HINCKLEY TOWNSHIP

ZONING REGULATIONS

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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 Board of Trustees, Township Zoning Inspector, and Township Zoning Commission 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 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.

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ZONING REGULATIONS
OF
HINCKLEY TOWNSHIP
MEDINA COUNTY, OHIO

The Township of Hinckley, under the authority of Chapter 519 of the Revised Code of the State of Ohio, resolves as follows:

Whereas, the Board of Trustees of Hinckley Township deems it in the interest of the public health, safety, comfort, convenience, prosperity and general welfare of said Township and its residents to establish and maintain a general plan of zoning for the unincorporated area of said Township; and

Whereas, a Zoning Resolution providing for said zoning of Hinckley Township by regulating the location, size, height and use of buildings and structures, the area and dimensions of lots and yards, and the use of land, and for such purposes dividing the Township into zones or districts of such number, size and shape as are deemed best suited to carry out said purposes, providing a method of administration, and proceedings for the administration and enforcement of this Zoning Resolution has been created;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Hinckley Township that the following Zoning Resolution for Hinckley Township be adopted.

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Chapter 1: Purpose

The zoning districts and the regulations specified for each district established by this Zoning Resolution have been constructed for the physical development of the Township of Hinckley.

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, 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.

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Chapter 2: Interpretation

In interpretation and application, the provisions of this Zoning Resolution shall be held to be the minimum requirements adopted for the promotion of public health, safety, convenience, comfort, prosperity and general welfare of the residents of Hinckley Township, Medina County, Ohio.

Nothing herein shall repeal, abrogate, annul, or in any way impair or interfere with any provisions of law or any rules or regulations, other than regulations adopted or issued pursuant to law relating to the construction and use of buildings or premises.

Where this Zoning Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger yards than are imposed or required by other provisions of law, rules, regulations, covenants or agreements, the provisions of this Zoning Resolution shall control, but nothing herein shall interfere with, abrogate or annul any easements, covenants, deed restrictions or agreements between parties which impose restrictions greater than those imposed by this Zoning Resolution.

Each chapter, section, sub-section, provision, requirement, regulation or restriction established by this Zoning Resolution or any amendment thereto, is hereby declared to be independent, and the holding of any part to be unconstitutional, invalid, or ineffective for any cause shall not affect nor render invalid this Zoning Resolution or amendments thereto as a whole or any other part thereof except the particular part so declared to be invalid.

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Chapter 3: Definitions

SECTIONS

3.1 Interpretation of Terms and Words **3.2** Definitions

SECTION 3.1 INTERPRETATION OF TERMS AND WORDS

For the purpose of this Zoning Resolution certain terms or words used herein shall be interpreted or defined as follows:

- **A.** Words used in present tense include the future tense.
- **B.** The singular number includes the plural.
- **C.** The word, "person" includes a Partnership or a Corporation as well as an Individual.
- **D.** The word "lot" includes the words "plot" or "parcel".
- **E.** The word "shall" is always mandatory.
- **F.** The word "used" or "occupied" as applied to any land or building shall be construed to include the words, "intended, arranged, or designed to be used or occupied".

SECTION 3.2 DEFINITIONS

- **A.** Any word or term not defined herein shall be used with a meaning of common or standard utilization.
- **B.** The following definitions are in alphabetical order.
- **C.** For the purpose of this Zoning Resolution the following terms, whenever used in this Zoning Resolution shall have the meaning herein indicated:

Accessory Building:

A subordinate building customarily incidental to and located upon the same lot occupied by the principal building.

Accessory Use:

A subordinate use customarily incidental to and located upon the same lot occupied by the principal use and established subsequent to the principal use.

Accessory Structure:

A subordinate structure customarily incidental to and located upon the same lot occupied by the principal building and use.

Alternative Energy Facility:

A Solar Array or Wind Energy Facility intended to provide electrical power primarily for consumption on-site or an Outdoor Wood-Fired or Hydronic Burner.

Automobile Fueling and Charging Station:

A place where the primary purpose is for the sale or distribution of fuel or electricity for the powering primarily of non-commercial motor vehicles. An associated building may be used for retail sales.

Automotive Repair and Service:

A place primarily engaged in the repair or maintenance of motor vehicles, trailers, and similar large mechanical equipment, including paint and collision repair, which is conducted within a completely enclosed building.

Basement:

A story all or partially below the level of the adjoining ground and below the first tier of the floor beams or joist. When a basement floor is less than three (3) feet below the average grade, it will be rated as the first story or ground floor. Basements shall be differentiated from earth sheltered dwellings.

Buffer Area:

An area of land, including landscaping, berms, walls, fences and building setbacks, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use.

Building:

A structure that has a roof supported by or suspended from columns or walls (where such walls may be solid or may have windows), and is intended for use as a shelter or enclosure for persons, animals, or property.

Building Envelope:

An area in which a building is to be placed in compliance with the building setback and spacing requirements established by this Zoning Resolution.

Building Frontage:

That side of the building that abuts the required front yard as stipulated in this Zoning Resolution. The entrance door does not have to be in this side.

Building, Height:

The vertical distance measured from the mean elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Lines:

The line defining the minimum front, side and rear yard requirements outside of which no building or structure may be located.

Building Permit:

A permit issued by the Medina County Building Department before construction, substantial rehabilitation or internal modifications can legally take place.

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.

Common Drive:

As differentiated from a private street or road, a common drive serves no more than three (3) single-family residential lots and shall not be used to access land outside the subdivision.

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.

Condition, Dangerous/Hazardous:

Any physical condition of a structure or land that may be detrimental or deleterious to the health or safety of any person handling or otherwise coming in contact with such condition.

Conservation Development:

A contiguous area of land to be planned and improved as a single development, in which dwelling units are accommodated under more flexible regulations, such as building arrangements and setbacks, than those that would normally apply in a single-family district, allowing for the flexible grouping of structures in order to conserve open space and existing natural resources.

Cul-de-sac Street:

A street having one end open to vehicular traffic and the other end permanently closed with a full circle vehicular turnaround.

Designated Watercourse:

A watercourse within Hinckley Township that is in conformity with the criteria set forth in this Zoning Resolution.

Development, General:

A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site.

Development, Non-Residential:

A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for other than residential use.

Disabled Person:

A person with a physical or mental impairment, that substantially limits one or more of such persons major life activities, as defined in 42 U.S.C. 3602 (h).

Driveway:

A private roadway providing access for vehicles to the property.

Dwelling:

Any building (except a house trailer or mobile home as defined by ORC§ 4501.01), which is wholly or primarily used for residential purposes by one or more human occupants.

Dwelling, Attached Single Family:

A dwelling consisting of two (2) or more dwelling units located side by side, not one above another, having common or adjoining walls and designed so that every dwelling unit has a private outside entrance at ground level.

Dwelling, Detached Single Family:

A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space from ground to sky.

Dwelling Unit:

Single housekeeping unit comprising living, dining, sleeping rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities all used by one (1) family and its household employees.

Earth Sheltered Dwelling Unit:

A structure built wholly or partially underground and which is designed for permanent occupancy with no additional stories permitted.

Easement:

Authorization by a property owner for the use of land by the general public, a corporation, or another person, for a specified purpose, of any designated part of the owner's property.

Easement, Conservation:

An incorporeal right or interest in land that is held for the public purpose of retaining land, water, or wetland areas predominantly in their natural, scenic, open, or wooded condition, as suitable habitat for fish, plants, or wildlife; that imposes any limitations on the use or development of the areas that are appropriate at the time of creation of the conservation easement to achieve one or more of such purposes; that includes appropriate provisions for the holder to enter the property subject to the easement at reasonable times to ensure compliance with its provisions and includes the provisions for the enforcement of the easement by the holder. (ORC§ 5301.67)

Family:

One (1) or more persons occupying a premise and living as a single housekeeping unit.

Federal Emergency Management Agency (FEMA):

Agency with overall responsibility for administering the National Flood Insurance Program.

Fence:

Any structure composed of wood, iron, steel, masonry, stone or other material and erected in such a manner and in such location as to enclose, secure, partially enclose or secure, provide privacy, decorate, define or enhance all or any part of any premises.

Fence, Decorative:

An open fence, other than a chain link or barbed wire fence, designed primarily for aesthetic appeal and not intended or designed as a method of prohibiting entry to a property.

Floodway:

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by FEMA.

Floor Area, Gross: (see in comparison to Living Area and Floor Area, Public)

The total area of a building, calculated on a floor-by-floor basis, enclosed by the building's outer walls. This includes basements, porches, garages, breezeways, or terraces.

Floor Area, Public

Floor area that is accessible to the public after the space occupied by walls is deducted from the gross floor area.

Garage:

An accessory building or an accessory portion of the principal building, enclosed on all sides and designed or used for the shelter or storage of motor vehicles.

Gateway:

A point along a roadway at which a motorist or pedestrian gains a sense of having entered the Township or a particular part of the Township. This impression can be imparted through such things as signs, monuments, landscaping, a change in development character or a natural feature.

Grade, Finished:

The average level of the finished surface of ground adjacent to the exterior walls of the building after final grading and normal settling.

Grade, Natural:

The elevation of the undisturbed natural surface of the ground prior to any excavation or fill.

Home Occupation:

A. **On-Site**: Any use customarily conducted entirely within a dwelling and performed by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and does not change the character thereof.

B. **Home-Based**: Any use primarily conducted away from the property and performed by the owner. That use which is conducted on the property shall be conducted entirely within the dwelling or accessory building by the owner and this use shall be incidental and secondary to the primary use of the dwelling or accessory building and shall not change the character thereof.

Housekeeping Unit:

See Dwelling Unit.

Impervious Cover:

Any paved, hardened or structural surface regardless of its composition including, but not limited to, buildings, roads, driveways, parking lots, loading/unloading spaces, decks, patios, and swimming pools through which precipitation cannot pass into the underlying soil.

Industrial Park:

A planned, coordinated development of a tract of land with two or more separate industrial buildings, and with shared common areas.

Junk, Motor Vehicles:

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

Junk Yards:

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

Lake:

See pond

Land Development Activity:

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

Landscaped Area:

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

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

Living Area: (see in comparison to Floor Area, Gross and Floor Area, Public)

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

Lot:

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

Lot Area:

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

Lot, Corner:

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

Lot Depth:

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

Lot, Interior:

A lot other than a corner lot.

Lot Lines:

The property lines defining the limits of a lot.

Lot, Width of: (see in comparison to lot depth)

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

Model Home:

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

Non-Conforming Lot:

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

Non-Conforming Structure:

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

Non-Conforming Use:

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

Office:

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

Office, Corporate:

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

Office, Professional:

An office for the use of a person or persons generally classified as professionals such as architects, engineers, attorneys, accountants, doctors, dentists, chiropractors, planners, interior designers, psychiatrists, psychologists and insurance and real estate agents.

Ohio Environmental Protection Agency:

The State government agency referred to herein as the Ohio EPA.

One Hundred Year Floodplain:

Any land susceptible to being inundated by water from a base flood. The base flood is the flood that has a one (1) percent or greater chance of being equaled or exceeded in any given year. The one hundred (100) year floodplain shall be identified by the Federal Emergency Management Agency (FEMA) maps of Hinckley Township.

Open Space:

The portion of a lot not covered by a building or parking and/or loading area and which is open to the sky. It may include walkways, landscaping, fences, recreation areas and objects not defined under buildings or structures. In addition, all other portions of the site not devoted to buildings or other structures, parking, loading or access shall be deemed landscaped areas.

Open Space, Restricted:

Open Space within a development which follows this Zoning Resolution, that is conserved in its natural state and governed by a conservation easement granted to an organization or entity which is acceptable to the Township.

Open Space, Usable:

A required ground area, developed, landscaped and maintained and intended for active and/or passive recreation, available and accessible to and usable by all persons occupying the conservation development. Open space with a horizontal dimension of less than six feet or an area of less than sixty (60) square feet is not considered usable.

ORC §:

Ohio Revised Code section number.

Ordinary High Water Mark:

The point of a stream bank to which the presence and action of surface water is so continuous as to leave an area marked by erosion, destruction or prevention of woody terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. The ordinary high water mark defines the bed of a watercourse.

Outdoor Display:

The placing of merchandise in an outdoor area that is open to the general public when the merchandise on display is removed from its shipping packaging and is representative of merchandise that is available for purchase inside the building and/or is available for purchase by the general public.

Outdoor Storage:

The keeping, in an area outside of a building, of any goods, material, merchandise, or vehicles in the same place for more than twenty-four (24) hours, which does not otherwise meet the definition of outdoor display.

Outdoor Wood-Fired and Hydronic Burner:

Any equipment, device, appliance, or apparatus, or any part thereof, which is installed, affixed, erected, or situated outdoors for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.

Parking Space:

An off-street space defined by painted lines, raised curbs or otherwise designated, which is used for the temporary parking of a motor vehicle that may be stored for a period longer than that required to load or unload persons or goods.

Perennial Stream:

A natural waterway that contains water throughout the year except in severe drought. Source: U.S. Geologic Survey.

Permitted Use:

See Use, Permitted

Personal Services Establishment:

An establishment or place of business primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Typical uses include, but are not limited to, beauty and barber shops, shoe repair shops, and tailor shops.

Pond:

A water impoundment, having a natural bottom, occurring naturally or made by constructing a dam or an embankment, or by excavating a pit or dugout.

Pond, Inline:

A permanent pool of water created by impounding a designated watercourse.

Principal Use:

See Use, Principal

Project Boundary:

The boundary defining the tract(s) of land that is included in a development project to meet the minimum required project area for a conservation development. The term "project boundary" shall also mean "development boundary."

Public Improvement:

Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, sanitary sewer, storm sewer, waterline, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or that may affect an improvement for which responsibility by the local government is established.

Recreation Facility:

Any establishment whose main purpose is to provide the general public with recreational activity.

Restaurant:

A commercial establishment where food and beverages, including alcoholic beverages, are prepared, served and consumed. In addition, food sales are the primary function of the business.

Retail Establishment:

An establishment engaged in the selling of goods or merchandise to the general public for personal or household consumption, which is open to the general public during regular business hours and which has display areas that are designed and laid out to attract the general public. In determining a use to be a retail use, the Township Zoning Commission may consider the proportion of display area versus storage area and the proportion of the building face devoted to display windows.

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.

Riparian Setback:

The real property adjacent to a designated watercourse located within the area defined by the criteria set forth in these regulations.

Rubbish/Litter/Debris:

Miscellaneous waste materials resulting from housekeeping, mercantile enterprises, trades, manufacturing and offices.

Screening Area:

See buffer area

Screening Buffer:

See buffer area

Senior Citizen Residential Facility:

A facility consisting of three or more dwelling units, the occupancy of which is limited to senior citizens in compliance with the Fair Housing Act, as amended.

Short-term dwelling rental:

Any dwelling that is rented in its entirety for not more than thirty (30) consecutive days by persons other than the primary resident, from which the primary resident, owner, or other interested party receives monetary compensation and the primary resident is not present and personally living on the premise during the time of the rental.

Short-term owner-occupied dwelling rental:

Any dwelling of which a portion is rented for not more than thirty (30) consecutive days by persons other than the primary resident, from which the primary resident, owner, or other interested party receives monetary compensation.

Sign:

A communication device, structure, or fixture, visible from a public right-of-way, that incorporates graphics, symbols, or written copy intended to promote the sale of a product, commodity, or service, or to provide direction or identification for a premises or facility. "Sign" does not include building or structural designs, national flags or flags of political subdivisions, symbolic flags, or insignias of an institution, mechanical product dispensers, holiday decorations, gravestones, historical site plaques, or window displays.

Refer to Chapter 10 – Sign Regulations Figure A: Sign Diagram for illustration of the various sign types as defined herein.

Sign, Address:

A sign indicating the address of a property to easily allow identification by safety services.

Sign, Awning/Canopy:

Any sign that is painted on, part of or attached to an awning, canopy, or other fabric, plastic, or structural protection cover over a door, entrance, window, or outdoor service area.

Sign, Banner:

A sign of lightweight fabric or similar non-ridged material that is mounted with no enclosing framework.

Sign, Billboard:

As permitted by ORC § 5516.01 to § 5516.14

Sign, Changeable Copy:

A sign whose informational content can be changed or altered by manual, electro-mechanical or electronic means. Changeable signs include the following types:

1. Manually Activated: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
2. Electronically Activated: Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated, digital or mechanically driven changeable segments.

Sign, Development:

A sign which, by means of symbol or name, identifies a shopping center, commercial or industrial park, residential subdivision, or other development that may contain a mixture of residential, commercial or industrial uses.

Sign, Directional:

A permanent sign intended to direct or guide vehicles outside of the street right-of-way.

Sign, Flag:

Any sign of cloth or similar material, anchored along one side, displayed from a single pole, either freestanding or attached to a building.

Sign, Free-Standing:

Any non-movable sign not affixed to a building.

Sign, Ground:

A sign that is placed upon, mounted in, or supported from the ground or a structure other than a building.

Sign, Nonconforming:

A sign conforming to the regulations prevailing on the effective date of this Zoning Code or any amendments thereto, but which does not conform with the regulations of this or a subsequent amendment shall be construed as a legal non-conforming sign.

Sign, Pole:

A sign that is mounted on a free-standing pole or other support so that the bottom edge of the sign is six (6) feet or more above grade.

Sign, Portable:

A sign whose principal supporting structure is intended, by design and construction, to be used by resting on the ground for support and may be easily moved or relocated for reuse (e.g., A-frame or sandwich-board signs).

Sign, Projecting:

A sign attached to a building or wall and which extends beyond the line of said building or wall in such a manner that the exposed face or faces of the sign are generally perpendicular to or at an angle to the plane of the wall of the building or structure to which said sign is attached, with its leading edge extending not more than eighteen (18) inches beyond the surface of such building or wall.

Sign, Public Purpose/Safety:

A sign erected by a public authority, utility, public service organization, or private industry upon the public right-of-way or on private property and which is intended to control traffic; direct, identify or inform the public; or provide needed public service.

Sign, Roof:

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof or the eave of a line of a building with a gambrel, gable, hip or mansard roof.

Sign, "V" Shape:

A ground sign containing two faces of approximately equal size, erected upon common or separate structures, positioned in a "V" shape.

Sign, Wall:

A sign painted on, attached to, or erected against the outside wall of a building with the exposed face of the sign in a plane parallel to the plane of said wall, extending not more than twelve (12) inches from said wall and which does not project above the roofline or beyond the corner of the building.

Sign, Window:

A sign that is applied or attached to a window or located inside a building within twelve (12) inches of the face of the window.

Soil and Water Conservation District (SWCD):

The Medina County, Ohio Soil and Water Conservation District, organized under Chapter 1515 of the Ohio Revised Code, including the Board of Supervisors and its designated employees.

Soil Disturbing Activity:

Clearing, grading, excavating, filling, or other alteration of the earth's surface where natural or human made ground cover is destroyed and that may result in, or contribute to, erosion and sediment pollution.

Solar Array:

Any collection of Solar Panels, connectors, battery banks, controllers, wiring, meters, and switching devices intended to work in combination to convert solar energy to electrical power.

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.

Stream Bank or River Bank:

The ordinary high water mark of the stream or river, otherwise known as the bank full stage of the stream or river channel. Indicators used in determining the bank full stage may include changes in vegetation, slope or bank materials, evidence of scouring, and stain lines.

Stream Bank Stabilization:

Soil disturbing activities undertaken to control erosion along the banks of designated watercourses. Stream bank stabilization shall also include stream restoration that is defined as the process of converting an unstable, altered, or degraded stream corridor, including adjacent riparian area and flood prone areas, to its natural or referenced stable conditions, considering recent and future watershed conditions. Stream restoration also includes restoring the geomorphic dimension, pattern, and profile as well as biological and chemical integrity, including transport of water and sediment produced by the stream's watershed in order to achieve dynamic equilibrium.

Street, Dedicated:

See "Street, public".

Street, Private:

An easement which provides vehicular access to residential or commercial structures or groups of structures and which will not be dedicated for public use.

Street, Public:

A public thoroughfare which has been dedicated to the public for public use or subject to public easements therefore, and which affords the principal means of access to abutting property.

Street Right-Of-Way Lines:

A dividing line between a lot, tract, or parcel of land and a contiguous street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the outside line of land reserved for street purposes.

Structure:

Anything constructed or erected with a fixed location on the ground, attached to something having a fixed location on the ground, or resting upon the ground including but not limited to signs, buildings, fences, swimming pools, ponds, and lakes.

Structural Alteration:

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of the building.

Tavern/Bar/Night Club:

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food is available for consumption on the premises.

Trees, Damaged:

Trees that have split trunks; broken tops; heart rot; insect or fungus problems that will lead to imminent death; undercut root systems that puts the tree in imminent danger of falling; lean as a result of root failure that puts the tree in imminent danger of falling; or any other condition that puts the tree in imminent danger of being uprooted or falling into or along a watercourse or onto a building or structure.

Use:

The purpose for which a building or land is arranged, designed, intended, maintained or occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity or operation carried on, or intended to be carried on, in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.

Use, Accessory:

See "Accessory Use".

Use, Conditional: A use permitted in a district, other than a principal use permitted by right, which is allowed only under certain conditions as set forth in Chapter 7, and which requires a conditional zoning certificate and approval of the Township Board of Zoning Appeals in compliance with the regulations and procedures set forth in Chapter 13.

Use, Permitted:

A use that is approved administratively when it complies with the standards and requirements set forth in this Zoning Resolution, the approval of which does not require a public hearing.

Use, Principal:

The primary or main use or activity of a building or lot.

Warehouse:

A use engaged in storage, wholesale and distribution of manufactured products, supplies, and equipment, excluding bulk storage of materials that are inflammable or explosive or that present hazards or conditions commonly recognized as offensive.

Waste Water Treatment Plant (WWTP):

A facility at the end of a sanitary collection system that processes the influent waste and discharges water to a receiving stream, treated to the standards of the Ohio EPA.

Watercourse:

Any brook, channel, creek, river, or stream having banks, a defined bed, and definite direction of either continuous or intermittent flow.

Wetland:

Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas. (40 C.F.R. 232, as amended).

Wetlands, Category 1:

A low quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.

Wetlands, Category 2:

A medium quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.

Wetlands, Category 3:

A high quality wetlands classification as defined in Ohio Administrative Code (OAC) Rule 3745-1-54(C) of the Ohio EPA.

Wind Energy Facility:

Any combination of equipment, machinery, and structures used to convert kinetic wind energy into electrical power and meeting the definition of "small wind farm" as set forth in ORC Section 519.213. The height of a wind energy facility shall be measured from the base of the tower or facility to the tip of the blade or airfoil at its highest point.

Yard:

An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard, Front:

A yard extending across the full width of a lot and being the distance between the street right-of-way and the nearest portion of the foundation of any building or structure existing or proposed for construction on said lot.

Yard, Rear:

A yard extending across the full width of a lot between the side lot lines and being the distance between the rear lot line and the nearest portion of the foundation of any building or structure existing or proposed to be constructed on said lot.

Yard, Side:

A yard between the nearest portion of the foundation of any building or structure existing or proposed to be constructed on said lot and extending from the front yard to the rear yard.

Yield Plan:

A plan showing a standard subdivision that could realistically be approved on the parcel proposed for the conservation development subdivision.

THE FOLLOWING DEFINITIONS SHALL APPLY TO CHAPTER 16, SEXUALLY-ORIENTED BUSINESS

Adult Material, Adult Entertainment and Adult Service:

Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, videocassette, DVD, motion picture film, record, or any other media, or any entertainment or service intended to create sexual interest through sight, sound and/or touch, and which media, entertainment or service is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, human body functions of elimination or sadomasochistic practices, or any other explicit sexual material as herein defined. This definition does not include movies that have been rated "G", "PG", "PG-13", "NC-17" or "R" by the Motion Picture Association.

Adult Material Store:

An establishment that rents, sells, displays, and/or provides for viewing, for any compensation, books, magazines, other printed material, films, tapes, video cassettes, DVDs, other visual representations, and/or any other adult media or adult material, and that meets any one or more of the following three (3) tests, unless the store complies with the restrictions set forth in Section 16.2:

1. A substantial amount of the public floor area (more than twenty (20) percent is devoted to Adult Material;
2. A substantial amount of the number of items in inventory (more than twenty (20) percent consists of Adult Material; and
3. Advertises itself as "X" rated, "adult", "sex" or otherwise is a sexually oriented business.

Adult Motion Picture Theater:

Any motion picture theater that uses fifteen (15) percent or more of its total daily viewing time for presenting explicit sexual material or that advertises itself as or offers features described as "X" rated, "adult", or "sexually oriented".

Adult Only Live Entertainment Business:

An establishment where the patron directly or indirectly is charged a fee, and where the establishment features:

1. Entertainment or services that constitute adult entertainment or services as defined in this section; or
2. Exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, or similar entertainment or services that constitute adult entertainment or services as defined in this Chapter.

Bathhouse:

An establishment or business that provides the services of baths of all kinds. This definition is not to apply to or affect the operation of hydrotherapy facilities by any person licensed by the State of Ohio Medical Board.

Bottomless:

Less than full opaque covering of male or female genitals, pubic area or buttocks.

Explicit Sexual Material:

Media characterized by sexual conduct that includes one or more of the following: erect penis; contact of the mouth of one person with the genitals of another; penetration with a finger or penis into any orifice in another person; open labia; penetration of a sex toy into any orifice; ejaculation; or the aftermath of ejaculation.

Massage Parlor:

An establishment where, for any form of consideration, massage, alcohol rub, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, or similar professional persons licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishments where massage or similar manipulation of the human body is offered as an incidental or accessory use.

Nude or Nudity:

The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering [not letting light pass through, not transparent] of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

Public Display:

The act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from the property of others, or from any portion of the premises where items and material other Adult Material are on display to the public.

Sadomasochistic Practices:

Flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of another.

Sex Shop:

An establishment offering goods for sale or rent that meets any of the following tests:

1. The establishment offers for sale items from any two of the following categories: (a) Adult Material; (b) lingerie, or (c) leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; and the combination of such items constitutes more than ten (10) percent of its stock in trade or occupies more than ten (10) percent of its public floor area;
2. More than five (5) percent of its stock-in-trade consists of sexually oriented toys or novelties; and
3. More than five (5) percent of the total area of the building that is accessible to the public is devoted to the display of sexually oriented toys or novelties.

Sexual Activity:

Sexual conduct or sexual contact, or both.

Sexual Conduct:

Intercourse, vaginal or anal, fellatio, and cunnilingus between two persons regardless of sex; and the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vagina or anus of another.

Sexual Contact:

Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is female, a breast.

Sexual Excitement:

The condition of human genitals, when in a state of sexual stimulation or arousal.

Sexually Oriented Toys or Novelties:

Instruments, devices, or paraphernalia either designed as representatives of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genitals.

Sexually Oriented Business:

An inclusive term used to describe collectively, including, but not limited to: Adult media store, adult only live entertainment business; adult motion picture theater; massage parlor; bath house, sex shop, adult motel or hotel, escort agencies, nude model studio and/or sexual encounter center.

Topless:

The showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

Chapter 4: General Regulations

SECTIONS

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SECTION 4.1 GENERAL REGULATIONS OF LOTS

A. No open space provided about any building/structure for the purpose of complying with the provisions of this Zoning Resolution shall be considered as providing open space for any other building/structure.

B. No parcel of land, divided to create a buildable lot, held under one ownership, with or without buildings/structures, effective as of August 1, 1958, shall be so reduced nor shall any such parcel be subdivided in any manner below the minimum lot area and be considered a buildable lot. The creation of an unbuildable lot shall require notation of such in the Final Plat.

C. Every dwelling shall be located on a lot having frontage on a public or approved private street.

D. Corner lots in all districts are required to have the minimum front yard requirements, as indicated in that district, facing both streets.

E. No more than one dwelling shall be permitted on any one lot.

F. **Lot Width At Building Line:** In all districts, the front yard width at any point shall not be less than the minimum lot width required at the street right-of-way.

G. **Setbacks For Substandard Lots:** The minimum side yard width and rear yard depths shall not be less than the fifteen (15) feet for any new addition to existing structures in the R-1 or R-2 Districts for those lots covered under Substandard Lot Provisions.

