

**ARTICLE 34**  
**SPECIAL PLANNING OVERLAY DISTRICTS**

**34.01 GENERAL PROVISIONS**

A. Statement of Intent

An overlay district is intended to provide supplemental regulations or standards pertaining to specific geographic features or land uses, wherever these are located, in addition to, but not necessarily more restrictive than the “base” or underlying zoning district regulations applicable within a designated area. Whenever there is a conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations shall supersede the base district regulations.

B. Definition

A Special Planning Overlay (SPO) 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:

1. Natural phenomena such as unique geologic strata, soil formations, slopes, vegetation, water flow, significant scenic views or other similar natural features; or
2. Have physical development features such as substantial public investment in public improvements or community plans that coordinate public and private investment or have characteristics that include institutional uses or neighborhood support services in residential neighborhoods or village developments in suburban metropolitan areas.

An SPO district shall be classified according to an SPO category type, and the characteristics of each SPO district shall be in accordance with the characteristics of its type as described in this Chapter.

C. Purposes

The purposes of SPO regulations are to assist the development of land and structures to be compatible with a larger planning area beyond the immediate vicinity of the site *and* to protect or improve the quality of the environment in those locations where the characteristics of the environment or the amount of public investment are of significant public interest and are vulnerable to damage or loss of public opportunity by the cumulative effect of development in such planning areas permitted under conventional zoning regulations.

SPO regulations are required to protect the public and property owners in the district:

1. 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;
2. From significant damage to neighborhoods that contain large institutional and other non-residential uses or support services;
3. From significant damage or destruction of prominent wetlands, floodplains, hillsides and/or valleys or other natural resources caused by improper development thereof;
4. 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;
5. From soil erosion, stream situation and development on unstable land;
6. From the loss or destruction of mature and/or valuable trees and other natural resources;
7. From the detrimental cumulative effects of incremental development decisions in suburban centers, corridors, neighborhoods and villages on:
  - a. Conservation and correction of the character, integrity, safety, access and circulation.
  - b. Preservation and enhancement of pedestrian safety and views from the public right-of-way.
  - c. Balance of convenience and compatibility between residential and non-residential areas.
  - d. Coordination of useful and attractive signage and streetscape elements.
  - e. Minimization of traffic congestion and coordination of land use intensity with local capacities and goals.

#### D. Identification

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

E. 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 SPO district. However, in the case of conflict between the provisions of an underlying zoning district and an SPO district, the provisions of the SPO district shall prevail. The adoption of an SPO district shall not have any affect on a previously approved Zoning Certificate or PD Plan during the period of validity of such approval.

F. Creation

The Batavia Township Board of Trustees have the authority to create SPO districts as defined and containing the characteristics, as set forth in this Chapter.

G. Procedure

The establishment or adoption of SPO districts shall be in accordance with the following procedures.

1. Adoption of Special Planning Overlay Strategy

Prior to the submittal of an application for initiation of a zoning amendment or supplement for a Special Planning Overlay (SPO) District, an SPO strategy shall be duly adopted by Batavia Township. The strategy shall contain:

- a. A boundary map for the proposed overlay district;
- b. Justifications for establishment of the proposed overlay district standards and boundaries including development goals and policies for the area within the proposed boundary; and
- c. The specific supplemental standards proposed for achieving the SPO strategy.

2. Adoption of Zoning Text and Map Amendment

The Batavia Township Board of Trustees, pursuant to procedures for zoning amendments in Article 4, shall approve, deny or modify such standards and boundary recommended in the SPO strategy and incorporate same in the resolution establishing any specific SPO district as a supplement to this Article. In the SPO District the adopted specific standards shall serve as supplemental requirements to the regulations of

the underlying district in reviewing all requests for Zoning Certificates within the Overlay District boundary.

H. Supplemental SPO District Regulations

SPO district standards adopted by the Batavia Township Board of Trustees may relax or further restrict the underlying zoning districts regulations for land use, lot area, coverage, density, floor area, setback, parking, height, fencing, signs, landscaping or other specific development standards for specific SPO districts upon finding that conditions peculiar to such district and the achievement of adopted community plans require supplemental regulations. Any such supplemental regulations shall be set forth in the resolution establishing such SPO district or in an amendment thereto.

