showing the proposed intensity

levels of the lighting throughout the site in foot-candles.  
(Eff. 5/30/18)

- a. The lighting plan shall indicate the minimum, maximum, and average intensity/illumination for the site.
  - b. The hours of use of the lighting fixtures shall be indicated on the plans.
  - c. The lighting plan shall demonstrate compliance with Sec. 301-3 Subsections A through D of this Resolution.
6. All development should be designed to preserve the natural amenities of the site and minimize the possibility of any adverse effects upon adjacent developments.
  7. The overall development concept shall reflect the goals and intent of the Homer Township Zoning Resolution. *(Amended 9/17/15)*

C. Review Process

Once a complete application for site plan review has been filed, the Homer Township Zoning Inspector shall:

1. As needed, circulate copies of the site plan to officials and technicians that would have information or knowledge pertinent to the project, such as the County Planning Commission, County Building Inspector, Sheriff's Department, Fire Chief, County Highway Engineer, County Sanitary Engineer, County Health Department, and any other necessary agencies, for review and comment.

Reviews by outside agencies or individuals shall be returned to the Township Zoning Inspector within ten (10) working days of the date of mailing if they are to be considered by the Township.

1. After the due date for the return of comments the Township Zoning Inspector shall arrange for a meeting with the applicant if there are any comments to discuss. Any necessary revisions should be made prior to the Zoning Commission meeting or Board of Zoning Appeals hearing. *(Amended 9/17/15)*
3. The Township Zoning Inspector shall notify the identified property owners, applicant, and other interested parties by mail, no less than ten (10) days prior to the Zoning Commission meeting. The notice shall indicate that any interested party may review a case file by

contacting the Township Zoning Inspector to arrange a time when the case file may be reviewed. (Amended 6/27/14)

C. Conformance with Site Plan

All aspects of the development shall conform to the approved site plan, and be reviewed by the Township Zoning Inspector.

1. A cash performance bond or other financial guarantee shall be placed on deposit with the Township's Clerk to ensure that the landscaping be installed, that the hard-surfacing of the private parking drives and parking areas be installed in conformance with the approved plan. Such bond or guarantee shall be an amount equal to the cost of the construction of the improvements based on an estimate approved by the Township Trustees, and shall be for a period not to exceed three (3) years, providing for the complete construction of the improvements within that period.
  
1. Issuance and Revocation of Zoning Certificate – Upon approval of a site plan, deposit of a performance bond or other guarantee in the appropriate amount, the Township Zoning Inspector shall issue a zoning permit specifying the conditions of the approval. If a zoning permit expires beyond one (1) year, any deposits 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. (Amended 6/27/14)

**Section 301-5                    LANDSCAPING, SCREENING, AND/OR BUFFERING**  
(Adopted. 1/14/2000)

A. Purpose

The purpose of landscaping, screening, and/or buffering is to enhance and soften the outline of buildings, to screen glare and reduce noise levels emanating from the site, and to create a visual and/or physical barrier between conflicting, incompatible and/or visually undesirable land uses. The installation of landscaping, screening, and/or buffering protects the health, safety and general welfare of the citizens of Homer Township through the reduction of noise, visual pollution, and headlight glare.

B. Applicability

Landscaping, screening, and/or buffering shall be required as follows:



1. All new business and commercial development on vacant lands,
1. Additional buildings or building additions that are proposed for a site currently developed with business or commercial uses, and
1. Currently developed business or commercial sites that are to be modified by changes in use, vehicle circulation, or parking area design.

C. Landscaping, Screening, and/or Buffering Plan Submission Requirements

Any development listed in Subsection B. above, shall submit, for review and approval, a Landscaping, Screening, and/or Buffering Plan to the Homer Township Zoning Commission for uses that are permitted, and to the Homer Township Board of Zoning Appeals for uses that are conditionally permitted. Landscaping, screening, and/or buffering plans shall be prepared by a person knowledgeable in landscape design and construction.

D. Required Landscaping, Screening, and/or Buffering

The following requirements shall be met:

1. Plantings, earthen berms, or mounds along public or private streets shall not block or interfere with required sight distance at street or drive intersections, nor shall any such plantings, earthen berms, or mounds contribute to the additional accumulation of snow within the public right-of-way.
1. Perimeter landscaping along the site perimeter shall only be required to the extent necessary to screen the activity areas and exterior lighting of the business and/or commercial use from neighboring business, commercial, and residential uses.
1. Screening, landscaping, and/or buffering shall prevent direct view of loading areas, storage areas outside an enclosed building, service areas, and associated service driveways from adjacent properties or from the public or private right-of-way when viewed from ground level.
1. Walls and fences, plants, and mounds are suitable for screening use individually or in combination with each other to create a dense screen, subject to review and approval by the Homer Township Zoning Commission for permitted uses, and by the Homer Township Board of Zoning Appeals for conditionally permitted uses.

