Homer Township Zoning Resolution

TOWNSHIP TRUSTEES

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Claude Doering
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TOWNSHIP BOARD OF ZONING APPEALS

Nancy Adkins
Bill Cross
Gerry Goertzen
Ben Mey
Robert Rodman
Gail Perry, Alternate
Sarah Kwiecien, Secretary

Homer Township Zoning Resolution

CERTIFICATION

As of the date contained herein, the undersigned hereby certify this to be a true and correct copy of the Homer Township Zoning Resolution as adopted by the Homer Township Trustees effective November 6, 1956, and amended effective June 1, 1965, January 29, 1968, March 10, 1971, May 28, 1975, July 30, 1975, April 28, 1976, August 27, 1979, August 28, 1980, July 27, 1981, February 13, 1992, March 2, 1994, December 11, 1996, and January 14, 2000, June 8, 2000, June 28, 2001, October 24, 2001, October 22, 2003, July 1, 2005, November 24, 2008, and May 26, 2010, October 27, 2010, June 27, 2014, September 17, 2015, February 25, 2016, May 30, 2018, April 25, 2019, June 28, 2019, October 14, 2020, May 24, 2023, December 27, 2023, and January 15, 2026.

HOMER TOWNSHIP TRUSTEES

_____	_____
Rob Bloom	Date
_____	_____
Claude “Red” Doering	Date
_____	_____
Bryan Rose	Date

Attested by Homer Township Fiscal Officer

_____	_____
Russell Schwartz	Date

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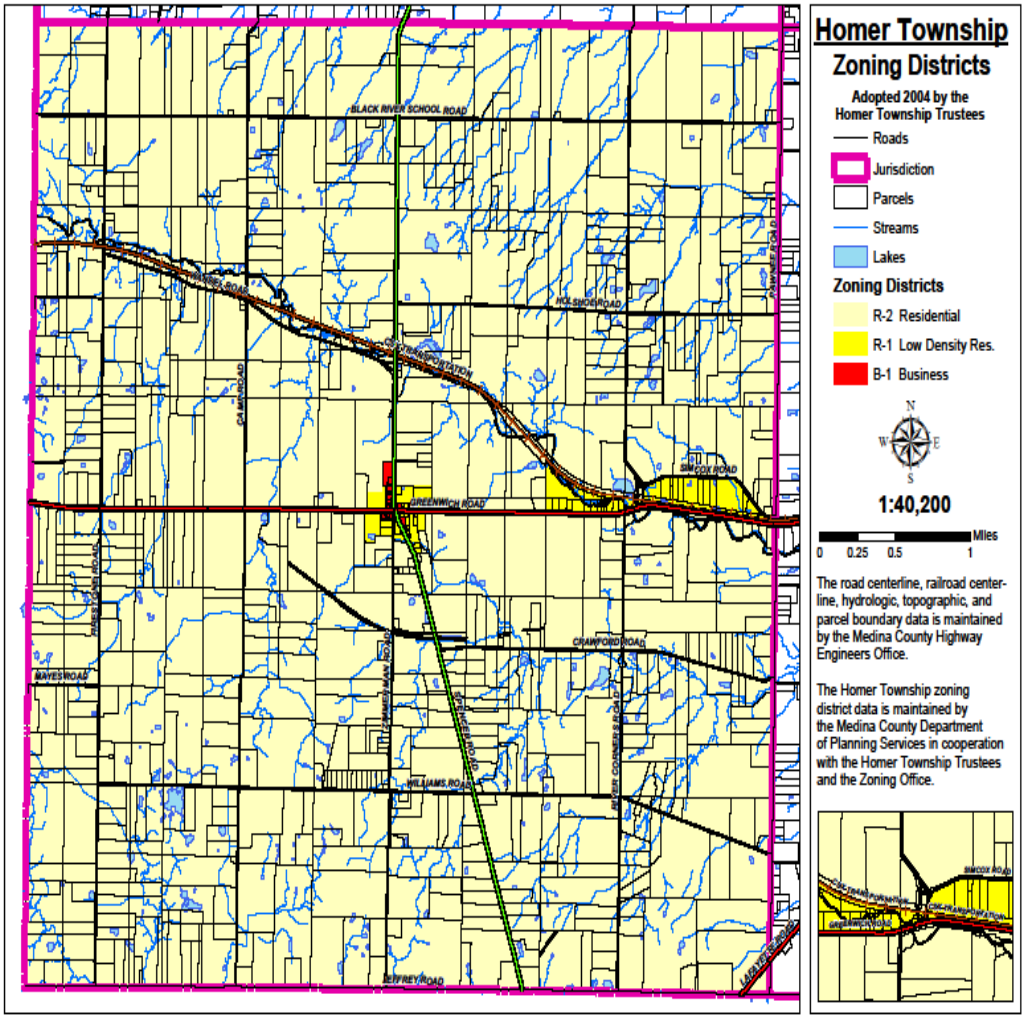

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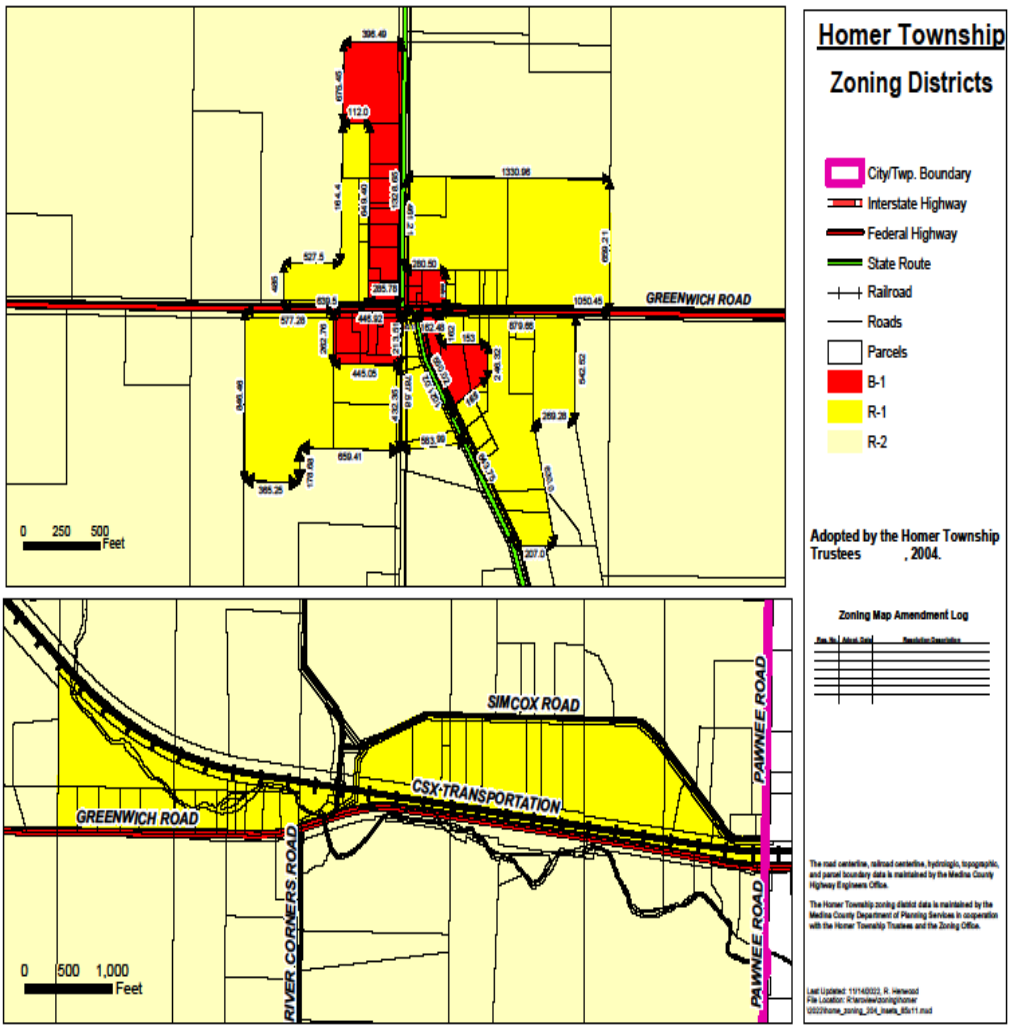

ARTICLE I

TITLE, AUTHORIZATION, PURPOSE

Section 101 TITLE

This resolution shall be known as the **Homer Township Zoning Resolution.**

Section 101-1 AUTHORIZATION

The authority for establishing the **Homer Township Zoning Resolution** is derived from Sections 519.01 – 519.99 inclusive of the Ohio Revised Code, as revised.

Section 101-2 STATEMENT OF PURPOSE

The Trustees of Homer Township find it necessary, for the purpose of promoting the public health, safety, morals, comfort, and general welfare, to regulate the use, size and location of buildings and other structures, the size and location of yards and other open spaces in relation to buildings, and the use of land within Homer Township, as reflected in the Homer Township Comprehensive Plan.

Section 101-3 REGULATION OF USES (Adopted 10/24/2001)

Any use which is not specifically listed within this Zoning Resolution as a permitted use, or as a 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.

ARTICLE II - DEFINITIONS

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

Accessory Structure - 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. **(Eff. 5/26/2010)**

Agriculture – shall be defined by Ohio Revised Code (ORC) Section 519.01
(Eff. 6/27/14)

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

Animal Hospital - (See Veterinary Clinic)

Auction House – an enclosed place or establishment conducted or operated for compensation or profit as a private or public market where items are offered for sale through competitive bidding. The term "auction house" shall not include on premises estate, foreclosure, real estate or personal property sales conducted upon the estate, foreclosed or For Sale property or property belonging to the personal property owner. The term "auction house" shall not include flea markets, yard sales, or livestock markets defined or regulated elsewhere, or Sheriff's or bank repossession sales. **(Eff. 2/25/16)**

Auto Salvage Facility – See Junk Yard

Basement - is a story, suitable for business or habitation, partially below the level of the adjoining street or ground and below the first tier of floor beams or joists. When a basement floor is less than two (2) feet below the average grade, it will be rated as the first story or ground floor.

Bed and Breakfast Home - a dwelling that provides 1 to 4 rooms (limited to two (2) persons or one (1) family per unit/room) for occasional paying guests on an overnight basis for periods not to exceed 7 days, with breakfast being available on premises at no additional cost. A Bed and Breakfast Home is allowable only in a building originally constructed as a one-family dwelling.

Billboard - is a "sign" which directs attention to a business, commodity, service, or any other activity conducted, sold, placed, or otherwise offered elsewhere than on the premises on which the billboard is located. Billboards shall be regarded as buildings or structures within the meaning of this Resolution.

Boarding House or Rooming House - is a dwelling where meals or lodging and meals are provided for compensation to two (2) or more persons by pre-arrangement for definition periods. A boarding house is to be distinguished from a hotel.

Buffer - an area within a property or site generally adjacent to and parallel with the property line, either consisting of natural existing vegetation, or created by the use of trees, shrubs, fences, and/or berms, designed to limit continuously the view of, and/or sound from, the site to adjacent sites or properties. **(Eff. 1/14/2000)**

Building - is a structure designed, built, or occupied as a shelter or roofed enclosure for persons, animals, or property, and when separated by a firewall, each such separated portion of such structure shall be deemed a separate building.

Building, Earth Sheltered - A structure built underground and beneath a continuous exterior surface grade, having a floor at or above the exterior grade on one or more sides.

Building Height - is the vertical dimension measured from the average elevation of the finished lot grade at the front of the building, to the highest point of ceiling of a mansard roof; and to the average height between the plate and ridge of a gable, hip, or gambrel roof.

Building Line - is a line defining the minimum front, side, and rear yard requirements.

Building, Principal - is a building housing the principal activity performed on any lot.

Centralized Sewer System - is where individual lots are connected to a common disposal system whether publicly or privately owned and operated.

Centralized Water System - is where individual lots are connected to a common distribution system whether publicly or privately owned and operated.

Dairy Locker – a refrigerated room to store dairy products **(Eff. 12/27/2023)**

Deck – a flat floored roofless area adjoining or connected to a residence or building. **(Eff. 6/27/19)**

Density - is the number of families residing on, or dwelling units developed on, an acre of land.

Energy Generating Devices (Wind and Solar) **(Eff. 10/27/2010)**

a. Wind Energy Conversion Systems (WECS) – wind powered rotating devices located on top of a pole or structure that in turn rotates a turbine to generate electricity.

b. Small Wind System – a WECS that has a maximum capacity of 100 kilowatts or less and has a maximum height of 140 feet.

c. Wind Turbine Height – The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height, or to the highest point of a vertical axis turbine.

d. Wind/Solar Facility – All equipment, machinery, and structures utilized in connection with the conversion of wind or solar energy to electricity. This includes, but is not limited to, towers, transmissions, storage, collection and supply equipment, substations, and transformers.

e. Wind Turbine – A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades, or a vertical axis rotor.

f. Solar Panel – A single photovoltaic panel or a group of photovoltaic panels that convert solar energy to electricity.

Exotic Animals - (See Wild or Exotic Animals)

Family - is one (1) or more persons related by marriage or immediate blood relationship occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, a lodging house, club, fraternity, or hotel.

Feed Store – a store selling exclusively animal feeds **(Eff. 12/27/2023)**

Fence – an artificial barrier or divider constructed to provide privacy, to prevent escape or intrusion, to mark a boundary, or to enclose an area. **(Eff. 6/27/19)**

Fifth-Wheel Trailer **-** a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four-hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck. [ORC § 4501.01(Q) (6) (d)] **(Eff. 10/22/2008)**

Garage Sale – See "Yard Sale"

Garage, Public or Storage - is a building or part thereof other than a private garage for the storage of motor vehicles and in which service station activities may be carried on.

Glare – direct or reflected light that causes annoyance, discomfort, reduced vision, momentary blindness, or loss in visual performance. **(Eff. 5/30/18)**

Goods – Any goods, warehouse merchandise, or other personal property capable of being the object of sale regulated under Sec. 301-10 of this Resolution. **(Eff. 10/24/07)**

Home, Manufactured – a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to …42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. [Ref. ORC § 3781.06 (C) (4)].
(Eff. 10/22/2008)

Home, Mobile – a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) feet in length or, when erected on site, is three-hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more section, and does not qualify as a manufactured home as defined in § 3781.06 (C) (4), or as an industrialized unit as defined in § 3781.06(C)(3).
[Ref. ORC § 4501.01(O)] **(Eff. 10/22/2008)**

Home, Motor – a self-propelled recreational vehicle constructed with permanently installed sanitary facilities and facilities for cold storage, cooking and consuming of food and/or sleeping. [ORC § 4501.01 (Q) (6) (b)] **(Eff. 10/22/2008)**

Home Occupation

Type 1 - a Type 1 Home Occupation is a non-residential use conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling, and which meets all building and health requirements of the Township, County, and State.

Type 2 - a Type 2 Home Occupation is a non-residential use conducted in an accessory building on a residential property and is carried on by the property's residents and a maximum of three (3) non-resident employees, which use is clearly incidental and secondary to the use of the property for dwelling purposes, and which meets all building and health requirements of the Township, County and State. All Type 2 Home Occupations shall require a Conditional Use Permit.

Hotel or Motel - is a building occupied or used as a more or less temporary abiding place of individuals or groups of individuals with or without meals, and in which there are more than five (5) sleeping rooms and in which no provision is made for cooking in any individual room.

