

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
OCTOBER 13, 2009, 7:00 PM**

1 This meeting was held at the Berlin Township Hall, 3271 Cheshire Road, Delaware, Ohio
2 43015.

3
4 **CALL TO ORDER**

5
6 The meeting was called to order by Chairperson Rick Sedlacek at 7:00 PM.

7
8 Mr. Valentine led the meeting attendees in the recitation of the Pledge of Allegiance.

9
10 BZC Members Present: Rick Sedlacek; Jerry Valentine (vice-chairperson); Jim Hahn;
11 Kristin Yorko; Betty Bringardner (1st alternate seated); Toni Korleski (2nd alternate).

12
13 BZC Members Absent: Rae Ann Kerlin

14
15 Mr. Sedlacek read the adopted BZC policy statement for the meeting, as printed in the
16 agenda.

17
18 **PROOF OF LEGAL NOTICE PUBLICATION AND LEGAL NOTICE**

19
20 Zoning Clerk Lisa Knapp provided proof of publication for the legal notice for this
21 meeting, which was published on October 1, 2009 in the Delaware Gazette, providing
22 notification of the meeting date, time, and items for discussion.

23
24 *“Berlin Township Zoning Commission Notice of Public Hearing*

25
26 *The Berlin Township Zoning Commission will hold a public meeting on October 13, 2009*
27 *at 7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road, Delaware,*
28 *Ohio 43015 to continue discussions regarding the revisions associated with the text of the*
29 *Comprehensive Land Use Plan (CLUP). This will include the goals and visions as well*
30 *as cost of services and the community vision and recommendations. Additionally,*
31 *discussions will continue on possible changes as a result of the recently completed*
32 *Business Community Forum. The person responsible for giving notice of the public*
33 *hearing by publication is Cathy Rippel. Questions concerning this matter should be*
34 *directed to the Zoning Office at 740-548-5217. Township residents are encouraged to*
35 *attend.*

36
37 *Berlin Township Zoning Commission*
38 *Rick Sedlacek, Chairman”*

39
40 **APPROVAL OF MINUTES**

- 41
42 • Mr. Valentine made a motion to approve the minutes from the September 14, 2009
43 BZC meeting as presented. Ms. Yorko seconded the motion.
44 • All in favor say, “aye,” all opposed signify with same sign. No opposition, motion
45 carried, minutes approved.

46
47 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

48
49 Mr. Sedlacek asked the meeting attendees to introduce themselves.

- 50
51 • Scott Sanders, Executive Director of the Delaware County Regional Planning
52 Commission.
53 • Mike Morrill, Berlin Township BZA chairperson
54 • Maynard “Tom” Thompson, Berlin Township BZA member, 5380 Summerfield
55 Drive, Galena, Ohio 43021
56 • Mike Greer, 5909 Bay Ridge Drive, Galena, OH 43021
57 • Toni Korleski, Zoning Commission alternate member, 3584 Greenville Drive, Lewis
58 Center, Ohio 43035
59 • Joe Korleski, BZA member, 3584 Greenville Drive, Lewis Center, Ohio 43035

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- 60 • David Leahy, 1484 Dale Ford Road, Delaware, Ohio 43015
61 • Elizabeth Cline, 5540 Bayside Drive, Galena, Ohio 43021
62 • Rick Gemienhardt, 881 Africa Road
63

64 **AGENDA ITEM: INFORMAL DISCUSSION WITH ARCHIE FOOR, WITH FOOR CONCRETE**
65 **COMPANY, INC.**
66

67 Mr. Sedlacek said he didn't see a representative for this discussion and he asked Mr.
68 Armstrong about the issue. Mr. Armstrong said that Archie Foor, of Foor Concrete
69 Company, Inc. was interested in speaking to the Commission informally about Salvage
70 Direct, which is interested in using the front section of their property between Route 36
71 and Mr. Foor's buildings as a salvage yard. He distributed copies of the literature which
72 the aforementioned person had left for the Commission.
73

74 Mr. Armstrong said it seemed to him that there would mostly "for sale" cars, RVs,
75 motorcycles, etc. with a salvage title on the property from insurance, with a monthly
76 auction to be held to sell the vehicles.
77

78 Mr. Sedlacek asked him to contact the representative from the company and inform him
79 that the issue was placed on the agenda and that the BZC is disappointed that a
80 representative did not appear to discuss the issue.
81

82 **AGENDA ITEM: STATUS REPORT FROM SUB-COMMITTEES**
83

84 Mr. Sedlacek asked for a brief summary from the BZC subcommittees.
85

86 Expanded Home Occupations Sub-Committee - Update

87 Mr. Hahn said that feedback on the proposed revised language for Expanded Home
88 Occupations and Limited Home Occupations in the zoning resolution was received from
89 the Berlin Township BZA members. Mr. Sedlacek asked that the information be
90 discussed at the end of this meeting if there is time, and if there is not enough time the
91 information can be emailed to Commission members and discussed at next month's BZC
92 meeting.
93

94 Village of Cheshire Business Community Sub-Committee - Update

95 Mr. Sedlacek said that Commission member Rae Kerlin had informed him that there is
96 not much to update in this area.
97

98 COMPREHENSIVE LAND USE PLAN COMMITTEE

99 Mr. Valentine said he called 30 people last night to remind them about tonight's meeting
100 and he will continue to make these calls before each meeting.
101

102 **AGENDA ITEM: REVIEW/UPDATE OF**
103 **COMPREHENSIVE LAND USE PLAN (CLUP)**
104

105 Mr. Sedlacek suggested reviewing Chapter 13, Chapter 4, and then Chapter 14 last, time
106 allowing. Mr. Sanders agreed.
107

108 Review of CLUP Chapter 13: Development Patterns and Design Features
109

110 Mr. Sanders distributed a draft of Chapter 13 of the CLUP which he said has been
111 included in many other townships' comprehensive plans. He said this chapter includes
112 many topics and planning concepts which do not belong in other chapters. He reminded
113 the Commission that just because he discusses a concept in the CLUP or at one of these
114 meetings doesn't mean he is recommending that it be implemented in the township.
115 However, it is important that residents, the Commission, and the BZA know this
116 information.
117

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118 Mr. Sedlacek said that the Commission could provide feedback at its next meeting. Mr.
119 Sanders said that type of feedback had been requested at Orange Township for their
120 CLUP but he received only one comment from that entire group. Mr. Sedlacek said that
121 the BZC is very good about sending their comments in.