I. Classification

SPO districts shall be classified by categories, according to the provisions and qualifications as described herein, and each adopted SPO district shall be shown on the official Zoning Map. The three categories of SPO overlay districts include:

1. Natural Resource (SPO-NR)
2. Neighborhood Quality (SPO-NQ)
3. Commercial Corridor (SPO-CC)

**34.02 SPECIAL PLANNING OVERLAY-NATURAL RESOURCE DISTRICTS**

Special Planning Overlay (SPO) Natural Resource Districts shall be identified as SPO-NR Overlay Districts.

A. Legislative Findings and Specific Purpose

Natural resources are an important component of quality of life for all residents in the Township. When irreplaceable natural features are threatened, their preservation should be weighed and evaluated in relation to public and private interests.

1. The existence of a twenty (20%) percent slope, in combination with Miamitown Shale or Kope geologic formation, is evidence of a condition of natural critical stability, and development under conventional regulations may precipitate landslides or excessive soil erosion. Additional regulations are needed to preserve the prominent views from the top or from the slopes of the hillside and the natural contours thereof.

2. Hillsides, as community separators or boundaries, are historic aids to the identification of residential communities which help citizens to relate to their communities and to relate the social organizations of communities to their physical environments.
3. The location of natural resources often coincides with prime development sites. Long term benefits of conserving natural resources in a metropolitan area can be achieved through innovative development regulations based on comprehensive plans.

B. Characteristics

SPO-NR districts shall be limited to geographic areas included in a SPO-Natural Resource Protection Strategy (as defined in Section 34.01(B)) adopted by Batavia Township and containing one or more of the following characteristics:

1. Lakes, rivers, floodplains, wetlands, mineral deposits, aquifers, forests, parks, or hillsides (20% slope or greater) or other natural features of significant public interest;
2. Existence of Miamitown Shale or Kope geologic formations, or soils classified as having severe constraints for development;
3. Prominent hillsides and natural resources which are readily viewable from a public thoroughfare;
4. Scenic areas providing views of a major stream or valley or other natural resource;
5. Hillsides and other natural features functioning as community separators or community boundaries;
6. Hillsides which support a substantial natural wooded cover.

C. Designation

The SPO-Natural Resource Districts which meet the characteristics contained in Section 34.02(B) are listed below and are illustrated on the official Zoning Map. The adopted specific standards for each Natural Resource District listed below are included in this Zoning Resolution as a supplement to Article 34.

[ NATURAL RESOURCE DISTRICTS TO BE INSERTED WHEN ADOPTED BY BATAVIA TOWNSHIP BOARD OF TRUSTEES ]  
 [ LIST BY SPO NUMBER AND TITLE OF SPECIFIC OVERLAY DISTRICT ]

### **34.03 SPECIAL PLANNING OVERLAY - NEIGHBORHOOD QUALITY DISTRICTS**

Special Planning Overlay (SPO) Neighborhood Quality Districts shall be identified as SPO-NQ Overlay Districts.

#### **A. Legislative Findings and Specific Purpose**

Balancing the benefits of growth and development of institutions and neighborhood support services with the livability of adjacent residential neighborhoods requires protection over and above the protection provided by conventional zoning regulations as follows:

1. To support convenience to services and quality of environment by providing sufficient land for public and private services and educational and research institutions;
2. To promote the orderly growth and expansion of such institutions and support services located in residential neighborhoods;
3. To require the development and maintenance of bufferyards on institutional and other non-residential properties to protect adjoining residential neighborhoods from the noise, glare and congestion associated with the intensity of diverse land uses;
4. To promote compatibility between non-residential uses and surrounding residential uses, and
5. To plan for unusual intensity or density of development.

#### **B. Characteristics**

SPO-NQ districts shall be limited to geographic areas included in an SPO-Neighborhood Quality Strategy (as defined in Section 34.01(B)) adopted by Batavia Township and which contain or are planned to contain all of the following characteristics:

1. Land uses including or adjacent to neighborhood retail and support services (for example hospitals, clinics, educational facilities, and research facilities) or other institutional uses;
2. Close proximity of diverse land uses to a residential neighborhood.

C. Designation

The SPO-Neighborhood Quality Districts which meet the characteristics contained in Section 34.03(B) are listed below and are illustrated on the official Zoning Map. The adopted specific standards for each Neighborhood Quality District listed below are included in this Zoning Resolution as a supplement to Article 34.

