



App. No. 053-2021-TA

# Zoning Text Amendment

## Hinckley Township

**Meeting:** July 7, 2021  
**Applicant:** Hinckley Township Zoning Commission (ZC)  
**Hearing:** June 3, 2021  
**Amendments:** Table of Contents.....Alternative Energy Facilities Sections 18.5 and 18.6  
Chapter 3.....Definitions  
Chapter 4.....Projections into Required Yards  
Chapter 6.....Permitted Uses; Conservation Development Lot Requirements; Perimeter Building Requirements  
Chapter 18.....Uses to Accessory; Roof and Wall Mounted Solar Arrays in Residential and Non-Residential Districts; and Free Standing or Ground Mounted Solar Arrays

**Reviewer:** Denise Testa  
**Recommendation:** **APPROVE WITH MODIFICATIONS**

**Proposal:** In an email dated May 10, 2021, Suzanne Peterlin, Hinckley Township Zoning Department, requested a review of new sections and revisions to the Hinckley Township Zoning Resolution.

Zoning Commission revisions are shown in **red**. Department of Planning Services (DPS) staff comments are shown as *bold and italics*.

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### Chapter 18 – Alternative Energy Facilities Section 18.5 & 18.6

**Add text**

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## CHAPTER 3

### Section 3.2 Definitions

#### Remove Automobile Service Station

#### Add Automobile Refueling and Recharging Station

#### Add Automotive Repair and Service

## 3: DEFINITIONS

### 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 Service Station:

~~A place where gasoline, kerosene, or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles including greasing or oiling on the premises. A portion of the building may be used for repair to motor vehicles and in which there is no painting of cars or body or fender work done.~~

### Automobile Refueling and Recharging 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, body, and fender repairs, which is conducted within a completely enclosed building.

## CHAPTER 4

### Section 4.16 Projections into Required Yards

#### Add and remove text; add punctuation

## SECTION 4.16 PROJECTIONS INTO REQUIRED YARDS

Appurtenances, such as skylights, sills, belt-courses, cornices, and 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 is not used in setback calculations.

## CHAPTER 6

### Sub-Section 6R1.2 Permitted Uses (6R1.2.E.5)

add text

3. Adult Family Homes and Family Homes for Persons with Disabilities
4. Off-street parking area
5. Roof **and wall** mounted solar arrays pursuant to Chapter 18 – Alternative Energy Facilities
6. Wood-fired boilers, hydronic heaters, wood furnaces, or water stoves pursuant to Chapter 18 – Alternative Energy Facilities.

### Sub-Section 6R1.7.E.2. Lot Requirements

Add text e. and f.

- 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 500 feet from the public right-of-way of any existing public street.
- f. No lot shall be less than 100 feet from the project boundary.

### Sub-Section 6R1.7.E.3. Perimeter Building Requirements

Change text a. and b.

3. **Perimeter** Building Requirements:
  - a. The minimum setback from **the public right-of-way of any** existing public street shall be ~~ninety (90)~~ **500** feet **for any building, excluding any structure primarily used for common mailboxes**.
  - b. The minimum setback from the project boundary shall be ~~fifty (50)~~ **100** feet.
4. **Interior Building Setback/Spacing Requirements:**
  - a. The minimum setback from a proposed public right-of-way shall be thirty (30) 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.



***The Township Zoning Resolution outlines the Development Standards and Criteria for Conservation Development as seen below.***

***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.***

**According to the table below, “Comparison of Conservation Districts,” the setback figures range from 30 feet to 200 feet excluding the proposed Hinckley Text Amendment. It is important to note the community examples include perimeter, building and yard setbacks; however, these communities did not include Lot Requirements as specified in the proposed Hinckley text amendment.**

**Comparison of Conservation Districts**

<b>Community</b>	<b>Min. Acres</b>	<b>Open Space</b>	<b>Details</b>
Copley Township Conservation Development	25	40%	Perimeter Building Regulations - 100 feet: setback from existing public street - 100 feet: setback from project boundary
Concord Township Residential Conservation District Option	20	Sliding Scale	Building Setbacks and Yard Requirements - 30 feet: front and rear building setback
City of Monroe Conservation Subdivision	10	50%	Minimum Yard Depths - 40 feet: building setback from existing or proposed public/private road - 60 feet: building setback from lot line representing project boundary
Sugarcreek Township Planned Unit Development	20	30%	Building Setback Requirements - 100 feet: building setback from major collector street
Liverpool Township Controlled Density Zoning	15	40%	Yard Requirements - 70 feet: setback from right of way of public/private street Housing Unit Setback - 200 feet: setback from existing public road right of way
Brunswick Hills Township Conservation Development Overlay District	20	40%	Minimum Lot and Yard Areas - 40 feet: building setback from any street right of way - 50 feet: building setback from project boundary
Hinckley Township Proposal Development Standards and Criteria Conservation Development	100	50%	Lot Requirements: - 500 feet: no lot shall be less than 500 feet from right of way of existing public street - 100 feet: setback from project boundary Building Requirements - 500 feet: setback from public right of way of existing street - 100 feet: setback from project boundary

**CHAPTER 6**

**Sub-Section 6R2.2 Accessory Uses (6R2.2.D.5)**

**Add text**

3. Adult Family Homes and Family Homes for Persons with Disabilities
4. Off-street parking area
5. Roof and wall mounted solar arrays pursuant to Chapter 18 – Alternative Energy Facilities.
6. Wood-fired boilers, hydronic heaters, wood furnaces, or water stoves pursuant to Chapter 18 – Alternative Energy Facilities.