122

123 Introduction – Community Choices

124 Mr. Sanders said that this chapter discusses rural character and open space and the
125 different ways to achieve this.

126

127 One of Berlin Township’s goals is to preserve its rural character and the rural character is
128 expressed as the preservation of open space and natural lands such as a stream valley,
129 ravines, farms, wetland area or patch of woods.

130

131 Part of what makes the township desirable is the vision there will always be some
132 permanent, interconnected open space and natural lands throughout. Rural character will
133 be lost when agricultural and undeveloped natural areas convert to new land uses unless
134 conservation areas are preserved by future development patterns.

135

136 An earlier chapter indicated that in 2009 about 36% of the township was still in “open
137 lands” and the definition of that varies; most of this is in undeveloped residential areas
138 which include areas that the county auditor may not count as being agricultural but may
139 still be undeveloped. Areas of the township still have a rural feel, although much
140 agricultural land had converted to developed uses. There are numerous options
141 developers consider when approaching their land development.

142

143 Rural Large-Lot Development

144 Before the extension of sanitary sewer to an area, residential development usually occurs
145 along existing township roads. Lots larger than 5 acres can be created without any
146 review while splits smaller than 5 acres use a process known as the “no-plat” or “minor”
147 subdivision, which is a 7-day administrative review process by DCRPC staff. The large-
148 lot development is sometimes accepted as preserving open space as long as it is
149 surrounded by open space, although protections are typically put into place to prevent
150 further development of the land or to guarantee the conservation of the open space. In
151 Berlin Township, large-lot splits along township roads continue to be used especially
152 where sewer service is not expected in the near future.

153

154 Mr. Sanders said that people are usually pleased with these large lots and there is a
155 demand for these lots, but as an overall community these lots don’t preserve open space
156 which can be used by the community.

157

158 Conventional Subdivisions

159 Mr. Sanders said there are ways to provide open space for the community. Higher-
160 density subdivisions can be created because sanitary sewer is provided and there is a need
161 to create a higher density so existing street frontage is used up or doesn’t give the yield
162 the developer wants.

163

164 As road frontage is used up by no plat lot splits, new accesses have to be created and this
165 can be done via a Common Access Driveway (CAD). CAD subdivisions follow the same
166 procedure as any other major subdivision and standards are defined by the RPC. CADs
167 aren’t public streets and don’t need to be paved unless the township requires additional
168 paving by its fire department. These are major subdivisions with a maximum of 5 lots,
169 two of which would be on the road frontage.

170

171 Mr. Sanders said that in addition to CADs, there are larger subdivisions which include
172 paved private or public streets built to county standards, because the county requires even
173 private streets to be built to a county standard. This is important because eventually
174 residents tire of maintaining private roads, and the petition to have the roads accepted as
175 public streets. When that occurs, the county engineer will ensure that the streets are
176 worth having and maintaining.

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177

178 Mr. Sanders said that conventional subdivisions use a straight zoning district which
179 would be any district which is not a planned district, and examples were provided in the
180 plan, including Summerwood and the Summerwood extension to the north. This is
181 essentially FR-1 zoning with 2 acres lots or one acre lots with sewer. However, there is
182 no common open space in these subdivisions; there are no nice places to walk to, no
183 central green areas, woods, riverbank, lakeshore, etc.

184

185 Mr. Sanders said that conventional subdivisions don't create permanent interconnected
186 open space, nor do they preserve critical natural areas. He said that due to protective
187 easements along a ravine, Summerwood does have some form of preserved open space
188 although it is not common open space with common ownership, so open space can be set
189 aside and preserved using protective easements. Sometimes this can be difficult to
190 manage at a township or county level because sometimes people don't care that there is a
191 "no-cut/no-disturb/no-fill" easement on their property.

192

193 If the designation isn't part of the zoning plan there is no entity to enforce any type of
194 easement except the Ohio Department of Natural Resources, and that would be rare for
195 small pieces of green space. He provided an example of this which occurred in Liberty
196 Township.

197

198 Mr. Gemienhardt commended the DCRPC for being so cognizant of such sensitive areas
199 and he encouraged it to look out for the community when it can. Mr. Sanders said the
200 DCRPC has a section in its sub-regulations which allows it to look at areas it deems to be
201 inappropriate.

202

203 Cluster Subdivisions

204 Mr. Sanders said that cluster subdivisions are all planned residential developments in this
205 area, and townships are allowed to do this through the Planned Unit Development (PUD)
206 verbiage in the Ohio Revised Code. He said the PUD is supposed to be used for a mix of
207 uses, and a Delaware County case proved that the open space in a residential PUD can be
208 considered as a separate use/second use. There are also planned commercial
209 developments which don't have common open space but because they are a mix of
210 commercial uses, they may qualify as mixed use districts.

211

212 For 40 years cluster subdivisions, or Planned Residential Developments (PRD), have
213 been touted as an improved alternative to the conventional subdivision. In PRDs, greater
214 design flexibility is obtained by reducing lot size and width, but in the absence of a
215 comprehensive plan that can be difficult to achieve.

216

217 Mr. Sanders referenced a map in the plan at the bottom of page 108 of the CLUP which
218 indicated Piatt Meadows to the right and Oldefield Estates, and green space in the upper
219 left hand corner. This is an example of the typical PRD which has a requirement for open
220 space but not quality open space which is usable by all the residents. In typical codes
221 which state that a certain density will be granted if, for example, 20% open space is
222 provided, there is no requirement for that open space, such as a requirement that ravines,
223 steep slopes and wetlands be preserved, or requiring that 10-20% of the open space is not
224 located in those areas. Piatt Meadows probably predates this type of quality open space
225 requirement.

