



4350 Aicholtz Rd • Union Township, Ohio 45245 • (513) 752-1741 • (513) 752-5732 Fax • www.union-township.oh.us

AUGUST 22ND, 2023
BOARD OF TRUSTEES MEETING

*All proposed, new ordinance text has been highlighted and is depicted boldly...
Text that is ~~stricken~~ is proposed to be removed or replaced.*

RE: AMENDMENTS TO APPROVED “PD” PLANS

ISSUE IDENTIFICATION:

Based on potential inconsistencies and for the purposes of providing clarity (for all) throughout the Planned Development District amendment process, the Planning & Zoning staff has prepared the proposed amendments to Article 6, Section 686 of the Union Township Zoning Resolution to define / distinguish major amendments from minor amendments.

Staff Report:

Please refer to Article 6, Section 686 of the Zoning Resolution:

“686. Procedure to Amend an Approved “PD” Plan.

1. A property owner may request amendment to any unexpired “PD” plan. Plan amendment does not re-commence the start date of the expiration period. However, for major amendments, the Board of Trustees in its discretion may by motion re-commence the expiration start date at the date of the amendment approval. Plan amendment shall be considered an administrative action, not subject to Ohio Revised Code Section 519.12 (2001), as amended.



2. The Planning & Zoning Director shall determine whether the proposed amendment is a major or minor amendment. *Major amendments shall include, but are not necessarily limited to: any increase in, or significant movement or relocation of, density; changes in use that result in an increased intensity (as determined by the Planning & Zoning Director); movement of primary access locations; the elimination of roadway connections to adjacent tracts or subdivisions; and the elimination or reduction of open space, recreational uses, or bufferyard features. Any amendment which is not deemed to be a major amendment shall be considered a minor amendment.*
3. For minor amendments, the following procedure shall apply:
 - a. The property owner shall submit a written request to amend the plan to the Planning & Zoning Director.
 - b. Five (5) copies of the proposed amended plan shall accompany the request, along with the required fee, if any.
 - c. The submitted plan shall conform to Section 684, with the following exceptions:
 - (1) One (1) copy shall highlight all changes from the previously approved plan.
 - (2) The plan shall be captioned, “Minor Amendment.”
 - d. The Planning & Zoning Director shall review the application, and at the Director’s sole discretion, approve or deny the minor amendment. An Applicant may appeal a denial of a minor amendment to the Board of Trustees.
 - e. Prior to entering a decision, the Planning & Zoning Director may require the applicant to submit written authorization from the Clermont County Engineer, Clermont County Water and Soil Conservation District, Clermont County Water and Sewer District, or other agencies evidencing conformance to all requirements or resolution of all issues pertaining to the development.
4. For major amendments, the following procedure shall apply:



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- a. The property owner shall submit a written request to amend the plan to the Planning & Zoning Director.
 - b. Ten (10) copies of the proposed amended plan shall accompany the request, along with the required fee, if any.
 - c. The submitted plan shall conform to Section 684, with the following exceptions:
 - (1) One (1) copy shall highlight all changes from the previously approved plan.
 - (2) The plan shall be captioned, "Major Amendment."
 - d. The Planning & Zoning Director shall review the application and draft a report for review by the Board of Trustees.
 - e. Unless waived by the Planning & Zoning Director, prior to submission to the Board of Trustees, the applicant shall provide written authorization from the Clermont County Engineer, Clermont County Water and Soil Conservation District, Clermont County Water and Sewer District, and any other agencies as deemed necessary by the Planning & Zoning Director evidencing conformance to all requirements or resolution of all issues pertaining to the development or amendment.
 - f. Thereafter, the Planning & Zoning Director shall place the amendment on the Board of Trustees docket. The Board of Trustees shall consider the amendment and adopt a motion approving, denying, or modifying the amended plan. Prior to entering a final decision, the Board of Trustees may direct that further data be provided if necessary to make an informed decision.
5. For property approved under prior "PD" regulations that have an unexpired Concept or Design Plan in effect, the developer shall proceed under Subparagraph 686.4 to obtain "PD" plan approval. For these properties only, the expiration date shall automatically re-commence at the date of Trustee approval."



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RE: OVERLAY DISTRICT APPLICABILITY

ISSUE IDENTIFICATION:

Based on recurring applicant confusion regarding the applicability of Comprehensive Land Use Plan requirements, and for the purposes of providing clarity throughout the Focus Area Overlay District review process, the Planning & Zoning staff has also prepared the proposed amendments to Article 13, Sections 1300 and 1310 of the Union Township Zoning Resolution—to acknowledge changes of use and to cross-reference and (better) tie together the Zoning Resolution and Comprehensive Land Use Plan (and the Overlay District Map) and their associated requirements as well as those involving high quality / traditional building materials.