H. Where more than one minimum setback requirement is applicable to any structure, the greater setback standard shall be met.

SECTION 4.2 AGRICULTURAL USE

A. Land in any district may be used for agricultural purposes except as otherwise provided herein.

B. Pursuant to Ohio Revised Code Section 519.21, in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, on lots less than five (5) acres all buildings and structures incident to the use of land for agricultural purposes shall comply with height regulations in the applicable zoning district and shall have a front setback of not less than the principal building or applicable zoning district, whichever is less, and in no case shall be located closer than fifteen (15) feet to any other lot line.

C. Agritourism, as defined by the Ohio Revised Code Section 901.80(A)(2), shall be permitted on farms, as defined by Ohio Revised Code Section 901.80(A)(4), provided that such use is established with a Zoning Certificate issued pursuant to a site plan approved by the Township Zoning Commission showing:

1. The lot lines of the farm upon which the Agritourism will be conducted.

2. The location, sizes, and heights of all existing and proposed buildings and structures, including signs, to be used for agritourism purposes.

3. Evidence that proposed buildings and structures comply with the minimum setback requirements and height regulations in the applicable zoning district.

4. The location and size of all parking areas intended to accommodate the general public as part of the agritourism operation.

5. Evidence that sufficient off-street parking areas as determined by this Zoning Resolution are provided for every building or part thereof hereafter established in connection with every use of the land.

6. The Township shall not require the parking area to be improved, including any requirements governing drainage, parking area base, parking area paving, or other such improvement.

7. The proposed use of all buildings and structures to be occupied or used for agritourism purposes.

8. The location and design of all ingress and egress drives to the agritourism operation and evidence that the provisions for emergency vehicle access are adequate to protect public health and safety.

9. Agritourism provider shall attest that the farm on which the agritourism operation is proposed conforms to the definition of a farm in the Ohio Revised Code Section 901.80(A)(4) and as provided in this section.

10. Evidence that the land that constitutes the farm is devoted to agricultural production (as defined in Ohio Revised Code Section 929.01).

D. Any permanent signage for agritourism facilities shall comply with the provisions of Chapter 10 – Sign Regulations of this Zoning Resolution.

SECTION 4.3 INCONSISTENCIES

In the event any of the requirements or regulatory provisions of this Zoning Resolution are found to be internally incompatible or inconsistent with another, the more restrictive or greater requirement shall be deemed in each case to be applicable.

SECTION 4.4 DRIVEWAYS

A. Prior to the excavation of a foundation for a building, in all districts, the driveway or roadway to the construction shall be installed. This installation shall consist of a surface capable of holding construction vehicles and passenger vehicles. A proper culvert must be installed to alleviate any drainage ditch or street access problem.

B. Each single family dwelling shall have its own driveway entering from a public or approved private street.

C. The driveway shall be contained entirely within the boundaries of the lot served by the drive.

D. All lots shall have a driveway which has an unobstructed width of at least ten (10) feet to allow for the passage of emergency vehicles.

E. Where such driveway crosses a filled ravine, the graded surface shall be at least twenty feet wide, with seeded banks having a slope not exceeding fifty (50) percent, (2:1).

F. All bridges shall have a width of at least twelve (12) feet to allow for passage of emergency vehicles.

G. For driveways two-hundred fifty (250) feet or longer:

1. No curve radius shall be less than fifty (50) feet.

SECTION 4.5 UNFINISHED BUILDINGS/OR EXTERIOR REMODELING

Every applicant of a zoning certificate, erecting or having erected a building, shall have completed the minimum requirements listed below within two (2) years after the issuance of the zoning certificate:

A. Finished exterior; and

B. Back filling around building foundation and rough grading of all excavated materials.

No building or addition shall be used or occupied in whole or in part which does not comply with the above minimum requirements. Failure to comply with the completion date will necessitate the re-issuance of a new zoning certificate, including fees.

If work on a building is suspended or abandoned, the applicant of the zoning certificate shall be responsible to correct any dangerous conditions that exist on the premises.

SECTION 4.6 UNLICENSED OR JUNK MOTOR VEHICLES

In all districts, any unlicensed or junk motor propelled vehicles or parts thereof, that are in the process of being repaired, dismantled, stored and/or other similar activity, shall be out of sight by being housed in a garage or other suitable structure, or shall be removed from the property.

SECTION 4.7 RUBBISH

Rubbish, litter and debris shall be placed in suitable storage containers and not allowed to accumulate in the open.

SECTION 4.8 NUISANCES PROHIBITED

The authorization of any use herein, does not authorize its use in a manner that is noxious, dangerous, or offensive by reason of odor, dust, smoke, noise, fumes, or vibrations.

SECTION 4.9 FENCES

A. In any district, no fence shall be installed within the public right-of-way nor shall be installed in a manner creating a sight hazard to the motoring public.

B. Any fence over six (6) feet in height will require a building permit from the Medina County Building Department.

C. Fences installed within the building frontage of a structure, or fences adjacent to a public right-of-way shall be required to be no greater than fifty (50) percent opaque.

SECTION 4.10 ACCESSORY BUILDINGS INCLUDING UNATTACHED GARAGES

Accessory buildings including unattached garages shall not be constructed prior to completion of construction of the dwelling or residence in all residential districts; however, they may be constructed simultaneously.

SECTION 4.11 PONDS AND LAKES

A. Public or private ponds or lakes with a natural bottom containing over two (2) feet depth of water shall be considered as structures only for the purpose of permits.

B. All structures, including embankments, dikes, and other water retaining structures associated with a pond or lake requiring a permit shall be located at least fifty (50) feet from any road right-of-way and shall conform to side and rear yard requirements of no less than fifteen (15) feet. In no case shall a pond or lake be located closer than twenty-five (25) feet to a principal building.

C. For the purpose of determining front, side and rear yard setbacks, the setback measurement shall be the lesser of the distance from the nearest point of:

1. The level of the pond or lake at which the pond or lake would overflow its lowest bank irrespective of any spillway, drain pipes, or the like, OR

2. The base of any embankment, dike, or other water retaining structure, to the property line or road right-of-way as required.

D. Embankment, for the purpose of this section, shall be defined as any change in the original natural grade.

E. All embankments, dikes, and the like shall have a slope no greater than 2.5:1 width to height ratio.

F. Ponds or lakes shall meet standards and specifications of the Medina County Health Department and Chapter 1521 of the Ohio Revised Code. Lakes or ponds used for domestic water supply shall also meet the requirements of the Medina County Sanitary Code.

G. Upon making application for a zoning permit, the applicant is required to submit to the Township Zoning Inspector, a copy of the proposed pond and/or lake plans which have been reviewed and stamped by the Medina County Highway Engineer, and by the Medina County Health Department, if applicable.

H. The Township Zoning Inspector shall inspect ponds and lakes during their construction and shall require that all construction conforms to the approved plans. All construction on any such pond and/or lake shall be completed within one (1) year from the issuance of the pond permit.

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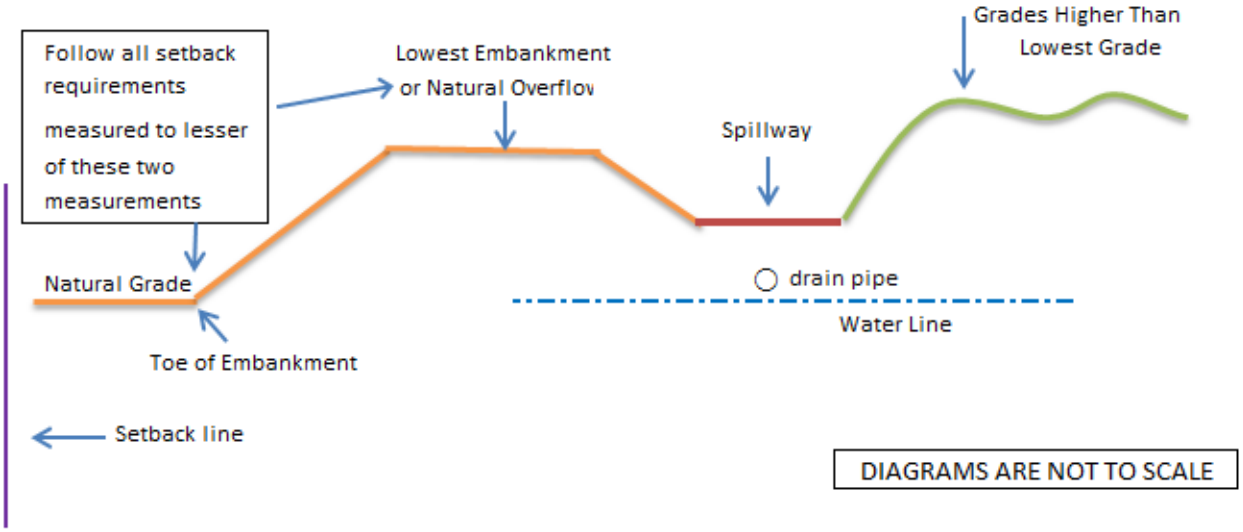
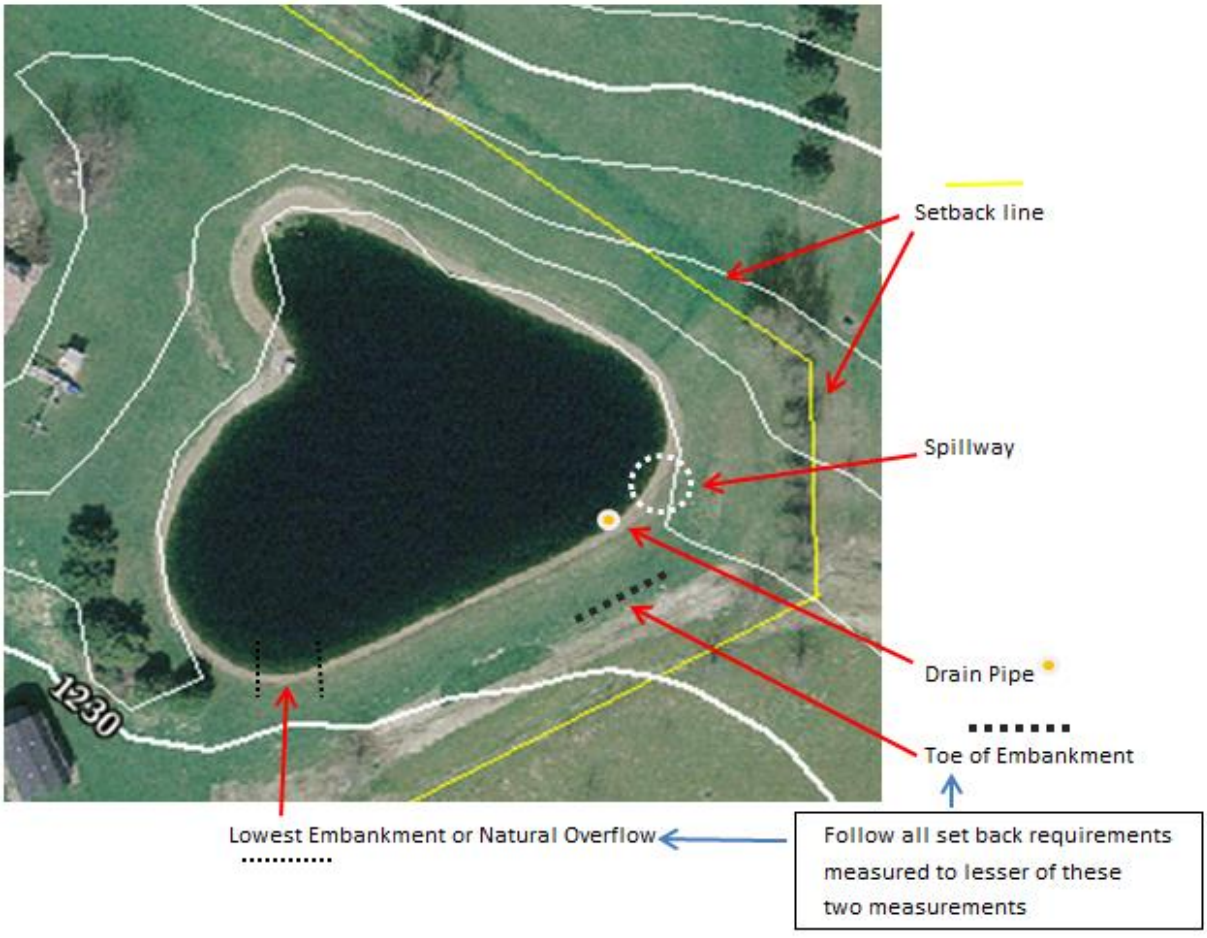
Figure A: Pond Diagram

Pond Terminology

Ponds with embankments of less than three (3) feet are called Excavated Ponds.
Ponds with embankments of more than three (3) feet are called Embankment Ponds.





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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 (2) feet 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 Township Board of Zoning Appeals 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 Zoning 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.

SECTION 4.16 PROJECTIONS INTO REQUIRED YARDS

Appurtenances, such as skylights, sills, belt-courses, cornices, ornamental features, and solar panels, attached to the principal building may project a maximum of twelve (12) inches into a required yard. The ordinary projections of chimneys or flues are permitted into the required side, rear**,** and front yards.

A roof overhang and/or cantilever of up to two (2) feet are permitted and are not used in setback calculations.

SECTION 4.17 ADULT USE CANNABIS OPERATORS AND MEDICINAL MARIJUANA

Adult use cannabis operators and medicinal marijuana cultivators, processors, and dispensaries are prohibited from being located in all zoning districts of Hinckley Township.

SECTION 4.18 ALTERNATIVE ENERGY FACILITIES

Alternative Energy Facilities shall comply with the requirements of Chapter 18 - Alternative Energy Facilities.

Chapter 5: Districts and Zoning Map

SECTIONS

5.1 Establishment of Districts
5.2 Zoning Districts
5.3 Zoning District Map
5.4 Scope of Regulations
5.5 Interpretation of District Boundaries
Figure A: Zoning Map

SECTION 5.1 ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the public health, safety, convenience, and the general welfare of the community, the unincorporated territory of Hinckley Township, Medina County, Ohio is hereby divided into districts or zones. All regulations shall be uniform for each building, structure or use within each zoning district.

SECTION 5.2 ZONING DISTRICTS

The zoning districts and their identifying symbol are as follows:

R-1 Residential District

R-2 Residential District (32,670 square feet lots)

B-1 General Business District

B-2 Light Business District

B-3 Historic Town Center District

I-1 Office/Light Industrial District

I-2 Light Manufacturing/Industrial District

SECTION 5.3 ZONING DISTRICT MAP

These districts and their boundary lines are indicated on the map entitled, "Zoning Map" for Hinckley Township, Medina County, Ohio," (otherwise known as the "District Zoning Map"), which together with all notations, references, and matters shown thereon, is hereby made a part of this Zoning Resolution.

A certified copy of the Official Zoning Map shall be maintained in the Office of the Township Zoning Inspector and shall show all amendments made thereon. The Zoning Map is the determining document in instances of conflict or need for clarification. See Figure A – Zoning Map.

SECTION 5.4 SCOPE OF REGULATIONS

The regulations applying to each district include specific limitations on the use of land and structure, height and bulk for structures, density of population, lot area, yard dimensions, and area of lot that can be covered by structures.

A. Except as provided in this Zoning Resolution, it shall be unlawful to locate, erect, construct, enlarge or structurally alter any building/structure except in conformity with the regulations of the district in which such building is located.

B. Except as provided in this Zoning Resolution, it shall be unlawful to use any land or building/structure for any purpose other than is permitted in the district in which such land or building/structure is located. A zoning certificate shall be obtained for land use or building use changes, as required by Chapter 12 – Enforcement.

SECTION 5.5 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the districts indicated on the zoning map, the following rules shall apply:

A. **Where Boundaries Approximately Follow Streets, Alleys or Highways**: Where district boundaries are so indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.

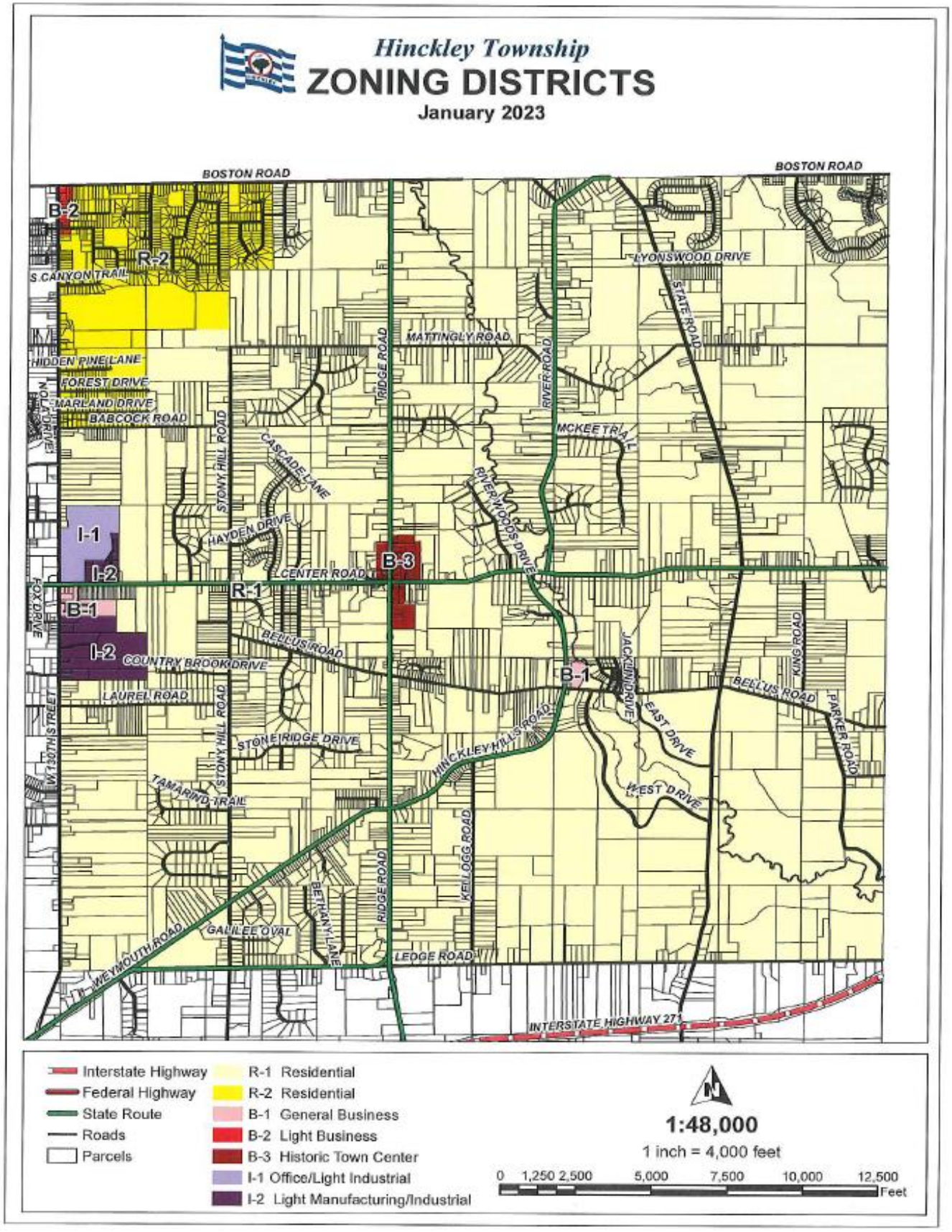
B. **Where Boundaries Approximately Follow Lot Lines**: Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.

C. **Where Boundaries Approximately Parallel Street or Highway Right-of-Way Lines or Alley Lines**: Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto, and at such distance therefore as indicated on the zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the zoning map.

D. **Where Boundaries Follow a Stream, Lake or Other Body of Water**: Where the boundary of a district follows a stream, lake or other body of water, the boundary line shall be interpreted to extend into the water area until it meets the boundary of the district on the opposite side of the water area at a half-way point.

E. **Vacation of Public Ways:** Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacation and all areas included in the vacation shall thereafter be subject to all regulations of the extended districts.

Figure A: Zoning Map



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Chapter 6: District Regulations

Chapter 6: District Regulations includes seven (7) sections outlining each of the Zoning Districts indicated on the District Zoning Map of Hinckley Township. Each section will be represented with its identifying symbol outlined in Chapter 5: Districts and Zoning Map as follows:

SECTION 6R1 Residential District

Sub-section 6R1.7 Conservation Development

SECTION 6R2 Residential District (32,670 square feet lots)

SECTION 6B1 General Business District

SECTION 6B2 Light Business District

SECTION 6B3 Historic Town Center District

SECTION 6I1 Office/Light Industrial District

SECTION 6I2 Light Manufacturing District

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SECTION 6R1: SINGLE-FAMILY RESIDENTIAL DISTRICT

SUB-SECTIONS

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

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 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;

3. No sales trailers shall be allowed on site; and
4. Upon ninety-five (95) percent completion (occupied dwelling units) of the subdivision, the use of the dwelling unit as a model shall cease.

D. Accessory Buildings and Structures:

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

1. Signs;
2. Ponds and lakes;
3. Private swimming pool;
4. Private stable (in accordance with ORC definition)
5. Accessory Buildings; and
6. Alternative Energy Facilities pursuant to Chapter 18.

E. Accessory Uses

Accessory Uses are permitted provided such uses are clearly incidental and secondary to the principal use.

1. Home Occupation: On-Site: Such use shall be incidental to the use of the dwelling for dwelling purposes.
   a. Such use shall be conducted by the occupants with no employees.
   b. Such occupation shall be conducted entirely within the dwelling and not in an accessory building or accessory portion of the main building.
   c. The conducting of the on-site home occupation shall not occupy more than twenty-five (25) percent of the dwelling foundation area.
   d. Such use shall not constitute primary or incidental storage facilities for a business commercial or agricultural activities conducted elsewhere.
   e. No activity indicative of the use shall be visible from any public way or adjacent property.
   f. All materials, goods or equipment indicative of the use shall not be visible from the exterior of the dwelling.
2. Family day care home
3. Off-street parking area
4. Alternative Energy uses pursuant to Chapter 18

F. **Rear Lot Development**: Special provisions are provided within the R-1 Residential District aimed at the dual purpose of maintaining rural character while recognizing the encroachment of residential development into the area and the apparent need to allow development of backland parcels. Area, yard and height regulations are as follows:

1. Maximum of one (1) single family dwelling per rear lot.
2. **Minimum Lot Area**: Seven (7) acres, including the access way.
3. **Minimum Lot Width at Street Right-of-Way Line**: 55 feet. This minimum fifty-five (55) foot width shall continue the entire length of the access way to the rear lot.
4. **Minimum Lot Width at Building Line**: 200 feet
5. **Minimum Setback from All Property Lines**: 50 feet
6. **Maximum Height of Buildings/Structures**: 35 feet
7. **Minimum Setback from Side Lot Lines for Driveways**: 5 feet
8. **Driveway Requirements** shall be met.
9. **Riparian Setback Requirements** shall be met.
10. **Alternative Energy Facilities Setback Requirements** shall be met.

Sub-Section 6R1.3 CONDITIONALLY PERMITTED USES

The following conditional uses will be permitted in an R-1 District upon the issuance of a Conditional Zoning Certificate according to the procedure set forth in Chapter 7 – Conditional Zoning Certificate and complying with the provisions listed below.

A. **Home-Occupations: Home-Based**

B. **Government Owned or Operated Recreation Areas**

C. **Churches and Other Places of Worship**

D. **Educational Institutions**

E. **Public Buildings**

F. **Funeral Homes and Mortuaries**

G. **Parks and Recreation Areas**

H. **Golf Courses**

I. **Cemeteries**

J. **Short-Term Dwelling Rentals and Short-Term Owner-Occupied Dwelling Rentals**

K. **Accessory Building/Structures totals exceeding four-thousand nine-hundred (4,900) square feet.**

Sub-Section 6R1.4 AREA, YARD AND HEIGHT REGULATIONS

A. **Minimum Lot Area**: 87,120 square feet, (2 acres)

B. **Minimum Lot Width at Building Line**: 175 feet

C. **Minimum Lot Width at Street Right-of-Way**: 175 feet, except 70 feet for lots on curved streets or cul-de-sac turnarounds measured on the arc. (See Definitions of "Cul-de-sac Street" and "Lot, Width of")

D. **Minimum Front Yard Setback**: 90 feet from the street right-of-way or 120 feet from the centerline on a private street.

1. Corner lots shall comply with the front yard setback for each street on which the lot has frontage.

2. Notwithstanding the setback distances set forth above, in areas where the average depth of at least two existing front yards on lots within two-hundred (200) feet of the lot in question and within the same block front are less than or greater than the required front yard, the minimum required front yard on such lot may be modified by the Township Zoning Commission with approval of the Township Board of Trustees. In such case, this shall not be less than the average depth of said existing front yards on the two lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, however, that the required depth of the front yard on any lot shall not be less than twenty-five (25) feet.

E. **Minimum Side Yard Width**: 30 feet

F. **Minimum Rear Yard Depth**: 50 feet

G. **Minimum Setback from Side Lot Line for Driveways**: 5 feet

H. **Maximum Height of Buildings or Structures**: 35 feet

I. **Riparian Setback Requirements** shall be met.

J. **Alternative Energy Facilities Setback Requirements** shall be met.

K. **Sub-Standards Lots**

1. Lots of record as of August 21, 1970, failing to meet the requirements set forth herein, may be built on provided they are not reduced in area to less than their recorded size as of August 21, 1970, are approved by the Medina County Health Department for sanitary facilities, and meet the following provisions:

a. **Minimum Lot Area:** 32,670 square feet (0.75 Acres)

b. **Minimum Lot Width at Street Right-of-Way**: 100 feet except 50 feet on cul-de-sac turnarounds measured on the arc (See Definitions of "Cul-de-sac Street" and "Lot, Width of").

c. **Minimum Set Back from Street Right-of-Way**: 75 feet

d. **Minimum Side Yard Width**: 15 feet

e. **Minimum Rear Yard Depth**: 15 feet

f. **Maximum Height of Buildings or Structures**: 35 feet

g. **Minimum Setback from Side Lot Line for Driveways**: 5 feet

h. **Riparian Setback Requirements** shall be met.

2. Lots of record as of November 7, 1975, failing to meet the requirements set forth herein, may be built on provided they are not reduced in area to less than their recorded size as of November 7, 1975, are approved by the Medina County Health Department for sanitary facilities, and meet the following provisions.

a. **Minimum Lot Area:** 66, 000 square feet

b. **Minimum Setback from Street Right Away**: 75 feet

c. **Minimum Lot Width at Street Right Away**: 125 feet except 50 feet on cul-de-sac turnarounds measured on the arc (See Definitions of "Cul-de-sac Street" and "Lot, Width of").

d. **Minimum Side Yard Width**: 15 feet

e. **Minimum Rear Yard Depth**: 15 feet

f. **Maximum Height of Buildings or Structures**: 35 feet

g. **Minimum Setback from Side Lot Line for Driveways**: 5 feet

h. **Riparian Setback Requirements** shall be met.

3. Lots of record as of February 11, 1994, failing to meet the requirements set forth herein may be built on provided they are not reduced in area to less than their recorded size as of February 11, 1994, are approved by the Medina County Health Department for sanitary facilities and meet the following provisions:

a. **Minimum Lot Area: 65,340 square feet, (1 ½ acres)**, excluding public street right-of- way area, except when houses are developed in clusters. Then the minimum lot area may be 43,560 square feet (1 acre), provided that the maximum dwelling density shall not exceed one (1) dwelling per 65,340 square feet, (1 ½ acres).

b. **Minimum Lot Width at Building Line**: 125 feet.

c. **Minimum Lot Width at Street Right-of-Way**: 125 feet, except 50 feet on cul-de-sac turnarounds measured on the arc (See Definitions "Cul-de-sac Street" and "Lot, Width of").

d. **Minimum Set Back from Street Right-of-Way**: 75 feet

e. **Minimum Side Yard Width**: 20 feet

f. **Minimum Rear Yard Depth**: 40 feet

g. **Maximum Height of Buildings or Structures**: 35 feet

h. **Minimum Set Back from Side Lot Line for Driveways**: 5 feet

i. **Riparian Setback Requirements** shall be met**.**

Sub-Section 6R1.5 DWELLING UNIT REQUIREMENTS

A. **Living Area Requirements**: In order to promote healthful living conditions and to stabilize the value and character of residential areas, single-family detached dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following minimum living area requirements. For the purposes of calculating the living area, all areas within any accessory building/structure shall not be included.

