



HINCKLEY TOWNSHIP
1410 RIDGE ROAD
P.O. Box 344
HINCKLEY, OHIO 44233
330-278-4181

*Small Town
Big Hearts*

Chairman
Martha Catherwood

Vice-Chairman
Raymond Schulte

Trustee
David Sambor

Fiscal Officer
Colleen Swedyk

**NOTICE OF HEARING
HINCKLEY TOWNSHIP**

The Hinckley Township Board of Trustees will hold a Public Hearing to hear public comment on multiple proposed Zoning Amendments to the Hinckley Township Zoning Regulations on **Monday, November 28, 2016 at 6:00 p.m.** A regular Board of Trustees meeting will follow. The meeting(s) will take place in the Town Hall Meeting Room of the Administration Building located at 1410 Ridge Road, which is on the southwest corner of the intersection of State Routes 3 & 303.

Subject of the hearing is as follows:

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

Preface, Chapter 1 – Purpose, SECTION 3.2 DEFINITIONS: Lot and Lot of Record, SECTION 4.15.8. SIMILAR USE FINDING, SECTION 6R1.1.B – PURPOSE, Sub-Section 6R1.7.A.5. DEVELOPMENT STANDARDS AND CRITERIA CONSERVATION DEVELOPMENT, SECTION 6R2.1.B PURPOSE, SECTION 7.2.C. PROCEDURES FOR MAKING APPLICATION, SECTION 7.3.A. GENERAL STANDARDS, SECTION 8.1. PURPOSE, SECTION 11.1 PURPOSE, SECTION 11.1.G. PURPOSE, SECTION 11.7.C. ZONING COMMISSION REVIEW OF PRELIMINARY SITE PLAN, and SECTION 17.1.E. PURPOSE AND INTENT from the Zoning Commission.

After the conclusion of this hearing, within twenty (20) days, the Board of Trustees shall either adopt, deny, or modify the recommendations of the Township Zoning Commission. If the board adopts, denies or modifies the Commission's recommendations, a majority vote of the board 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, Trustee Public Hearing – November 28, 2016 – Proposed Amendments.

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.

Suzanne Peterlin, Zoning Contact
Hinckley Township
Zoning Commission
November 14, 2016



HINCKLEY TOWNSHIP

ZONING REGULATIONS

Approved July 15, 2013 and effective

August 14, 2013

Amended 12/31/2014

Proposed Changes 10/06/2016 from Zoning Commission

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Preface

This book of Zoning Regulations is made available to assist owners, developers and occupiers in the use and development of property in Hinckley. It should be considered as a handbook or stepping stone to better living in Hinckley Township.

In order for this book of Zoning Regulations to be of most benefit to you, the contents must be clearly understood before your plans are finalized. This may save you both time and money.

The Township Trustees, Zoning Inspector, and Board of Zoning Commissioners are at your disposal to answer any questions you may have. These township officials 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. Please contact these officials before taking any action that may be affected by zoning. This book of Zoning Regulations is not to hinder or delay your construction, but is a means to guide and welcome you to our community and insure you years of happy living in Hinckley Township.

HINCKLEY TOWNSHIP ZONING RESOLUTION

Proposed TEXT Change Purpose lines 4 - 7 and 15 - 16 Printed for 10/06/2016 ZC meeting

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 encourage the use of lands and natural resources in the Township according to their character, adaptability, and suitability for particular purposes; to conserve social and economic stability, property values, and the general character and trend of community development; to prevent excessive concentration of population; 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.

It is the further purpose to adopt provisions for each designated zoning district within which the location, size and use of buildings and minimum open spaces, sanitary and safety measures required and the maximum number of families to be housed in buildings erected or altered in the future, are specified.

HINCKLEY TOWNSHIP ZONING RESOLUTION

1 Proposed TEXT Change Lot Definition lines 23 – 25 (26) Printed for 10/06/2016 ZC meeting

2 **Junk, Motor Vehicles:**

3 In accordance with ORC§ 505.173, any motor vehicle, whether it is licensed, meeting all of the following
4 criteria: (1) Three model years old, or older; (2) Apparently inoperable; (3) Extensively damaged,
5 including but not limited to any of the following: missing wheels, tires, motor or transmission.

6 **Junk Yards:**

7 Any land, or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap
8 metal, other scrap or discarded materials, or for abandonment, demolition, dismantling, storage or
9 salvaging of automobiles or other vehicles not in running condition, machinery, or parts thereof.

