

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
NOVEMBER 10, 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 Ms. Kerlin 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 Rae Ann Kerlin; Betty Bringardner (1st alternate seated); Toni Korleski (2nd alternate).

12
13 BZC Members Absent: Kristin Yorko

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 29, 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 November*
27 *10, 2009 at 7:00 p.m. at the Berlin Township House located at 3271 Cheshire Road,*
28 *Delaware, Ohio 43015 to continue discussions regarding the revisions associated*
29 *with the text of the Comprehensive Land Use Plan (CLUP). This will include review*
30 *and completion of the goals and visions as well as the introduction of*
31 *recommendations. Additionally, discussions will continue on possible changes as a*
32 *result of the recently completed Business Community Forum. The person*
33 *responsible for giving notice of the public hearing by publication is Cathy Rippel.*
34 *Questions concerning this matter should be directed to the Zoning Office at*
35 *740-548-5217. Township residents are encouraged to attend.*

36
37 **BERLIN TOWNSHIP ZONING COMMISSION**
38 *Rick Sedlacek, Chairman*

39
40 **APPROVAL OF MINUTES**

41
42 Mr. Hahn made a motion to approve the minutes from the October 13, 2009 BZC
43 meeting as presented. Mr. Valentine seconded the motion. All in favor say, "aye," all
44 opposed signify with same sign. No opposition, motion carried, minutes approved.

45
46 **CHAIRPERSON'S STATEMENT**

47
48 Mr. Sedlacek said that this evening's agenda has had to change because Scott Sanders,
49 Executive Director of the Delaware Regional Planning Commission, has an illness in the
50 family. However, Elizabeth Kline, who helped write Chapter 4, is present to review the
51 chapter. At the last meeting, the BZC was asked to submit suggestions or additional
52 information to Ms. Kline regarding Chapter 4 and those have been included in the draft of
53 Chapter 4 which she has provided to the BZC. Also, the BZC will be able to discuss
54 some additional issues which it has not had time yet to discuss.

55
56 **AGENDA ITEM: INTRODUCTION OF MEETING ATTENDEES**

57
58 Mr. Sedlacek asked the meeting attendees to introduce themselves.

59

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- 60 • Mike Morrill, Berlin Township BZA chairperson
61 • Maynard “Tom” Thompson, Berlin Township BZA member
62 • Mel Webb, 4111 Curve Road
63 • Toni Korleski, Berlin Township Zoning Commission alternate member, 3584
64 Greenville Drive, Lewis Center, OH 43035
65 • Joe Korleski, Berlin Township BZA member, 3584 Greenville Drive, Lewis Center,
66 Ohio 43035
67 • David Leahy, 1484 Dale Ford Road, Delaware, Ohio 43015
68 • Elizabeth Kline, 5540 Bayside Ridge Drive
69

70 **AGENDA ITEM: STATUS REPORT FROM SUB-COMMITTEES**

71
72 Mr. Sedlacek asked for a brief summary from the BZC subcommittees.
73

74 Comprehensive Land Use Plan (CLUP) Committee - Update

75 Mr. Valentine said he called 28 people last night to remind them about tonight’s CLUP
76 meeting and he will continue to make these calls before each meeting. Mr. Sedlacek
77 thanked him for his efforts.
78

79 Village of Cheshire Business Community Sub-Committee - Update

80 Ms. Kerlin said she has been in contact with Bob Wattenschaidt of the Army Corp of
81 Engineers and she would like to send him a letter regarding placing on Corp property
82 potential signage announcing the area of the Village of Cheshire to approaching
83 motorists. Mr. Wattenschaidt seemed amenable to this concept and the township just
84 needs to go through the formal process for this. She asked about getting approval from
85 the township trustees for this because there will be some costs for the signs to the
86 township. The signs would be on a pole but would be nicer than the regular brown tourist
87 announcement signage, with perhaps a special logo which would help give a brand to the
88 Village of Cheshire area. She is working on a letter regarding this.
89