1. Total Living Area:

a. Single-family one-story dwelling unit without basement or a partial basement: 1,280 square feet of living area on the first floor.

b. Single-family dwelling unit with full basement: 1,140 square feet of living area on the main floor.

c. Single-family, multi-level dwelling unit shall have a minimum of 960 square feet of living area on the first floor and a minimum of 1,400 square feet of living area on all levels.

B. **Off-Street Parking Requirement**: A minimum of two (2) off-street parking places shall be required for each dwelling unit.

Sub-Section 6R1.6 ACCESSORY BUILDING/STRUCTURE REGULATIONS

A. Accessory buildings/structures in the R-1 Residential District shall conform to the location and coverage contained in this Section**.**

1. Accessory buildings shall not be closer than fifteen (15) feet from the principal building; shall have a front setback of not less than the principal building and shall conform to the side and rear yard setbacks of the district in which it is located.

2. Accessory structures (excluding accessory buildings, swimming pools, and fences) shall not be closer than five (5) feet from the principal building; shall have a front setback of not less than the principal building and shall conform to the side and rear yard setbacks of the district in which it is located.

3. Swimming pools shall not be closer than fifteen (15) feet from the principal building; shall have a front setback of not less than the principal building and shall conform to the side and rear yard setbacks of the district in which it is located.

4. Fences shall comply with the requirements of Section 4.9.

5. Any accessory building/structure shall not exceed thirty-five (35) feet in height.

6. The total square footage of all accessory buildings permitted shall be calculated at 2.25% of the total square footage of the lot, not to exceed four-thousand nine-hundred (4,900) square feet, without a conditional permit.

EXAMPLES OF <u>POSSIBLE</u> PERMITTED SQUARE FOOTAGE (Permitted square. feet. rounded to nearest whole number)		
ACREAGE	**LOT SQUARE FOOTAGE**	**PERMITTED SQ. FT.**
0.5 ACRES	**21,780**	**490**
1.0 ACRES	**43,560**	**980**
1.5 ACRES	**65,340**	**1,470**
2.0 ACRES	**87,120**	**1,960**
2.5 ACRES	**108,900**	**2,450**
3.0 ACRES	**130,680**	**2,940**
3.5 ACRES	**152,460**	**3,430**
4.0 ACRES	**174,240**	**3,920**
4.5 ACRES	**196,020**	**4,410**
5.0 ACRES	**217,800**	**4,900**

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. This objective is achieved through the application of flexible land development techniques in the arrangement of dwelling units and the construction of roads. **Conservation Developments are Planned Unit Developments (PUDs) established under Section 519 of the Ohio Revised Code.** These regulations are intended to achieve these additional purposes:

1. Maximize protection of the community's natural resources by:

a. Avoiding development on and destruction of sensitive natural resource areas;

b. Reducing the quantity and improving the quality of storm water runoff from expected development;

c. Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, meadows, slopes and streams); and

d. Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and the use of invasive vegetation.

2. Conserve (within the framework of natural resource conservation) the rural quality of Hinckley Township which is characterized by:

a. Large, aggregated, undeveloped land areas;

b. Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, hedgerows and rock outcrops;

c. Scenic vistas and rural views;

d. Significant historic features such as old barns, heritage trees, etc.;

e. Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces; and/or

f. Appropriate topographic or vegetative screening.

3. Utilize development review criteria which promote creative design solutions in a manner which best conserve the area's resources.

4. Utilize a review process which maintains local review and approval of the overall development plan and which results in the timely consideration of an application.

5. Ensure that the proposed Conservation Development complies with the objectives of Hinckley Township, as defined in this Sub-Section.

B. Project Area/Permitted Density:

1. The total gross area of a tract of land proposed for Conservation Development shall be a minimum of one-hundred (100) acres, all of which shall be contiguous, and which shall not include the area within any existing public street right-of-way.

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.

C. Standards and Criteria for Restricted Open Space:

1. The minimum area of the restricted open space shall be fifty (50) percent of the total project area.

2. Restricted open space shall be designed and located to conserve significant natural features and historical and/or cultural elements located on the site. To the maximum extent possible, the restricted open space shall be preserved in its natural state. In order to encourage the creation of large areas of contiguous open space, the following areas shall not be considered restricted open space:

a. Private roads and public road right-of-way;

b. Parking areas, access-ways and driveways;

c. Recreational areas and facilities intended for the use of residents of the proposed development;

d. Common areas;

e. Required setbacks between buildings and/or parking areas and the project boundary lines unless such setbacks are part of a larger continuous area of restricted open space that provides buffering for adjacent properties;

f. Required setbacks between buildings and streets;

g. Minimum spacing between buildings, and between buildings and parking areas;

h. Private yards; and

i. Required setback from restricted open space.

3. The owner(s) of the restricted open space shall, in accordance with the provisions of ORC§ 5301.67 through ORC §5301.70, grant conservation easement to any of the entities listed in ORC §5301.68, provided that:
   a. The provisions and the grantee of the conservation easement are acceptable to the Township Board of Trustees; and
   b. The terms of the easement contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC §5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.
4. Restricted open space shall be interconnected with open space areas on abutting parcels to the maximum extent possible.
5. Sewage service, storm water management, and/or water supply facilities may be located partially or entirely within restricted open space areas when such facilities are so located and developed in a manner consistent with the purposes and requirements of the restricted open space. Sewage lines will require easements within the restricted open space.
6. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state shall be landscaped with vegetation following construction that is compatible with the natural characteristics of the site.

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.
   1. The Township's Legal Advisor shall determine based on documents submitted with the General Development Plan, that the association's bylaws or code of regulations specify the following requirements:
      a. Membership in the Association shall be mandatory for all purchasers of lots in the development.
      b. The Association shall be responsible for maintenance, control, and insurance of common areas, including private roads and common drives.
   2. Common areas shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Township's Legal Advisor.
   3. Common areas such as required setbacks and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.

4. Any common area intended for recreational activities shall be of usable size and shape for the intended purposes as determined by the Township Zoning Commission. Where deemed appropriate by the Township Zoning Commission, recreation areas shall be provided with sufficient parking and appropriate access.

5. The Association shall not authorize its dissolution or the sale, transfer or other disposal of any common area, including restricted open space, without:

a. an affirmative vote of sixty (60) percent of its members;

b. having established a successor entity to take over said property pursuant to this Zoning Resolution; and

c. the approval of the Township Board of Trustees.

6. The Association bylaws or code of regulations shall identify Hinckley Township as a beneficial party thereto with rights, but no obligation to enforce the provisions contained therein related to common areas. The bylaws or code of regulations shall convey to the Township and other appropriate governmental bodies, after proper notice, the right to entrance to any common area for emergency purposes or in the event of nonperformance of maintenance or improvements affecting the public health, safety and welfare. Such governments shall have the right, after proper notice, to make improvements and perform maintenance functions. In addition, the Township shall have the right to proceed against the Association for reimbursements of said costs, including the right to file liens against individual condominium units, houses and vacant building lots.

7. The developer shall turn over control of the Common Areas to the HOA when seventy-five (75) percent of the lots are sold or at such other time as may be established by the Township Zoning Commission.

E. **<u>Development and Site Planning Standards</u>**:

1. **Ownership**:

a. The proposed project area shall be in single ownership or, if in multiple ownership, the application shall be filed jointly by all the owners of the properties included in the Conservation Development.

b. Any ownership arrangement, including but not limited to lots, is permitted in a conservation development. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this section.

2. **Lot Requirements:**

a. Dwelling units are required to be on lots. Lots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.

b. The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.

c. Lots may be of varying sizes, however, no single lot shall be greater than four (4.0) times the median lot size.

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.

e. No lot shall be less than three-hundred (300) feet from the public right-of-way of any existing public street.

f. No lot shall be less than one hundred (100) feet from the project boundary.

3. Building Requirements:

a. The minimum setback from the public right-of-way of any existing public street shall be three-hundred (300) feet for any building, excluding any structure primarily used for common mailboxes.

b. The minimum setback from the project boundary shall be one-hundred (100) feet.

4. Interior Building Setback/Spacing Requirements:

a. The minimum setback from a proposed public right-of-way shall be fifty (50) feet.

b. The minimum setback from the edge of the pavement for a private street shall be thirty (30) feet.

c. The minimum separation between dwellings shall be thirty (30) feet.

d. The minimum side setback shall be ten (10) feet.

e. The minimum rear yard setback shall be ten (10) feet.

5. Minimum Dwelling Size:

All dwelling units shall have a minimum first floor living area of not less than 1,500 square feet.

6. Maximum Height of Buildings or Structures: 35 feet

7. Off Street Parking:

There shall be off-street parking as prescribed by this Zoning Resolution.

8. Street and Drive Requirements:

a. The area of the proposed project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development or subsections of the development.

b. Street alignments need not only be efficient for traffic flow, but also should follow natural contours and be designed to conserve natural features and to conserve the neighborhood features of the development or of subsections of the development. In this regard, street alignment that includes cul-de-sacs is preferred to street alignment that maximizes the flow of traffic.

c. The locations of streets should be planned to avoid excessive storm water runoff and the need for storm sewers.

d. A street shall be required to be a public, dedicated street when such street is a major street that connects two existing public streets and which is intended to provide a future continuing street system beyond the project boundaries.

e. Streets that are not otherwise required to be public streets pursuant to subsection (1) above may be approved as private streets. The Township Zoning Commission may approve private streets with the concurrence of the Township Board of Trustees when all of the following requirements are met:

1) A private street shall not be planned or be expected to extend to serve property outside the planned residential development.

2) Public right-of-ways shall not be required for private streets; however, utility easement(s) may be required along the length of the private street.

3) The design and layout of the private street(s) shall provide adequate and safe access to the intended dwellings, as determined by the Hinckley Township Police and Fire Departments, and the Medina County Engineering Code for Subdivision Development.

f. All elements of a private street that are to be provided in a Conservation Development shall be constructed in accordance with the construction standards set forth for private streets as determined by the Medina County Engineering Code for Subdivision Development.

g. Common drives shall be permitted in compliance with the following requirements:

1) A common drive shall serve no more than three (3) units.

2) A common drive shall extend from a public or private street and shall not connect to any other existing or planned public or private street.

3) The design and layout of the common drive shall provide adequate and safe access to the intended units, as determined by the Hinckley Township Police and Fire Departments and the Medina County Engineering Code for Subdivision Development.

4) Public right-of-ways are not required for common drives; however, utility easement(s) may be required along the length of the common drive.

5) Dead-end drives providing access to more than two (2) units shall be designed with a turnaround.

6) Whenever a private street and/or common drive is included in a Conservation Development deed restrictions shall be required and shall specifically include the following language:

"The undersigned grantee(s) hereby acknowledge(s) that (he, she, they) understand that the premises described herein is located upon a non-dedicated, private street or common drive. And further, the grantee(s) understands that no government body is responsible for care and maintenance of said private street or common drive."

9. **Pedestrian Circulation**:

   a. A pedestrian circulation system may be included in the conservation development and should be designed to ensure that pedestrians can walk safely and easily throughout the development, except for restricted open space. The pedestrian system should provide connections between properties and activities or special features within common areas and need not always be located along streets.

   b. Only a trail system consisting of a natural surface path for pedestrian and non-motorized vehicle travel may be provided within the area of restricted open space. The system should be designed to minimize disturbance of the natural drainage system and topography. To the maximum extent possible, natural materials should be used in the construction and maintenance of the trail system.

10. **Sewage Disposal**:

    Development shall be served by individual or public sewage disposal structures. Individual sewage disposal systems shall comply with all applicable regulation of the Medina County Health Department and may be located within common and/or restricted open space areas when approved by the Township Zoning Commission and the Medina County Health Department. If located within common and/or restricted open space areas, utility easements will be required.

11. **Drinking Water:**

    Development shall be served by public central water.

F. **<u>Standards and Criteria for Resource Protection</u>**:

1. **Floodway Protection**:

   All buildings, structures or land within a floodway (as determined by FEMA) shall be used, and buildings or structures hereafter shall be erected, altered, enlarged, repaired or rebuilt, moved, or designed to be used, in whole or in part only for a use listed below:

   a. Agriculture;

   b. Outdoor recreational facilities including swimming pools, riding academies, playfields, ball fields, courts, trails, etc.;

   c. Fencing that allows the passage of water;

   d. Off-street parking areas accessory to the above uses, provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geo-textiles with sand, gravel and sod.

2. **Wetlands Protection:**

   Wetlands that are required by the Army Corps of Engineers or the Ohio EPA to be retained shall be protected by the following:

   a. A buffer area having a width not less than twenty (20) feet measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state.

   b. A minimum building and pavement setback of thirty-five (35) feet, measured from the edge of the designated wetland.

G. **Waivers**: Waivers, with the exclusion of the Project Area/Permitted Density requirements, may be granted by the Township Zoning Commission only when it determines: (1) that certain standards set forth in this section (hereinafter "regulatory standards") do not or should not apply to the circumstances of a particular project and (2) the alternative method proposed by the applicant to achieve the objective of regulatory standard is equal to or better than the strict application of the regulatory standard.

A waiver may only be considered and approved by the Township Zoning Commission during the review and approval procedures for General Development Plans and Final Development Plans.

After making those two determinations, the Township Zoning Commission may relax the regulatory standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Zoning Resolution.

H. **Development Design Criteria**: In determining whether the location and characteristics of the restricted open space and common areas meet the purpose and intent of these Conservation Development Regulations the Township Zoning Commission shall consider the extent to which:

1. Riparian buffers have been provided along the entire length and on both sides of a river or perennial stream channel measured from the stream or riverbank.

2. The development plan avoids alteration of or construction within natural drainage ways and utilizes low impact storm water management techniques such as grassy swales to the practicable extent possible.

3. Steep slopes are protected from clearing, grading, filling, or construction.

4. The design and layout of the development conserves and incorporates existing wooded areas, meadows, and hedgerows or tree-lines between fields or meadows, especially those containing significant wildlife habitats.

5. Protection is provided for wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources.

6. Structures are located to ensure that scenic views and vistas are unblocked or uninterrupted, particularly as seen from existing and proposed public thoroughfares.

7. Sites of historic, archaeological, or cultural value and their environs are protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.

8. Riparian Setback Requirements shall be met.

Sub-Section 6R1.8: PROJECT REVIEW PROCEDURES FOR CONSERVATION DEVELOPMENT

Under the authority established in ORC §519.021, the Township Zoning Commission shall review and approve development plans for a proposed conservation development according to the procedures set forth in this section. Approval of the General Development Plan by the Township is a condition precedent to the consideration of the Development by other County Agencies, such as the Medina County Planning Commission.

A. **Submission of General Development Plan**: The applicant shall submit a General Development Plan application to the Township Zoning Inspector. The application shall include documentation illustrating compliance with the standards and criteria set forth in this Section. The application and documentation shall include, but not necessarily be limited to:

1. Identification of existing site characteristics, including a general depiction of:

a. Boundaries of the area proposed for development, dimensions and total acreage;

b. Contour lines at vertical intervals of not more than two (2) feet, highlighting ridges, rock outcroppings and other significant topographical features.

c. Location of wetlands (and potential wetlands), the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;

d. Locations of all wooded areas, tree lines, hedgerows, and specimen trees;

e. Delineation of existing drainage patterns on the property;

f. Location of existing wells and well sites;

g. Description of significant existing vegetation by type of species, health, quality, etc.;

h. Existing buildings, structures and other significant manmade features on the site and within two-hundred (200) feet of the project boundary;

i. Description of all structures and areas of known or potential historical significance; and

j. Existing views and identification of unique vistas.

2. A general development plan, drawn at a scale not less than 1" = 100', except that projects over two-hundred (200) acres may be drawn at a scale of 1" = 200', which shall include:

a. A summary of the proposed development including the total acreage, number of residential units, and acreage of restricted open space and common areas to be conserved;

b. A sketch layout of lots;

c. The location, size, number of units, and density of dwelling areas;

d. The location of the restricted open space and other common areas;

e. Any proposed recreational facilities;

f. Natural features to be conserved and any required buffer areas;

g. Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.;

h. General location of new public street right-of-way and general circulation for dwelling areas; and

i. Proposed utility easement locations.

3. An outline of the method and legal structure that will be used to perpetually preserve the required restricted open space which indicates:

a. The legal structure of the land trust, or other similar entity;

b. Financial responsibilities;

c. Management plan; and

d. The relationship of the entity to public agencies having responsibilities related to the project.

4. An outline of the method and legal structure to identify what entity shall be responsible for maintenance, control, and insurance of common areas which indicates:

a. The structure of the Association; including when it is required to be established;

b. Membership requirements;

c. Financial responsibilities;

d. The relationship of the entity to public agencies having responsibilities related to the project; and

e. A provision for maintenance of the common areas if the HOA should fail.

5. A description of the project area phasing provided that the restricted open space and common area required shall be secured as part of phase one.

B. **Review For Completeness**: Within ten (10) business days of receiving the application, the Township Zoning Inspector shall review the application to determine that the application has satisfactorily included all the submission items required in subsection A above. If the application is deemed complete and the application fee paid, the Township Zoning Inspector shall officially accept the application.

C. **Review of General Development Plan by Others**:

Upon acceptance of the application, the Township Zoning Inspector shall distribute the General Development Plan application to the following for review and comment:

1. Agencies which, at the discretion of the Township, may have appropriate technical expertise.

2. Appropriate local township administrative officials, including the Township Board of Trustees, the Township's Legal Advisor and emergency services personnel.

3. Consultants retained by the Township.

All comments from the above persons or agencies are expected to be returned to the Township within thirty (30) days from the date distributed. However, if comments are not received within such thirty (30) day period, the Township Zoning Commission is not precluded from proceeding to review and consider the application.

D. Site Visit:

There are a number of environmental and cultural factors to consider in the planning and design of a Conservation Development. Therefore, the Township Zoning Commission may adjourn the public meeting regarding the submitted General Development Plan and, together with the applicant and the applicant's consultant(s), and any interested public visit the site to gain a thorough understanding of existing natural and cultural/historic characteristics.

E. Review and Approval by Township:

The Township Zoning Commission shall review the General Development Plan and the comments received from the parties listed in sub-section C. The Township Zoning Commission shall then hold a public meeting regarding the submitted General Development Plan. The Township Zoning Commission shall take action on the submitted General Development Plan by either:

1. Approving the General Development Plan as submitted; or

2. Approving the General Development Plan subject to specific conditions not included in the plan as submitted, such as but not limited to, improvements to the general building layout or open space arrangement; or

3. Denying approval of the General Development Plan. Failure of the Township Zoning Commission to act within 90 days from the date the application was accepted, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the General Development Plan.

F. <u>Significance of Approved Plan</u>:

Approval of the General Development Plan shall:

1. Establish the development framework for the project, including the general location of restricted open space, common areas, development areas, density, recreational facilities, and street alignments.

2. Be the basis for the applicant to proceed with detailed planning and engineering in reliance on the approved General Development Plan.

3. Provide the benchmark for the Township Zoning Commission to consider and approve amendments to the General Development Plan when the Township Zoning Commission determines that the amended plan is equal to or better than the approved General Development Plan.

4. Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

5. Construction of site improvements in a subdivision may begin once the Preliminary Plan (General Development Plan) and the Improvements Plans have been approved.

G. <u>Final Development Plan</u>:

An applicant shall submit a Final Development Plan for review and approval within one year after a General Development Plan has been approved. The Final Development Plan may be submitted either for the entire project or for each construction phase.

1. Submission Requirements:

a. A site plan drawn at a scale not less than 1" = 100' indicating:

1) Boundaries of the area proposed for development, accurate dimensions and total acreage;

2) The exact location and dimension of common drives and private and public street rights-of-way;

3) Exact location of building envelopes within which dwelling units are to be constructed, and lot lines;

4) Dimensions of building/unit spacing;

5) The extent of environmental conservation and change and the exact location of all no cut/no disturb zones; and

6) Designated restricted open space and common areas and a description of proposed improvements to both restricted open space and common areas.

b. A grading plan drawn at a scale of 1" = 100', showing all information pertaining to surface drainage.

c. A detailed landscaping plan for new landscaping, including entry features and signs.

d. Documents formalizing the ownership, covenants and restrictions, and management and maintenance agreements to be imposed upon all land such as The Declaration, Articles of Incorporation and either Bylaws or Code of Regulations (for a Homeowners' Association) in compliance with ORC Section 5312, and conservation easements.

e. Conditions imposed by other regulatory agencies.

2. Review for Completeness:

Within thirty (30) days of receiving the Final Development Plan, the Township Zoning Inspector shall review the Final Development Plan to determine that the Final Development Plan includes all the items required in sub-section G.1. above. If the Final Development Plan is deemed complete and the fee paid, the Township Zoning Inspector shall officially accept the Final Development Plan.

3. Distribution of Final Development Plan:

Upon accepting the Final Development Plan the Township Zoning Inspector shall distribute the Final Development Plan to the Township Zoning Commission, the Township's Legal Advisor, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the Township Zoning Inspector and transmitted to the Township Zoning Commission prior to the time of the Township Zoning Commission's review.

4. **Review by the Township's Legal Advisor:**

   The Township's Legal Advisor shall review Declaration, Articles of Incorporation and Code of Regulations for the Homeowners' Association and any other final covenants, restrictions and conservation easements to be imposed upon the conservation development. He/she shall provide a written opinion to the Township Zoning Commission documenting whether or not, in his/her opinion, the above demonstrates full compliance with the requirements of this Section.

5. **Review and Approval by Township:**

   The Township Zoning Commission shall review the Final Development Plan and the comments received. The Township Zoning Commission shall determine if the Final Development Plan is in compliance with the General Development Plan and take action on the submitted Final Development Plan by either:

   a. Approving the Final Development Plan as submitted; or

   b. Approving the Final Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or

   c. Denying approval of the General Development Plan. Failure of the Township Zoning Commission to act within sixty (60) days from the date the Final Development Plan was determined complete, or an extended period as may be agreed upon, shall at the election of the applicant be deemed a denial of the Final Development Plan.

6. **Amendments to Final Development Plan**:

   After approval of the Final Development Plan, the developer may apply to the Township Zoning Commission to amend the Final Development Plan to change the configuration of the Restricted Open Space, Common Area and/or Building Envelopes. No change, however, shall be made to increase the density or the number of dwelling units in the Conservation Development Project, nor to decrease the total area of Restricted Open Space on the Final Development Plan, nor to change the terms or conditions of the Conservation Easement. The Township Zoning Commission may elect to grant an amendment when, in the opinion of the Township Zoning Commission, the amendment accomplishes the goals and objectives of the conservation Development Project in a manner that is equal to or better than a literal application of the configuration of the Restricted Open Space, Common Area and/or Building Envelopes as set forth on the Final Development Plan.

   The amendment to the Final Development Plan shall be presented to the Township Zoning Commission in the same manner and with the same documentation and fees as are included with the application for a waiver.

SECTION 6R2: SINGLE-FAMILY RESIDENTIAL DISTRICT (32,670 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 32,670 square feet.

B. To promote the most desirable and beneficial use of the land in conformity with 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 (95) percent 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;

4. Accessory Buildings; and

5. Alternative Energy Facilities pursuant to Chapter 18.

D. **Accessory Uses**:

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

1. Home Occupation: On-Site: Such uses shall be incidental to the use of the dwelling for dwelling purposes.
   a. Such use shall be conducted by the occupants with no employees.
   b. Such occupation shall be conducted entirely within the dwelling and not in an accessory building.
   c. The conducting of the on-site home occupation shall not occupy more than 25% of the dwelling foundation area.
   d. Such use shall not constitute primary or incidental storage facilities for a business commercial or agricultural activities conducted elsewhere.
   e. No activity indicative of the use shall be visible from any public way or adjacent property.
   f. All materials, goods or equipment indicative of the use shall not be visible from the exterior of the dwelling.
2. Family day care home
3. Off-street parking area
4. Alternative Energy uses pursuant to Chapter 18

Sub-Section 6R2.3 CONDITIONALLY PERMITTED USES

The following conditional uses will be permitted in an R-2 District upon the issuance of a Conditional Zoning Certificate according to the procedure set forth in Chapter 7 – Conditional Zoning Certificate and complying with the provisions listed below:

A. **Home Occupation: Home-Based**
B. **Government Owned or Operated Recreation Areas**
C. **Churches and Other Places of Worship**
D. **Educational Institutions**
E. **Public Buildings**
F. **Funeral Homes and Mortuaries**
G. **Parks and Recreation Areas**
H. **Golf Courses**: (except miniature)
I. **Cemeteries**
J. **Short-Term Dwelling Rentals and Short-Term Owner-Occupied Dwelling Rentals**
K. **Accessory Building/Structures totals exceeding four-thousand nine-hundred (4,900) square feet.**

Sub-Section 6R2.4 AREA, YARD AND HEIGHT REGULATIONS

A. **Minimum Lot Area**: 32,670 square feet (0.75 Acres). In computing lot area, not to exceed one-half (1/2) of the width of the road or street right-of-way may be included if the owner holds title to the same.

B. **Minimum Lot Width at Building Line**: 100 feet

C. **Minimum Lot Width at Street Right-of-Way**: 100 feet, except 50 feet for lots on curved streets or cul-de-sac turnarounds measured on the arc. (See Definitions of "Cul-de-sac Street" and "Lot, Width of".)

D. **Minimum Front Yard Setback**: 75 feet from the street right-of-way.

1. Corner lots shall comply with the front yard setback for each street on which the lot has frontage.

2. Notwithstanding the setback distances set forth above, in areas where the average depth of at least two existing front yards on lots within two-hundred (200) feet of the lot in question and within the same block front are less than or greater than the required front yard, the minimum required front yard on such lot may be modified by the Township Zoning Commission with approval of the Township Board of Trustees. In such case, this shall not be less than the average depth of said existing front yards on the two lots immediately adjoining or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining, provided, however, that the required depth of the front yard on any lot shall not be less than twenty-five (25) feet.

E. **Minimum Side Yard Width**: 15 feet

F. **Minimum Rear Yard Depth**: 15 feet

G. **Minimum Setback from Side Lot Line for Driveways**: 5 feet

H. **Maximum Height of Buildings or Structures**: 35 feet

I. **Riparian Setback Requirements** shall be met**.**

J. **Alternative Energy Facilities Setback Requirements** shall be met.

Sub-Section 6R2.5 DWELLING UNIT REQUIREMENTS

A. **Living Area Requirements**: In order to promote healthful living conditions and to stabilize the value and character of residential areas, single-family detached dwelling units shall be erected, altered, moved, maintained or occupied only in accordance with the following minimum living area requirements. For the purposes of calculating the living area, all areas within any accessory building/ structure shall not be included.

1. Total Living Area:

a. Single-family one-story dwelling unit without basement or a partial basement: 1,280 square feet of living area on the first floor.

b. Single-family dwelling unit with full basement: 1,140 square feet of living area on the main floor.

c. Single-family, multi-level dwelling unit shall have a minimum of 960 square feet of living area on the first floor and a minimum of 1,400 square feet of living area on all levels.

B. **Off-Street Parking Requirement**:

A minimum of two (2) off-street parking places shall be required for each dwelling unit.

Sub-Section 6R2.6 ACCESSORY BUILDING/STRUCTURE REGULATIONS

A. Accessory buildings/structures in the R-2 Residential District shall conform to the location and coverage standards contained in this Chapter.

1. Accessory buildings shall not be closer than fifteen (15) feet from the principal building; shall have a front setback of not less than the principal building and shall conform to the side and rear yard setbacks of the district in which it is located.

2. Accessory structures (excluding accessory buildings, swimming pools, and fences) shall not be closer than five (5) feet from the principal building; shall have a front setback of not less than the principal building and shall conform to the side and rear yard setbacks of the district in which it is located.

3. Swimming pools shall not be closer than fifteen (15) feet from the principal building; shall have a front setback of not less than the principal building and shall conform to the side and rear yard setbacks of the district in which it is located.

