



Planning Commission  
App. No. 080-2017 TA

## Zoning Text Amendment Harrisville Township

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**Meeting:** November 1, 2017  
**Applicant:** Harrisville Township Zoning Commission  
**Hearing:** TBA (Zoning Commission)  
**Amendments:** Article IV, Use, Area and Height Regulations;  
Section 401-2 Conditionally Permitted Uses (Delete)  
Section 410 Home Occupations (New)  
Section 802 Regulations Pertaining to Conditionally Permissible Uses in All Districts (Delete)  
**Reviewer:** Susan Hirsch

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**Proposal:** With this amendment, the Township proposes to remove “home occupation” from the list of conditional uses within the R-1 Residential District and provide a new section with specific regulations for home occupations. The new section provides for two types of home occupations. They are also providing a definition for “Type 1” and “Type 2” Home Occupations, and sign regulations for Home Occupations.

New text is shown as **bold and underlined**; deleted text is indicated as ~~struck through~~ and Staff Comments are in *italics*.

### Article IV USE, AREA AND HEIGHT REGULATIONS

#### Section 401 R-1 RESIDENTIAL DISTRICT

Section 401-2 Conditionally Permitted Uses

h) ~~Home occupations subject to Subsection 802.122~~

#### Section 802 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES

~~122~~ ~~Such uses shall be secondary in importance to the use of the dwelling for dwelling purposes.~~

~~a) Such uses shall be conducted by the occupant with no more than two (2) additional employees.~~

~~b) Such occupations shall be carried on entirely within the dwelling and not in an accessory building built for the home occupation purpose; however, the garage may be used providing that the home occupation does not preclude the storage of the number of vehicles for which the garage was designed.~~

~~c) The conducting of the home occupation shall not occupy more than fifty (50) percent of the living floor area of any one dwelling unit.~~

~~d) Proposed use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted elsewhere.~~

- e) ~~No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way or adjacent property.~~
- f) ~~For purposes of advertising, there shall be no more than one (1) sign or identification not to exceed two (2) square feet in area and attached flat against a building wall.~~
- g) ~~The proposed use shall not generate noise, odor, fumes, smoke, or vehicular or pedestrian traffic in an amount which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.~~

## **Section 410 HOME OCCUPATIONS**

### **PURPOSE**

**The Home Occupation regulations are established to preserve the neighborhood and prevent the intrusion of commercial ventures into Residential Districts.**

*Suggest adding "Township's" before the word "neighborhood" and making "neighborhood" plural.*

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### **STANDARDS FOR HOME OCCUPATIONS.**

**The purpose of the Home Occupation regulations is to protect the character of the surrounding residential neighborhood while recognizing the traditional workplaces are no longer necessary in all situations due to changing technology, computerization, networking, and the changing job market. These regulations are intended to recognize this trend and allow Home Occupations that are located and conducted in such manner that the existence of the Home Occupation is not detectable outside of the dwelling unit or accessory building. The Home Occupation use shall be clearly subordinate and incidental to the residential use of the property within the incorporated area.**

*Suggest ending the last sentence after the word "property". Townships are unincorporated.*

### **DEFINITIONS:**

**Type 1 Home Occupation is a non-residential use conducted entirely within a residence and carried on by the inhabitants' thereof which use is clearly incidental and secondary to the use of the property for residential purpose and does not change the character of the residence.**

**Type 2 Home Occupation is a non-residential use utilizing an accessory building on residential property and is carried on by the inhabitants thereof plus a maximum of one employee, which use is clearly incidental and secondary to the use of the property for residential purpose and does not change the character of the residential property.**

**Home occupations are subject to the provisions of Section IV of the zoning resolution for Harrisville Township and the following conditions and restrictions:**

**A. TYPE 1 HOME OCCUPATIONS:**

1. **The use shall be clearly incidental and subordinate to the residential use of the property and shall not change the character thereof;**
2. **The use shall be conducted entirely within the dwelling by resident occupants. No nonresident employees shall be allowed.**
3. **No activity shall be allowed that creates offensive noise, dust, smoke, odor, vibrations, glare, or radio or television interference that is noticeable from beyond the property boundaries.**
4. **No hazardous materials other than those commonly found within the residence shall be used or stored on the site. Such materials and equipment shall be limited to quantities that do not constitute of a fire, health or safety hazard.**
5. **The use shall occupy less than 50 percent of the floor area of the dwelling, including the basement, and or the attached garage, and shall be clearly incidental and subordinate to the residential use.**

