



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:

Full Exhibits are on Pages 3-9

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.

Exhibit A: Massage Therapy

Definitions Text Amendment

Request:

A new definition for “Massage Therapy” 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.

Proposed changes are underlined or ~~struck through~~.

Text Amendment:

Article 6.1: Definitions:

Massage Parlor: A place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include massage therapy as defined herein. The definition of sexually oriented businesses shall not include the practice of massage therapy as defined herein. ~~in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.~~

Massage Therapy: The practice of massage, in any licensed hospital, by: a licensed chiropractor, masseur or masseuse, or osteopath; any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath; or trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program. Massage therapy is the scientific manipulation of the soft tissues of the body for the purpose of normalizing those tissues and consists of manual techniques that include applying fixed or movable pressure, holding, and/or causing movement of or to the body.

Source:

Lawton, Oklahoma- Code of Ordinances Article 7-13- Adult Businesses, Sexually Oriented Businesses, and Massage Establishments Adopted June 23rd, 2015

Exhibit B: Medical Marijuana
Definitions and Article 3.16 Text Amendment

Request:

Amend the Anderson Township Zoning Resolution to include definitions pertaining to Medical Marijuana Businesses. Marijuana Businesses 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. To ensure that the Zoning Resolution was up to date definitions were added, in November 2019, Anderson Township Trustees approved Resolution No. 19-1121-05. This prohibited medical marijuana retail dispensaries in all parts of the township while allowing cultivation and processing in the “ID” Industrial Development Zoning District of the Township.

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.

Proposed changes are underlined or ~~struck through~~.

Text in red was revised based on Hamilton County Regional Planning Commission’s recommendation.

Text Amendment:

Article 6.1 Definitions

Cultivate: to grow, harvest, package, and transport medical marijuana pursuant to Chapter 3796. of the Revised Code.

Cultivator: as used in Chapter 3796 of the Revised Code, an entity that has been issued a certificate of operation by the department to grow, harvest, package, and transport medical marijuana as permitted under Chapter 3796.09 of the Ohio Revised Code.

Dispensary: as used in Chapter 3796 of the Revised Code, means an entity licensed pursuant to sections 3796.04 and 3796.10 of the Revised Code and any rules promulgated thereunder to sell medical marijuana to qualifying patients and caregivers.

Dispense: the delivery of medical marijuana to a patient or the patient's registered caregiver that is packaged in a suitable container appropriately labeled for subsequent administration to or use by a patient who has an active patient registration with the state of Ohio board of pharmacy, authorizing them to receive medical marijuana.

Marijuana Business: any business, laboratory, or other enterprise that cultivates, processes, distributes, tests, or sells medicinal marijuana, or any other derivative of marijuana.

Processor: as used in Chapter 3796 of the Revised Code, an entity that has been issued a certificate of operation by the department to manufacture medical marijuana products.

Article 3.16 “ID” Industrial District B. Permitted and Prohibited Uses: A building or premises may be used for any purpose except the following prohibited uses:

21. Adult Entertainment or related activity, (including activities described in Article 4.2, C. except as permitted in Article 4.5).

~~22. Medical Marijuana retail dispensaries as provided in article 3796.04 and article 3796.10 of the Ohio Revised Code.~~

Source:

Ohio Revised Code Chapter 3796:1-1 Definitions

Exhibit C: Short Term Rentals

Changes made after the 1/27 Zoning Commission Meeting are in Blue

Anderson Township Zoning Resolution

Article 5.4, K,1:

1. Additional Conditions: The Board of Zoning Appeals may impose additional conditions and limitations concerning use, construction, character, location, landscaping, screening, timing of implementation, and other matters relating to the purposes and objectives of this Resolution upon the premises benefited by a conditional use. Such conditions are intended to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services or to assure compliance with general or specific standards. However, such conditions shall not be used as a device to authorize as a conditional use that which is intended to be temporary in nature. All such conditions, including the designated specific criteria for a particular use, shall be expressly set forth in the resolution granting the Conditional Use Zoning Certificate. Violation of any such condition, limitation, or specific criteria shall be a violation of this Resolution and shall constitute grounds for revocation of the Conditional Use Zoning Certificate.