4. Fences shall comply with the requirements of Section 4.9.

5. Any accessory building/structure shall not exceed thirty-five (35) feet in height.

6. The total square footage of all accessory buildings permitted shall be calculated at 2.25% of the total square footage of the lot, not to exceed four-thousand nine-hundred (4,900) square feet, without a conditional permit.

EXAMPLES OF POSSIBLE PERMITTED SQUARE FOOTAGE (Permitted square. feet. rounded to nearest whole number)		
ACREAGE	**LOT SQUARE FOOTAGE**	**PERMITTED SQ. FT.**
0.5 ACRES	**21,780**	**490**
1.0 ACRES	**43,560**	**980**
1.5 ACRES	**65,340**	**1,470**
2.0 ACRES	**87,120**	**1,960**
2.5 ACRES	**108,900**	**2,450**
3.0 ACRES	**130,680**	**2,940**
3.5 ACRES	**152,460**	**3,430**
4.0 ACRES	**174,240**	**3,920**
4.5 ACRES	**196,020**	**4,410**
5.0 ACRES	**217,800**	**4,900**

SECTION 6B-1, 6B-2, & 6B-3: BUSINESS DISTRICTS

B-1 General Business District,
B-2 Light Business District, &
B-3 Historic Town Center District

SUB-SECTIONS

6B.1 Purpose
6B.2 Use Regulations
6B.3 Schedule of Permitted Uses
6B.4 Area & Lot Requirements
6B.5 Building Setback Requirements
6B.6 Off Street Parking Requirements
6B.7 Height Regulations
6B.8 Landscaping & Screening Requirements
6B.9 Development & Design Guidelines
6B.10 Review Process

Sub-Section 6B.1 PURPOSE

Business Districts, B-1, B-2, and B-3, and their regulations are established in order to achieve, among others, the following purposes:

A. To provide in appropriate and convenient locations, sufficient areas for business activities, including the exchange of goods and services.

B. To establish use and development regulations that maintain and reinforce a traditional "town" character.

C. To establish development standards that effectively manage current and future development and maintain an acceptable transition between commercial development and surrounding rural and residential areas.

D. To provide landscaping standards which reduce the impacts between differing uses, shield parking areas, protect pedestrians from the street traffic and create an interesting and visually appealing streetscape.

E. To establish a General Business District (B-1) and Light Business District (B-2) that provide a location for a variety of office and commercial businesses and services to meet the trade needs of the Township while maintaining the community's traditional, rural character.

F. To create in the Historic Town Center District (B-3), the vicinity of Center Road (S.R.303) and Ridge Road (S.R. 94), that encourages a variety of retail, community, and office uses in a compact, yet cohesive, "town center" environment through the implementation of quality design and development standards, which reinforce the existing pattern and character of development. This B-3 District serves as the Township's commercial hub for surrounding residential uses. The use and design regulations of this district are intended to create and maintain the existing small town setting characterized by buildings close to the road, rear parking, shallow setbacks and landscaping while maintaining the historic nature of Town Center.

Sub-Section 6B.2 USE REGULATIONS

Within a B-1, B-2, or B-3 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. **Uses Permitted by Right**: A use listed in Schedule 6B.3 shall be permitted as a principal, or main, use in a B-1, B-2, or B-3 District when denoted by the letter "P", provided that all requirements of this Zoning Resolution and other Township regulations have been met.

B. **Conditional Uses**: A use listed in Schedule 6B.3 shall be permitted as a conditional use in a B-1, B-2, or B-3 District when denoted by the letter "C", provided the Township Board of Zoning Appeals first makes the determination that the requirements of Chapter 7 – Conditional Use Certificate including the conditions stated in Chapter 7 – Conditional Use Certificate have been met.

Sub-Section 6B.3 SCHEDULE OF PERMITTED USES

Schedule of Uses Land Used Category	B-1 General Business District	B-2 Light Business District	B-3 Historic Town Center District
	P = Principal use permitted by right. C = Conditional use.		
A. Offices, Professional/Corporate	P	P	P
B. Retail/Services			
1a. Retail in completely enclosed buildings (less than 12,000 sq. ft.)	P	P	P
1b. Retail in completely enclosed building (12,000 sq. ft. or greater)	C		
2. Personal Services in completely enclosed buildings	P	P	P
3. Banks, Savings and Loan Associations, and Credit Unions	P	P	P
4. Lawn, Garden and Nursery Sales & Service	C	C	C
5. Drive-up or drive through windows (or similar facility) in association with a permitted or conditional use	C	C	C
6. Outdoor Display Associated with a permitted or conditional use	C	C	C
7. Restaurant	P	P	P
8. Tavern/Bar & Night Clubs	C	C	C
9. Funeral Homes	P		

Schedule of Uses Land Used Category	B-1 General Business District	B-2 Light Business District	B-3 Historic Town Center District
	P = Principal use permitted by right. C = Conditional use.		
C. Automotive Uses			
1. Automobile Fueling and Charging Stations	C	C	
2. Small Power Equipment Repair	C		
D. Community Facilities			
1. Churches and Other Places of Worship	C	C	C
2. Library	C	C	C
3. School, private or public	C	C	C
4. Daycare Center, child or adult	C	C	C
5. Post Office	C	C	C
6. Assembly hall, meeting place for fraternal, charitable, social or other organization	C	C	C
E. Recreation			
1. Indoor Recreation	P	C	C
2. Outdoor Recreation	C	C	
F. Other			
1. Dwelling unit(s) above the first floor of a building			C
2. Short-term dwelling rental above the first floor of a building			C
3. Short-term owner-occupied dwelling rental above the first floor of a building			C
4. Hospitals, medical clinics, urgent care facilities, and ambulance/emergency medical services.	C	C	
5. Senior Citizen Residential Facilities	C	C	
6. Signs	P	P	P
7. Similar Use Finding, as regulated in Chapter 4 – General Regulations.	P	P	P

Sub-Section 6B.4 AREA AND LOT REQUIREMENTS:

The minimum area and lot requirements for uses in the B-1, B-2, and B-3 Districts are specified in Schedule 6B.4.

Schedule 6B.4: Area and Lot Requirements

Schedule of Area & Lot Requirements	B-1 General Business District	B-2 Light Business District	B-3 Historic Town Center District
A. Minimum Lot Area	30,000 square feet	None Required	None Required
B. Minimum Lot Width (a)	125 feet	None Required	None Required
C. Maximum Site Coverage			
1. Buildings Only	30%	(b)	(b)
2. Buildings and Parking	60%	80%	80%

Notes to Schedule 6B.4:
(a) Lots shall comply with the minimum lot width measured at both the street right-of-way and the building line.
(b) In the B-2 and B-3 Districts, site coverage is only limited by the total site area devoted to buildings and parking as regulated in item C.2 above.

Sub-Section 6B.5 BUILDING SETBACK REQUIREMENTS

Every principal and accessory building shall be located on a lot in compliance with the setback requirements set forth in Schedule 6B5.

Schedule 6B.5: Building Setback Requirements

Building Setback Requirements	B-1 General Business District	B-2 Light Business District	B-3 Historic Town Center District
A. Minimum setback from a street right-of-way	75 feet	30 feet	30 feet
B. Minimum Side & Rear Yards			
1. Adjoining a Non-Residential District	30 feet	10 feet	10 feet
2. Adjoining a Residential District	100 feet	50 feet	50 feet

Notes to Schedule 6B.5:
(a) Riparian Setback Requirements shall be met.
(b) Alternative Energy Facilities Setback Requirements shall be met.

Sub-Section 6B.6 OFF-STREET PARKING REQUIREMENTS

Off-street parking and loading areas shall conform to the regulations of Chapter 9 – Parking and Loading Regulations and to the parking requirements specified below.

Off-street parking shall be located in compliance with the minimum setbacks specified in Schedule 6B.6, unless otherwise noted, and measured from the street right-of-way or property line. The area within this setback shall be landscaped as provided herein.

Schedule 6B.6: Minimum Parking Setbacks

Minimum Parking Setback Requirements	B-1 General Business District	B-2 Light Business District	B-3 Historic Town Center District
A. Minimum setback from street right-of-way	25 feet	Not permitted in the front yard	Not permitted in the front yard
B. Minimum setback from side and rear lot lines			
1. Adjacent to Business	15 feet	5 feet	5 feet
2. Adjacent to Residential District	25 feet	25 feet	25 feet
All uses shall provide parking spaces in compliance with the requirements set forth in Chapter 9 – Parking and Loading Regulations.			

Sub-Section 6B.7 HEIGHT REGULATIONS

No principal or accessory building in the B-1, B-2, or B-3 Districts shall exceed a height of thirty-five (35) feet.

Sub-Section 6B.8 LANDSCAPING & SCREENING REQUIREMENTS PURSUANT TO SITE PLAN REVIEW

All portions of the site in the B-1, B-2, or B-3 District not devoted to buildings and pavement shall be landscaped, and screening and buffers provided, in order to: remove, reduce, lessen or absorb the impact between one use or zone and another; break up and reduce the impact of large parking areas; provide interest and lessen the monotony of the streetscape; obscure the view of outdoor storage, rubbish areas, dumpsters, parking and loading areas; and provide protection from soil erosion.

A. **Landscaping Along the Street Frontage:** All areas within the required building and parking setback, excluding driveway openings, shall be landscaped. The following minimum plant materials shall be provided and maintained.

1. Five (5) shade or ornamental trees for every one-hundred (100) linear feet of lot frontage, or fraction thereof, not including drive entrances.
    a. Each tree, at the time of installation, shall have a clear trunk height of at least six (6) feet and a minimum caliper of two (2) inches measured at a height of five (5) feet above grade.
    b. For the purpose of these regulations, a shade or ornamental tree shall be a tree normally growing to a mature height of at least twenty (20) feet and a mature spread of at least fifteen (15) feet.
2. Twenty (20) shrubs for every one-hundred (100) linear feet of lot frontage or fraction thereof, not including drive entrances.
3. Grass, ground cover or other live landscape treatment, excluding paving or gravel.
4. Plantings or screening along a public street shall not block or interfere with sight distance at street/drive intersections or corner lots as set forth herein.

B. **Screening and Landscaping of Parking Lots:** Perimeter and interior landscaping of parking lots shall be provided in accordance with the following requirements.

1. **Interior Parking Lot Landscaping**: For any parking area that contains more than two rows of parking and is designed to accommodate thirty (30) or more vehicles, not less than ten (10) percent of the parking lot area shall be planted as landscaped islands. For the purpose of this Section, the area of a parking lot shall be the total surface area devoted to vehicular use including circulation aisles. Such islands shall be developed and evenly distributed throughout the parking lot to reduce the visual impact of broad expanses of pavement, enhance parking aisle visibility and to provide shade to help mitigate heat and exposure on paved surfaces.
    a. Each island shall be a minimum of ten (10) feet in any horizontal dimension and shall provide at least one shade tree having a clear trunk height of at least six (6) feet and a minimum caliper of two (2) inches.
    b. Shrub plantings adjacent to a building along the perimeter of the parking lot, or in any part of a yard, shall not be counted as interior landscaping.
2. **Screening of Parking Lots Along Public Streets:** Whenever parking areas consisting of five (5) or more spaces are located such that the parked cars are plainly visible from a public street (when viewed from various locations as one approaches and passes in front of the property), screening shall be provided and maintained between the parking area and the street right-of-way.
    a. All shrubs, berms, walls, and decorative fencing shall be placed along the perimeter of the parking area to effectively obscure a minimum of fifty (50) percent of the view of the parking area from the ground to a minimum height of three (3) feet.
    b. Up to fifty (50) percent of the plant materials required along the street frontage, as set forth in subsection A, may be used to fulfill the screening requirements of this subsection.

C. **Screening of Residential Uses:** When a lot in a Business District abuts a Residential District, a screening buffer, at least twenty-five (25) feet in width, within the required setback areas along the common boundary shall be required to promote harmony with adjacent residential property, in compliance with the following regulations.

1. Screening within the buffer area shall consist of one (1) or a combination of the following:

a. A dense vegetative planting incorporating trees and/or shrubs of a variety that shall be equally effective in winter and summer. Trees and/or shrubs shall be adequately spaced to form a solid continuous visual screen within three years after the initial installation.

b. An opaque structure such as a solid masonry wall or a solid fence that is compatible with the principal structure.

c. A landscaped earthen mound or berm at least five (5) feet high.

d. Existing natural vegetation that, in its natural state, forms a solid screen with a height not less than six (6) feet.

2. The height of screening shall comply with the following:

a. Visual screening walls, fences, or mounds and fences in combination shall be a minimum of six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect.

b. Vegetation shall be a minimum of six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than twelve (12) months after the initial installation.

c. The location of the wall, fence, or vegetation shall be placed within the buffer area to maximize the screening effect as determined by the Township Zoning Commission.

d. Dumpsters and loading areas shall be enclosed on all four sides by an opaque fence or wall having a minimum height of six (6) feet.

D. **Landscaping and Maintenance of Yards:** Required yards and all other portions of the lot not covered by permitted structures or parking shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be maintained in good and healthy condition.

1. All screening shall be free of advertising or other signs, except for signs for the efficient flow of vehicles.

2. The current owner shall maintain the required landscaping in good and healthy condition. In the event any required landscaping material dies or is destroyed, it shall be replaced within six (6) months. Replacement material shall conform to the original intent of the landscape plan.

3. Vehicle parking shall not be permitted in landscaped areas.

Sub-Section 6B.9 DEVELOPMENT AND DESIGN GUIDELINES

The following criteria, as well as the criteria in Chapter 11 – Site Plan Review, shall be utilized by the Township Zoning Commission in reviewing proposals for uses permitted by right and by the Township Board of Zoning Appeals in reviewing proposals for conditional uses to assure that the purposes and intent of this chapter and this Zoning Resolution are carried out.

A. General Criteria

1. The proposal shall enhance and improve the character of the Township and be appropriate and compatible with its surroundings as provided herein.

2. Buildings, structures, and landscaping should be designed and located on the site and be of a scale and massing to complement adjacent buildings and enhance the character of the surrounding area.

3. Each building development or redevelopment should be sensitive to adjacent buildings in terms of compatibility of proportion, style, color, and building materials.

B. B-3 Historic Town Center District Design Criteria

1. Pedestrian Quality:

a. Pedestrian activity shall be encouraged and safe pedestrian connections shall be provided between the principal uses, parking areas and sidewalks.

b. Sidewalks should be a minimum of five (5) feet wide to allow a comfortable walking space for multiple pedestrians at one time.

c. Walkways incorporating a variety of paving materials including stone, brick, and other elements are recommended to add a visual interest and enhance the pedestrian experience.

2. Design of Buildings:

a. Buildings shall have the appearance of being at least two (2) stories in height. This can be accomplished through the use of pitched roofs, dormer windows or other architectural elements.

b. When the wall of a building faces a public right-of-way or parking area, or is within forty-five (45) degrees of facing a public right-of-way, a minimum of fifty (50) percent of such wall area, between a height of two (2) feet and eight (8) feet above grade level, shall include a pattern of display-type windows. The bottom edge of such windows shall not be higher than three (3) feet above grade. The appropriate size and spacing of these windows shall be determined by the Township Zoning Commission based on window spacing in the immediate vicinity. A maximum of fifty (50) percent of the windowpane of such display window areas may be opaque.

c. Building walls shall have no more than twenty (20) feet of contiguous wall length devoid of windows on any ground floor, unless the wall includes architectural features such as piers, columns, defined bays or an undulation of the building, so that a visual interest is created and reinforced.

d. The selection, arrangement, proportion, and design details of windows, doors, window and door shutters, porches, and other architectural details are encouraged and should be consistent with the patterns currently existing in the B-3 District.

Sub-Section 6B.10 REVIEW PROCESS

A. No use, or new use, (except for oil and gas wells which shall be exempt from site plan review), shall be permitted until such use has received written site plan approval from the Township Zoning Commission, the completion bond has been filed with the Township Board of Trustees, and the Township Zoning Inspector has issued the necessary permit pursuant to Chapter 11 – Site Plan Review. Any modification or alterations, which deviate from the final site plan, shall require additional review. All uses are subject to Local, State, and Federal Regulations. Proposals for modifications to existing structures and the development of new structures within the B-1, B-2, or B-3 Districts are subject to Site Plan Review guidelines set forth in Chapter 11 – Site Plan Review.

B. No change of use shall be permitted, except as noted below, until such use has received written site plan approval from the Township Zoning Commission, the completion bond has been filed with the Township Board of Trustees, and the Township Zoning Inspector has issued the necessary permit pursuant to Chapter 11 – Site Plan Review. Any modification or alterations, which deviate from the final site plan, shall require additional review. All uses are subject to Local, State, and Federal Regulations. Proposals for modifications to existing structures and the development of new structures within the B-1, B-2, or B-3 Districts are subject to Site Plan Review guidelines set forth in Chapter 11 – Site Plan Review.

1. A change of use may be approved by the Township Zoning Inspector without Township Zoning Commission review if all of the following conditions are met:

a. The new use will be a permitted use or the applicant has Township Board of Zoning Appeals approval for a conditional use

b. There will be no new exterior construction

c. There will be no change to the roads or circulation patterns of existing parking

d. There will be no additional impact on adjacent residential properties

e. The existing site substantially conforms to previous site plan reviews

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SECTION 6I1: OFFICE/LIGHT INDUSTRIAL DISTRICT

SUB-SECTIONS

6I1.1 Purpose
6I1.2 Permitted Uses
6I1.3 Accessory Uses
6I1.4 Area, Setback & Height Requirements
6I1.5 Parking & Loading Requirements

Sub-Section 6I1.1 PURPOSE

The purpose of the 6I-1 Office/Light-Industrial District is to encourage development of industrial and office establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare and which operate entirely within enclosed structures and generate little industrial traffic, and are suitable for locating proximate to residentially zoned areas.

Sub-Section 6I1.2 PERMITTED USES

Within the 6I-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. **Offices**

B. **Research facilities and laboratories**

C. **Building construction contractors**

D. **Printing, publishing or engraving plant**

E. **Equipment repair services**

F. **Warehousing**

G. **Light industrial, assembly, repair and sale of the following materials**: wood products, canvas products, glass and optical products, jewelry, clocks, scientific and other precision instruments, sporting goods, toys and novelties, plastics, electric and electronic equipment, machine shop products, metal products, paper products, plastic products, and textile products.

H. **Similar Use Finding** as regulated in Chapter 4 – General Regulations.

I. **Site Plan Review Requirements:**

1. No use, or new use, shall be permitted until such use has received written site plan approval from the Township Zoning Commission, the completion bond has been filed with the Township Board of Trustees, and the Township Zoning Inspector has issued the necessary permit pursuant to Chapter 12 – Enforcement and Penalty. Any modification or alterations which deviate from the final site plan shall require additional site plan approval.

2. No change of use shall be permitted, except as noted below, until such use has received written site plan approval from the Township Zoning Commission, the completion bond has been filed with the Township Board of Trustees, and the Township Zoning Inspector has issued the necessary permit pursuant to Chapter 11 – Site Plan Review. Any modification or alterations, which deviate from the final site plan, shall require additional review. All uses are subject to Local, State, and Federal Regulations. Proposals for modifications to existing structures and the development of new structures are subject to Site Plan Review guidelines set forth in Chapter 11 – Site Plan Review.

a. A change of use may be approved by the Township Zoning Inspector without Township Zoning Commission review if all of the following conditions are met:

1) The new use will be a permitted use or the applicant has Township Board of Zoning Appeals approval for a conditional use

2) There will be no new exterior construction

3) There will be no change to the roads or circulation patterns of existing parking

4) There will be no additional impact on adjacent residential properties

5) The existing site substantially conforms to previous site plan reviews

Sub-Section 6I1.3 ACCESSORY USES

Signs, as regulated by Chapter 10 - Sign Regulations.

Sub- Section 6I1.4 AREA, SETBACK AND HEIGHT REQUIREMENTS

A. **Minimum Lot Area:** Five (5) acres, except where the lot abuts a residential district, the minimum lot area shall then be six (6) acres.

B. **Minimum Front Yard Depth:** The building setback from the street right-of-way line shall not be less than one-hundred fifty (150) feet from a county or state road and not less than one-hundred (100) feet from a Township road.

C. **Minimum Lot Width at Minimum Building Setback and Street Right-of-way Line:** Two-hundred (200) feet except where the side yard abuts a residential district the minimum width shall be five-hundred (500) feet.

D. **Minimum Side Yard Depth:** Seventy-five (75) feet except where the side yard is adjacent to a residential district a minimum of two-hundred fifty (250) feet shall be required.

E **Minimum Rear Yard Depth:** Seventy-five (75) feet except where the rear yard is adjacent to a residential district a minimum of two-hundred fifty (250) feet shall be required.

F. **Maximum Height of Buildings or Structures:** Thirty-five (35) feet with the exception of any HVAC equipment shall not exceed 10 (ten) feet above the maximum building height, be open or mechanically self-contained with no livable space or housing accommodations.

G. **Minimum Side Yard Width and Rear Yard Depth-Provisions for a Screening Strip:** Where the side or rear lot line abuts a residential district, fifty (50) feet of the minimum side yard width or rear yard depth measured from the side or rear lot line, shall be used as a planting strip, on which shall be placed hedge, evergreen, shrubbery or other planting materials maintained in a neat and orderly manner. The remaining one- hundred fifty (150) feet may be used for off-street parking, loading space or for any permitted purpose other than a building or permanent structure of any type of processing activity.

H. **Parking and Loading Requirements:** Shall be met.

I. **Roadways:** All street construction shall conform to the Medina County Engineer's Specifications and the Medina County Subdivision Regulations.

J. **Driveways**: Driveways shall be a minimum of one-hundred (100) feet from any adjacent residential property lot line and at least five (5) feet from any adjacent industrial or business district property line.

K. **Sewer:** All uses in this District shall be serviced by public central sewer where available.

L. **Water:** All uses in this District shall be serviced by public central water where available.

M. **Hard-surfacing**: All driveways, parking areas, and other vehicle traffic areas shall have a permanent hard surface of either concrete or asphalt (permeable hard surface encouraged).

N. **Riparian Setback Requirements** shall be met.

O. **Alternative Energy Facilities Setback Requirements** shall be met.

Sub-Section 6I1.5 PARKING AND LOADING REQUIREMENTS

Parking and Loading requirements shall be met.

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SECTION 6I2: LIGHT MANUFACTURING/INDUSTRIAL DISTRICT

SUB-SECTIONS

6I2.1 Purpose
6I2.2 Permitted Uses
6I2.3 Accessory Uses
6I2.4 Conditional Uses
6I2.5 Area, Setback & Height Requirements
6I2.6 Parking & Loading Requirements
6I2.7 Outdoor Storage Regulations

Sub-Section 6I2.1 PURPOSE

The purpose of the 6I-2 Light Manufacturing/Industrial District is to encourage development of manufacturing and business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare and generate little industrial traffic. Research activities are encouraged.

Sub-Section 6I2.2 PERMITTED USES

Within the 6I-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. **Office**

B. **Research laboratories**

C. **Building construction contractors**

D. **Printing, publishing or engraving plant**

E. **Equipment repair services**

F. **Warehousing**

G. **Light manufacturing, assembly, repair and sale of the following materials**: wood products, canvas products, glass and optical products, jewelry, clocks, scientific and other precision instruments, sporting goods, toys and novelties, plastics, electric and electronic equipment, machine shop products, metal products, paper products, plastic products, and textile products.

H. **Automotive Repair and Service**

I. **Repair and Sales of Commercial Vehicles**

J. **Sexually-Oriented Use** as regulated by Chapter 16 – Sexually Oriented Business

K. **Similar Use Finding** as regulated in Chapter 4 - General Regulations.

L. **Site Plan Review Requirements:**

1. No use, or new use, shall be permitted until such use has received written site plan approval from the Township Zoning Commission, the completion bond has been filed with the Township Board of Trustees, and the Township Zoning Inspector has issued the necessary permit pursuant to Chapter 12 – Enforcement and Penalty. Any modification or alterations which deviate from the final site plan shall require additional site plan approval.

2. No change of use shall be permitted, except as noted below, until such use has received written site plan approval from the Township Zoning Commission, the completion bond has been filed with the Township Board of Trustees, and the Township Zoning Inspector has issued the necessary permit pursuant to Chapter 11 – Site Plan Review. Any modification or alterations, which deviate from the final site plan, shall require additional review. All uses are subject to Local, State, and Federal Regulations. Proposals for modifications to existing structures and the development of new structures are subject to Site Plan Review guidelines set forth in Chapter 11 – Site Plan Review.

a. A change of use may be approved by the Township Zoning Inspector without Township Zoning Commission review if all of the following conditions are met:

1) The new use will be a permitted use or the applicant has Township Board of Zoning Appeals approval for a conditional use

2) There will be no new exterior construction

3) There will be no change to the roads or circulation patterns of existing parking

4) There will be no additional impact on adjacent residential properties

5) The existing site substantially conforms to previous site plan reviews

Sub-Section 6I2.3 ACCESSORY USES

A. **Signs** as regulated by Chapter 10 – Sign Regulations

B. **Outdoor Storage** as regulated in Sub-section 6I2.7

Sub-Section 6I2.4 CONDITIONAL USES

The following conditional uses may be permitted in the 6I-2 District upon the issuance of a conditional use zoning certificate according to the procedures set forth in Chapter 7 – Conditional Zoning Certificate of this Zoning Resolution.

A. Government owned and operated recreation areas:

B. Park and recreation areas: Lands for this purpose shall not exceed twenty percent (20%) of the total area of the Industrial District.

C. Tattoo and Body Piercing Service

D. Indoor recreation, including health clubs, aerobics, gymnastics, and sports.

E. **Site Plan Review Requirements:**

1. No use, or new use, shall be permitted until such use has received written site plan approval from the Township Zoning Commission, the completion bond has been filed with the Township Board of Trustees, and the Township Zoning Inspector has issued the necessary permit pursuant to Chapter 12 – Enforcement and Penalty. Any modification or alterations which deviate from the final site plan shall require additional site plan approval.

2. No change of use shall be permitted, except as noted below, until such use has received written site plan approval from the Township Zoning Commission, the completion bond has been filed with the Township Board of Trustees, and the Township Zoning Inspector has issued the necessary permit pursuant to Chapter 11 – Site Plan Review. Any modification or alterations, which deviate from the final site plan, shall require additional review. All uses are subject to Local, State, and Federal Regulations. Proposals for modifications to existing structures and the development of new structures are subject to Site Plan Review guidelines set forth in Chapter 11 – Site Plan Review.

a. A change of use may be approved by the Township Zoning Inspector without Township Zoning Commission review if all of the following conditions are met:

1) The new use will be a permitted use or the applicant has Township Board of Zoning Appeals approval for a conditional use
2) There will be no new exterior construction
3) There will be no change to the roads or circulation patterns of existing parking
4) There will be no additional impact on adjacent residential properties
5) The existing site substantially conforms to previous site plan reviews

Sub-Section 6I2.5 AREA, SETBACK, & HEIGHT REQUIREMENTS

A. **Minimum Lot Area:** Two (2) acres, except where the side yard abuts a residential district the minimum lot area shall be three (3) acres.

B. **Minimum Front Yard Depth:** The building setback from the street right-of-way line shall be not less than one-hundred fifty (150) feet if located on a state or county road and not less than one-hundred (100) feet if located on a Township road.

C. **Minimum Lot Width at Minimum Building Setback Line:** Two-hundred (200) feet except where the side yard abuts a residential district the minimum lot width shall be two-hundred fifty (250) feet.

D. **Minimum Side Yard Width:** Thirty (30) feet except where the side yard is adjacent to a residential district a minimum of two-hundred (200) feet is then required.

E. **Minimum Rear Yard Depth:** Thirty (30) feet except where the rear yard is adjacent to a residential district a minimum of two-hundred (200) feet is then required.

F. **Maximum Height of Buildings or Structures:** Thirty-five (35) feet with the exception of any HVAC equipment shall not exceed 10 (ten) feet above the maximum building height, be open or mechanically self-contained with no livable space or housing accommodations.