Inoperable Motor Vehicle/Junk Motor Vehicles - any vehicle which is extensively damaged including, but not limited to, those missing wheels, tires, motor, accessories, or any parts missing for the operation of a motor vehicle, or which is apparently inoperable or in the process of being dismantled or is incapable of being driven under its own motor power. **(Eff. 6/27/19)**

Junk or Scrap – includes, but is not limited to, any old or discarded material such as scrap metal, paper, rags, construction debris, plastic, inoperable junk motor vehicles, used building materials, old and used machinery, tools, appliances, fixtures, and utensils, used lumber, used glass, rubber, cordage, barrels, etc. **(Eff. 6/27/19)**

Junk Yard **–** any lot, land, parcel, building, or structure or part thereof used for storage, collection, processing, sale, salvage, disposal, or recycling of junk. **(Eff. 6/27/19)**

Lake – see Pond/Lake **(Eff. 6/27/19)**

Landscaping – the functional alteration and planting of grounds to meet specific criteria regarding the use of land, as required by the Homer Township Zoning Resolution. **(Eff. 1/14/2000)**

Light Trespass – light that shines beyond the boundaries of the property on which the luminaire is located **(Eff. 5/30/18)**

Loading Space - is an off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading

merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

Lot – a parcel of land whose boundaries have been established by a recorded legal instrument such as a deed, or a plot, of sufficient size to meet minimum zoning requirements for use and area, and to provide such yards and other open spaces as are required by the Homer Township Zoning Resolution. A lot shall have frontage on a dedicated public street or upon an improved private street. **(Eff. 9/17/15)**

Lot, Corner - is a lot at the point of intersection of and abutting on two (2) or more intersecting streets, the angle of intersection being not more than one hundred thirty-five (135) degrees; it is the land occupied or to be occupied by the corner buildings.

Lot, Depth of - is the mean distance from the right-of-way line of the street at the front of the lot to its opposite rear line measured in the general direction of the side lines of the lot. Where the right-of-way is not established, it shall be assumed to be sixty (60) feet.

Lot, Interior - is a lot other than a corner lot.

Lot Lines - are the lines defining the limits of a lot.

Lot of Record - is a lot which is part of a subdivision, the plat of which has been recorded in the Office of the Recorder of Medina County, or a lot described by meters and bounds, the deed to which has been recorded in the Office of the Recorder of Medina County.

Lot, Width of - is the width measured along the minimum setback line.

Lumber yard – a yard or enclosure where lumber is stored **only** in conjunction with a sawmill **(Eff. 12/27/2023)**

Luminaire – a complete lighting unit consisting of a lamp(s) together with the parts designed to distribute the light, to position and protect lamps, and to connect the lamp to the power supply. **(Eff. 5/30/18)**

Meat Locker – a refrigerated room to store processed meat **(Eff. 12/27/2023)**

Minimum Building Setback Line - is a line in back of and parallel to, the street right-of-way line and at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located. Where the right-of-way is not established, it shall be assumed to be sixty (60) feet.

Minimum Living Floor Area - is the living floor area and shall consist of areas such as living room, bedroom, bathroom, dining room, rooms for cooking, den, library, and family rooms, but shall not include areas such as porches, breezeways, terraces, recreation rooms, utility rooms, garages, and basements.

Minimum Lot Width – the smallest horizontal distance between opposite lot lines a parcel of land is permitted to be, as measured by any perpendicular line drawn between the side lot lines and parallel to the street right-of-way line. **(Eff. 2/4/99)**

Motel - See "Hotel"

Nonconforming Use - is a building, structure, or use of land existing at the time of the enactment of this Resolution, and which does not conform to the regulations other than height, area, and yard requirements for the district in which it is situated.

Obtrusive Light – spill light which, because of quantitative, directional, or spectral context, gives rise to annoyance, discomfort, distraction, or loss in visual performance. **(Eff. 5/30/18)**

Off-Street Parking – a permanently surfaced open area, other than a street or other public way, used for parking of vehicles and available to the public for a fee, or for free, or as an accommodation for customers or clients. **(Eff. 6/27/19)**

Open Space - is an area of land that is in its natural state, or is developed only for the raising of agricultural crops, or for public outdoor recreation. **(Eff. 7/29/98)**

Outdoor Wood-Burning Furnace/Outdoor Wood-Fired Hydronic Heater (OWBFS/OWFHHS)– 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 a heating system providing heat for any interior space or water source. **(Eff. 5/26/2010)**

Park Trailer – a vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four-hundred (400) square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances. [ORC § 4501.01(Q) (6) (e)] **(Eff. 10/22/2008)**

Parking - is the temporary holding of a vehicle for a period longer than required to load or unload persons or goods.

Passive Recreational Facility – is a hiking trail **(Eff. 7/29/98)**

Pergola – an arbor formed of horizontal trellis work supported on columns or posts, over which vines or other plants may be trained. **(Eff. 6/27/19)**

Persons – Individuals, partnerships, family groups, non-profit organizations, and corporations. **(Eff. 10/24/07)**

Pole – a long, slender piece of wood or metal with one end placed in the ground, typically used to support items including, but not limited to, flags and lights. **(Eff. 6/27/19)**

Pond/Lake – any artificially constructed or natural body of water which contains a depth of at least one and one-half (1 ½) feet at any point. Refer to Sec. 301-7 of this Resolution.

(Eff. 6/27/19)

***Pool* –** any artificially constructed body of water greater than one and one-half feet (1 ½') at any point, used or intended to be used for swimming or bathing. **(Eff. 6/27/19)**

Public Utility - is any person, firm, corporation, governmental agency, or board fully authorized to furnish, and furnishing under municipal regulation, to the public, electricity, gas, steam, telephone, telegraph, transportation, or water or any other similar public utility.

Residence, dual – a single detached structure converted to accommodate two separate, independent households, e.g., two families **(Eff. 5/24/23)**

Residence, single – a single detached structure designed to accommodate a single, independent household, e.g., one family **(Eff. 5/24/23)**

Roadside Stand – a structure used or intended to be used solely by the owner or tenant of a property on which it is located for the sale of seasonal agricultural products produced on the premises or on premises owned by them. **(Eff. 6/27/19)**

Sawmill – a facility where logs are cut into lumber **(Eff. 12/27/2023)**

Screen – a structure or planting consisting of fencing, berms, and/or evergreen trees or shrubs providing a continuous view obstruction within a site or property. **(Eff. 1/14/2000)**

Self-contained Recreational Vehicle – a recreational vehicle that can operate independent of connections to sewer and water and has plumbing fixtures or appliances all of which are connected to sewage holding tanks located within the vehicle.
[Ref. ORC § 3733.01(E)]. **(Eff. 10/22/2008)**

- Also included in this definition is ***Truck Camper*** – a non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck Camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. [ORC § 4501.01 (Q) (6) (c)]
  (Eff. 10/22/2008)

Sexually Oriented Businesses – See Sec. 403-2.1 B **(Adopted 7/1/2005)**

Shed – see Accessory Structure. **(Eff. 6/27/19)**

Sign - any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination, or projected image. **Also refer to Article VI-Sign Regulations.**

Sign, Business - these signs are permitted only in a business district, providing such signs are in direct relation to the use of the premises on which they are located.

Skid House - is a dwelling on skids or runners and shall be subject to the same regulations as independent trailers (Section 802-118).

Stone yard – a yard or enclosure where stonecutters are employed **(Eff. 12/27/2023)**

Story, Height of - is the vertical distance from the top surface of one floor to the top surface of the next above. The height of the topmost story is the distance from the top surface of the floor to the top surface of the ceiling joists.

Street, Private - is a thoroughfare which affords principal means of access to abutting property, but which has not been deeded to the public.

Street, Public - is a public thoroughfare which has been dedicated or deeded to the public for public use and accepted by the Trustees and which affords principal means of access and abutting property.

Structure **–** anything constructed or erected, 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, shed, poles, Outdoor Wood-Burning Furnaces or Outdoor Hydronic Heaters, or off-street parking facilities.
(Rev. 5/26/2010, Rev. 6/27/19)

Structural Alteration - is any change in the supporting members of a building such as bearing walls, columns, beams, girders or any substantial changes in the roof and exterior walls.

Trailer – a vehicle used, or intended for use, as a conveyance upon the public highways or streets, so designed, constructed, reconstructed, or added to by means of portable accessories in such a manner that will permit the occupancy thereof as a movable dwelling or sleeping place. Buses and motor homes shall not be defined as a trailer within the meaning of this Resolution. [Ref. ORC 4501.01] **(Eff. 10/22/2008)**

Travel Trailer – a non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue coupling, and contains less than three-hundred twenty (320) square feet of space when erected on site. “Travel trailer” includes a tent-type fold-out camping trailer as defined in ORC § 4517.01.
[Ref. ORC § 4501.01 (Q) (6) (a)] **(Eff. 10/22/2008)**

Telecommunications Facility (TCF) – is any unstaffed facility for the transmission and/or reception of wireless telecommunications services, usually consisting of an Antenna Array, connection cables, an Equipment Facility, and a Support Structure to achieve the necessary elevation. **(Eff. 7/29/98)**

Thoroughfare - is a street or alley.

Uplight – any light source that distributes illumination above a 90-degree horizontal plane **(Eff. 5/30/18)**

Use - the purpose for which a building or land is arranged, designed, intended, maintained, or occupied. **(Eff. 6/27/19)**

Used Motor Vehicle Sales – any lot on which two (2) or more motor vehicles, which have been previously titled in a name other than the manufacturer or dealer, in operating condition are offered for sale or display to the public. **(Eff. 6/27/19)**

Veterinary Clinic/Animal Hospital - any premises to which animals are brought, or where they are temporarily kept, solely for purposes of diagnosis or treatment of any illness or injury.

Wall – see Fence. **(Eff. 6/27/19)**

Wild or Exotic Animals - any non-human primate, wolf, fox, bear, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal, constrictive or poisonous snake or stone fish which can normally be found in the wild state or any member of the crocodilian family including, but not limited to, alligators, crocodiles, caimans, and gavials. Non-poisonous snakes, raccoons, skunks, squirrels, rabbits, guinea pigs, laboratory rats, mice, gerbils, and hamsters, which have never lived in the wild state, shall be excluded from this definition.

Yard Depth, Front - is the perpendicular distance between the street right-of-way line and the nearest portion of any structure existing or to be constructed excluding steps and uncovered porches. Where the right-of-way is not established it shall be assumed to be sixty (60) feet.

Yard Depth, Rear - is an open unoccupied space on the same lot with the building between the rear line of the building and the rear line of the lot and extending the full width of the lot.

Yard Sale **- (Eff.10/24/07)**

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.

Yard Width, Side - the perpendicular distance between the established side lot line and any portion of any structure existing or to be constructed on said lot.

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. 6/27/14)**

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.**(Adopted 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 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 as the principal building.

H. Lots – the following requirements shall be met for all lots within the 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.

2. 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.

Section 301-3

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Section 301-4 SITE PLAN REVIEW (Eff. 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;

2. 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)**

3. 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,

2. 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
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.
(Adopted 6/27/14)

3. 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.

2. 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.

3. On-site traffic circulation shall be designed for fire and police protection.

4. 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.

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)**

D. 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.

2. 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)**

E. 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.

2. 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,

2. Additional buildings or building additions that are proposed for a site currently developed with business or commercial uses, and

3. 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.

2. 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.

3. 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.

4. 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.

5. 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

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.

1. No more than four (4) yard sale permits shall be issued for any one (1) premises for one (1) calendar year.

2. 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.

3. It shall be unlawful to conduct any yard sale with a duration exceeding three (3) consecutive days.

4. No personal property offered for sale at a yard sale shall be displayed in any public right-of-way.

5. 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.

6. Fifth (5^{th}) Sale Permit – a fifth (5^{th}) 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 Fiscal Officer.

7. 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 or 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.

ARTICLE IV

USE, AREA, HEIGHT REGULATIONS

Section 401-1 R-2 RESIDENTIAL DISTRICT (Rev. 6/28/01)

This district is composed of land being used for residential use, agricultural activities, open recreational uses, and other open land uses, and is adjacent to the urban areas. Sub-marginal lands having no principal use also are included in this district.

Nothing contained in this Zoning 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, and no zoning certificate fee shall be charged for such use, building, or structure.
(Rev. 10/24/01)

Section 401-2 PERMITTED USES

A. Single-family residence
B. Signs as regulated by Article VI, Section 601-1, 601-2, 601-3 of this Resolution.
C. Home Occupations - Type 1 Criteria

1. Such use shall be conducted by persons residing on the premises, with a maximum of 3 non-resident employees;

2. Such occupation shall be carried on within the dwelling;

3. Such occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty-five percent (25%) of the living area of the dwelling unit shall be used in conduct of a home occupation. If the basement of a residence is used in the conduct of a home occupation, not more than fifty (50%) of the floor area of the basement shall be used for such purposes;

4. No activity, materials, goods, or equipment indicative of the occupation shall be visible from the public way or adjacent property;

5. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere;

6. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off-street parking requirements as specified in this Resolution and shall be provided on-site;

7. No alteration to the exterior of the residential building shall be made which changes its character as a dwelling;

8. No equipment or process shall be used in such home occupation which would cause a nuisance to neighbors such as noise, vibration, glare, fumes, odors, or electrical interference;

9. Signs shall be permitted subject to Article VI, Sections 601-2 and 601-6 of this Resolution.

D. Outdoor Wood-Burning Furnace Structures/ Hydronic Heater Structures
(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:

1. An OWBFS or OWFHHS is an accessory use and is considered to be a structure.

2. No person shall operate an OWBFS or OWFHHS in such a manner as to create a nuisance.

3. The location of an OWBFS or OWFHHS shall be in accordance with the following requirements:

a. No more than one (1) OWBFS or OWFHHS per parcel shall be permitted.
b. Shall be located only in the rear yard;
c. Shall comply with all district setback requirements;
d. 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.
e. More than one building on the parcel may be serviced from a single OWBFS or OWFHHS.

4. 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.

E. 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 as the principal building.

F. An **Accessory Structure** is 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. **(Eff. 5/26/2010)**

Section 401-3 CONDITIONALLY PERMISSIBLE USES

The Zoning Board of Appeals may issue conditional zoning permits for uses listed herein subject to Sections 801 and 802 of Article VIII and other sections of Article VIII referred to below:

A. Basement dwelling subject to Subsection 116.

B. Mobile Homes and Trailers subject to, Subsection 118. **(Rev. 10/22/2008)**

C. Rooming and Boarding Houses subject to Subsections 106 and 110.

D. Bed and Breakfast Homes subject to Subsections 106, 110 and 123.

E. Churches and other buildings for the purpose of religious worship subject to Subsections 101, 107, and 110.

F. Publicly owned and/or operated buildings and facilities subject to Subsections 101, 105, and 110.

G. Government owned and/or operated parks, playgrounds, golf courses subject to Subsections 101, 105, and 110.

~~H. Private and commercial recreational uses other than those government owned and/or operated subject to Subsections 101, 102, 105, 106, and 107, and 110.~~
H. Private and commercial recreational uses other than those government owned And/or operated subject to Subsections 101, 102, 105, 106, 107, 110, and 125.

~~I. Strip or open pit mining or extraction operations for sand, clay, gravel, and other natural resources subject to Subsections 107, 110, 112, 113, 114, and 115.~~

~~J. Saw, planing or woodworking mill, cabinet making, carpenter shop subject to Subsections 101 and 107.~~
I. Saw, planing or woodworking mill, cabinet making, carpenter shop subject to Subsections 101, 107, and 125.

~~K. Welding, machine shop, tin shop, exhaust system repair subject to Subsections 101, 104, and 107.~~
J. Welding, machine shop, tin shop, exhaust system repair subject to Subsections 101, 104, 107, and 125.

~~L. Dairy and locker plant subject to Subsections 104 and 107.~~
K. Dairy and/or meat locker subject to Subsections 104, 107, and 125

~~M. Lumber yard, **only** in conjunction with a sawmill, coal, and coke yards subject to Subsections 104 and 107. **(Rev. 1/15/2026)**~~
L. Lumber yard, **only** in conjunction with a sawmill, subject to Subsections 104, 107. and 125. **(Rev. 1/15/2026)**

~~N.M.~~ Temporary buildings for uses incidental to construction work subject to Subsections 107, 108, and 109.