1. In the use of landscaping and plantings, consideration must be given to the ultimate mature growth of the plantings.

**Section 301-6                    MAINTENANCE OF LANDSCAPING, SCREENING  
AND/OR BUFFERING (Adopted 1/14/2000)**

All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. All screening shall be trimmed and maintained in good condition, and kept free of advertising or other signs, except for directional and efficient traffic flow related signs. The property owner shall be responsible for continued, perpetual maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Homer Township Zoning Inspector to require replacement of the landscape material or institute legal proceedings to enforce the provisions of the section.

**Section 301-7                    REGULATIONS GOVERNING THE LOCATION AND  
CONSTRUCTION OF A LAKE OR  
POND**

Public or private ponds or lakes containing over one and one-half (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 District, 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 301-8                    SUBSTANDARD LOT**

Any lot of record prior to the effective date of this amendment where no adjoining land was under the same ownership, may be for a single family dwelling even if of lesser area width or depth than required by the regulations for the district in which located, provided that when the land was split it conformed to the zoning regulations in effect at the time.

- A. The owners of single nonconforming lots shall complete an affidavit prior to issuance of a zoning certificate certifying that the lot was not in common ownership or control at the time the lot became non-conforming; and
  
- B. If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership or control are of record, and if all or part of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be one (1) parcel for the purpose of this Resolution. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

**Section 301-9                    STREETS**

All right-of-way streets in a subdivision or allotment must be constructed according to Medina County regulations. (Rev. 2/4/99)

**Section 301-10                  GARAGE/YARD SALES (Eff. 10/24/07)**

**A.        PURPOSE**

These regulations are designed to control and restrict garage/yard sales in order to promote public convenience, comfort, prosperity, and general welfare and to restrict such sales to casual and/or occasional occurrences only, in keeping with the character of the neighborhood where this activity is carried on. The intent of this subsection is to eliminate perpetual, prolonged and extended garage and yard sales in the R-1 and R-2 Districts and prohibit the creation of de-facto businesses in the B-1 District of Homer Township. Such sales, if continued indefinitely, tend to become retail businesses in residential areas and zones, create a nuisance and violate the Zoning Regulations of Homer Township. The provisions of this article arise from the need to limit, regulate, restrict and control garage and yard sales.

**B.        DEFINITIONS**

As used in this subsection, the following terms shall have the meanings indicated:

1. Yard Sale:
  - a. The sale or offering for sale of new, used or secondhand items of personal property in the R-1 and R-2 Districts and temporary sales in the B-1 District not associated with a business that is in compliance with existing zoning.
  - b. Includes, *but is not limited to* sales entitled “garage sale,” “yard sale,” “tag sale,” “porch sale,” “lawn sale,” “attic sale,” basement sale,” “rummage sale,” “flea market sale,” or any similar casual sale of tangible personal property in all Districts.
2. Goods - any goods, warehouse merchandise or other personal property capable of being the object of sale regulated hereunder
3. Persons - individuals, partnerships, family groups, non-profit organizations, and corporations

**C. PERMIT REQUIRED, FEE, and CONDITIONS FOR SALES**

1. It shall be unlawful for any person to conduct a yard sale within the geographic boundaries of Homer Township without first obtaining a yard sale permit, at no charge, from the Homer Township Clerk, after filing an application containing the information hereinafter specified. Application for a permit must be made a minimum of two (2) weeks prior to the starting date of the sale. A copy of this Application Form can be found in Appendix C of the Homer Township Zoning Resolution.
2. No more than four (4) yard sale permits shall be issued for any one (1) premises for one (1) calendar year.
3. Yard sales shall be limited in time to no more than the daylight hours of 9:00 a.m. and 6:00 p.m., on three consecutive days.
4. It shall be unlawful to conduct any yard sale with a duration exceeding three (3) consecutive days.
5. No personal property offered for sale at a yard sale shall be displayed in any public right-of-way.

6. Inclement weather – If a yard sale is not held on the dates for which the permit is issued, or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the Homer Township Clerk may issue another permit to the applicant for a yard sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held.
7. Fifth (5<sup>th</sup>) Sale Permit – a fifth (5<sup>th</sup>) yard sale shall be permitted in a calendar year if satisfactory proof of a bona fide change of ownership of the real property is first presented to the Homer Township Clerk.
8. Any and all items that remain from the yard sale after the third day must be removed or stored in an enclosed area within 24 hours after said yard sale.