*It is customary to use "living area", which does not include the basement and the garage, when calculating area for a home occupation. Also, slightly less than 50% of floor area, or even living area would provide a major change to the use of the residence. 20 to 25% of the floor area would be a more reasonable percentage of the residence to assure that the home occupation is "clearly incidental and subordinate to the residential use of the property".*

6. **The proposed use shall not constitute primary or incidental storage facilities for the business, industrial or agricultural activity conducted elsewhere.**
7. **No traffic shall be generated by such home occupation in greater volume than would be expected in a residential neighborhood. Any need for parking shall meet the off-street parking as specified in this resolution and provided on site. (See Article VII on parking.)**

**B. TYPE 2 HOME OCCUPATIONS:**

1. **The use shall be clearly incidental and subordinate to the residential use of the property and shall not change the character thereof;**
2. **The use shall be conducted entirely within the dwelling or accessory building except for storage of equipment or material as provided in #4 by resident inhabitant, and may include one (1) nonresident (up to full time) employee.**

*It is not clear whether more than one accessory building and/or home occupation would be permitted on a property.*

3. **No activity shall be allowed that creates offensive noise, dust, smoke, odor, vibrations, glare or radio or television interference from beyond the property boundaries.**
4. **Accessory buildings containing ~~expanded~~ home occupation uses shall be limited in area to not more than 1,200 square feet (total). A larger building may be used provided the home occupation area is structurally portioned to not exceed 1,200 square feet. Storage of equipment and material outside of buildings shall be limited to a specified area not exceeding ~~in~~ 600 square feet, and shall be appropriately**

**screened to be not visible from outside the property boundaries. Equipment and materials shall be limited to quantities that so not constitute a fire, health or safety hazard.**

*There are two separate and unrelated regulations within item 4; (1) maximum size of 1200 square feet for an accessory building and using only a portion of a larger accessory building, and (2) regulation storage of equipment and material outside of buildings. Staff suggests splitting the two at the phrase "Storage of equipment". It is not clear what is meant by "expanded home occupation uses". Deleting the word "expanded" may clarify the intent.*

**5. The proposed use shall not constitute primary or incidental storage facilities for the business or industrial activity conducted elsewhere.**

*The phrase "primary and incidental" is not necessary. All off-site storage is not permitted.*

**6. No traffic shall be generated by such occupation in greater volume than would be expected in a residential neighborhood. Any need for parking shall meet the off-street parking as specified in this resolution and provided on site. (See Article VII on parking.)**

**7. Any building that exceeds 1200 square feet, or employees exceeds more than 2 must appear in front of the Zoning Board of Appeals.**

*Suggest deleting No. 7. There is always an opportunity to request a variance. The Township does not need to instruct an applicant as to getting around their regulations.*

#### SIGNS

1. One non-illuminated sign not to exceed ten (10) square feet, (one sided, 20 square feet two (2) sided, height no more than five (5) foot from ground level to top.
2. Signs incidental to legal process and necessary to public welfare.
3. No sign shall extend into any highway or road right of way.
4. Signs no larger than ten (10) square feet when the use of the sign is in direct relation to the use of the premises.

*Separate sign regulations for home occupations is not necessary, Home occupation signs are already regulated by Article VI Sign Regulations. Suggest deleting this Section and referencing Article VI.*

*Note: Signs must be content neutral. Requiring that any sign must,*

*"...be in direct relation to the use of the premises" is regulating the content of the sign.*

#### GENERAL COMMENTS:

The Township may want to consider making a Type 1 Home Occupation a permitted use in the R-1 Residential District and a Type 2 Home Occupation a Conditional Use in the R-1 Residential District. With the site plan required for the conditional use, the Township would have the opportunity to review the location of any accessory building, the outside storage area and its screening, and the location of the sign.

**RECOMMENDATION:** Staff recommends **APPROVAL WITH MODIFICATIONS** for the proposed Harrisville Township text amendments, subject to Staff Comments. Staff further recommends that Harrisville Township request an opinion from the Medina County Prosecutor's Office on the final language.