90 Mr. Sedlacek asked if she wanted the recommendation of the letter and proposal by the
91 Commission prior to sending it to the trustees. Ms. Kerlin said she would send it to the
92 BZC first and then talk to them about it after receiving their comments. Mr. Sedlacek
93 suggested she contact the trustees to see if this could be placed on a trustee agenda or
94 whether they would like to attend a BZC meeting.
95

96 Ms. Kerlin said that she worked on proposed language for the zoning resolution a while
97 ago regarding this and she asked the Commission to review it and send any input they
98 may have to her. One major issue is whether a new section of the zoning resolution
99 should be written just for the Village of Cheshire overlay or should the entire zoning
100 resolution be amended. Most of the changes are very minor and not very far-reaching but
101 they may be helpful to more than just the Village of Cheshire area. She will resend the
102 information to the Commission with a deadline for response. She noted that the business
103 owners will need to meet with her again after the proposal has been revised. Mr.
104 Sedlacek said he would like to see more involvement by the business owners in that area.
105

106 Ms. Kerlin said that at the Alum Creek Strategic Planning Meeting which she attended
107 several months ago, she did put forth the idea of a community park at the “monument
108 tree.” She said that Mr. Wattenschaidt had said that those types of projects can move
109 slowly but that when he had information about when that was coming he would let her
110 know.
111

112 Limited and Expanded Home Occupations Sub-Committee - Update

113 Mr. Hahn presented proposed changes to both Section 21.15 Limited Home Occupation
114 and Section 21.16 Expanded Home Occupation of the zoning resolution in writing, and
115 he would discuss the changes one-by-one.
116

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117 21.15 Limited Home Occupation- Discussion: Mr. Hahn said that existing items B. 8. and
118 9. were deleted: these items had addressed the maximum number of commercial parcel
119 deliveries per week and truck deliveries per year for delivery trucks of a certain size.
120 Discussions with the county prosecutor's office and others led to wondering how that
121 would even be policed, and also that it hasn't seemed to be a problem in the past. There
122 are many more home deliveries in a neighborhood than those for a small business. He
123 noted that there were also no objections to the proposed changes from the DCRPC staff,
124 Mr. Morrill, or the county prosecutor's office.

125
126 Mr. Sedlacek asked if a motion was made Mr. Armstrong would take the necessary
127 procedures to move on with the process.
128

**RESOLUTION 09.11.10.#1: APPROVE PROPOSED CHANGES TO SECTION 21.15 OF THE
ZONING RESOLUTION TEXT REGARDING LIMITED HOME OCCUPATIONS**

131
132 Mr. Hahn made a motion to approve the proposed change to the zoning resolution text for
133 Limited Home Occupations to read as follows:
134

135 SECTION 21.15: Limited Home Occupation

136 *A limited home occupation (business) shall be permitted within a permitted dwelling in all*
137 *residential zoning districts (not in detached garages or pole barns) in accordance with the*
138 *following provisions:*
139

140 *The home occupation does not occupy more than twenty percent (20%) of the gross floor*
141 *area of the dwelling unit or two hundred (200) square feet, whichever is larger.*
142

143 *A. Requirements:*

- 144 *1. The appearance of the structure shall not be altered or the occupation within the*
145 *residence shall not be conducted in a manner that would cause the premises to*
146 *differ from its residential character either by the use of colors, materials,*
147 *construction, lighting, or unauthorized signs. A home occupation shall be clearly*
148 *incidental and secondary to the use of the unit for dwelling purposes.*
- 149 *2. There are no non-resident employees.*
- 150 *3. No equipment or process shall be used in such home occupation that creates noise,*
151 *vibration, glare, fumes, odors, or electrical interference detectable to the normal*
152 *senses off the lot. In the case of electrical interference, no equipment or process shall*
153 *be used which creates visual or audible interference in any radio or television*
154 *receivers, computers, wireless phones or hand held wireless transmitting devices off*
155 *the premises, or causes fluctuations in line voltage off the premises.*
- 156 *4. There shall be no outside storage of any kind.*
- 157 *5. Specialized instruction or tutoring shall be limited to one (1) individual at a time.*
- 158 *6. No traffic shall be generated in substantially greater volumes than would be generated*
159 *by a single family home.*
- 160 *7. No direct, face to face sales to the public on site.*
- 161 *8. There shall be no signs permitted.*