~~O. Stone yard, monument works subject to Subsections 101 and 107.~~
N. Monument works subject to Subsection 101, 107 and 125

~~P. Blacksmith, harness, and buggy shop subject to Subsections 101 and 107.~~
O. Blacksmith, harness, and buggy shop subject to Subsections 101, 107, and 125

~~Q. Feed stores, mill, or grain elevator subject to Subsections 101 and 107.~~
P. Feed store, mill, or grain elevator subject to Subsections 101, 107, and 125

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~~R.~~Q. Schools, public or private, libraries, and other facilities used for educational purposes are subject to Article VIII, Section 802, Subsections 101, 102, and 105. **(Eff. 10/14/2020)**

~~S. Veterinary Clinic/Animal Hospital subject to Article VIII of this Resolution.~~
R. Veterinary Clinic/Animal Hospital subject to Subsections 124 and 125.

~~T. Home Occupations-Type 2 subject to Article VIII of this Resolution.~~
S. Home Occupations-Type 2 subject to Subsection 125.

~~U. Telecommunications Facilities subject to procedures and criteria as outlined in Article VIII. (Adopted 7/29/98)~~
T. Telecommunications Facilities subject to procedures and criteria as outlined in Article VIII, Subsection 126. (Adopted 7/29/98)

~~V.~~U. Wind/Solar Energy Generating Devices (non-commercial) as an Accessory Use Structure (**Eff. 10-27-10**)

Please read this entire section carefully!

This section provides setback, height, noise, and location standards for such energy generating devices as wind generators and solar panels, which are considered structures for the purpose of this Zoning Resolution, in order to protect the health, safety, and welfare of the surrounding residential properties.

Ohio Revised Code, Section 519.213 -- Township small wind farm zoning regulations.

(A) As used in this section, "small wind farm" means wind turbines and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than five megawatts.

(B) Notwithstanding division (A) of section 519.211 of the Revised Code, sections 519.02 to 519.25 of the Revised Code confer power on a board of township trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm, whether publicly or privately owned, or the use of land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (B)(2) of section4906.20 of the Revised Code.

(C) The designation under this section of a small wind farm as a public utility for purposes of sections 519.02 to519.25 of the Revised Code shall

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not affect the classification of a small wind farm or any other public utility for purposes of state or local taxation.

(D) Nothing in division (C) of this section shall be construed as affecting the classification of a telecommunications tower as defined in division (B) or (E) of section 519.211 of the Revised Code or any other public utility for purposes of state and local taxation. Effective Date: 2008 HB562 09-22-2008

1. Definitions

   Definitions of the various devices addressed in this Section can be found in Article II-Definitions listed under "Energy Generating Devices (Wind and Solar).

2. General Regulations

   a. All Wind Facilities must be located behind the principal structure on the lot.

   b. A WECS shall not exceed 140 feet (or 42.7 meters) in height.

   c. A WECS shall not be located closer than 1.1 feet for each foot of height measured from the natural grade to the tip of the rotor blade at its highest point, or the highest point of a vertical axis rotor, to a place of dwelling, property line, street right-of-way, utility wires and/or guy wires, or above electric lines.

   d. All WECS shall be equipped with automatic and manual over-speed controls to limit the rotational speed to correspond with the design limits of the rotor.

   e. A Zoning Certificate is required for both WECS and Solar Facilities (also refer to Article IX-Sec. 901-4 of this Resolution). In addition to those requirements established in Article IX-Sec. 910-4 of this Resolution, the Applicant shall provide:

      1. A plot plan drawn to scale showing the exact dimensions of the lot to be built on;

      2. The location, dimensions, height, and bulk of structures to be erected;

3. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution;

4. Structural Plans of the Wind or Solar Facility drawn by a professional engineer;

5. Proof of compliance with all applicable building code requirements;

6. Proof of compliance with all applicable electrical code requirements; and

7. Proof of compliance with all applicable Federal Aviation Administration regulations.

f. All Wind and Solar Facilities shall conform to all applicable building code requirements. Evidence of compliance or non-applicability shall be submitted with the application.

g. All Wind and Solar Facilities shall conform to all electrical code requirements. Evidence of compliance or non-applicability shall be submitted with the application.

……

h. Noise levels generated from any wind facility shall not exceed 62 decibels (dBA) between the hours of 7:00 A.M. and 10:00 P.M., and shall not exceed 52 decibels (dBA) between the hours of 10:00 P.M. and 7:00 A.M.

Sources:

- American Speech-Language-Hearing Assoc. article, "Noise and Hearing Loss" http://www.asha.org/public/hearing/disorders/noise.htm

- Dangerous Decibels http://www.dangerousdecibels.org/hearingloss.cfm

- National Wind Coordinating Collaborative - "Permitting of Wind Energy Facilities-A Handbook" http://www.nationalwind.org/assets/publications/permitting2002.pdf

Copies of the above source references can be found in Appendix D of this Resolution.

i. Emergency contact information shall be posted on the structure, listing any emergency contact personnel and 24-hour emergency phone numbers so that emergency responders can locate the responsible parties.

j. Access to a wind facility should be secured to provide maximum safety.

k. Solar Panels located on the roof of any structure may not extend above the highest point of the existing roof.

Exemption – Any solar panel attached or located on the roof or wall of a building that lies parallel to that surface is exempt from obtaining a zoning certificate.

l. Solar Panels detached from any structure shall not exceed fifteen (15) feet in height.

m. Solar Panels detached from any structure shall not occupy more than thirty percent (30%) of the rear or side yard.

n. Solar panels not mounted on a building or structure shall be considered an accessory use structure.

o. A WECS shall comply with all applicable Federal Aviation Administration regulations. Evidence of compliance or non-applicability shall be submitted with the application.

3. De-Commissioning

Any WECS or Solar Panel that is non-operational for a continuous period of twelve (12) months shall be considered abandoned and Owner of such structure shall remove same within ninety (90) days.

~~W~~.V. Wholesale/retail produce markets and produce auctions shall be permitted subject to the conditions hereinafter imposed: **(Added 2/25/16)**

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1. All loading and parking areas shall be confined within the boundaries of the site, and shall not be permitted to spill over onto adjacent public rights-of-way.

2. The establishment must meet the lot and setback requirements of Section 401-4.

3. Driveway access to wholesale/retail produce markets and produce auctions shall be at least 100 feet from the intersection of any two streets or shall conform to state and county regulations.

4. The location or operation of the wholesale/retail produce market or produce auction shall not impair the continued enjoyment, use, and future development of nearby properties. The use shall not generate excessive noise, odors, dust, or other impacts. The Zoning Commission/Board of Zoning Appeals may specify hours of operation and stricter screening mechanisms to assure compatibility with adjacent uses.

5. There shall be no Sunday produce auctions and no more than three (3) auctions per week.

6. No storage of products or containers and no major repair or major refinishing is permitted outside of the wholesale/retail produce market or produce auction.

7. All lighting shall be shielded from adjacent residential properties and public rights-of-way and shall be restricted to hours of operation.

8. Adequate utilities, access roads, drainage, and necessary facilities shall be provided.

9. An off-street loading and unloading rear entrance shall be provided.

10. Requirements of the Ohio Revised Code regarding pawn and secondhand goods, consignment, auction, and trading establishments shall be met.

11. Signage shall be limited to one (1) on premises sign not to exceed twenty-four (24) square feet:

    a.) Maximum height of five (5) feet
    b.) Minimum setback of ten (10) feet from the right-of-way
    c.) Shall be restricted to hours of operation

12. Business owner must own the property or live on the property.

~~X.~~W. Auction House **(Eff. 2/25/16)**

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For the purpose of this section, "auction house" shall be defined as:

> An enclosed place or establishment conducted or operated for compensation or profit as a private or public market where items are offered for sale through competitive bidding. The term "auction house" shall not include on premises estate, foreclosure or For Sale property or property belonging to the personal property owner. The term "auction house" shall not include flea markets, yard sales or livestock markets defined or regulated elsewhere or Sheriff's or bank repossession sales.

An auction house shall be permitted subject to the conditions hereinafter imposed:

1. All loading and parking areas shall be confined within the boundaries of the site, and shall not be permitted to spill over into adjacent public rights-of-way. Wheel stops shall separate parking areas from adjacent rights-of-way.

2. The establishment must meet the lot and setback requirements of Section 401-4.

3. All areas of a front yard or street side yard which are not landscaped shall be provided with a concrete or plant-mixed bituminous surface and shall be graded and drained so as to dispose of all surface water accumulated within the area.

4. Driveway access to an auction house shall be at least 100 feet from the intersection of any two streets, and shall conform to state and county regulations.

5. Driveway access to an auction house shall only be from a state route or county highway, and shall conform to state and county regulations.

6. The location or operation of the auction house shall not impair the continued enjoyment, use, and future development of nearby properties. The use shall not generate excessive noise, odors, dust, or other impacts. The Zoning Commission/Board of Zoning Appeals may specify hours of operation and stricter screening mechanisms to assure compatibility with adjacent uses.

7. There shall be no Sunday auctions and no more than three (3) auctions per week.

8. An auction house shall only be located within an existing structure or constructed within the foundation footprint of a previously existing structure.

9. No storage of products or containers and no major repair or major refinishing is permitted outside of the auction house.

10. With the exception of sales of estates, which may include up to five (5) automobiles/trucks, automobiles and/or trucks may not be sold at an auction house.

11. All lighting shall be shielded from adjacent residential properties and public rights-of-way and shall be restricted to hours of operation.

12. Adequate utilities, access roads, drainage, and necessary facilities shall be provided.

13. An off-street loading and unloading rear entrance shall be provided.

14. Requirements of the Ohio Revised Code regarding pawn and secondhand goods, consignment, auction, and trading establishments shall be met.

15. Signage shall be limited to one (1) on premise sign not to exceed twenty-four (24) square feet:

    a.) Maximum height of five (5) feet
    b.) Minimum setback of ten (10) feet from the right-of-way
    c.) Shall be restricted to hours of operation

16. Business owner must own property or live on the property.

~~Y~~.X. Single Residence Converted to a Dual Residence **(Eff. 5/24/2023)**

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Any modification made to a single residence for the purpose of converting the structure to a dual residence must be incorporated as an integral part of the original single structure, and must comply with the following:

1. Any additional structure shall have a common foundation wall or common exterior wall with the existing structure.

2. The main roof of the existing structure must be attached to the addition's roof or to the common structure or foundation wall.

3. The capacity of the sanitary system to accommodate all proposed additional square footage and usage, including added bedrooms, bathrooms, and kitchen areas must be approved by the Medina County Health Department prior to final approval by the Township. The entire structure must be connected to an existing sanitary system unless the Medina County Health Department, per their regulations, deems it necessary to enlarge the system to accommodate the additional space and usage.

4. Must be in compliance with Sec. 401-4 of this Resolution

~~Z.~~Y. Signs as regulated by Article VI of this Resolution

~~AA.~~Z. Uses comparable to the above are subject to procedures and criteria as outlined in Article VIII, Section 803 of this Resolution.

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Section 401-4 AREA AND HEIGHT REGULATIONS

A. Minimum lot sizes **(Eff. 5/24/2023)**:

1. All lots shall have a minimum frontage of three hundred and fifty (350) feet and a minimum depth of six hundred (600) feet, and contain no less than ten (10) acres.

2. Any converted dual-residence shall require a minimum of twenty (20) acres of land with continuous frontage of seven-hundred (700) feet.

B. Minimum living floor area per family: **(Eff. 5/24/2023)**

1. Every single-residence shall have a minimum living floor area of not less than twelve-hundred (1200) square feet, exclusive of breezeways, garages, terraces, attics, basements, and porches.

2. For every converted dual-residence, each of the two residences shall have a minimum living floor area of not less than twelve-hundred (1200) square feet, exclusive of breezeways, garages, terraces, attics, basements, and porches.

C. No residence shall exceed thirty-five (35) feet in height. **(Eff. 10/27/10)**

D. Required yards:

1. Front yards shall be not less than eighty (80) feet in depth from the road right-of-way. If there is no established right-of-way sideline for any road

or street, said line shall be deemed to be thirty (30) feet from the centerline of the road. **(Rev. 6/28/01)**

2. Side yards shall be not less than fifty (50) feet on each side. **(Rev. 5/26/10)**

3. Rear yard shall be not less than fifty (50) feet in depth. **(Rev. 5/26/10)**

Section 401-5 OPEN SPACE COMMUNITY (Adopted 7/29/98)

A. Introduction

Large lot zoning, established to preserve rural character or as a means to reduce population density has absorbed land at an accelerated rate without the desired benefits, such as economy of layout, convenience of access to town roads, improved visual quality, or permanent preservation of rapidly diminishing open space and agricultural lands.

The 1995 update to the Homer Township Comprehensive Plan identified the need to use more efficient methods of developing land to avoid negative environmental impacts. This need suggests expectations of higher development quality and places more demanding responsibility on land use decision makers. Grouping of residential development, where appropriate, provides an alternative to creatively preserve open space, accommodate growth and, at the same time, preserve the open rural and agricultural appearance of Homer Township. This process encourages the concentration or grouping of buildings on those areas of a site that are best suited for development, while requiring that the remaining land be permanently retained as common open space, or permanently restricted to agricultural land usage, which at the same time maintains the natural character of the site.

This grouping or clustering of development can permit lots that are smaller than the minimum lot size specified in this Zoning Resolution, if the following conditions are met:

1. The actual number of lots proposed equals the number of lots permitted with no reduction in minimum lot size as required by the current zoning resolution; and

2. The actual land area reduction, or land area not included in the lots due to lot sizes less than minimum as required by this zoning resolution, shall be devoted to permanent open space or permanent agricultural use.

B. Intent

While maintaining the same density required by **Section 401-4(A)** of this resolution, it is the intent of this section to offer an alternative to Homer Township's present zoning resolution by using open space conservation development to:

1. encourage the use of Township land according to its character and adaptability;

2. assure the permanent preservation of open space, agricultural lands, and other natural resources;

3. allow innovation and greater flexibility in the design of residential developments;

4. facilitate the construction and maintenance of streets, utilities, and public services in a more economical and efficient manner;

5. ensure compatibility of design and use between neighboring properties; and

6. encourage a less sprawling form of development, thus preserving open space as undeveloped land, continuing agriculturally productive lands in agricultural uses, and maintaining the rural character of the township roadsides.

These resolutions are intended to preserve the traditional rural and agricultural character of the land use pattern in the Township through the creation of small residential cluster areas contrasting with permanently preserved open space and less intensive land uses. This section is not intended as a device for ignoring other resolutions of the Township and/or County and State rules and regulations guiding development and the standards set forth therein, or the planning concepts upon which this Zoning Resolution has been based.

These resolutions are intended to result in a specific development plan substantially consistent with all zoning standards, yet allow for some modification to encourage the goals set forth in **Section 401-5(B), 1-6,** above.

C. Permitted Uses

1. Single residential structures
2. Agriculture

3. Passive recreational facilities
4. Accessory uses and buildings incidental to the permitted uses

D. Information Required on Plans

Open space conservation development proposals shall be reviewed under the following conditions and standards during the Zoning Commission's review of the open space conservation development plan. Open space conservation development proposals shall include the following:

1. A site plan shall be submitted to the Zoning Commission showing;

   a. the locations, height, and space of existing and proposed buildings,

   b. open spaces and their landscaping, roads, driveways, and off-road parking spaces,

   c. **all** other physical features, including standards for the design, dimensions, and spacing of buildings and sizes of lots and open spaces.

2. In addition to other requirements contained herein, the open space conservation development application shall include:

   a. topography, including contours of no greater vertical interval than two (2) feet,

   b. Tables showing total number of acres, the number of single-family residences, and non-residential uses including streets, acres of land preserved for passive open spaces, and acres of land preserved for agricultural uses,

   c. Maps or other indications of environmentally critical areas and features including, but no limited to, wetland areas, tree stands, ponds, streams and natural waterways, areas of scenic views, areas of prime agricultural soils, current and past agricultural use, and

   d. Any other data the Zoning Commission may decide necessary to determine compliance with this section.

3. A management plan describing the mechanisms through which any common land, agricultural operations, recreational facilities, roads, parking areas, community water and sewer systems, or other facilities and improvements will be used, owned, maintained, and preserved.