10 **Land Development Activity:**

11 Any change to the surface area of a lot including, but not limited to, clearing, grubbing, stripping,
12 removing vegetation, dredging, grading, excavating, cutting and filling, installation of utilities,
13 constructing buildings or structures, paving, and any other installation of impervious cover.

14 **Landscaped Area:**

15 The portion of the site that is permanently devoted to and maintained for the growing of trees, shrubs,
16 ground cover, grass, or other plant material or is comprised of ponds, lakes, streams, retention areas
17 and similar water bodies.

18 A portion of the site that is required to be landscaped pursuant to this Zoning Resolution.

19 **Living Space:**

20 That area within a dwelling intended, designed, erected, or used for human occupancy. This does not
21 include basements, porches, garages, breezeways, or terraces.

22 **Lot:**

23 ~~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~~
24 ~~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~~
25 ~~these regulations.~~

26 Is a parcel of land, legally recorded, of sufficient size to meet minimum zoning requirements.

27 **Lot Area:**

28 The computed horizontal area within the exterior lines of the lot, inclusive of any land within the limits
29 of a street upon which the lot abuts. In computing lot area, not to exceed one-half (1/2) of the width of
30 the road or street right-of-way may be included if the owner holds title to the same.

31 **Lot, Corner:**

32 A "corner lot" is a lot at the point of intersection on and abutting two (2) or more intersecting streets.

33 **Lot Depth:**

34 The distance between the mid-points of straight lines connecting the foremost points of the side lot
35 lines in front and the rearmost points of the side lot lines in the rear.

36

HINCKLEY TOWNSHIP ZONING RESOLUTION

1 Proposed TEXT Remove Lot of Record Definition lines 6 – 8 Printed for 10/06/2016 ZC meeting

2 **Lot, Interior:**

3 A lot other than a corner lot.

4 **Lot Lines:**

5 The property lines defining the limits of a lot.

6 **Lot of Record:**

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

9 **Lot, Width of: (see lot depth)**

10 The distance measured between the side lot lines measured along the property line at the street right-
11 of-way, or pavement edge of a private street.

12 **Model Home:**

13 A residential dwelling unit within an approved subdivision, temporarily used for the purpose of
14 displaying and promoting the sale of homes within the subdivision in which the model is located. The
15 purpose of the model home is to provide a public showroom indicating the style/type of homes to be
16 constructed within the specific subdivision. A model home may have within it displays, maps, pictures,
17 brochures, and sample building materials and like information, which does not promote other activities.

18 **Non-Conforming Lot:**

19 A lot lawfully existing on the effective date of this Zoning Resolution or any amendment thereto, which does
20 not conform to the lot area, width or frontage requirements of the district in which it is located.

21 **Non-Conforming Structure:**

22 A building or structure existing when this Zoning Resolution or any amendment thereto became
23 effective, which does not conform to the regulations governing structures in the district in which it is
24 located.

25 **Non-Conforming Use:**

26 A building, structure, or use of land legally existing prior to the enactment or amendment of regulations
27 restricting the use of buildings, structures, or land and which does not conform to the regulations of the
28 district or zone in which it is situated subsequent to such enactment or amendment.

29 **Office:**

30 A room, suite of rooms, or building in which a person transacts the affairs of a business, profession,
31 service industry, or government.

32 **Office, Corporate:**

33 An establishment primarily engaged in providing internal office administration services (as opposed to
34 customer service) in a single building or a campus setting; for example the headquarters, regional offices
35 or the administrative offices for a corporation. Generally, the majority of the traffic generated from
36 corporate offices comes from employees and not from the general public.

37

HINCKLEY TOWNSHIP ZONING RESOLUTION

Proposed TEXT Change 4.15.8 Line 36 Printed for 10/06/2016 ZC meeting

SECTION 4.12 SWIMMING POOLS

- A. All in ground and above ground permanent or semi-permanent (for seasonal use) swimming pools having a depth of two feet (2') or more of water shall be considered as structures for the purpose of permits.
- B. All in ground and above-ground swimming pools shall be no closer to the right-of-way line than the existing principal building setback line, or the minimum setback required by zoning, whichever is greater, and shall meet all the requirements of the district in which it is located.
- C. All in ground and above ground swimming pools shall provide fencing as required by the applicable government agency.