162 Mr. Valentine seconded the motion. Vote: Hahn, yes; Valentine, yes; Kerlin, yes;
163 Bringardner, yes; Sedlacek, yes. Motion passed, proposed changes approved.
164

165 Mr. Armstrong will process this as required, noted Mr. Sedlacek. Mr. Armstrong agreed.
166

167 21.16 Expanded Home Occupation - Discussion: Mr. Hahn said that in section 21.16
168 Expanded Home Occupation of the zoning resolution, existing items K. and L. were also
169 modified to delete similar language and the new proposed item K. reads as follows, "No
170 traffic shall be generated in substantially greater volumes than would be generated by a
171 single family home."
172

173 Mr. Morrill said he didn't object to the proposed language but he wasn't sure how that
174 would be policed. He noted that the language is somewhat contradictory because a home
175 business would be expected to generate somewhat more traffic than a single family home.
176 Mr. Sedlacek said it would probably be difficult for the zoning inspector to determine the

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177 volume of traffic and whether it was greater for a small business. However, it is a good
178 idea to eliminate the specifics indicated in former sections K. and L. which weren't able
179 to be easily policed anyway.

180

181 Ms. Korleski believed that it was a good idea to include the replacement language
182 because residents will be aware of the requirements, and most will adhere to the
183 requirements. Ms. Bringardner said that if complaints are made, the township will be
184 able to enforce the requirements. Mr. Hahn said that during BZA review of an
185 application they can determine what type of deliveries will be made.

186

187 Mr. Morrill said that Section B. refers to the criteria for consideration and also the
188 number of resident and non-resident employees. He suggested including the employee
189 information in a new section instead. Mr. Hahn agreed.

190

191 Mr. Morrill said that the BZC should remember that it needs to articulate standards and
192 conditions and then place them in the text. The BZA cannot apply conditions which have
193 not been specifically outlined in the zoning code; it can't impose conditions which aren't
194 included in the zoning resolution. Conversely, the BZA cannot ignore conditions which
195 are in the zoning resolution.

196

197 Mr. Morrill said that for example, Genoa Township's zoning resolution states that home
198 occupations may not be conducted in accessory buildings, but only in the main structure
199 of the house. That township also allows a maximum of two non-resident employees.

200

201 Mr. Morrill said that Mr. Armstrong had compiled information from other area townships
202 regarding home occupations. Orange Township allows up to 3 non-resident employees
203 but only in the FR-1 and other agricultural districts; other districts allow up to 1 non-
204 resident employee.

205

206 Mr. Hahn suggested creating a new section B. and then moving the other sections down.
207 Section B. would consist of the language in the existing number 1 as follows:

208

209 *"An in-place business plan outlining the specifics of said business such as hours,*
210 *traffic, and other potential detrimental or enhancing values to surrounding properties*
211 *and neighbors."*

212

213 He suggested adding text indicating, "This business plan shall be used to evaluate the
214 other elements of this section" which would include the number of employees, traffic,
215 etc. Mr. Morrill agreed.

216

217 Mr. Leahy said that he understood that the BZA must follow the code. However, the
218 business plan, etc. would not be necessary in that case. Mr. Morrill suggested adding
219 language indicating that if the business is determined by the BZA to be possibly
220 detrimental to the values of surrounding properties, that would be a reason to deny the
221 request for a conditional use permit. Ms. Kerlin asked if the meaning of "detrimental"
222 would need to be defined in that case. Others agreed that it would be. Mr. Sedlacek said
223 that several items such as value, traffic, noise, etc. could be considered.

