



Zoning Text Amendment Hinckley Township

Meeting: November 2, 2016
Applicant: Hinckley Township Zoning Commission (HTZC)
Hearing: November 3, 2016 (Zoning Commission)
Amendment: Various amendments including the Preface, Chapters 1, 3, 4, 6, 7, 8, 11, and 17.
Reviewer: Rob Henwood

Proposal: In a letter dated October 7, 2016 Mel Kman, Chairman of the HTZC requested a review of the proposed amendments to the Hinckley Township Zoning Resolution. Mr. Kman stated;

The HTZC has undertaken the task to review and update our entire Zoning Resolution. Throughout the process, the HTZC is evaluating each chapter of our Zoning Resolution: In terms of content, readability, user friendly and legality. The result of our efforts is what we perceive to be a consumable Zoning Resolution.

The HTZC has submitted the following proposed Zoning Text Amendments for review; see the amendment report summary table below:

Chapter	Section (§)	Description	Page
Preface	-	Change reference from the Master Policy Plan (MPP) to Comprehensive Plan	1
1	-	Delete text references to the MPP; edit punctuation	2
3	3.2	Edit definition for "Lot"	2
3	3.2	Delete definition for "Lot of Record"	2
3	3.2	Add definition references for the terms "Parcel" and "Plot" to "Lot"	2
4	4.15.8	Delete MPP text from Similar Use Findings	2-3
6	6R1.1(B)	Delete MPP text from Single-Family Residential District (SFRD) Purpose	3
6	6R2.1(A)(5)	Delete MPP text from Development Standards for Conservation Development	3
6	6R1.1(B)	Delete MPP text from SFRD (33,000 ft. ² Lots) Purpose	3
7	7.2(C)	Replace text re. HTZC review of Conditional Use info with notice provisions	3
7	7.3(A)	Delete MPP text from Conditional Use review criteria and renumber section	4
8	8.1	Delete MPP text from Nonconforming Section Purpose	4
11	11.1	Delete MPP text from Site Plan Review Purpose; edit punctuation	4
11	11.1(G)	Delete MPP text from Site Plan Review Purpose	4
11	11.7(C)	Delete MPP text from HTZC Review of Preliminary Site Plan	4
17	17.1(E)	Delete MPP text from Establishment of Riparian Setbacks Purpose	4

Proposed Amendments: Complete staff comments are contained within the proposed submitted text below. New text is underlined, text to be deleted is shown as ~~strikethrough~~, and staff comments are *italicized*.

Preface

... The Township Trustees, Zoning Inspector, and Board of Zoning Commissioners are... readily available and most anxious to serve you to make certain your plans coincide with the Zoning Regulations as well as fit into the ~~Township's Master Policy Plan~~ Hinckley Township Comprehensive Plan.

Chapter 1: Purpose

The zoning districts and the regulations specified for each district established by this Resolution have been constructed ~~in accordance with a general plan~~ for the physical development of the Township of Hinckley. ~~This plan, called the Master Policy Plan for the Township of Hinckley, provides thoroughly considered objectives for the sound and orderly development of the Township Community.~~

It is the purpose of this Zoning Resolution to promote the public health, safety, convenience, comfort, prosperity and general welfare; ... to lessen congestion on the public streets and highways; and other public facilities; to conserve life, property, and natural resources and the expenditure of funds for public facilities and services, by establishing herein standards for community development, ~~in accordance with the objectives contained in the Master Policy Plan~~ and by providing for the enforcement of such standards.

SECTION 3.2 DEFINITIONS

Lot:

~~A parcel, or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces and frontage on a public or private street, as required by these regulations.~~ Is a parcel of land, legally recorded, of sufficient size to meet minimum zoning requirements.

~~Lot of Record:~~

~~A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Medina County; or a parcel of land, the deed to which has been recorded.~~

Parcel:

See Lot

Plot:

See Lot

§ 3.1(D) Interpretation of Terms and Words sufficiently addresses synonyms for the term “lot” sufficiently as it establishes that the terms “plot” and “parcel” are synonyms for the term “lot.” The proposed definitions for “parcel” and “plot” are unnecessary; delete the proposed definitions.

The word “plot” only occurs twice in the entire zoning resolution; first, in § 3.1(D) and second, in the definition for “lot” which is proposed to be deleted. The term “plot” is not utilized in the zoning text and as such does not warrant defining. Remove the word “plot.”

SECTION 4.15 SIMILAR USE FINDING

The Zoning Commission may grant a Similar Use Finding upon concluding that the requested use in the zone within which it is proposed to be located meets the following criteria:

8. ~~It will not adversely affect the intent of the Township's Master Policy Plan.~~

Sub-Section 6R1.1 PURPOSE

- A. The R-1 District is established to provide for the development of low density single-family residential dwellings on subdivided lots with a minimum lot size of two (2) acres that will promote the continuation of the predominately rural character of the Township. The R-1 District is also established to provide for the development of Conservation Development planned residential developments to maximize conservation of open space in the Township.
- B. To promote the most desirable and beneficial use of the land in conformity with ~~the Township Master Policy Plan~~ this Section.

