

The March 2, 2021 special meeting of the Delhi Township Board of Trustees, conducted via Zoom, was called to order at 9:00 a.m. by Board Chair Rosanne K. Stertz. Trustee Cheryl A. Sieve, Trustee Michael D. Davis, Fiscal Officer James J. Luebbe, Administrator Jack Cameron, and Law Director Bryan E. Pacheco were also present.

OPEN THE MEETING:

- The Board received certification that the rules adopted pursuant to Section 121.22 of the Ohio Revised Code had been complied with for the meeting.
- Also in attendance: Community Development Director Greg DeLong; Zoning Administrator Anthony Roach; Liz Fields, Planner with McBride Dale Clarion.
- The meeting began with the Pledge of Allegiance.

MOTION TO OPEN PUBLIC HEARING: Fiscal Officer James J. Luebbe

A Motion to open the public hearing for Delhi Township Zoning Case ZC2021-01 to review the proposed revisions of the Delhi Township Zoning Resolution and Zoning Map as approved the Delhi Township Zoning Commission at their meeting on February 3, 2021, was moved by Trustee Sieve and seconded by Trustee Davis. Trustees Sieve, Davis and Stertz voted YES. Motion carried.

INTRODUCTION: Community Development Director Greg DeLong

Mr. DeLong reviewed the history of the Zoning Resolution written in 1975, experienced some minor revisions over the years leading up to this extensive review, working with McBride Dale Clarion to bring the code up to date.

He defined zoning, which is a method that divides land into areas called zones; each having its own set of regulations. The zones are established to set controls on what you can do on a property with the intent to protect surrounding properties and property values.

He introduced Liz Fields, Planner with McBride Dale Clarion, who worked on the review with Township staff.

PRESENTATION: Liz Fields, Planner, McBride Dale Clarion

Ms. Fields stated that she began working with staff on the comprehensive update in January 2020 with a focus on restructuring the code to make it easier to understand, including regulations tailored to zoning regulations that are standard to the practice and fit the needs of the township.

Ms. Fields' review focused on the highlights of the proposed changes, including the correction of typos, organization, and revisions to the code that seem to be more prevalent to the township:

1. **Content Organization** - the document is organized into 5 major content classifications:
 - Introduction.
 - Zoning Districts and Uses.
 - Special Districts.
 - Development Standards.
 - Administration.
2. **Zoning Districts and Uses** – Use Tables
 - Permitted uses organized in tables for each zoning district classification.
 - Uses not included are prohibited.
 - Added Conditional Uses: must be approved the Board of Zoning Appeals.
 - Medical marijuana uses still prohibited.
 - Sexually oriented businesses only permitted in the Industrial District.
 - **NEW** - Conditional Use being introduced within a district to provide a more stringent approval process and extra set of standards associated with the use. Applicant would have to prove why this is a good use for the location.

Ms. Fields confirmed the new document removes uses that are not permitted which provides a much clearer understanding of the code.

Law Director Bryan Pacheco agreed, listing the permitted uses only provides more clarity for the users, including internal staff and external users.

3. Zoning Districts and Uses

- Accessory Uses:
 - Limit set on number of occupied accessory structures.
 - Added in response to residents who install multiple accessory structures in the place of a larger structure to avoid having to get a building permit, and to limit the use of tents to hide debris and junk motor vehicles.
 - Mr. Roach stated this would address a request that would come in to put up multiple smaller accessory structures / buildings to avoid going to the Hamilton County Building Department with the installation of a much larger accessory structure requiring a permit from their office.
- Dimensional Standards: Lot regulations are listed in charts for easier reference.

4. Zoning Use Provisions

- Keeping of Agricultural Animals and Fowl as Pets.
 - Current resolution includes keeping of chickens as pets as a use Permitted with Standards
 - Revision adds fowl to the list so they may also be regulated.
- **Garage Sales – NEW** Increased enforcement of policy limiting number of garage sales in a year.
- **Mobile Food and Medical Uses** - Added simple regulations to control the locations of such uses in order to avoid negative impacts on the community.

Mr. DeLong confirmed, this is to help us set controls on a food truck business from establishing their truck in a residential district.