224

225 Mr. Morrill said that a different part of the zoning resolution does regulate excessive
226 noise. He said for example, compare a motorcycle repair and computer repair business.
227 Mr. Leahy said that there would be different definitions of "detrimental" for different
228 people, and the BZA can't make a decision based on an opinion, so there would be no
229 reason for language addressing that. Applicants would go through each section of the
230 code to see how their business would fit into the area. Most businesses which would be
231 considered offensive would not fit in the other sections. He said that 3 non-resident
232 employees on a half-acre lot wouldn't be desirable. He suggested allowing no more than
233 3 non-resident employees in the FR-1 and similar districts, and no more than 1 in other
234 districts.

235

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236 Mr. Armstrong said that there are different types of FR-1 districts in the township,
237 including farm areas and also housing developments, including Summerwood and
238 Winding Creek. Mr. Leahy said three non-resident employees would not fit well on a
239 small lot because of the requirements including parking and the zoning resolution could
240 specify that type of business would not fit and it could not be approved.

241
242 Mr. Hahn said that if the language is made to be too specific, why is a BZA even
243 necessary? He said the BZA will always be required to use their judgment; otherwise,
244 they are not necessary. Mr. Morrill said that “flexibility” may be seen by an attorney to
245 be “arbitrary and capricious.” Mr. Hahn said that even the Ohio legislature tries to tie
246 things down, but the real rules are established typically by case law.

247
248 Mr. Morrill asked what the criteria for non-resident employees should be. Ms. Kerlin
249 said an intact business plan should be presented and on file because 1) if the applicant
250 deviates from that plan they can be held to it by the township, and 2) if the business plan
251 is there and indicates the number of employees, the township can apply the other sections
252 against that and make the decision at that time.

253
254 Mr. Morrill asked if for example, if somebody applies and wants to have 3 non-resident
255 employees and has met the required conditions, how could they be turned down? He said
256 that one part of the determination would be how close the house is to the property line
257 and that could help determine the maximum number of employees. Mr. Hahn said that
258 the proposed item 3. indicates that “building and parking setbacks from property lines,
259 and distance from surrounding properties. Mr. Morrill said it should include information
260 indicating that the distance may limit the number of non-resident employees. Mr. Hahn
261 suggested indicating that “deviation from any of the following criteria” may be reasons
262 for limiting the number of non-resident employees.

263
264 Mr. Hahn suggested that, “The BZA determination (including any limitations) will be
265 based on the following criteria.” Ms. Korleski suggested listing indications on each
266 criteria.

267
268 Mr. Armstrong said that several townships allow more than one non-resident employee in
269 an expanded home occupation; however, Berlin Township currently allows just one and
270 there has been a movement to expand that. He said it would need to be determined
271 whether it would be appropriate in a residential subdivision to allow just one non-resident
272 employee or none, even if the lot is just one acre in size. He asked how the number could
273 be limited to what is appropriate. For example, a lot of 1 acre or less could have no non-
274 resident employees, 1-1.5 could have one, 1.5-2 acres could have two, etc., and he said
275 that the county prosecutor’s office thought that was a good idea. Setting such specifics
276 would help reduce the possibility of the requirements being considered arbitrarily.
277 However, some residential lots can be 2 acres, and it would need to be decided whether
278 non-resident employees are appropriate there. The issue is how to include conditions
279 which can be judged so there is discretion.

280
281 Mr. Hahn said that allowing more than 3 non-resident employees will have an impact on
282 non-commercial areas and they should relocate their businesses. Regarding up to three
283 non-resident employees, he noted that most of all growth in the number of employees in
284 the U.S. is in small businesses, and he asked that businesses in the township be allowed
285 the number of employees which would make sense.

286
287 Mr. Sedlacek asked Mr. Hahn to work on the wording for BZC review. Mr. Hahn agreed
288 and said he would also run the language by the county prosecutor, and he asked
289 suggestions to be sent to him.