Definitions and Article 5.4 Text Amendment

Request:

Define Short Term Rentals and require that Short Term Rentals obtain a Conditional Use 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.

Proposed changes are underlined.

Text Amendment:

Article 6.1: Definitions:

Short Term Rental (STR): is the rental of a primary residence or portion thereof for a period of less than consecutive 30 nights, for which the guest compensates a hosting platform, owner, or lessee of the unit.

Article 5.4: Conditional Uses in Single and Multi Family Residence Districts

I. Uses Requiring Conditional Use Certificate in Single Family and Multi Family Residence Districts

13. Short Term Rentals: (f) (h) (l) (m) (s) (v) (x) (z)

f. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district.

h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood.

- l. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties.
- m. No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
- s. All exterior lighting shall be directed away from adjacent residential properties.
- v. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby resident's grievances may be filed with the Township and resolved by the facility.
- x. Meals shall be served only to guests or residents of the facility and not to the general public.
- z. An emergency response plan shall be submitted detailing safety measures and response procedures.

Source:

Sustainable Economics Law Center, *Regulating Short-Term Rentals: A Guidebook for Equitable Policy* March 2016 Authored by Yassi Eskandari-Qajar and Janelle Orsi.

Exhibit D: Planned Unit Development

Article 4.1, C, 2 Planned Unit Development Overlay and PUD Review Procedures

Article 4.1, G, General Standards for PUD Plan Approval

Request:

Amend the Anderson Township Zoning Resolution to include provisions for PUD density.

The proposed text amendment adds a standard to the PUD 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.

Proposed changes are underlined

Article 4.1, C. Authority

Article 4.1, C, 1, a

Residential uses in any area zoned AA, A-30, A, A-2, B, B-2, C, D, and MHP, provided the net density is equal to or less than that permitted in the existing zoning district.

Density Determination. Density in a PUD shall be computed by using the ~~developable~~ land of the entire proposed development, by multiplying the maximum permitted density (units per acre) by the total acreage of the PUD property, **excluding** land within public rights-of-way and land subject to public or non-profit easement or similar development restrictions.

Article 4.1, G General Standards for PUD Plan **Approval**

15. Whether the development provides adequate protection of natural features on the property, **including but not limited to**, land over 20% slope, floodplain and wetland areas, areas permanently inundated by water, and areas protected by the Ohio Department of Natural Resources.

Sources:

Grand Rapids Charter Township, Michigan Zoning Ordinance Chapter 15 Residential Planned Unit Development District Adopted January 6th, 2004

City of Rexburg, Idaho, Development Code of the City of Rexburg Article 4.15 Planned Unit Development. Adopted February 16th, 2005

2016 Anderson Township Comprehensive Plan, Adopted January 19, 2017

Exhibit E: Murals

Definitions

Request:

To 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.

Proposed changes are underlined

Text Amendment:

Article 6.1 Definitions

Mural: is a painting or picture that is directly on an exterior surface of a structure. ~~A mural shall not include any picture, symbol or device of any kind that relates to a commercial business, product or service offered on the premises where the mural is located.~~ If the mural contains a noncommercial sign, the mural is exempt from the sign regulations of Article 5.5 of the Anderson Township Zoning Resolution. A mural is considered a sign only if it is related by language, logo or pictorial depiction to the advertisement of any product, service, place, person or the identification of any business.

Noncommercial Sign: means a sign that does not propose or promote a commercial transaction or direct attention to a good, product, commodity, business, service, event, or other object that serves as the basis of a commercial transaction.

Source:

City of Cincinnati, Code of Ordinances, 1427-03-M1- Effective November 25, 2006

City of Cincinnati, Code of Ordinances, 1427-03-N- Effective January 20, 2018

Arlington, Virginia, Zoning Ordinances 13.2.3- Effective May 18, 2013