E. Standards for Open Space Conservation Developments

All open space conservation developments shall meet the following standards:

1. The minimum land area allowable for this development type is 20 acres.

2. The open space conservation development shall be an effective and unified treatment of the development possibilities of the project site, and shall make explicit appropriate provision for preservation of prime agricultural lands and agricultural uses, streams, stream banks, lake and pond shores, aquifers, slopes greater than 25%, woodlands, riparian wetland areas, soils unsuitable for development due to shallow depth to bedrock or high water table conditions, limitations for on-site sewage disposal, productive woodlands, historic or archaeological sites, natural areas, wildlife habitat, high elevations and ridge tops, flood plains, open spaces, and scenic views and vistas.

3. The total number of allowable units within the open space development shall not exceed the number that would be permitted if the land were subdivided into lots under **Sec. 401-4(A)** of this Zoning Resolution and in conformance with the requirements of Article IV. The number of units allowed shall be based on total acreage minus land and rights-of-way depicted for streets (public or private), utility easements, specified environmentally sensitive areas as defined by **Sec. 401-5(F)1 a.–d.** herein below, and other public lands.

4. The minimum side and rear yard setbacks at the periphery of the home site/building lot cluster areas within an open space development shall be 50 feet.

5. A natural landscaped buffer strip of 150 feet in depth from the right-of-way of the existing street and newly constructed collector street shall be required. These natural landscaped buffer strips shall totally and completely screen the view of residentially developed interior lands during all seasons of the year. The natural landscaped buffer strips shall be planted with a mixture of deciduous and coniferous trees and shrubs of sufficient size and caliper to achieve the required screening within a period of eight (8) years. All natural treatments of the buffer strip shall be subject to Zoning Commission approval.

6. The open space development shall be consistent with applicable local plans and all applicable regulations.

7. The open space development will meet the applicable site plan review requirements.

8. The proposal shall provide for permanent preservation of open space and agriculturally productive lands. All lands within the open space development that are considered environmentally sensitive shall be protected by conservation easements.

9. Limited to single-family residential structures. **(Rev. 1/15/2026)**

10. Minimum building lot size within the open space development shall be the minimum lot size required by the Medina County Health Dept. for septic system installation.

11. All building lots shall have a minimum frontage of one hundred feet (100') unless located on the bulb end of a cul-de-sac street where minimum frontage shall be 60 feet.

12. Front yard, rear yard, and side yard setbacks of individual building lots shall be as required by **Sec. 401-4(D)** of this resolution.

13. All building lots/home sites shall be clustered along cul-de-sac streets with a maximum of seven (7) building lots permitted on any cul-de-sac.

14. If the parcel(s) being developed under this Section can be divided into more than seven (7) building lots, then more than one cluster area must be developed.

15. If there is more than one cluster area in the development, no building lots shall be permitted along the collector street serving the individual cluster areas.

16. The minimum open space separation between lots on adjacent cluster areas shall be one hundred (100) feet.

17. All streets within the open space development must be constructed according to Medina County Subdivision Regulations.

F. Minimum Percentage of Open Space

The minimum percentage of land that shall be designated as permanent open space, not to be further subdivided, and protected through a deed restriction and conservation easement held by an acceptable entity in perpetuity (such as a land conservancy), shall be as specified below:

1. A minimum of seventy percent (70%) of the total original tract of land remaining after subtracting the percentage of the land area specified for the following kind of land:

    a. Wetlands and/or hydric soils greater than one (1) acre; 50% deduction of total acreage in wetlands,

    b. Water bodies greater than 1 acre; 50% deduction of total acreage in water bodies,

    c. All of the floodway and floodway fringe within the 100-year floodplain, as shown on official FEMA maps; 50% deduction of total acreage in floodway or floodway fringe,

    d. Land with slopes exceeding 50%, or soils subject to slumping; 50% deduction of total acreage of land with slopes exceeding 50% or soils subject to slumping,

    e. Existing and proposed area for street rights-of-way or public lands; 100% deduction of total acreage in street rights-of-way and other public lands,

    f. Land under permanent easement (non-highway) prohibiting future development (including easements for drainage, access, and utilities); 40% deduction of the total acreage of land under permanent easement.

2. Agricultural uses/land areas will receive full open space credit, subject to required deed restriction and conservation easement to provide protection if agriculture is terminated.

G. Open Space Standards for Open Space Developments

The location, size and shape of lands set aside for open space shall be approved by the Zoning Commission. Provision of open space shall include, but not be limited to, the following:

1. Open space land shall provide for the protection of resources on the site including agricultural land, productive woodland, wildlife habitat, natural areas, aquifer protection areas, woodlands, views and vistas, streams, stream banks, bodies of water, the lake shoreline, and historic and archeological sites.

2. The location, shape, size, contiguity, and character of the open space land shall be suitable for its intended use. The minimum dimension of open

space shall be one hundred feet (100') unless the Zoning Commission determines a lesser dimension is suitable for special circumstances.

3. Open space land shall be suitably improved and/or maintained for its intended use, except open space containing natural resources worthy of preservation that may be required to be left unimproved. Provisions shall be made to enable lands designated for agriculture and wildlife habitat to be used for these purposes.

4. Land shown as open space shall be protected for its intended use (including, but not limited to, open spaces, recreational areas, agricultural areas, etc.) through a mechanism approved by the Zoning Commission. The agreement may be in the form of a deed restriction and conservation easement among other possible means with appropriate reverter clauses, any of which must be deemed appropriate by the Zoning Commission acting on the advice of the Medina County Prosecutor's office. All costs for creating and maintaining open space are the responsibility of the developer and subsequent landowners (typically in the form of a homeowners' association), or holders of any conservation easement.

5. Open space land shall be located to conform with and extend existing and potential open space on adjacent parcels, where practical.

6. Additional measures that may be imposed to protect resources identified on the parcel include, but are not limited to, restrictions on building sites through designation of building envelopes and clearing limits (such as limits on the clearing of wooded areas or areas valuable for wildlife habitats).

7. In certain cases, the Zoning Commission may require a third party to be party to the open space agreement. All costs associated with administering and maintaining the open space shall be born by the applicant and subsequently by the homeowners' association, unless otherwise established through a separate agreement acceptable to the Zoning Commission.

8. For a phased development, open space for **all** phases shall be provided with the initial phase of the development in the proportion required for the entire development, and in a configuration and location appropriate for the platted lots.

H. Open Space Developments on Two or More Parcels

Two or more contiguous parcels under the ownership or control of the applicant may be combined for review as an open space development. The permitted number of dwelling units on one parcel may be increased as long as the overall

number of units for the combined parcels does not exceed that which could be permitted, in the Zoning Commission's judgment, if the land were subdivided into lots in conformance with the district regulations. Parcels separated by a public or private road or a railroad right-of-way may be considered contiguous by the Zoning Commission for the purposes of this section, provided:

1. the Zoning Commission finds that the boundaries adjoin adequately, and

2. the open space development promotes the protection of significant natural resources and unique features in the area of the parcels.

I. Parking and Utilities in Open Space Developments

1. All utility lines shall be installed underground.

2. Adequate lines of sight shall be provided for drivers backing from garages or driveways into the adjacent street. On corner lots or open space areas adjacent to the street, buildings, landscaping, and appurtenances shall be situated set back, and maintained to provide unobstructed visual clearance at all intersections.

J. Medina County Health Department Review and Approval Required

For any planned open space development, submitted preliminary and final plans should show all planned sewage disposal areas and their relationship to overall site design.

Sewage disposal is a critical issue in overall development design, and, as such, effluent and water supply issues should be addressed early in the planning process and with the cooperation of the Medina County Health Department.

K. Zoning Commission Disapproval

Where the Zoning Commission finds that a proposed open space development, as a whole or due to a component of the development, will have an effect or effects not in the spirit of, or consistent with, the purpose of the open space requirements, the Commission may disapprove such development, or require its modification, and specify the specific reasons for such action in writing to the applicant.

L. Example of Conservation Development Calculations

Original Tract acreage = 100 acres

Less area in streets and rights-of-way___0, say, 15 acres	= 85 acres remaining
Less environmentally sensitive areas, say 10 acres of wetlands with 50% deduction, or 5 acres	= 80 acres remaining
Net developable acreage	= 80 acres
Required open space is 70% of 80 acres	= 56 acres of open space
Number of dwelling units allowed is 1 unit for each 10 acres of net developable acreage	= 8 dwelling units
Actual Developable Acreage	= 24 acres

Section 402 R-1 LOW DENSITY RESIDENTIAL DISTRICT

Section 402-1 PURPOSE

The purpose of this district is to accommodate residential development at a low-density that will promote the continuation of the predominately rural residential character of Homer Township. This district is to provide for development in areas which are not adaptable for agricultural use due to the physical limitations imposed by roads and railroads, specifically areas south of Simcox Road between Pawnee Road and River Corners Road, and the area between Ohio Route 224 and the CSX Railroad from the westerly boundary of parcel #019-13B-45-003 and parcel #019-13B-39-004 east to the easterly boundary of parcel #019-13B-46-007 at River Corners Rd., and from the westerly boundary of parcel # 019-13B-40-012 east to the east boundary of parcel #019-13B-41-00 at Pawnee Rd. In addition, the district provides reasonable residential development controls for expansion and development within Homer Township as reflected in the Homer Township Comprehensive Plan. **(Rev. 1/15/2026)**

Section 402-2 PERMITTED USES

A. Single-family residences. **(Rev. 1/15/2026)**

B. Signs as regulated by Articles VI Section 601-1, 601-2 and 601-3 of this Resolution.

C. Home Occupations - Type 1 Criteria

1. Such use shall be conducted by persons residing on the premises, with a maximum of 3 non-residential employees;

2. Such occupation shall be carried on entirely within the dwelling;

3. Such occupation shall be clearly incidental and subordinate to its use for residential purposes, and not more than twenty-five percent (25%) of the living area of the dwelling unit shall be used in the conduct of the home occupation. If the basement of a residence is used in the conduct of a home occupation, not more than fifty percent (50%) of the floor area of the basement shall be used for such purposes;

4. No activity, materials, goods, or equipment indicative of the occupation shall be visible from the public way or adjacent property;

5. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere;

6. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Any need for parking generated by the home occupation shall meet the off-street parking requirements as specified in this Resolution and shall be provided on-site;

7. No alteration to the exterior of the residential building shall be made which changes its character as a dwelling;

8. No equipment or process shall be used in such home occupation which would cause a nuisance to neighbors such a noise, vibration, glare, fumes, odors, or electrical interference;

9. Signs shall be permitted subject to Article VI, Sections 601-1, 601-2 and 601-3 of this Resolution.

D. Accessory Uses

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 as the principal building.

E. An Accessory Structure is 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)**

Section 402-3 CONDITIONALLY PERMISSIBLE USES

The Zoning Board of Appeals may issue conditional zoning certificates for uses listed herein subject to Sections 801 and 802 of Article VIII and other sections of Article VIII referred to below:

A. Churches and other buildings for the purpose of religious worship subject to Subsections 101, 107, and 110.

B. Publicly owned and/or operated buildings and facilities subject to Subsections 101, 105, and 110.

C. Government owned and/or operated parks and playgrounds, subject to Subsections 101, 105, and 110.

D. Private and commercial recreational uses other than those government owned and/or operated subject to Subsections 101, 102, 105, 106, 107, and 110.

E. Cemeteries subject to Subsections 101 and 107.

F. Telecommunications Facilities subject to procedures and criteria as outlined in Article VIII. **(Adopted 7/29/98)**

G. Solar panels not mounted on a building or structure shall be considered an accessory use structure subject to the requirements outlined in Article IV, Sec. 401-3-V, Conditionally Permissible Uses.

H. Schools, public or private, libraries, and other facilities used for educational purposes are subject to Article VIII, Section 802, Subsections 101, 102, and 105. **(Eff. 10/14/2020)**

Section 402-4 AREA AND HEIGHT REGULATIONS

Lots shall be laid out with side lot lines perpendicular to the road right-of-way except when curvature of the road or unique physical conditions of the land makes this impossible. This requirement shall not be interpreted to discourage the development of curved streets going with the natural land contour.

A. Minimum Lot Area — Two (2) Acres **(Rev. 1/15/2026)**

B. Minimum Lot Frontage

Lot frontage at the road right-of-way shall be one-hundred seventy-five (175) feet for a single-family residence. **(Rev. 1/15/2026)**

C. Minimum Lot Width — One-hundred seventy-five (175) feet **(Rev. 1/15/2026)**

When side lot lines are required to be laid out on an angle rather than perpendicular to the road right-of-way, the lot width shall be measured as nearly perpendicular to the side lot line as possible.

D. Minimum Front Yard Depth from Street Right-of-way:

Fifty (50) feet for structures fronting township and county roads.

Eighty (80) feet for structures fronting state highways.

If there is no established right-of-way side line for any road or street, said line shall be deemed to be thirty (30) feet from the center line of the road.

E. Minimum Side Yard Width — Forty (40) feet **(Rev. 1/15/2026)**

F. Minimum Rear Yard Depth — Thirty (30) feet.

G. Minimum Living Floor Area **(Rev. 1/15/2026)**

Every residence shall have a minimum living floor area of not less than one-thousand two-hundred (1,200) square feet, exclusive of breezeways, garages, terraces, attics, basements, and porches.

H. Height Regulations

No structure shall exceed thirty-five (35) feet in height.

I. Off-Street Parking

As regulated by Article VII of this Resolution (Section 701-1a).

Section 403 B-1 BUSINESS DISTRICT

Section 403-1 PURPOSE

The Purpose of this District is to provide for a variety of retail, service, and administrative establishments in designated areas, as reflected in the Homer Township Comprehensive Plan. The regulations for this District are designed to provide opportunities for well-planned, attractive, and safe commercial development that has a minimal adverse impact on surrounding residential and agricultural areas, and shall be clean, quiet, and free of hazardous or objectionable elements such as chemical, noise, odor, dust, smoke, or glare, and operate principally within enclosed structures.

Section 403-2 PERMITTED USES

A. Establishments engaged primarily in the fields of finance, insurance, and real estate, such as banks, credit agencies, investment firms, real estate, and insurance firms.

B. 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, non-profit professional, charitable and labor organizations, dance studios and schools, bowling alley, motion picture, and theatrical playhouse.

C. Establishments engaged in retail trade such as drug stores and stationery, apparel, florist, garden supply, antiques, sporting goods, jewelry, optical goods, furniture, home furnishings, office supplies, beverages, restaurants, and food stores.

D. Churches and other buildings for the purpose of religious worship.

E. Publicly owned and/or operated buildings and facilities.

F. Clubs, lodges, fraternal, charitable, or social organizations.

G. Veterinary clinic or hospital.

H. Educational, religious, or philanthropic institutions.

I. Public self-store facilities, provided,

1. Storage inside buildings only,
2. Master key available for fire inspection.

J. Accessory uses clearly incidental to the principal uses permitted on the same premises.

K. An Accessory Structure is 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)**

L. Signs as regulated in Article VI of this Resolution.

M. Parking and loading as regulated in Article VII of this Resolution.

N. Sexually oriented businesses pursuant to the restrictions in Sec. 403-2.1 **(Adopted 7/1/2005)**

O. Uses comparable to the above, subject to procedures and criteria as outlined in Article VIII, Section 803 of this Resolution.

Section 403-2.1 SEXUALLY ORIENTED BUSINESSES (Eff. 7/1/2005)

Homer Township has determined that permitting sexually oriented businesses, as defined in this Section, in proximity to residential, institutional, and non-adult oriented retail uses would have a detrimental effect on such adjacent uses. Therefore, in order to prevent potential deterioration in Homer Township's B-1, R-1, and R-2 Districts, and to avoid potential adverse impacts on residential and institutional uses, particularly those where children are present, and thereby protecting the public health, safety, and welfare, sexually oriented businesses, as defined in this Section shall be permitted only in the B-1 District, subject to the following requirements:

A. For purposes of this Zoning Resolution, sexually oriented businesses shall include, but not be limited to, any of the following:

1. Adult book/video store: An establishment which utilizes a substantial amount of its retail selling area for the purpose of retail sale or rental, or for the purpose of display or viewing, for any compensation, of books, magazines, other printed material, films, tapes and videocassettes, or any other visual representation, which are distinguished by their emphasis on adult materials as defined in this Section.