290
291 Mr. Armstrong said that prior to sending the proposed revisions to the trustees, a case
292 number needs to be assigned and the hearing to make the changes must be properly
293 advertised.

294

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

Review of CLUP Chapter 4: Goals

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Ms. Kline said that per the Commission’s request, she has reviewed and revised Chapter 4, which included condensing it to make it easier to read. The original chapter included many tables and rankings. The proposed language includes brackets which indicate the original work she did.

Ms. Kline said that she felt that the rankings were very difficult to understand and she thought maybe others would feel the same way. The other issues she was concerned about was that the data perhaps may not be statistically significant and it was given more weight than it deserved, so she summarized the information in bullet points and then included the rankings in the appendix.

Ms. Kline said the original chapter had been divided into three parts.

- 1) Strengths and weaknesses, which were included in the 2001 plan and then recently revised by the BZC.
- 2) Vision Statement.
- 3) Goals, which were the original goals and have been reviewed by the BZC and added to, and also from the recent resident survey.

Strengths and Weaknesses

Ms. Kline said she divided out the strengths and weaknesses, reworded the text to keep the essence of what was said and put it into bulleted points. Areas which were underlined were the revisions which were made by BZC members during recent meeting. There were three strengths and four weaknesses and it may appear that the township has more problems than strengths, so she could work on rearranging that while not changing the substance.

Ms. Kline reviewed the strengths:

- Open green areas and natural resources including Alum Creek Park with fresh air, wildlife, recreation, and a rural agricultural atmosphere lacking excessive development with a small town feeling.
- The ideal location allows for a non-transient, diverse community of low-density housing with appreciating property values, large lot sizes, good utilities, and commercial development in well-defined areas.
- Other attributes include the low crime rate and quality schools.

Ms. Kline reviewed the weaknesses.

- More industrial/commercial development is needed to stabilize the tax base and moderate the high taxes. There was a discussion about this section and the Commission agreed to delete the words “is needed.”
- Lack of central focus or town center as well as a lack of and little variety of shopping, entertainment, and jobs.
- Signs of rapid growth including growth of schools, undesirable development, and excessive land ownership by developers.
- Issues with utilities including not enough utilities where needed and overhead power lines as well as public safety concerns (traffic control, need for full-time fire department) and potential pollution concerns (noise and light pollution). Mr. Sedlacek said he thought the township had more than just three strengths. The BZC agreed that the third paragraph of strengths could be divided out and there was a discussion. The end result was that there will be four paragraphs of strengths.

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353 Essence of Berlin Township

354 Ms. Kline reviewed the essence of Berlin Township from 2001 when it was noted by the
355 residents and the BZC. She said it was reiterated by the BZC in 2009, and this was
356 copied word for word from the original version. There have been some addition
357 suggestions which include changing the date to 2009.

358
359 Ms. Kline said that one of the characteristics of “rural feel” indicated in the text included
360 “Mature trees on scenic roads; rough road edge, farm fences, split rail.” She asked if the
361 BZC wanted to continue to keep the term “rough road” as a “strength.”

362
363 Mr. Armstrong said he did not, in his opinion. Mr. Sedlacek agreed and said he wasn’t
364 sure what that term meant. Mr. Morrill said that referred to rural roads as opposed to
365 guttered roads. Mr. Armstrong said that rough roads are gravel-bermed and are usually
366 16’ wide. School busses are 8.5’ wide plus the mirrors, which creates a problem when 2
367 busses are passing. In his opinion, such narrow roads are a thing of the past and are not a
368 current attribute, especially since the township is struggling with the cost up upgrading
369 them. Mr. Hahn suggested, “rural roads when appropriate.” Ms. Kerlin said that only 4
370 people out of 100 indicated that “rough road edges” were a strength on the survey, so this
371 would not seem to be a strength. After further discussion, the Commission agreed to
372 remove “rough road edge” from the section.