SECTION 4.13 RIPARIAN SETBACKS

See Chapter 17 - Establishment of Riparian Set Backs

SECTION 4.14 OIL AND GAS WELLS

- A. No building shall be erected within one hundred (100) feet from any oil or gas well, storage tank and/or separator units.
- B. No building shall be erected within twenty-five (25) feet of an oil and gas well that has been plugged per Ohio Department of Natural Resources (ODNR) regulations.

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:

- 1. It is not inconsistent with the purposes and intent of this Resolution.
- 2. It is similar to one or more uses permitted in the zone within which it is proposed and located.
- 3. Its operation is compatible with other permitted uses within the said zone.
- 4. It will further the objectives of said zone.
- 5. It will not cause substantial injury or impair the present or potential use of the properties in said zone.
- 6. It will not be detrimental to the public health safety, convenience and welfare of the township.
- 7. It will not generate substantial additional traffic congestion over other permitted uses in said zone.

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

HINCKLEY TOWNSHIP ZONING RESOLUTION

Proposed TEXT Change 6R1.1.B. Purpose lines 15 - 16 Printed for 10/06/2016 ZC meeting

SECTION 6R1: SINGLE-FAMILY RESIDENTIAL DISTRICT

SUB-SECTIONS

6R1.1	Purpose	6R1.6	Accessory Building/Structure Regulations
6R1.2	Permitted Uses	6R1.7	Development Standards and Criteria for Conservation Development
6R1.3	Conditionally Permissible Uses	6R1.8	Project Review Procedures for Conservation Development
6R1.4	Area, Yard and Height Regulations		
6R1.5	Dwelling Unit Requirements		

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 6R1.2 PERMITTED USES

Within the R-1 District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for one or more of the following uses:

- A. Detached single family dwellings
- B. Conservation Development

Conservation Development in accordance with the regulations set forth in Sub-Section 6R1.7 Conservation Development is characterized by the following features:

1. Detached single-family dwellings;
2. Recreation areas and facilities for use by residents; and
3. Restricted open space and common areas as specified as herein.

C. Model Homes:

1. Only one model home shall be allowed per building company operating within the subdivision;
2. Model homes shall conform to all development and site planning standards for dwelling units in the applicable zoning district;

HINCKLEY TOWNSHIP ZONING RESOLUTION

1 Proposed TEXT Change 6R1.7.A.5. line 35 - 36 Printed for 10/06/2016 ZC meeting

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

3 A. Purpose: The primary objective of Conservation Development as a Permitted Use is to
4 promote the health, safety and general welfare of the community by maximizing the
5 conservation of open space, and retaining the property owner's ability to develop the
6 number of residential units that are permitted under a standard subdivision. This
7 objective is achieved through the application of flexible land development techniques in
8 the arrangement of dwelling units and the construction of roads. **Conservation
9 Developments are Planned Unit Developments (PUDs) established under Section 519
10 of the Ohio Revised Code.** These regulations are intended to achieve these additional
11 purposes:

- 12 1. Maximize protection of the community's natural resources by:
 - 13 a. Avoiding development on and destruction of sensitive natural resource areas;
 - 14 b. Reducing the quantity and improving the quality of storm water runoff from
15 expected development;
 - 16 c. Maintaining natural characteristics (such as woods, hedgerows, natural
17 vegetation, meadows, slopes and streams); and
 - 18 d. Reducing the amount of disturbed land, the conversion of natural areas to
19 landscaped areas for lawns, and the use of invasive vegetation.
- 20 2. Conserve (within the framework of natural resource conservation) the rural quality
21 of Hinckley Township which is characterized by:
 - 22 a. Large, aggregated, undeveloped land areas;
 - 23 b. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream
24 and river corridors, hedgerows and rock outcrops;
 - 25 c. Scenic vistas and rural views;
 - 26 d. Significant historic features such as old barns, heritage trees, etc.;
 - 27 e. Traditional rural settlement patterns characterized by clusters of compact
28 groupings of development in otherwise wide open spaces; and/or
 - 29 f. Appropriate topographic or vegetative screening.
- 30 3. Utilize development review criteria which promote creative design solutions in a
31 manner which best conserve the area's resources.
- 32 4. Utilize a review process which maintains local review and approval of the overall
33 development plan and which results in the timely consideration of an application.
- 34 5. Ensure that the proposed Conservation Development complies with the objectives
35 of Hinckley Township, as expressed in the Master Policy Plan & Update as defined in
36 this Sub-Section.