2. Adult motion picture theatre: Any enclosed motion picture theatre which regularly uses a substantial amount of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section.

3. Adult-only live entertainment business: An establishment where the patron directly or indirectly is charged a fee, or where adult live entertainment is provided at no charge, and where the establishment features:

a.) entertainment or services which constitute adult material as defined in this Section; or,

b.) exhibitions, dance routines, or gyrating choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services that constitute adult material as defined in this Section.

B. To further determine whether the above facilities are sexually oriented businesses, the following definitions shall apply:

1. Adult Material: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, videocassette, motion picture film, record or other tangible thing, or any service capable of creating sexual interest through sight, sound, or touch, and/or:

   a.) which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

   b.) which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

2. Bottomless: Less than a full opaque covering of male or female genitalia, pubic area, or buttocks.

3. Nude or nudity: The showing, representation or depiction of human male or female genitalia, pubic area, or buttocks with less than a full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitalia in a discernibly turgid state.

4. Topless: The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

5. Sexual Activity: Sexual conduct or sexual contact, or both.

6. Sexual Contact: Any touching of an erogenous zone of another, including without limitation the thigh, genitalia, buttock, pubic region, or, if the person is female, a breast, for the purpose of sexually arousing or gratifying either person.

7. Sexual Excitement: The condition of the human male or female genitalia, when in a state of sexual stimulation or arousal.

C. Sexually oriented businesses shall be located in accordance with the distance requirements noted below and as shown in the B-1 District of the Homer Township Zoning Map.

1. A minimum of 80 feet front yard depth from any dedicated road in the B-1 District of Homer Township. This measurement shall be taken from the right-of-way line.

2. A minimum of 30 feet side yard width from all R-1 or R-2 Residential District property lines.

3. A minimum of 500 feet from the boundaries of any lot containing another sexually oriented business.

4. A minimum of 500 feet from the boundaries of any lot containing a church, library, public park or public playground, day care center, school, or any other institution where children are kept day or night.

D. Sexually Oriented Businesses shall comply with all regulations as stated in the B-1 sections of the Zoning Resolution.

E. Structures will be designed to prevent internal activities or displays from being visible from the outside.

F. Sexually Oriented Businesses shall comply with all state regulations.

Section 403-3 CONDITIONALLY PERMISSIBLE USES

The Zoning Board of Appeals may issue conditional zoning certificates for uses listed herein subject to Sections 801 and 802 of Article VIII and other sections of Article VIII referred to below.

A. Public utility right-of-way and pertinent structures subject to Subsections 104 and 107.

B. Temporary buildings for uses incidental to construction work subject to Subsections 107, 108, and 109.

C. Gas stations, subject to Article VIII, Section 802, Subsections 102, 105, 107, 110, 119, 120, 121, and 122.

D. Auto repair and body shops, subject to Article VIII, Section 802, Subsections 102, 105, 107, 110, 119, 120, 121, and 122.

E. A residence for an owner/operator of a business and his family within the same building as a legally operating business. **(Adopted 2/4/99)**

Section 403-4 AREA AND HEIGHT REGULATIONS

A. Front Yard Depth - eighty (80) feet from the right-of-way. Depth will be measured from the edge of the right-of-way of a dedicated street or from the roadway for a private street. **(Amended 6/27/14)**

B. Minimum Side Yard Width - there will be a minimum side yard width of fifty (50) feet when adjacent to a residential district and on the side adjacent to the residential district only. There will be a minimum side yard width of fifteen (15) feet when adjacent to a business district, and on the side or sides adjacent to the business district. **(Rev. 6/10/99, 12/11/12, 6/27/14)**

C. Minimum Rear Yard Depth – there will be a minimum rear yard depth of twenty-five (25) feet when adjacent to a Business District. When adjacent to a Residential District, the minimum rear yard depth will be fifty (50) feet. **(Amended 6/27/14)**

D. Height Regulations - No structure shall exceed thirty-five (35) feet in height.

E. Off-street Parking and Loading Regulations - as regulated by Article VII of this Resolution (Section 701-1b and Section 702).

ARTICLE V

NON-CONFORMING USES

Section 501 PURPOSE

The purpose of this section is to provide for the eventual and equitable elimination of uses that do not conform to the existing zoning, but which were in operation prior to the enactment of this Resolution.

Section 501-1 REGULATIONS

A. A non-conforming use existing at the time this Resolution takes effect may be continued except that, if it is voluntarily discontinued for two (2) years or more, it shall then be deemed abandoned and any further use must be in conformity with the uses permitted in such district.

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B. Any building, arranged, intended, or designed for a non-conforming use, the construction of which has been started at the time of the passage of this Resolution, but not completed, may be completed and put to such non- conforming use, providing it is done within one (1) year after this Resolution takes effect.

C. Any building or structure, existing as a non-conforming use at the time this Resolution takes effect, which is destroyed by fire or the elements, may be reconstructed and restored providing the same is done within two (2) years from the date of said destruction.

D. A building or structure devoted to a non-conforming use at the time this Resolution takes effect may not be altered or enlarged so as to extend said non-conforming use.

E. Legally existing non-conforming residential uses in the B-1 District, notwithstanding Subsections D. and F. in this section, may continue and expand if in conformity with the provisions of Section 402**. (Adopted 2/4/99)**

F. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted or non-conforming use.

ARTICLE VI

SIGN REGULATIONS

SECTION 601 PURPOSE

The purpose of this section is to promote and protect the public health, safety, and general welfare by providing for the regulations of the use, location, and size of signs in Homer Township. This section is intended to provide for the adequate identification of uses, the protection of property values, the minimizing of confusion, unsightliness, and self-defeating consequences of the use of an excessive number of signs or signs of excessive size, and the assurance of the continued attractiveness of the community, as reflected in the Homer Township Comprehensive Plan.

Under Chapter 5516 of the Ohio Revised Code and the regulations adopted pursuant thereto, all signs within 660 feet of the right-of-way of certain State Routes are subject to regulation by the Ohio Department of Transportation (ODOT). Zoning permits for signs along such rights-of-way shall not be issued without evidence that a permit has first been issued by ODOT, or that ODOT has determined that a state permit is not required. **(Added 10/22/03)**

Permanent signs erected in all districts shall require a permit and shall comply with Section 301-4 of this Resolution. **(Rev. 6/27/2014)**

Section 601-1 DEFINITIONS

"Sign" - Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to any object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected imaged.

"Sign, Area" - The area measured by the smallest square, rectangle, circle, or combination thereof which will encompass the entire advertising device including border, trim, cutout, and extension.

"Sign, Billboard" - A sign which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located. **(Rev. 6-8-2000)**

"Sign, Flashing" - Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

"Sign, Governmental" - A sign erected and maintained pursuant to and in discharge of any governmental functions, or required by law, ordinance, or other governmental regulations.

"Sign, Ground" - Any sign, other than a pole sign, placed upon or supported by the ground, independent of any other structure.

"Sign, Illuminated" - A sign lighted by or exposed to artificial lighting either by lights on or in the sign, or directed towards the sign.

"Sign, Pole" - A sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign face is six feet or more above the grade.

"Sign, Temporary" - A sign or advertising display constructed of cloth, canvas, fabric, plywood, or other light material and designed or intended to be displayed for a short period of time.

"Sign, Wall" - A sign fastened to or painted on the wall of a building or structure in such manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 18 inches from such building or structure.

Section 601-2 ILLUMINATED SIGNS IN ALL DISTRICTS (Eff. 5/30/18)

Any illuminated sign shall employ a light of constant intensity. No sign shall be illuminated by or contain animated, flashing, blinking, racer type, intermittent, rotating or moving light or lights.

Any sign illumination shall be shielded so as to prevent direct light or glare from being cast into any residential area or at vehicles traveling on a public right-of-way.

Light trespass over a commercial property line shall be limited to no more than 0.5 foot-candles at the property line. All on-site lighting of signs shall be designed so as not to shine onto any property or building, or to cause glare onto any public street or vehicle thereon.

Section 601-3 SIGNS FOR HOME OCCUPATIONS AND CONDITIONALLY PERMISSIBLE USES IN THE R-1 and R-2 DISTRICTS (Rev. 6/28/01, 5/30/18)

A. For the purpose of advertising a Home Occupation business, there shall be no more than one sign no larger than twelve (12) square feet in area. **(Rev. 6-8-2000)**

B. For the purpose of advertising a Conditionally Permissible Use business, there shall be no more than one (1) sign, no larger than twenty-four (24) square feet in area. **(Rev. 6-8-2000)**

C. All signs shall be constructed of permanent materials such as wood, brick, or stone and be permanently anchored to the ground. **(Rev. 6-8-2000)**

D. All signs shall be located outside the road right-of-way, and may not obstruct view or cause a traffic hazard. Sign height shall not exceed five (5) feet in height from the finished grade level, nor shall such signs be located less than ten (10) feet from the front or any side lot line. The height of a freestanding sign shall be measured from the finished grade level at the base of the sign to the highest point or element of the sign. **(Rev. 10/22/03)**

Under Chapter 5516 of the Ohio Revised Code and the regulations adopted pursuant thereto, all signs within 660 feet of the right-of-way of certain State Routes are subject to regulation by the Ohio Department of Transportation (ODOT). Zoning permits for signs along such rights-of-way shall not be issued without evidence that a permit has first been issued by ODOT, or that ODOT has determined that a state permit is not required. **(Added 10/22/03)**

E. Any sign illumination shall be shielded so as to prevent direct light or glare from being cast into any adjoining residential area or at vehicles traveling on a public right-of-way. Such lighting shall be shielded so as to prevent view of the light source from any adjoining residences and/or vehicles approaching on a public right-of-way from any direction. **(Rev. 10/22/03)**

Section 601-4 TEMPORARY SIGNS

A. Temporary signs will not require a permit. **(Rev. 6-8-2000)**

B. Temporary signs such as announcements of civic activities, activities of non-profit or political nature, or yard sales shall be permitted, provided such signs are not obstructing traffic view or causing a traffic hazard. Such signs may be erected no more than three (3) weeks prior to the event, and must be removed within two (2) weeks of completion of the event. **(Amended 6/27/14)**

C. For the purpose of temporary advertisement, there shall be no more than one (1) sign not larger than thirty-two (32) square feet in area per side. Free-standing temporary signs shall not exceed five (5) feet in height from grade level, nor shall such signs be located less than ten (10) feet from the front or any side lot line. The height of a freestanding sign shall be measured from the finished grade level at the base of the sign to the highest point or element of the sign. **(Rev. 10/22/03)**

D. Real Estate - One unlighted real estate sign not exceeding six (6) square feet in area and pertaining only to the sale, lease or rental of the particular building, property, or other premises upon which displayed. Such sign shall be located outside the road right-of-way, and shall be removed within two (2) weeks of completion of said sale.

Section 601-5 BUSINESS SIGNS

These signs are permitted only in a business district, providing such signs are in direct relation to the use of the premises on which they are located.

A. For the purpose of advertising a business, there shall be no more than one (1) sign no larger than twenty-four (24) square feet in area. **(Rev. 6-8-2000)**

B. Business signs may be affixed flatly against the wall of buildings, or may project therefrom not more than four (4) feet. The bottom of a projecting sign shall be at least ten (10) feet above the finished grade of the building. Projecting signs shall not be more than twelve (12) square feet in area.

C. Illuminated Signs – See Section 601-2 of this Resolution

D. Movement - No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. Subsection (d) of the Section shall not apply to any sign performing a public service function indicating time, temperature, or similar services. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. In addition, such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.

E. No business sign shall be erected closer than eighty (80) feet to any intersection with the exception of those signs incidental to legal process and necessary to the public welfare, or those signs attached to a building or structure.

F. All signs erected within one hundred (100) feet of any intersection must be erected so as not to obstruct view or cause a traffic hazard.

G. Free-standing business signs shall not exceed five (5) feet in height from the finished grade level, nor shall such signs be located less than ten (10) feet from the front or any side lot line. The height of a freestanding sign shall be measured from the finished grade level at the base of the sign to the highest point or element of the sign. **(Added 10/22/03)**

H. Any sign illuminated with electric lights (including neon or other gaseous type tubes or incandescent lamps) erected within one hundred (100) feet of an intersection where an illuminated device has been provided for the control of traffic may not duplicate, in the electric light of such sign, any colors appearing in the traffic control signal.

I. No sign shall be located on or project into a public right-of-way.

Section 601-6 BILLBOARDS/OUTDOOR ADVERTISING

Off premises signs (billboards) shall be permitted only in commercial and industrial districts and land used for agriculture, as required by Section 519.20 of the Ohio Revised Code, and shall require a zoning permit. Such signs shall be located so as to maintain the same minimum front, side, and rear yard requirements as for buildings in that district, except that no sign shall be located closer than 1000 feet to a public park, public or parochial school, library, church, hospital, or similar institution. The maximum area of such sign shall be 300 square feet. The maximum height of such sign shall be 35 feet. Such signs visible to approaching traffic on either or both sides of a right-of-way shall have a minimum spacing of at least 500 feet. **(Rev. 6-8-2000)**

Section 601-7 ENFORCEMENT

A. Maintenance - The Zoning Inspector may order any sign to be painted or refurbished at least once each year if needed to keep the sign in a neat and safe condition. All support, guys, braces and anchors for such signs shall be maintained in a safe condition. The Zoning Inspector may order removed any such sign that is not so maintained, and it shall be unlawful for the owners or person having charge of such sign not to remove the same after receiving notice from the Zoning Inspector to do so.

B. Removal of Unsafe Signs - If the Zoning Inspector shall find that any sign or other advertising structure is unsafe or insecure, or is a menace to the public, or has been constructed or erected, or is being maintained in violation of the provisions of this Resolution, notice shall be given in writing by the Zoning Inspector to the owner, agent or person having the beneficial use of said sign, who shall thereafter immediately correct the condition for which said notice was given.

C. Zoning Permit Required - A Zoning Permit shall be required for every proposed sign except as otherwise provided herein. Applicant shall submit a plan of the property showing the proposed location of the sign in relationship to existing property lines, roadways, buildings, structures, etc. All signs shall be erected only upon the submission of a proper plan, which shall be clearly drawn to the indicated scale, and approved by the Zoning Inspector. **(Amended 6/27/14)**

D. Under Chapter 5516 of the Ohio Revised Code and the regulations adopted pursuant thereto, all signs within 660 feet of the right-of-way of certain State Routes are subject to regulation by the Ohio Department of Transportation (ODOT). Zoning permits for signs along such rights-of-way shall not be issued without evidence that a permit has first been issued by ODOT, or that ODOT has determined that a state permit is not required. **(Added 10/22/03)**

ARTICLE VII

PARKING AND LOADING REGULATIONS

Section 701 GENERAL REGULATIONS

A. Off-street Parking

In all districts, in connection with every building or part thereof, hereafter created, off-street parking facilities shall be provided off the street, outside the public right of way and on the same lot as prescribed in Section 701-1 of Article VII.

B. Parking Space

Off-street accessory parking areas shall provide parking spaces, each of which shall be not less than two hundred (200) square feet in area, exclusive of access drives and aisles.

Section 702 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED

A. All one-family and two-family dwelling units shall provide parking space off the nearest road and outside the public right-of-way, together with means of ingress and egress thereto, for not less than two (2) motor vehicles per dwelling unit.

B. One (1) square foot of parking space with adequate access shall be provided on the same lot with all business structures for each square foot of floor space contained in the structure, exclusive of the basement or attic floor.

C. Off-street parking may be permitted in the front and side yards in the Business district.

Section 703 LOADING AND UNLOADING SPACES

Every building or structure used for commercial purposes shall provide space for loading or unloading off the street, outside the public right-of-way and on the same lot as follows:

1. Off-street loading and unloading accessory parking areas shall provide spaces, each of which shall be not less than four hundred and eighty (480) square feet (12' x 40').

