



Planning Commission
App. No. 069-2020-TA

Zoning Text Amendment Hinckley Township



Meeting: September 2, 2020
Applicant: Hinckley Township Zoning Commission (ZC)
Hearing: TBD (ZC)
Amendments: Add associated definitions to Chapter 3 Definitions
 Add associated text to Chapter 7 Conditional Zoning Certificate
 Replace Chapter 15 Temporary Sales and Special Events Regulations
Reviewer: Rob Henwood
Recommendation: **APPROVAL WITH MODIFICATIONS**

Proposal: In a letter dated July 10, 2020 Christopher Kalina, Chair of the ZC, requested that the Department of Planning Services review the following changes to the Hinckley Township Zoning Resolution:

1. Add associated Temporary Sales and Special Events definitions to Chapter 3 Definitions
2. Add associated Temporary Sales and Special Events text to Chapter 7 Conditional Zoning Certificate
3. Replace Chapter 15 Temporary Sales and Special Events Regulations

New text is underlined, text to be deleted is shown as ~~strikethrough~~. Staff comments are shown as ***bold and italics***.

Chapter 3: Definitions

Commercial Event:

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

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 rights-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.

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.

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.

SECTION 7.5 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES:

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

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

Chapter 15: Temporary Sales & Special Event Regulations

~~15.1 Residential Districts~~

~~15.1.1 Garage & Yard Sales~~

~~15.1.2 Special Events~~

~~15.2 Business & Industrial Districts~~

~~15.2.1 Temporary Sales & Special Events~~

~~15.3 Temporary Activities on Public Property~~

~~15.4 Permit Procedure for Temporary Sales & Special Events~~

~~15.5 Signs~~

Temporary sales or community events, programs and festivals shall be permitted in compliance with the following regulations:

~~**SECTION 15.1 RESIDENTIAL DISTRICTS**~~

~~**Sub-Section 15.1.1 GARAGE OR YARD SALES**~~

~~Garage or yard sales shall be permitted on a residential lot, provided that such sale is conducted for a period not to exceed seventy two (72) hours, and not more than four (4) separate occasions per calendar year.~~

~~**Sub-Section 15.1.2 SPECIAL EVENTS**~~

~~In Residential Districts, the Township Zoning Inspector may authorize a public or institutional use to conduct a temporary fund raiser or other community event, program or festival, provided that such event is limited in duration to not more than three (3) days and no more than three (3) separate events per calendar year. Any activity that is intended to last for longer than three (3) days but no longer than sixty (60) days shall require approval by the Township Zoning Commission.~~

~~SECTION 15.2 BUSINESS & INDUSTRIAL DISTRICTS~~

~~Sub-Section 15.2.1 TEMPORARY SALES & SPECIAL EVENTS~~

~~In Business and Industrial Districts, temporary outdoor retail sales or community events, programs or festivals shall be permitted in compliance with the following:~~

- ~~A. Temporary sales or community events that extend for a period no longer than three (3) days shall be authorized by the Township Zoning Inspector;~~
- ~~B. Temporary sales or community events that exceed the time period outlined in subsection A, but extend no longer than sixty (60) days shall be approved by the Township Zoning Commission;~~
- ~~C. Temporary sales or community events that extend longer than sixty (60) days shall be approved by the Township Board of Zoning Appeals as a conditional use;~~
- ~~D. No more than three (3) separate events for any particular parcel shall be conducted within a single calendar year; and~~
- ~~E. Regardless of the duration of the temporary use, in all cases the owner of the property on which the activity is to be conducted shall sign the permit application.~~

~~SECTION 15.3 TEMPORARY ACTIVITIES ON PUBLIC PROPERTY~~

~~A temporary outdoor 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 temporary event to be conducted on the property as proposed. Such temporary outdoor events shall not be conducted within a public street right of way, unless written authorization from the Township Board of Trustees in addition to County and/or State authorization to utilize the public right of way is obtained.~~

~~SECTION 15.4 PERMIT PROCEDURES FOR TEMPORARY SALES & SPECIAL EVENTS~~

- ~~A. Except as otherwise required in subsection B below, permit applications for temporary sales and special events, along with the application fee, shall be filed with the Township Zoning Inspector and when longer than three (3) days approved by the Township Zoning Commission. Within ten (10) days after receipt, the Township Zoning Inspector shall issue a temporary use permit, provided the proposed temporary use complies with the requirements of this Section and all other applicable provisions of this Resolution. If the application fails to comply with the requirements set forth herein, then such application shall be denied.~~
- ~~B. Proposed temporary uses that require conditional use approval shall comply with the procedures set forth in Chapter 7 Conditional Zoning Certificates.~~

~~SECTION 15.5 SIGNS~~

~~Temporary signs shall comply with Chapter 10 Sign Regulations.~~

15.1 Definitions

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 township should consider adding a purpose statement to be consistent with the structure of the zoning resolution in other chapters.

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

SECTION 15.1 DEFINITIONS *The definitions are also proposed to be added to the definitions section; this is redundant. Delete definitions included in this section. Change heading to Event Regulations.*

- 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. *Delete*
- 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. 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. *Definitions should not contain regulations. Delete definition and retain second sentence.*
- 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 rights-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. 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. *Definitions should not contain regulations. Delete definition and retain remaining sentences.*
- D. Commercial Event** means temporary sales, programs, or special events conducted by a commercial business, which may include sidewalk sales, grand openings, holiday specials, and similar commercial activities conducted outside of their normal course of business operation. *Delete*

SECTION 15.2 RESIDENTIAL DISTRICTS

The following Special Events may be conducted in residential districts:

Sub-Section 15.2.1 RESIDENTIAL EVENTS

Residential Events conforming to the provisions of Section 15.1.B shall be permitted on a residential lot. Such events shall not require a Zoning Permit. *Delete section reference.*

Sub-Section 15.2.2 COMMUNITY EVENTS

Community Events conforming to the provisions of Section 15.1.C shall be permitted provided that they first obtain a Zoning Permit from the Township Zoning Inspector. *Delete section reference.*

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 EVENTS

Community Events conforming to the provisions of Section 15.1.C shall be permitted provided that they first obtain a Zoning Permit from the Township Zoning Inspector. *Delete section reference.*

Sub-Section 15.3.2 COMMERCIAL EVENTS

Commercial Events conforming to the provisions of Section 15.1.D may be permitted subject to the following criteria: *Delete section reference.*

- 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.

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 the applicate fee and appropriate supporting documentation shall be field *filed* with the Township Zoning Inspector. Within ten-(10) days after receipt, the Township Zoning Inspector shall issue a Zoning Permit, provided the proposed temporary use complies with the requirements of this

Chapter and all other applicable provisions of this Resolution. If the application fails to comply with the requirements set forth herein, then such application shall be denied.

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

SECTION 15.6 SIGNS

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

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