226

227 Mr. Sanders said that increased requirements for utilities and rising standards in storm
228 water management have required much of this open space to be used for utilitarian
229 purposed. Another problem with stating that only 10% open space is required but not
230 mandating its quality is that open space will probably end up being a pond which collects
231 storm water before it releases it back into the closest stream. Sometimes that will fill the
232 entire open-space area which is required by zoning, and sometimes a power line easement
233 is used for open space. However, many people don't like to play under power lines or
234 take a walk under there so that is not desirable open space.

235

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236 Mr. Sanders said that the following issues are items which have been used to improve
237 PRDs and that the prior director started the charge of attempting to get better quality open
238 space.

239

240 *Open Space-The amount of open space should increase and instead of being calculated*
241 *from the gross area of a development, it should separate out wetlands, steep slopes,*
242 *sloped lanes, etc. and that is known as net developable acreage, which Berlin Township*
243 *has in its PRD zoning.*

244

245 *Design-The design of these subdivisions need a pedestrian-oriented design with possible*
246 *a local, commercial, and service core based on the number of units, an active recreation*
247 *area (not just a meadow which goes to oats each fall), etc.*

248

249 Mr. Sedlacek said Berlin Township has discussed this in the past; there are many
250 developments with open space which is considered to be passive open space as the only
251 thing which occurs on it is mowing. After zoning has been approved, the township can't
252 easily request of the homeowners association that the property be converted to usable
253 open space, as they don't want that. In the future, the Commission will probably require
254 that open space be usable and functional.

255

256 Mr. Sanders said that Orange Township gained the property for its aquatic center and
257 park by locating it in its comprehensive plan in general. When the property was to be
258 developed, the developer offered to donate the property to the township as long as it
259 allowed the same number of units to be clustered in nice condos to be built to the south.
260 Orange's policy is generally that the open space in subdivisions is left to the homeowners
261 associations, although it doesn't mean that at the time of rezoning control of the open
262 space can't be gained; however, it will require a large subdivision.

263

264 Mr. Sedlacek said the time to ask for such a commitment is at BZC hearings prior to plan
265 approval, and not afterwards when it is nearly impossible. Mr. Sanders said that a
266 walking trail could be provided through each open space but as the subdivisions begin to
267 connect some people may object to that because they pay to maintain the open space.

268

269 Mr. Sedlacek said that Harbor Pointe has a nice walking area.

270

271 Ms. Cline said that she sees a lot of "habitat fragmentation" for animals and she asked
272 whether if, going forward, the Commission can work to unify so there isn't as much
273 fragmentation. She noted that frequently open space is considered only from a human
274 perspective and not the other beings who share the area with humans. Connecting open
275 space can serve the purposes of allowing walking among neighborhoods and also
276 preserving nature. One wants to preserve nature but from a scientific standpoint the
277 techniques which have been used do not necessarily achieve this and can actually counter
278 this.

278

279 Mr. Sanders said that preserving ravines can help that and he provided examples.

280

281 Mr. Gemienhardt asked if the zoning resolution would need to be changed to indicate that
282 the open space would be active space for the subdivision, or would the homeowners'
283 association be in charge of it? The latter scenario could result in the abutting lot owners
284 objecting to this. Mr. Sedlacek said the situation should be taken care of during rezoning
285 hearings before this Commission when developers will be asked what their plans for the
286 open space are, as part of the zoning plan.

287

288 Mr. Sanders said that the township could request that the area be turned over to the
289 township, which must decide if it wants the property and also be prepared to deal with the
290 pressure of doing something with it. The advantage is the people purchasing homes in
291 the area will be aware that the property is township park property and that it could be
292 developed in the future, although some developers many not tell potential buyers.

293

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294 Mr. Sedlacek said that Mariner's Watch could have had such a nice active area and there
295 is still room for passive open space between what would be active and the homes. Mr.
296 Morrill said that in the past, the trustees didn't have any interest in any parks in this
297 township. Mr. Gemienhardt said that the adjacent residents see that area as their own
298 backyard and they will fight any suggestion of making that area public.
299

300 Mr. Sedlacek asked that the Commission should discuss open space plans during the
301 rezoning process, but it would be difficult to document and identify exactly what would
302 be required; it would depend on the type and location of the property.
303

304 Mr. Sanders said that is the time to do it, and he said it would need to be determined how
305 much acreage is necessary per population and that can be determined when population
306 projections are done based on land use. The number of residents per subarea can be
307 projected prior to the approval of the subdivision. The only concern a developer may
308 have is that they would want to know what the township's intention for the property will
309 be so they can inform the lot owners.
310

311 Mr. Gemienhardt asked if Mr. Sanders had observed any reactions from developers
312 regarding a potential park adjacent to their property, such as it hurting the value of
313 neighboring lots. Mr. Sanders said that much of that discussion occurs at the zoning
314 level, prior to discussions with the DCRPC. However, this can be done via informal
315 discussions. He hasn't heard many complaints from developers regarding plans for open
316 space, as long they can provide their buyers with some guarantee that there won't be, for
317 example, 5 basketball courts.
318

319 Mr. Sedlacek said that it is a collaborative effort and it should be brought up informally
320 prior to the rezoning process. Zoning, DCRPC and the Commission could work together
321 to ask for active open space. Mr. Gemienhardt said the map would indicate "future
322 township park" and buyers can make the choice to purchase the lot or not. If the map
323 says nothing, homeowners are more likely to feel that the park property is their backyard
324 and thus object to it.
325

326 Mr. Sedlacek asked whether, after the CLUP has been completed, the associated map
327 would need to be reviewed and at that point areas could be designated on the map which
328 indicate township parks, etc. Mr. Sanders said the CLUP map does have subareas and the
329 BZC will review each subarea to determine the amount of undeveloped acreage, the
330 current density recommendations for that area, and also the build-out for that area. It
331 would also be possible to designate an area for a major park which, for example, has a
332 large open field or is close to railroad tracks and where housing wouldn't be as desirable.
333 The aerial photos can be considered at that time and discussed by the BZC.
334