HINCKLEY TOWNSHIP ZONING RESOLUTION

Proposed TEXT Change 6R2.1.B. lines 10 - 11. Printed for 10/06/2016 ZC meeting

SECTION 6R2: SINGLE-FAMILY RESIDENTIAL DISTRICT (33,000 SQ FT Lots)

SUB-SECTIONS

6R2.1	Purpose	6R2.4	Area, Yard and Height Regulations
6R2.2	Permitted Uses	6R2.5	Dwelling Unit Requirements
6R2.3	Conditionally Permissible Uses	6R1.6	Accessory Building/Structure Regulations

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.

Sub-Section 6R2.2 PERMITTED USES:

Within the R-2 District, no building, structure, or premises shall be used, arranged to be used, or designed to be used, except for one or more of the following uses:

A. Detached single-family dwellings

B. Model Homes:

1. Only one model home shall be allowed per building company operating within the subdivision.
2. Model homes shall conform to all development and site planning standards for dwelling units as established for the applicable zoning district.
3. No sales trailers shall be allowed on site.
4. Upon ninety-five percent (95%) completion (occupied dwelling units) of the subdivision, the use of the dwelling unit as a model shall cease.

C. Accessory Buildings and Structures:

The following accessory buildings/structures are permitted provided such uses are clearly incidental and secondary to the principal use:

1. Signs;
2. Private swimming pool;
3. Ponds and lakes; and
4. Accessory Buildings.

D. Accessory Uses:

The following accessory uses are permitted provided such uses are clearly incidental and secondary to the principal use:

HINCKLEY TOWNSHIP ZONING RESOLUTION

Proposed TEXT Change Procedures 7.2.C. lines 28 – 31 (31 – 33) Printed for 10/06/2016 ZC meeting

A. Application Submitted to Board of Zoning Appeals:

Any application shall be submitted to the Board of Zoning Appeals on a special form for that purpose. Application forms can be obtained from the Zoning Inspector. Each application shall be accompanied by the payment of a fee, payable to Hinckley Township. The fee shall be paid at the original hearing of the permit holder. Any rehearing for structural change or building additions shall carry a fee established by the Township Schedule of Zoning Fees

B. Data Required with Application:

1. Completed application for conditional zoning certificate.
2. Site plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the locations of all abutting streets, the types of buildings and their uses. Fifteen (15) copies are required.
3. Complete plans and specifications for all proposed development and construction. Fifteen (15) copies are required.
4. The above data, as approved by the Board of Zoning Appeals, shall become part of the conditional permit, if the permit is granted. A copy of the Board of Zoning Appeals action, together with one (1) set of the above data shall be placed in the township records, the second (2nd) set shall be retained by the applicant, the third (3rd) set shall be given to the Zoning Inspector, and the fourth (4th) set shall be placed in the Board of Zoning Appeals file.
5. Additional construction, different from what was originally approved, shall necessitate reapplication, also, the permit holder shall submit detailed plans and sketches from proposed changes.
6. A statement supported by substantiating evidence regarding the requirements enumerated in Chapter 7- Conditional Zoning Certificate; Sections 7.3 and 7.4 and Chapter 9 - Parking and Loading Regulations where applicable.

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.

D. Hearing: After adequate review and study of any application, the Board of Zoning Appeals shall hold a public hearing or hearings upon every application after at least one (1) publication in a newspaper of general circulation in the Township at least (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of hearing.

HINCKLEY TOWNSHIP ZONING RESOLUTION

Proposed TEXT Change lines 2 – 3 / CLERICAL Change Re-Alphabetize Printed for 10/06/2016 ZC meeting

~~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;~~

- A. ~~B.~~ Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- B. ~~C.~~ Will not be hazardous or disturbing to existing or future neighboring uses;
- C. ~~D.~~ Will not be detrimental to property in the immediate vicinity or to the community as a whole;
- D. ~~E.~~ Will be served adequately by essential public facilities and services such as highways, streets, police and fire protections, drainage structures, refuse disposal, sanitary facilities approved by The Medina County Health Department, schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- E. ~~F.~~ Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors;
- F. ~~G.~~ Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets or roads. Sufficient parking areas off street will be provided. Refer to Chapter 9 – Parking and Loading Regulations.

The Board of Zoning Appeals may require additional conditions of approval that it deems necessary to fulfill the purposes and intent of the above general standards. Among the conditions of which the Board of Zoning Appeals may consider are set forth in Sections 7.4 and 7.5.

