



# PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON JUNE 27, 2023

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## Pierce Township – Zoning Text Amendment

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**APPLICANT:** Pierce Township Zoning Commission  
950 Locust Corner Road  
Pierce Township, OH 45242

**REQUEST:** Modifications to the Pierce Township Zoning Resolution as follows:  
Use Tables defining permitted, unpermitted, and conditional land uses,  
including conditions associated with said uses.

**PROPOSED TEXT AMENDMENTS:** See attached Exhibit A.

### STAFF ANALYSIS:

Pierce Township has recently completed a land use survey to better understand the community's wants, needs, and desires. Specifically, residents were asked what types of businesses and commercial uses the township should promote and, by default, not promote or de-emphasize based on citizen responses. The results of the survey led the Township to place a temporary moratorium on Auto Services for a period of eight months to study the issue and address residents' concerns related to those particular uses. In addition to the moratorium and resident survey, additional research was conducted to determine how to adjust the zoning code to accomplish the following:

- De-emphasize undesirable uses along the commercial corridor and update conditions required for such uses.
- Add front yard landscaping requirements to new commercial areas.
- Modify definitions of and requirements for hotels and related establishments.
- Require drive-thru to be reviewed as a conditional use.

The study also indicated that enhanced landscaping, buffering, and uses setbacks in the commercial area were key to improving design and aesthetics. In addition, the Township believes that promoting compatible uses located near one another will enhance the commercial areas of the Township.

The proposed text amendments, attached as Exhibit A, are tools for the Township to promote the vision of the study. There are three ways in which the text amendments provide a pathway to implement the vision; 1) Alter the approval process for various uses based on the underlying zoning district; 2) Add conditions for approval of de-emphasized and other uses; and 3) Adjust and clarify definitions of various facilities.

The proposed text amendments do not conflict with the provisions established in Section 519.12 of the Ohio Revised Code relative to the Township Zoning Authority and are consistent with actions meant to protect and preserve public health and safety. In addition, the text amendments fulfill the mission of ORC 519.02, which permits the regulation of land uses.

**RECOMMENDATION:**

Staff recommends a motion to **RECOMMEND APPROVAL** of Pierce Township Text Amendments as submitted.

**BOARD OF TRUSTEES**

Peter J. Kambelos, MD  
Nicholas J. Kelly  
Allen M. Freeman

**Fiscal Officer**

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June 27, 2023

Planning Commission  
2381 Clermont Center Dr  
Batavia, Ohio 45103

RE: Text Amendments on Select Uses

Based upon feedback received in the 2022-2023 Land Use Plan Survey, it has come to staff’s attention that there are various uses that many in the community would like to de-emphasize. When asked: *What new businesses and commercial uses should Pierce Township promote? (Select all that apply)*. The following uses received favorability responses of 5% or less.

Fast Food Restaurants	5%
Auto Services (Repair, Washing, Gas Stations)	3%
AirBnB Style Lodging	2%
Storage	1%
Auto Sales	1%

The Board of Trustees then passed a temporary moratorium on December 28, 2022 (Resolution 2022-059) regarding Storage and Auto Services (including auto body repair, fuel services, sales and rental, service and repair, washing facilities, and wrecking/salvage/junk facilities) for a period of 8 months until regulations can be put in place to craft regulations that adequately reflect the community’s vision for the future.

The enclosed research details the staff recommended modifications to accomplish the following:

- De-emphasize undesirable uses along the commercial corridor
- Add front yard landscaping requirements to new commercial uses
- Update the use conditions (Primarily screening and landscaping) for de-emphasized uses
- Clarify the difference between a small hotel (5 rooms or fewer) and larger establishments
- Drive-thrus are required to be reviewed by the Conditional Use Permit (CUP) process
- Bed and Breakfasts in the SFR changed from Permitted to CUP and 5 person limit changed to 5 rooms

**History:** The Zoning Commission initiated the application to proceed with the Amendments at their June 6, 2023 meeting.

**Request:** A motion to recommend approval of Zoning Text Amendments regarding Storage, Hotels/Motels, Automotive and Fast-Food Uses and Landscaping in Pierce Township



## DRAFT 2023 Pierce Township Land Use Plan Support

**Summary:** The DRAFT 2023 Pierce Township Land Use Plan (now referred to as the Plan) was recommended for adoption at the June 7, 2023 Board of Trustees Public Hearing. A draft resolution has been prepared for consideration at the June 14, 2023 Board of Trustees meeting.

The proposed changes herein are supported by the Plan and are further illustrated.

