



Planning Commission
App. No. 078-2014-TA

Zoning Text Amendment

Brunswick Hills Township

Meeting: October 1, 2014
Applicant: Brunswick Hills Township Zoning Commission
Hearing: September 4, 2014 (Zoning Commission)
Amendments: New Section 303-13 Garage/yard Sales
Reviewer: Susan Hirsch

Proposed Amendments: The amendment proposed by the Brunswick Hills Township Zoning Commission, is to add a new Section 303-13 Garage/Yard Sales. New text is underlined.

ARTICLE III GENERAL PROVISIONS

SECTION 303 REGULATIONS APPLICABLE TO ALL ZONING DISTRICTS

Sec. 303-13 Garage/Yard Sales

These regulations are designed to:

1. Protect the public health, safety, convenience and general welfare, and to restrict such sales to casual and occasional occurrences only, in keeping with the character of the neighborhood where the activity is carried on.
2. The intent of this article is to eliminate perpetual, prolonged and extended garage and yard sales. Such sales, if continued indefinitely, tend to become retail businesses in a residential zone, which violate zoning regulations in Brunswick Hills Township.
 - A. The sale or offering for sale, used or newer, second hand items of personal property, household items. Garage/Yard sales are permitted in any zoning district. It shall be unlawful for persons to conduct a sale as stated above within the boundaries of Brunswick Hills Township without first obtaining a permit from the Brunswick Hills Township Zoning Inspector. Cost of the permit to be set by the Township Trustees.
 - B. Sale of tangible personal property including, but not limited to, a garage sale, a rummage sale, a porch sale, lawn sale, shall be permitted (2) times per year, per lot. Such sales shall not exceed (4) consecutive days. Importing or stocking of inventory shall not be permitted.
 - C. No person, or persons, conducting a sale as outlined in the purpose above shall offer for sale any food or beverage for consumption on the premises.
 - D. Garage/Yard sales may only operate between the hours of 8:00am and 6:00pm.
 - E. Personal property offered for sale may be displayed within the residence, in the garage, carport or in the yard. No personal property offered for sale shall be displayed in or on any public right-of-way.
 - F. 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 conduct the Garage/Yard sale so as not to constitute a nuisance.

- G. Exemptions. This article shall not be applicable to the following:
1. Persons selling goods pursuant to an order or process of a court of competent jurisdiction.
 2. Persons selling in accordance with powers and duties [of] public officials.
 3. Any person selling a single item of personal property.
 4. Any public auction conducted by a licensed auctioneer.

Comments:

1. To be consistent with other sections within the Zoning Resolution Staff suggests reformatting this section with the Purpose Statement and Intent as letters “A” and “B” – and the regulations to follow as numbers. This will also clarify the reference to “purpose in “C” above.
2. “A” above states that garage sales are permitted in any zoning district; however, it appears that the regulations and the intent statement apply to residential zoning districts. The township may wish to consider clarifying this.
3. Throughout Section 303.13 the section is referred to as an “Article”. It should be “Section” or “Sub-section.” See highlighted text above.
4. Garage/yard sale should be defined in Article II Definitions.

Recommendation: Staff recommends **APPROVAL WITH MODIFICATIONS** for Section 303.13 Garage/Yard subject to staff comments.

Staff further recommends that Brunswick Hills Township submit these text amendments to the Prosecutors Office for their final review.