

Zoning Commission
Work Session Meeting
December 6, 2012
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Ch. Kamps called the meeting to order at 7:05 p.m.

Roll Found: Kamps, Siarkowski, Walrath, Powell, Spellman, Kman and Nehrenz present. Also present were Trustee Catherwood, Trustee Schulte and Administrative and Zoning Office Manager Peterlin

Ch. Kamps noted that they will review the packet of information handed out for the meeting. He noted that he would like to complement Ms. Peterlin in compiling the sections and making them coherent and easy to read.

Comments on the Preface:

Ch. Kamps noted the preface was recommended by the prosecutor's office.

Mr. Walrath noted he had several typo comments and he will just deliver those notes to Ms. Peterlin for her to correct later. Ch. Kamps noted that would be acceptable.

Mr. Walrath noted that the regulations are more than just for someone to build their own home as it states in the beginning sentence. Mr. Walrath noted that in the last sentence it states "this request" but there was no request made. Ch. Kamps said they will review the wording and see how that should read better. Mr. Walrath has made some recommendations which he will give to Ms. Peterlin with the typographical errors.

There were no further comments on the Preface.

Comments on the Title Page:

Ch. Kamps noted in the second paragraph there is a question whether the word revise or maintain should be used. He noted the prosecutor's office recommended using the word revise. The Board discussed that they should use maintain, after discussion, it was agreed to use maintain.

Ch. Kamps noted that they will provide wording for the last part of the title page where it is noted more language is needed.

There were no further comments on the Title Page.

Comments on the Table of Contents: There were no comments on the Table of Contents.

Comments on Chapter 1: Purpose:

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Mr. Walrath noted that in paragraph 2, half way down, it notes to regulate sewage and drainage, but the township doesn't regulate that. Ch. Kamps noted the same for educational or recreational. Those items will be removed. Ch. Kamps noted that he will review the wording of this section.

There were no further comments on Chapter 1: Purpose.

Comments on Chapter 2: Interpretation: There were no comments on Chapter 2: Interpretation.

Comments on Chapter 3: Definitions:

On page 8, Mr. Walrath noted in the Building Envelope definition it states only dwelling units, but it may refer to more than just a dwelling unit. After discussion it was agreed to change the wording to building.

On page 11, Mr. Walrath noted that the definition of Impervious Cover is not complete. He recommended adding at the end of the definition the wording "through which precipitation cannot pass into the underlying soil. After discussion it was agreed to add this at the end of the definition.

On page 12, Mr. Walrath noted that in the definition of Landscaped Area, the second sentence should read "A portion of the site that is required..."

On page 13, Mr. Walrath questioned under Model Home definition that why would they have the model home if it is not to promote other activities. Mr. Nehrenz questioned the end of the sentence being the property owner as it may be someone other than the property owner. After discussion, it was agreed to leave the sentence to promote other activities in, but end the sentence there and delete "of the property owner."

On page 13, Mr. Walrath noted under Non-Conforming Use it should state "subject to such an act or amendment." Ch. Kamps noted that that wording is consistent with other sections so they will add that to the end of the definition.

On page 14, Mr. Nehrenz noted under the definition of Open Space, Restricted, he noted that there could be open space in locations other than just in a conservation development. After discussion, it was agreed that the definition should read "Open Space that is conserved in its natural state..."

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On page 17, Mr. Walrath questioned under the definition of Sign, Changeable Copy what the difference was between electric and electronic. After discussion, it was agreed there is some confusion of terms so they agreed to eliminate electric.

On page 17, Mr. Walrath questioned if Sign, Digital Message was needed as it was defined above in Item 2 under Sign, Changeable Copy. After review it was agreed to remove Sign, Digital Message.

On page 18, Mr. Walrath noted to add wording under Sign, Nonconforming so it reads “A sign conforming to the regulations prevailing on the effective date of this Zoning Code *or any amendments thereto*, but...” All parties agreed to this revision.

On page 20, Mr. Walrath noted that the word permitted should be removed in the definition of Use, Permitted so it reads “A use that is...”

There were no further comments on Chapter 3: Definitions.

Comments for Chapter 4: General Regulations:

Page 25, Section 4.4, Mr. Walrath questioned if this section was removed per previous discussions. Ch. Kamps noted that it was not removed but there was discussion about removing it. Mr. Walrath noted that in Chapter 9.10.C it shows the drive as a width of 8’ but it states 12’ here. Ch. Kamps stated that it was missed on Chapter 9.10.C. The width of 12’ was discussed further as there are many driveways that are not that wide and 12’ is fairly wide. After discussion, it was agreed to make the width 10’ across the board wherever any discussion of driveway width is made.

