



ANDERSON TOWNSHIP PLANNING AND ZONING - STAFF REPORT

CASE 1-2020 ANDERSON

TEXT AMENDMENTS TO THE ZONING RESOLUTION

FOR CONSIDERATION BY THE ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES ON MARCH 19, 2020

- APPLICANT:** Anderson Township Planning and Zoning Staff, on behalf of the Anderson Township Board of Township Trustees
- REQUEST:** To provide recommendation to the Anderson Township Board of Trustees for approval of amendments to Articles 3, 4, 5, and 6 of the Anderson Township Zoning Resolution. The amendments include the addition of definitions for massage therapy, medical marijuana businesses, short term rentals, murals and noncommercial signage, and to amend the regulations of the Planned Unit Development (PUD) overlay review procedures.
- CASE HISTORY:** Adoption of the Resolution was initiated by the Board of Township Trustees on November 21, 2019. Hamilton County Regional Planning Commission heard the request on January 9, 2020 and recommended approval of the text amendments with modifications. A copy of the Hamilton County staff report and minutes are attached. On January 24, 2020 the Anderson Township Zoning Commission continued Case 1-2020 Anderson to February 27, 2020 to allow staff to make changes to Exhibit C (Short-term Rentals) and Exhibit E (Murals).
- PLAN HISTORY:** Anderson Township adopted the existing Zoning Resolution in 1988, while components of the document date back to 1948 and the original Hamilton County Resolution, various text amendments and updates have been made over the years. In March 2015, the Zoning Resolution was reformatted for simplicity of use and provides illustrations. The most recent text amendment to the Zoning Resolution occurred in 2016 to allow small scale breweries and distilleries to operate in the “E” Retail District and definitions for microbrewery, brewery, micro-distillery and distillery.
- AMENDMENT PROCESS:** Due to a number of cases from the past few years, as well as changes in state legislation, staff felt that text amendments were necessary to ensure that the Zoning Resolution is held to a current standard. Township staff conducted research from around the region and nation and prepared the following amendments.
- AMENDMENT SUMMARY:**
- Exhibit A: Massage Therapy**
A new definition for “Massage Therapy” is proposed to differentiate the personal care use from a “Massage Parlor,” which is defined as a Sexually Oriented Business (SOB). SOBs are conditional uses in the “ID” zoning district. Any conditional use in the ID district is not permitted in “E” Retail Zoning district. By defining massage therapy, there will be a clear distinction between massage parlors, which are a sexually oriented business, and medical massage therapy.
- Exhibit B: Medical Marijuana**
Provide definitions pertaining to Medical Marijuana Businesses, which include the following: any business, laboratory, or other enterprise that cultivates, processes, distributes, tests, or sells medicinal marijuana or any other derivative of marijuana. Ohio’s medical marijuana control program was enacted in 2018.

In November 2019, Anderson Township Trustees approved Resolution No. 19-1121-05, prohibiting medical marijuana retail dispensaries in the unincorporated territory of Anderson Township, while current zoning permits cultivation and processing in the “ID” Industrial Development Zoning District in the Township.

Staff revised Exhibit B: Medical Marijuana to comply with HCRPC’s recommendations, which were made during their January 9, 2020 meeting.

Unrelated to medical marijuana, a correction to “ID” Industrial District, Article 3.16, 21, B is proposed. During the reformat of the Zoning Resolution in 2016, text was incorrectly transferred. (Please see Exhibit B)

Exhibit C: Short Term Rentals

Define Short Term Rentals and require that Short Term Rentals obtain a Conditional Use Zoning Certificate in Single Family and Multi Family Residence Districts. Currently the township has multiple short term rental listings. In order to protect neighboring property owners from potential negative effects, Anderson Township will require new listings to obtain a Conditional Use Certificate through the Anderson Township Board of Zoning Appeals.

Exhibit D: Planned Unit Development

Amend the Anderson Township Zoning Resolution to include provisions for PUD density. The proposed text amendment adds a standard to the PUD (Planned Unit Development) General Standards to ensure the protection of sensitive natural features on the property in question. A density calculation will allow for a clearer developable area and a more accurate density of the property.

Exhibit E: Murals

Amend the Anderson Township Zoning Resolution to include definitions pertaining to Murals and Noncommercial Signage. There is currently not a definition for either. By defining mural and noncommercial signage, there will be a distinct difference between permitted wall signs, Article 5.5 of the Anderson Township Zoning Resolution, and murals.