

Harpersfield Township Zoning Text Update

Date	May 29, 2026
To	Harpersfield Township Zoning Working Group
From	Verdantas
Subject	Harpersfield Township Zoning Text Update Final Memo

Project Overview

Harpersfield Township was awarded funding through the Ohio Department of Development Housing Technical Assistance Program (HTAP) to update sections of its Zoning Resolution. The Township has worked to make small updates over many years which has led to inconsistencies in the text. Additionally, the passing of House Bill 315 allows Townships to enforce zoning violations civilly rather than criminally, creating a need for an updated enforcement section.

Verdantas conducted a zoning text audit to determine areas of the text that were outdated, insufficient, and repetitive. Due to the amount of funding applied for, the project scope was somewhat limited. Using the audit, Township Staff and the Working Group determined areas of the text to focus on during the update process. It was ultimately decided that the update should make the zoning code more workable and address existing regulations, rather than creating new districts or address emerging uses.

Ease of Use

The entire text document was reviewed and altered to become more condensed and user-friendly. A significant number of regulations were converted from paragraph form into a table format to improve readability and clarity.

The most significant changes were made to Article 5 – District Regulations, Article 8 – Conditional Uses, Article 12 – Parking & Loading, and Article 13 – Signs. Changes to these articles included reorganization, increase of tables, and overall restructuring.

Updated graphics were also added throughout the text document to improve comprehension. Visuals related to lighting and signage were updated to help portray the different styles of signs and lighting fixtures mentioned in the text.

Article 2: Definitions

Definitions were updated to reflect modern-day language and emerging uses. The definitions in Article 2 generally reflected contemporary usage but contained several provisions that created interpretive challenges or potential legal vulnerabilities. These terms related to Manufacturing and Adult Entertainment Businesses.

Emerging use terms were added or updated to Article 2. Terms such as Short-term Rental and Electric Vehicle Facilities were added to update regulations relating to these uses. Additionally, the Agriculture definition was altered to provide more clarity on allowable uses.

Article 6: Supplementary District Regulations

Fences & Screening

With the updated regulations, all fences require a zoning permit. Fences fall into three different categories: solid, partially open, and open. Visuals for all types of fencing were added to the text. Partially open and open fences are allowed in all yards while solid fences are only allowed in the rear yards.

In the front yard, solid fences and walls are limited to 3 feet in height while open fences are limited to four feet. Unless otherwise specified in the text, fences have a maximum height of eight feet.

Additionally, hedges must be maintained so that they do not block sight lines. Commercial screening is required when they are adjacent to residential uses, the text outlines three landscaping options.

Lighting Standards

Significant updates were made to Section 604 – Lighting Standards. Unless otherwise specified, all lighting in the Township must be full-cutoff fixtures. This means that there is no light projecting upward or outward, only downward. This regulation helps to minimize light pollution and keeps lighting from shining onto other properties. Light poles/fixtures cannot exceed 35 ft in height, and all development plans must now include a detailed lighting plan.

The lighting standards have several exceptions including architectural/decorative lighting, outdoor recreation facilities, agricultural operations, and temporary/seasonal lighting.

Campers & Recreational Vehicles

The Working Group agreed to add camper and RV regulations to the Code to discourage long-term occupancy in these vehicles on vacant lots. Occupancy is limited to 14 consecutive days and no more than 60 days in the calendar year without a permit. Additionally, extended occupancy is only allowed with a building permit and temporary use permit when no principal structure exists on the property or if the principal structure has been deemed unsafe. Acquiring permits indicates improvements are being made to the property and occupancy in a camper or recreational vehicle is temporary.

Long-term storage of a camper or RV is limited to one per property. Stored vehicles must be properly insured and registered.

Article 13: Signs

Major revisions were made throughout the entire Article. One key change is the emphasis on content neutrality. To ensure the Township abides by this requirement, signage is no longer required to say “Harpersfield Township”. Additionally, sign regulations are now distinguished by physical characteristics, location, and number rather than content. This makes the Township’s text much less vulnerable to lawsuits.

