



## Zoning Text Amendment Homer Township

---

<b>Meeting:</b>	March 6, 2019
<b>Applicant:</b>	Homer Township Zoning Commission (ZC)
<b>Hearing:</b>	February 12, 2019 (ZC)
<b>Amendments:</b>	Edit the definition for “structure” Add 16 new definitions Section (§) 301 Change text references from “clerk” to “Fiscal Officer” Delete § 301-3 Outdoor Lighting § 301-10 Change a text reference from “clerk” to “Zoning Inspector”
<b>Reviewer:</b>	Rob Henwood
<b>Recommendation:</b>	<b>APPROVAL WITH MODIFICATIONS</b>

---

**Proposal:** In an email dated January 10, 2019 Mary Cuchna, Secretary to the ZC, requested a review of several changes to the Definition section and to proposed corrections to references to the “Township Clerk” in the Homer Township Zoning Resolution.

In a subsequent email dated January 30, 2019, Mrs. Cuchna forwarded an additional request from the Township Trustees to review the removal of the entirety § 301-3 Outdoor Lighting from the Zoning Resolution. This request followed concerns raised by the Lorain-Medina Rural Electric Cooperative regarding recently added Outdoor Lighting Regulations. In an attempt to address the Cooperative’s concerns about the severity of the regulations, the Trustees have proposed to revoke the regulations. This action will allow the Township and the Cooperative the opportunity to revisit the regulations in the future and propose new text that will more closely align with both parties’ interests.

The complete text amendment proposal includes the following:

1. Edit the definition for “Structure.”
2. Add the following new definitions to Article II Definitions:

a. Auto Salvage Facility	g. Off-Street Parking	l. Roadside Stand
b. Deck	h. Inoperable/ Junk Motor Vehicle	m. Shed
c. Disabled Motor Vehicle	i. Pergola	n. Use
d. Fence	j. Pond/Lake	o. Used Motor Vehicle Sales
e. Junk or Scrap	k. Pool	p. Wall
f. Lake		
3. § 301 Change text reference froms “clerk” to “Fiscal Officer.”
4. Delete § 301-3 Outdoor Lighting.
5. § 301-10 Change a text reference from “clerk” to “Zoning Inspector.”

New text is underlined, text to be deleted is shown as ~~strikethrough~~. Staff comments are shown as ***bold and italics***.

### ARTICLE II - Definitions

Auto Salvage Facility – See Junk Yard

Deck – A flat floored roofless area adjoining or connected to a residence or building.

Disabled Motor Vehicle – Any inoperable licensed or unlicensed motor propelled vehicle.

- *This definition is duplicative as the term “disabled” is a synonym for “inoperable;” delete.*

Fence – an artificial barrier or divider constructed to provide privacy, to prevent escape or intrusion, to mark a boundary, or to enclose an area.

Inoperable Motor Vehicle/Junk Motor Vehicles – any vehicle which is extensively damaged including, but not limited to the following: 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. *Add clarification that the vehicle is incapable of being driven under its own motor power.*

Junk or Scrap – any old or discarded material such as metal, paper, rags, construction debris, plastic, inoperable/junk motor vehicles, etc.

- *Add clarification that the list of materials that qualify as junk “includes but is not limited to....”*
  - *Add “used building materials, old and used machinery, tools, appliances, fixtures, and utensils” the list of materials that qualify as junk.*
- *Update list of materials that qualify as junk to include the list of materials contained in the definition of junk yard below.*

Junk Yard – the use of more than one hundred (100) square feet of any land, building, or structure, whether for private or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, plastic, discarded motor vehicles, paper, rags, rubber, cordage, barrels, etc. are sold, bought, exchanged, baled, packed, sorted, disassembled, dismantled, handled, or recycled.

- *Rather than specify the area of land required to define a junk yard, reference “any lot, land parcel, building, or structure, or part thereof.”*
- *Rather list the materials that qualify as junk, refer only to “junk.” The definition should read similar to as follows “any lot, land parcel, building, or structure, or part thereof used for the storage, collection, processing, purchase, sale, salvage, disposal, or recycling of junk.”*

Lake – see Pond/Lake

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.

Pergola – an arbor formed of horizontal trellis work supported on columns or posts, over which vines or other plants may be trained.

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.