**Sub-Section 6B.3 Schedule of Permitted Uses (6B.3.C.1)**

**Change Text**

Schedule of Uses Land Used Category	B-1 General Business District	B-2 Hinckley Town Center District
	P = Principal use permitted by right. C = Conditional use.	
<b>C. Automotive Uses</b>		
1. Automobile <span style="border: 1px solid black; padding: 2px;">Service Stations</span> <span style="border: 1px solid black; padding: 2px;">Refueling and Recharging Stations</span>	C	
2. Small Power Equipment Repair	C	

**Sub-Section 6I2.2 Permitted Uses (6I2.2.H & I)**

**Change text**

- F. 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.
- G. 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.**

## CHAPTER 9

### Section 9.4 Off-Street Parking 9.4.D2. & 4)

Change text

A. Automotive/Transportation Uses:		
1. Agricultural equipment and implement sales and service		1 space per 400 sq. ft. of floor area of sales room plus 1 space for each service stall in the service area and 1 space per employee
2. <del>Automobile service station and vehicle repair garage</del> 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. <del>Gasoline station plus applicable retail space</del> Automobile Refueling & Recharging Station		1 space for each fuel pump plus 1 space per employee

## CHAPTER 18

### Sections Alternative Energy Facilities (Section Titles)

Add text to chart)

#### 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 18.3 Uses to Accessory

Add and change text

#### SECTION 18.3 USES TO BE ACCESSORY

Alternative Energy Facilities shall only be permitted as an accessory use to a permitted ~~principal~~ use ~~or building located on the same lot or parcel~~. 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 or~~ constructed to provide electrical power and/or heat to be primarily consumed by the principal use ~~and/or accessory buildings~~

~~or building to which they are accessory~~. Cooperative facilities and/or distribution of power to other properties are prohibited.

## CHAPTER 18

### Section 18.5 Roof Mounted Solar Arrays in Residential Districts (18.5.A & B) Add and change text

#### 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.

### Section 18.6 Roof Mounted Solar Arrays in Non-Residential Districts (18.6.A & B) Add and change text

#### SECTION 18.6 ROOF **AND WALL** MOUNTED SOLAR ARRAYS IN NON-RESIDENTIAL DISTRICTS

Roof **and wall** mounted Solar Arrays in B-1 and B-2 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.

***DPS Comments: It appears the Hinckley ZC is modernizing the language to prepare for increased use of solar panels and maintaining consistent language throughout the Zoning Resolution by including wall mounted solar arrays. The revisions related to solar arrays are consistent with Land-Use Implications as outlined in the report entitled “Planning for Solar Energy” published by the American Planning Association.***

***“Basic zoning concepts such as setback and height and lot coverage restrictions affect solar use...the decision should be deliberate, not inadvertent. For rooftop solar energy systems, land-use issues primarily relate to visual impacts, particularly when the solar resource requires installations that extend above the peak of pitches roofs or installations in areas with design standards or historic resources.”***

***The proposed Text Amendment revisions in Chapters 3, 4 and 18 appear to modernize the zoning resolution language reflecting the new technology and potential uses.***

***The proposed Text Amendment revisions in Sub-Section 6R1.7.E.2 Lot Requirements and Sub-Section 6R1.7.E.3 Perimeter Building Requirements are not consistent with segments of the Comprehensive Plan.***

- In reference to the Hinckley Township Conservation Development zoning district, the Comprehensive Plan states, “This objective is achieved through the application of flexible land development techniques in the arrangement of dwelling units and the construction of roads.” The proposed Lot and Perimeter Building Requirements, especially the setbacks of 500 feet, do not support the ability of developers to utilize flexible land development techniques. In contrast, this proposal decreases the opportunity for flexibility.***
- The proposed text amendments are not consistent with the Comprehensive Plan’s purpose to “Conserve (within the framework of natural resource conservation) the rural quality of Hinckley Township...” Based on a comparison of other communities, the proposed Lot and Perimeter Building Requirements of 500 feet seem to be excessive, and the rural quality of Hinckley can be accomplished using other strategies.***
- The proposed amendments are not consistent with the Comprehensive Plan purpose of this development including to, “Maximize protection of the community’s natural resources...” because the setbacks rather than the natural characteristics are determining a portion of the land to conserve.***

- *It is recommended the Township consider a significant decrease of the Lot and Perimeter Building Requirements of 500 feet. According to the Ohio Balanced Growth Program, “It is recommended that the conventional zoning perimeter be approximated in the conservation development approach to reduce the concerns of adjacent property owners.” The Township may also want to consider alternatives (to the proposed Lot and Perimeter Building Requirements) such as screening strategies, landscaping and/or buffer requirements in order to support Hinckley’s efforts to conserve the rural quality of the Township.*

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