Article 11: Special Regulations

Cargo Containers were added to Article 11 with corresponding definitions added to Article 2. This section outlines each type of cargo container, Permanent, Temporary, and Portable Storage container and their permitted districts.

Permanent cargo containers are only permitted in Industrial zoned districts and are conditional uses in commercial districts. Temporary cargo containers and Portable Storage Containers are permitted in all industrial and commercial districts as well as R-1. These types of containers are conditional uses in R-2, RC, PUD, and AP.

A zoning permit is required for all permanent cargo and storage containers. Temporary cargo and storage containers require a zoning permit if they are present for more than 30 days.

Public Forum

A public forum was held on March 18th at the Harpersfield Community Center. Approximately 20 members from the Township attended. During this event, Verdantas presented a brief presentation providing an overview of the update process, Township authority to regulate zoning, and potential future updates. The remainder of the event was reserved for questions, comments, and concerns. Many questions surrounded code enforcement and nuisance abatement, specifically the difference between criminal and civil enforcement and how that looks in practice. Other questions asked about non-conforming uses, emerging uses as they relate to land use planning, fencing, and campers/RVs. Questions tended to be more clarification questions or questions about leniency rather than a direct dislike of any of the updated regulations.

After the event, Verdantas, Township Staff, and the Working Group convened to discuss public feedback and implementation of any edits. This meeting was the final Working Group meeting of the update process.

Code Enforcement

One topic of conversation that came up in both committee meetings and the Public Forum was code enforcement. Ohio townships have two primary enforcement pathways for zoning violations,

each with different processes, standards, and outcomes. While not in the scope of this project, the following is additional information for the township's reference and use.

Civil enforcement is authorized under ORC 519.99 and allows the Township—or even an adjacent property owner—to file an action in the Court of Common Pleas seeking an injunction to stop or remedy a violation. Civil cases use a lower burden of proof (preponderance of the evidence) and result in court orders compelling compliance. A property owner who ignores a court order can be held in contempt, which carries additional penalties. This is the most practical enforcement pathway for Ohio townships.

Criminal enforcement is authorized under ORC 519.24. Zoning violations may be prosecuted as misdemeanors of the fourth degree. Criminal cases require involvement of the county prosecutor's office or a municipal court with jurisdiction and must meet the higher "beyond a reasonable doubt" standard. Criminal enforcement does not automatically fix the offence and is often deprioritized by prosecutors.

In practice, civil enforcement can be more accessible to townships. Civil prosecution in zoning and property maintenance issues focuses on fixing the violation rather than punishing the violator. Instead of charging a misdemeanor, the township brings a civil action asking the court to order compliance, such as stopping an illegal use, or bringing a property into conformance. This approach uses a lower burden of proof, allows the court to issue injunctions and abatement orders, and creates ongoing leverage through court oversight and potential contempt if the violation continues. As a result, civil enforcement is often faster, more practical, and more effective at achieving the actual goal of zoning compliance. Criminal enforcement is generally reserved for the most serious or repeat violations

If a zoning inspector serves notice and the violation is not remedied in the prescribed number of days, then the Township has the right to proceed with civil enforcement. The township, acting through its zoning inspector and board procedures, files a civil action in the Court of Common Pleas seeking an injunction or abatement order that requires the property owner to correct the violation.

Unlike criminal cases, the township does not need to rely on the county prosecutor and may proceed using hired legal counsel or special counsel, which gives the township more control over timing and strategy. The court can order compliance by a set deadline, impose civil fines (including ongoing daily penalties), and retain jurisdiction so that continued noncompliance can result in contempt of court—creating strong, remedy-focused leverage to actually fix the problem.

What is an injunction? An injunction is a court order that requires a property owner to do something, or stop doing something to comply with law. If the owner fails to comply after an injunction, the township can seek contempt of court. At this point, the violation is no longer just a zoning issue; it becomes a failure to obey a court order. This allows the court to impose stronger consequences.