Staff Report:

Please refer to Article 13, Sections 1300 and 1310 of the Zoning Resolution:

“

1300. General Provisions.

1. Statement of Intent.

A Focus Area (FA) overlay district is intended to provide supplemental regulations or standards pertaining to specific geographic features or land uses that further the health, safety and morals of the township. These supplemental regulations are intended to be less restrictive than base zoning so as to give the Board of Township Trustees authority to implement specific purposes contained within this Section. Whenever there is conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations—***including the requirements for such overlay district set forth in the most recent version of the Union Township Comprehensive Land Use Plan***—shall supersede the base district regulations.



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2. Definition.

A Focus Area Overlay (FA) District is defined as a geographic area exhibiting or planned to contain special and distinctive characteristics that are of significant value or importance to the public. These characteristics include:

- a. Natural phenomena such as unique geologic strata, soil formations, slopes, vegetation, water flow, significant scenic views or other similar natural features; or
- b. Physical development features such as:
 - (1) Substantial public investment in public improvements.
 - (2) Community plans that coordinate public and private investment.
 - (3) Characteristics that include institutional uses or neighborhood support services in residential neighborhoods.

3. Purposes.

The purposes of FA regulations are:

- a. To promote the Health, Safety and Morals of the Township.
- b. To cooperate with the development of land and structures to be compatible with larger planning areas beyond the immediate vicinity of the site.
- c. To protect or improve the quality of the environment in those locations where the characteristics of the environment are vulnerable to damage.
- d. To protect areas of significant public investment.
- e. To protect against the loss of public opportunity by the cumulative effect of unplanned or sporadic development under conventional zoning regulations.



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4. FA regulations are required to protect the public and property owners in the district:
 - a. From blighting influences that might be incrementally caused, extended or worsened by the application of conventional land use regulations to properties and areas of sensitive and special public interest;
 - b. From significant damage to neighborhoods that contain large institutional and other nonresidential uses or support services;
 - c. From significant damage or destruction of prominent wetlands, floodplains, hillsides and/or valleys or other natural resources caused by improper development thereof;
 - d. From significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;
 - e. From soil erosion, stream issues and development on unstable land;
 - f. From the loss or destruction of mature and/or valuable trees and other natural resources;
 - g. From the detrimental cumulative effects of incremental development decisions in suburban centers, corridors, neighborhoods and villages on:
 - (1) Preservation and enhancement of pedestrian safety and views from the public right-of-way.
 - (2) Balance of convenience and compatibility between residential and nonresidential areas.
 - (3) Coordination of useful and attractive signage and streetscape elements.
 - (4) Minimization of traffic congestion and coordination of land use intensity with local capacities and goals.



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5. Identification.

The location of all FA districts shall be shown on the Zoning Map as an overlay zone outlined in specific areas over existing zoning district areas.

6. Applicability.

Except as otherwise provided herein and in other sections of this Zoning Resolution, all regulations of the underlying zoning districts shall apply to and control property in the FA district. However, in the case of conflict between the provisions of an underlying zoning district and an FA district— ***including the requirements for such FA district set forth in the most recent version of the Union Township Comprehensive Land Use Plan*** —the provisions of the FA district shall prevail. The adoption of an FA district shall not have any effect on a previously approved zoning certificate or PD Plan during the period of validity of such approval.

7. Creation.

All Focus Areas listed in the Horizon 2030 Comprehensive Plan adopted by the Board of Trustees on November 14, 2013 (Ohio Pike Corridor, Little Miami-Lower East Fork Corridor, Bach Buxton Road Commercial Corridor, Central (S.R. 32) Retail Corridor, Summerside/Willowville Mixed Use Corridor, Mt. Carmel-Tobasco Road Mixed Use Corridor, Ivy Pointe Commercial Corridor, Olive Branch-Stonelick Corridor, and Mt. Carmel Business District Corridor) shall be included as Focus Area Overlay Districts on the effective date of this resolution. The Board of Township Trustees may, from time to time, modify, delete or create FA districts as defined and containing the characteristics in accordance with the following procedures set forth in the Ohio Revised Code and the Union Township Zoning Resolution.



