

CONCORD TOWNSHIP BOARD OF TRUSTEES

November 27, 2018

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The Concord Township Board of Trustees met in special session on Tuesday, November 27, 2018 at 10:00 am at the Concord Township Administrative Building, 6385 Home Road, Delaware, Ohio 43015. The purpose of the meeting was to hear minor changes/amendments to the Comprehensive Plan and Zoning Resolution as recommended for approval by the Concord Township Zoning Commission and Delaware County Regional Planning Commission (DCRPC).

Mr. Johnson noted all requirements were met to satisfy holding this hearing.

On October 30, 2018, the Concord Township Zoning Commission held a public meeting for the purpose of considering ZC062019, text amendments to the current Comprehensive Plan and Zoning Resolution (see attached). After hearing all evidence and testimony regarding application ZC062018, the Concord Township Zoning Commission moved to approve the proposed Zoning Resolution changes and/or updates to the Trustees, including clarification from DCRPC by mail, email, or verbal that extension of time/modification of the final development plan letters a.) and b.), which were omitted from the DCRPC recommendations, are inclusions to the current zoning resolution. The motion was made and seconded and there was a unanimous vote to recommend approval to the Trustees.

Chairman Johnson called the meeting to order, and the roll was called. Attending were Trustees Bart Johnson and Joe Garrett. Zoning Commission Chair Connie Resanovich and Zoning Assistant Angie Ellerbrock were also present to help with discussion.

Ms. Resanovich summarized the changes as well as a couple issues: most of the changes requested are based on changes to the Ohio Building Code, state changes, or county changes. One change (#4) has two different wording options to be decided.

Discussion was also held on how to handle differing development opinions at zoning commission meetings. All decisions must be based on the Concord Township Zoning Resolution Code, outside of personal opinion. Stay with the Code.

Discussion was also held on granting divergences for developments, which will be determined by the Board of Trustees.

The Trustees requested multi-use paths be specified at a minimum of eight feet (8'), and sidewalks at five feet (5').

After discussion, Mr. Johnson moved and Mr. Garrett seconded to adopt Resolution #112718-1 to approve the following amendments to the Concord Township Zoning Resolution:

- Adopt the standards of the current Delaware County Code Compliance as follows: Section 21.13 e.) regarding swimming pool fences shall be deleted, and Section 21.05 Water Impoundments c.) shall state, "All installed swimming pools shall adhere to the current Delaware County Code Compliance Building Codes and Standards for installation and construction."
- The definition of Walkway shall be updated to, "Walkway/Multi-Use Path: Walkway/Multi-Use Path constructed per Delaware County Engineer's Standards with a minimum width of five feet (5') for sidewalks and a minimum width of eight feet (8') for multi-use paths, and shall, to the extent reasonably possible, connect with other Walkways, Multi-Use Paths, and/or sidewalks on adjacent properties."
- The following sentence shall be added under Section 11.07 Development Standards, "Curbs and base coat of an approved ODOT material of rolled, compacted concrete (RCC) or asphalt material shall be in place before zoning permits will be issued by the township."
- Update the entire Zoning Resolution to correct code names without changing the meaning or spirit of the Resolution, to "Ohio Building Code of Ohio" regarding Commercial issues, and "Ohio Residential Code of Ohio" regarding Residential

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issues.

- Delete the entire Section 21.07 Flood Plain Regulations, and replace with "All flood plain regulation shall be administered by the Flood Plain Administrator of Delaware County."
- Delete the entire Section 25.05 and 25.06 regarding Certificates of Occupancy, which are no longer used in the Township.
- Include the following two paragraphs in Planned Residential Article XI Section 11.08, Planned Commercial and Office Article XIX Section 19.08, and Planned Industrial Article XX Section 20.08:

Extension of Time/Modification of Final Development Plan

- a.) An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.
 - b.) Proposed variations from the approved Development Plan that involve only one (1) lot shall be considered by the Board of Zoning Appeals under its hearing process pursuant to Article XXVIII Section 28.05 of the Zoning Resolution.
- Upon roll call vote: Johnson-yes, Garrett-yes.

The Trustees noted they would like to see modified ditches in future developments instead of curb and gutter.


Mr. Garrett moved and Mr. Johnson seconded to adjourn. Vote: Garrett-yes, Johnson-yes.

ATTEST


Fiscal Officer, Jill Davis

BOARD OF TRUSTEES


Bart Johnson


Joe Garrett

**Concord Township
Board of Zoning Commission (BZC)**

Administrative Building
6385 Home Road • Delaware • Ohio • 43015

July 17, 2018

The BZC on July 17, 2018 agreed the following changes/updates may be needed in the Zoning Resolution, Last Amended April 11, 2018.

- **The Board agreed the township should adopt the standards of the current Delaware County Code Compliance. The following proposed statement was discussed;**

All pool codes shall adhere to the current Delaware County Code Compliance Building Codes and Standards.

The following letter e.) should be deleted from the resolution;

Section 21.13 FENCES AND WALLS

e.) All swimming pools shall be surrounded on all sides by a fence with a minimum height of four and one half (4.5) feet and with a self-latching gate.

