

The Wednesday February 3, 2021 meeting of the Delhi Township Zoning Commission was held virtually using Zoom Video Conferencing platform, it was called to order by Charlie Fehr at 6:00 p.m. The meeting began with the Pledge of Allegiance to the Flag.

Members present:

Daniel F. Burke
Neil J. O'Connor
Dale J. Weisker
Charles J. Fehr
Martin E. Michels

Also, present:

Gregory J. DeLong, Community Development Director
Anthony S. Roach, Zoning Administrator

Sunshine Law Certification:

The Commission received certification from Mr. Roach that the rules pertaining to the Sunshine Law had been adhered to for the meeting.

Election of 2021 Commission Officers:

Mr. Burke moved and Mr. O'Connor seconded to appoint Mr. Fehr as Chairman for 2021. Messrs. Burke, O'Connor, Weisker, Michels and Fehr voted aye. Motion carried.

Mr. O'Connor moved and Mr. Burke seconded to appoint Mr. Weisker as Vice Chairman for 2021. Messrs. Burke, O'Connor, Weisker, Michels and Fehr voted aye. Motion carried.

Review of Rules of Procedure:

Mr. Weisker moved and Mr. Burke seconded to approve the Rules of Procedure as presented. Messrs. Burke, O'Connor, Weisker, Michels and Fehr voted aye. Motion carried.

Approval of Meeting Minutes:

Mr. O'Connor moved and Mr. Burke seconded to approve the minutes of the Commissions' November 18, 2020 meeting, but to dispense with the reading. Messrs. Burke, O'Connor, Weisker, Michels and Fehr voted aye. Motion carried.

Agenda Items:

The Commission opened a public hearing in case ZC2021-01.

Mr. DeLong advised Case ZC2021-01 is an amendment to the map and text of the Delhi Township Zoning Resolution. He commented that the proposed amendment will replace the existing Zoning Resolution and Official Zoning Map in their entirety. He noted that this project, which kicked off in January 2020, would not have come to fruition so quickly without the assistance of our great partners at McBride Dale Clarion, especially Liz Fields along with the staff of the Department of Community Development.

Mr. DeLong advised that most of the revisions are just a reorganization of the existing Resolution designed for easier reading and interpretation, though there are some areas within the Resolution where more extensive changes are recommended. He commented that he did submit a letter with the Commission packets summarizing some of the bigger changes that are being proposed.

Mrs. Fields advised that the new Resolution is improved as it has everything classified under five chapters, which makes it a lot easier for the public and staff to find information as before it was scattered throughout the Resolution. She commented that the proposed Resolution has everything properly numbered, whereas the current Resolution is incorrectly numbered.

Mrs. Fields advised that one of the major changes that was made from a use perspective is that permitted uses are all found in tables. She commented that currently the uses are listed as permitted uses, prohibited uses and are under each specific zoning district in the Resolution. She noted that she created these use tables and there are five of them throughout the Resolution for the different zoning district classifications. Mr. DeLong stated that the current Resolution has some districts listing permitted uses while others only state prohibited uses. He stated with listing the uses you want; it will be easier to manage and update the Resolution in the future as you have a clearer vision of what you want the community to be like. He stated new undesirable uses surface daily and it is near impossible to keep up with them and continually list them in a Resolution that lists prohibited uses.

Mrs. Fields advised that they updated the accessory use standards based on some of the issues the Township has faced over the past years, including residents putting multiple sheds on their properties to avoid getting building permits.

Mrs. Fields advised that the district standards are also in tables. Mr. DeLong stated that they did not change any of the setback dimensions, but instead we just put them in charts to make it easier for everyone to read.

Mrs. Fields advised that an additional item they revised is the Townships current chicken regulations and expanded it to include all fowl so that the regulations would also apply to someone keeping ducks or geese. Mr. DeLong stated that over the past year the Township received complaints about pet ducks and geese in neighborhoods that were wondering around chasing the residents.

Mrs. Fields advised that they added regulations limiting the number of garage sales a resident can have during a year. Mr. DeLong stated that we have some residents who run them all summer long and we get complaints about them and if they are as frequent as some are, they could be classified as running a business in a residential district.

Mrs. Fields advised that they created standards for food trucks and mobile medical uses. Mr. DeLong stated that these regulations are for those mobile users that wish to set up for an extended period of time so that they are in a proper zoning district and in a proper location.

Mrs. Fields advised that they created a new Plan Unit Development (PUD) process which will replace the double letter districts and the Community Unit Plan (CUP) overlay. The PUD process

will give developers, the Zoning Commission and the Township more flexibility with designs. She stated that all existing districts that are double letter or CUP will remain, and can continue to be modified if needed, but we are proposing no additional districts of these types in the Township.