335 Mr. Korleski asked where the funding for the parks would come from in the future and if
336 a bond/levy would be necessary to develop the parks. Mr. Sedlacek said that the
337 township trustees and BZC need to be on the same page regarding this. He noted that
338 Orange Township had to get the capital to do their parks; however, the first step is to get
339 the area designated. Perhaps the developer could do some of the work, but at a minimum
340 the developer should donate the land to the township.
341

342 Mr. Morrill said that once the property has been developed, it is gone for good. The
343 planning must occur prior to the rezoning, and it is possible that the property may sit for a
344 while. Mr. Sanders said a temporary agreement could be made to allow the homeowners
345 association to use the property until it is developed as parkland.
346

347 Mr. Sedlacek said that the first step is to designate the space as being active, the second
348 step is to obtain the funds to develop the parks, and the third step is the trustees' job. Mr.
349 Morrill added that as the number of residents increase they may want parks and be more
350 likely to vote for a levy or bond issue to support parks. However, if there is no land no
351 parks could be built. When the township population expands any levy/bond would

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352 spread out amongst them. He noted that the cost of purchasing land for a park could be
353 great.

354

355 Mr. Sedlacek asked Mr. Gemienhardt if it was possible for money to be transferred from
356 the township's general fund to create and operate parks. Mr. Gemienhardt said parks are
357 very expensive, and although general funds could be used, it is typical to ask residents to
358 approve a specific levy, especially because of continuing costs such as maintenance, etc.
359 He said that if general fund monies are spent on parks, residents could complain that they
360 didn't vote for money to be spent on parks and that the general fund shouldn't be used for
361 that purpose. However, he added, getting the land in advance for the parks would be
362 very important.

363

364 Mr. Sanders concluded that areas need to be designated as parks in advance and the
365 funding can be dealt with later.

366 Architectural Standards

367 Mr. Sanders said that typically, the higher the density in an area, the lower the quality of
368 the building tends to be. However, that doesn't have to be the case. In general,
369 developers do what is easiest and part of the problem with fast growth is that many
370 builders became developers. In contrast to this, for example, some developers such as
371 Planned Communities, plan a subdivision and then sell lots to different builders. The
372 result is a cohesive-looking neighborhood but with different builders and different
373 products. Some builders such as M/I Homes and Dominion Homes tend to develop their
374 own product and the result is repeated versions of houses throughout the neighborhood.

375

376 Mr. Sanders said that the zoning resolution doesn't necessarily have to state the types of
377 buildings it seeks; instead the township can request a pattern book which indicates the
378 various structures they plan to develop. The BZC could examine the pattern book and
379 state which ones they don't like because, for example, they are "snout houses" and the
380 garages are jammed out into the street. The BZC can encourage builders not to build the
381 same house style 2 or three in a row in order to achieve a better street appearance.

382

383 Mr. Sanders said that regarding golf course developments, developers are less likely to
384 donate active open space because of the large amount of acreage used for the golf course.
385 The golf course can't be used except by members of the golf club, so other residents
386 cannot use the golf course. He said that it is important that if golf courses are allowed in
387 the PRD, active open space should also be required.

388

389 Conservation Subdivisions

390 Mr. Sanders said that the ownership of open space in a subdivision is important so that it
391 cannot be redeveloped in the future as another use. If it is a golf course, it should be
392 owned by the homeowners and leased by a golf course company to run the open space.
393 He concluded that a golf course subdivision isn't necessarily a conservation subdivision.

394

395 Mr. Sanders said that most conservation subdivisions will have 50% open space, and a
396 certain percentage of houses will back up to the open space. Frequently these
397 subdivisions are "density neutral," meaning that the same number of lots which could be
398 built in, for example, an FR-1 district could also be built in a conservation subdivision.

399

400 The process would begin by defining primary conservation areas in the zoning resolution,
401 which would include wetlands, steep slopes, floodplains, etc. Secondary conservation
402 areas would be more subjective definitions of certain types of woods, views from the
403 street, historic homes, etc. The open spaces would be interconnected as well.

404

405 Mr. Sanders said that the process involves doing the design backwards. The typical
406 process is to determine the land size and density, and then how to "jam" the houses onto
407 the property. In a conservation subdivision, open space areas are defined so there are
408 areas of undevelopable and developable areas, and the result is that the areas more likely
409 to be preserved are preserved. He reviewed some examples in the CLUP of this.

410

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411 Mr. Sanders said that soils in this general area are bad enough that sanitary sewer is
412 necessary to cluster lots; once this service is available the value of the land is driven up to
413 the point that most developers won't do a design-neutral subdivision. There may not be
414 value in the process of putting this into the zoning resolution; however, the DCRPC has
415 recommended that a township could make it a "buy-right" zoning district so the
416 developer doesn't have to rezone the property as long as it meets the design standards in
417 place.

418
419 Mr. Sanders said that an argument against that is that the township could lose its ability to
420 deny a request or to referendum a developer who wishes to develop it that way; however,
421 if the plan is design-neutral and there are no more units than there would have been in the
422 FR-1 district, there is no harm in allowing it to be developed this way. Concord and
423 Trenton Townships have been sold on this, and Genoa Township is working on it.

424
425 Mr. Hahn said that the Mid-Ohio Regional Planning Commission (MORPC) has been
426 pushing for higher densities in the area and he asked how that agency felt about this. Mr.
427 Sanders said it could be viewed as "rural sprawl" because of the clustering of houses in
428 the middle of nowhere.

429
430 Mr. Gemienhardt said he could see the environmental benefits to a conservation
431 subdivision. However, for a development which requires 50% open space there would be
432 60-70' frontage on the lots, and he asked whether that would defeat the desire to own
433 property in the development because the lots would be so small. Mr. Sanders said it
434 would depend on the density; for example if it is one unit per acre and 50% open space is
435 required, that would result in .5-acre lots. With roads and utilities there will be 1/3 acre
436 lots, and there would be about 90-100' of frontage on that lot. An example of this type of
437 development in Genoa Township was discussed.