Page 25, Section 4.5.C., Ch. Kamps stated that they will either need to define the criteria for this regulation or they should remove this item. After discussion it was agreed to remove Section 4.5.C.

Page 26, Section 4.10, it was questioned if permitted should be used instead of constructed in the first sentence. After discussion it was agreed to leave the sentence as written with constructed.

Page 27, Section 4.11.F, Ch. Kamps noted that it should read “Ponds or lakes shall meet standards and specifications of *The Medina County Highway Engineer* and...” This should match the wording of Section 4.11.G.

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Page 29, Section 4.13, Ch. Kamps noted that they will embellish the language to make it read better. This will be updated throughout the regulations wherever such an item occurs so it all reads consistently.

There were no further comments on Chapter 4: General Regulations.

Comments for Chapter 5: Districts and Zoning Map:

Page 30, Section 5.2, Mr. Walrath noted that under B-2, it was agreed previously for it to read Hinckley Town Center District and have it be consistently referenced as such.

There were no further comments on Chapter 5: Districts and Zoning Map.

Chapter 6 was skipped until later.

Comments for Chapter 7: Conditional Zoning Certificate

Page 70, Section 7.2.A, it was questioned if it should read fee schedule or schedule of fees. It was agreed schedule of fees is used by the township so it will be used here to be consistent.

Page 72, Section 7.3, last paragraph, Ch. Kamps noted the word “before” should be removed in the last sentence so it reads “See Sections 7.4 and 7.5 for additional conditions.”

Page 72, Section 7.5.A, Mr. Walrath questioned why ‘or accessory building’ is included in the sentence. It was discussed that based on the items below 7.5.A, that the whole sentence associated with A. Home Based Business is not needed as it defines what can/cannot be done by items 1 through 6 for a home bases business.

Page 73, Section 7.5.B, Ch. Kamps noted that brick and mortar buildings were removed per Susan Hirsch as that is a county issue.

Page 74, Section 7.5.B.11, Mr. Walrath suggested the wording read “Adequate screening with shrubs, trees or compact hedge shall be provided parallel to property lines adjacent to or abutting residential *districts*,” in lieu of “residential dwellings.” It was agreed to make this change.

Page 74, Section 7.5.B.12, Mr. Walrath questioned if the wording should state landscaping should be done, not just provisions should be made to do landscaping. After discussion, it was agreed to leave the sentence as written.

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Page 75, Section 7.5.E.3.b.1), Mr. Walrath suggested the wording read as “Outdoor dining may be permitted in front...” in lieu of “may be considered.” After discussion, it was agreed to make this revision.

There were no further comments on Chapter 7: Conditional Zoning Certificate

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

Page 78, Section 8.2.D, Ms. Peterlin questioned if Section 8.2.B was the correct referenced section under Section 8.2.D. Ch. Kamps noted it is a proper reference.

Page 78, Section 8.2.C, Mr. Walrath questioned the wording of the sentence as it reads the regulations may stay non-conforming. Ch. Kamps stated he and Ms. Peterlin will review the wording of this section and advice at the next meeting.

Page 79, Section 8.4, Ch. Kamps noted he will fill in the proper chapter being referenced in this section.

Page 80, Section 8.11, Ch. Kamps noted that the prosecutor’s office recommends to change that construction can commence within one year in lieu of ninety days as noted. He also questioned if the interruption for a 30 day period was needed. After discussion it was agreed to have the sentence read as follows: “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 commence 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.”

There were no further comments on Chapter 8: Non-Conforming Uses, Buildings, Lots & Structures

Comments for Chapter 9: Parking and Loading Regulations:

Page 81, Section 9.2, Mr. Walrath asked if there was a definition for accessory off-street parking spaces. It was agree there is not, but there is a definition for off-street parking so the word accessory was removed.

Page 82, Section 9.4, Ch. Kamps noted the chapter to be referenced is Chapter 4.

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Page 86, Section 9.10, Mr. Walrath suggested removing the word “accessory” in the first sentence. After discussion, it was agreed to remove accessory so the sentence reads “...access drives to parking spaces...”

Page 87, Section 9.10.C.1, per previous discussions, the driveway width should be changed to 10’.