The following Section should be updated;

CURRENT:

Section 21.05 WATER IMPOUNDMENTS

c) All installed swimming pools, or the entire property upon which the pool is located, shall be walled or fenced to prevent uncontrolled access by all individual from the street or from adjacent properties. Said fence or wall shall be not less than four (4) feet in height and shall be maintained in good condition with a gate and lock.

UPDATED:

Section 21.05 WATER IMPOUNDMENTS

c) All installed swimming pools shall adhere to the current Delaware County Code Compliance Building Codes and Standards for installation and construction.

- **The Board agreed the following Definition should be updated;**

CURRENT:

Walkway: A public way for pedestrian use, whether along the side of a road or not.

UPDATED:

Walkway/Multi-Use Path: Multi-Use Path constructed per Delaware County Engineer Standards with a minimum width of five (5) feet and shall, to the extent reasonably possible, connect with other Walkways, Multi-Use Paths and/or sidewalks on adjacent properties.

- The Board agreed the following sentence should be added under Development Standards;

Section 11.07 Development Standards

8.5??) Curbs and base coat of an approved ODOT material of RCC or asphalt material shall be in place before zoning permits will be issued by the township.

- The BZC agreed to update the entire resolution to correct code names without changing the meaning or spirit of the resolution;

CURRENT:

Ohio Basic Building Code; regarding Commercial issues

UPDATED:

Ohio Building Code of Ohio

CURRENT:

Ohio Building Code; regarding Residential issues

UPDATED:

Ohio Residential Code of Ohio

- The BZC agreed to update the resolution;

CURRENT: (DELETE ALL)

~~Section 21.07 - FLOOD PLAIN REGULATIONS: Certain limited areas of the Township lie within the flood plain of the Scioto River and its tributaries. Inundations of those areas during periods of high water can impose great loss of property value unless controls are imposed to ensure that land use within those areas consider such risks and minimize the impact of such flooding. In an effort to control such uses and in the best interest of the township, the following regulations shall be imposed and apply to all land use districts within the flood plain:~~

- ~~Any owner of property who wishes to engage in the development thereof (development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations located within the land in the flood plain within the township, subject to a 1-% or greater chance of flooding in any given year) shall, prior to engaging in such development, present to the Township Zoning Inspector a copy or other written evidence of the development permit issued by the Delaware County Building Inspector evidencing that the owner has complied with the~~

~~Amended Flood Damage Prevention Control Regulations of the Delaware County Building Code, Section 301(c) adopted December 26, 1987. Compliance with said Amended Flood Damage Prevention Control Regulations adopted by the Board of County Commissioners of Delaware County, Ohio, shall constitute satisfactory compliance with these flood plain regulations of Delaware County.~~

b)

~~The Delaware County Building Department maintains on file for public examination current maps delineating the boundaries within the Township of all lands designated "flood way" in the event a property owner contests the boundaries of such flood way. He shall be given reasonable opportunity to present technical evidence to support his position as provided in the Delaware County Amended Flood Prevention Control Regulations. Compliance with said regulations shall constitute compliance with the Concord Township Flood Plain Regulations contained in this Section 21.07.~~

UPDATED:

Section 21.07 – FLOOD PLAIN REGULATIONS

All flood plain regulation shall be administered by the Flood Plain Administrator of Delaware County.

- **Certificates of Occupancy are no longer needed in the township. The BZC agreed to update the resolution;**

CURRENT: (DELETE ALL)

~~**Section 25.05 – CERTIFICATE OF OCCUPANCY:** It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or certificate of occupancy shall have been issued by the Zoning use or structure until Inspector stating that the proposed use of the building or land conforms to the requirements of this Resolution.~~

~~**Section 25.06 – TEMPORARY CERTIFICATE OF OCCUPANCY:** A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion; such permit may be renewed twice at the discretion of the Zoning Inspector.~~

Proposed changes, per Concord Township BZC 08/07/2018

A INCLUDE THIS INFORMATION IN THE FOLLOWING ARTICLES OF THE RESOLUTION.

PRD Article, XI, Section 11.08, Planned Commercial and Office Article XIX Section 19.08 and Planned Industrial Article XX Section 20.08

A **Extension of Time/ Modification of Final Development Plan**

a.) An extension of the time limit for either filing the required subdivision plat, recording the approved subdivision plat, or enlarging the approval period for either a preliminary or final development plan may be granted by the Zoning Commission without public hearing provided the Commission finds that such an extension is not in conflict with the public interest, that there is a legitimate purpose and necessity for such extension, and that the applicant shows evidence of a reasonable effort toward the accomplishment of the filing and/or recordation of the plat and the completion of the development of the project. A request for extension shall be filed prior to the expiration of the established approval period.

b.) Proposed variations from the approved Development Plan that involve only one (1) lot shall be considered by the Board of Zoning Appeals under its hearing process pursuant to (BZA process section) of the Zoning Resolution. ~~All other modifications to the Development Plan shall be presented to the Zoning Commission for its consideration as defined in this section.~~