438
439 Ms. Cline said the advantages of a conservation subdivision include keeping areas
440 connected and having environmental and sustainable smart growth facets. However,
441 there are also problems with them. How can the township learn from past conservation
442 subdivision and use the concept while avoiding the problems? Her understanding is that
443 the rural nature of an area can be preserved but it must be done in a way which takes into
444 account the growth and the "sustainable development" principles

445
446 Mr. Sanders said that net developable acreage is used. The zoning resolution allows a
447 maximum of 1.5 units per acre, but it is never that high because 15% is taken off the top
448 for roads and utilities. The actual net density would typically be about 1.215 units per
449 acre. Mr. Sanders said that typically developers will wait to develop until sanitary sewer
450 is available because the number of lots can be increased.

451
452 Mr. Hahn said that it can be very expensive to have large lots because of the costs to run
453 the sanitary sewer to each lot. In conservation subdivisions the lot sizes and road lengths
454 are decreased, and the homes are more affordable. He has read that over the years,
455 homes in conservation subdivisions usually end up demanding higher prices in the future
456 than large-lot homes because buyers don't mind the smaller yards because of the
457 advantages of more green space and less expensive utilities.

458
459 New Urbanism – Traditional Neighborhood Development (TND)

460 Mr. Sanders said that a group developed the New Urbanism Development when they
461 looked at all the suburban development and how zoning had pushed uses apart and people
462 had to drive from where they live to where they work to where they shop, etc. The
463 neighborhoods which people had found so much value in over the years, which included
464 a mix of uses, were no longer being built. Some reasons for this were the advent of the
465 automobile, and also zoning laws.

466
467 Mr. Sanders said that a group developed The Congress of the New-Urbanism and there
468 are projects all over the country which change the model from just having residential
469 subdivisions which have a sign out front on an existing street with a big-box store and

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470 strip centers to a use which mixes uses together in a way which benefits people walking
471 from one use to the other. The benefits are many especially for younger people who
472 don't want to be stuck in the car all the time and also people who want a vibrant town-
473 center development. Older people may also value this option because they don't drive
474 any more and don't want to be stuck in a self-contained community. They would like a
475 "walkable" community with a mix of uses.

476
477 Mr. Hahn said The Continent development was originally set up that way but it didn't
478 seem to work out very well. Mr. Sanders said that some of the problems there were
479 probably due to the location.

480
481 Mr. Sanders said that there are good examples of new urbanism in Florida, although there
482 are some critics because in order to get a good mix a master developer is necessary to
483 control the types of uses in the development. This can be seen as being artificial. The
484 Easton development is similar to new urbanism, but one owner owns the entire
485 development instead of multiple owners owning parts of it.

486
487 Mr. Sanders said that the hallmarks of town centers include having a definite center to the
488 development such as a square or a green. Dwellings are within a 5-minute walk and there
489 tends to be multi-family/townhouse uses close to downtown and the single-family houses
490 are further out. At the edge there would be shops and offices but they aren't "front and
491 center" in the neighborhood.

492
493 Mr. Sanders said there is more of a mix of uses even on residential lots, so people can
494 work in space above their garages instead of driving to an office every day. Schools are
495 close enough that people can walk to them and they may be smaller. Playgrounds are
496 located throughout the center, and streets are more connected, in contrast to the typical
497 suburban cul-de-sacs. Streets are shaded by rows of trees and there is a specific way
498 which streets are treated as opposed to town center areas, and there are many sidewalks. .

499
500 Mr. Sanders said that typically there are alleys instead of front-load garages. This is in
501 contrast to typical streets; when there are smaller lots and higher quality housing its
502 garage pushes out towards the streets, creating a street which is not aesthetically pleasing.
503 The alleys are attractive, safe, and accessible to everyone. Services are also provided in
504 the alleys so garbage cans are not located in the front; thus it is important that alleys are
505 well-built. Mr. Sedlacek said that some alleys are so narrow one can't even get into one's
506 garage easily. Mr. Morrill said they can also tear up garbage trucks.

507
508 Mr. Sanders said that Easton Towne Center is a lifestyle center, and Polaris Mall has also
509 been partially modified to be similar to that, and there is an artificial quaintness to that.
510 He displayed some photos on page 112 indicating a sample town center development
511 including the various types of uses within it. There would be a variety of lots in the
512 center of the development although most would be 60' wide or less. The amenities are
513 spread out, and although a certain style is desirable, great efforts are made to ensure
514 every building doesn't look exactly the same.

515
516 Cobblestone Crossing – A Local Case Study

517 Mr. Sanders said that in Orange Township's Comprehensive Land Use Plan there was an
518 expansion of the historic Lewis Center area indicated. Recently the Cobblestone
519 Crossing development was considered by that township. Originally it was a big-box
520 development with outlots along Route 23, typical single-family lots, and 4 unit pinwheel-
521 style condos, and little industrial area. DCRPC recommended that the development be
522 redesigned as a town center and so did the township, so the applicant brought back an
523 entirely new plan. He displayed the redesigned plan and explained that it had
524 townhouses in the center with 0' lot line and shops and offices located in the same area.

525
526 Mr. Sanders said that a school site was also located on the development and the town
527 center had open space in the center and the parking in the center but not visible from the
528 main north/south boulevard. Orange Township was close to approving the center but the

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529 zoning process took a very long time and the developer's option with the property owners
530 ran out and they were unable to reach a new agreement. About the same time, the
531 economy turned and nobody came along to take over the project. This project was large,
532 he noted, but small town centers are also possible with a few shops and interesting
533 residential development around it.

534

535 Smart Growth

536 Mr. Sanders said that sometimes people think the term "smart growth" means simply that
537 the planning body considered what was going to happen and considered the impacts of
538 such growth. However, it actually means something specific.

