



Planning Commission
App. No. 073-2015-TA

Zoning Text Amendment Homer Township

Meeting: September 2, 2015
Applicant: Homer Township Zoning Commission
Hearing: August 11, 2015 (Zoning Commission)
Amendments: Article IV, Section 401-3 Conditionally Permitted Uses; Add new Subsection X. Wholesale/retail produce markets, or produce auctions and Subsection Y. Auction House.
Reviewer: Susan Hirsch

Proposed Amendments: The amendments proposed by the Homer Township Zoning Commission, include the addition of the following subsections as conditionally permitted uses in the R-2 Residential District:

- X. - Wholesale/retail produce markets or produce auctions
- Y. - Auction House

Homer Township submitted these amendments for Informal Review in January of this year. The current submittal reflects most of the changes suggested at the time of the Informal Review.

New text is **bold and underlined**, and Staff Comments are in *italics*.

ARTICLE IV USE, AREA, HEIGHT REGULATIONS

Section 401-1 R-2 RESIDENTIAL DISTRICT

Section 401-2 PERMITTED USES

Section 401-3 CONDITIONALLY PERMITTED USES

Add new subsection X. - Wholesale/retail produce markets, or produce auctions

X. **Wholesale/retail produce markets, or produce auctions 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 onto adjacent public rights-of-way. Wheel stops shall separate parking areas from adjacent right-of-way.**

(2) **The establishment must meet the lot and setback requirements of Section 401-4**

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

“Or” in line 2 should be “and” as in Y. Auction House below.

(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/BZA 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.

(8) Adequate utilities, access roads, drainage, and necessary facilities have been or are being provided;

(9) An off-street loading and unloading rear entrance is provided;

(10) Requirements of Sec. 1318 of the Ohio Revised Code regarding pawn and secondhand goods, consignment, auction, and trading establishments are met;

Section 1318 of the ORC specifically exempts produce sales and therefore would not be applicable to produce markets. Staff suggests deleting this subsection entirely or deleting the specific reference to Sec. 1318 of the ORC.

(11) Signage shall be limited to one (1) on premise sign not to exceed twenty-four (24) sq. ft.:

a) Maximum height of five (5) feet;

b) Minimum setback of ten (10) feet from the right-of-way.

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

Add new subsection Y. - Auction House

Y. Auction House

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, 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.

If this definition is not unique to the section, suggest placing the definition in Article II Definitions.

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 onto adjacent public rights-of-way. Wheel stops shall separate parking areas from adjacent right-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 the 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, layout, design, 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/BZA 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 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.

(12) Adequate utilities, access roads, drainage, and necessary facilities have been or are being provided;

(13) An off-street loading and unloading rear entrance is provided;

(14) Requirements of Sec. 1318 the Ohio Revised Code regarding pawn and secondhand goods, consignment, auction, and trading establishments are met;

(15) Signage shall be limited to one (1) on premise sign not to exceed twenty-four (24) sq. ft.;

a) Maximum height of five (5) feet;

b) Minimum setback of ten (10) feet from the right-of-way.

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

STAFF COMMENT: Section 401-1 R-2 Residential District states that, “This district is composed of land 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.” It is appropriate that produce markets, produce auctions and auction houses be a conditional use in this District.

STAFF RECOMMENDATION: Staff recommends **APPROVAL WITH MODIFICATIONS** subject to Staff Comments for the above proposed text amendments to the Homer Township Zoning Resolution.

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