

Public Hearing Hinckley Township Trustees – October 6, 2020

Chairman Schulte called the October 6, 2020 Public Hearing meeting of the Hinckley Township Board of Trustees to order at 6:00 p.m. Present were Trustees Ray Schulte, Melissa Augustine and Jim Burns, Fiscal Officer Martha Catherwood, 9 residents and 1 reporter.

Mr. Schulte stated that the reason for the October 6, 2020 Public Hearing is to hear public comment on the proposed Zoning Amendments and read the legal ad as follows:

The Hinckley Township Board of Trustees will hold a Public Hearing to hear public comment on proposed Zoning Amendments on Tuesday, October 6, 2020, at 6:00 pm with a Regular Trustee Meeting to follow in the Administration Building located at 1410 Ridge Road, which is on the southwest corner of the intersection of State Routes 3 & 303. CDC guidelines to be followed.

Subject of the hearing is as follows:

To review proposed amendments to the Hinckley Township Zoning Resolution from the Township Zoning Commission as follows:

Amend Chapter 15 – Temporary Sales & Special Events Regulations and Amend Chapter 3 – Definitions adding related definitions; Amend Chapter 7 – Conditional Zoning Certificate Sub-Section 7.5 Supplemental Regulations for Certain Uses adding H. Commercial Events 1 through 10.

After the conclusion of this hearing, within twenty (20) days, the Township Board of Trustees shall either adopt, deny, or modify the recommendations of the Township Zoning Commission. If the Board adopts, denies, or modifies the Township Zoning Commission's recommendations, a majority vote of the Township Board of Trustees shall be required.

Copies of the proposed amendments will be available for public viewing from the date of this notice to the date of hearing at the Zoning Department located in the Administration Building at 1410 Ridge Road, during regular office hours, Monday 10:00 a.m. to 6:00 p.m., Tuesday, Wednesday and Thursday 9:00 a.m. to 2:00 p.m. and Friday, 9:00 a.m. to noon. Proposed amendments may also be found on the Hinckley Website at www.hinckleytwp.org under News and Events.

All interested parties are asked to attend this hearing or to send written comments to the Hinckley Township Board of Trustees, P.O. Box 344, Hinckley, OH 44233.

Mr. Schulte stated that the Hinckley Township Trustee Regular Meeting will follow the Public Hearing. He thanked the Hinckley Township Zoning Commission for their time and effort in preparing the proposed zoning amendments. At this time he introduced Hinckley Township Zoning Chair Chris Kalina. Mr. Schulte turned the floor over to Mr. Kalina to discuss the amendments.

Mr. Kalina provided a brief chronology of the need to add to proposed language regarding Special Events, including meeting with the Medina County Prosecutors Office and the subsequent legal recommendation to add definitions that result in clarifying the zoning language. The Trustees also hired George Smerigan, to work with the Zoning Commission in developing regulations that are consistent with the current needs of the Township.

He added that many “Special Events”; such as garage sales have not had any changes, other events that may have more of an impact on surrounding properties have a higher level of compliance. Some applications may require further review by the Hinckley Township Board of Zoning Appeals to assure potential negative impacts are mitigated.

Mr. Burns complimented the Zoning Commission on their efforts. Ms. Augustine added that she has attended the Zoning Commission meetings as they reviewed the proposed language and expressed her concern about the permit procedures.

Mr. Kalina replied that some events do not require a permit, and cited the 3-day special event allowance. He explained that only of a special event exceeds the 3-day limit is a permit required. He added that the Zoning Commission’s goal was not to be over burdensome, but to assure a large special event has additional Township oversight. He cited safety concerns and negative impacts as examples requiring additional scrutiny.

Mr. Schulte commented that the proposed language does clarify and support the Hinckley Township Zoning Resolution through the addition of the proposed definitions. He added this also provides the Township Zoning Inspector with guidance and support.

At this time, Mr. Schulte invited public comment.

Tom Vanover, owner of Binky’s Commons asked what happens of an event exceeds the 3-day time period. Mr. Kalina responded that the request must be forwarded to the Hinckley Township Board of Zoning Appeals (BZA). Mr. _____ asked if the Township appeal is denied, would recourse then be appealed to the Medina County Court of Common Pleas. Mr. Kalina replied in the affirmative, but added that the BZA could also work with the applicant to modify the appeal in order to achieve an accepted agreement.

