

**ZONING COMMISSION JOURNAL OF ACTIONS  
FROM MEETING HELD JANUARY 23, 2024  
ORANGE TOWNSHIP - DELAWARE COUNTY**

The electronic recordings of this meeting serve as the official meeting minutes.  
A full and accurate account of this meeting's audio and video can be found at [www.orangetwp.org](http://www.orangetwp.org)

Christine Trebellas called the meeting to order.

**ROLL CALL:** Christine Trebellas, Chair - Present  
Dennis McNulty, Vice-Chair - Present  
Les Pierce - Present  
Pam Foster – Present  
Karthik Avadhanula – Present

**ALSO PRESENT:** Robin Duffee, Development and Zoning Director  
Michele Boni, Township Administrator

Mr. Duffee gives a brief overview of the process gone through during the Zoning Code Re-Write; would like to talk about Articles 1 and 2 tonight.

Mr. Duffee presents Article 1:

- Lays out the purpose and need for a zoning code
- Goes over rules of interpretation and measurement – any road frontage would have front setbacks, if you are on a corner lot, you would have 2 front setbacks
  - Ms. Boni states the front setback would typically be larger than the side

Mr. Duffee Presents Article 2 which covers the different districts/zones:

- The intent is to move current properties into a similar zone
- Goes over new straight zones and existing zones
- Conditional Uses are expanded from what they are now

**Board Comments:**

Ms. Trebellas:

- Wonders about single family density
  - Mr. Duffee responds density is not listed in the standards. At the recommendation of our consultants, we do not have a density restriction. There is a form of density because there is a minimum lot size and a minimum open space requirement. We are getting people away from how many houses per acre because that is not always the best standard for the quality of the development.
- Asks if there a minimum and maximum house size
  - Mr. Duffee replies no, it just has to meet setback requirements.
- Asks if standards for requesting variances and divergences has been tightened
  - Mr. Duffee states the process will change – we have created straight zoning districts which are different from planned districts in that any of the uses that are allowed in that district, as long as they (developers/builders) follow those standards, they can build on it. The hope is that 95% of development that comes in can look at one of those zones and say this is the zone that fits my project, I want to rezone to that. We also have a section for Planned Unit

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Developments (PUD), so if someone has a project that doesn't fit into one of these districts, we allow them to create their own planned district with their own standards.

- Wonders if a property goes all the way back to the next street, does the rear then have a front setback
  - Mr. Duffee replies, yes, if a property extends to two streets then it would have two front setbacks; depending on the district, often times a front setback is smaller than a rear setback.
- Asks if a large commercial lot takes up the whole block, are there maximum setbacks so that the commercial development fronts the road, with the rear street having the parking; is there an option that the parking is in the interior
  - Mr. Duffee states, for some of the districts we do have maximum setbacks with the majority of the parking being in the side or rear.
- Does not have a problem with residential corner lots having a front setback on the street side because it helps with visibility and provides uniformity when you go down the street. Does not like the look of one home close to the street and the next one 30 feet further back.
- Wonders where will DATA centers go? They produce a lot of noise and require an electric substation
  - Mr. McNulty and Ms. Trebellas both think it should be industrial but don't see it listed
  - Mr. Avadhanula adds there are various levels of industrial, Intel for example is considered heavy industrial due to it's run off and pollutants. A DATA center would be light industrial.
- Asks where drug, alcohol or psychiatric treatment centers would be allowed
  - Mr. Duffee replies probably flex employment
- Would like to go over uses

Mr. McNulty:

- Glad to see Evans Farm and Village of Lewis Center to be their own zoning districts
- Asks Mr. Duffee what the major changes are between the proposed code and the current code
  - Mr. Duffee replies everything in the township currently has been zoned by planned districts giving it its own unique zoning code; the proposed code will make zonings more uniform. Neighborhoods will have one set of rules with exception of Evans Farm and Lewis Center Village.
- Asks if some of 23 Overlay standards start to apply (to other developments)
  - Mr. Duffee states the draft code makes commercial developments more uniform. The 23 Overlay does still exist in the draft code; some of those standards are in the commercial standards of the draft code.
- Questions how this can make things on 23 more uniform now, since there isn't a lot left to develop there
  - Mr. Duffee says a lot of this will happen over time with re-development. There is language in this code that tells when the new code applies and when it doesn't.
- Asks could a developer come along and say they want to use the Evans Farm or Lewis Center Village Zone
  - Ms. Boni says technically yes but thinks it is unlikely
  - Mr. Duffee states a developer could request it but it doesn't mean the Zoning Commission or Board of Trustees would approve it; further states the comprehensive plan is referenced in the draft code and influences how properties are zoned.
- Wants small hotels as a use

Mr. Pierce:

- Asks the anticipated date this will be wrapped up

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- Mr. Duffee replies public presentation is scheduled for March 13 and the hope is to launch the adoption process late March or early April.
- Asks if we (Zoning Commission) will be approving each article by itself or approving the whole code at once
  - Mr. Duffee responds at the trustee level it will need to be approved all at once but at the Zoning Commission level, we can have as many meetings as the commission would like.
- Asks if consultants ran everything through Ohio Revised Code (ORC) to ensure the draft code is enforceable and there are no legal challenges
  - Mr. Duffee replies that ZoneCo is giving us code that they believe is legally defensible. The township uses our own private legal council as well as the Delaware County Prosecutors office so we will probably have a combination of both of those go over the new code.
- Wonders how much will it limit the size of the homes if you have these minimums? Thinks the side setback on street side of a corner lot should be smaller than the front setback

Mr. Avadhanula:

- Asks if this code will cut down on the amount of permits an applicant needs to apply for giving rezoning with possible divergences and then the final permit(s) to develop as an example further asking if it will be possible for applicant to do all permits at once.
  - Mr. Duffee replies that is part of what is attractive about straight zoning districts, as long as you comply with the standards, you don't need to come before this board or the Board of Zoning Appeals you just need a permit.
- States if developers meet certain rules, there is no divergence, so is it going to be less uniform than how it looks now.
  - Mr. Duffee responds that we have allowed more flexibility, but we will have better standards in place, so the minimum may be a little higher, but beyond that they can choose what they want.
  - Ms. Boni states that Mr. Duffee and his team reviewed all of our existing planned districts. Those standards and existing trends have been incorporated into this draft code. It should fall very well into what we currently have.
- Asks about accessory structures
  - Mr. Duffee says accessory structures will have their own setbacks to follow.
- Wonders if we make it more walkable
  - Mr. Duffee states we do have standards that enforce walkability such as sidewalks and walking paths.
- States technology center should be defined

Ms. Foster:

- Asks for clarification on divergences – the Zoning Commission will not see them going forward
  - Mr. Duffee replies that is correct, divergences are not mentioned in the draft code.
- Wonders about dispensaries
  - Ms. Boni responds the Board of Trustees have a moratorium on medical marijuana, the trustees have not decided whether to do the same for recreational marijuana, if we do permit it, there will be some type of zoning restrictions whether limiting it or designating a specific area.

Meeting adjourned