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App. No. 086-2017 TA

## Zoning Text Amendment Harrisville Township

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**Meeting:** November 1, 2017  
**Applicant:** Harrisville Township Zoning Commission  
**Hearing:** TBA (Zoning Commission)  
**Amendments:** Article IV, Use, Area and Height Regulations  
Section 403A, B-3 Interchange Commercial District  
**Reviewer:** Susan Hirsch

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**Proposal:** Harrisville Township proposes to expand the permitted uses in the B3 Interchange Commercial District to permit “office space”. On their application, the Township stated that due to on-line shopping many retail businesses have closed all or many of their stores and this has affected the outlet mall. Office uses could fill some of the vacant units at the mall. They have also added a definition for “office space/workplace”.

**Proposed Amendments:** New text is shown as **bold and underlined**; deleted text is indicated as ~~struck through~~ and Staff Comments are in *italics*.

### Article IV USE, AREA AND HEIGHT REGULATIONS

#### Section 403 B-3 INTERCHANGE COMMERCIAL DISTRICT

##### SECTION 403A B3 Interchange Commercial District (*Add “A” to Section number*)

###### Section 403A-1 PURPOSE

The Township recognizes that the Interstate 71 – State Route 83 interchange area is a principal access point to the community and that vacant land in the immediate area is a strategic resource for the Township. It is the intent of the Township that this area be zoned for significant, high visibility commercial uses that will reflect positively on the image of the community and generate substantial jobs for the community and tax revenue for the Township, the schools, and the county. The B-3 Interchange Commercial District is established to further these objectives, to provide for uses which accommodate travelers, particularly retail shoppers, on Interstate 71 and to provide locations for other commercial uses which particularly benefit from the high visibility and regional accessibility offered by the Interstate. The B-3 District is further intended to minimize interference with other traffic on the Township’s roads by encouraging traffic using the B-3 zone to enter and exit by the most direct route to and from Interstate 71.

###### Section 403A-2 PERMITTED USES

The following uses are permitted in B-3 Interchange Commercial District:

- (a) A retail outlet mall consisting of a planned and integrated grouping of stores (including any restaurants or food courts within the grouping) with the total square footage of ground floor area within the walls of these stores to total at least 150,000 square feet and to total no more than 500,00 square feet.

- (b) OFFICE SPACE, WORKPLACE -is permitted not to exceed 15% (fifteen percent of the total square footage of the ground floor area of the retail factory outlet mall in Section 403A-2 (a). Should it [proposed office use] exceed more than 15% (fifteen) they are required to apply for a conditional [use permit for] up to but not exceeding 25% (twenty-five) of the total footage of the ground floor area of the retail factory outlet mall in § 403A-2 (a).**

*Staff suggests that the Township provide criteria for permitting a conditional use permit for more 15% and up to 25% of the total floor area of the mall.*

## **DEFINITIONS:**

### **OFFICE SPACE – WORKPLACE (non-medical)**

**Establishment providing direct services to consumers, such as insurance agencies, title insurance companies, real estate offices, [commercial] post offices, but not including bulk mailing distribution centers. Does not include: medical offices or offices that are incidental and accessory to another business or sales activity that is the principal use.**

## **GENERAL STAFF COMMENTS:**

1. The Purpose section for the B-3 Interchange Commercial District states that,” [I] it is the intent of the Township that this area be zoned for, “...significant, high visibility commercial uses...” The Purpose section further states that, ”The B-3 Interchange Commercial District is established ... to provide for uses which accommodate travelers, particularly retail shoppers, on Interstate 71 and to provide locations for other commercial uses which particularly benefit from the high visibility and regional accessibility offered by the Interstate.”
2. “Office Space” does not precisely fit the intended purpose of the B-3 Interchange Commercial District. If the Township does amend the permitted uses for this district to include office use, the Purpose statement should be modified accordingly.
3. Although 15% of the total square footage of the ground floor area of the mall is relatively small, permitting any office use could dramatically alter the nature of the mall and hinder any future efforts to maintain the outlet mall as a retail hub.

**Recommendations:** Staff recommends **APPROVAL WITH MODIFICATIONS** for the proposed Harrisville Township text amendments, subject to Staff Comments. Staff further recommends that Harrisville Township request an opinion from the Medina County Prosecutor’s Office on the final language.