539

540 Figure 10.1 Comparing Smart Growth and Sprawl is a figure comparing Smart Growth
541 and Sprawl in different categories. Mr. Sanders said the difference between smart growth
542 and sprawl is that smart growth has higher-density clustered activities and instead of
543 green field development, there is brown-field and infield development where there are
544 gaps in the current urban fabric. There is a mixed land use instead of residential and
545 commercial areas being located in the same place and the development is more "human-
546 scale" instead of big box development with huge acres of parking in the front.

547

548 Smart growth has careful detail so there is no lack of architectural detail. This is
549 important because unlike sprawl, people aren't just driving to the businesses, coming in
550 the front door, and leaving. Instead, they live or work nearby and can walk to the
551 locations.

552

553 Public services are better distributed and typically smart growth seeks multi-modal
554 transportation, which means something other than a car. Real smart growth cannot be
555 achieved without a vibrant bus or light-rail system to provide transportation from Point A
556 to Point B. Roads are more highly connected and there are many sidewalks and paths.
557 Public space is highly valued and it is not out at the edge; it is in the middle and is
558 programmed so it is usable like a town square.

559

560 Sustainability

561 Mr. Sanders said that sustainability, green jobs, etc. have become more popular recently.
562 Sustainability is a somewhat objective term, but the concept is that health would improve
563 by ensuring that air, water, and soils aren't polluted, costs are reduced and benefits are
564 reduced, the natural habitats of animals are respected, and the environment people depend
565 on is taken care of. These goals could be applied in several different ways. Those who
566 speak of smart growth and sustainability typically say that raising densities and having a
567 mix of uses will reduce costs and enhance benefits. This is because then people don't
568 have to drive everywhere, utilities don't have to spread out so far, etc. and the uses can be
569 concentrated where they are best managed.

570

571 Mr. Sanders said that some critics may feel that residents are being told how to live.
572 However, he believes in the standpoint that people should be given options when
573 possible. For example, perhaps on a large scale people could have more than one way to
574 live, such as people who would like to live on a smaller lot and be able to walk to a
575 commercial center or their office. The barriers to doing that could be removed, resulting
576 in an enhanced quality of life for those people.

577

578 Mr. Sanders reviewed Figure 10.2 Sustainable Community Development Code
579 Framework (excerpts), which is a table created by an entity in Denver which includes
580 issues and how to remove obstacles, create incentives, and enact standards. He said this
581 goes beyond what a typical township would be dealing with zoning-wise, and the topics
582 include energy, healthy neighborhoods and housing, environmental health, mobility
583 (transit) and other types of mobility systems, natural hazards, floodplain management,
584 coastal hazards, steep slopes, urban form, and community character.

585

586 Mr. Sanders said the entity worked very hard to develop this code and visited many
587 communities in order to find best management practices. Each issue is taken and

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588 examined to determine how to remove the obstacles in a current zoning resolution in
589 order to allow better development. Incentives are then created, and then standards are
590 enacted. He then reviewed the standards and said that Berlin Township may wish to
591 consider these standards if they are appropriate for the zoning resolution or the CLUP. A
592 township would seem to be more likely to try to remove obstacles and perhaps create
593 incentives than to enact standards, although requiring, for example, sidewalks in all
594 developments would be an easy standard to enact.

595

596 Mr. Sanders said that removing obstacles for bike facilities would include having
597 standards which commercial areas could follow if they want to put in a bike parking
598 facility. Incentives such as more floor space or higher density could be granted if there
599 were improved recreational facilities or bike parking. Standards could be enacted and all
600 developers would need to include that as part of their development. Genoa Township has
601 a nice trail along S.R. 3 on the Rail to Trail, and that township encourages them to do
602 something for potential bike traffic. A commercial use will see that as a positive as that
603 will provide an additional customer base. For example, a restaurant recently requested
604 permission to have a separate ice-cream window for seasonal uses as that restaurant will
605 be located right on the trail.

606

607 Mr. Sanders said that he has attended seminars regarding water conservation, and
608 communities which require all storm water to go into a pipe and out to the street so it
609 goes out to the drainage basin is an obstacle to what could be a better way to manage the
610 water, although it would need to be done in a smart way. This can also apply to mowing
611 standards within a community; for example, rain water can be managed on a lawn which
612 isn't mowed every week as long as the type of grass is the right type for that type of use
613 so that a nuisance isn't created.

614

615 Development Patterns and Cost of Services

616 Many communities struggle with the cost of providing new services especially when their
617 property tax base is primarily residential. Dependant upon the chosen development plan
618 the township has the opportunity to develop a significant commercial property tax base
619 on Route 23 and U.S. 36/37. The commercial tax base could help pay for new services
620 and support the school districts.

621

622 Each community must determine its appropriate land use mix of residential and
623 commercial. Single-family residential development does not often pay its fair share of its
624 costs because of school costs for children.

625

626 A single-family house in the Olentangy School District with one school-age child
627 generates a negative fiscal impact (property taxes paid versus cost to educate the student)
628 and that amount must be made up by other sources of revenue, frequently in the form of
629 other property tax revenues.

630

631 To determine the optimal land use mix it is necessary to analyze the fiscal impacts of
632 development to determine the costs versus revenues to the community.

633

634 Fiscal Impacts and Impact Fees

635 A fiscal impact analysis is a useful tool to anticipate the costs versus revenues of a project
636 prior to zoning or building it and it could help determine one aspect of how the
637 development might affect the general welfare of the township.

638

639 Mr. Sanders said that townships don't have the ability to have impact fees or fees in lieu
640 of a required use.

641

642 The community vision for Berlin Township will be represented in its revised CLUP and it
643 may be desirable to determine the financial impacts of the plan for large projects.

644

645 Cities and villages can adopt impact fees but townships cannot at this time. However,
646 road improvements immediate adjacent to the development which can be immediately

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647 attributable to the project can be required to reasonably mitigate their impacts on the
648 township. Communities need to anticipate the impacts of each new project. Legally, said
649 Mr. Sanders, a political entity can't deny a development because it will produce too many
650 children, or because the water service isn't available. However, many factors can be
651 taken into account and changes encouraged to be made as part of the development, or ask
652 what mitigating factors that developer will put in so the issues of concern are at least
653 addressed or mitigate if possible.