Sub-Section 6R1.7 DEVELOPMENT STANDARDS AND CRITERIA CONSERVATION DEVELOPMENT

- A. **Purpose:** The primary objective of Conservation Development as a Permitted Use is to promote the health, safety and general welfare of the community by maximizing the conservation of open space, and retaining the property owner's ability to develop the number of residential units that are permitted under a standard subdivision. ... These regulations are intended to achieve these additional purposes:
 - 5. Ensure that the proposed Conservation Development complies with the objectives of Hinckley Township, ~~as expressed in the Master Policy Plan & Update~~ as defined in this Sub-Section.

Sub-Section 6R2.1 PURPOSE

- A. The R-2 District is established to provide single-family residential development with a minimum lot size of 33,000 square feet.
- B. To promote the most desirable and beneficial use of the land in conformity with ~~the Township Master Policy Plan~~ this Section.

SECTION 7.2 PROCEDURES FOR MAKING APPLICATION

Any application or reapplication for a Conditional Zoning Certificate for any land or structure use permitted under this Resolution shall be submitted in accordance with the following procedures:

- C. ~~**Review by Notice to Township Zoning Commission:** The Township Zoning Commission shall review the proposed request, as presented on the submitted plans and specifications in terms of the standards established in this Resolution and the Master Policy Plan for the Township. Such review shall be advisory only and shall be made public at the Board of Zoning Appeals Public Hearing. The Zoning Inspector shall forward the Conditional Use Permit Application to the Zoning Commission, in advance of the Board of Zoning Appeals Public Hearing.~~ ***The proposed text instructs the Zoning Inspector to forward Conditional Use applications to the Zoning Commission, however the Zoning Commission has no review authority under the Conditional Use regulations.***

SECTION 7.3 GENERAL STANDARDS

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use of the proposed location:

- A. ~~Will be harmonious with and in accordance with the general objectives or with any specific objective of the Master Policy Plan of current adoption;~~
- B. Will be designed, constructed, operated and maintained so as to be harmonious and.... *The amendment proposes to delete subsection A; this will require the re-lettering of the remaining subsections.*

SECTION 8.1 PURPOSE

.... Non-Conforming status is considered to be incompatible with permitted use in the zoning district in which it exists, ~~and with the Master Policy Plan of the Township.~~

SECTION 11.1 PURPOSE

The purpose of this Chapter is to provide adequate review of proposed developments where the uses are of such a nature, because of their size, scale or effect on surrounding property, that review of specific plans is deemed necessary to protect the public health, safety and welfare of the community. ~~“Having prepared, and adopted, the Hinckley Township Master Policy Plan and established a continuing planning process, site plan review criteria are hereby established to achieve, among others, the following specific purposes:~~

- G. ~~To ensure the proposals will be developed in accordance with the objectives and policies of the Hinckley Township Master Policy Plan.~~

SECTION 11.7 ZONING COMMISSION REVIEW OF PRELIMINARY SITE PLAN

In reviewing final site plans, the Zoning Commission shall establish that the plan complies with the applicable requirements of this Zoning Resolution and the following review criteria:

- D. The development will have properly designed open spaces that meet the objectives of ~~the Township’s Master Policy Plan and the this~~ Zoning Resolution.

SECTION 17.1 PURPOSE & INTENT

- E. It is the policy of Hinckley Township to encourage the establishment of naturally vegetated riparian areas along watercourses. ~~Guidance regarding the functions and characteristics of riparian areas in Hinckley can be found in the Hinckley Township Master Policy Plan.~~

General Comments:

1. In a letter dated October 12, 2016, William Thorne, Assistant Prosecuting Attorney stated “I have reviewed the proposed zoning changes submitted... dealing basically with references to the comprehensive plan and have no issues with the changes. I believe the utilization of the reference to the comprehensive plan in the preface is appropriate in the context in which it is used....”
2. The HTZC’s removal of references to the Township Master Policy Plan are appropriate. Staff’s discussion of this issue with the township and the Prosecutor’s office centered on

the premise that while a Comprehensive Plan provides the rationale and legal basis for the zoning regulations contained in the Zoning Resolution and as such it should not be utilized as a criteria for determining zoning compliance.

3. While not strictly part of the submitted text amendment DPS staff suggests the HTZC consider the following comment; the structure of Purpose statement sections contained in the R-1 and R-2 districts is slightly awkward. The purpose statement sections appears to be designed to present the rationale for the establishment of the district as a list, however the first item in the R-1 list reads “A. The R-1 District is established to provide for the development of low density single-family residential dwellings on subdivided lots with a minimum lot size of two (2) acres that will promote the continuation of the predominately rural character of the Township.” It then includes an additional rationale under Item A and a subsequent rationale under Item B., “To promote the most desirable and beneficial use of the land in conformity with this Section.” If the HTZC wishes to use a list structure for the purpose statements in the R-1 and R-2 districts, DPS staff suggests they utilize text similar to the following:

Sub-Section 6R1.1 PURPOSE

The R-1 District is established to allow for the following:

- A. The development of low density single-family residential dwellings on subdivided lots with a minimum lot size of two (2) acres that will promote the continuation of the predominately rural character of the Township.
- B. The development of Conservation Development planned residential developments to maximize conservation of open space in the Township.
- C. To promote the most desirable and beneficial use of the land in conformity with this Section of the Zoning Resolution.

The structure of the R-2 purpose statement may be clarified by utilizing similar edits shown above.

Recommendation: Planning Services staff recommends the Planning Commission **APPROVE WITH MODIFICATIONS** the proposed amendments to the Hinckley Township Zoning Resolution in accordance with the above staff comments.