2. Access to loading and unloading spaces shall be provided directly from a public street or from any public right-of-way that will not interfere with public convenience.

3. Loading space as required under this section shall be provided as area additional to off-street parking spaces as required, and shall not be considered as supplying off-street parking space.

ARTICLE VIII

CONDITIONAL ZONING PERMITS

Section 801 PURPOSE

Rather than assign all uses to individual and limited zoning districts, it is important to provide a controllable and reasonable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will at the same time maintain adequate provision for the security of the health, safety, convenience, and general welfare of the community's inhabitants as reflected in the Homer Township Comprehensive Plan.

In order to accomplish such a dual objective, provision is made in this Resolution for a more detailed consideration of each of certain specified activities as may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movement and concentration of population.

Land and structure uses possessing these particularly unique characteristics are designed as Conditionally Permissible Uses and are permitted through the issuance of a Conditional Zoning Permit with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

The Board of Zoning Appeals, as hereinafter created, may authorize the issuance of such conditional zoning permit for any of the uses listed as Conditionally Permissible Uses. The procedure outlined below shall be followed in submitting a request for such a permit.

Section 801-1 PROCEDURE FOR MAKING AN APPLICATION

A. Submission

Any application shall be submitted through the Zoning Inspector to the Board of Zoning Appeals on a special form for that purpose. Each application shall be accompanied by the payment of a fee as indicated in Section 901-5.

B. Data Required with Application

1. Form supplied by Zoning Inspector, completed by applicant.

2. Site plan, plot plan or development plan of the entire property being considered, drawn to the indicated scale and showing the location of all abutting streets, and proposed structures, the type of buildings and their uses. **(Amended 6/27/14)**

3. Completed plans and specifications for all proposed developments and construction.

4. A statement supported by substantiating evidence regarding the requirements enumerated in Section 801-2.

5. The Board of Zoning Appeals may require further documentation from the applicant to ensure compliance with the provisions of this code as the Board deems necessary. **(Added 6/27/14)**

C. Review by Board of Zoning Appeals

The Board of Zoning Appeals shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in the Homer Township Zoning Resolution.

D. Hearing

After adequate review and study of any application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the township at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing.

E. Issuance and Revocation of Conditional Zoning Permits.

Only upon conclusion of hearing procedures relative to a particular application, may the Board of Zoning Appeals issue a Conditional Zoning Permit. The breach of any condition, safeguard or requirement may be grounds for invalidating the permit granted. **(Amended 6/27/14)**

F. Re-application

No application for a Conditional Zoning Permit which has been denied wholly or in part by the Board of Zoning Appeals of the Township shall be resubmitted except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Board of Zoning Appeals. **(Amended 6/27/14)**

Section 801-2 BASIS OF DETERMINATION

The Board of Zoning Appeals shall establish that the general standards and the specific standards pertinent to each use and indicated herein shall be satisfied by the completion and operation of the proposed development. The Board of Zoning Appeals may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for insuring that the intent and objectives of the Resolution will be observed. **(Amended 6/27/14)**

General Standards

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:

A. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Township Comprehensive Plan of current adoption;

B. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;

C. Will not be hazardous or disturbing to existing or future neighboring uses;

D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;

E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.

F. Will not involve any uses, activities, processes, materials, and equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or noise of any nature;

G. Will be consistent with the intent and purpose of this Resolution.

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

Section 802 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES

101. All structures and activity areas shall be located at least fifty (50) feet from all property lines excluding frontage set-back which shall conform to Article IV.

102. No lighting shall have a visible source of illumination and shall in no way impair safe movement of traffic on any street and highway; no lighting shall shine directly on adjacent properties.

103. Such structures should be located on a secondary or minor street or road.

104. Site locations should be preferred that offer natural or man- made barriers that would lessen the effect of the intrusion of the nonresidential use into a residential area.

105. Loud speakers which cause a hazard or annoyance shall not be permitted.

106. There shall be no more than one (1) directional advertisement oriented to each abutting road identifying the activity.

107. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual or to the community in general.

108. Any temporary structures must be indicated as such on site plans submitted to the Zoning Board of Appeals for approval.

109. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Zoning Board of Appeals.

110. Such structures should be located on major thoroughfares or at intersections of major and/or secondary thoroughfares.

111. Such use shall not require costly or uneconomic extensions of utility services at the expense of the community.

112. Shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the development. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (50) feet to the top or bottom of any slope.

113. No slope shall exceed an angle with horizontal of forty-five (45) degrees.

114. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned to a condition of being entirely lacking in hazards, inconspicuous and blended with the general surrounding ground form so as to appear reasonably natural. (Gravel, sand pits, and quarries shall be completely and continually drained of water when not in use or not supervised by a watchman to prevent erosion or any other potential deterioration).

115. Shall indicate established route for truck movement in and out of the development in such a way that it will prevent hazards and damage to other properties in the community.

116. It is the intent of this subsection to permit basement dwellings, which are used for dwelling purposes, for a maximum period of two (2) years. Under certain unusual conditions or circumstances the Zoning Board of Appeals may grant additional extensions of six (6) month periods.

117. It is the intent of this subsection to exclude all dump-sanitary landfill or similar areas from Homer Township.

118. Mobile Homes & Trailers (**Rev. 10/22/2008**)

a. One mobile home for dwelling purposes, on a lot of where a permanent residence exists, for a maximum of 2 years, provided the mobile home is intended for occupancy by a non-paying guest or servant.

b. Mobile Homes and Trailers must conform to setback requirements of the R-2 Residential District of this Resolution and have sanitary facilities approved by the Medina County Board of Health

119. The site shall not be used for the storage and/or overnight parking of vehicles and/or trucks. Vehicles being repaired shall be parked on the site not longer than one (1) week.

120. All activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, said vehicle shall be entirely within a building.

121. Automobile service stations shall conform to all setback requirements of the district in which they are permitted except that gasoline pump islands need not conform to the building setback lines, but shall be set back from all road right-of-way lines at least fifty (50) feet. Lubrication, washing and other incidental servicing of motor vehicles and all supply and merchandise storage shall be completely within an enclosed building.

Ingress and egress driveways shall be separated from the intersection of any two road right-of-way lines by at least forty (40) feet and from property lines by at least twenty (20) feet. A curb shall be installed where any service areas adjoin any road right-of-way lines, except at driveway approaches.

Employee vehicles and vehicles awaiting servicing or return to customers following service shall be parked in areas indicated for such parking on the approved site plan. Such parking areas shall not be closer than fifty (50) feet to any road right-of-way.

122. Automobile service stations and auto body shops must conform to all applicable county, state and/or federal

requirements for collection, storage, removal, and disposal of hazardous materials generated or stored on the premises of said service stations and auto body shops.

123. Bed and Breakfast Homes

a. No more than two (2) adults shall occupy each sleeping room. Children under twelve (12) years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one room;

b. Fire escapes shall be provided as approved by the Board of Zoning Appeals and the local Fire Dept. and County Building Dept.;

c. Fire exit instructions shall be posted in each sleeping room;

d. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the Application;

e. The facility shall be operated so that guests reside at the home for not longer than one continuous week;

f. The facility shall contain no more than four (4) sleeping rooms for guests;

g. Morning meals shall be the only meals provided for registered guests. No cooking facilities shall be permitted in guest rooms;

h. Rooms used for guests shall be part of the primary residential structure and shall not have been specifically constructed for rental purposes;

i. The facility shall provide one parking space for each guest room, plus the standard two parking spaces for the single family dwelling;

j. Signs shall be permitted subject to Article VI, Sections 601-1, 601-2 and 601-6;

k. Any and all requirements of the Township, County and State Building and Health Departments must be met;

l. The establishment shall be owner occupied and managed.

124. Veterinary Clinic/Animal Hospital

A Veterinary Clinic/Animal Hospital shall be a permissible use provided that there are no adverse effects on the use or development of the surrounding area because of noise, traffic, type of physical activity or for any other reason, and if the following conditions and requirements are met:

a. There shall be no runs, exercise yards, or other facilities for the keeping of animals in any exterior space;

b. All areas for the keeping of animals shall be soundproofed;

c. Design and appearance of buildings used as a Veterinary Clinic/Animal Hospital shall be consistent with the rural environment in which it is located;

d. Parking shall be provided per Article VII of this Resolution;

e. A Veterinary Clinic/Animal Hospital designed for the treatment and care of pet animals shall be operated by a registered Veterinarian;

f. Any and all requirements of the Township, County and State Building and Health Departments must be met.

125. Home Occupations - Type 2

a. Such use shall be conducted by persons residing on the premises with no more than three (3) non-resident employees;

b. Such occupation shall be carried on entirely within one accessory structure that is separated from all property lines by a minimum of fifty (50) feet, excluding the front yard setback which shall conform to Article IV of this Resolution;

c. Such occupation shall be clearly incidental and subordinate to the land use for residential purposes;

d. No activity, material, goods, or equipment indicative of the occupation shall be visible from any public way or adjacent property;

e. The proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere;

f. No traffic shall be generated by such occupation in greater volume than would normally be expected in a residential neighborhood. Parking shall be provided per Article VII of this Resolution;

g. Signs shall be permitted subject to Article VI of this Resolution;

h. Accessory structures for home occupations may be a garage or other building. The maximum floor area for a Type 2 Home Occupation shall be 2000 square feet;

i. Accessory structures for home occupations shall comply with all requirements in the applicable Zoning District;

j. No equipment or process shall be used in such home occupation that would cause a nuisance to neighbors such as noise, vibration, glare, fumes, odors, or electrical interference. Evidence of the above objectionable elements shall not be discernible beyond the lot lines of the property.

126. Telecommunications Facilities (TCFs)
(Adopted 7/29/98; Rev. 2006)

a. Tower should be of monopole design with a maximum height of two hundred feet (200'), or be limited to the minimum required for adequate transmission and reception of telecommunication signals. The Owner or Operator of a Telecommunications Facility (TCF) shall be required, as a condition of issuance of a permit, to post a cash or surety bond acceptable to the Homer Twp. Trustees of no less than one hundred dollars ($100.00) per vertical foot from the natural grade of the telecommunications tower, which bond shall insure that an abandoned, obsolete, or destroyed wireless communication antenna or tower shall be removed in accordance with Section 801-126-1. Any Colocator shall be required to additionally execute such bond, as principal, to ensure that the bond will be in place during the period of time that the colocator occupies the tower. The Owner, Operator, or Colocator must be required to notify the Homer Twp.

Trustees, within 90 days, after discontinuance of operation of the facility.
(Rev. 6/10/99)

b. Tower location, equipment facilities, and any support structures and attachments should conform to current setbacks for building location as described in Sections 401-4 and 403-4 of this Zoning Resolution.

c. No guy wire anchors shall be located closer than twenty-five (25) feet to any property line.
(Eff. 10/24/07)

d. Location should be such that is does not endanger an existing structure, and should be located at least 1,000 feet from any other TCF.

e. Colocation and site sharing should be used whenever possible. If colocation and/or site sharing is not used, the applicant must provide a Justification Report explaining the need for a new tower or structure within the service area. This report must include written proof that carriers have been contacted, by registered letters, assuring that colocation was attempted and is not feasible because of grid pattern inconsistency or inappropriate signal strength. A feasibility/engineering report must be furnished.

f. Any access road must be constructed with sufficient base and surface materials to support construction, future maintenance, and emergency vehicles, and must be constructed for all weather usage and to prevent mud deposits on public roads. **(Added 10/24/07)**

g. Colocation must be made available to township and/or county safety forces upon request.

h. Existing mature tree growth and natural land forms on the site shall be preserved where possible, and tower, equipment facilities, and support structures must be adequately screened to maintain the maximum aesthetic value possible.

i. TCFs, equipment facilities, and support structures must be designed so as to blend in with existing surroundings to the extent feasible, including the use of compatible

colors. Equipment and buildings should be limited to a maximum height of ten (12) feet.

j. TCFs shall not be artificially lighted except for security and safety lighting of equipment and buildings. Such lighting must be appropriately down-shielded to keep light within the boundaries of the site, or as required by the FAA. **(Rev. 10/24/07)**

k. All structures and TCF components must be surrounded by a minimum eight-foot (8') high security fence, topped with 3 strands of barbed wire that will adequately protect all equipment facilities, support structures and any related facilities.

Warning signs, including emergency numbers and contacts, must be posted on all exterior sides of the security fence. **(Eff. 10/24/07)**
Minimum sign size must be 18" x 24".

l. Proof of FCC compliance for non-ionizing electromagnetic radiation (NIER) must be supplied to the Zoning Inspector. All applicants must provide proof of PUCO Registration Number at the time of application and renewal. **(Rev. 10/24/07)**

m. All permitted installation facilities must be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or the Township in general. Applicants must provide a Maintenance Plan detailing schedule and repair procedures and identifying facility owner/operator and/or maintenance contractor. **(Added 10/24/07)**

Any modifications will be subject to the foregoing conditions and the Zoning Commission may impose additional conditions when it deems it necessary to safeguard the health, welfare, and safety of the community.

n. Any temporary construction facility must meet the above criteria and must be removed within ninety 90) days of completion of construction. **(Rev. 10/24/07)**

o. Any TCF that is not operated for a continuous period of twelve (24) months shall be considered abandoned,

and the owner of such TCF shall remove same within ninety (90) days.

p. When a TCF is proposed to be located in a residential area, the Telecommunication Provider should present evidence that there is no feasible locality for the TCF in a non-residential area.

q. No advertising shall be placed anywhere on the telecommunication tower or associated structures. **(Eff. 10/24/07)**

r. An identification sign of a minimum of 18" x 24" shall be posted at the entrance of the facility identifying names, street number and 24-hour emergency phone numbers so that fire and police emergency vehicles can locate the responsible parties. All applicants must provide an Emergency Procedures Plan identifying who will be notified and what remedy processes will be used in case of emergency. **(Eff. 10/24/07)**

127. A Single Family Residence Converted to a Dual Family Residence must comply with the following:
(Eff. 1/15/2026)

a. Any modification made to a single residence for the purpose of converting the structure to a dual residence must be incorporated as an integral part of the original single structure.

b. Any additional structure shall have a common foundation wall or common exterior wall with the existing structure.

c. The main roof of the existing structure must be attached to the addition's roof or to the common structure or foundation wall.

d. The capacity of the sanitary system to accommodate all proposed additional square footage and usage, including added bedrooms, bathrooms, and kitchen areas must be approved by the Medina County Health Department prior to final approval by the Township. The entire structure must be connected to an existing sanitary system unless the Medina County Health Department, per their regulations, deems it necessary to enlarge the system to accommodate the additional space and usage.

e. Must be in compliance with Section 401-4 of this Resolution.

Section 803 COMPARABLE USES

A. Procedure and requirements to determine that a use is comparable.

When a use that is proposed is not listed or provided for in this Resolution, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use, within those districts specified, is comparable to a specific use that is listed or provided for in this Resolution. If the Board finds that a use is comparable to a specific use listed in this Resolution, the comparable use is deemed to be a comparable permitted use only in those districts where the specific use is a permitted use.

In formulating a determination that a proposed use is comparable, the Board shall follow the procedures relating to appeals and variances as specified in Article X of this Resolution. Upon making a determination that a proposed use is comparable, the Board shall notify the Township Trustees of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within (30) days of its receipt by the Township Trustees, such comparable use determination by the Board shall become effective.

If the Board determines that a proposed use is not comparable, such determination shall be not be appealed to the Township Trustees, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Article XII of this Resolution, or through the Court of Common Pleas.

B. Standards for consideration of comparable uses.

The following standards shall be considered by the Board when making a determination that a use is comparable to a permitted use within a specific district:

1. The compatibility of the proposed use with the general classification system as specified in this Resolution.

2. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Resolution as being permitted in that district.

3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Resolution.

C. Effect of determination that a use is comparable

Should a use be determined to be comparable to a specific permitted or conditionally permitted use provided for in this Resolution, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be comparable.