654

655 Best Use Practices

656 Mr. Sanders said that instead of a township telling a developer to change their design, it
657 could show some standards to the developer which may not be requirements, but they are
658 practice the township would like to see followed. This is similar to a pattern book, which
659 was used in the Cobblestone Crossing development, and was a book which showed all
660 the different kinds of housing types, samples of not only a product of today which they
661 were proposing to put in the development, but also historic buildings which helped the
662 designer of the new structures create the architectural drawings. For example, shown
663 would be a typical "live-work" unit with an office located over a garage as it appeared
664 100 years ago, and also the current standard.

665

666 Mr. Sanders said that the pattern book in this instance was initially a visual guide so the
667 township could better understand what the developer was proposing, but in the end it was
668 a commitment from the developer. Pattern books can be required as part of planned
669 districts just so the developer can indicate the styles it intends to use for residential
670 development. He reiterated that the higher density a development has, the better the
671 standards and architectural detail should be.

672

673 Site Furnishings

674 The suburban environment has a preference for the automobile so developments rarely
675 feature the "site furniture" which can help create a vibrant commercial destination. A
676 consistency of furnishings can enhance the visual entity of the corridor and include light
677 fixtures, trash receptacles, benches and other usable structures.

678

679 Mr. Sanders said that a certain style doesn't need to be followed but creativity can be
680 used.

681

682 Buildings Form the Space of the Street

683 Buildings can create a shared public "room" and the character and scale of these walls
684 determine the character of the room. Continuous building frontages with active uses on a
685 street create a welcome space that supports pedestrian and economic activity. Typical
686 suburban commercial developments have building fronts on a vast expanse of paved
687 parking and no such room.

688

689 Building Height/Appearance

690 Streets have a more cohesive, pedestrian feel when contiguous buildings are of similar
691 height. The maximum building heights is generally 35'. A pedestrian-oriented
692 development would likely require a mix of uses where retail could be located on the
693 ground floor with offices or specific types of residential development above.

694

695 Roof on new structures should generally be pitched or hipped and building materials may
696 be wood frame, brick or stone. Roof material should have a shingle look. Building
697 indentations, penetrations, and façade treatments can be used to complement adjacent
698 structures and to reduce the monotonous blank walls on big-box developments, and can
699 add value to a commercial development. Strip buildings should be avoided.

700

701 Mr. Sanders said it is important that buildings form the space of the street and that there
702 just isn't a building, a curb, and a parking lot. Instead there should be a place where
703 people can walk from store to store. The middle of page 118 indicates a sample of on-
704 street parking on an internal circular green space in-between the building fronts. The
705 center pictures indicate the Kohl's store on Route 23, which has a blank brick wall

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706 facing a major arterial road off of Route 23, and also another side which has more brick
707 detail and hidden utilities. The picture at the bottom of the page shows a downtown look
708 which is achieved by having different architectural details on building shells. There
709 would also be head-in parking and street trees.

710

711 Mr. Hahn said that some European towns, including in Switzerland, he has visited have
712 main streets where facades extend out to the street and above it on the second story is a
713 different façade with housing, restaurants, etc. and it is very attractive. Such a
714 development makes a lot of sense in such areas because the winters have a lot of rain and
715 snow; the developments are very pedestrian-friendly. Residents live right in the
716 downtown area and there are restaurants with balconies which look down on the street.

717

718 Mr. Sanders said that a downtown area has a sense of enclosure only when there is a
719 second story. At Easton, some of the second-stories may be false, and some may be
720 offices, but there are no residential units. A store on the second floor is not desirable for
721 many reasons. The Cobblestone Crossing development had residential units on the
722 second floor. The issue in the beginning was that Orange Township had no mixed-use
723 district and that took time to implement. He displayed pictures of Easton shops and he
724 said that if an entity encourages that type of development it should expect some type of
725 usefulness to be up there. In theory there could be a set of apartments with a common
726 hallway, but the exterior could appear to be multiple units and multiple storefronts.
727 Height may be limited due to the township's fire suppression capabilities, he noted.

728

729 Best Use Practices are visual examples which demonstrate the positive design principles
730 in the public realm. Visuals are used because using text only can be limiting and
731 restrictive. General principles can enhance the quality and reflect development goals
732 within town centers and other non-residential areas.

733

734 Environmental Sustainability

735 Mixing uses can result in lower impact to the environment and "green" buildings can cost
736 less, improve worker productivity, enhance marketing efforts and help to create a district
737 identity. The Leadership in Energy and Environmental Design (LEED) is a valuable
738 resource for guidance on green building techniques, practices, and standards.

739

740 Parking and Access

741 Where The US Access Management Plan allows access to Route 23 major circulation,
742 major circulation routes should be created rather than simply entrance drives to parking
743 lots. Secondary streets should also limit access and a coherent network of backage streets
744 is created and parking and its access should be located at limited locations along these
745 secondary streets.

746

747 Parking lots should be screened and separated from the public right-of-way. Large
748 expanses of surface parking should be broken up into smaller areas and can be located
749 beside, between or behind buildings.

750

751 Mr. Sanders said that regarding environmental sustainability, mixing uses can result in
752 lower impacts and there are a lot of parking standards which allow fewer parking spaces
753 for such uses than if each use was individual. He said many communities have
754 considered shared parking standards. For example, and bank and a restaurant have
755 different parking requirements because they are used at different times of the day and
756 night, and so these uses located next to each other may not be required to have the same
757 number of parking spaces that the zoning resolution typically requires.

