



Zoning Text Amendment Hinckley Township

Meeting:	April 4, 2018
Applicant:	Hinckley Township Zoning Commission (ZC)
Hearing:	April 5, 2018 (ZC)
Amendments:	Proposed changes are to Section (§) 6R1.7 Development Standards and Criteria Conservation Development as follows: <ul style="list-style-type: none">• Replace Subsection (Sub§) B. Project Area/Permitted Density § 2 & 3.• Edit Sub§ C. Standards & Criteria for Restricted Open Space § 2(e).• Edit Sub§ D. Standards & Criteria for Common Areas § 7.• Add Sub§ E. Development and Site Planning Standards § 2 (c) and (d)• Edit Sub§ E. Development and Site Planning Standards § 5
Reviewer:	Rob Henwood
Recommendation:	DISAPPROVAL

Proposal: In a letter dated March 1, 2018 William Spellman, Chairman of the HTZC requested a review of the following changes to the Zoning Resolution § 6R1.7 Development Standards and Criteria Conservation Development (new text is underlined, text to be deleted is shown as ~~strikethrough~~):

Sub-Section 6R1.7 Development Standards and Criteria Conservation Development

B. Project Area/Permitted Density:

- ~~2. The maximum density for the project shall be one (1) dwelling unit per every two (2) acres, which is one half (0.5) dwelling unit per acre. The maximum number of dwelling units permitted in a Conservation Development shall be calculated by multiplying the number of acres in the total project area by 0.5. For the purpose of this density calculation the following shall be deducted from the total project area:~~
 - ~~a. Any public right of way within the project boundary existing at the time the development plan is submitted; and~~
 - ~~b. The area of land within a floodway, designated wetland, isolated land, slopes exceeding twenty five (25) percent, or existing water body that exceeds the minimum acreage required for restricted open space as set forth herein.~~
 - ~~c. Where floodways and wetlands overlap, they shall be counted only once.~~
- ~~3. The maximum number of dwellings/units located on any one (1) acre parcel of land in a Conservation Development shall not exceed three (3).~~
2. The maximum density of dwelling units shall be as set forth on the approved General development Plan. In no case shall the density be greater than the lesser of either one (1) dwelling unit per two (2) acres of the total project area or the permitted density determined by a “yield plan” for a conventional two (2) acre lot subdivision that conforms to all of the provisions of both Sub-Section 6R1.4 of this Zoning Resolution and the Medina County Subdivisions Regulations. For the purposes of this density calculation any public right-of-way within the project boundary existing at the time the development plan is submitted shall be deducted from the total project area.

1. *It is not clear what a “yield plan” is. Delete the terms “determined by a yield plan.”*
2. *It appears that the ZC is asking an applicant to submit two alternative plans for each proposed Conservation Development project. This is not reasonable. A traditional subdivision plan with public streets will always produce a lower density than one dwelling unit (d/u) per two acres because a portion of the total project area must be utilized for street right-of-way (ROW); typically 10-15%. The only way a proposed subdivision could practically achieve close to one d/u per two acres would be if private streets were utilized; private streets utilize access easements rather than public ROWs. The ZC should clearly state the density required for a Conservation Development.*

C. Standards and Criteria for Restricted Open Space:

2. Restricted open space shall be designed and located to conserve significant natural features and historical and/or cultural elements located on the site. ... In order to encourage the creation of large areas of contiguous open space, the following areas shall not be considered restricted open space:
 1. Required setbacks between buildings and/or; parking areas and the project boundaries boundary lines unless such setbacks are part of the larger contiguous area of restricted open space that provides buffering for adjacent properties;

D. Standards and Criteria for Common Areas: Common areas may be held in common ownership by a Homeowners’ Association (HOA), Community Association, or other similar legal entity.

7. The developer shall ~~keep~~ turn over control of the Common Areas to the HOA until when seventy-five (75) percent (75%) of the lots are sold or at such other time as may be established by the Township Zoning Commission. *What kind of circumstances would warrant the ZC requiring the transfer of the ownership of Common Areas to the HOA other than when the prescribed percentage of the lots are sold? It is unclear what reasonable public purpose is being preserved by this regulation.*

E. Development and Site Planning Standards:

2. **Lot Requirements:**
 - c. Lots may be of varying sizes, however, no single lot shall be greater than four (4.0) times the median lot size. *What is the rationale for contemplating a maximum lot size in a Conservation Development? This requirement is introduced by stating that “lots may be of varying sizes” but then qualifies the statement by ostensibly stating “except when they are too big.” It is unclear what public purpose is accomplished by restricting the variability of the sizes of the lots proposed within the project. This regulation appears to be both arbitrary and unreasonable.*
 - d. All lots within a Conservation Development shall be designed to provide for access from an internal street within the development. No dwelling unit, which is part of a Conservation Development, shall have a driveway access directly onto an existing public right-of-way. *No rationale is stated for*

limiting the access to the Conservation Development to the internal road system. There may be circumstances where providing access to lots in the Conservation Development from existing roadways affords the best opportunity to preserve and protect natural resources identified in the purpose statement. If the ZC has a concrete reason/s why access should be limited to the internal road system then it/they should be stated clearly and should be consistent with the stated purposes. Without clearly defining the rationale for this regulation it appears arbitrary.

5. Minimum Dwelling Size:

All dwelling units shall ~~comply with the requirements set forth in this Resolution~~ have a minimum first floor area of not less than 1,500 square feet. *What is the rationale for requiring a larger first floor area in a Conservation Development versus the first floor area in the R-1 Single-Family Residential district? This change appears arbitrary and unreasonable.*

Comments: The purpose statement for § 6R1.7 Development Standards and Criteria Conservation Development states the key to effective Conservation Development regulations; “the application of flexible land development techniques in the arrangement of dwelling units and the construction of roads.” This statement could be further extended to include the construction of infrastructure which incorporates sanitary and storm sewers and water service. Allowing prospective Conservation Development applicants the opportunity to utilize innovative and “flexible land development techniques” is imperative to the success of the project. The purpose statement challenges applicants to propose something different than a standard subdivision.

The proposed amendments offered by the ZC appear to be attempting to eliminate applicant’s opportunities for flexibility. The more overly prescriptive the regulations become the less opportunities are available for prospective applicants to apply creativity. The ZC needs to attempt to balance establishing criteria for applicants to follow in order to protect the natural resources delineated in the regulations while still allowing the opportunity and the means to be flexible enough to achieve those ends.

Recommendation: Planning Services staff recommends the Planning Commission **DISAPPROVE** the proposed amendments to the Hinckley Township Zoning Resolution.