373
374 There was a discussion regarding the last sentence in this section regarding the safety of
375 roads, which stated, “Roads should remain as narrow as possible, but safely carry the
376 traffic.” The Commission agreed to change the wording to “as rural as possible.”

377 378 Vision Statement

379 Ms. Kline said she made no changes to the vision statement and she asked the BZC to
380 examine it.

381
382 Ms. Kline said that the idea is that natural areas are maintained, industrial and
383 commercial uses are planned, and that the feel of the township while having a tax base in
384 commercial and industrial. She said the statement regarding the desire for a town center
385 in old Cheshire is really important, which would be a traditional village with
386 neighborhood shops would be an attractive destination.

387
388 Ms. Kerlin liked the term “usable green spaces” in the second paragraph of the vision
389 statement as opposed to the passive uses typically seen.

390
391 There was a discussion about the development of a town center in the old Cheshire area
392 which was indicated in the text as

- 393
394 • Develop more recreational opportunities such as a recreational center with a pool,
395 library, paths/parks for family use, sports fields, playgrounds (perhaps in the Cheshire
396 area to create a town center), bike trails. More green space is needed.

397
398 Mr. Hahn suggested deleting the word, “perhaps” in this paragraph. Mr. Sedlacek asked
399 if the indicated “Cheshire area” should be referred to as “the village of Cheshire” or “old
400 Cheshire” the latter of which is referred to in Article 16 as “Old Cheshire Planned Unit
401 Development.” It was agreed to use the latter suggestion in Chapter 4.

402 403 Goals

404 Ms. Kline discussed the CLUP Goals. The original included a numbered list with
405 rankings, and she included a summary in the revised version of what was said and the
406 reference information in the appendix. This section indicates that there was a set of goals
407 in 1999 and in 2009 the Commission looked at the goals and decided that was what they
408 want. She took the numbered items and combined them to make the information easier to
409 understand and put them in bulleted format.

410

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411 Ms. Kline said that Ms. Korleski wrote the following information regarding active open
412 space; “To assure that passive and active spaces are created within newly-developed
413 residential areas by requiring it of any new developers,” as this was what was discussed
414 at the last meeting. Mr. Sedlacek agreed and said that language gives the township
415 “teeth” to be able to accomplish its open space rules. Ms. Kerlin suggested changing
416 Village of Cheshire to Old Cheshire in this section as well. Mr. Sedlacek said that should
417 be done throughout the text.

418

419 Mr. Hahn suggested that in the following paragraph, the word “implement” should be
420 changed to “maintain” and “compatible” should be inserted before zoning regulations.

421

- 422 • Determine and implement an appropriate land use mix while discouraging
423 overdevelopment or pre-mature development and maintaining services needed for
424 predominantly rural/low density communities and management controls to limit key
425 access points to minimize highway congestion.

426

427 Mr. Hahn suggested that in the following paragraph, the word “compatible” should be
428 inserted prior to “zoning regulations.”

429

- 430 • To implement and maintain the land use plan and enforce zoning regulations.

431

432 Ms. Kline said scenic character is defined and it will be preserved in the vision. The
433 township wants to promote passive, active and recreational activities, and to encourage
434 adjoining bike paths and making them accessible in order for people to be able to get
435 around the township without vehicles when possible.

436

437 Mr. Sedlacek said that the 3rd paragraph states:

438

- 439 • Promote passive/active recreational activities including linking developments with
440 green spaces and paths.

441

442 Mr. Sedlacek suggested changing it to state, “Promote active and passive recreational
443 activities” instead. Ms. Kerlin asked if that would include the recently expressed desire
444 by some residents for a community center or pool. Ms. Kline asked if that information
445 should be included as a separate paragraph and whether the information could be
446 included with the survey responses.