**D. RESPONSIBILITIES OF PERMIT HOLDER AND OWNER**

The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. All such individuals shall obey the reasonable orders of any member of the Police, Fire, or Sheriff's Departments of the State of Ohio and Medina County in order to maintain the public health, safety and welfare.

A police officer, zoning inspector, fire prevention inspector or any other official designated by Homer Township to make inspections shall have the right of entry to any premises showing evidence of a yard sale for the purpose of enforcement or inspection.

**E. SIGNS**

All signs shall comply with the Homer Township Zoning Resolution, Section 601-3, Temporary Signs. No sign shall be placed on any utility pole.

**F. PARKING**

All parking of vehicles shall be conducted in compliance with all applicable laws. Permit holder must provide adequate off-road parking so as to avoid interference with the traveling public.

**G. REVOCATION AND REFUSAL OF PERMIT**

Any permit issued under this article may be revoked or any application for issuance of a permit may be refused by the Homer Township Clerk if the application submitted by the applicant or permit holder is incomplete or contains any false, fraudulent, or misleading statement.

**H. EXEMPTIONS**

This Section shall not be applicable to:

1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction
2. Persons acting in accordance with their powers and duties as public officials
3. Any person selling four (4) or less items of personal property which are specifically named or described in an advertisement offering the items for sale
4. Any public auction conducted by a licensed auctioneer, dealing with the sale of property or the personal property of the Owner of such property

**Section 301-11 OUTDOOR WOOD-BURNING FURNACE STRUCTURES (OWBFS)/OUTDOOR WOOD-FIRED HYDRONIC HEATER STRUCTURES (OWFHHS)**  
(Adopted 5/26/2010)

**PURPOSE**

Conclusive evidence exists that uncontrolled wood-burning devices including Outdoor Wood-Burning Furnaces and Outdoor Wood-Fired Hydronic Heaters emit particulate matter, carbon monoxide, and other pollutants known to be detrimental to the health of the public; exposure to these pollutants can cause adverse short-term health effects such as eye, nose, throat, and lung irritation, coughing, as well as shortness of breath; and long term exposure to these pollutants can cause asthma, heart and lung disease as well as cancer.

**Reference Sources:** <http://www.epa.gov/burnwise> and Akron Regional Air Quality District

The Board of Homer Township Trustees recognizes that Outdoor Wood-

Burning Furnaces (OWBFS) and Outdoor Wood-Fired Hydronic Heaters (OWFHHS) can be substantially dirtier and less efficient than most other home heating technologies. With their smoldering fires and short smokestacks (usually no more than six to ten feet tall), Outdoor Wood-Burning Furnaces and Outdoor Wood-Fired Hydronic Heaters may create heavy smoke and release it close to the ground, where it often lingers and exposes people in the area to nuisance conditions and health risks.

**Reference Source:** Akron Regional Air Quality District, 146 So. High St. -Suite 904, Akron, Ohio 44308

The installation of any Outdoor Wood-Burning Furnace or Outdoor Wood-Fired Hydronic Furnace Structure, hereinafter referred to as OWBFS and OWFHHS, shall require a Homer Township Zoning Permit, and may likely require a building permit from the Medina County Building Dept. All OWBFS or OWFHHS furnaces shall meet the following requirements:

- A. An OWBFS or OWFHHS is an accessory use and is considered to be a structure.
- B. No person shall operate an OWBFS or OWFHHS in such a manner as to create a nuisance.
- C. The location of an OWBFS or OWFHHS shall be in accordance with the following requirements:
  - 1. No more than one (1) OWBFS or OWFHHS per parcel shall be permitted.
  - 2. Shall be located only in the rear yard;
  - 3. Shall comply with all district setback requirements;
  - 4. If located fifty feet (50') or less from any residence not served by the furnace, the stack must be at least five (5) feet higher than the peak of any residence not served by the OWBFS or OWFHHS.
  - 5. More than one building on the parcel may be serviced from a single OWBFS or OWFHHS.

D. Fuel Materials

Fuels as approved by the Environmental Protection Agency shall be utilized. The Zoning Inspector shall, among other actions, report alleged violations to the Akron Regional Air Quality Management District and/or the Ohio EPA for enforcement.

**Section 301-12            WILD OR EXOTIC ANIMALS**

It is the intent of this section to exclude all wild or exotic animals, as defined in Article II-Definitions, from the Township by an individual, firm, association, or corporation as a pet or as a commercial item.