SECTION 7.4 REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES IN ALL DISTRICTS

- A. All equipment, tools, and facilities shall be enclosed within a solid fence at least eight (8) feet high, or kept within a suitable building.
- B. Subject to approval of all applicable government regulations including provisions for sanitary and water facilities:

SECTION 7.5 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES:

A. Home Occupation: Home-Based:

1. Such uses shall be conducted primarily by the occupants of the dwelling. The Board of Appeals may set limit of employees.

Chapter 8: Non-Conforming Uses, Buildings, Lots & Structures

SECTIONS

- 8.1 Purpose
- 8.2 Non-Conforming Buildings/Structures
- 8.3 Non-Conforming Use of Building & Land
- 8.4 Non-Conforming Parking Facilities
- 8.5 Non-Conforming Signs
- 8.6 Non-Conforming Lots
- 8.7 Non-Conforming Use due to Reclassification
- 8.8 Change from Non-Conforming Use
- 8.9 Existing Use Deemed Conditional Use - Permit Required for Change
- 8.10 Determination on Non-Conforming Status
- 8.11 Completion of Construction with Zoning Certificate

SECTION 8.1 PURPOSE

The purpose of this Chapter is to recognize the existence of use, buildings, lots and structures which lawfully existed at the time of the Resolution’s enactment, or amendment thereto, but which do not conform with one or more of the regulations contained in this Resolution. 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.~~ Therefore, such non-conforming status shall be continued only in conformance with this Chapter.

A non-conforming lot, use, building/structure does not include nonconformity with regulations pursuant to a legally granted variance from a zoning regulation.

SECTION 8.2 NON-CONFORMING BUILDINGS/STRUCTURES

A non-conforming building/structure may continue to be used or occupied by a use permitted in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- A. **Maintenance and Repair:** A non-conforming building/structure may be maintained and repaired provided that no structural parts shall be replaced except when required by law to restore such building or structure to a safe condition or to make the building or structure conform to the regulations of the district.
- B. **Non-Conforming Use of Building/Structure:** A building/structure occupied by a non-conforming use shall be permitted to be altered, improved, enlarged, extended or reconstructed, provided such modification complies with the regulations of this Section. Any such alteration or enlargement shall not exceed ten (10) percent of the square footage of the floor area of the building or structure as it existed at the effective date of this Resolution, unless the building structure conforms to the use regulations of the district.

HINCKLEY TOWNSHIP ZONING RESOLUTION

Proposed TEXT Change 11.1. Purpose lines 11 and 23 - 24 Printed for 10/06/2016 ZC meeting

Chapter 11: Site Plan Review

SECTIONS

- 11.1 Purpose
11.2 Site Plan Review Required
11.3 Informal Review of Proposal Encouraged
11.4 Preliminary Site Plan Submission Requirements
11.5 Final Site Plan Submission Requirements
11.6 Site Plan Review Procedures
11.7 Zoning Commission Review of Preliminary Site Plan
11.8 Zoning Commission Review of a Final Site Plan
11.9 Action by Zoning Commission
11.10 Equivalency Provision
11.11 Financial Guarantee
11.12 Expiration of Site Plan Approval
11.13 Significance of an Approval Final Site Plan; Plan Revisions
11.14 Revisions to Association Documents Approved by Township's Legal Advisor

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:

- A. To provide for the planning of land use and the design of buildings as a coordinated process.
B. To provide for the integration of new developments with the surrounding environment.
C. To ensure that new development will make proper use of the natural environment.
D. To ensure that sites are properly designed for traffic circulation and emergency access.
E. To provide a system of site development controls to ensure that all developments are consistent with the Township Zoning Resolution.
F. To ensure that a single development or one built in progressive stages will be constructed in accordance with the approved design.
G. To ensure the proposals will be developed in accordance with the objectives and policies of the Hinckley Township Master Policy Plan.