### Commercial Development Concerns:

- Low levels of landscaping
- Visual clutter along the commercial corridor
- Proliferation of auto oriented uses

### 2022-2023 Land Use Plan Survey:

*What new businesses and commercial uses should Pierce Township promote? (Select all that apply).* The following uses received favorability responses of 5% or less.

Fast Food Restaurants	5%
Auto Services (Repair, Washing, Gas Stations)	3%
AirBnB Style Lodging	2%
Storage	1%
Auto Sales	1%

### Land Use, Design and Economic Development (LD&E):

#### Goal 1. Promote commercial development in key nodes areas

~Enhanced landscaping buffering and lighting

~Sprawling/linear auto-oriented commercial development will be de-emphasized along the SR 125 Corridor and node areas

#### Goal 2. Improve design/aesthetics and remove blight

~Improve storage and use regulations to reduce outdoor storage and clutter, including adding performance standard(s) such as buffer/enhanced setbacks from ROW for storage use(s)



**Goal 6. Properly regulate and enable development of Industrial uses/sites to minimize impact**

**Goal 7. Promote high quality development**

Policies/Actions:

1.2 Craft text amendments requiring that new commercial site plans should be reviewed by the Zoning Commission, update commercial architectural and landscaping standards, formulate big box retail regulations and craft more stringent standards for auto uses and outdoor storage, including proper siting and update non-conforming standards

1.5 Encourage compatible use clusters and discourage incompatible uses

## Use Table Modifications

Use	Current Permitted	Current Unpermitted	Current Conditional Use	Proposed Permitted	Proposed Conditional Use	Proposed Unpermitted
Storage	AS, AI, I	AN, NB, GB		AI, I		AS, AN, NB, GB
Warehousing	AS, AI, I	AN, NB, GB		AI, I		AS, AN, NB, GB
Wholesale Commercial	AS, AI, I	AN, NB, GB		AI, I		AS, AN, NB, GB
Auto Body Repair	AI, I	AN, NB	AS, GB		AI, I	AS, AN, NB, GB
Wrecking/Salvage/Junk	I	AN, AS, NB, GB	AI		AI, I	AS, AN, NB, GB
Auto Service and Repair	AI, I	AN, NB	AS, GB		AS, GB, AI, I	AN, NB
Auto Washing Facilities	AI, I	AN, AI, NB	AS, GB		AS, GB	AN, AI, NB, I
Auto Sales/Rental	I	AN, AI, NB	AS, GB		AS, GB	AN, AI, NB, I
Auto Fuel Sales	I	AN, AI, NB	AS, GB		AS, AI, I, GB	AN, NB
Contractor or Construction Sales and Rental (remove redundancy)	AS, AI, I	AN, NB, GB		AI, I		AN, NB, GB, AS
Construction Contractor	REMOVE	REMOVE	REMOVE	REMOVE	REMOVE	REMOVE
Distillery/Brewery						PR (in DO)
Hotels/Motels	GB, I, AS	NB, AI	AN		GB, AS, AN, NB	I, AI
Bed and Breakfast (Only SFR Analyzed)	SFR				SFR	

Amelia Neighborhood Business (AN)

Amelia Suburban Business (AS)

Amelia Industrial (AI)

Neighborhood Business (NB)

General Business (GB)

Industrial (I)

Single Family Residential (SFR)

Downtown Overlay (DO)