[ NEIGHBORHOOD QUALITY DISTRICTS TO BE INSERTED WHEN ADOPTED BY BATAVIA TOWNSHIP BOARD OF TRUSTEES ]  
[ LIST BY SPO NUMBER AND TITLE OF SPECIFIC OVERLAY DISTRICT ]

**34.04 SPECIAL PLANNING OVERLAY-COMMERCIAL CORRIDOR DISTRICTS**

Special Planning Overlay (SPO) Commercial Corridor Districts shall be identified as SPO-CC Overlay Districts.

A. Legislative Findings and Specific Purpose

Business districts and corridors are recognized as principal focal points of community activity providing an economic resource and a center for community orientation. It is in the interest of the Township to protect and enhance the features of public interest in such business districts by:

1. Preventing the deterioration of property and the extension of blighting conditions;
2. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area;
3. Preventing the creation of influences adverse to the physical character of the area.

B. Characteristics

SPO-CC districts shall be limited to geographic areas included in a SPO-Commercial Corridor (as defined in Section 34.01(B)) adopted by Batavia Township and which contain or are planned to contain the following characteristics:

1. A concentration of retail and service oriented commercial establishments serving as a principal business activity center for a sociogeographic neighborhood, community, or region;
2. An area that has received or been approved for substantial public investment.

3. An area that is planned for unusual intensity or density of development.

C. Designation

The SPO-Commercial Corridor District which meets the characteristics contained in Section 34.04(B) are listed below and are illustrated on the official Zoning Map. The adopted specific standards for each Commercial Corridor District listed below are included in this Zoning Resolution as a supplement to Article 34.

[ COMMERCIAL CORRIDOR DISTRICTS TO BE INSERTED WHEN ADOPTED BY BATAVIA TOWNSHIP BOARD OF TRUSTEES ]  
[ LIST BY SPO NUMBER AND TITLE OF SPECIFIC OVERLAY DISTRICT ]

**34.041 BATAVIA ROAD INDUSTRIAL AREA COMMERCIAL CORRIDOR DISTRICT – SPO-CC-BRIA**

A. Purpose

The purpose of the Batavia Road Industrial Area Commercial Corridor Overlay District is to set forth special regulations to supplement the general regulations of the Zoning Resolution, and to implement the Future Development Policies of the Batavia Township Growth Management Plan.

B. Permitted Uses

The permitted uses in the CC-BRIA shall be the permitted and Conditional Uses listed in the existing underlying zoning district, or other uses approved by the Batavia Township Board of Trustees.

C. Accessory Uses

Accessory uses shall be regulated in accordance with the underlying district and shall not be subject to Overlay District review.

D. Site Development

The Batavia Township Board of Trustees shall review the proposed Overlay Plan to determine whether the proposed plan satisfies the following Future Development Policies, and, as specifically requested, whether the proposed site design justifies deviation from the standards as specified in the underlying zoning district:

1. The proposed use and design result in development that will produce jobs, attract jobs or encourage a balanced tax base.



2. The plan will achieve superior site design that is not possible within the development regulations of the underlying zoning district.
3. The plan is sensitive to stream corridors, steep slopes areas, or other sensitive terrain.
4. The proposed use and site design will be compatible with current and future uses of adjacent properties.
5. Vehicular and pedestrian circulation and access is coordinated and planned to prevent congestion and mitigate traffic impacts.
6. Buffers will be provided that are appropriate for the proposed use, and transitions are provided between uses and intensities where necessary.
7. The proposed intensity is appropriate and suitable for the site and the vicinity.
8. Adequate public services are provided for the proposed intensity.

E. Review by Zoning Administrator

The Zoning Administrator shall present the required site plan review per Article 38 to the Batavia Township Board of Trustees as part of the Overlay Plan review. Projects that are not subject to site plan review per Section 38.02 are not subject to Overlay District Plan review, unless specifically noted in the development standards for the overlay district. The Zoning Administrator may issue Zoning Certificates for accessory uses and fences permitted in the underlying district without requiring Overlay District Plan review.

**34.042 DOWNTOWN AMELIA COMMERCIAL CORRIDOR DISTRICT – SPO-CC-DA**

A. Purpose

The purpose of the Downtown Amelia Commercial Corridor Overlay District is to set forth special regulations to supplement the general regulations of the Zoning Resolution and to achieve the goals of the Village of Amelia Comprehensive Plan. The Downtown Amelia Commercial Corridor Overlay District intends to achieve the following

1. To enhance property values, protect property rights, stabilize and improve downtown and adjacent neighborhoods, and increase economic and financial benefits to Amelia businesses and inhabitants.
2. To create a vibrant community focal point through innovative and creative

site design and architecture consistent with the Village Amelia Comprehensive Plan.

