



Zoning Text Amendments

Harrisville Township

Meeting: May 4, 2022
Applicant: Harrisville Township
Hearing: TBD
Amendments: Definitions
 Section 401 R-1 Residential District
 Section 402 B-1 Business District
 Section 409 Alternative Energy Systems
 Section 501 Non-Conforming Use
Reviewer: Denise Testa
Recommendation: **APPROVE WITH MODIFICATIONS**

Proposal: Tom Guggenbiller, Harrisville Township Zoning Inspector, requested a review of proposed revisions in several sections in the Harrisville Township Zoning Resolution. Township revisions are shown in red. Department of Planning Services (DPS) staff comments are shown black as *bold and italics*.

Revisions to Definitions

Add Structure to definitions and to Sections 400, 401, 402, 403, 404, 405, 410 and 411.

Structure: Any combination of materials assembled at a fixed location and requiring attachment to the land through pilings, footings, foundations and the like, to give support or shelter and/or provide for habitation or use, such as but not limited to a building, bridge, trestle, tower, framework, tank, tunnel, platform, bin, or the like.

Some Zoning Resolutions include fences in the structure definition.

Revisions in Section 401 R-1 Residential Districts

Section 401-2.f 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.

~~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.~~

Section 401-3.f Area Height Regulations

- 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 **not including any attached garage or any areas not designated as a living space**
 - ~~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

Revisions in Section 402 B-1 District

Section 402-2.B.3 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.

- ~~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, 802.131.~~
 - ~~a) Carpenter, cabinet, upholstery, 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.~~

Revisions to Section 409-1

~~Outdoor Hydronic Burners~~ - Wind Energy - Solar

Purpose

The purpose of this section is to accommodate Alternative Energy Systems, including solar panels/systems and small wind energy systems ~~and outdoor hydronic burners~~ in appropriate locations, while minimizing any adverse visual, safety and environmental impacts of the system. In addition, this section provides a permitting process for alternative energy systems to ensure compliance with the provisions of the requirements and standards established herein.

~~Section 409-1 OUTDOOR HYDRONIC BURNERS~~

~~Definitions~~

- ~~A. Outdoor Hydronic Burners: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of heating system providing heat for any interior space or water source~~
- ~~B. Structure: Anything constructed or erected, the uses of which requires permanent or temporary location on the ground or attached to something having a permanent or temporary location on the ground, including, but not limited to buildings, signs, billboards, pergolas, roadside stands, fences, walls used as fences, decks, pools, sheds, Outdoor Hydronic Burners or off street parking facilities, including tower mounted wind and solar and wind energy systems~~

General Requirements:

~~Any person who installs or operates an Outdoor Hydronic Burner shall comply with the following requirements:~~

- ~~A. No person shall operate an Outdoor Hydronic Burner in such a manner as to create a public or private nuisance.~~
- ~~B. All Outdoor Hydronic Burners shall be installed and operated in accordance with manufacturer's instructions so as to not allow smoke and fumes to enter buildings on surroundings properties.~~
- ~~C. Site Requirements:
 - ~~1. The Outdoor Hydronic Burners shall be installed on a lot of two (2) acres or more.~~
 - ~~2. The Outdoor Hydronic Burners shall be located in the side or rear yard area.~~
 - ~~3. The Outdoor Hydronic Burners shall have a permanent stack/chimney with a — minimum height 3 feet above the peak of the roof of the outdoor hydronic burner.~~~~
- ~~D. Setback Requirements
 - ~~1. Except for the principal building serviced an outdoor hydronic burner shall be placed at least 150 feet from the nearest building intended for human habitation, place of assembly, education or occupancy by the public.~~
 - ~~2. The Outdoor Hydronic Burner shall be located at least 25 feet from accessory buildings on the same lot.~~~~
- ~~E. An Outdoor Hydronic Burner must meet current EPA requirements at the time of installation and must be installed and operated according to EPA and manufacturing guidelines. No person shall construct, establish or install a new Outdoor Hydronic Burner that is not an EPA Phase 2 qualified Model. These Outdoor Hydronic Burners must follow Federal Government Guidelines.~~

The EPA rules made new outdoor hydronic burner units unusable in 2020.

Revisions in Section 501-2.e/f Regulations (Non-Conforming Uses)

The lawful use of any building or land existing at the effective date of this Resolution may be continued although such use does not conform with the provisions of this Resolution, provided the following conditions are met:

- e) Discontinuance of Abandonment. Whenever a non-conforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered conclusive evidence of an Intention to legally abandon the non-conforming use. At the end of the two (2) year period of abandonment the non-conforming use shall be in conformity with the provisions of the Resolution. ~~Any further or future use must comply with the current Zoning Resolution.~~

f) Restoration. Nothing in this Resolution shall prevent the reconstruction, repairing, rebuilding, and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or Act of God, subsequent to the date of this Resolution. ~~wherein the expense of such work does not exceed fifty (50) percent of the total replacement cost of the building or structure at the time such damage occurred.~~ An allowance for a temporary 6 month use (with one possible 6 month extension at the Zoning Inspector's discretion) construction project office trailers in all business and Industrial districts (exception- prohibits this in any residential district or residential use.) to the code in appropriate sections 402, 403, 404, 405, and 411.

The Township was advised by legal counsel to remove this text in Section F.

The additional sentence beginning with "An allowance for a temporary..." is confusing. Staff is uncertain about the purpose of this new text. A revision is recommended.

Staff recommends deleting "...at the Zoning Inspector's discretion..." because this statement could be viewed as arbitrary.

Department of Planning Services Recommendation: Staff recommends the Medina County Planning Commission **APPROVE WITH MODIFICATIONS** the proposed text amendments to the Harrisville Township Zoning Resolution.