758

759 Mr. Sanders said that many developers prefer to have more parking than is required and
760 they prefer to have all parking in the front of the building instead of the sides. That is a
761 challenge to overcome but there are probably examples of businesses which do well with
762 parking in the rear or to the side. He pointed out a photo of a development on High Street
763 with a Chipotle and Panera Bread at the front, with other shops located to the rear. There
764 is no on-street parking, but parking does surround the building and located to the rear so a

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765 “walkable” development is created. Lighting can be treated in certain ways and service
766 and delivery should be accommodated but should be screened. Signage scale should be
767 designed with pedestrians in mind instead of the large “lollipop”-style signs.
768

769 Mr. Sanders said that all intersections and sidewalks must have ADA ramps and
770 oftentimes a change in pavement should be considered for crossings at major
771 intersections, even within parking lots.
772

773 Redevelopment – A Case Study

774 Mr. Sanders said there are certain standards which should be used in landscaping and he
775 showed an example which masks a side parking lot from the street. He also showed an
776 example of an existing site being changed to be more pedestrian-friendly; an area can
777 become a more economically viable area by adding more uses in an area which would
778 typically be an empty parking lot. The example is of the Northpointe shopping center, a
779 big box development with Wal-Mart and Kohl’s and strip center stores on each side, with
780 a small area in the center of the parking lot with shops, street trees, landscaping, front
781 entries, and pass-throughs for parking and breezeways. He said this was an example of a
782 wind-swept parking lot which can be turned into a more-pedestrian-friendly and
783 attractive development, yet not making many changes to the existing buildings.
784

785 Service

786 Service and delivery should be accommodated on side streets or from the rear of
787 buildings and dumpsters may be grouped for multiple users. All such areas should be
788 screened.
789

790 Lighting

791 Building and site lighting should be designed to eliminate light trespass and minimize
792 light pollution and light. Lighting for pedestrians is an important consideration and
793 should be designed to maximize visibility and comfort, and this can decrease initial costs,
794 have marked value in life-cycle cost, and create a more attractive and comfortable
795 nighttime environment.
796

797 Signage

798 The scale of signage should be designed with pedestrians in mind. Signs on awnings, in
799 windows, and projecting from the face of the building can help create an interesting
800 pedestrian environment. Traffic signage should have a consistent look and placement
801 when possible.
802

803 Natural-colored materials should be used for the base of monument signs and variation of
804 signage themes based on sign type or location should be encouraged, and signs should be
805 timeless to avoid becoming outdated.
806

807 Signs should be limited to one per lot or one per multiple lots if devoted to one specific
808 use or user. Ground signs are preferred and signs must not interfere with safe movement
809 of pedestrians and vehicles.
810

811 Accessibility

812 Standard concrete walls should be 6’ wide and along secondary streets the walk should be
813 located four feet from the back of the curb. Handicap-accessible curb ramps should be
814 used at all access drives, public streets and private streets and shared easements that
815 function as public streets.
816

817 Community Identity – Gateway Features

818 Mr. Sanders said that some townships have made special “gateway feature” signage,
819 including Concord and Orange Townships, and Berlin Township may want to consider
820 this type of signage at prime areas such as South Old State and Africa Roads. .
821

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822 Mr. Gemienhardt said that Mr. Sanders did a great job and that this was an exciting
823 chapter which included many great ideas and subjects which will be in the future for
824 Berlin Township.

825

826 Mr. Sedlacek asked that the work “opaqueness” on the bottom of page 121 be changed to
827 “opacity.”

828

829 Mr. Morrill asked whether the BZC could allow for less open/green-space in a
830 development if the developer would agree to contribute non-contiguous property to the
831 township which could be turned into a park. Mr. Sanders said, “Yes,” and said that the
832 Olentangy Crossings developer donated open space on North Road, which was not
833 contiguous, as part of the rezoning.

834

835 Ms. Bringardner asked if a golf course is used as green space in a golf course community,
836 is it possible to prevent its future development? Mr. Sanders said that currently,
837 Delaware County gets an easement across the golf course which will be used for spray
838 irrigation because it is part of the sewer system.

839

840 Mr. Sedlacek said that the subcommittee reports and zoning inspector reports will be
841 heard at the next meeting. He said that Ms. Cline edited Chapter 4 and provided it to the
842 BZC several months ago and he asked that the Commission send any comments they may
843 have to Ms. Cline via email. She provided her email address to the Commission.
844 Chapter 4 will be reviewed at the next BZC meeting on November 10, 2009.

845

846 Mr. Sedlacek asked how Chapter 14 would be reviewed. Mr. Sanders said that for the
847 recommendations chapter he would provide a copy of all the recommendations from the
848 old plan, and whatever has changed or already been developed will be marked up in that
849 version, and his thoughts will be added in red, and the Commission can review that point
850 by point. It may be reviewed at the next hearing.

851

852 **AGENDA ITEM: COMMENTS FROM THE ZONING INSPECTOR**

853

854 Wind Turbines

855 Mr. Armstrong distributed a copy of an article from the Columbus Dispatch regarding
856 wind turbines and said the Commission should discuss them soon. A wind farm is
857 planned for Champaign County, although he noted that Delaware County is not
858 considered part of the wind corridor. However, he has had several inquiries within the
859 last month from residents regarding how high the turbines can be.

860

861

SYNOPSIS

862

863 Accomplished

864 ➤ Review of CLUP Chapter 13: Development Patterns and Design Features

865

866 Future Work

867 ➤ Work will continue on the various BZC sub-committees.

868 ➤ At the next BZC meeting on 11/10/09 at 7:00 PM, Chapter 4 Goals Update and
869 Chapter 14 Community Vision of the CLUP will be reviewed.

870 ➤ BZC members should send their comments regarding Chapter 4 to Ms. Cline via
871 email

872

873 The next BZC meeting will be on Tuesday November 10, 2009 at 7:00 PM at the Berlin
874 Township Hall.

875

876 There was no further business to come before the Commission. Motion to adjourn.
877 Meeting adjourned at 9:12 PM.

878

879

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880

881

Rick Sedlacek, Chairperson

882

883

Jerry Valentine, Vice-Chairperson

884

885

Jim Hahn, member

886

887

Kristin Yorko, member

888

889

Betty Bringardner, first alternate seated

890

891

Attest: _____

892

Lisa F. Knapp, Berlin Township Zoning Clerk