

**Delaware County Regional Planning Commission
2008-2009 Text Amendments Summary**

02-08 ZON Genoa Twp. Zoning Commission – text amendments (PRRCD)

Small changes to the Planned Rural Residential Conservation District code. Adding references to Section 524 (a section of general development standards that all development must follow) and inclusion of the Township Trustees in the process to accept a Development Plan.

03-08 ZON Berlin Twp. Zoning Commission – text amendments (Articles 10-20)

- Change the wording of the Termination of Use for Mobile Offices – more consistent across several districts.
 - Change the lot frontage in the R-4 District to a minimum instead of a scale.
 - Clarify language describing how a PRD is used in conjunction (as an overlay) with the R-2, R-3 and R-4 districts (three different densities/lot size minimums).
 - Clarify the “outdoor sports” definitions in the PRD and making it essentially “per plan.”
 - Clarify the definition of “unbuildable areas.”
 - Specify that street trees are to be placed behind the sidewalk.
 - Clarify the wording in describing the process of rezoning as either a one-step process or a two-step process.
 - Clarify the wording on the length of time permits for Temporary Structures are valid.
 - Clarify that outdoor storage must be related to the primary business in commercial districts.
 - Add an Article XIII – Transitional Planned Unit Development district for multi-family uses. Previously, condominiums and multi-family uses were included in the permitted uses of Planned Commercial districts and Planned Residential Districts. The township wished to pull them out of the Planned Commercial district into their own district, providing a “transition” between single-family uses and commercial uses. There is still some limited provision for multi-family in the PRD so that a mix of residential uses can be achieved if the developer chooses.
 - Remove residential uses from Planned Commercial and Office as well as other references and development standards for residential use.
 - Add a graphic showing the boundaries of the Old Cheshire Planned Unit Development district (Article XVI).
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06-08 ZON Porter Twp. Zoning Commission – text amendments

- Addition of the Telecommunications Towers section.
- Adds a new district (A-2) called the Big Walnut Critical Resource District, which has a 3-acre minimum lot size exclusive of CAD acreage. Adoption of this new district effectively rezones all property lying within 1,000 feet of Big Walnut Creek. (staff cautioned this change)
- In PUD (Planned) districts, there are reference to initial, non-binding discussions with the township and the DCRPC. Staff recommended language per Prosecutor: “No statement by official of the Township or County made prior to formal submission of a development plan and application to the Zoning Commission shall be binding. Any and/or all such informal consultations may be subject to Ohio’s open meeting laws (ORC 121.22) and may be required to be held in an open public meeting.”
- Article X (PCD) includes a building height limit “as approved per plan.” (Building height is largely determined by access by the Fire Dept. A common 35’ limit is appropriate, even in a planned district.)
- Article XII Olive Green-East Liberty Overlay: Staff commented that the Zoning Commission may want to include a GIS map or copy of the original survey plat map in the code to avoid any confusion over the boundary of this overlay. Also, it seems that this district is missing some of the text. There should be some note that “all other standards of the underlying district shall apply unless otherwise defined by Article XII.”
- Article XIII - check spelling of “Development” in the title.
- Article XIII – Section 13.01 Purpose: Staff commented: The Farm Village PUD is a Conditional Use in A-1, A-2, and R-1 districts. It is referenced as such in those districts. Other townships have avoided using the Conditional Use process for such conservation-based developments because BZAs are typically not accustomed to reviewing development plans. If the township wishes to use the Conditional Use process, it’s a local choice. If the township would prefer the development plan go before the Zoning Commission, it should use the “float the cloud” process and reference the ORC 519.021(C).
- Article XVI – XXII – Processes and Board Descriptions: Staff commented that changes to these articles are typically the result of changes in state law. The most recent township to have these articles reviewed is Berlin Township. Staff can provide a copy for comparison.
- Article XVII – Zoning Certificates: Staff noted that the Berlin code includes a section on Foundation Certificates that does not appear in the Porter draft.
- Article XVIII – Township Zoning Commission: Staff commented: all townships should check language regarding alternates to the Zoning Commission, which is recent change in the ORC.
- Article XIX – Amendments: Staff noted: Notice for publications should be changed from “at least 15 days prior to the hearing” to “at least 10 days prior to the hearing.” Notice to adjoiners

should be changed from “at least 20 days prior to the hearing” to “at least 10 days prior to the hearing.” Staff has a flowchart created by legal counsel for reference.