To Mr. Fehr's question as to we have had success with the double letter situations in the past, would the PUD require more cost on a developer. Mr. DeLong responded that there are actually two answers to that question and that both answers are no. First off, the fees are proposed to be the same as what developers pay now to come before the Commission. Secondly, with allowing for a more creative designs where you can cluster development, preserve forest, etc., the developer is saving money on site preparation and construction cost including utility and roadway installation. He stated that the regulations under the double letter districts are currently so restrictive that you basically have a straight zoning district with limited flexibility and that is a turn off for many developers.

Mrs. Fields advised they are completely proposing a new idea for parking. She stated that the current code uses a parking ratio requiring a specific number of spaces per use. She commented that they are proposing to remove all parking ratios and instead put the burden on the developer/business to provide to staff for approval the number of parking spaces that they believe they will need. Mr. DeLong stated that we are probably proposing this change as the perfect time as consumers habits are changing and the pandemic is also changing how businesses are operating and these effects will continue into the future, which will affect parking for businesses.

Mrs. Fields noted that they also updated the commercial vehicle standards in residential areas. Mr. DeLong asked Mr. Roach to explain why we are requesting this change and Mr. Roach stated that under the current code, some resident's personal vehicles would be classified as a commercial vehicle due to their weight. He stated that he feels the proposed change will assist with inspections as the regulations are more about the vehicle type and not the weight of the vehicle.

Mrs. Fields advised that another problem that has come up is fencing on corner lots; we are proposing an amendment that if you live on a corner lot you can fence in a portion of your front yard that acts as your side yard. Mr. DeLong stated that the proposed change should minimize the number of BZA cases as they see a lot of corner lot fence variance requests. Mr. Roach commented that there are residents waiting on these proposed changes to get adopted as they like the new regulations and they want to install fences on their properties that will meet the proposed regulations.

Mrs. Fields advised that they have restructured the sign code to make it easier to use and make it more consistent through all of the zoning districts. She commented that they took the sign regulations from the existing Delhi Pike Business Corridor (DPBC) district and changed them slightly and are proposing to have the regulations used for all commercial, office and industrial districts. She noted that they are making pole signs prohibited from here on out, but existing pole signs can remain as legal non-conforming uses. She advised they are also proposing for non-residential uses in residential districts, such as schools and churches to be able to have a portion of their signs able to be digital. Mr. DeLong stated that pretty much all of the churches and schools in the community have been before the BZA for variances to allow for digital signs. He

commented that we are also proposing a lighting standard so the digital portion of these signs don't have lighting spillover onto adjacent properties.

Mrs. Fields advised they have updated the landscaping regulations from a Township wide standpoint so it is consistent in all non-residential zoning districts. She commented that buffer yards would be required to separate certain uses from other uses.

Mrs. Fields advised that from an administrative standpoint they added in the Conditional Use process and are proposing to remove the Use Variance process. She commented that the Conditional Use process is commonly found in pretty much every community. Mr. DeLong added that the Conditional Use process is an excellent avenue for some uses to go through as it puts them before the BZA for review and the BZA can apply conditions to the use that can minimize any potential negative impacts that may surface. He commented that the Use Variance was being used to basically rezone properties in the Township and variances stay on a property in perpetuity, no matter what the zoning classification is, so the process was a very powerful tool that should have instead been handled by the Zoning Commission and the Trustees as a rezoning case and not a variance case heard by the BZA.

Mrs. Fields advised that they are proposing to add a process to allow legal non-conforming uses and structures the opportunity to be expanded or be improved. She commented that the BZA would do the review and approval of such requests. She noted this would allow more flexibility for non-conforming uses. Mr. DeLong commented that most if not all of our legal non-conformities are due to changes made the Township either through a zone change or an amendment to the Zoning Resolution. He stated that we should not burden the business community because of our vision, especially when the business community is strong and successful. He did state that the rule for legal non-conformities still remains that if the use ceases for two years or more, then the next use needs to meet all zoning regulations that are in place on the property at time of occupancy.

Mrs. Fields advised that the proposed Resolution better defines terms and uses found throughout the Resolution. She commented that all of the definitions will be found in one area in the code. She noted that the current Resolution has definitions found in three different areas.

Mrs. Fields advised that is the end of the code changes, the Township will be working on updating the Official Zoning Map. Mr. DeLong advised that staff just received the revised Zoning Map from the County. He commented that this is not a rezoning of any part of the Township, it's just the annual update to the map. He did point out changes to the map including removing the zoning district regulations from the map and having each district its own color instead of all single-family, and commercial districts being one color. In conclusion, he stated the map did not get updated in 2020 due to COVID and the limited availability of staff at Hamilton County to assist the Township.