Use Conditions	
Storage	<p>A. All outdoor storage areas shall be enclosed with a 6' tall fully opaque privacy fence; chainlink fences shall not be used to satisfy this requirement</p>
Warehousing	<p>A. All outdoor storage areas shall be enclosed with a 6' tall fully opaque privacy fence; chainlink fences shall not be used to satisfy this requirement</p>
Wholesale Commercial	
Auto Body Repair	<p>A. All repairs shall and work shall be performed within a fully enclosed building  B. Vehicles awaiting repair or that have been repaired may not be stored on site for longer than thirty (30) days  C. All outdoor storage areas shall be enclosed with a 6' tall fully opaque privacy fence; chainlink fences shall not be used to satisfy this requirement</p>
Wrecking/Salvage/Junk	<p>A. All outdoor storage areas shall be enclosed with a 6' tall fully opaque privacy fence; chainlink fences shall not be used to satisfy this requirement</p>
Auto Service and Repair	<p>A. All repairs shall and work shall be performed within a fully enclosed building  B. Vehicles awaiting repair or that have been repaired may not be stored on site for longer than thirty (30) days</p>
Auto Washing Facilities	
Auto Sales/Rental	<p>A. Buffer areas between the ROW and outdoor vehicle display(s) shall incorporate 3' tall decorative stone/masonry/brick wall(s) along 40% of the required buffer length. Decorative walls shall not obstruct visibility for entering or existing the site</p>
Auto Fuel Sales	<p>A. Gasoline canopies must be sited secondarily to the primary structure on site and be designed in a manner to create a strong association with the primary building.  B. Columns should be primarily masonry and the rooflines should be pitched in a manner similar to the primary building (6/12 pitch or steeper).  C. Buffer areas between the fuel pumps and the ROW shall incorporate 3' tall decorative stone/masonry/brick wall(s) along 40% of the required buffer length. Decorative walls shall not obstruct visibility for entering or existing the site</p>
Contractor or Construction Sales and Rental	<p>D. Businesses employed in the sale of gasoline fuel(s) shall maintain a minimum setback of 550' from all residentially zoned property and/or residential uses, schools and daycares, as measured from the vent piping</p>
Contractor or Construction Sales and Rental	<p>A. All outdoor storage areas shall be enclosed with a 6' tall fully opaque privacy fence; chainlink fences shall not be used to satisfy this requirement</p>

	<p>1) Hotels and motels <b>with greater than 5 boarding rooms</b> may be operated in the applicable zoning district provided the property line is set back a minimum of 300 feet from educational facilities, public parks, religious places of worship, and residential zoning districts.</p> <p>2) Hotels and motels shall comply with the following:</p> <p>(a) The sanitary regulations of the Clermont County General Health District, the regulations of the building code, and any other regulation required by law.</p> <p>(b) The lot <b>required for hotels-motels with greater than 5 rooms</b> shall have a minimum lot area of 40,000 square feet and the buildings and structures shall not occupy, in aggregate, more than 25 percent of the lot area.</p> <p>(c) Each sleeping unit shall have a minimum floor area of 150 square feet.</p> <p>(d) All areas used for automotive access and parking shall comply with the applicable provisions of this resolution.</p> <p>(e) All areas not used for access, parking, circulation, buildings, and service, shall be completely and permanently landscaped.</p> <p>(f) The entire site shall be maintained in a neat and orderly condition.</p> <p>3) Any enlargement or extension of an existing hotel or motel shall require application for a zoning permit as if it were a new establishment. No enlargement or extension to any hotel or motel shall be permitted unless the existing one is brought into substantial conformance with all the requirements for hotels and motels as established in this section.</p>
Hotel/Motel Definition	<p>Hotel or Motel A building in which lodging, with or without meals, is offered for compensation and in which there are accommodations. <b>for more than five boarders.</b></p>
Bed and Breakfast	<p>The maximum occupancy for boarders shall be for <b>up to five persons rooms</b>, excluding any residents or family members of the residence</p>



## Landscaping

Landscaping Req'd (Front Yard)		Commercial/Industrial Street Side Plantings
<b>Street Trees</b>		One canopy tree per every 50 linear feet of street length, including driveway cuts, shall be provided. If trees are not permitted in the ROW due to utilities or other restrictions, the requirement may be modified to be met by way of the planting of the front yard buffer trees planted as an adjacent streetscape buffer outside of the ROW
<b>Vegetative Cover</b>		A vegetative live ground cover shall be used on all landscaped areas except mulched planting beds
<b>Front Yard</b>		15' yard width minimum, 1 Canopy Tree and 10 shrubs per 50 linear feet
<b>Foundation Plantings</b>		Planting shall be within planting beds at least 5' in width. Primary materials shall be shrubs and ornamental grasses that cover at least (75%) of the planting area
<b>Maintenance</b>		All landscaping placed in the ROW is to be secured by a maintenance agreement to be recorded with the County Recorder
<b>Review</b>		The Zoning Commission may approve variations in the landscape plan if it is determined that the spirit and intent of the Resolution and Land Use Plans are better served

**Non-Residential Accessory  
Uses**

Use	Current Permitted	Current Unpermitted	Current Conditional Use	Proposed Permitted	Proposed Unpermitted	Proposed Accessory CUP
Drive Thrus	AS, API, AI, NB, GB		AN			AN, AS, API, AI, NB, GB

Adjust  
20.36

**Site Reviews**

**Architectural Design  
Standards for Nonresidential  
Buildings (Reviews)**

9.03 C)  
2)

The Zoning Inspector may choose to send the application to the Zoning Commission at their next regularly scheduled meeting for review and an administrative determination of compliance with these architectural standards and site layout.