Page 88, Section 9.12, Mr. Walrath questioned what chapter this would reference. Ms. Peterlin asked if it should read “of this chapter.” Ch. Kamps noted he will look up this chapter reference for the next meeting.

There were no further comments on Chapter 9: Parking and Loading Regulations.

Comments for Chapter 10: Sign Regulations:

Page 91, Section 10.3.D, Mr. Walrath noted that it should read “Directional signs in all districts shall not exceed four (4) *square* feet and shall...”

Page 91, Section 10.3.E.1.a, Mr. Walrath suggested the wording of the last sentence should read “...total lot frontage of all streets *on said lot* equals...” After discussion, it was agreed to make this revision.

Page 93, Section 10.3.I.1.d, Mr. Walrath noted that the sentence should read “...not to exceed six (6) *square* feet...”

Page 94, Section 10.3.I.2.a, Mr. Walrath suggested the wording read “One (1) temporary ground sign shall be permitted at the entrance to a residential subdivision, or planned residential development.” After discussion, it was agreed to make this revision.

Page 95, Section 10.5.F, Mr. Walrath noted that “political signs” needs to be removed from the sentence so it reads “Sign, other than those exempt...” All parties agreed.

Page 97, Section 10.7.C, Mr. Walrath noted the sentence is not clear. After discussion it was agreed for the sentence to read as follows: “If any sign that is deemed by the 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 shall be immediately notified, in writing, and shall within 48 hours of such notification, correct such unsafe condition, initiate corrective action or remove the sign.”

There were no further comments on Chapter 10: Sign Regulation.

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Comments on Chapter 11: Site Plan Review:

Page 99, Section 11.2, B.3, Mr. Walrath noted B3 should not be referenced in this section since it is said section. He suggested the sentence should read “Any existing or previously approved development meeting the criteria of B1 or B2 above...” All parties agreed.

Page 99, Section 11.3, Mr. Walrath suggested the sentence should read “...a detailed site plan application...” and remove the word “review.” All parties agreed.

Page 99, Section 11.3.A, Mr. Walrath suggested the last word be changed from “within” to “herein.” All parties agreed.

Page 99, Section 11.3.B, Mr. Walrath suggested the word “traffic” be added so the sentence reads “...internal circulation traffic pattern...” All parties agreed.

Page 100, Section 11.4, Mr. Walrath suggested the following sentence be added to the end of the paragraph: “Each set of the applications shall contain the following items:” All parties agreed.

Page 101, Section 11.5, Mr. Walrath suggested the word “fee” be removed so the sentence reads “(15) sets of the application shall be submitted...” He also suggested the following sentence be added to the end of the paragraph: “Each set of the applications shall contain the following items:” All parties agreed.

Page 104, Section 11.8, Mr. Walrath suggested adding the following introductory paragraph: “the Zoning Commission shall review a final site plan to determine when the following criteria:”

Page 104, Section 11.8, Mr. Walrath noted that items B and C are identical. One of the two will be removed and the section re-lettered.

Page 104, Section 11.8.E and F, Mr. Walrath suggested each start with “Provide evidence that...”

Page 105, Section 11.9.B, Mr. Walrath asked in the second sentence if when it says “The site plan” if it is referring to the preliminary or final site plan. Ch. Kamps noted it should be referencing the final site plan, and suggested adding the word “final” so the second sentence reads “The *final* site plan shall...” All parties agreed.

Page 106, Section 11.12.A, Mr. Walrath noted that the paragraph is confusing. After discussion, it was agreed that Ms. Peterlin would review it to see what it should have read and make the revision for the next meeting.

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Page 107, Section 11.12.B, Mr. Walrath suggested that the wording read as follows: “If, at the end of *the applicable time period*, construction...” All parties agreed.

There were no further comments on Chapter 11: Site Plan Review.

Comments for Chapter 6:

The following are comments from Susan Hirsch from the last meeting that need to be reviewed.

Section 610:

Page 4, Section 610.3, it was noted that the reference to the articles in A through J should be removed.

Page 4, Section 610.3, Mr. Walrath noted that it should read Conditionally Permitted Uses, not permissible. All parties agreed.

Page 10, Section 610.7, Ch. Kamps noted the changes made and stated it is acceptable as written.

Page 14, Ch. Kamps noted items 5 and 6 were added by recommendation of the prosecutor’s office. No exceptions were taken.