3. To encourage new development at appropriate locations in a manner consistent with desired architectural and urban design guidelines.
4. To promote developments where the physical, visual and spatial characteristics are established and reinforced through the consistent use of compatible urban design and architectural design elements.
5. To prohibit or restrict uses that are disruptive to pedestrian activities and have as their principal function the sale and services of motor vehicles, such as automobile service stations, auto parts retail stores, car washes, new and used motor vehicle sales or service establishments.
6. To discourage residential uses in a primarily business district and environment.

B. Permitted Uses

Within the Downtown Amelia Overlay, no building shall be erected, used, or structurally altered, nor shall the land or premises be used in whole or in part, except for uses permitted in the underlying zoning district with the following additional provision:

1. All uses permitted in B-2 District shall be permitted in any R-1A District within the Downtown Amelia Overlay.

C. Prohibited Uses

The following uses are prohibited in the Downtown Amelia Overlay including:

1. Automobile, Motorcycle, Recreational Vehicle, Truck, Trailer and Farm Implement Sales, New and Used.
2. Equipment Sales, Rental and Services.
3. Automotive Service and Repairs.
4. Automobile Washing Facilities.
5. Automobile Filling Stations.
6. Residential uses on the first floor located in a B-2 underlying zoning district.

D. Development Standards

Good urban design is paramount to the success of the Downtown Amelia Overlay. Particular attention must be paid to the architecture, scale and placement of buildings

in mixed use environments. Downtown Amelia Overlay developments must incorporate the reasonable site development standards articulated in this section.

1. Building placement.
  - a. New buildings shall have at least a 20-foot front setback or build to line. The Zoning Administrator may allow relief from the front yard setback requirement when the street or sidewalk is already widened or when a formal pedestrian plaza is provided.
  - b. The minimum side yard setback requirement is zero feet to allow for a continuous downtown street wall.
2. Maximum Floor Area. The gross floor area of any single structure or single business space shall not exceed 10,000 square feet, or an area deemed appropriate by the Zoning Administrator through site plan review.
  - a. Building Architecture.
    - i. Franchise architecture. No building or addition constructed in the Downtown Amelia Overlay should be designed with or modeled after franchise- or formula-based architecture. All buildings and/or new structures are encouraged to be an original design unique only to the Downtown Overlay District. This development standard does not prohibit the use of franchise trademarks, symbols or standard signage.
    - ii. Building Materials. As a way of creating a unifying visual appearance for the district, the design of newer buildings with dominant masonry materials is desired along the front and sides of the building, or any façade that can be easily seen from a street that the building has frontage on. Additions to existing structures should match the building materials and colors of the existing structures to the extent possible. Materials such as split, burnished, or smooth concrete masonry units, stucco, wood, or metal should be used only to accent the architectural character of the building.
    - iii. Fenestration. All facades visible from the street should be glazed with transparent glass. The ground level should be transparent with a minimum of 50% clear glass. Upper floors should have a minimum of 25% and a maximum of 60% clear glass. Butt-joint glazing is prohibited.
    - iv. Roof Forms. Mixed-use structures of two or more stories should be consistent with the roof form of existing historical multistory structures. New one-story structures should have a

pitched roof to add height to the structures and fit in better with the neighborhood. Unusual roof forms such as mansards that do not already exist should be avoided. Decorative parapets shall be incorporated on any façade facing a public street when a flat roof is utilized.

v. Building Rhythm and Articulation.

1. Buildings should be designed to reflect the characteristic rhythm of traditional facades with repetitive use and positioning of building materials that provide discrete bay appearances. The façade can be treated with breaks, indentations, or façade recesses or protrusions that help to break up the mass of the building at an interval of 40 feet or less.
2. Proper spacing of windows and doors, recesses and protrusions, columns and pilasters or other elements should be used to further break-up the massing of building elevations facing public streets.
3. Building proportion is the relationship of width to height. The proportions of a new building should be respectful of the overall proportions in the immediate vicinity.
4. The size and proportion of window and door openings should be consistent with traditional multi-story, mixed-use buildings.
5. The composition of the building's facade (that is, the organization of its parts) should incorporate the traditional commercial building elements of storefront and upper façade.

b. Parking.