447

448 Mr. Morrill asked what would be a “passive recreational activity” as that would seem to
449 be an oxymoron. Ms. Kline said that passive recreation generally means anything that is
450 not motorized; for example, a walking trail would be a passive use. Active recreation is
451 more of a development or using motorized bikes. The BZC expressed that it felt active
452 recreation would be uses such as baseball diamonds, playgrounds, etc. Ms. Kerlin said it
453 seemed to mean that the space was able to be used versus just a space with trees on it.

454

455 Mr. Armstrong said developers typically clear the open space area and plant grass, and
456 that suffices as green space per the zoning resolution. There should be a statement in the
457 zoning resolution that a certain percentage of active open space is required. Mr.
458 Valentine said he would like to have more teeth in this area and he said that “request”
459 isn’t a strong-enough word. Mr. Hahn was concerned about encouraging annexation if
460 the requirements are too stringent.

461

462 Mr. Korleski said that active recreational space needs to be further defined. There was
463 additional discussion. Ms. Kerlin suggested modifying the zoning resolution language to
464 require the active open space.

465

466 There was a discussion about the following paragraph:

467

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- 468 • To encourage commercial and light industrial development in planned districts to
469 broaden jobs and tax base while limiting land use and density to suitability, utility
470 availability, and carrying capacity of land infrastructure.
471

472 Mr. Hahn suggested alternative language “actively pursue the types of business and
473 industry that could provide employment and decrease the tax burden to our residents.”
474 There was agreement to modify the language as suggested
475

476 Mr. Hahn said that on the top of the next page, the word “and” should be changed to
477 “but”.

478
479 Ms. Kline reviewed the suggestion of creating a parks board which stated:
480

- 481 • Create a Berlin Township Parks Board.
482

483 Ms. Kline said that the next section deals with the 100 survey results which were received
484 and indicates a summary of the results and that the survey results were included in the
485 appendix.
486

487 She reviewed the following:
488

- 489 • Zoning should be utilized to prevent annexation.
490 • Keep large lot sizes and preserve the right mix of housing density by utilizing zoning
491 restrictions and controlling growth to minimize impact on schools.
492 • Develop more recreational opportunities such as a recreational center with a pool,
493 library, paths/parks for family use, sports fields, playgrounds (perhaps in the Cheshire
494 area to create a town center), bike trails. More green space is needed.

495 Ms. Kerlin said that regarding the development of a community center, it could
496 include as an option a farmers market with locally-grown produce, which would draw
497 community members into the center. It was agreed to add this to the second goal.

- 498 • Update the home occupation regulations and signage standards to promote businesses.
499 • Encourage retail centers and commercial use in appropriate areas as well as affordable
500 housing.

- 501 • Ensure farmland preservation and maintenance of a local food source.

502 There was a discussion about this. Mr. Sedlacek said that means that the farmers can
503 generate food for people. He said that 90% of the farms in this area provide corn and
504 soybeans for animals. Ms. Kline asked if the township does anything to encourage
505 farmers to sell their food locally. Ms. Korleski said there is a Delaware Farm Market.
506 Ms. Kerlin said that there was an organic food farmer in the old Cheshire Planned Unit
507 development which markets to other places.
508

509 Ms. Korleski said there are also areas which co-op. Ms. Kline asked if there was any
510 other location this could be mentioned. She would like to see a local food source
511 because it is an environmentally-sound, sustainable practice. Mr. Hahn said farmers
512 can be encouraged to sell locally; there is no way to keep farmers from selling their
513 property to developers. He said the word “ensure” should be changed to “encourage.”
514

515 Mr. Sedlacek thanked Ms. Kline for all her work and asked her to make the changes to
516 Chapter 4 and email them to the BZC, the zoning office, and Mr. Sanders for review.
517

AGENDA ITEM: OTHER BUSINESS

518
519
520 Mr. Sedlacek said that Mr. Armstrong has brought up some issues over the last few
521 months but the BZC has not had time to address the issues because of the work it is doing
522 on the CLUP. Tonight is a good time to work on these issues.
523

524 Wind Turbines

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
NOVEMBER 10, 2009, 7:00 PM**

525 Mr. Armstrong said that township is allowed to regulate wind turbines which are 4
526 megawatts or less, and he has had several inquiries regarding wind turbines in the
527 townships. Mr. Sanders has been working on a code for wind turbines with Scioto
528 Township and it has been reviewed by the county prosecutor.