08-08 ZON Berlin Twp. Zoning Commission – Articles V, VI, XXI-XXX

- Article V, Districts and Boundaries - Adds a reference to the “Transitional Planned Unit Development” Article to the tables of districts. This district pulls multi-family use out of the Planned Commercial and places it in its own district.
 - Article VI, Application of Resolution - Allows residential zoning permits to be extended 6 months beyond the 1-year limit if progress is being made and allows commercial zoning permits to be extended 12 months beyond the 1-year limit if progress is being made.
 - Article XXI, General Development Standards
Divided the parking requirements of retail stores into Large Retail (65,000+ sf at 5 spaces per 1000 gross leaseable area) and Specialty Retail (65,000- sf at 5 spaces per 2000 gross leaseable area);
Requires structure separation at 25 feet (removes language allowing 15-foot setbacks if masonry/fire walls are included. This could be approached by using a divergence;
Requires that all drainage conditions adhere to and be approved by the SWCD;
Requires steel containers for construction debris;
Exempts satellite dishes that are 1 meter or smaller (39.37 inches) per FCC requirements;
Requires street sign poles to be made of galvanized steel or comparable/better material.
 - Article XXII, Sign and Billboard Regulations
Permitted signs: clarifies name and address of occupant signs;
Permitted signs: allows public or institutional event temporary signs;
Permitted signs: allows neon “open” signs with limitations;
Permitted signs: allows garage or yard sale signs with limitations;
Permit required: restructures and adds to the “Commercial or industrial display sign” regulations;
General Regulations: establishes the aggregate sign area of a single commercial use at no larger than 1200 square feet;
General Regulations: allows a spinning barber pole as an exception to the prohibition against moving signs;
 - Article XXIV, Non-Conforming Uses - Adds word “expanded” to the definition of “enlargement” of a non-conforming use;
 - Article XXVII, Amendments - Changes notice from a 300-foot perimeter to a 200-foot perimeter;
 - Articles were reviewed for consistency, formatting and grammar, but include no significant changes: Landscaping, Zoning Inspector, Zoning Commission, Board of Zoning Appeals, Enforcement, Severability and Repeal
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11-08 ZON Orange Twp. Zoning Commission – Orange Twp. – text amendments

The Zoning Commission initiated several changes to the township’s zoning text at its May hearing. The comments below represent a brief summary of the changes and not a complete listing of amendments. A full set of the proposed changes can be requested from either Orange Township or the RPC offices.

The changes generally fall into three categories: changes to certain terminology, lighting standards, and sign code changes.

14-08 ZON Brown Twp. Zoning Commission – text amendments

The township zoning commission initiated a comprehensive review of its zoning code in 2004. DCRPC staff assisted the township on numerous updates to make the code consistent with RPC’s “model” code that was developed for other townships.

17-08 ZON Berlin Twp. Zoning Commission – text amendments (Articles 5, 6, 21-30)

The amendments included in this package were previously reviewed by the RPC. During the township approval process, some inconsistencies were discovered. These include the following:

- Reference to the township zoning map being recorded at the County Recorder’s office;
 - Traffic directional signs not allowed in the right-of-way;
 - No signs permitted in a Limited Home Occupation;
 - No separate sign specifications for Expanded Home Occupations – specifications are referenced in the sign code;
 - Made Home Occupations signs a consistent height;
 - Clarified “business” signs in the Temporary Signs section;
 - Other changes are all typographical.
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22-08 ZON Porter Twp. Zoning Commission – text amendments

These are generally considered to be housekeeping in nature and include:

- Removal of the meeting time of the Zoning Commission (to allow flexibility);
- Time limit for conditional uses to be commenced added to A-1, A-2, R-1, PRD, and PID;
- Conditions added to “kennels, catteries or stables” conditional use standards in A-1, A-2, and R-1;
- Conditions added to “parks, playgrounds, play fields and picnic areas” conditional use standards in A-1, A-2, and R-1;
- Conditions added to “cemetery” conditional use standards in A-1 and A-2;
- Addition of Bed and Breakfast as a conditional use in residential districts (and defines a number of conditions similar to Berlin Township’s code) in A-1, A-2, R-1, and PRD;
- Addition of a statement that comments made by township or county officials prior to formal submission are non-binding in PRD, PCD, and PID;
- Adds screening requirement for outside storage associated with a home occupation in A-1, A-2, R-1, and PRD;

- Clarified the “noise, vibration, glare, nuisance, hazard, etc.” language in A-1, A-2, R-1, and PRD;
- Adds veterinary, medical-care and related services offices to the list of conditional uses in R-1;

03-09 ZON Orange Township Zoning Commission – text amendments

Number of Township Trustees needed to deny or amend a recommendation by the Zoning Commission changed from unanimous to majority.

04-09 ZON Berlin Township Zoning Commission – text amendments

Number of Township Trustees needed to deny or amend a recommendation by the Zoning Commission changed from unanimous to majority.

06-09 ZON Genoa Twp. Zoning Commission – re-organization of Zoning Resolution

Genoa Township has initiated a process of revising its zoning code. The first step includes a reorganization of the document and the second step will include more substantive changes, including bringing the code in line with recent ORC amendments.

07-09 ZON Harlem Twp. Zoning Commission
 (Articles X, XI, XV, XVIII, XXI, XXII, XXVII)

Harlem Township has initiated a new Article X, Planned Unit Development District which is a mixed-use district and minor changes in six other districts.

08-09 ZON Berkshire Twp. Zoning Commission – Art. 27, Section 27.01

Number of Township Trustees needed to deny or amend a recommendation by the Zoning Commission changed from unanimous to majority.

09-09 ZON Troy Twp. Zoning Commission

For several years, Troy Township has been working on numerous text amendments. Some of the drafting process involved RPC staff, but several years have past since staff's involvement. Because of the large number of amendment's staff performed a general review of the changes:

- Article V – Adds a “Nature of the Districts” section. The intent of the Nature of the Districts was that it would serve as a summary of all districts.
- Article VIII, 8.05 (FR-1) – Lot size is calculated exclusive of all easements. Is the intention to exclude drainage easements as well? If not, text should define which easements should be excluded in the calculation of lot size.

- Recommend changing the phrase “in conformity with the Comprehensive Plan” to “reflects the recommendations of the Comprehensive Plan” or similar in Sections 11.10, 15.06, and 18.07.
- Article XI, (PRD) - The Township Comprehensive Plan recommends more than one density for residential areas that gain sewer service. The current existing language utilizes a density range of 1 unit per acre as a minimum and two units per acre as a maximum. The township should double-check to make sure the existing text is the most current.
- There are several references to Net Developable Acreage (NDA) in the PRD and PCD districts, but the definition is only found in Article IV (Definitions). Recommend also defining NDA within the district.
- Net Developable Acreage – the current language subtracts 15% for streets and utilities. In some recent subdivision proposals, this has been found to be excessive. Recommend also allowing the applicant the option of using proposed right-of-way and major utility easements to be used for this calculation.
- Article XI, (PRD) – Existing language requires Open Space of 20% of the Net Developable Acreage. It is unusual for the open space calculation to use net developable acreage. Further, the current code states that such environmentally sensitive areas can count for up to 50% of the open space requirement. These two standards seem to contradict each other. If this is intentional, it adds to the overall useable open space but may result in divergence requests. The township needs to confirm the intention of these two requirements.

10-09 ZON Liberty Twp. Zoning Commission – sign code

Changes were numerous and difficult to summarize. If interested, Liberty Township should be contacted directly for a copy.

17-09 ZON Scioto Twp. Zoning Commission

Sign and Billboard Regulations, General Development Standards, Definitions, and small changes within its Planned Districts. Most of these changes have been informally reviewed by staff.

- Sign and Billboard Regulations (Article XXII)
 - General Development Standards (Article XXI)
 - Definitions (Article IV)
 - Planned Districts (Article X, XIV, and XVII)
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