D. Record of comparable uses

The Zoning Inspector shall maintain as a public record a listing of all uses which have been determined to be comparable. For each such use, the record shall include the use as listed in the Resolution, the use unlisted in the Resolution about which the determination of comparability was made, and the dates of any actions thereupon by the Board of Zoning Appeals and the Township Trustees. This record shall also contain the same information for all uses which have been determined to be comparable. The Zoning Inspector shall consult this record in the process of issuing future permits.

ARTICLE IX

ADMINISTRATION AND ENFORCEMENT

Section 901 ADMINISTRATION

Section 901-1 ZONING INSPECTOR

A Zoning Inspector shall be employed per Section 5619.16 of the Ohio Revised Code (ORC) to enforce this Zoning Resolution. **(Amended 9/17/15)**

The Zoning Inspector may serve as Secretary of both the Homer Township Zoning Commission and the Homer Township Zoning Board of Appeals, but shall not be a voting member of either.

Section 901-2 BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall have the power to administer Article VIII - Conditional Zoning Permits, of this Resolution and shall have the power to issue conditional zoning permits as specified and regulated in this Resolution. See Section 301-4 of this Resolution. **(Amended 9/17/15)**

Section 901-3 SUBMISSION OF APPLICATION

All applications for zoning permits shall be submitted to the Zoning Inspector who may issue zoning permits when all applicable provisions of this Resolution have been complied with. All applications for conditional zoning permits shall be made to the Zoning Inspector and submitted to the Board of Zoning Appeals, which may issue conditional zoning permits in accordance with Article VIII of this Resolution.

Section 901-4 ZONING PERMITS REQUIRED

A. Before constructing, changing the use of, or altering any building, including accessory buildings, or changing the use of any premises, application shall be made to the Zoning Inspector for a zoning permit - see Sec. 301-4 of this Resolution. The applications shall include the following information:

1. A site plan drawn to the indicated scale showing the exact dimensions of the lot or lots to be built on **(Amended 6/27/14)**

2. The location, dimensions, height, and bulk of structures to be erected

3. The intended use

4. The yard, open area, and parking space dimensions

5. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Resolution

B. Within ten (10) days after the receipt of application, the Zoning Inspector shall issue a zoning permit if the application complies with the requirements of this Resolution and the application is accompanied by the proper fee as indicated in Section 901-5 referred to below.

C. The zoning permit shall become void at the expiration of six (6) months after date of issuance unless construction is started. If no construction is started or use changed within six (6) months of date of permit, a new permit is required upon application.

Section 901-5 PAYMENT OF FEES

The Board of Township Trustees shall by Resolution establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Zoning Inspector, Board of Zoning Appeals, and Zoning Commission with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the Township Hall and may be altered or amended only by the Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administration procedure. All direct and related costs for any special studies required by the Township to be made, or for maintenance of a strict record of public hearings shall be borne by the applicant.

Section 901-6 VIOLATIONS

Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Resolution are declared to be a nuisance per se. Any building or land use activities considered possible violations of the provisions of this Resolution which are observed by the residents of Homer Township shall be reported to the Zoning Inspector.

Section 901-7 INSPECTION

The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions that are found to be in violation of this Resolution.

Section 901-8 CORRECTION PERIOD

All violations shall be corrected within a period of thirty (30) days after the written order is issued or for a longer period of time as indicated by the Zoning Inspector. Any violations not corrected within the specified time period shall be reported to the County Prosecutor who shall initiate prosecution procedures.

Section 901-9 PENALTIES

The owner or owners of any building or premises or part thereof where anything in violation of this Resolution shall be placed or shall exist, and any tenant or occupant of such building or premises, and any architect, builder or contractor who shall assist in the commission of such violation, and any person who shall violate any of the provisions of this Resolution or fail to comply therewith shall for each violation or noncompliance be deemed guilty of a misdemeanor and upon conviction thereof, be fined no less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00). Each day such violation or failure to comply shall exist shall constitute a separate offense.

ARTICLE X

BOARD OF ZONING APPEALS

Section 1001

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.

Section 1001-1 COMPOSITION AND APPOINTMENT

See Section 519.13 of the Ohio Revised Code (ORC), township Board of Zoning Appeals.
(Amended 9/17/15)

Section 1001-2 ORGANIZATION

The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its membership, and shall prescribe rules for the conduct of its affairs.

Section 1001-3 QUORUM

The Board of Zoning Appeals shall require a quorum of three (3) members at all of its meetings, and the concurring vote of a majority of members shall be necessary to affect any order. **(Amended 9/17/15)**

Section 1001-4 WITNESSES

The Board of Zoning Appeals chairman or acting chairman may administer oaths and compel the attendance of witnesses in any matter coming within the review of this Resolution.

Section 1001-5 POWERS AND DUTIES

The Board of Zoning Appeals as herein created is a body of limited powers. In no case shall the Board have the power or authority to authorize a change in the use of any land or to change the height requirements of this Resolution.

A. Appeals

See Section 519.14 of the Ohio Revised Code. **(Amended 9/17/15)**

B. Variances - Where there are practical difficulties of unnecessary hardship in the way of carrying out the strict letter of this Resolution, the Board shall have the power to grant use variances pursuant to Ohio Revised Code Sec. 519.14(B), and area variances pursuant to Ohio Case Law. See Appendix E of this Resolution, Duncan Factors. **(Amended 9/17/15)**

In every instance of granting a variance by the Board of Appeals, there must be a showing by the Board that:

1. The strict application of the provisions of the Resolution would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and the intent of this Resolution.

2. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of

the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.

3. The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought, and will not materially impair the purpose of this Resolution.

In granting a variance the Board of Zoning Appeals may impose such conditions as it may deem necessary, including those contained in Appendix E of this Resolution, to protect the public health, safety, or welfare and to further the purpose and intent of this Resolution. **(Amended 9/17/15)**

C. Conditional Uses **(Amended 9/17/15)**

The Board of Zoning Appeals shall have the authority to grant conditional zoning permits for the use of land, buildings, or other structures as conditional uses pursuant to Sec. 519.24(C) of the Ohio Revised Code as specifically provided for in this Resolution.

Section 1001-6 PROCEDURE (Amended 9/17/15)

The Board of Appeals shall organize and adopt rules in accordance with this Zoning Resolution and as otherwise required by law. The Board shall keep minutes of its proceedings showing the vote for each member upon each question, or if absent or failing to vote, it shall indicate such fact. All appeals and applications made to the Board of Zoning Appeals shall be in writing on forms prescribed therefore. Every appeal or application shall refer to the specific provision or provisions of this Zoning Resolution necessary for its resolution, shall set forth the interpretation that is claimed, the details of any variance that is applied for, and the grounds on which it is claimed that the variance should be granted, as the case may be.

In the event that the Board of Zoning appeals finds it necessary to draw upon any planning, legal, or any other expert, for the resolution of any issue before it, the appellant or applicant before it shall be responsible for any additional costs to be incurred.

Section 1001-7 NOTICE OF HEARINGS (Amended 6/27/14)

When a notice of appeal has been filed in proper form with the Board of Zoning Appeals, the secretary shall immediately place the said request for appeal upon the calendar for hearing, and shall state on the notices the time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request for appeal, at least ten (10) days prior to the date of scheduled hearing. Written notice of such hearing shall also be given by mail to any person, firm, or corporation owning the premises located within five hundred

(500) feet of the land to which such appeal or application is related. All notices shall be sent to addresses given on the last assessment roll. Such hearings shall be advertised by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of such hearing. The Board may recess such hearings from time to time, and, if the time and place of the continued hearing be publicly announced at the time of adjournment, no further notice shall be required.

Section 1001-8 APPEALS (Amended 9/17/15)

In addition to the authority granted a Board of Zoning Appeals by Ohio Revised Code Sec. 519.14 (Appendix A), an appeal to the Board of Zoning Appeals may be taken by any officer or Board of Homer Township, deeming himself/herself or itself to be adversely affected by the decision of the Zoning Inspector or Zoning Commission respecting interpretation of this Resolution.

Appeals shall be made no later than twenty (20) calendar days after the date of the grievance. An appeal shall stay all proceedings in furtherance of the action appealed from unless the administrative officer whose decision is appealed from shall certify to the Board of Zoning Appeals after the notice of appeal has been filed, that by reason of facts stated in the permit, a stay would, in his opinion, cause "imminent" peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction. The Board shall make a decision on the appeal within a reasonable time after the public hearing. Any party involved in the hearing may appear in person or be represented by an attorney.

ARTICLE XI

TOWNSHIP ZONING COMMISSION

Section 1101

A Township Zoning Commission is hereby created and shall have all the powers and duties prescribed by law and by this Resolution.

Section 1101-1 COMPOSITION AND APPOINTMENT

See Section 519.04 of the Ohio Revised Code (ORC) **(Amended 9/17/15)**

Section 1101-2 ORGANIZATION

The Township Zoning Commission shall elect a chairman and a vice-chairman from its membership, and shall prescribe rules for the conduct of its affairs.

Section 1101-3 QUORUM

The Township Zoning Commission shall require a quorum of three (3) members at all of its meetings and the concurring vote of a majority of members present shall be necessary to affect any order. **(Amended 9/17/15)**

Section 1101-4 POWERS AND DUTIES

The Township Zoning Commission shall submit a plan, including both text and maps, representing the rezoning recommendations of the Zoning Commission for the carrying out of the Board of Township Trustees of the powers, purposes, and provisions set forth in Sections 519.01 to 519.99 inclusive, of the Ohio Revised Code, including additions to territory in which a township zoning plan is in effect.

The Zoning Commission may, within the limits of the moneys appropriated by the Board for the purpose, employ or contract with such planning consultants and executive and clerical assistants as it deems necessary. The Zoning Commission shall organize, adopt rules for the transaction of its business, and keep a record of its actions and determinations. No Township Trustee shall be employed by the Zoning Commission of his Township.

The Zoning Commission shall make use of such information and counsel as is available from appropriate public officials, departments, and agencies and such officials, departments, and agencies having information, maps, and data pertinent to township zoning shall make them available for the use of Zoning Commission.

In any county where there is a county or regional Planning Commission, the Zoning Commission may request such Planning Commission to prepare or make available to the Zoning Commission a zoning plan, including text and maps, for the unincorporated area of the Township or any portion of the same.

ARTICLE XII

AMENDMENTS

Section 1201 GENERAL

From time to time it may be necessary to amend the number, shape, area, or regulations of districts established on the Zoning District Map or the regulations set forth in this Resolution. All amendments shall be made according to the procedures required by Section 519.12 of the Ohio Revised Code and this Article. (See Appendix for supplemental information on amendment procedures).

Section 1202 PROCEDURE

A. Amendment to this Resolution may be initiated by:

1. Motion of the Township Zoning Commission;

2. Passage of a Resolution by the Board of Township Trustees;

3. Filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Township Zoning Commission.

B. Application shall take the following form, and include at least the following information:

1. Contents of Application for Zoning Map Amendment - Application for amendments to the Official Zoning Map adopted as part of this Resolution by Article III shall contain at least the following information:

a. The name, address, and phone number of the applicant; and address of the property to be rezoned;

b. The proposed amending Resolution;

c. Statement of the reason(s) for the proposed amendment;

d. Present use;

e. Present zoning district;

f. Proposed use;

g. Proposed zoning district;

h. A vicinity map showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;

i. A statement on the way in which the proposed amendment relates to the Homer Township Comprehensive Plan; and

j. A fee as established by Resolution of the Township Trustees.

2. Contents of Application for Zoning Text Amendment - Application for amendments proposing to change, supplement, amend, or delete a portion(s)

of this Resolution, other than the Official Zoning Map, shall contain at least the following information:

a. The name, address, and phone number of the applicant;

b. The proposed amending Resolution and section of the zoning Resolution;

c. A statement of the reason(s) for the proposed amendment;

d. A statement explaining the ways in which the proposed amendment relates to the Homer Township Comprehensive Plan; and

e. A fee as established by Resolution of the Township Trustees.

ARTICLE XIII

VALIDITY AND SEPARABILITY

It is hereby declared to be the legislative intent that, if any provision or provisions of this Resolution, or the application thereof to any zoning lot, building or other structure, or tract of land, are declared by a court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the affectivity of such decisions shall be limited to the provision or provisions which are expressly stated in the decision to be involved or ineffective, or to the zoning lot, building or other structure, or tract of land immediately involved in the controversy. All other provisions of this Resolution shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

ARTICLE XIV

REPEALER

All existing Resolutions of Homer Township, Ohio inconsistent herewith, are hereby repealed.

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APPENDIX A

COMPLETE TEXT OF SECTION 519.12 OF THE OHIO REVISED CODE

519.12 Amendments to Zoning Resolution, Procedure, Referendum

Section 519.12 | Zoning amendments. ***Effective: September 30, 2025***

COMPLETE TEXT OF SECTION 519.12

The Legislative Service Commission staff updates the Revised Code on an ongoing basis, as it completes its act review of enacted legislation. Updates may be slower during some times of the year, depending on the volume of enacted legislation.

Section 519.12 | Zoning amendments.

Effective: September 30, 2025

Latest Legislation: *House Bill 96 - 136th General Assembly*

(A)(1) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees may require that the owner or lessee of property filing an application to amend the zoning resolution pay a fee to defray the cost of advertising, mailing, filing with the county recorder, and other expenses. If the board of township trustees requires such a fee, it shall be required generally, for each application. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.

(2) Upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in division (A)(1) of this section with the commission, the commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one publication at least ten days before the date of the hearing using at least one of the following methods:

(a) In the print or digital edition of one or more newspapers of general circulation in the township;

(b) On the official public notice web site established under section 125.182 of the Revised Code;
(c) On the web site and social media account of the township.

(B) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed by the township zoning commission, by first class mail, at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the county auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

(C) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:
(1) The name of the township zoning commission that will be conducting the hearing;
(2) A statement indicating that the motion, resolution, or application is an amendment to the zoning resolution;
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
(5) The time and place where the motion, resolution, or application proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
(7) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;
(8) Any other information requested by the commission.

(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:
(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;
(4) The name of the person responsible for giving notice of the hearing by publication;
(5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;
(6) Any other information requested by the commission.

(E)(1)(a) Except as provided in division (E)(1)(b) of this section, within five days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission, for approval, disapproval, or suggestions.
The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the township zoning commission. The recommendation shall be considered at the public hearing held by the township zoning commission on the proposed amendment.
(b) The township zoning commission of a township that has adopted a limited home rule government under Chapter 504. of the Revised Code is not subject to division (E)(1)(a) of this section but may choose to comply with division (E)(1)(a) of this section.
(2) The township zoning commission, within thirty days after the hearing, shall recommend the approval or denial of the proposed amendment, or the approval of some modification of it, and submit that recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the county or regional planning commission on it to the board of township trustees.
(3) The board of township trustees, upon receipt of that recommendation, shall set a time for a public hearing on the proposed amendment, which date shall not be more than thirty days from the date of the receipt of that recommendation. Notice of the hearing shall be given by the board by one publication at least ten days before the date of the hearing using at least one of the following methods:
(a) In the print or digital edition of one or more newspapers of general circulation in the township;
(b) On the official public notice web site established under section 125.182 of the Revised Code;
(c) On the web site and social media account of the township.

(F) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:
(1) The name of the board of township trustees that will be conducting the hearing;
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
(3) A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the county auditor's current tax list;
(4) The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
(5) The time and place where the motion, application, or resolution proposing to amend the zoning resolution will be available for examination for a period of at least ten days prior to the hearing;
(6) The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
(7) Any other information requested by the board.

(G) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:
(1) The name of the board of township trustees that will be conducting the hearing on the proposed amendment;
(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;
(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;
(4) The name of the person responsible for giving notice of the hearing by publication;
(5) Any other information requested by the board.

(H) Within twenty days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall be required.