529
530 Mr. Armstrong distributed a draft copy of the language and said that Mr. Sanders intends
531 to provide a model code which the township can use. One question is how high the
532 towers can be, and whether the height limits in the code apply to just the tower, or the
533 tower and the blade height? There are also different ways of measuring the towers, and
534 one method is to include the tower height minus the blade because the language doesn't
535 mention the vertical position.

536
537 Mr. Armstrong said he is particularly concerned with issues such as the fall zone of a
538 tower so a neighbor's property is not encumbered. Encumbering a property could
539 amount to being a taking. He said the BZC needs to take this issue seriously.

540
541 Permitted Uses in the Planned Industrial District (PID) and Planned Commercial District
542 (PCD)

543 Mr. Armstrong distributed a document labeled "PCD" and explained that it was a list of
544 the NAICS (North American Industry Classification System) codes in the PCD district in
545 the township's current zoning resolution. He has marked the ones in the PCD district
546 which were not included in PID. He asked for direction from the BZC regarding the
547 direction it would like to go in regards to this.

548
549 Mr. Armstrong noted that in the zoning resolution, car dealerships are limited to the PID
550 district and are not allowed in the PCD district. New car dealerships, and new and used
551 car dealerships are permitted, but used car only dealerships are not permitted. This could
552 be a problem if a business would like to locate in the township and there is no reference
553 in the zoning resolution to this type of use.

554
555 Mr. Sedlacek asked if he would prefer to work on a proposal by himself to bring to next
556 month's meeting, or if he would like assistance by some of the BZC members via a
557 subcommittee. Mr. Armstrong said he would put it together but he would like help from
558 a few people. Mr. Sedlacek said he would be willing to review the information and
559 perhaps it could be presented as a proposal to the BZC next month. He asked for
560 comments from the BZC within a week by 11/20/09 for the wind turbines. Mr.
561 Armstrong will send information on the NAICS codes and Mr. Sedlacek and another
562 person will review that information.

563
564 Ms. Kline said that there are some issues which have been brought up about wind
565 turbines which are not mentioned here. She would like to examine some of the other
566 research regarding this type of renewable energy source, and the drawbacks which are not
567 addressed in this document. Ms. Korleski volunteered to help review information.

568
569 Wind Turbines
570 Mr. Armstrong said that nothing is going on in Berlin Township regarding wind turbines,
571 although there are some going up other places. He said the Commission needs to take
572 this issue up and give him direction on how he should handle the issue.

573
574 It was noted that the review of the recommendations portion of the CLUP will be lengthy.

575
576 **SYNOPSIS**

577
578 Accomplished

579 ➤ CLUP Chapter 4: Goals was reviewed.

580
581 Future Work

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

BERLIN TOWNSHIP ZONING COMMISSION (BZC)

OF DELAWARE COUNTY, OHIO

**REGULAR MEETING
NOVEMBER 10, 2009, 7:00 PM**

583 ➤ At the next BZC meeting on 12/8/09 at 7:00 PM, the review of the CLUP will
584 continue, including the recommendations and subareas portion.
585

586 The next BZC meeting will be on Tuesday December 9, 2009 at 7:00 PM at the Berlin
587 Township Hall.
588

589 There was no further business to come before the Commission. Motion to adjourn.
590 Meeting adjourned at 9:22 PM.
591

592 _____
593 Rick Sedlacek, Chairperson

594 _____
595 Jerry Valentine, Vice-Chairperson

596 _____
597 Rae Ann Kerlin, member

598 _____
599 Jim Hahn, member

600 _____
601 Betty Bringardner, first alternate seated
602

603 Attest: _____
604 Lisa F. Knapp, Berlin Township Zoning Clerk