HINCKLEY TOWNSHIP ZONING RESOLUTION

Proposed TEXT Change 11.7.C. line 39 Printed for 10/06/2016 ZC meeting

- 1
- 2 A. **Review and Completeness:** The Zoning Inspector shall, within thirty (30) days of
3 receiving a submitted application for review of a preliminary site plan or a final site plan,
4 review the site plan to determine accuracy and compliance with the applicable
5 regulations and submission requirements. If the application is deemed insufficient, the
6 Zoning Inspector shall notify the applicant of necessary changes. When the application
7 is deemed sufficient and the application fee has been paid, the Zoning Inspector shall
8 officially accept the application for consideration of the action(s) requested on the date
9 such determination is made. Once an application is officially accepted, it shall be placed
10 on the agenda of the Zoning Commission.
- 11 B. **Distribution of Plans:** The Zoning Inspector shall distribute the application to the
12 following for review and comment. All reports, comments, or expert opinions shall be
13 returned to the Zoning Inspector.
- 14 1) Regulatory agencies that have statutory authority to subsequently review and
15 approve any aspect of the development, including, but not limited to, the County
16 Planning Commission, the County Health Department, and County Sanitary
17 Engineer.
- 18 2) Other agencies, which at the discretion of the Township may have appropriate
19 technical expertise.
- 20 3) Appropriate local Township administrative officials, including the Township
21 Trustees, Township Zoning Commission and/or Board of Zoning Appeals and Zoning
22 Inspector.
- 23 4) Appropriate professional consultants retained by the Township. The applicant shall
24 pay the cost of review by the consultant.
- 25 C. **Transmission to the Zoning Commission:** The application for site plan review and all
26 reports or comments prepared by the individuals in sub-section B above shall be
27 compiled by the Zoning Inspector and transmitted to the Zoning Commission.

SECTION 11.7 ZONING COMMISSION REVIEW OF PRELIMINARY SITE PLAN

28

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

- 31
- 32 A. The development should be designed to preserve the natural amenities of the site. For
33 example, building location and placement should be developed with consideration given
34 to minimizing the removal of trees and change of topography;
- 35 B. The development will result in a harmonious grouping of buildings within the proposed
36 development and in relationship to existing and proposed uses on adjacent property;
37 and
- 38 C. The development will have properly designed open spaces that meet the objectives of
39 ~~the Township's Master Policy Plan and the this~~ Zoning Resolution.
- 40

HINCKLEY TOWNSHIP ZONING RESOLUTION

1 Proposed TEXT Change 17.1.E. lines 23 - 25 Printed for 10/06/2016 ZC meeting

- 2 B. These regulations have been enacted to protect and enhance the functions of riparian
3 areas by providing reasonable controls governing buildings, structures uses, and related
4 soil disturbing activities within a riparian setback along designated watercourses in
5 Hinckley Township. Due to the importance of properly functioning riparian areas,
6 minimum riparian setbacks may be given preference over minimum front, side, or rear
7 yard setbacks as specified in this resolution in the consideration of an appeal for a
8 variance by the board of zoning appeals.
- 9 C. These regulations have been enacted in compliance with the Hinckley Township Phase II
10 Storm Water Management Program, adopted March 1, 2003.
- 11 D. These regulations, originally adopted by Hinckley Township on November 29, 2007,
12 have been enacted under the authority of Chapter 519 of the Ohio Revised Code that
13 provides Hinckley Township the authority to regulate the location, size, height, and use
14 of buildings and structures, the area and dimensions of lots and yards, and the use of
15 lands necessary to protect the public health, safety, convenience and prosperity and
16 general welfare of the Township and its residents.
- 17 E. It is the policy of Hinckley Township to encourage the establishment of naturally
18 vegetated riparian areas along watercourses. Property owners who own land along
19 watercourses are encouraged to maintain the functionality of the riparian system within
20 Hinckley Township to control flooding, erosion, and water quality problems on their
21 property, as well as downstream. Riparian setback zoning, as established through these
22 regulations, represents the minimal standards necessary to limit flooding, erosion, and
23 water quality problems and the impacts there from. Guidance regarding the functions
24 and characteristics of riparian areas in Hinckley can be found in the Hinckley Township
25 Master Policy Plan.

26 27 SECTION 17.2 APPLICABILITY & COMPLIANCE

- 28 A. These regulations shall only apply when both of the following two (2) conditions are
29 met:
- 30 1. Soil disturbing activities regulated by Hinckley Township Zoning Regulations are
31 proposed in a riparian setback as set forth by these regulations; and
 - 32 2. A zoning certificate or conditional zoning certificate is required or necessary.
- 33 B. These regulations shall apply to all zoning districts.
- 34 C. The regulations set forth herein shall apply to all buildings, structures, uses, and related
35 soil disturbing activities on a lot containing a designated watercourse, except as
36 otherwise provided herein.
- 37 D. The use of any building, structure, or lot lawfully existing prior to the effective date of
38 these regulations may be continued, subject to the provisions of Chapter 8 -
39 Nonconforming Use.
- 40