G. **Minimum Side Yard Width and Rear Yard Depth Provisions for a Screening Strip:** Where the side or rear lot line abuts a residential district fifty (50) feet of the minimum side yard width or rear yard depth adjacent to and measured from the side or rear lot line, shall be used as a planting strip, on which shall be placed hedge, evergreen, shrubbery, or other planting materials maintained in a neat and orderly manner. The remaining one-hundred fifty (150) feet of space may be used for off-street parking, loading space, or for any permitted purpose other than a building or permanent structure or any type of processing activity.

H. **Existing Residential Properties in the I-2 District:** No building, structure, or processing equipment or activity shall be closer than two-hundred (200) feet from the lot lines of existing residential properties as of record April 22, 1972 that are within the 6I-2 District. At the time a parcel of land abutting a residential property is developed, a fifty (50) foot wide "green area" adjacent to the residential property shall be planted and maintained in a neat and orderly manner. This green area shall be used as a screening strip, on which shall be planted hedge, evergreen, shrubbery, or other planting materials having a height of at least six (6) feet and that shall be eighty (80) percent opaque during twelve months of the year. The remaining one-hundred fifty (150) feet may be used for off-street parking and/or an access road, however, no driveway shall be closer than seventy (70) feet from a residential property lot line.

I. **Riparian Setback Requirements** shall be met.

J. **Alternative Energy Facilities Setback Requirements** shall be met.

Sub-Section 6I2.6 PARKING AND LOADING REQUIREMENTS

Parking and Loading requirements shall be met.

Sub-Section 6I2.7 OUTDOOR STORAGE REGULATIONS

A. Outdoor storage of equipment, raw materials, parts and finished products shall not encroach upon front or side yard area but may occur within the rear yard.

B. Outdoor storage on lots not abutting a residential district shall not be closer to the rear of side lot line than ten (10) feet.

C. Outdoor storage areas shall be screened from view from public or private streets by landscaping walls or fences adequate to constitute a six (6) foot high visual screen that is fifty (50) percent opaque during twelve months of the year.

D. Outdoor storage abutting a residential district shall not be closer to the residential district boundary line than fifty (50) feet.

E. Storage areas within two-hundred (200) feet of the residential district shall be provided with a six (6) foot high visual screen which is no less than eighty (80) percent opaque during twelve (12) months of the year. If a structural screen is used, it shall be located not closer than fifty (50) feet to the property line adjacent to the residential district and shall be designed to be visually compatible with residential development.

F. The fifty (50) feet between the structural screen and the property line shall be planted with trees or shrubs having a mature height in excess of six (6) feet.

G. The above regulations for storage abutting residential districts shall also apply to those residential properties that lie within the 6I-2 District.

Chapter 7: Conditional Zoning Certificate

SECTIONS

7.1 Purpose
7.2 Procedures for making Application
7.3 General Standards
7.4 Regulations Pertaining to Conditionally Permissible Uses in All Districts
7.5 Supplemental Regulations for Certain Uses

INTRODUCTION

The approval of a conditional use certificate is an administrative, quasi-judicial act. It is not a change of zoning district, but rather a project-specific change in the uses allowed on a specific property. Conditional use permits do not involve the establishment of new regulations, or policies. Instead, a conditional use permit applies the provisions of this Zoning Resolution and its standards to the specific set of circumstances which characterize the proposed land use.

SECTION 7.1 PURPOSE

A. Conditionally Permitted Uses provide suitable flexibility in requirements for certain kinds of uses that will allow practicable latitude for the investor, but that will, at the same time, maintain adequate provision for the security of the health, safety, convenience comfort, prosperity and general welfare of the community's inhabitants.

B. In order to accomplish these objectives, provision is made in this Zoning Resolution for a more detailed consideration of each of certain specified activities as it may relate to proposed conditions of location, design, size, operation, intensity of use, generation of traffic and traffic movements, concentration of population, processes and equipment employed, amount and kind of public facilities and services required together with many other possible factors. Land and structure uses possessing particularly unique characteristics are designated as Conditionally Permissible Uses and are permitted through the issuance of a Conditional Zoning Certificate with such conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

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 Zoning Resolution shall be submitted in accordance with the following procedures:

A. Application Submitted to Township Board of Zoning Appeals:

Any application shall be submitted to the Township Board of Zoning Appeals on a special form for that purpose. Application forms can be obtained from the Township Zoning Inspector. Each application shall be accompanied by the payment of a fee, payable to Hinckley Township. The fee shall be paid at the time that the application is submitted. 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 Township Board of Zoning Appeals, shall become part of the conditional permit, if the permit is granted. A copy of the Township Board of Zoning Appeals action, together with one (1) set of the above data shall be placed in the township records, the second (2^{nd}) set shall be retained by the applicant, the third (3^{rd}) set shall be given to the Township Zoning Inspector, and the fourth (4^{th}) set shall be placed in the Township 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. Notice to Township Zoning Commission: The Township Zoning Inspector shall forward the Conditional Use Permit Application to the Township Zoning Commission, in advance of the Township Board of Zoning Appeals Public Hearing.

D. Hearing: After adequate review and study of any application, the Township Board of Zoning Appeals shall hold a public hearing or hearings upon every application after providing proper notice in accordance with the provisions of the Ohio Revised Code prior to the date of the hearing. Such notice shall indicate the place, time, and subject of hearing.

E. **Basis of Determination:** The Township Board of Zoning Appeals shall establish that the general standards and the specific standards pertinent to each use indicated herein shall be satisfied by the completion and operation of the proposed development. The Township Board of Zoning Appeals may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Zoning Resolution will be observed.

F. **Issuance:** Only upon conclusion of hearing procedures relative to a particular application may the Township Board of Zoning Appeals issue a Conditional Zoning Certificate, as provided herein of this Zoning Resolution.

G. **Enforcement:** The Township Zoning Inspector shall conduct inspections to determine if there has been compliance with the terms of the Conditional Zoning Certificate. The holder of the Conditional Zoning Certificate will be notified of the results of each inspection.

H. **Violations/Revocations/Abandonment:** The breach of any condition, safeguard, or requirement set forth in the Conditional Zoning Certificate shall constitute a violation of this Zoning Resolution. Such violation shall be subject to all enforcement provisions of this Zoning Resolution.

Failure to comply with any condition, safeguard, or requirement of the Conditional Zoning Certificate, or failure to correct a breach of any condition, safeguard, or requirement of the Conditional Zoning Certificate shall constitute cause for possible revocation of the Conditional Zoning Certificate by the Township Zoning Inspector.

Voluntary discontinuance of the conditional use for a continuous period of two (2) years or longer shall constitute voluntary abandonment. Thereafter any use on the premises shall conform to all regulations of the district in which the building or lot is located.

In the event the Township Zoning Inspector finds cause to revoke a Conditional Zoning Certificate, within thirty (30) days of the revocation, the Conditional Use holder may file an appeal with the Township Board of Zoning Appeals in accordance with Chapter 13 – Township Board of Zoning Appeals of this Zoning Resolution.

SECTION 7.3 GENERAL STANDARDS

The Township 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 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. Will not be hazardous or disturbing to existing or future neighboring uses;

C. Will not be detrimental to property in the immediate vicinity or to the community as a whole;

D. 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. 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. 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 Township 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 Township 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. <u>Home Occupation: Home-Based</u>:

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

2. Such occupation shall be performed primarily away from the property. That portion of the home-based home occupation conducted on the property shall be performed entirely within the dwelling or accessory building.

3. The conducting of a home occupation home-based shall not occupy more than 25% of the dwelling foundation area and not be the primary use of the accessory building.

4. No activity indicative of the proposed use shall be visible from any public way or adjacent property.

5. All materials, goods, or equipment indicative of the proposed use shall be out of sight by being housed in a permanent structure.

6. The proposed use shall not generate noise, odor, fumes, smoke or vehicular or pedestrian traffic in an amount which would tend to depreciate the residential character of the neighborhood in which the proposed use is located.

B. Cemeteries: The area proposed for a cemetery shall be used for cemetery purposes only.

1. Cemeteries shall be permitted to have in ground as well as above ground burials of human remains. Burial vaults, columbariums and garden mausoleums will be permitted.
2. Except for office uses incidental to cemetery operations, no business or commercial use of any kind shall be permitted on the cemetery site.
3. Minimum area required for a cemetery site is forty (40) acres.
4. Pavement width of driveways shall be at least sixteen (16) feet; eight (8) feet per moving lane, with a wider boulevard entrance at least thirty-four (34) feet in width extending at least one-hundred (100) feet from the intersection of the public highway.
5. Drives shall be of usable shape, improved with bituminous, concrete, or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.
6. Pavement is to be installed as development progresses and as indicated on the final plans approved by the Township Board of Zoning Appeals and the Medina County Engineer.
7. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
8. Area drainage and/or sanitary facilities are subject to approval by the Medina County Board of Health and the Medina County Engineer prior to the issuance of a conditional use permit.
9. Signs shall conform with Chapter 10, Sign Regulations.
10. Adequate screening with shrubs, trees or compact hedge shall be provided parallel to property lines adjacent to or abutting residential districts; such shrubs, trees, and hedges shall not be less than two (2) feet in height and must be maintained in good condition.
11. Provisions shall be made for landscaping within seventy-five (75) feet of the right-of-way and within seventy-five (75) feet of property lines adjacent to residential districts/uses.
12. Location of cemetery buildings and all other structures shall be no less than one-hundred (100) feet from any adjoining property line or public roadway.
13. No grave sites shall be located within one-hundred (100) feet of the right-of-way of any publicly dedicated thoroughfare.
14. A grave site shall not be within two-hundred (200) feet of an existing residence, and in no case shall a grave site be closer than thirty (30) feet from an adjoining property line.
15. All public cemeteries will be developed as proposed on plans approved by the Township Board of Zoning Appeals, the Medina County Engineer, and the Medina County Health Department. Every cemetery proposal shall be submitted to the Township Board of Trustees, who shall determine whether or not such proposal shall be required to include financial assurance for the development of the project. If required by the Township Board of Trustees, such financial assurance shall be in a form and amount sufficient, in the sole judgment of the Township Board of Trustees,

to protect the township from costs associated with the risk that the cemetery may ultimately be required to be completed by the township. Costs associated with the risk of failure to be completed, include but are not limited to, completing the cemetery, placing the cemetery in a safe condition, and mitigating the nuisance caused by the cemetery. The form of financial assurance can include, but is not limited to, performance bond, completion bond, cash deposit and/or posting of collateral.

16. A trust fund shall be established by the cemetery developers for the perpetual maintenance of the cemetery grounds. Said trust fund shall be established as any burial spaces are sold or used, and shall be held and invested by a financial institution or institutions mutually agreed upon by the developers and the Township Board of Trustees. A percentage of the money from the sale of each burial space shall be put into the maintenance trust fund. The percentage shall be fifteen (15) percent of the sale of each burial lot, burial right, entombment right or columbarium right. Interest yielded by the fund shall be applied toward the care and maintenance of the cemetery grounds. In the event of bankruptcy, insolvency or other termination of the cemetery developers, the control, management and investment of the trust fund shall revert to the Township Board of Trustees or financial institution designated by the Township Board of Trustees and the utilization of the trust fund interest for maintenance purposes shall be solely under the direction of the Township Board of Trustees.

C. **<u>Short-Term Dwelling Rentals and Short-Term Owner-Occupied Dwelling Rentals</u>**

1. At a minimum, all conditional approvals shall require the following conditions:

- **a.** All bedrooms must be located in a dwelling;
- **b.** The maximum allowable occupancy shall not exceed more than 2 times the total number of bedrooms as recorded by the Medina County Auditor;
- **c.** Prior to a hearing for application or reapplication for a Conditional Zoning Certificate, the Township Zoning Inspector shall ensure that conditions “a” and “b” have been met and shall testify at the hearing outlining the satisfactory inspection of each condition;
- **d.** The owner/operator of the short-term rental shall provide the Township with up-to-date contact information so that the Township can promptly reach the owner/operator at any time, whether the owner/operator is on or off the property, to address any issues with the short-term rental property. The owner/operator must promptly notify the township in the event of any change in contact information;
- **e.** No special events, weddings, family reunions, graduation parties, or other parties are permitted where the number of people exceeds the maximum number of occupants permitted; and
- **f.** For a Short-Term Dwelling Rental and Short-Term Owner-Occupied Dwelling Rental in a business district, the minimum square feet of living area for the short-term dwelling rental and short-term owner-occupied dwelling rental units with up to one (1) bedroom shall be six-hundred (600) square feet. An additional two-hundred (200) square feet shall be required for every additional bedroom provided.

D. **Drive-Up Or Drive Through Windows In Association with a Permitted Use**: Drive through establishments and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street waiting spaces on the same lot as the use, which shall be in addition to the required number of parking spaces specified in Chapter 9 – Parking and Loading Regulations. The number of waiting spaces shall also comply with Chapter 9 – Parking and Loading Regulations.

E. **Dwelling Unit(s) Above the First Floor of a Building**: All residential units located above the first floor of a commercial or office building shall comply with the following requirement:

The minimum square feet of living area for dwelling units with up to one (1) bedroom shall be six-hundred (600) square feet. An additional two-hundred (200) square feet shall be required for every additional bedroom provided.

F. **Outdoor Display:** Outdoor display of merchandise for sale of goods shall be permitted as conditional use in the B-1, B-2, and B-3 Districts. Such display must be in compliance with the following:

1. Locations:

a. Areas devoted to outdoor display or outdoor storage shall comply with all building setbacks and yard regulations for the district in which they are located.

b. No outdoor display or storage area shall be permitted to occupy or interfere with required parking areas, required open space, public sidewalks or pedestrian access.

2. Area: The area of the lot devoted to outdoor display shall not exceed twenty (20) percent of the gross floor area on the ground floor of the principal building.

a. This limitation shall not apply to automotive sales establishments.

b. Areas devoted to landscaping or the display of landscaped materials shall comply with the conditions set forth in this Zoning Resolution.

3. Supplemental Regulations for Outdoor Display:

a. Outdoor display and sale of merchandise shall be limited to products which are associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display and sale of merchandise by any person operating or conducting a business that is different or distinct from the principal business conducted at that location.

b. Outdoor display areas are limited to the side or rear yard, except for the following:

1) Outdoor dining may be permitted in front of the building provided that such outdoor dining complies with the required building setback; and

2) Areas devoted to landscaping or the display of landscaped materials shall be permitted in front of the building as provided herein.

c. The outdoor display area must be defined by or contained within an appropriate architectural or decorative demarcation as approved by the Township Board of Zoning Appeals. This may include the use of landscaping elements, fencing, walls or other appropriate materials. If building materials are utilized, these materials shall be consistent with the architectural design of the principal structure.

4. **Supplemental Regulations for Landscaped Materials:** Outdoor storage and display areas may occupy an area greater in size than twenty (20) percent of the gross floor area of the principal building; may be located in front of the principal building; and may be located on a site which does not have a principal building, provided:

   a. The area is landscaped or covered with porous materials; and

   b. The area is devoted to the storage of living landscaped materials such as trees, shrubs and flowers.

G. Senior Citizen Residential Facilities

1. Senior citizens residential facilities may include one or more of the following: independent dwelling units which are either detached or attached cluster dwelling units, multiple family dwellings or a combination thereof; or congregate living facilities which include units for independent living, assisted living or nursing care. Congregate living means that the facility has common social, recreational and dining areas that are available to all residents.

2. Prior to a zoning certificate being issued for independent dwelling units, the applicant shall demonstrate to the Township that the dwelling units will be limited to senior citizens in compliance with the Fair Housing Act, as amended.

3. Facilities shall be developed on the site in compliance with the development regulations of the zoning district in which the facility is proposed.

4. The Township Board of Zoning Appeals may approve a senior citizen residential facility with a smaller gross floor area and less parking than is required for residential dwelling units.

H. 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.

I. 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.

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 this Zoning Resolution's enactment, or amendment thereto, but which do not conform with one or more of the regulations contained in this Zoning Resolution. Non-Conforming status is considered to be incompatible with permitted use in the zoning district in which it exists. 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 gross floor area of the building or structure as it existed at the effective date of this Zoning Resolution, unless the building structure conforms to the use regulations of the district.

If a non-conforming site condition(s) exists when a revised development plan is required pursuant to this Zoning Resolution, then such site condition(s) must be brought into compliance with district regulations, unless the Township Zoning Commission determines that such conformance cannot be reasonably achieved because of existing site conditions. In such case, the Township Zoning Commission shall approve a development plan that reduces the existing non-conforming site condition(s) to the maximum extent practicable.

C. **Change in Principal Use of Building:** The principal use of a non-conforming building may be changed to any permitted use in the district in which it is located so long as the new use complies with all corresponding regulations of this Zoning Resolution. A building that did not conform prior to the change in use, may remain non-conforming.

D. **Restoration of Damaged Building or Structure:** If a non-conforming building or structure is unintentionally damaged or destroyed by any cause, those portions so damaged or destroyed may be restored to the original footprint and gross floor area of the building or structure. Such restoration shall commence within a period of two (2) years from the date of damage or destruction. Any restoration that exceeds the original footprint and/or gross floor area shall comply with regulations herein.

E. **Damage or Destruction**: In the event a building/structure that is occupied by a non-conforming use is unintentionally damaged or destroyed by any cause, those portions so damaged or destroyed shall not be rebuilt, restored or reoccupied for any use unless such use conforms to the use regulations of the district in which the building or structure is located.

SECTION 8.3 NON-CONFORMING USE OF BUILDINGS AND LAND

A non-conforming use may continue 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. **Alteration, Enlargement or Reconstruction of a Building Occupied by a Non-Conforming Use.** 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 regulations of this Section. Any such alteration or enlargement shall not exceed ten (10) percent of the square footage of the gross floor area of the building or structure as it existed at the effective date of this Zoning Resolution, unless the building structure conforms to the use regulations of the district.

B. **Displacement of Conforming Use:** No non-conforming use shall be extended to displace a conforming use.

C. **Change of Use:** A non-conforming use of a building, structure or land shall not be changed or substituted to another non-conforming use unless the Township Board of Zoning Appeals decides that the proposed non-conforming use is in less conflict with the character and use of the applicable zoning district than the existing non-conforming use. In permitting such change, the Township Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Resolution.

D. Discontinuance of Use: Voluntary discontinuance of the non-conforming use of a building, part of a building, lot or part of a lot for a continuous period of two (2) years or longer shall constitute voluntary abandonment. Thereafter any use on the premises shall conform to all regulations of the district in which the building or lot is located.

SECTION 8.4 NON-CONFORMING PARKING FACILITIES

A building or use existing lawfully at the time of this Zoning Resolution, or an amendment thereto, became or becomes effective, but which does not comply with the off-street parking regulations for the district or use in which it is located may continue without such parking facilities. In the event an existing building is altered or a use is changed or substituted in accordance with these regulations, then additional off-street parking spaces shall be provided in compliance with Chapter 9 – Parking and Loading Regulations.

SECTION 8.5 NON-CONFORMING SIGNS

A sign, lawfully existing at the time this Zoning Resolution, or any amendment thereto, became or becomes effective, but which fails to conform to the sign regulations of the district in which it is located is a non-conforming sign. Non-Conforming signs may be maintained, and structural and electrical parts may be repaired to a safe condition.

A non-conforming sign cannot be moved or altered in any way except as regard to content unless the sign is made to conform to the regulations of the district in which it is located.

SECTION 8.6 NON-CONFORMING LOTS

A legal lot of record that does not comply on the effective date of this Zoning Resolution or any amendment thereto with the lot area or width regulations of the district in which the lot is located may be used as follows:

A. Residential Lots: If occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that the building shall not be enlarged in gross floor area unless the enlarged section(s) complies with all regulations of this Zoning Resolution, with the exception of the lot area and the lot width regulations. The number of dwelling units shall not be increased unless in compliance with all regulations, including lot area.

B. Lots in Combination: If a vacant non-conforming lot adjoins one or more lots in common ownership on the effective date of this Zoning Resolution or applicable amendment thereto, such lot shall be replatted to create conforming lots as a prerequisite for development if such acreage is available. This provision shall not apply to any previously approved residential development provided the approved general development plan and final development plan remain valid.

SECTION 8.7 NON-CONFORMING USE DUE TO RECLASSIFICATION:

The provisions of this Chapter shall also apply to any building/structure, land or other use hereafter becoming non-conforming as a result of amendments made to this Zoning Resolution or Zoning Map.

SECTION 8.8 CHANGE FROM NON-CONFORMING USE:

A non-conforming building or use shall cease to be considered as such whenever it first comes into compliance with the regulations of the district in which it is located. Upon such compliance, no non-conforming use shall be made, resumed or reinstated.

SECTION 8.9 EXISTING USE DEEMED CONDITIONAL USE – PERMIT REQUIRED FOR CHANGE

Any lawfully existing use, that at the time of its establishment, was not classified as a conditional use, but which now, because of the passage of this Zoning Resolution or amendment thereto, is listed as a conditional use in the district in which it is located, shall be deemed without further action to be a conditional use.

SECTION 8.10 DETERMINATION OF NON-CONFORMING STATUS

At the time of application for a Zoning Certificate or request for variance regarding a non-conforming lot, buildable/structure or use, the property owner shall submit sufficient evidence for the Township Zoning Inspector to determine that such lot, building/structure, or use was lawfully created or established in accordance with the zoning regulations in existence at that time.

If the evidence submitted indicates the lot, building, structure or use was legally established and has since become non-conforming because of the establishment of or amendment to this Zoning Resolution, the Township Zoning Inspector shall issue a Certificate of Non-Conforming Use.

SECTION 8.11 COMPLETION OF CONSTRUCTION WITH ZONING CERTIFICATE

Nothing in this Zoning Resolution shall prohibit the completion of the construction and use of buildings for which a zoning certificate has been issued prior to the effective date of this Zoning Resolution, or amendments thereto, provided that construction is commenced within one (1) year after the issuance of such certificate, that construction is carried on diligently, and that the entire building is completed within two (2) years after the issuance of said zoning certificate.

Chapter 9: Parking and Loading Regulations

SECTIONS

9.1 Purpose
9.2 Parking Facilities Required
9.3 Units of Measure
9.4 Off-Street Parking Standards
9.5 Allowance for Shared Parking
9.6 Deferred Construction of Required Spaces
9.7 Off-Street Waiting Spaces for Drive-Thru Facilities
9.8 Parking Design Standards
9.9 Location Requirements
9.10 Regulations for Access Drive
9.11 Off-Street Loading Requirements
9.12 Parking Lot Landscaping and Screening
9.13 Development Plan Review
9.14 Emergency Access

SECTION 9.1 PURPOSE

The following regulations specify the manner in which off-street parking and loading areas and the driveways providing access thereto are to be provided for in Hinckley Township. On state highways within the Township, Ohio Department of Transportation's Access Management Regulations have priority and on county highways within the Township the Medina County Highway Engineer's Office has priority. The purpose of these regulations is to protect the public health, safety, convenience, comfort, prosperity, or general welfare by requiring that all uses be provided with off-street parking areas or a combination of off-street parking areas and loading areas and that such areas be improved in a manner that ensures the long-term desirability of the use to which they are accessory.

SECTION 9.2 PARKING FACILITIES REQUIRED

Off-street parking spaces shall be provided in conformance with the provisions of this Chapter prior to occupying or using any building, structure, land or portion thereof whenever:

A. A building is constructed or a new use is established;

B. An existing building is altered and/or there is an increase in the number of dwelling units, seating capacity and/or gross floor area of a building;

C. The use of an existing building or structure or use of land is changed to a use that requires more off-street parking facilities.

SECTION 9.3 UNITS OF MEASURE

In computing the number of parking spaces required by this Zoning Resolution, the following rules shall apply:

A. **Floor Area:** Where floor area is designated as the standard for determining parking space requirements, public floor area will be used.

B. **Seating Capacity:** Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or one seat for each twenty-four (24) lineal inches of benches or pews, or when fixed seats are not indicated, the capacity shall be determined as being one seat for each twenty (20) square feet of public floor area of the assembly room.

C. **Employees:** Where employees are the standard for determining parking space requirements, employees shall mean the maximum number of employees for the shift with the greatest number of employees.

D. **Fractional Numbers:** Fractional numbers over one-half shall be increased to the next whole number.

E. **Parking for Mixed Uses:** A building occupied by two or more uses, or one use that has specific parking requirements for different components of the use, operating normally during the same hours, shall provide spaces for not less than the sum of the parking spaces required for each use considered separately.

SECTION 9.4 OFF-STREET PARKING STANDARDS

A. The number of off-street parking spaces for each facility or use shall be determined by application of the standard noted in Schedule 9.4. For a use not specified in Schedule 9.4, the Township Zoning Commission shall apply the standard for a specified use that the Township Zoning Commission determines to be most similar to the proposed use. No parking, loading or servicing shall be permitted in any public street right-of-way.

B. Each land use shall provide the minimum number of off-street parking spaces based on the requirements set forth below.

Schedule 9.4 Required Off-Street Parking Spaces	
Land Use	**Parking Requirement**
A. <u>Residential Uses</u>:	
1. Dwelling, single-family (detached or attached	2 spaces for each dwelling unit, at least one of which shall be enclosed
2. Senior citizen facilities including assisted living	1 space for every 6 beds, plus 1 space for every 2 employees
B. <u>Office and Medical Uses</u>:	
1. Business, professional and administrative offices (excluding medical and dental), financial establishments	1 space for each 250 sq. ft. of public floor area
2. Hospitals, nursing homes, homes of the aged	1 space for every 2 beds, plus 1 space for every 3 employees
3. Medical, dental offices and clinics, including urgent care clinics	1 space for each 200 sq. ft. of public floor area
4. Research and testing laboratories	1 space for each 500 sq. ft. of public floor area
C. <u>Retail and Service Uses</u>:	
1. Retail Business	1 space for each 250 sq. ft. of public floor area
2. Shopping Centers	5 spaces for each 1000 sq. ft.
3. Beauty salons and barber shops	2 spaces for each beauty or barber chair
4. Bed and breakfast	1 space for each guest room plus 2 spaces for operating personnel
5. Business services (cleaning and copy services, repair shops)	1 space for each 300 sq. ft. of public floor area
6. Lodging	1 space for each sleeping room, plus 1 space for each 400 sq. ft. of public meeting area and/or restaurant space
7. Restaurants	1 space for every 2 seats of seating capacity plus one for each employee
8. Veterinary Clinic	1 space for each 400 sq. ft. of public floor area, plus 1 space for every 2 employees
9. Commercial Nursery of Greenhouse	1 space for each 1,000 sq. ft. of public floor area, plus 1 space for each 2,000 sq. ft. of land area
D. <u>Automotive/Transportation Uses</u>:	
1. Agricultural equipment and implement sales and service	1 space per 400 sq. ft. of public floor area of sales room plus 1 space for each service stall in the service area and 1 space per employee
2. Automotive Repair and Service	1 space for each employee plus 2 spaces for each service bay
3. Car wash facility	1 space per employee
4. Automobile Fueling and Charging Station	1 space for each fuel pump plus 1 space per employee

Schedule 9.4 Required Off-Street Parking Spaces continued	
Land Use	**Parking Requirement**
E. <u>Recreation/Open Space Uses</u>:	
1. Recreation, Non-Commercial	1 space for each 2 participants at maximum capacity
2. Recreation, Commercial	1 space for each 2 persons at capacity
F. <u>Community/Educational Facilities</u>:	
1. Assembly hall, meeting place, party center, social and civic clubs	1 space for every 3 seats of seating capacity
2. Child and adult day care facilities	1 space for each 500 sq. ft. of public floor area plus 1 space for each employee
3. Churches and other places of worship	1 space for every 4 seats of seating capacity in the principal assembly area
4. Library, museum, post office	1 space for each 400 sq. ft. of public floor area plus 1 space for every 2 employees
G. <u>Light Industrial/Warehousing</u>	
1. Light Manufacturing	1 space for each employee on the shift with the highest number of employees
2. Warehousing	1 space for each 1,000 sq. ft.

SECTION 9.5 ALLOWANCE FOR SHARED PARKING

The Township Zoning Commission may recommend approval of a development plan with a reduction in the number of parking spaces required, if it can be shown that the lesser number of spaces is appropriate and consistent with these regulations and when it is determined that:

A. In a mixed-use project or a single-use project for which the different components of the use have varying peak demands, the uses can be adequately accommodated with a lesser number of parking spaces than that which is required based on the sum of the various uses computed separately.