Except as provided in division (J) of this section, the proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than thirty-five per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.
The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

PETITION FOR ZONING REFERENDUM

(if the proposal is identified by a particular name or number, or both, these should be inserted here) _____
A proposal to amend the zoning map of the unincorporated area of _____ Township, _____ County, Ohio, adopted _____(date)_____ (followed by brief summary of the proposal).
To the Board of Township Trustees of _____ Township, _____ County, Ohio:

We, the undersigned, being electors residing in the unincorporated area of _____ Township, included within the _____ Township Zoning Plan, equal to not less than fifteen per cent of the total vote cast for all candidates for governor in the area at the preceding general election at which a governor was elected, request the Board of Township Trustees to submit this amendment of the zoning resolution to the electors of _____ Township residing within the unincorporated area of the township included in the _____ Township Zoning Resolution, for approval or rejection at a special election to be held on the day of the primary or general election to be held on _____(date)_____, pursuant to section 519.12 of the Revised Code.

Street Address Date of Signature or R.F.D. Township Precinct County Signing

_____

_____

STATEMENT OF CIRCULATOR

I, _____(name of circulator)_____, declare under penalty of election falsification that I am an elector of the state of Ohio and reside at the address appearing below my signature; that I am the circulator of the foregoing part petition containing _____(number)_____ signatures; that I have witnessed the affixing of every signature; that all signers were to the best of my knowledge and belief qualified to sign; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be or of an attorney in fact acting pursuant to section 3501.382 of the Revised Code.

_____
(Signature of circulator)

_____
(Address of circulator's permanent residence in this state)

_____
(City, village, or township, and zip code)

WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY OF THE FIFTH DEGREE."

The petition shall be filed with the board of township trustees and shall be accompanied by an appropriate map of the area affected by the zoning proposal. Within two weeks after receiving a petition filed under this section, the board of township trustees shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than ninety days prior to the election at which the question is to be voted upon.

The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of township trustees under this section. If the board of elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the date the

petition is filed with the board of township trustees, regardless of whether any election will be held to nominate or elect candidates on that day.
No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take immediate effect.

(I) Within five working days after an amendment's effective date, the board of township trustees shall file the text and maps of the amendment in the office of the county recorder and with the county or regional planning commission, if one exists.
The failure to file any amendment, or any text and maps, or duplicates of any of these documents, with the office of the county recorder or the county or regional planning commission as required by this section does not invalidate the amendment and is not grounds for an appeal of any decision of the board of zoning appeals.

(J)(1) Notwithstanding any contrary provision of the Revised Code, a decision of the board of township trustees to adopt a proposed amendment to the zoning text or map to rezone, redistrict, or otherwise make an amendment related to, any property involved in a megaproject as defined in section 122.17 of the Revised Code shall take effect immediately upon adoption and is exempt from the referendum procedures in division (H) of this section.
(2) If a proposed amendment establishes or modifies planned-unit development regulations, the following apply in lieu of the contrary provisions of division (H) of this section:
(a) The board of elections shall determine the sufficiency and validity of the petition not later than thirty days after the petition is certified to the board of elections by the board of township trustees.
(b) If the board of elections determines there is an insufficient number of valid signatures, the board immediately shall notify the person who presented the petition. The person may submit additional signatures not later than ten days after the notification.

APPENDIX B

HOMER TOWNSHIP
ZONING DISTRICTS MAP TEXT

BUSINESS DISTRICT

NW CORNER – Beginning at the intersection of St. Rt. 301N and US Rt. 224, North 1,328.65', then West 396.49', then South 675.45', then East 112.0', then South 649.40', then East 285.78' to the beginning point. **(Rev. 2/4/99)**

SW CORNER – Beginning at the intersection of St. Rt. 301, US Rt. 224, and Zimmerman Rd., west 446.92' along US Rt. 224 to an iron pin, then south 262.76', then east 445.05', then north for 213.51' to the beginning point. **(Rev. 10/22/03)**

Note: The dimensions for the SW Corner, above, were determined according to a surveyor map dated Jan. 9, 1996 by Douglas P. McLaughlin & Assoc. **(Added 10/22/03)**

SE CORNER - Beginning at the intersection of US Rt. 224 and St. Rt. 301S, East 162.48', then South 162', then East 153.0', then South again for 246.32', then West 165.0' to the centerline of St. Rt. 301, then North 550.02' to the beginning point.

NE CORNER - Beginning at the intersection of St. Rt. 301N and U.S. Rt. 224, North 198.0', then East 280.5', then South 198.0', then West 280.50' to the beginning point.

R-1 DISTRICT (LOW DENSITY RESIDENTIAL)

NW AREA - From the Western boundary of the Business District, West along the centerline of US. Rt. 224 for 639.50', then North 485.0', then East 527.50', then North 164.40', then East 112.0', then South 649.40' to the beginning point. **(Rev. 2/4/99)**

SW AREA – Beginning at the western boundary of the B-1 district, west along US Rt. 224 for a distance of 577.28', then south for 846.46', then east 365.25', then north 178.68', then east again for 659.41' to the centerline of Zimmerman Rd., then north along that line for 432.35' to the southern boundary of the B-1 district, then west 445.05', and then north 262.76' to the beginning point. **(Rev. 10/22/03)**

TRIANGLE AREA - Beginning at the intersection of St. Rt. 301N, US Rt. 224 and Zimmerman Rd., South on Zimmerman Rd. for 787.58', then East 583.99' to the centerline of St. Rt. 301, then North on St. Rt. 301 for 1021.02', to the centerline of US Rt. 224, then West 82.17' to the beginning point.

SE AREA - Beginning at the Southern boundary of the Business District, South on St. Rt. 301 for 643.75', then from the centerline of St. Rt. 301, East for 207.0', then North 630.0', then East 269.28', then North 542.52' to the centerline of US Rt. 224, then West 879.66' to the eastern boundary of the Business District, then South for 162.0', then East 153.0', then South 246.32', then West 165.0'.

NE AREA – From the eastern boundary of the Business District, east for 1,050.45', then north 659.21', then west 1,330.96' to the centerline of St. Rt. 301N, then south 461.21' to the northern boundary of the Business District, then east 280.50', then south again 198.0' to the centerline of US Rt. 224, the beginning point. **(Rev. 10/22/03)**

SPECIAL NORTH EAST AREAS - (Added 1/15/2026)

Between CSX Railroad and US Route 224 (Greenwich Rd.) along US 224 beginning at the west boundary of Parcel #019-13B-45-003 and Parcel #019-13B-39-004 easterly to the east boundary of Parcel # 019-13B-46-007.

Along Simcox Rd. south to CSX Railroad beginning at the west boundary of Parcel # 019-13B-40-012 easterly to the east boundary of Parcel # 019-13B-41-007 to Pawnee Rd.

NOTE: Text for the Zoning Districts Map was originally adopted by the Homer Township Trustees on November 11, 1996.

NOTE: Information provided by maps and calculations with the assistance of the Medina County Tax Map Office

APPENDIX C

HOMER TOWNSHIP

PERMIT APPLICATION FOR GARAGE/YARD SALES

Name of Applicant: _____

Address: _____

Phone Number: _____

Date(s) of Sale: From: _____ To: _____

Time of Sale: From: _____A. M. To: _____P. M.

SIGNS

SIGNS SHALL COMPLY WITH SECTION 601-3 - TEMPORARY SIGNS, OF THE HOMER TOWNSHIP ZONING RESOLUTION.

NO SIGN SHALL BE PLACED EITHER WITHIN THE RIGHT-OF-WAY, OR ON ANY UTILITY POLE.

I have read and understand Garage/Yard Sale Regulations: _____Yes _____ No

_____

Signature of Applicant Date

APPENDIX D

Resources Used in Development of Section 401-3-V-Energy Generating Devices
(copies attached)

Source: American Speech-Language-Hearing Association (www.asha.org)
"Noise and Hearing Loss"

Source: www.dangerousdecibels.org
"Noise-Induced hearing Loss"

Source: www.nationalwind.org
Table – "Typical Environmental & Industry Sound Levels"

Source: www.sierraclub.org/coal/oh/downloads/**ohio-wind**-map-hi-res.pdf
Ohio Wind Maps – 30, 50, and 70 meters

SOURCE: http://www.dangerousdecibels.org/hearingloss.cfm 4/17/2010

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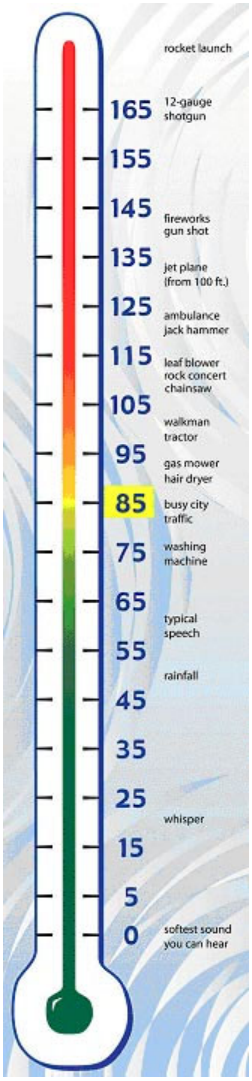

Dangerous Decibels focuses on noise-induced hearing loss.

Noise-Induced Hearing Loss (NIHL)

Of the roughly 40 million Americans suffering from hearing loss, 10 million can be attributed to noise-induced hearing loss (NIHL). NIHL can be caused by a one-time exposure to loud sound as well as by repeated exposure to sounds at various loudness levels over an extended period of time. Damage happens to the microscopic hair cells found inside the cochlea. These cells respond to mechanical sound vibrations by sending an electrical signal to the auditory nerve. Different groups of hair cells are responsible for different frequencies (rate of vibrations). The healthy human ear can hear frequencies ranging from 20Hz to 20,000 Hz. Over time, the hair cell's hair-like stereocilia may get damaged or broken. If enough of them are damaged, hearing loss results. The high frequency area of the cochlea is often damaged by loud sound.

Sound pressure is measured in decibels (dB). Like a temperature scale, the decibel scale goes below zero. The average person can hear sounds down to about 0 dB, the level of rustling leaves. Some people with very good hearing can hear sounds down to -15 dB. If a sound reaches 85 dB or stronger, it can cause permanent damage to your hearing. The amount of time you listen to a sound affects how much damage it will cause. The quieter the sound, the longer you can listen to it safely. If the sound is very quiet, it will not cause damage even if you listen to it for a very long time; however, exposure to some common sounds can cause permanent damage. With extended exposure, noises that reach a decibel level of 85 can cause permanent damage to the hair cells in the inner ear, leading to hearing loss. Many common sounds may be louder than you think…

- A typical conversation occurs at 60 dB - not loud enough to cause damage.
- A bulldozer that is idling (note that this is idling, not actively bulldozing) is loud enough at 85 dB that it can cause permanent damage after only 1 work day (8 hours).
- When listening to music on earphones at a standard volume level 5, the sound generated reaches a level of 100 dB, loud enough to cause permanent damage after just 15 minutes per day!

- A clap of thunder from a nearby storm (120 dB) or a gunshot (140-190 dB, depending on weapon), can both cause immediate damage.

AMERICAN SPEECH-HEARING-LANGUAGE ASSOCIATION
(WWW.ASHA.ORG)

Noise and Hearing Loss

Noise is difficult to define!

People who study acoustics define noise as complex sound waves that are aperiodic, in other words, sound waves with irregular vibrations and no definite pitch.

In engineering, noise is defined as a signal that interferes with the detection of or quality of another signal.

The combined disciplines of psychology and acoustics (psychoacoustics) study the response of humans to sound. They define noise as unwanted sound.

Is music noise? Is the hum of tires on a highway noise? Is the surround-sound movie theater noise? Is the philharmonic concert noise? And what about the accompanying beat for aerobic exercises at the health club? Sounds that are soothing for some are irritating to others.

An expert on noise, K.D. Kryter (1996) in his text *, Handbook of Hearing and the Effects of Noise,*(New York Academic Press) defined noise as "acoustic signals which can negatively affect the physiological or psychological well-being of an individual."

Basically, noise is unwanted sound. It is a pollutant and a hazard to human health and hearing. In fact, it has been described as the most pervasive pollutant in America.

Noise in our environment affects physical heath. Noise also has psychological and social implications and affects our well-being and quality of life.

Unfortunately, public awareness of the hazardous effects of noise is low - especially noise considered to be non-occupational. To this end, the fourth Wednesday in April has been declared International Noise Awareness Day (INAD). As part of International Noise Awareness Day, a "Quiet Diet" is encouraged and is launched by observing 60 seconds of no noise from 2:15 to 2:16 PM. The reduction, if not stopping of everyday noises around us raises our awareness of the impact noise has on health and hearing.

According to the National Institute on Deafness and Other Communication Disorders (NIDCD) more than 30 million Americans are exposed to hazardous sound levels on a regular basis. Of the 28 million Americans who have some degree of hearing loss, over one-third have been affected, at least in part, by noise. Visit the "Wise Ears" Web site for more information on noise-induced hearing loss.

Damage to the Inner Ear

Your ear receives sound waves and sends them through a delicately balanced system to the brain. Part of this remarkable system, the cochlea, is a chamber in the inner ear filled with fluid and lined with thousands of tiny hair cells. The hair cells signal the auditory nerve to send electrical impulses to the brain. The brain interprets these impulses as sound. When you are exposed to loud or prolonged noise, the hair cells are damaged and the transmission of sound is permanently altered.

Noise Levels

Both the amount of noise and the length of time you are exposed to the noise determine its ability to damage your hearing. Noise levels are measured in decibels (dB). The higher the decibel level, the louder the noise. Sounds louder than 80 decibels are considered potentially hazardous. The noise chart below gives an idea of average decibel levels for everyday sounds around you.

Painful

150 dB = rock music peak

140 dB = firearms, air raid siren, jet engine

130 dB = jackhammer

120 dB = jet plane take-off, amplified rock music at 4-6 ft., car stereo, band practice

Extremely Loud

110 dB = rock music, model airplane

106 dB = timpani and bass drum rolls

100 dB = snowmobile, chain saw, pneumatic drill

90 dB = lawnmower, shop tools, truck traffic, subway

Very Loud

80 dB = alarm clock, busy street

70 dB = busy traffic, vacuum cleaner

60 dB = conversation, dishwasher

Moderate

50 dB = moderate rainfall

40 dB = quiet room

Faint

30 dB = whisper, quiet library

Warning Signs of Hazardous Noise

- You must raise your voice to be heard
- You can't hear someone two feet away from you
- Speech around you sounds muffled or dull after leaving a noise area
- You have pain or ringing on your ears (tinnitus) after exposure to noise.

Hazardous Noise

Sounds louder than 80 decibels are considered potentially dangerous. Both the amount of noise and the length of time of exposure determine the amount of damage. Hair cells of the inner ear and the hearing nerve can be damaged by an intense brief impulse, like an explosion, or by continuous and/or repeated exposure to noise.

Examples of noise levels considered dangerous by experts are a lawnmower, a rock concert, firearms, firecrackers, headset listening systems, motorcycles, tractors, household appliances (garbage disposals, blenders, food processors/choppers, etc.) and noisy toys. All can deliver sound over 90 decibels and some up to 140 decibels.

Read more information on noisy toys.

Can't my ears "adjust" and "get used" to regular noise?

If you think you have "gotten used to" the noise you are routinely exposed to, then most likely you have already suffered damage and have acquired a permanent hearing loss. Don't be fooled by thinking your ears are "tough" or that you have the ability to "tune it out"! Noise induced hearing loss is usually gradual and painless, but, unfortunately, permanent. Once destroyed, the hearing nerve and its sensory nerve cells do not regenerate!

An audiologist certified by the American Speech-Language-Hearing Association (ASHA) can conduct a hearing evaluation to determine if you do have a hearing loss. If you are routinely exposed to noise, you should have your hearing checked by an ASHA-certified audiologist on a regular basis, at least once a year. In almost all states, a license to practice audiology is also required.

APPENDIX E

Duncan Factors
(Added 9/17/15)

The factors to be considered and weighed to determine whether a property owner has encountered practical difficulties are (but are not limited to) the following:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;

2. Whether the variance is substantial;

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;

4. Whether the variance would adversely affect the delivery of government services (e.g., water, sewer, garbage);

5. Whether the property owner purchased the property with knowledge of the zoning restrictions;

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.