Pool – any artificially constructed pool which contains water at a depth of at least one and one-half (1 ½) feet at any point, used or intended to be used for swimming or bathing, including any accessory recreational structures. *It is not clear why recreational structures accessory to a pool would be considered part of a pool. The structure should be considered separately as an accessory structure. Delete reference to “including any accessory recreational structures.”*

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

Shed – see “Accessory Structure”

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, sheds, poles, Outdoor Wood-Burning Furnaces, or Outdoor Hydronic Heaters, or off-street parking facilities, but not including fences or walls used as fences.

- *It is unclear what type of pole the township wishes to regulate? Staff is aware of the following pole types; flag, light, utility etc.*
- *A standard definition for pole is “a long, slender, rounded piece of wood or metal, typically used with one end placed in the ground as a support for something.”<sup>1</sup>*
- *Defining a pole as a structure requires that all area requirements are followed.*

Use

- A. The “Use” is the purpose for which a building is arranged, designed, or intended, for which either land or a building is or may be occupied or maintained. This is confusing. Consider a definition similar to as follows “the purpose for which a building or land is arranged, designed, intended, maintained or occupied.”<sup>2</sup>
- B. The “Main Use” is the principal use or activity on the premises.

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.

Wall – See “Fence”

## **Section 301 ESTABLISHMENT OF DISTRICTS**

... 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~~-Fiscal Officer including all amendments.

---

<sup>1</sup> <https://www.google.com/search?client=firefox-b-1-d&q=pole>

<sup>2</sup> Definition 234. Montville Township Zoning Resolution: [http://www.montvilletwp.org/index.php/download\\_file/view/3047/176/](http://www.montvilletwp.org/index.php/download_file/view/3047/176/)

## **Section 301-3 OUTDOOR LIGHTING**

### **PURPOSE**

It is the purpose of this Section to preserve, protect and enhance the lawful nighttime use and enjoyment of any and all property through the use of appropriate lighting practices and systems. This Section is intended to control glare and light trespass, minimize obtrusive light, conserve energy and resources while maintaining safety, security, and productivity, and to curtail the degradation of the nighttime visual enjoyment. *The township should consider maintaining the purpose section as the township will negotiate the contents of the regulations and not the purpose of the section. The rationale for the necessity of lighting regulations will not change.*

### **GENERAL REGULATIONS**

- A. ~~All exterior lights and illuminated signs shall be designed, located, installed at a height not to exceed twenty feet (20') and directed in such a manner as to prevent obtrusive light, trespass light, and glare across property lines, using a fully shielded cut-off fixture so that the light emitting portion of the fixture cannot be seen from adjacent property or roads.~~
- B. ~~Brightness not to exceed 7000 lumens~~
- C. ~~Prohibited Lighting~~
  - ~~1. Mercury vapor or metal halide none permitted in any zone~~
  - ~~2. Uplighting Exterior lighting shall be designed and maintained so that uplight is eliminated.~~
  - ~~3. Unshielded Floodlighting.~~
  - ~~4. Changeable Copy Electronic Signs.~~
  - ~~5. Laser lights, search lights, or any light of similar intensity.~~
- D. ~~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 buildings, lawns, parking areas and signs shall be designed so as not to shine onto any adjacent property or building, or to cause glare onto any public street or vehicle thereon.~~

~~Light levels shall be measured in foot-candles with a direct reading, portable light meter. Readings shall be taken only after a cell has been exposed long enough to take a constant reading.~~

~~Measurements shall be taken at the commercial property line, along a horizontal plane at a height of three and one half (3.5) feet above the ground.~~

- E. ~~Flag Illumination lighting designed to highlight any flag(s) shall be low intensity and should be targeted directly at the flag.~~
- F. ~~Sign Lighting 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~~
- G. ~~Exceptions emergency lighting.~~

## **Section 301-10 –Garage and Yard Sales**

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

1. It shall be unlawful for any person to conduct a yard sale within the geographic boundaries of Homer Township without first obtaining a yard sale permit, at no charge, from the Homer Township ~~Clerk~~Zoning Inspector....
6. Inclement weather – If a yard sale is not held on the dates for which the permit is issued, or is terminated during the first day of the sale because of inclement weather conditions, and an affidavit by the permit holder to this effect is submitted, the Homer Township ~~Clerk~~Zoning Inspector may issue another permit to the applicant....
7. Fifth (5th) Sale Permit – a fifth (5th) yard sale shall be permitted in a calendar year if satisfactory proof of a bona fide change of ownership of the real property is first presented to the Homer Township ~~Clerk~~Zoning Inspector.

### **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~~Zoning Inspector....

**Recommendation:** Planning Services staff recommends the Planning Commission **APPROVE WITH MODIFICATIONS** the proposed amendments to the Homer Township Zoning Resolution.