Page 15, Item 7 at the top of the page, Mr. Walrath questioned if lots and dwellings mean the same, because they are being used as interchangeable in this sentence. Ch. Kamps asked what he would prefer to use. Mr. Walrath noted that it is a question of if they want the 75% to be for the lots or the dwellings. No conclusion was made with this item and needs to be revisited at a later date.

Page 21, Ch. Kamps noted that Item 10 at the top was deleted, which was as discussed. He also noted on the same page that Mr. Henwood added item 610.8.A.1.f. No exceptions were taken.

Page 23, Ch. Kamps noted that items 4a, 4e and 5 were added. No exceptions were taken.

Page 25, Ch. Kamps noted that item 5 was added. No exceptions were taken.

Page 14, Trustee Catherwood noted that item 5.i needs to be reviewed so it matches deed restrictions. Ch. Kamps noted he will review this item further.

There were no more comments for Section 610.

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Section 620:

Page 2, Ch. Kamps noted that Item C.4 should state “accessory buildings” in lieu of “garden shed.” All parties agreed.

Page 2, Ch. Kamps noted items D.1.b was partially deleted and item D.1.f was deleted. Mr. Walrath noted that he believes that item should remain and it wasn’t deleted at the last work session. The item was discussed further and it was agreed to leave that section as written.

Page 3, Ch. Kamps noted that the reference to the articles in items 620.3A through J should be deleted.

Page 4, Ms. Peterlin noted she will review item 620.4.D.2 to determine what should be inserted at the highlighted location.

Page 4, Ch. Kamps noted the revisions to 620.4.H as previously discussed.

Page 4, Ch. Kamps noted that he will modify the wording for item 620.4.I to match other sections.

Page 4, Ch. Kamps noted items J and K were deleted as discussed previously.

Page 6, item 620.A.2, Mr. Powell questioned where it states “building/structure” that due to previous references to structures, it doesn’t seem to apply in this section and suggests removing structure. After discussion, it was agreed to remove “structure” from the sentence.

There were no further comments for Section 620.

Section 630:

Page 2, Item F, the circled items were revised. There were no exceptions to these revisions. Ch. Kamps questioned the last part stating “abundant landscaping” and asked if abundant should be removed. All parties agreed to remove abundant.

Pages 4-5, Mr. Powell noted the reference to the articles in items 630.4.A through N should be deleted. All parties agreed.

Page 6, Section 630.6 chart, it was noted that the notes b and c at the bottom of the chart were removed. No exception was taken.

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Page 11, Item 630.10.B.2 and Page 12, Item 630.12, the wording “and/or Architectural Review Committee, if created” will be removed as the township does not have a review committee. Final wording of these sections will be reviewed.

Page 11, Ch. Kamps noted item 630.11 will be removed. No exceptions were taken.

There were no further comments for Section 630.

Section 640:

Page 2, Item 640.4, Chapter 4 should be referenced.

Page 3, Ch. Kamps noted items 640.5.O and P were removed. No exceptions were taken.

There were no further comments for Section 640.

Section 650:

Page 2, Ch. Kamps noted the circled changes to items 650.2, last paragraph and Item 650.4, last paragraph.

Page 4, Ch. Kamps noted items 650.5.J and K were deleted. No exceptions were taken.

There were no further comments for Section 650.

Comments for Section 7:

Ch. Kamps noted the addition of the sentence referencing sections 740 and 750 as suggested by Mr. Henwood. No exceptions were taken.

There were no further comments for Section 7.

Ch. Kamps noted that the revisions will be made within the next couple weeks and an update packet will be sent out to the Board.

Ch. Kamps asked if there were any further items to be discussed. Mr. Walrath noted that he attended a Planning and Zoning Workshop and felt it was a very good and informative meeting. He submitted the information he received from the meeting for the records.

Ch. Kamps noted that the next meeting will be held on Thursday, January 3, 2013 at 7:00pm.

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Ch. Kamps asked for a motion for adjournment of the Work Session Meeting. Ms. Siarkowski moved and Mr. Spellman seconded.

Vote: Kamps – yes, Siarkowski – yes, Walrath – yes, Powell – yes, Spellman – yes

Meeting was adjourned at 9:28 p.m.

Todd Gienger, Recording Secretary

Minutes Approved: _____, 2013

Jim Kamps, Chairman

Karen Siarkowski, Vice Chairman

Terry Walrath, Member

Calvin Powell, Member

William Spellman, Member

Mel Kman, Alternate Member

John Nehrenz, Alternate Member