B. The required parking spaces for a proposed use can be accommodated on an adjacent or nearly site within five-hundred (500) feet of the proposed use provided binding arrangements have been reviewed by the Township's Legal Counsel, are made to share the parking facilities between two or more businesses or establishments that are not normally open, used or operated during the same hours. In such case not more than fifty (50) percent of the required parking spaces may be shared.

SECTION 9.6 DEFERRED CONSTRUCTION OF REQUIRED SPACES (LAND BANKING)

If the number of parking spaces required in Schedule 9.4 is substantially larger than the number anticipated by the applicant for the proposed use and the applicant provides sufficient evidence that supports the reduced parking needs, a development plan may be approved with an allowance for the construction of a lesser number of parking spaces provided that:

A. The applicant for a Zoning Certificate submits information which projects the parking demand for a proposed use and requests approval for construction of parking which is less than required by this Zoning Resolution.

B. The request shall include a detailed drawing of a complete parking layout identifying those areas proposed for immediate construction and those to be temporarily retained in landscaped open space. Such land banked parking plans shall be referred to the Township Zoning Commission, which may approve a total parking layout which permits a portion of the required parking spaces to be reserved and temporarily retained in landscaped open space where the Township Zoning Commission determines such arrangement to be appropriate.

C. Prior to approval of the plan, the applicant shall make a written commitment to construct the additional parking at such time as the Township Zoning Inspector, in conjunction with the Township Zoning Commission, determines that the land banked parking is necessary for the operation of the use.

SECTION 9.7 OFF-STREET WAITING SPACES FOR DRIVE-THRU FACILITIES

Drive-thru establishments and other establishments which, by their nature, create lines of customers waiting to be served within automobiles, shall provide off-street waiting spaces on the same lot as the use which are in addition to the required number of parking spaces specified in Schedule 9.4. The number of parking spaces shall comply with the following requirements:

A. **Minimum Number of Waiting Spaces by Type of Use/Establishment:**

1. Establishments serving and/or selling food and/or drinks:	10 waiting spaces
2. Automatic car wash facilities where a chain conveyor or other similar method is used to move the vehicle through the structure:	10 waiting spaces
3. Facilities with service windows or service entrances such as banks, ticket booths, drive-up ATM machines and other similar facilities:	10 waiting spaces, but not less than 6 spaces per window or stall when there are 2 or more windows or stalls
4. Self-serve car wash facilities:	2 waiting spaces per stall
5. Automobile Fueling and Charging Station:	2 waiting spaces per accessible side of a fueling/charging pump island

B. **Waiting in Right-of-Way Prohibited**: The site plan indicating waiting spaces for service at a drive-thru facility shall not allow for vehicles to wait within the public right-of-way.

C. **Waiting Space Dimensions:** Each off-street waiting space shall have an area not less than 144 square feet (measuring 8 feet by 18 feet) exclusive of access drives and parking aisles and shall not interfere with parking or circulation.

SECTION 9.8 PARKING DESIGN STANDARDS

Off-street parking areas shall be designed and constructed in accordance with the minimum dimensions set forth below:

A. **Dimensions of Parking Spaces:** Each off-street parking space shall have an area of not less than two-hundred (200) square feet (measuring ten (10) feet by twenty (20) feet), exclusive of access drives or aisles.

B. **Circulation Aisles:** The minimum width of a circulation aisle shall be:

1. 22 feet for 90° perpendicular parking spaces on a double-loaded aisle;

2. 18 feet for 60° parking spaces with a one-way aisle; and

3. 13 feet for 45° parking spaces with a one-way aisle.

SECTION 9.9 LOCATION REQUIREMENTS

The location of off-street parking facilities shall comply with the following:

A. Parking spaces required for dwelling units shall be located on the same lot as the dwelling unit served.

B. Parking spaces for nonresidential uses shall be located on the lot or within five-hundred (500) feet of the use measured along lines of public access to the property, but shall not be allowed in residential districts except as a conditional use in compliance with Chapter 7 – Conditional Zoning Certificate.

SECTION 9.10 REGULATIONS FOR ACCESS DRIVES

The governing authority takes precedent when lots front on either a County or State route, access regulations from the appropriate jurisdiction will supersede the requirements of this regulation.

The location, width and number of entrance and exit access drives to parking spaces shall be provided in accordance with the following:

A. **Location:** Access drives shall be located so that they interfere as little as possible with the use of adjacent residential property, the flow of traffic on adjacent streets, and to avoid undue interference with pedestrian access to street corners:

1. Access drives on corner lots shall be located as far from the street intersection as practicable.

2. For parking areas having a capacity of ten (10) or more vehicles, the center line of the access drive apron shall be located not less than seventy-five (75) feet from the nearest street intersection right-of-way line.

3. Access drives shall be located not less than seventy-five (75) feet from another access drive, measured from the edge of the pavement.

4. In the Business and Industrial Districts, adjoining uses are encouraged to share access drives.

B. Number of Access Drives:

1. Parking areas having a capacity of twenty-five (25) spaces or less shall have one combination entrance/exit drive.

2. Parking areas having a capacity of more than twenty-five (25) spaces shall be provided with not more than two access drives and, whenever possible, the access drives should be limited to one-way only drives.

3. When a lot exceeds two–hundred (200) feet in width, one additional two-way drive or a pair of one-way drives may be permitted.

C. Width: The width of access drives shall comply with the following:

1. Driveways for single-family detached and attached dwelling units shall be not less than ten (10) feet in width.

2. The width of access drives for multi-family dwellings and non-residential uses shall not be less than twelve (12) feet for a one lane access drive or twenty-four (24) feet for a two lane access drive at the right-of-way line, and shall not exceed a total of thirty-eight (38) feet in width at the curb line of the street.

3. One-way entrances and exits shall be limited to two (2) lanes and all other access drives shall not exceed three (3) lanes.

D. Radius: The radius of the edge of the access drive apron shall be at least thirty (30) feet so that a vehicle may enter from or exit onto the curb lane without obstructing vehicles in other traffic lanes.

SECTION 9.11 OFF-STREET LOADING REGULATIONS

When off-street loading spaces are provided for commercial and industrial buildings, they shall comply with the following regulations:

A. All loading spaces shall be located on the same lot as the use served and no part of any required yard, off-street parking area, or access drive, shall be used for loading or unloading purposes.

B. Loading spaces shall be located in the side or rear yard in compliance with the requirements of this Chapter.

C. Access to truck loading and unloading space shall be provided directly from a public street or alley or from a right-of-way in a manner that will not interfere with public convenience and that will permit the orderly and safe movement of trucks.

D. When a loading area is indicated on a site plan, the site plan shall indicate that the loading area does not encroach onto streets, sidewalks, alleys or other public right-of-ways or other public property.

E. Off-street loading spaces shall not be used for repair or servicing of motor vehicles.

F. Loading spaces, when provided, shall be in addition to the off-street parking spaces required under Schedule 9.4, and shall not be considered as meeting the off-street parking spaces required herein.

SECTION 9.12 PARKING LOT LANDSCAPING AND SCREENING

Off-street parking and loading facilities shall be screened and landscaped in accordance with the requirements of the business district regulations.

SECTION 9.13 DEVELOPMENT PLAN REVIEW

Any off-street parking area, loading area, circulation aisle, or access drive for a use other than a single-family dwelling, which is constructed, reconstructed or changed as to location, materials, or drainage facilities requires the submission of a development plan according to the procedures specified in Chapter 4 – General Regulations.

SECTION 9.14 EMERGENCY ACCESS

Any parking plan shall allow for unimpeded access by emergency services including fire, EMS, police, etc.

Chapter 10: Sign Regulations

SECTIONS

10.1 Purpose
10.2 Computations
10.3 Regulations and Maximum Area for Signs
10.4 Signs Exempt from Regulations
10.5 Prohibited Signs
10.6 Criteria for the Design & Construction of Signs
10.7 Maintenance
10.8 Administration Procedures
Figure A: Sign Diagram

SECTION 10.1 PURPOSE

In the interest of promoting the public convenience, comfort, prosperity and general welfare of the residents of Hinckley Township, these regulations provide for the use, location and size of signs. More specifically, the purposes of these regulations are to:

A. Provide reasonable, yet appropriate, conditions for signage for residents, residential developments, institutions, businesses, and non-residential establishments.

B. Ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment and eliminate any confusion or hazardous conflict between traffic control signs and devices, and other signs authorized by these regulations.

C. Minimize the negative consequences of excessive numbers or size of signs.

D. Provide review procedures that enable the Township to comprehensively evaluate the appropriateness of a sign to the site, building and surroundings.

E. Prohibit all signs not expressly permitted by this Chapter.

SECTION 10.2 COMPUTATIONS

The following principles shall control the computation of sign area and sign height:

A. **Determining Sign Area or Dimension:**

1. For a sign that is framed, outlined, painted or otherwise prepared and designed to include a background for a sign display, the sign area or dimensions shall include the entire portion within such background or frame.

2. For a sign comprised of individual letters, figures, emblems, logos or elements on a wall, or an irregular shaped billboard, ground or pole sign, the area of the sign shall encompass the smallest rectangle, or a combination of geometric shapes that form or approximate the perimeter of all the elements in the display. When separate elements are organized to form a single sign, but the elements are separated by open space, the area shall be calculated by determining one or more geometric forms that comprise the entire display area, including the space between the elements.

3. The sign area shall not include the pole or other structural support unless such structural support is designed to constitute a display device.

4. The area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces. A v-sign shall be considered one (1) sign face and the measurement of the exterior angle between the sign faces shall not exceed ninety (90) degrees,

5. In the event there is a dispute in determining the sign area or any sign dimension, the Township Zoning Inspector shall have the responsibility for making such determination. The decision of the Township Zoning Inspector may be appealed to the Township Board of Zoning Appeals which has final authority.

B. **Determining Sign Height:** The height of a billboard, ground sign, or interstate pole sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

1. Normal grade shall be construed to be the lower of:

   a. Existing grade prior to construction; or

   b. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.

2. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevations of the nearest point of the crown of a public or private street or the grade of the land at the main access to the development off of the public or private road, whichever is higher.

C. **Determining Building Frontage and Building Unit**:

1. The building frontage shall be measured along the length of the wall containing the main entry, between the exterior faces of the exterior side walls.

2. In the case of an irregular wall surface, a straight line extended between the exterior faces of the exterior side walls shall be used to measure the length.

3. For lots fronting on two or more streets, or where the building has its main entrance on a wall other than the wall that faces the street, the Township Zoning Inspector shall determine which wall shall be the primary building frontage and which wall shall be the secondary building frontage. Only one outside wall of any business shall be considered its primary frontage and only one additional outside wall shall be considered a secondary frontage.

4. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

D. Architectural Features: Architectural features that are either part of the building, or part of a billboard, ground sign or interstate pole sign structure, are not considered a sign or part of the sign and are thus exempt from these regulations.

SECTION 10.3 REGULATIONS AND MAXIMUM AREA FOR SIGNS

A. Permanent Sign (No Permit Required):

1. Non-Residential Districts: One (1) address sign not exceeding six (6) square feet shall be permitted for each business in a non-residential district.

2. Residential Districts: One (1) address sign not exceeding four (4) square feet shall be permitted for each dwelling or conditionally permitted use as authorized.

B. Awning/Canopy Sign (Permit Required): See "Wall Sign"

C. Off-Premise Sign (Billboard) (Permit Required): All off-premise signs (billboards) shall conform to the following: Not more than one (1) off-premise sign shall be located on a lot. Such sign shall not be located nearer than one-thousand (1000) feet from another off-premises sign. Such signs located within six-hundred sixty (660) feet of any state route shall comply with all applicable federal and state regulations.

1. Non-Residential Districts: Off premises signs in non-residential districts shall be regulated as a business use. Such signs shall not exceed sixty-four (64) square feet or a height of fifteen (15) feet. Such sign shall be located a minimum of forty (40) feet from the street right-of-way, twenty-five (25) feet from the side and rear property lines and one-hundred (100) feet from a residential district or dwelling.

2. **Residential Districts**: Off-premises signs in residential districts shall be permitted only on land used for agricultural purposes. Such signs shall not exceed sixty-four (64) square feet in area and eight (8) feet in height. Such signs shall be located a minimum of forty (40) feet from the street right-of-way, and one-hundred (100) feet from the side and rear lot lines.

D. Directional Sign (No Permit Required): Directional signs shall be located on the premises which they serve. Each sign shall not exceed four (4) square feet and shall not exceed four (4) feet in height. Such signs shall not obstruct the view of vehicles entering or exiting the property. A maximum of two signs shall be allowed per ingress and egress within twenty-five (25) feet of the road right-of-way.

E. Permanent Ground Sign (Permit Required): All ground signs shall not obstruct the view of vehicles entering or exiting the property.

1. Non-Residential Districts: All ground signs in non-residential districts shall conform to the following:

a. A maximum of two (2) sign faces, either as a double-sided ground sign or as two (2) single-sided ground signs, shall be permitted at any entrance of a platted (major subdivision) non-residential development and shall be located at the main access points off of the public road. One (1) additional ground sign shall be permitted for a corner lot when the total lot frontage on all streets on said lot equals or exceeds three-hundred (300) feet.

b. A maximum of two (2) sign faces, either double-sided ground sign or as two (2) single-sided ground signs, shall be permitted for a non-residential lot.

c. Ground signs shall not exceed thirty-two (32) square feet and shall not exceed a height of eight (8) feet. Ground signs may have up to seventy-five (75) percent of the permitted sign area devoted to changeable copy. When an additional ground sign is permitted for a corner lot as determined above, the combined total sign area shall not exceed fifty-six (56) square feet, and the square footage of any one sign shall not exceed thirty-two (32) square feet; and

d. Ground signs shall be located no closer than ten (10) feet from the street right-of-way line. Ground signs shall be located no closer than ten (10) feet from any side lot line bordering another non-residential district. When a side lot line of a non-residential district coincides with a residential zoning district boundary line, the minimum side setback shall be twenty-five (25) feet.

2. Residential Districts:

a. Ground signs in residential districts shall be permitted:

1) At any entrance to a platted (major subdivision) residential subdivision or planned residential subdivision (Conservation Development), a maximum of two (2) sign faces, either as a double-sided ground sign or as two (2) single-sided signs, shall be permitted;

2) For authorized non-residential use as conditionally permitted; may have up to seventy-five (75) percent of the permitted sign area devoted to changeable copy.

b. All ground signs in residential districts shall conform to the following:

1) Except as specified in number 3) below, ground signs shall not exceed thirty-two (32) square feet and shall not exceed a height of eight (8) feet.

2) Ground signs shall be located no closer than ten (10) feet from the street right-of-way line. Such sign shall be located no closer than twenty-five (25) feet from any side lot line.

3) A ground sign of up to sixty-four (64) square feet and a maximum height of eight (8) feet shall be permitted at each entrance to a subdivision.

F. Projecting Sign (Permit Required): See "Wall Sign"

G. Public Purpose/Safety Signs (No Permit Required):

1. Non-Residential Districts: Permitted as provided by federal, state or local law.

2. Residential Districts: Permitted as provided by federal, state or local law.

H. Digital Message Signs (Permit Required): Digital Message Signs are permitted for ground signs only and shall be permitted in the business or industrial districts, and in residential districts as part of the conditional use site plan for authorized non-residential use as permitted in Chapter 6 – Sub-section 6R1.3 or 6R2.3. A Digital Message Sign shall meet the following requirements:

1. **Frequency:** Copy change shall not be more frequent than once per ten (10) seconds and both text and color shall remain static between intervals.
2. **Color:** Any Digital Message Sign erected within one-hundred (100) feet of an intersection where an illuminated device has been provided for the control of traffic shall not duplicate the electric light of such sign in any colors appearing in the traffic control signal.
3. **Illumination:** Illumination level of a Digital Message Sign shall not exceed .3 foot candle as measured from the adjacent right-of-ways.
4. Digital Message Signs shall be programmed to dim and brighten automatically in response to change in ambient light to avoid undue brightness.
5. Digital Message Signs shall be programmed to "freeze" or go blank if there is a malfunction, so that flashing or other distracting movement does not result.

I. Temporary Signs:

1. **Non-Residential Districts (Permit Required):** The following regulations shall apply for temporary signs in non-residential districts:
   a. **Temporary Development Signs:** One (1) temporary ground sign shall be permitted at the entrance to a development on a lot proposed for non-residential development. When a lot fronts on more than one (1) street, one (1) additional ground sign shall be permitted along each street frontage that equals or exceeds three-hundred (300) feet. The temporary development sign shall not exceed thirty-two (32) square feet, and shall not exceed eight (8) feet in height. Such sign shall be located no closer than ten (10) feet from any street right-of-way and twenty-five (25) feet from a side lot line. Such sign shall be erected and maintained on a lot only during the period of time that the vacant lot is for sale, rent or lease, or the building project is under construction.
   b. **Temporary Window Signs (No Permit Required)**: Temporary Window Signs shall be attached to the interior of the building.
   c. **Other Temporary Signs (Permit Required):** One (1) temporary sign, either a ground sign or a banner attached to the front of the building, shall be permitted. Such sign shall not exceed thirty-two (32) square feet. A ground sign shall not exceed a height of eight (8) feet. These temporary signs may be displayed for a period of time not to exceed one-hundred, eighty (180) days in a twelve (12) month period.
   d. **Other Temporary Signs (No Permit Required):** In addition to the above, each business shall be permitted to erect one (1) additional temporary sign not to exceed six (6) square feet in area and four (4) feet in height. Such sign may be displayed for a period of time not to exceed ninety (90) days in a twelve (12) month period.
2. **Residential Districts:** The following regulations shall apply for temporary signs in residential districts:

a. **Temporary Development Sign (Permit Required):** One (1) temporary ground sign shall be permitted at the entrance to a residential subdivision, or planned residential subdivision or planned residential development. When a lot fronts on more than one (1) street, one (1) additional ground sign shall be permitted along each street frontage that equals or exceeds three-hundred (300) feet. Temporary development signs shall not exceed thirty-two (32) square feet, and shall not exceed eight (8) feet in height. Such sign shall be located no closer than ten (10) feet from any street right-of-way and twenty-five (25) feet from a side lot line. Such sign shall be permitted for a period of one year and may be renewed annually as long as the subdivision/development is under construction.

b. **Temporary Residential Sign (No Permit Required):** Each residential unit shall be permitted to erect up to three (3) either temporary window signs or ground signs in the front yard. Such temporary sign shall not exceed six (6) square feet and shall not exceed a height of four (4) feet. A temporary ground sign shall be located no closer than ten (10) feet from a public right-of-way and twenty-five (25) feet from a side lot line.

c. **Temporary Signs for Uses Authorized by Conditionally Permitted Use (Permit Required):** One (1) temporary ground sign or one (1) banner attached to the front of the building shall be permitted. Such temporary sign shall not exceed twenty-four (24) square feet. A temporary ground sign shall not exceed six (6) feet in height. Such sign shall be located no closer than ten (10) feet from the street right-of-way line and twenty-five (25) feet from a side lot line. Temporary signs for conditionally permitted use authorized by Chapter 6, Subsection 6R1.3 and 6R2.3 may be displayed for a period of fourteen (14) days not more than three (3) times per calendar year.

J. **Wall Sign (Permit Required):**

1. **Non-Residential Districts:** The following regulations shall apply for wall signs, projecting signs, and awning or canopy signs in non-residential districts: One and one-half (1.5) square feet of sign area per linear foot of building or building unit frontage shall be permitted. Each building unit in a multiple-tenant building shall be permitted a maximum of thirty (30) square feet of wall signage along the building frontage. Minimum and maximum sign area shall be the sum of the areas of all signs attached to the building or a building unit, including wall signs, projecting signs, and awning or canopy signs.

Corner Lots and Side and Rear Entrance: Additional area for wall signs shall be permitted for corner lots and side and rear entrances when a building has a secondary building frontage. The additional sign area shall not exceed seventy-five (75) percent of the maximum permitted area. The total sign area shall be distributed along the primary and secondary building frontages; however, the signage on any one (1) wall shall not exceed the maximum allowed for that wall based on the building frontage.

2. **Residential Districts:** Not permitted.

K. Window Sign, Permanent (Permit Required):

1. **Non-Residential Districts:** Permanent window signs in non-residential districts shall only be permitted in the Business and Light Industrial Districts. The signage permanently affixed to the window, or located within twelve (12) inches of the face of the window, shall not exceed twenty (20) percent of the total glass area of windows on the first floor of the wall of the building frontage. For the purpose of these regulations, the height of the windows on the first floor shall be that portion of window(s) within fifteen (15) feet of grade.
2. **Residential Districts:** Not permitted.

L. Window Sign, Temporary: See "Temporary Signs" in this Chapter.

SECTION 10.4 SIGNS EXEMPT FROM REGULATIONS

The following signs shall be exempt from regulation under this Zoning Resolution.

A. Any sign inside a building that is located more than twelve (12) inches from the face of the window.

B. Signs that are an integral part of the original construction of vending or similar machines, fuel pumps or similar devices.

C. All signs erected and maintained pursuant to any Township function.

SECTION 10.5 PROHIBITED SIGNS

All signs not expressly permitted in this Chapter or exempt from regulation pursuant herein are prohibited in the Township. Such signs include but are not limited to the following:

A. Animated, flasher, blinker, racer type, intermittent, video, tri-vision, or similar devices, moving or revolving signs, whirligig devices, inflatable signs and tethered balloons, pennants, ribbons, streamers, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, except those exempt under the previous Chapter, and other similar types of attention-getting devices.

B. Banners and flags except as otherwise permitted.

C. Signs on temporarily placed vehicles, in excess of three (3) square feet.

D. Signs containing any words or symbols that would cause confusion because of their resemblance to highway traffic control or direction signals.

E. Signs mounted on the roof of any building or structure.

F. Signs, other than those exempt, located in the public right-of-way or attached to a utility pole, tree, trash receptacle, bench or other structure not intended or approved as a sign support.

SECTION 10.6 CRITERIA FOR THE DESIGN & CONSTRUCTION OF SIGNS

In addition to ensuring compliance with the numerical standards of these regulations, the Township Zoning Commission or Township Zoning Inspector shall consider the proposed general design arrangement and placement of the sign according to the following criteria:

A. **Illumination:** Signs shall be permitted to be illuminated in compliance with the following:

1. Signs may be illuminated by internal or reflected light provided that:

a. External light sources shall be shielded from all adjacent buildings and streets.

b. Lights shall not be of such brightness so as to cause glare that is hazardous to pedestrians or motorists, or cause reasonable objection from adjacent residential districts.

2. Signs shall not be lighted to obstruct traffic control or any other public signs. Signs visible from sight lines along streets shall not contain symbols or words, or red and green lights that resemble highway traffic signs or devices.

B. **Construction Standards:**

1. All signs shall be constructed in conformance with the Medina County Building Code and shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.

SECTION 10.7 MAINTENANCE

All signs shall be maintained in accordance with the following:

A. The property owner, agent or person having beneficial use of the sign, shall maintain the sign in a condition fit for the intended use and has a continuing obligation to comply with all building code requirements.

B. Whenever any sign, either conforming or non-conforming to these regulations, is required to be removed for the purpose of repair, refurbishing, or repainting, the same may be done without a permit or any payment of fees provided that all of the following conditions are met:

1. There shall be no alteration or remodeling to the structure or the mounting of the sign itself.

2. There shall be no enlargement or increase in any of the dimensions of the sign or its structure.

3. The sign shall be accessory to a legally permitted, conditional or non-conforming use.

C. If any sign is deemed by the Township Zoning Inspector to be in an unsafe condition or constructed, erected or maintained in violation of this Zoning Resolution, the owner, agent or person with a beneficial interest in said sign or the business associated with it shall be immediately notified, in writing, and shall, within forty-eight (48) hours of such notification, correct such unsafe condition, initiate corrective action, or remove the sign.

SECTION 10.8 ADMINISTRATION PROCEDURES

A. **Sign Application Requirements:** An application for a sign permit shall be made to the Township Zoning Inspector and shall include the following:

1. Detailed drawings of the sign showing the color, design, size, background, and materials of the sign and the frame or structure;

2. A complete building sketch or photograph showing the location of the sign and its relationship to the building, the site, the adjacent parcels and parking lots, drives and sidewalks; and

3. A permit fee for each sign application, pursuant to the Schedule of Zoning Fees.

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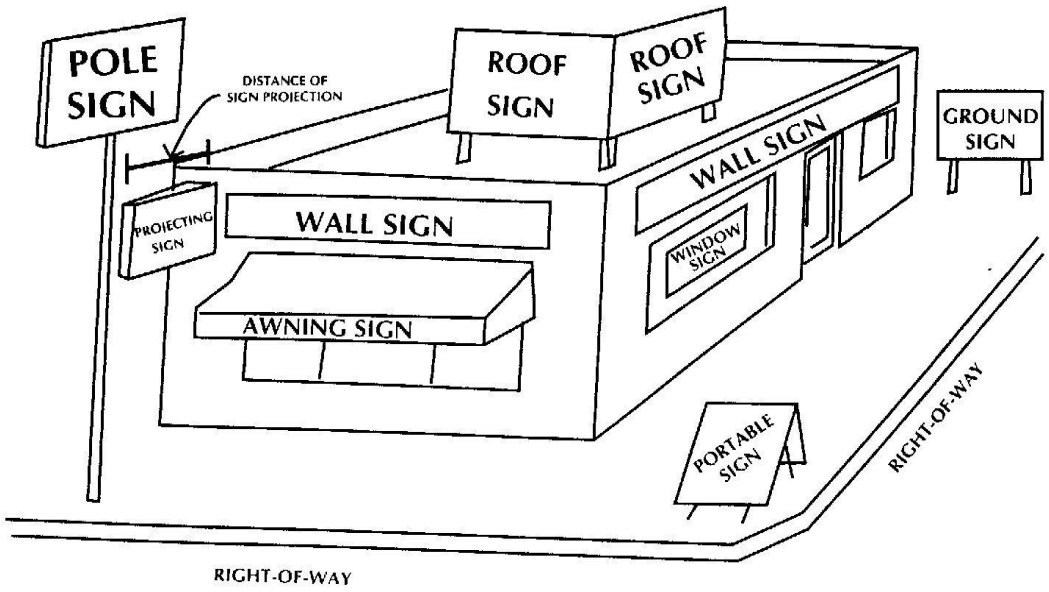
Figure A: Sign Diagram



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Chapter 11: Site Plan Review

SECTIONS

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11.12 Expiration of Site Plan Approval
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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, adopted, 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 this Zoning Resolution.

F. To ensure that a single development or one built in progressive stages will be constructed in accordance with the approved design.

SECTION 11.2 SITE PLAN REVIEW REQUIRED

Review of a preliminary site plan and/or final site plan shall be conducted in compliance with the following:

A. **Preliminary Site Plan:** A preliminary site plan that indicates the general concept of development for an entire development site, including the general location of use areas, open space and circulation pattern shall be required for all proposed Conservation Developments, subdivisions, and planned business or industrial developments. Applicants for other types of projects may, but are not required to, submit a preliminary site plan.

B. **Final Site Plan:** A final site plan that indicates, among other things, the exact location of buildings, parking areas, access drives, restricted open space, easements, signs and outdoor storage areas shall be required for the following:

1. All proposed Conservation Developments, subdivisions, and planned business or industrial developments following review and approval of a preliminary site plan.

2. New construction of all permitted and conditional uses in business and industrial districts;

3. Any existing or previously approved development meeting the criteria of B.1. or B.2. above, that proposes to alter, reconstruct or otherwise modify a use or site, including expanding the gross floor area of the permitted use, increasing the density of a residential development, or changing the use which requires an increase in the amount of parking or a change in the site's traffic circulation.

C. **Review of Site Plans Waived:** The Township Zoning Commission may determine that review of a site plan is not required where no changes are proposed for an existing site or where only inconsequential changes, as determined by the Township Zoning Commission, are proposed.

SECTION 11.3 INFORMAL REVIEW OF PROPOSAL ENCOURAGED

It is recommended that, prior to going to the expense of preparing and submitting a detailed site plan application for approval, a prospective applicant meet for informal review with the Township Zoning Inspector and/or the Township Zoning Commission.