Mrs. Rushworth (Hinckley Hills Road) thanked the Zoning Commission for their efforts and stated that the current language is much better than what previously existed.

At this time, there being no further comments from the attendees, Mr. Schulte made a motion to adjourn, second by Mr. Burns. The trustees unanimously moved to adjourn the public hearing at 6:25 p.m.

Meeting minutes approved by:

APPENDIX A:

PROPOSED NEW TEXT IN BOLD WITH UNDERLINE CHAPTER 3: DEFINITIONS

Printed for Trustees Meeting 2020

Building, Principal:

A building in which is conducted the main or principal use of the lot on which said building is situated.

Commercial Event:

Sales, programs, or special events conducted by a commercial business, which may include sidewalk sales, grand openings, holiday specials, and similar temporary commercial activities conducted outside of their normal course of business operation.

Common Area:

Any land area, and associated facilities, within a development that is held in common ownership through a Homeowners' Association, Community Association or other legal entity, or which is held by the individual members of a Condominium.

Community Event:

A non-commercial special event that is conducted for the benefit of the Hinckley Township community. Community events may be held on public property, public right-of-ways or on private property. Community events may include activities such as fund-raisers, festivals, parades, or similar events intended to benefit or enhance the Hinckley Township community. Shall not include temporary fund-raising events (e.g. fill the boot, car washes, girl scout cookie sales, community garage sale) or school activities on school property.

Retail/Service:

A commercial enterprise that provides goods and/or services directly to the consumer.

Residential Event:

A special event, which may include yard sales, estate sales, and garage sales, conducted by a resident or by an organization on behalf of a property owner on a residential lot. Shall not include private weddings, family reunions, funeral ceremonies, graduation parties, holiday gatherings or private parties in residential yards among family and friends.

Riparian Area:

Naturally vegetated land adjacent to designated watercourses that, if appropriately sized, helps to stabilize stream banks, limit erosion, reduce flood size flows and/or filter and settle out runoff pollutants, or performs other functions consistent with the purposes of these regulations.

Solar Panel:

Any device used for collecting solar energy and converting it to electrical power.

Special Event:

A social gathering or activity, whether indoors or outdoors, occurring for a temporary or limited

duration that is open to the general public. Shall not include meetings at established places of worship, elections, organized league sport activities or events conducted in conformity with the approved use of the proposed location.

TEXT ADDED TO CHAPTER 7: SECTION 7.5 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES:

G. Tattooing and Body Piercing Services: Tattooing and body piercing services permitted as a conditional use shall comply with the following requirement:

No person shall control, operate, conduct or manage any tattoo parlor or body-piercing establishment, whether or not actually performing the work of tattooing or body piercing, without first obtaining approval from the State of Ohio Board of Health. Evidence of such approval shall be provided to and kept on file by the Township.

H. Commercial Events: Commercial Events lasting longer than three (3) calendar days shall provide, at a minimum, the following information:

- 1. A description of the proposed event including all activities.**
- 2. The name and address of the sponsor.**
- 3. Emergency contact information.**
- 4. Adequate and safe parking provisions to accommodate attendees and employees.**
- 5. Adequate sanitation facilities to accommodate attendees.**
- 6. Health Department approval for any food service operations.**
- 7. Sufficient provisions for first aid.**
- 8. Proposed hours of operation.**
- 9. Provisions to control noise impacts on adjacent properties.**
- 10. Provisions to control light trespass onto adjacent properties.**

PROPOSED TEXT CHANGE – REPLACEMENT OF ENTIRE CHAPTER 15 – Sales & Special Event Regulations

Chapter 15: Sales & Special Event Regulations

SECTIONS

- 15.1 Event Types 15.3.1 Community Events**
- 15.2 Residential Districts 15.3.2 Commercial Events**
- 15.2.1 Residential Events 15.4 Community Events on Public Property**
- 15.2.2 Community Events 15.5 Permit Procedure for Special Events**
- 15.3 Business & Industrial Districts 15.6 Signs**

The purpose of this chapter is to promote the harmonious use of Sales and Special Events within the community while minimizing potential nuisance, safety or environmental impacts of these uses. For the purpose of this Chapter certain terms or words used herein shall be interpreted or defined as follows:

SECTION 15.1 EVENT TYPES

A. Special Event means a social gathering or activity, whether indoors or outdoors, occurring for a temporary or limited duration that is open to the general public. Shall not include meetings at established places of worship, elections, organized league sport activities or events conducted in conformity with the approved use of the proposed location.