What is abatement? Abatement is an order to make the problem go away, either by requiring the owner to fix it, or if necessary, allowing the township to ensure it gets fixed.

Unlike municipalities, townships generally do not have the same level of direct authority to unilaterally abate nuisances or impose corrective remedies. As a result, when a violation cannot be resolved administratively, the safest and most defensible approach is to seek a court order confirming the violation and directing the appropriate remedy. Having the court “say it is so” ensures that enforcement actions meet the required standards of public proof and due process, shifts the burden of enforcement to a judicial order, and provides clear legal authority to compel compliance. Several enforcement avenues remain available to townships, including civil court actions seeking injunctive relief and abatement:

Civil injunctions (ORC 519.24): The Township can pursue court orders compelling a property owner to abate a nuisance. While this doesn't produce a lien directly, contempt of court sanctions for non-compliance can be significant.

Nuisance conditions: ORC 505.87 authorizes a township to abate certain nuisance conditions, *specifically the removal, control, or abatement of vegetation, garbage, refuse, and other debris*—after proper notice and a finding by the Board of Township Trustees. If the township performs the abatement because the owner fails to comply, the costs may be recovered and certified to the county auditor to be placed on the property tax duplicate, effectively becoming a lien on the property.

That said, this authority is narrow and condition-specific, must be exercised by resolution, and requires strict adherence to notice and due-process steps. It is not a general, all-purpose remedy tool, which is why, for many situations outside the scope of §505.87, townships still rely on civil court orders to establish the violation and compel compliance.

NOTE: The updated Zoning Code includes clear prohibition of junk and disabled vehicle outdoor storage in section 605.2, and clear notice procedures and escalating enforcement steps in Article 14 of the Resolution that maximize the Township's civil enforcement leverage even in the absence of routine prosecutorial support.

County Board of Health: For nuisances that rise to a public health concern, the County Board of Health has independent authority under ORC Chapter 3707 to order abatement and, in some cases, recover costs.

Agricultural Uses

Recently the Township requested information on the regulation of farm stands in Harpersfield. In Ohio townships, agricultural uses are broadly protected from local zoning regulation under the “agricultural exemption” in the Ohio Revised Code. Township zoning authority does not extend to prohibiting the use of land for agricultural purposes or the construction and use of buildings or structures incident to agriculture. “Agriculture” is defined expansively to include not only the production of crops and livestock but also the processing, storage, and marketing of agricultural products when those activities are conducted in conjunction with and secondary to production. In

most cases this secondary, key provision typically encompasses farm stands selling goods produced on-site. As a result, townships generally cannot use zoning to prohibit or regulate farm markets or roadside stands that are part of an ongoing agricultural operation. The primary exception is in limited, specifically defined contexts, such as within platted subdivisions or areas with a high concentration of small lots, where townships may regulate certain agricultural activities on parcels under five acres. However, even then their authority is narrowly constrained. Accordingly, unless a farm stand falls outside the statutory definition of agriculture (for example, by primarily selling non-local or non-farm products), township zoning codes have very limited ability to restrict such uses.

Recommendations & Next Steps

Recommendations

Although this update process addressed major areas of the text, it was not a comprehensive update. There are still areas of the text in need of improvement.

Land Use Planning

Major zoning code rewrites that substantially change zoning districts or community character must be supported by a planning document and community-wide engagement. With increased local development and interest, as well as an active and interested resident base, the Township is well suited for a comprehensive plan update. Verdantas is happy to provide the township with information on this important next step.

Issues brought up during the zoning code update performed by Verdantas that could be addressed in a Comprehensive Plan include, but are not limited to:

1. Short-Term Rentals
2. Redefining Residential Districts
3. Marijuana Production and Sale
4. RAD District Provisions
5. Updates to the Zoning Map

Next Steps

The Township will submit the Zoning Text update to the Ohio Department of Development in addition to completing final reporting questions to fulfill grant requirements. At this point, the document should be in its final form. The Zoning Commission may proceed with standard text amendment adoption procedures when the Board is ready.