A. The purpose is to discuss early and informally with the applicant the intent and effect of these zoning regulations and the criteria and standards contained herein.

B. To aid the discussion, the applicant should prepare a discussion plan, drawn approximately to scale, showing the relationship of the development to surrounding properties, locations of buildings and parking areas, internal traffic circulation pattern, proposed sizes of buildings, and proposed use to be included in the development.

C. Requests for informal review by the Township Zoning Commission that are made on or by the twenty-second (22nd) of the month prior to the next meeting of the Township Zoning Commission will be placed on the agenda of such meeting.

D. No formal action shall be taken at such a meeting and no discussions, opinions, suggestions, or recommendations discussed at the pre-application meeting shall indicate subsequent approval or disapproval of the plan, (or recommendation of approval or disapproval in the case of a subdivision plan).

SECTION 11.4 PRELIMINARY SITE PLAN SUBMISSION REQUIREMENTS

An application for preliminary site plan review shall include a plan for the entire area of the proposed project. The application may be filed by the developer on behalf of the landowner, or by a group of owners of the land within the development area acting jointly, upon receipt of written approval by property owner(s). Legal entities must be represented by an attorney. Ten (10) sets of the application, a digital version of the application, and the application fee, shall be submitted to the Township Zoning Inspector. Application for preliminary site plan review shall disclose all uses and their general locations proposed for the development and shall include the following: maps, plans, designs and supplementary documents, unless specific item(s) are determined by the Township Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Township Zoning Inspector. All maps and plans shall be drawn to an appropriate scale. Each set of the application shall contain the following items:

A. A property location map.

B. The location of existing structures within the development area and access points.

C. The general location of existing buildings, parking and access drives on parcels within one-hundred (100) feet of the site.

D. A topographic survey of the proposed development area, with contour lines at two-foot intervals.

E. Existing major vegetation features, wooded areas and large isolated trees, one foot or more in diameter.

F. Location of wetlands as depicted on a delineation produced by a professional wetland specialist licensed by the State of Ohio, the floodplain boundary and floodplain elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses.

G. Delineation of existing drainage patterns on the property.

H. Existing wells and well sites.

I. The general location of development areas identified by use, including any fee simple lots and restricted open space areas, if part of the proposed project.

J. Location of all applicable setbacks with measurements; i.e. side yard width, rear yard depth, front yard setback, lot width at building line.

K. Measurement of lot width as determined by road type:

1. Public Road: As measured from the street right-of-way, or

2. Private Street: As measured from the pavement edge.

L. The general layout of the proposed circulation system for vehicles and pedestrians, other proposed public ways, access points, and the parking and service system.

M. A summary table showing total acres of the proposed development, the number of acres devoted to each type of use, including streets and open space, and the number of dwelling units by type.

N. Proposed phases if the project is to be developed in stages indicating the phase(s) during which any common facilities are anticipated to be constructed.

O. The following items for Conservation Developments, in addition to the items identified in subsections A-L above:

1) Areas or structures of known historic significance such as old barns or heritage trees;
2) Existing views and identification of unique scenic vistas;
3) The location, size, number of units, and density of cluster areas;
4) Natural features to be conserved and any required buffer areas; and
5) Any proposed recreational facilities.

P. Other reasonable information as the Township Zoning Commission may require in order to evaluate the general concept of the proposed development. In the case of subdivision review, the Township Zoning Commission reviews for zoning compliance only. Subdivision approval, disapproval or approval with modifications is determined by the Medina County Planning Commission.

SECTION 11.5 FINAL SITE PLAN SUBMISSION REQUIREMENTS

An application for final site plan review shall be required for each phase of development. Ten (10) sets of the application, a digital version of the application, and the application fee shall be submitted to the Township Zoning Inspector. The application shall include the following: maps, plans, designs and supplementary documents, unless items are determined by the Township Zoning Inspector to be inapplicable or unnecessary and are waived in writing by the Township Zoning Inspector.

Each set of the applications shall contain the following items:

A. An accurate legal description prepared by or certified by a registered surveyor of the state;

B. A property location map showing existing property lines, easements, utilities and street right-of-ways;

C. A final site plan, prepared by a qualified professional and drawn to an appropriate scale, indicating the following:

1. Use, location and height of existing and proposed buildings and structures, other than proposed units on fee simple lots;
2. Location of all public right-of-ways, private streets and common drives;
3. Location and configuration of off-street parking areas and loading areas; the arrangement of internal and in-out traffic movement including access roads and drives; and lane and other pavement markings to direct and control parking and circulation;
4. Proposed and existing fences, walls, signs, lighting;
5. Location and layout of all proposed and existing outdoor storage areas including storage of waste materials and location of trash receptacles;
6. Location of all applicable setbacks with measurements; i.e. side yard width, rear yard depth, front yard setback, lot width at building line;
7. Measurement of lot width as determined by road type:

a. Public Road: As measured from the street right-of-way, or

b. Private Street: As measured from the pavement edge;

8. Sanitary sewers, water and other utilities, including fire hydrants, as required, and proposed drainage and storm water management;
9. Dimensions of all buildings, building spacing, setbacks, parking areas, drives and walkways;
10. A topographic survey of the proposed development area, with contour lines at two-foot intervals;
11. Existing vegetation features, including large isolated trees, one foot or more in diameter, wooded areas, wetlands and other environmental features.

D. Proposed landscaping and screening plans indicating the preliminary description of the location and nature of existing and proposed vegetation, landscaping and screening elements and any existing trees to be removed;

E. Preliminary architectural plans for the proposed development or use, showing exterior elevations, prepared by a professional engineer, architect, or surveyor (which shall contain their respective seal);

F. A summary table showing total acres of the proposed development; number of acres devoted to each type of use including streets and open space; number of dwelling units by type;

G. For a phased development, proposed schedule for completion of improvements that are designed to relate to, benefit or be used by the entire development. Such schedule shall be submitted with the first phase and shall relate completion of such improvements to completion of one or more phases of the development.

H. A road culvert permit when required by the Medina County Highway Engineer's Department.

I. A letter from the appropriate public agency(s) stating that the proposed development or use conforms or will conform to all applicable sanitary sewer, water, grading and surface draining, floodplain and wetland regulations, if applicable.

J. For all Developments having an HOA, the final draft of owners association documents, including covenants, grants of easements, or the restrictions proposed to be imposed upon the use or maintenance of land (e.g., common areas, street islands, ponds, etc.), private streets, and buildings.

K. Other information necessary for the evaluation of the final site plan as deemed necessary by the Township Zoning Inspector. In the case of subdivision review, the Township Zoning Commission reviews for zoning compliance only.

L. Review Fees: The applicant shall pay such fees as set by the Township Board of Trustees.

SECTION 11.6 SITE PLAN REVIEW PROCEDURES

Preliminary site plans and final site plans shall be reviewed and distributed according to the following procedures:

A. **Review and Completeness:** The Township Zoning Inspector shall, within thirty (30) days of receiving a submitted application for review of a preliminary site plan or a final site plan, review the site plan to determine accuracy and compliance with the applicable regulations and submission requirements. If the application is deemed insufficient, the Township Zoning Inspector shall notify the applicant of necessary changes. When the application is deemed sufficient and the application fee has been paid, the Township Zoning Inspector shall officially accept the application for consideration of the action(s) requested on the date such determination is made. Once an application is officially accepted, it shall be placed on the agenda of the Township Zoning Commission.

B. **Distribution of Plans:** The Township Zoning Inspector shall distribute the application to the following for review and comment. All reports, comments, or expert opinions shall be returned to the Township Zoning Inspector.

1) Regulatory agencies that have statutory authority to subsequently review and approve any aspect of the development, including, but not limited to, the Medina County Planning Commission, the Medina County Health Department, and Medina County Sanitary Engineer.

2) Other agencies, which at the discretion of the Township may have appropriate technical expertise.

3) Appropriate local Township administrative officials, including the Township Board of Trustees, Township Zoning Commission and/or Township Board of Zoning Appeals and Township Zoning Inspector.

4) Appropriate professional consultants retained by the Township. The applicant shall pay the cost of review by the consultant.

C. **Transmission to the Township Zoning Commission:** The application for site plan review and all reports or comments prepared by the individuals in sub-section B above shall be compiled by the Township Zoning Inspector and transmitted to the Township Zoning Commission.

SECTION 11.7 TOWNSHIP ZONING COMMISSION REVIEW OF PRELIMINARY SITE PLAN

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

A. The development should be designed to preserve the natural amenities of the site. For example, building location and placement should be developed with consideration given to minimizing the removal of trees and change of topography;

B. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property; and

C. The development will have properly designed open spaces that meet the objectives of this Zoning Resolution.

SECTION 11.8 TOWNSHIP ZONING COMMISSION REVIEW OF A FINAL SITE PLAN

The Township Zoning Commission shall review a final site plan to determine compliance with the following criteria:

A. The site plan shows a proper relationship exists between thoroughfares, service roads, driveways and parking areas, and the requirements of this Zoning Resolution;

B. The development will result in a harmonious grouping of buildings within the proposed development and in relationship to existing and proposed uses on adjacent property;

C. The development will preserve and be sensitive to the natural characteristics of the site in a manner that complies with the applicable regulations set forth in this Zoning Resolution;

D. All development features, including the principal buildings, open spaces, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development;

E. Provide evidence that grading, surface drainage and sediment control provisions comply with all applicable sections of the Medina County Engineering Code for Subdivision Development;

F. Provide evidence that the design and construction standards of all private streets and any public improvements shall conform to the provisions of the Medina County Engineering Code for Subdivision Development;

G. Maximum possible privacy for adjacent residential properties shall be provided through good design and use of the proper building materials and landscaping according to the requirements set forth in this Zoning Resolution;

H. The architectural design of buildings shall be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, materials, lines and patterns, and character;

I. Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography;

J. On-site circulation shall be designed to provide for adequate fire and police protection, and safe and efficient pedestrian and vehicular circulation;

K. Roadway systems, service areas, parking areas, entrances, exits, and pedestrian walkways within the development are designed to have access to public streets in a manner that minimizes traffic hazards, or congestion;

L. Lighting shall be designed as to create neither a hazard nor a nuisance to adjacent properties and uses;

M. Trash storage and other outdoor storage areas shall be screened from adjacent streets and property;

N. The final site plan shall substantially conform to any preliminary site plan approved for the site; and

O. If the proposed development is to be carried out in phases, each phase has adequate provision for vehicular and pedestrian access, parking, landscaping, and seeding of restricted open space areas and other improvements to serve the development. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact of completed phases, future phases and adjoining property.

SECTION 11.9 ACTION BY TOWNSHIP ZONING COMMISSION

A. For a preliminary or final site plan, the Township Zoning Commission shall either:

1. Approve the site plan as submitted; or

2. Return the site plan to the applicant with specific conditions not included in the plan as submitted, such as, but not limited to, corrections or changes to the general lot layout, open space arrangement or on-site control of access to streets. A revised hard lined drawing with the specific conditions and/or alterations must be resubmitted prior to approval; and

3. Deny the site plan because the proposed plan does not meet the requirements and/or purposes of these regulations.

B. Upon approval of the preliminary site plan, the developer shall prepare and submit to the Township Zoning Commission a final site plan. The final site plan shall include any modifications required by the Township Zoning Commission during the preliminary site plan approval procedures.

C. Approval of a final site plan by the Township Zoning Commission shall authorize the Township Zoning Inspector to issue a Zoning Certificate for the proposed use, except in the case of Conservation Developments, which shall require the review and approval of plans for individual buildings according to the procedures set forth in this Zoning Resolution.

D. Failure of the Township Zoning Commission to act within forty-five (45) days from the date the application was determined complete, or an extended period as may be agreed upon, shall, at the election of the applicant, be deemed a denial of the site plan.

SECTION 11.10 EQUIVALENCY PROVISION

In reviewing a final site plan application, the Township Zoning Commission may find that the plan adheres to or is equivalent to the requirements of this Zoning Resolution.

A. The Township Zoning Commission may consider elements of a final site plan to be equivalent to a requirement of this Zoning Resolution if:

1. The proposed final site plan substantially complies with all specific requirements and with the purpose, intent and basic objectives of the zoning district;

2. Through imaginative and skillful design in the arrangement of buildings, open space areas, streets, access drives and other features as disclosed by the application, the proposal results in a development of equivalent or higher quality than that which could be achieved through strict application of such standards or requirements; and

3. The development, as proposed, shall have no adverse impact upon the surrounding properties or upon the health, safety, or general welfare of the community.

B. It shall be the responsibility of the applicant to demonstrate to the Township Zoning Commission that the provisions of this Chapter have been satisfied. When evaluating the application with respect to the Chapter, the Township Zoning Commission shall make any finding of equivalency in writing, which explains how and why the proposal has satisfied the above criteria. When making such finding the Township Zoning Commission may approve, or recommend approval to the Medina County Planning Commission in the case of a subdivision, the proposed application, including waivers from the numerical standards herein, as if the application were in strict compliance with the standards and requirements in this Zoning Resolution.

SECTION 11.11 FINANCIAL AGREEMENT

For each project subject to Site Review, Hinckley Township Board of Trustees shall determine whether approval of the final site plan will include financial assurance of completion of the project. If included within the final site plan approval, financial assurance shall be in an amount and form sufficient, in the sole judgment of the Township Board of Trustees, to protect the township from costs associated with the risk of failure to be completed, include, but are not limited to, completing the project, placing the project in a safe condition, and mitigating the nuisance caused by the project. The form of financial assurance can include but is not limited to, performance bond, completion bond, cash deposit, and posting of collateral. In a phased project, this applies to each individual phase.

SECTION 11.12 EXPIRATION OF SITE PLAN APPROVAL

An approved site plan shall remain valid for a period of twenty-four (24) months following the date of its approval, unless the Township Zoning Commission authorizes a longer period at the time of approval.

A. **Preliminary Site Plan:** If at the end of that time, a final site plan has not been submitted to the Township Zoning Commission, then approval of the preliminary site plan shall expire and shall be of no effect unless resubmitted and reapproved in accordance with this Chapter or an extension is granted.

B. **Final Site Plan:** If, at the end of the applicable time period, construction of the development or infrastructure installation has not begun, the approval of such final site plan, excluding a final plat, shall expire and shall be of no effect unless: 1) the plan is resubmitted and reapproved in accordance with the procedures set forth in this Chapter; or 2) an extension is granted. Construction is deemed to have begun when all necessary excavation and piers or footings of one or more principal buildings included in the plan shall have been completed. [Final Plats do not expire.]

C. **Return of Financial Guarantee:** In the event approval of a final site plan, excluding a final plat, expires according to subsection B above, any performance bond or other financial guarantee shall be returned to the applicant.

SECTION 11.13 SIGNIFICANCE OF AN APPROVED FINAL SITE PLAN, PLAN REVISIONS

An approved final site plan shall become for the proposed development a binding commitment of the specific elements approved for development. The approved final site plan may be transferred to another person, corporation, or group of individuals or corporations who shall be subject to all requirements set forth in the approved plans. All construction and development under any zoning permit shall be in accordance with the approved final site plan. Any departure from such plan shall be a violation of this Zoning Resolution. Any changes in an approved preliminary site plan or final site plan shall be resubmitted for approval in accordance with this Chapter.

SECTION 11.14 REVISIONS TO ASSOCIATION DOCUMENTS APPROVED BY TOWNSHIP'S LEGAL ADVISOR

Whenever a homeowner's association, community association, condominium association or similar legal entity amends those portions of their bylaws or code of regulations that pertains to maintenance obligations or access to common areas within a planned residential development, single-family development or attached single-family development, such amendment shall be submitted to the Township's Legal Advisor for review and approval.

Chapter 12: Enforcement and Penalty

SECTIONS

12.1 Township Zoning Inspector to Enforce Zoning Resolution
12.2 Zoning Violation
12.3 Actions to bring about compliance with Zoning Regulations
12.4 Penalty
12.5 Zoning Certificates
12.6 Schedule of Fees, Charges & Expenses

SECTION 12.1 TOWNSHIP ZONING INSPECTOR TO ENFORCE ZONING RESOLUTION

A. For the purpose of enforcing this Zoning Resolution, the Township Board of Trustees has created the position of Township Zoning Inspector. The Township Zoning Inspector shall be appointed by the Township Board of Trustees and shall serve at their pleasure together with such assistants as the Township Board of Trustees deems necessary. He/she shall keep accurate records of all applications for zoning certificates and all of the action taken thereon, and of all certificates issued or refused, copy of which shall be filed with the Township Zoning Clerk and made available for review by the Township Zoning Commission.

B. In performing his/her duty, the Township Zoning Inspector may take any reasonable action necessary to substantiate the existence of a zoning violation including entering onto the site of a possible violation pursuant to law. The Township Zoning Inspector shall conduct all site inspections at a reasonable hour and in a reasonable manner and shall carry adequate identification.

SECTION 12.2 ZONING VIOLATION

Violations of the provisions of this Zoning Resolution, or supplements or amendments thereto, shall constitute a misdemeanor. The owner or tenant of any building, structure, premises, or part thereof; or any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation shall be deemed responsible and suffer the penalties provided by law.

SECTION 12.3 ACTIONS TO BRING ABOUT COMPLIANCE WITH ZONING REGULATIONS

A. **Notification:** The Township Zoning Inspector shall, upon inspection and identification of a zoning violation, send a written order to the landowner or responsible party requiring him/her to remedy the violation. After such order is served on the landowner or posted on the premises, no work except to correct or comply with said violation shall proceed on any building or tract of land included in the violation.

B. **Correction Period:** All violations shall be corrected within a period of ten (10) days after the written order is issued or a longer period of time as indicated by the Township Zoning Inspector. Any violation not corrected within a specified time period shall be reported to the Medina County Prosecutor who shall initiate compliance procedures.

C. **Action:** In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or proposed to be used in violation of any provisions of this Zoning Resolution, the Township Board of Trustees, the Medina County Prosecutor, the Township Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

SECTION 12.4 PENALTY

The penalty for violation of any section of this Zoning Resolution, upon conviction, shall not be more than the amount specified in the Ohio Revised Code for each offense. Each day's continuation of a violation of this Zoning Resolution shall be deemed a separate offense.

SECTION 12.5 ZONING CERTIFICATES

A. **Requirement For**: No building permit may be obtained from the Medina County Building Department and subsequent excavation for any building or structure shall not be commenced, the erection of, addition to, alteration of, or moving of any building or structure shall not be undertaken; or any land shall not be used until a zoning certificate for such has been secured from the Township Zoning Inspector. Except upon a written order of the Township Board of Zoning Appeals, no such zoning certificate shall be issued for any building where the construction, addition, or alteration or use thereof would be in violation of any of the provisions of this Zoning Resolution.

B. **Application Requirements:** There shall be submitted with all applications for a zoning certificate one (1) copy of a site layout drawn to scale and showing the following:

1. The location, shape, area, and dimensions of the lot;

2. The location, dimensions, height, and bulk of the structure;

3. The intended use;

4. The proposed number of sleeping rooms, dwelling units, occupants, and employees;

5. The yard, open area, and parking space dimensions;

6. A separate application is required for each lot;

7. Approval of sanitary facilities approved by the Medina County Health Department, shall accompany each and every application for a zoning certificate, except where a state approved sanitary sewer is available or no change is to be made in use or the present approved sewer facilities.

C. **Evidence of Ownership**: All applications for certificates under the provisions of this Zoning Resolution shall be accompanied with evidence of ownership of all property affected by the coverage of the certificate. A lessee can apply with permission of the property owner.

D. **Approval of Permit**: If the application does not meet the regulations and requirements of this Zoning Resolution, the Township Zoning Inspector shall refuse the application within ten (10) days of receipt.

E. **Voiding of Permit**: Any change whatsoever in the use of, dimensions of the proposed buildings, setback lines, or of the lot size specified on the zoning certificate when issued, shall constitute a violation of the zoning regulations and shall void the certificate. Any zoning certificate granted under this Section shall become null and void within two (2) years from the date of the granting of the certificate unless construction has been initiated. The Township Zoning Inspector shall make every reasonable effort to notify the holder of a zoning certificate he is liable for voiding action before voidance is actually declared.

F. **Expiration of Permit**: The zoning certificate shall be issued for a period of two (2) years. If the building or addition for which a zoning certificate was issued does not meet the minimum completion requirements provided herein within this time period, a new permit shall be required, including fees.

SECTION 12.6 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Township Board of Trustees shall by Zoning Resolution, establish a schedule of fees, charges, and expenses and a collection procedure for zoning certificates, amendments, appeals, variances, conditional use permits, and other matters pertaining to the administration and enforcement of this Zoning Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Township Zoning Inspector, and may be altered or amended only by the Township Board of Trustees. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

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Chapter 13: Township Board of Zoning Appeals

SECTIONS

13.1 Establishment of Board

13.2 Duties & Powers of the Board

SECTION 13.1 ESTABLISHMENT OF BOARD

In order that the objectives of this Zoning Resolution may be more fully and equitably achieved, that there shall be provided a means for competent interpretation of this Zoning Resolution, that adequate but controlled flexibility be provided in the application of this Zoning Resolution, that health, safety, and general welfare of the public be secured, and that justice be dispensed, there is hereby established a Township Board of Zoning Appeals in accordance with Chapter 519 of the Revised Code of the State of Ohio as amended. The Township Board of Zoning Appeals shall perform its duties and exercise its powers as provided by Chapter 519 of the Ohio Revised Code, and associated case law of the State of Ohio.

SECTION 13.2 DUTIES & POWERS OF THE TOWNSHIP BOARD OF ZONING APPEALS

In accordance of the Ohio Revised Code, the Township Board of Zoning Appeals shall perform its duties and exercise its powers as provided by Chapter 519 of the Ohio Revised Code, and associated case law of the State of Ohio.

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Chapter 14: Amendments

The procedures for Amendments or Supplements to this Zoning Resolution shall be conducted pursuant to Chapter 519 of the Ohio Revised Code.

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Chapter 15: Sales & Special Event Regulations

SECTIONS

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

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Chapter 16: Sexually Oriented Business

SECTIONS

16.1 Purpose
16.2 Specifications & Restrictions
16.3 Location Requirements

PREAMBLE

WHEREAS: there is convincing documented evidence that sexually-oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS: it is recognized that sexually-oriented businesses, due to their very nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to blight and downgrading the quality of life in the adjacent area; and

WHEREAS: Hinckley Township desires to minimize and control these adverse effects and thereby protect the health, safety, welfare of the citizenry, protect the citizens from increased crime, preserve the quality of life, preserve the property values and character of surrounding neighborhoods, and deter the spread of blight; and

WHEREAS: it is not the intent of this Zoning Resolution to suppress any speech activities protected by the First Amendment, but to enact a content-neutral Zoning Resolution which addresses the secondary effects of sexually-oriented businesses; and

WHEREAS: Hinckley Township originally adopted a Sexually-Oriented Business Resolution on May 18, 2005; and

NOW THEREFORE: Hinckley Township adopts the following Zoning Resolution:

SECTION 16.1 PURPOSE

A. It is the purpose of this Zoning Resolution to establish a reasonable and uniform Zoning Resolution to prevent the deleterious location and concentration of Sexually-Oriented Businesses within Hinckley Township. The provisions of this Zoning Resolution have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually-oriented materials. Similarly, it is not the intent nor effect of this Zoning Resolution to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market.

B. Hinckley Township has determined that permitting Sexually-Oriented Businesses, as defined, in proximity to residential, institutional, and non-sexually-oriented retail uses would have a detrimental effect on such adjacent uses. Therefore, in order to prevent potential deterioration in the community's retail areas; and to avoid adverse impacts on retail, residential and institutional uses, and thereby protect the public health, safety and general welfare, Sexually-Oriented Businesses as defined, shall be permitted only in the I-1 Industrial District subject to the following:

SECTION 16.2 SPECIFICATIONS & RESTRICTIONS

A. **Adult Material in Retail Stores:** Any retail store that devotes more than ten (10) percent of its public floor area or ten (10) percent of the number of items in inventory to Adult Material shall be considered an Adult Material store and shall be restricted to the locations specified herein unless the store complies with all of the requirements set forth below, in which case such store shall be treated for zoning purposes as a retail establishment permitted in Zoning Districts B-1, B-2, and B-3:

1. Adult Material shall not constitute more than thirty-three (33) percent of the number of items in inventory; and shall not occupy more than thirty-three (33) percent of the store's public floor area;

2 All Adult Material shall be confined to a separate room or section of the store that is physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less;

3. Access to the room containing the Adult Material shall be through an opaque door that is located as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children;

4. The room containing the Adult Material shall be posted with notice at the entrance stipulating that persons under eighteen (18) are not permitted inside;

5. Access to the room containing the Adult Material shall be physically limited by electronic or other means to provide assurance that persons under eighteen (18) will not easily gain entrance and that the general public will not accidentally enter such room or section; and

6. Continuous video, window or mirror surveillance of the room containing the Adult Material shall be conducted by store personnel.

SECTION 16.3 LOCATION REQUIREMENTS

Sexually-Oriented Businesses shall be located in accordance with the following distance requirements:

A. A minimum of seven-hundred fifty (750) feet from the boundaries of any lot containing a church, library, public park or playground, day care center, school or any other institution where children are kept day or night; *

B. A minimum of seven-hundred fifty (750) feet from any residentially zoned parcel in Hinckley Township or any adjacent community;*

C. A minimum of three-hundred (300) feet from the boundaries of any lot containing a non-Sexually-Oriented retail use and from any parcel zoned for retail, business or commercial use in Hinckley Township or any adjacent community; and

D. A minimum of seven-hundred fifty (750) feet from any other Sexually-Oriented Business.

* If the Sexually-Oriented Business exists prior to the location of one of these uses, the Sexually-Oriented Business may continue.

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Chapter 17: Establishment of Riparian Setbacks

SECTIONS

17.1 Purpose & Intent
17.2 Applicability & Compliance
17.3 Establishment of Designated Water Course & Riparian Setbacks
17.4 Riparian Setback Guide Map
17.5 Applications & Site Plan
17.6 Permitted Buildings, Structures, & Uses Within a Riparian Setback Without a Zoning Certificate
17.7 Permitted Buildings, Structures & Uses Within A Riparian Setback With a Zoning Certificate
17.8 Buildings, Structures & Uses Prohibited Within a Riparian Setback
17.9 Inspection of Riparian Setbacks
Figure A: Riparian Setback Guide Map

SECTION 17.1 PURPOSE & INTENT

A. The specific purpose and intent of these regulations is to regulate the location of buildings, structures, uses, and related soil disturbing activities within riparian setback areas that would impair the ability of these areas to:

1. Preserve and conserve the quality and free flowing condition of designated watercourses in the interest of promoting and protecting public health and safety;

2. Reduce flood impacts by absorbing peak flows, slowing the velocity of flood waters, and regulating base flow;

3. Assist in stabilizing the banks of designated watercourses to reduce woody debris from fallen or damaged trees, stream bank erosion, and the downstream transport of sediments eroded from such watercourse banks;

4. Reduce pollutants in designated watercourses during periods of high flows by filtering, settling, and transforming pollutants already present in such watercourses;

5. Reduce pollutants in designated watercourses by filtering, settling, and transforming and absorbing pollutants in runoff before they enter such watercourses;

6. Provide designated watercourse habitats with shade and food;

7. Reduce the presence of aquatic nuisance species to maintain a diverse aquatic system;

8. Provide riparian habitat with a wide array of wildlife by maintaining diverse and connected riparian vegetation;

9. Minimize encroachment on designated watercourses and limit the potential need for invasive measures that may otherwise be necessary to protect buildings, structures, and uses as well as to reduce the damage to real property and threats to public health and safety within the affected watershed; and

10. Provide protection of groundwater and water wells.

B. These regulations have been enacted to protect and enhance the functions of riparian areas by providing reasonable controls governing buildings, structures uses, and related soil disturbing activities within a riparian setback along designated watercourses in Hinckley Township. Due to the importance of properly functioning riparian areas, minimum riparian setbacks may be given preference over minimum front, side, or rear yard setbacks as specified in this Zoning Resolution in the consideration of an appeal for a variance by the Township Board of Zoning Appeals.

C. These regulations have been enacted in compliance with the Hinckley Township Phase II Storm Water Management Program, adopted March 1, 2003.