B. Residential Event means a special event, which may include yard sales, estate sales, and garage sales, conducted by a resident or by an organization on behalf of a property owner on a residential lot. Shall not include private weddings, family reunions, funeral ceremonies, graduation parties, holiday gatherings or private parties in residential yards among family and friends.

C. Community Event means a non-commercial special event that is conducted for the benefit of the Hinckley Township community. Community events may be held on public property, public right-of-ways or on private property. Community events may include activities such as fund-raisers, festivals, parades, or similar events intended to benefit or enhance the Hinckley Township community. Shall not include fund-raising events (e.g. fill the boot, car washes, girl scout cookie sales, community garage sale) or school activities on school property.

D. Commercial Event means sales, programs, or special events conducted by a commercial business, which may include sidewalk sales, grand openings, holiday specials, and similar temporary commercial activities conducted outside of their normal course of business operation.

SECTION 15.2 RESIDENTIAL DISTRICTS

The following Special Events may be conducted in residential districts:

Sub-Section 15.2.1 RESIDENTIAL EVENT REGULATIONS

Residential Events shall be permitted on a residential lot. Residential events shall be limited to a maximum of seventy-two (72) hours in duration and shall not occur on the same residential property more than four (4) times in any calendar year. Such events shall not require a Zoning Permit.

Sub-Section 15.2.2 COMMUNITY EVENT REGULATIONS

Community Events shall be permitted provided that they first obtain a Zoning Permit from the Township Zoning Inspector. Such events shall be limited to a maximum of three (3) days in duration and shall not occur more than three (3) times in any calendar year.

SECTION 15.3 BUSINESS AND INDUSTRIAL DISTRICTS

The following temporary sales and special events may be permitted in business and industrial districts.

Sub-Section 15.3.1 COMMUNITY EVENT REGULATIONS

Community Events shall be permitted provided that they first obtain a Zoning Permit from the Township Zoning Inspector. Such events shall be limited to a maximum of three (3) days in duration and shall not occur more than three (3) times in any calendar year.

Sub-Section 15.3.2 COMMERCIAL EVENT REGULATIONS

Commercial Events may be permitted subject to the following criteria:

A. Commercial Events that extend for not more than three (3) calendar days may be permitted provided that a Zoning Permit is first obtained from the Township Zoning Inspector. A maximum of three (3) such Commercial Events shall be permitted for any commercial operation or property in any calendar year.

B. Commercial Events that exceed a maximum of three (3) calendar days in duration shall require a Conditional Use Certificate approved by the Board of Zoning Appeals pursuant to the provisions of Chapter 7 – Conditional Use Certificate of this Zoning Resolution.

SECTION 15.4 COMMUNITY EVENTS ON PUBLIC PROPERTY

A Community Event may be conducted on publicly owned property, provided that the application for the event includes written consent from the property owner authorizing the Community Event to be conducted on the property as proposed. Community Events shall not be conducted within a public street right-of-way, unless written authorization from the Township Board of Trustees in addition to applicable County and/or State authorization to utilize the public right-of-way is obtained. Such events shall be limited to a maximum of three (3) days in duration and shall not occur more than three (3) times in any calendar year.

SECTION 15.5 PERMIT PROCEDURES FOR SPECIAL EVENTS

A. Except as otherwise required in sub-section B below, permit applications for Special Events, along with any associated fees (if applicable) and appropriate supporting documentation shall be filed with the Township Zoning Inspector. Within ten (10) days after receipt, the Township Zoning Inspector shall issue a Zoning Permit, provided the proposed temporary use complies with the requirements of this Chapter and all other applicable provisions of this Resolution. If the application fails to comply with the requirements set forth herein, then such application shall be denied.

B. Proposed Commercial Events that require a Conditional Use Certificate shall comply with the procedures set forth in Chapter 7 – Conditional Zoning Certificate.

SECTION 15.6 SIGNS

Temporary signs associated with Special Events shall comply with Chapter 10 - Sign Regulations.