8. Supplemental FA District Regulations.

FA district standards adopted by the Board of Township Trustees may relax the underlying zoning district regulations for land use, lot area, coverage, density, floor area, setback, parking, height, fencing, landscaping, ***the use of traditional building materials*** or other specific development standards for specific FA districts upon a finding of fact that conditions peculiar to such district and the achievement of the goals set forth in this article and as listed in the Comprehensive Land Use Plan require supplemental regulations...”

“1310. Development Authorization.

1. Applications; Process.

Applications for zoning certificates in FA districts that are limited to a change in permissible use or occupancy of an existing building, accessory building, lot or portion thereof shall be submitted on a form prescribed by the Planning & Zoning Director and reviewed administratively by staff.

All other applications for zoning certificates in FA districts shall be made to the Planning & Zoning Director ***on a form titled “Application for Approval of Overlay District Plan” provided by the Planning & Zoning Director. Said applications shall be made on such form or forms as may be provided.*** The information required for submission shall demonstrate the need to modify the regulations for the Zoning District ***identify the characteristics that are consistent with the intent of the FA District.***

- a. To be eligible for review, the property must be properly zoned with a principle and permitted use as regulated by the Union Township Zoning Resolution. ***The property owner shall submit a written request on a form titled “Application for Approval of Overlay District Plan” provided by the Planning & Zoning Director, to identify the characteristics that are consistent with the intent of the FA District.***
- b. Ten (10) copies of the proposed modified plan shall accompany the request, along with the required fee, if any.



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- c. The plan shall be captioned, “Overlay District.”
- d. Unless waived by the Planning & Zoning Director, prior to submission to the Board of Township Trustees, the applicant shall provide written authorization from the Clermont County Engineer, Clermont County Water and Soil Conservation District, Clermont County Water and Sewer District, and any other agencies as deemed necessary by the Planning & Zoning Director evidencing conformance to all requirements or resolution of all issues pertaining to the Overlay District.
- e. The Board of Township Trustees shall hold a public hearing within thirty (30) days after the receipt of an Overlay District application.
 - (1) The Planning & Zoning Director shall provide notice of such hearing in one or more newspapers of general circulation in the Township at least ten (10) days before the hearing. The notice shall include the date, time, place, a general description of the plan requested and that the matter will be referred to the Board of Township Trustees for further determination.
 - (2) The Planning & Zoning Director shall place the Overlay District application on the Board of Township Trustees’ docket at the next available meeting.
 - (3) The applicant will have the opportunity to appear, examine witnesses and present evidence.
 - (4) All witnesses will be sworn.
 - (5) The Board of Township Trustees shall consider the Overlay District application, make appropriate findings of fact and adopt a motion approving or denying the application.
 - (6) Prior to entering a final decision, the Board of Township Trustees may direct that further data be provided if necessary to make an informed decision.”



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RE: MISSING & INCOMPLETE DEFINITIONS

ISSUE IDENTIFICATION:

Based on recurring issues with applicants and for the purposes of providing clarity throughout the Focus Area Overlay District review process, the Planning & Zoning staff has also prepared the proposed amendments to the following Definitions of Appendix A, of the Union Township Zoning Resolution—specifically to acknowledge high quality / traditional building materials.

Staff Report:

Please refer to Appendix A of the Zoning Resolution:

*****Propose striking all numbers in Definitions, as they are alphabetized.***

“ ...

51. HIGH-QUALITY MATERIALS, (see TRADITIONAL BUILDING MATERIALS).

... ”

118. TRADITIONAL BUILDING MATERIALS, means high-quality materials, including brick, clapboards and shingles (wood, fiberglass, metal), and stone or simulated stone as primary acceptable primary materials. Contemporary secondary or supporting materials with the same visual characteristics as traditional materials (e.g., cement plank clapboards) are acceptable if properly detailed with surface textures and trim at openings, corners, and changes in material and in context with the primary materials. Painted medium density overlay (MDO) plywood is acceptable when used as a secondary material in combination with traditional materials to give it scale. Long-term maintenance needs should be a consideration in the selection of all building materials. The use of traditional building materials or high-quality building materials is typically recommended on a minimum of 50% of all building façades (excluding windows and doors in the calculation of the façade area) that are highly visible from a public or private roadway.



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129. ZONING DISTRICT MAP, means the *Official* Zoning District Map or Maps of Union Township, *including the “Union Township Focus Areas Map” referenced in the most recent version of the Union Township Comprehensive Land Use Plan*”, together with all amendments subsequently adopted.”