



CASE 1-2024 LUP ANDERSON

TEXT AMENDMENTS TO THE ZONING RESOLUTION

FOR CONSIDERATION BY THE ANDERSON TOWNSHIP BOARD OF TRUSTEES ON OCTOBER 17, 2024

APPLICANT: Anderson Township Planning and Zoning Staff, on behalf of the Anderson Township Board of Township Trustees

REQUEST: Approval of amendments to Articles 3, 4, and 5 of the Anderson Township Zoning Resolution. A summary of the amendments can be found below.

CASE HISTORY: Adoption of the Resolution was initiated by the Board of Township Trustees on August 1, 2024. Hamilton County Regional Planning Commission heard the request on September 5, 2024, and recommended approval of the text amendments. The Zoning Commission heard the request on September 23, 2024, and recommended approval of the text amendments, with one edit to Exhibit A.

PLAN HISTORY: Anderson Township adopted the existing Zoning Resolution in 1988. While components of the document date back to 1948 from 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 amendments to the Zoning Resolution occurred in 2020 that included 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.

AMENDMENT PROCESS: Due to a number of cases in the past few years, 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 state, and prepared the following amendments. The proposed amendments have been reviewed by Township Legal Counsel.

AMENDMENT SUMMARY:

Exhibit A: "D and DD" Multi-family Residence Districts
Proposed changes to Articles 3.8 and 3.9 correct numbering errors that were the result of a previous reformatting. The Zoning Commission also noted an error in "g" which should read, "g. 3.8, C, 16 Accessory Buildings." In addition, it is proposed to remove the minimum of 1 acre requirement for rest homes, convalescent homes, day care center, nursery school, prekindergarten, kindergarten, or similar private schools. Lastly, the proposed changes add single-family residence district conditional uses to the multi-family residence district.

Exhibit B: Planned Unit Development Overlay
Proposed changes will permit the Zoning Commission to increase the density of a residential development in the "E" Retail zoning district only, greater than the underlying density requirements in the "E" zoning district.

Exhibit C – Short Term Rentals

Since the adoption of the conditional use requirement for short term rentals, two conditions have caused confusion during the review process. The intent of the conditions is to ensure that the short-term rentals take the appearance and activity of a single-family residence. The condition requiring parking outside the front yard setback is often unrealistic when properties may have a front-loaded garage, or in a zoning district with a smaller front yard setback, and the driveway is completely in the front yard setback. In addition, short term rentals are not required to be inspected by Fire & Rescue nor the building department, therefore, the condition requiring an emergency response plan is not needed.

Exhibit D – Decks

While the Building Code has specific setback requirements for decks, the Zoning Resolution only had a side yard setback requirement. Therefore, the proposed changes require a minimum of a 5' setback to the rear property line.

Exhibit E – Office Zoning Districts

The proposed changes include adding “Day Care Centers” as a permitted use in the “O” Office zoning district. Staff feels that this use is compatible with office uses, and provides the opportunity for childcare near places of employment.

In addition, edits to correct numbering errors that were the result of a previous reformatting are proposed.