Mrs. Fields advised that in addition to the revisions with the Zoning Resolution and Official Zoning Map, staff has also updated the Zoning Fee Schedule to correspond with the other modifications. Mr. DeLong stated that the biggest changes are reducing the Accessory Structure fee for non-residential uses from one hundred dollars to fifty dollars, and if you are caught and given a violation by either the Township or the Building Department your fee is doubled if a

Zoning Certificate was not first obtained prior to the work commencing. He stated that he hopes this encourages property improvements in our non-residential districts.

Mr. DeLong advised there are a few items for discussion so the Board is aware of the changes. He commented that mini cell towers are being placed in the public right-of-way so we are talking about removing the height limit on them because they are public utility. After discussion, the Commission decided to increase the height from 35 ft. to 40 ft. since that seems to be the standard height the Township is hearing about from wireless telecommunication providers.

To Mr. DeLong question as to should we add a clause stating that dumpster enclosures need to be at least a foot taller than the largest receptacle. Mrs. Fields and the Commission members agreed that it should be added.

Mr. Roach advised that current temporary sign regulations allow for signs to be up for 90-consecutive days, then they can come down for 24 hours and then they can go back up for another 90-days. He commented that we probably should have some type of time-frame so these do not become “permanent signs”. Mrs. Fields advised that some communities give you so many days for the year and you can use that any way you want; or you could get a two or three week permit and they get that three or four times a year. After much discussion the Board and staff agreed that temporary signs in the Commercial, Office and Industrial districts should be limited to 90-days twice a year. Signs in residential areas are usually not a problem and take care of themselves. The Commission and staff agreed that the sidewalk signs should be brought in each night when the business is closed so that regulation was also added to the Resolution.

Mr. DeLong advised they need to add regulations regarding construction signs because they are considered temporary signs and construction projects take longer than 90-days. He commented that the regulation should state that the signs need to come down once the project is complete. The Commission agreed to permit two signs at 36-square feet each.

To Mr. Fehr’s question as to on the Trustees voting on the Zoning Resolution, do we need a majority or unanimous vote. Mr. DeLong advised that based on the Ohio Revised Code, only a majority is needed.

To Mr. Fehr’s question as to do we need to have dates on each page. Mrs. Fields suggested that you put the date in the bottom footer with the date of adoption as a quick reference and if you make any changes you can add the new date.

On Motion by Mr. Weisker and seconded by Mr. O’Connor to approve ZC2021-01 subject to the changes and conditions and the other changes that were submitted. Messrs. Burke, O’Connor, Weisker, Michels and Fehr voted aye. Motion carried.

Mr. DeLong thanked Mrs. Fields for all her help.

Old Business:

- Mr. DeLong asked the Commission if they had any questions about the proposed Fee Schedule. He reminded the Commission that the changes include adjusting the non-

residential accessory structures fee from one hundred dollars to fifty dollars, and if you are caught and given a violation by either the Township or the Building Department your fee is doubled if a Zoning Certificate was not first obtained prior to the work commencing. He stated that the County actually doesn't double fee, they triple fee for their permits if work commences without the proper permits. He asked the Commission if they had any comments on the proposed fees and if they have any questions in the coming weeks to let him know as this will go before the Board of Trustees at the same time of Zoning Resolution and Official Zoning Map do.

New Business:

- Mr. DeLong advised the next meeting will be February 17th.
- Mr. DeLong advised that Mount St. Joseph Recreation Center is complete.
- Mr. DeLong advised that Blue Roo Car Wash which is going in by the Shell Gas Station is expected to break ground in March according to the business owner.
- Mr. DeLong stated that there is some minor interior demolition work is occurring at the former Central Hardware building.
- Mr. DeLong advised that according to the owners of Skyline Chili, they will be closing down their dining room on the 15th of this month for eight weeks for a complete remodel. That will be followed by a two-week closure of the drive-thru for its relocation.
- Mr. DeLong advised the Townships mixed use project is moving along.
- Mr. DeLong advised that the Township getting ready to build an eight hundred-thousand-dollar playground in Delhi Park. He stated that much of the project is grant funded.
- Mr. DeLong advised that LaRosa's will be building a new building on Delhi Pike. He stated that BZA approved for the location of the pick-up window.
- Mr. DeLong advised that the engineers for Heather Ridge are continuing design work with the goal of having design completed by March 1st. He stated that the property has still not sold and it more than likely won't until all approvals are complete.
- Mr. DeLong advised that Garden Grove will be before the Commission on February 17th for review of the Development Plan
- Mr. DeLong advised that Jim Luebbe building on Ebenezer is under construction.

There being no further business on motion of Mr. O'Connor seconded by Mr. Weisker the meeting was adjourned at 7:48 p.m. Messrs. Burke, O'Connor, Weisker, Michels and Fehr voted aye. Motion carried.

Anthony S. Roach, Secretary