5. Special Districts – Planned Unit Development

- To add a Planned Unit Development (PUD) process for the township.
- PUD district replaces existing “double-lettered” and “Community Unit Planned (CUP)” districts.
- No minimum lot sizes and standards to allow for more creative designs and layouts.
- The PUD will allow maximum flexibility for developers who are interested in developing some of the more unique infill properties throughout the township. Provides for review time by the township and the public process.
- Very common use in other communities.
- Mr. Roach commented, the Township does have some beautiful pocket niches, two acres here and there, and the current code does not work for them.
- Mr. DeLong confirmed, the existing CUP districts and double letter districts will remain in the code and they can continue to be modified by the property owner if they desire to do so.

6. Development Standards –

- **Parking and Loading Requirements** - proposed resolution removes parking ratio requirements
 - Requires parking plan to be developed by the applicant or developer.
 - The applicant/developer must justify their request on the number of spaces they will need.
 - A more customized approach to parking for a new development.
 - Puts the burden on the business or the developer to define a plan.
 - Blue Ash code is using the same parking standard for three years now and it is working well for them.
 - Law Director Pacheco who represents the City of Blue Ash confirmed the new parking requirements works well for the businesses and surrounding residents in Blue Ash.
 - Standards on the size of parking spaces, striping and the condition of the parking lots will remain in the code.
- **Commercial Vehicles in Residential Areas**
 - Updates standards on what is classified as a commercial vehicle.
 - Mr. DeLong stated the current code, which is based on weight, causes a lot of problems with enforcement. The new code provides a much clearer definition and enforcement control.

In response to a question from Trustee Davis concerning commercial vehicle parking, Ms. Fields stated the proposed regulation allows someone, who uses their personal vehicle for commercial use, to park their vehicle in their driveway and garage (per the size requirement). Box vans would not be a permitted use.

Ms. Fields commented that she worked on the code for Springdale several years ago and they are currently using the same commercial vehicle use in residential districts and it works well for them.

Zoning Districts and Uses (sexually oriented businesses)

In response to a question from Trustee Stertz regarding the definition of “sexually oriented businesses” Law Director Pacheco confirmed the use is written according to what State law allows which is in the Industrial District. He later reviewed the Ohio law definition of “sexually oriented businesses” which addresses and allows for the operation of adult-oriented businesses by definition.

7. Development Regulations

- Fences & Enclosures – revised Residence District Fence Regulations.
 - In response to a lot of variances coming to the Board of Zoning Appeals, especially to address corner lots.
 - Property owners will be permitted to enclose up to ½ of their front yard.
 - Enclosure can be in the front yard that does not contain the primary entrance to the residence.

In response to Trustee Sieve’s question regarding the definitions of fences (solid and open in nature), Ms. Fields responded there are specific materials and percentage requirements i.e.: rear yard can be completely solid, side yard can be 50% open, and front yard 75% open.

8. Development Standards Signs – reviewed in accordance with recent legal decisions which require the removal regulations concerning the content on signs.

- **Signs in Residential Districts**
 - Allow digital signs for agricultural and nonresidential uses that include churches and schools.
 - New standards to allow for wall sign regulations.
- **Signs in Commercial Districts**
 - Simplifies sign regulations; same regulations for all commercial, office, and industrial districts.
 - Pole signs prohibited throughout the entire township (existing signs can remain until they need completely replaced, then the rules at the time of their replacement take effect).

In response to Trustee Sieve’s question concerning signs that are currently located in the business district on Delhi Pike that do not fall within these regulation standards, Law Director Pacheco responded if they are in the public right of way they can be removed.

In response to Trustee Sieve’s question about signs for a business that has closed, Mr. Pacheco stated the non-conforming use allows a business to keep a sign up after closing.

Mr. Roach confirmed the code sets a two-year period for non-conforming use. He said they are currently working with respective property owners who fall into that category to resolve those signage issues.

Mr. DeLong added, the Township executed a minor code update in 2018 adding language to address a business closing, sign legislation added to our code requiring a business/property owner to remove the name (or blank out the name) of the business from the sign.

In response to Trustee Davis’ question regarding the installation of political signs 90 days prior to the date of an election, Mr. Pacheco confirmed the Township can set durational limits on temporary signs, but cannot set durational limits based on the content of a sign. He added that the Reed decision by the Ohio Supreme Court stipulates that you cannot enact a sign regulation that is based on interpretation of content.