1. Location. Off-street parking areas should be located in side and rear yards. Limited front yard parking may be permitted but will be reviewed by the Zoning Administrator on a case-by-case basis.
2. Screening. Parking lots located in any side or rear yard that are visible from adjacent road rights-of-way should be screened by a 30-inch-high decorative masonry wall, dense evergreen landscaping or ornamental fence such as wrought

iron.

3. Size. No off-street parking lot area shall exceed one acre in size.
- c. Equipment placement and screening. Equipment that is needed to support common business operations may be integrated into the building design if such items can be screened from the public realm.
    - i. Mechanical equipment such as transformers, compressors, HVAC systems, chillers and communications equipment shall be located on the top or rear of buildings and appropriately screened from pedestrian rights-of-way, adjacent property, and road rights-of-way.
    - ii. Ground- or wall-mounted equipment shall be screened with planting beds, evergreen plantings, low masonry walls, or any combination thereof. Roof-mounted equipment shall be screened from public view and from adjacent property. The screening treatment shall be integrated with the overall building design with the use of complementary materials, colors and architectural style.
    - iii. Window air-conditioning units shall not be allowed on any building wall visible from a public street.
    - iv. Pipes, conduit, and cables are limited to the back facade of buildings if conditions do not allow for them to be enclosed within the building itself. They shall be located as far away from public view as practical.
  - d. Trash receptacles shall be located in rear yards only and be completely screened with evergreen landscaping, an opaque fence, a masonry wall, or a combination thereof.
  - e. Signage. No sign shall be erected in the Downtown Amelia Overlay unless it meets the requirements of Section 40.06 I.

### **34.05 DEVELOPMENT AUTHORIZATION**

#### **A. Applications; Procedure.**

Applications for Zoning Certificates in SPO districts shall be made to the Zoning Administrator pursuant to Article 5. Said applications shall be made on such form or forms as may be provided. The information required for submission shall demonstrate the compliance of the proposed improvement, construction, or

development with any specific standards for the SPO district as well as all requirements of the underlying district not in conflict with the SPO standards.

1. To be eligible for review, the property must be properly zoned with a permitted use as regulated by the zoning resolution, or a use that the Batavia Township Board of Trustees determine to meet the criteria of Section 34.041 D if in the Batavia Road Industrial Area Commercial Corridor District. The property owner shall submit a written request to identify the characteristics that are consistent with the intent of the SPO District on forms provided by the Zoning Administrator.
  - A. For properties that are subject to Section 34.041 Batavia Road Industrial Area Commercial Corridor District requests to modify the regulations of the underlying districts, provisions of the zoning resolution or specific standards of an SPO shall be demonstrated by the information required for submission. Only properties in the BRIA-CC Overlay District are subject to use or standard modification review by the Board of Trustees.
2. A number of copies of the proposed site plans and other details as specified in the application forms shall accompany the request, along with the required fee, if any.
3. Site plan review shall be conducted concurrent with the Overlay District Plan review for projects in an overlay district that would require separate site plan review per Article 38. The applicant shall provide all material and fees necessary for site plan review in addition to the Overlay District Plan review.
4. The plan shall be identified as “Overlay District Plan”.
5. Unless waived by the Zoning Administrator, prior to submission to the Batavia Township 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 Zoning Administrator evidencing conformance to all requirements or resolution of all issues pertaining to the Overlay District.
6. The Batavia Township Board of Trustees shall hold a public hearing within thirty (30) days after the receipt of an Overlay District application for the BRIA-CC Overlay District.
  - a. Notice of such hearing shall be given 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 Batavia Township Board of Trustees for further determination.

- b. The Overlay District Plan application shall be placed on the Batavia Township Board of Trustees' docket at the next available meeting.
- c. The applicant will have the opportunity to appear, examine witnesses and present evidence.
- d. All witnesses will be sworn.
- e. The Batavia Township Board of Trustees shall consider the Overlay District Plan application, make appropriate findings of facts and adopt a motion approving or denying the application.
- f. Prior to entering a final decision, the Batavia Township Board of Trustees may direct that further data be provided if necessary, to make an informed decision.

#### B. Appeal

Any appeal to the administrative decision of the Batavia Township Board of Trustees regarding an Overlay District application shall be made to the Court of Common Pleas consistent with the Ohio Revised Code.