D. These regulations, originally adopted by Hinckley Township on November 29, 2007, have been enacted under the authority of Chapter 519 of the Ohio Revised Code that provides Hinckley Township the authority to regulate the location, size, height, and use of buildings and structures, the area and dimensions of lots and yards, and the use of lands necessary to protect the public health, safety, convenience and prosperity and general welfare of the Township and its residents.

E. It is the policy of Hinckley Township to encourage the establishment of naturally vegetated riparian areas along watercourses. Property owners who own land along watercourses are encouraged to maintain the functionality of the riparian system within Hinckley Township to control flooding, erosion, and water quality problems on their property, as well as downstream. Riparian setback zoning, as established through these regulations, represents the minimal standards necessary to limit flooding, erosion, and water quality problems and the impacts there from.

SECTION 17.2 APPLICABILITY & COMPLIANCE

A. These regulations shall only apply when both of the following two (2) conditions are met:

1. Soil disturbing activities regulated by this Zoning Resolution are proposed in a riparian setback as set forth by these regulations; and

2. A zoning certificate or conditional zoning certificate is required or necessary.

B. These regulations shall apply to all zoning districts.

C. The regulations set forth herein shall apply to all buildings, structures, uses, and related soil disturbing activities on a lot containing a designated watercourse, except as otherwise provided herein.

D. The use of any building, structure, or lot lawfully existing prior to the effective date of these regulations may be continued, subject to the provisions of Chapter 8 – Non-Conforming Use.

E. The repair, maintenance, extension, replacement, restoration, reconstruction, or substitution of a building, structure, or use lawfully existing prior to the effective date of these regulations may be continued or completed, subject to the provisions of Chapter 8 – Non-Conforming Use.

F. No zoning certificate or conditional zoning certificate shall be issued for any building, structure, or use on a lot containing, wholly or partly, a designated watercourse except in conformity with the regulations set forth herein.

SECTION 17.3 ESTABLISHMENT OF DESIGNATED WATER COURSE & RIPARIAN SETBACKS

A. A designated watercourse shall include one or more of the following criteria:

1. All watercourses draining an area equal to or greater than one-half (0.5) square mile; or

2. All watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank. In determining if watercourses have a defined bed and bank, the Township Zoning Inspector may consult with representatives of the Medina County SWCD or other technical experts.

B. Riparian setbacks on designated watercourses shall be established as follows:

1. A minimum of one-hundred twenty (120) feet on each side of all designated watercourses draining an area equal to or greater than twenty (20) square miles;

2. A minimum of seventy-five (75) feet on each side of all designated watercourses draining an area equal to or greater than one-half (0.5) square mile and up to twenty (20) square miles; and

3. A minimum of twenty-five (25) feet on each side of all designated watercourses draining an area less than one-half (0.5) square mile and having a defined bed and bank as determined in this Zoning Resolution.

C. The following regulations shall apply to riparian setbacks:

1. Riparian setbacks shall be measured in a horizontal direction outward from the ordinary high water mark of a designated watercourse, except for existing in-line ponds as addressed in this Chapter;

2. Except as otherwise provided in this Zoning Resolution, riparian setbacks shall be preserved in their natural state;

3. Where the one-hundred (100) year floodplain is wider than the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the one-hundred (100) year floodplain as delineated on the flood hazard boundary maps for the affected area provided by FEMA;

4. Where any part of a wetland is in a minimum riparian setback and extends beyond the minimum riparian setback on either or both sides of a designated watercourse, the minimum riparian setback shall be extended to include the outermost boundary of the wetland, plus the following additional setback widths based upon the particular wetland category. Wetlands shall be delineated through a site survey prepared by a qualified wetlands professional retained by the lot owner using delineation protocols accepted by the U.S. Army Corps of Engineers at the time an application is made under these regulations. Such delineation is a requirement of the U.S. Army Corps of Engineers and the Ohio EPA;

a. An additional minimum setback of fifty (50) feet extending beyond the outermost boundary of Category 3 wetlands.

b. An additional minimum setback of thirty (30) feet extending beyond the outermost boundary of Category 2 wetlands.

c. No additional setback shall be required beyond the outermost boundary of Category 1 wetlands.

and;

5. The minimum riparian setback on an in-line pond existing at the time an application for a zoning certificate or a conditional zoning certificate is made under these regulations shall be measured from the ordinary high water mark of the designated watercourse as it enters said pond and through the impoundment along the centerline of the designated watercourse as it flows through the in-line pond. Riparian setbacks on in line ponds existing at the time an application is made under these regulations shall be expanded to include wetlands and floodplains as detailed in this Chapter. The creation of new in-line impoundments shall not be permitted under these regulations.

SECTION 17.4 RIPARIAN SETBACK GUIDE MAP

A. The Township shall create a guide map identifying designated watercourses and their minimum riparian setbacks. Said map is attached hereto and made a part of these regulations. The Riparian Setback Guide Map may be used as a guide or reference document by the Township Zoning Inspector and the Township Board of Zoning Appeals in determining when the riparian setback applies.

B. Nothing herein shall prevent the Township from amending the riparian setback guide map from time to time as may be necessary.

C. If any discrepancy is found between the riparian setback guide map and these regulations, or if any discrepancy is found between existing site conditions and the Riparian Setback Guide Map, the designation criteria set forth in Section 17.3.B shall prevail.

SECTION 17.5 APPLICATIONS & SITE PLAN

A. When making an application for a zoning certificate or a conditional zoning certificate for a building, structure, or use regulated by Hinckley Township, the owner shall be responsible for identifying riparian setbacks as required by these regulations and shall indicate such setbacks on all site plans submitted to the Township Zoning Inspector.

B. The Township Zoning Inspector, may, in reviewing the site plan, consult with the Medina County SWCD or such other expert(s) retained by the Township Board of Trustees.

C. If land development or soil disturbing activities will occur within fifty (50) feet of the outer boundary of the applicable riparian setback as specified in these regulations, then prior to the initiation of any land development or soil disturbing activities, the riparian setback shall be clearly delineated on the affected lot by the owner with construction fencing as shown on the site plan and shall be maintained on the lot until the completion of such development or disturbance activities.

SECTION 17.6 PERMITTED BUILDINGS, STRUCTURES & USES WITHIN A RIPARIAN SETBACK WITHOUT A ZONING CERTIFICATE

Open space uses that are passive in character shall be permitted in riparian setbacks, including, but not limited to, those listed in these regulations. No use permitted under these regulations shall be construed as allowing public trespass on privately held lands**.**

A. **Recreational Activity:** Passive recreational uses, as permitted by federal, state and local laws, such as hiking, fishing, hunting, picnicking, and similar uses.

B. **Removal of Damaged or Diseased Trees:** Damaged or diseased trees may be removed.

C. **Revegetation and/or Reforestation:** Riparian setbacks may be revegetated with non-invasive plant species.

D. **Maintenance of lawns, gardens and landscaping:** Lawns, gardens and landscaping that existed at the time this Zoning Resolution was passed, may be maintained as long additional intrusion into riparian setbacks is not increased.

E. **Maintenance and Repairs:** Maintenance and repair on existing roads, driveways, bridges, culverts, trails, walkways, paths, wastewater treatment plants and appurtenances, water wells, storm sewers, and on-site sewage systems.

F. **Water Supply Wells:** Water supply wells subject to the regulations enforced by the Medina County Health Department or the Ohio EPA.

SECTION 17.7 PERMITTED BUILDINGS, STRUCTURES & USES WITHIN A RIPARIAN SETBACK WITH A ZONING CERTIFICATE

The following buildings, structures, and uses may be permitted within a riparian setback, subject to the approval of an application for a zoning certificate by the Township Zoning Inspector and in accordance with the following regulations and such other applicable regulations contained in this Zoning Resolution:

A. **Crossings:** Crossings of designated watercourses through riparian setbacks with roads, driveways, easements, bridges, culverts, utility service lines (including sanitary sewer, water, septic system, storm sewer, electric, natural gas, telephone, and cable for television and other digital transmission), or other means may be permitted, subject to the other regulations contained in this Zoning Resolution and the regulations enforced by the Medina County Engineer. If work will occur below the ordinary high water mark of the designated watercourse, proof of compliance with the applicable conditions of a U.S. Army Corps of Engineers Section 404 Permit (either a Nationwide Permit, including the Ohio State Certification Special Conditions and Limitations, or an Individual Permit, including Ohio 401 water quality certification), shall also be provided to the Township Zoning Inspector. Proof of compliance shall be the following:

1. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or

2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving the activities under the applicable Nationwide Permit, or

3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

B. **Stream-Bank Stabilization Projects:** Stream bank stabilization projects along designated watercourses, subject to other regulations contained in this Zoning Resolution and the regulations enforced by the Medina County SWCD. If stream bank stabilization work is proposed below the ordinary high water mark of a designated watercourse, proof of compliance with the applicable conditions of U.S. Army Corps of Engineers, shall be provided to the Township Zoning Inspector. Proof of compliance shall be the following:

1. A site plan showing that any proposed crossing conforms to the general and special conditions of the applicable Nationwide Permit, or

2. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under the applicable Nationwide Permit, or

3. A copy of the authorization letter from the U.S. Army Corps of Engineers approving activities under an Individual Permit.

C. Structures such as docks and piers that promote recreational activities.

SECTION 17.8 BUILDINGS, STRUCTURES & USES PROHIBITED WITHIN A RIPARIAN SETBACK

The following buildings, structures, and uses are specifically prohibited within riparian setbacks:

A. **Construction:** There shall be no buildings, structures, uses, or related soil disturbing activities of any kind except as permitted under these regulations;

B. **Parking Spaces or Lots and Loading/Unloading Spaces for Vehicles:** There shall be no parking spaces, parking lots, loading/unloading spaces, or related soil disturbing activities; and

C. **Roads and Driveways:** No roads or driveways should be installed without consideration of the requirements set forth herein.

SECTION 17.9 INSPECTIONS OF RIPARIAN SETBACKS

The Township Zoning Inspector shall inspect the delineation of riparian setbacks as follows:

A. The owner shall notify the Township Zoning Inspector at least five (5) working days prior to the initiation of any soil disturbing activities that may be within a riparian setback and are regulated by this Zoning Resolution.

B. The Township Zoning Inspector, after giving prior notice to the owner and receiving authorization from the owner, may enter the affected lot from time to time to conduct on-site inspections to ensure compliance with these regulations.

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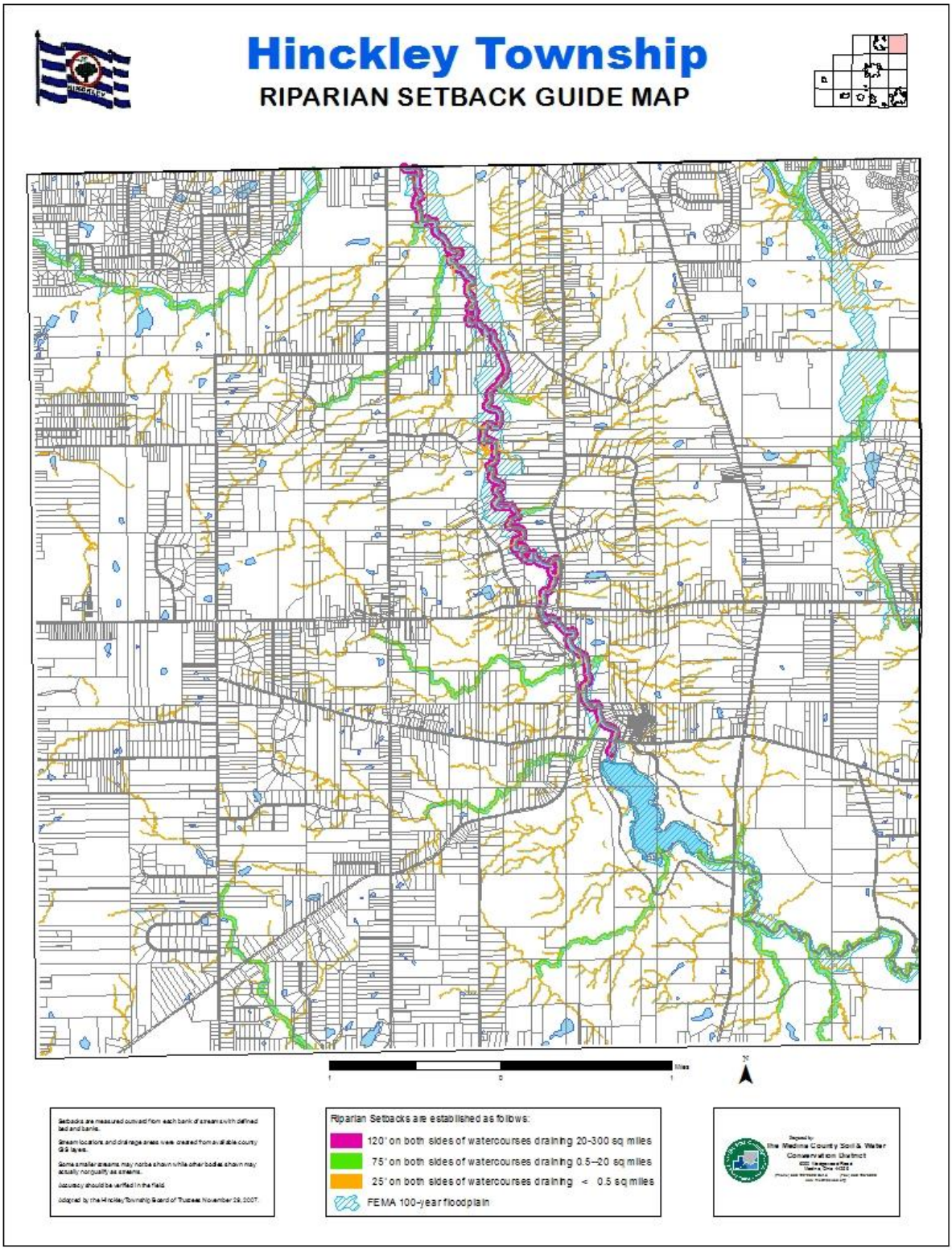
Figure A: Riparian Setback Guide Map



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Chapter 18: Alternative Energy Facilities

SECTIONS

18.1 Purpose and Intent
18.2 Compliance and Permit Required
18.3 Use to be Accessory
18.4 Outdoor Wood-Fired and Hydronic Burners
18.5 Roof and Wall Mounted Solar Arrays in Residential Districts
18.6 Roof and Wall Mounted Solar Arrays in Non-Residential Districts
18.7 Free-Standing or Ground Mounted Solar Arrays
18.8 Roof Mounted Wind Energy Facilities
18.9 Free-Standing or Ground Mounted Wind Energy Facilities

SECTION 18.1 PURPOSE AND INTENT

The purpose of this chapter is to provide for the construction and operation of Alternative Energy Facilities as accessory uses in various Zoning Districts, to provide standards for the placement, design, and operation of such facilities in order to protect the public health, safety, and general welfare, and to minimize the adverse impacts of Alternative Energy Facilities on adjacent properties and on the aesthetic quality of the Township.

SECTION 18.2 COMPLIANCE AND PERMIT REQUIRED

Alternative Energy Facilities shall be designed, erected, installed, operated, and/or maintained only in accordance with the provisions set forth in this Chapter. A Zoning Certificate issued by the Township Zoning Inspector shall be required prior to the erection, installation, connection, or operation of any Alternative Energy Facility. Where Alternative Energy Facilities are conditionally permitted, such facilities shall also obtain a Conditional Zoning Certificate prior to installation or operation. Alternative Energy Facilities shall be operated at all times in compliance with all applicable Federal, State, and County regulations.

SECTION 18.3 USES TO BE ACCESSORY

Alternative Energy Facilities shall only be permitted as an accessory use to a permitted use. Where not designed as an integral part of the principal or accessory building, such facilities shall be considered accessory structures. Such facilities shall be designed, installed, and constructed to provide electrical power and/or heat to be primarily consumed by the principal use and/or accessory buildings. Cooperative facilities and/or distribution of power to other properties are prohibited.

SECTION 18.4 OUTDOOR WOOD-FIRED AND HYDRONIC BURNERS

Wood-fired boilers, hydronic heaters, wood furnaces, or water stoves which are used to heat a dwelling, other building, or water supply but are located outside of the dwelling shall comply with all of the following criteria and standards:

A. Shall require a Zoning Certificate as an accessory use and structure.

B. Shall be permitted only in R-1 Single-Family Residential Districts and R-2 Single-Family Residential Districts, however such facilities shall not be permitted within Conservation Developments.

C. Shall only be allowed on lots of three (3) acres or larger.

D. Shall be placed only in rear yards behind the principal dwelling and a minimum of one-hundred (100) feet from any property line.

E. Shall have a chimney that terminates a minimum of twenty (20) feet above grade.

F. Shall be installed and operated at all times in compliance with both the manufacturer's recommendations and the EPA Phase 2 emission requirements. Failure to install or operate the facility in compliance with said standards shall be grounds for revocation of the Zoning Certificate for such facility.

SECTION 18.5 ROOF AND WALL MOUNTED SOLAR ARRAYS IN RESIDENTIAL DISTRICTS

Roof and wall mounted Solar Arrays in R-1 and R-2 Residential Districts and in Conservation Developments shall be located, maintained, and operated in conformance with the following criteria and standards:

A. Roof and wall mounted Solar Arrays shall require a Zoning Certificate as an accessory use, but shall be considered part of the principal or accessory building and not an accessory structure. Roof and wall mounted Solar Arrays may be located on principal and accessory buildings. All Solar Arrays and accessory components shall be located to allow emergency access, allow for smoke ventilation, and provide for emergency egress.

B. Solar Panels shall not extend more than twenty-four (24) inches above the plane of the roof of pitched roofs nor more than thirty-six (36) inches above the roofline of a flat roof. In no case shall Solar Panels mounted on roofs and walls of any building exceed the maximum height regulations specified for principal and accessory buildings within each of the applicable zoning districts.

C. Solar Panels shall not extend above the peak or ridgeline of a pitched roof or the parapet wall of a flat roof.

D. All accessory components shall be located either within the building or behind the front setback line of the principal building.

E. All accessory components shall comply with the minimum side and rear building setback lines for the dwelling.

F. Solar Panels shall have appropriate structural strength to withstand wind loads as provided in the Ohio Building Code.

G. Solar Panels shall be installed to avoid glare or reflection onto adjacent properties and rights-of-way.

H. Solar Arrays shall not contain advertising visible from off the premises.

SECTION 18.6 ROOF AND WALL MOUNTED SOLAR ARRAYS IN NON-RESIDENTIAL DISTRICTS

Roof and wall mounted Solar Arrays in B-1, B-2, and B-3 Business Districts and in I-1 and I-2 Industrial Districts shall be located, maintained, and operated in conformance with the following criteria and standards:

A. Roof and wall mounted Solar Arrays shall require a Zoning Certificate as an accessory use, but shall be considered part of the principal or accessory building and not an accessory structure. Roof and wall mounted Solar Arrays may be located on principal and accessory buildings. All solar arrays and accessory components shall be located to allow emergency access, allow for smoke ventilation and provide for emergency egress.

B. Solar Panels shall not extend more than twenty-four (24) inches above the plane of the roof of pitched roofs nor more than thirty-six (36) inches above the roofline of a flat roof. In no case shall Solar Panels mounted on roofs or walls of any building exceed the maximum height regulations specified for principal and accessory buildings within each of the applicable zoning districts.

C. Solar Panels shall not extend above the peak or ridgeline of a pitched roof or the parapet wall of a flat roof.

D. All accessory components shall be located either within the building, behind the front setback line of the principal building, or hidden from view behind the parapet walls of buildings with flat roofs.

E. All accessory components shall comply with the minimum side and rear building setback lines for the principal building.

F. Solar Panels shall have appropriate structural strength to withstand wind loads as provided in the Ohio Building Code.

G. Solar Panels shall be installed to avoid glare or reflection onto adjacent properties and rights-of-way.

H. Solar Arrays shall not contain advertising visible from off the premises.

SECTION 18.7 FREE-STANDING OR GROUND MOUNTED SOLAR ARRAYS

Free-standing or ground mounted Solar Arrays shall be Conditionally Permitted Accessory Uses and Accessory Structures in all Districts in conformance with the following criteria and standards:

A. **Minimum Lot Area**: Free-standing or ground mounted Solar Arrays shall be permitted as a Conditional Accessory Use and Structure only on lots that are two (2.0) acres or larger.

B. **Maximum Height**: Free-standing or ground mounted Solar Arrays shall not exceed a maximum height of fifteen (15) feet measured to the highest projection of any Solar Panel in final configuration and orientation.

C. **Minimum Setback**: Free-standing or ground mounted Solar Arrays shall be setback from all side and rear property lines in a accordance with the following table:

Zoning District	Minimum Side Yard Setback	Minimum Rear Yard Setback
Residential Districts	30 feet	50 feet
Non-Residential Districts Abutting Non-Residential Districts	30 feet	30 feet
Non-Residential Districts Abutting Residential Districts	50 feet	50 feet

D. **Location**: Free-standing or ground mounted Solar Arrays shall be located behind the front setback line of the principal building to which such facility is accessory.

E. **Maximum Ground Coverage**: Free-standing or ground mounted Solar Arrays in R-1 Single-Family Residential Districts shall comply with the maximum accessory structure ground coverage provisions of Section 6R1.6. Free-standing or ground mounted Solar Arrays in R-2 Single-Family Residential Districts shall comply with the maximum accessory structure ground coverage provisions of Section 6R2.6.

F. **Structural Support and Wind Load**: Free-standing or ground mounted Solar Arrays shall have appropriate structural support and shall be designed to withstand wind loads in compliance with the Ohio Building Code.

G. **Accessory Components**: All accessory components shall be located either within the principal or accessory buildings or behind the front setback of the principal building and shall comply with the side and rear building setback lines of the District.

H. **Wiring**: All electrical connections between free-standing or ground mounted Solar Arrays and the principal building shall be located underground.

SECTION 18.8 ROOF MOUNTED WIND ENERGY FACILITIES

Roof mounted wind energy facilities may be located on buildings with flat roofs located in the B-1, B-2, and B-3 Business Districts and the I-1, and I-2 Industrial Districts with a Zoning Certificate and in conformance with the following criteria and standards:

A. **Structural Design**: Roof mounted wind energy facilities shall have appropriate structural support.

B. **Accessory Components**: All accessory components shall be located either within the principal building or behind the front setback line of the principal building and within the side and rear building setback lines.

C. **Maximum Sound Level**: The maximum sound produced by a Wind Energy Facility during operation shall not exceed sixty (60) dbA measured at the nearest property line.

D. **Brakes**: All Wind Energy Facilities shall be equipped with an automatic over-speed control system, which may be either an electronic or mechanical system, for automatically controlling blade rotation speed so that the design limits of the system are not exceeded.

E. **Appearance**: Lighting of Wind Energy Facilities shall be prohibited. Towers, turbines and blades shall be white, black, or gray. No signage or advertising readable from off the premises shall be permitted on any Wind Energy Facility.

F. **Maintenance Required**: Wind Energy Facilities shall be properly maintained at all times in compliance with all manufacturer's specifications. The immediate grounds around the base of the facility shall be maintained in good condition at all times.

G **Engineering Report Required**: Each application for a Wind Energy Facility shall be accompanied by a report from a licensed engineer documenting that the proposed system will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the roof support system has been properly designed, and that it has appropriate over-speed controls.

H. **Maximum Height**: Roof mounted Wind Energy Facilities shall not exceed the maximum building height of the Use District in which they are located nor more than twenty (20) feet above the roof level of the building on which the facility is mounted, whichever is less.

SECTION 18.9 FREE-STANDING OR GROUND MOUNTED WIND ENERGY FACILITIES

Free-standing or ground mounted Wind Energy Facilities shall be Permitted Accessory Uses and Accessory Structures in all Districts provided such facilities obtain a Zoning Certificate and comply with all of the following criteria and standards:

A. **Minimum Lot Area**: Free-standing or ground mounted Wind Energy Facilities shall be permitted as a Conditional Accessory Use and Structure only on lots that are three (3.0) acres or larger.

B. **Minimum Setback**: Free-standing or ground mounted Wind Energy Facilities shall be setback from property lines in compliance with the minimum side and rear yard setback requirements for accessory structures of the zoning district in which they are located or with the safety requirement of Sub-Section C Clear Fall Zone, whichever is the greater.

C. **Clear Fall Zone**: In order to provide for a safe clear fall zone in the event of structural failure, the minimum setback from any property line, electrical transmission line, public right-of-way or easement, or gas well shall be 1.1 times the height of the Wind Energy Facility measured to its highest point.

D. **Maximum Height and Minimum Ground Clearance**: Free-standing or ground mounted Wind Energy Facilities shall not exceed the maximum building height of the Use District in which they are located. No moving part of any Wind Energy Facility shall extend to within fifteen (15) feet of the ground.

E. **Maximum Sound Level**: The maximum sound produced by a Wind Energy Facility during operation shall not exceed 60 dbA measured at the nearest property line.

F. **Brakes**: All Wind Energy Facilities shall be equipped with an automatic over-speed control system, which may be either an electronic or mechanical system, for automatically controlling blade rotation speed so that the design limits of the system are not exceeded.

G. **Wiring**: All electrical connections between free-standing or ground mounted Wind Energy Facilities and the principal building shall be located underground. Ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

H. **Appearance**: Lighting of Wind Energy Facilities shall be prohibited. Towers, turbines and blades shall be white, black, or gray. Only monopole towers shall be permitted. No signage or advertising shall be permitted on any Wind Energy Facility that is readable from off the premises. Each such facility shall have a visible mounted emergency placard eighteen (18) inches by eighteen (18) inches containing the name and emergency contact information of the owner and individual or firm responsible for service and the date of installation of the facility.

I. **Maintenance Required**: Wind Energy Facilities shall be properly maintained at all times in compliance with all manufacturer's specifications. The immediate grounds around the base of the facility shall be maintained in good condition at all times.

J. **Engineering Report Required**: Each-application for a Wind Energy Facility shall be accompanied by a report from a licensed engineer documenting that the proposed system will meet all of the standards set forth herein, that it is designed to handle anticipated wind loads, that the foundation has been properly designed, that it will comply with the clear fall zone requirement, and that it has appropriate over-speed controls.

K. **Anti-Climb Devices Required**: Wind Energy Facilities shall be fenced or fitted with anti-climb devices.

L. **Removal**: Any Wind Energy Facility that is not operated or ceases to function for a period of six (6) consecutive months or longer shall be deemed abandoned and shall be removed.

Effective Date

This resolution shall take effect and be in full force and effect thirty (30) days after date of adoption by majority vote of the Board of Township Trustees.

Recommended by The Hinckley Township Zoning Commission:

Date: June 6, 2013

Signed _____
Zoning Commission Chairman

Adopted by The Hinckley Township Board of Trustees:

Date: July 15, 2013

Signed _____
Chairman

_____
Vice-Chairman

_____
Trustee

Attested by The Hinckley Township Fiscal Officer:

Date: July 15, 2013

Signed _____
Fiscal Officer

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Amendments and/or Text Changes

Name standardization throughout the entire Zoning Resolution referencing Township and County Agencies		12/26/2017
Name standardization throughout the entire Zoning Resolution referencing the Zoning Resolution		1/05/2023
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SECTION 6R2	Single-Family Residential District	12/26/2017
SECTION 6B	Business Districts (add 6B-3)	1/05/2023
CHAPTER 18	Alternative Energy Facilities (Chapter Added)	5/01/2019
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SECTION 3.2	Commercial Event	11/04/2020
SECTION 3.2	Community Event	11/04/2020
SECTION 3.2	Floor Area, Gross (add definition)	3/06/2024
SECTION 3.2	Floor Area, Public (add definition)	3/06/2024
SECTION 3.2	Floor Area, Gross (re-alphabetize)	4/02/2026
SECTION 3.2	Floor Area, Public (re-alphabetize)	4/02/2026
SECTION 3.2	Lake (add definition)	4/02/2026
SECTION 3.2	Living Area (change text)	3/06/2024
SECTION 3.2	Lot	12/28/2016
SECTION 3.2	Lot of Record – (definition removed)	12/28/2016
SECTION 3.2	Lot, Width of	1/05/2023
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