In response to Trustee Stertz’ question regarding the maximum amount of time you can put up a temporary sign in your yard, Mr. DeLong responded, based on the definition of a temporary sign, it is 90 days.

In response to Trustee Sieve's question concerning the regulation of digital signs and the lumens emitted, Ms. Fields confirmed the proposed code requires a maximum foot candle of zero at all property lines and that it should not bleed onto adjacent properties. She added sign installation companies will create a photometric plan that will show the foot candle spacing, how many, and the distance where you should be able to see the sign.

Mr. DeLong stated, even with a maximum foot candle of zero, a sign can meet all of the requirements and still appear be very bright due to the environment around the sign such as a lack of street lights, etc.

9. Landscaping Standards

- Same regulations for all commercial, office, and industrial districts.
- Increase landscaping throughout the township to honor the history of being known as the Floral Paradise of Ohio

In response to Trustee Sieve's question concerning the control of general maintenance of mature trees and shrubs located in the ROW, Ms. Fields confirmed the problem related to overgrown trees and shrubs creating a visibility problem is covered under Section 19.6G, page 118, requiring that no landscaping should obscure visibility at vehicular intersections within the parking areas or other areas.

In response to Trustee Stertz' question regarding tree plantings in the ROW, Ms. Fields confirmed the street tree requirement being proposed will allow for trees to be planted in the public ROW with stipulations concerning size and spacing related to location and proximity to intersections and utility wires. She added that the proposal also includes the option for a developer to propose an alternative landscape plan if the location would be unique and would have too many restrictions.

10. Administration - Board of Zoning Appeals

- Adding Conditional Use process and procedure.
- Remove option to request Use Variances (rezoning of a property) and only permit request for Area Variances (setbacks, building sizes, sign heights, etc.).

11. Nonconformities

- Add a process to allow legal non-conforming uses and structures the opportunity to be expanded or improved.
- Board of Zoning Appeals will review such requests for approval.
- Example: Pole signs would be nonconforming if the Resolution is adopted as proposed.

12. Defined Words

- Proposed Resolution better defines terms and uses.
- Definitions are in alphabetical order.
- All definitions found in one area of the code (currently found in three areas).

13. Official Zoning Map

- Revised Zoning Map is designed for improved legibility.
- Mr. DeLong stated that he has been working with the County on the update of the official Zoning Map.

14. Fee Schedule – staff updated the Zoning Fee Schedule to correspond with other modifications – found some of our fees were on the higher end.

- Reduces the fees for non-residential Accessory Structures from \$100 to \$50, one of the highest in the region.
- Adds a late fee, which will double the cost of a Zoning Certificate if not obtained prior to a violation letter.
- Add Board of Zoning Appeals fee for Conditional Uses & Expansions for Nonconforming Uses and Structures - \$300.
- Add Zoning Commission Plan Review for Drive Thru Restaurants and Outdoor Storage Tanks - \$100.
- Add Zoning Commission fee for Planned Unit Development Concept Plan - \$1,000 + \$150 per acre.
- Add Zoning Commission fee for Unit Development Final Development Plan - \$500.

In response to Trustee Sieve’s question regarding the Board of Zoning Appeals fee, Mr. DeLong confirmed \$300 is the 3rd lowest in the area. He confirmed that board members are paid \$100 per meeting and the total cost to conduct a meeting is greater than the cost of the fee.

MOTION TO CONTINUE PUBLIC HEARING:

A motion to continue the public hearing regarding the review of ZC2021-01 at their next regular board meeting on March 10th, to give the public an opportunity to submit questions, was moved by Trustee Sieve and seconded by Trustee Davis. Trustees Sieve, Davis and Stertz voted YES. Motion carried.

Trustee Stertz directed the public to submit comments and questions to the Community Development Department by phone at 922-2705 or email at zoning@delhi.oh.us. A summary of questions received by the office will be read during the continuation of the public hearing on March 10th.

With no further business to come before the Board, the meeting was adjourned. Trustees Sieve, Davis and Stertz voted YES.

Approved: _____, Fiscal Officer
_____, Chair
_____, Trustee
_____, Trustee