Chapter 18
Special Public Interest Overlay Districts

18.01 STATEMENT OF INTENT

A Special Public Interest (SPI) overlay district is intended to provide supplemental regulations or standards pertaining to specific geographic features or land uses that further the health, safety and morals of the township. These supplemental regulations are intended to be less restrictive than base zoning to give the Board of Trustees authority to implement specific purposes contained within this Section. Whenever there is conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations— including the requirements for such overlay district set forth in the most recent version of the Township Comprehensive Land Use Plan—shall supersede the base district regulations.

18.02 DEFINITION

A SPI overlay 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. Such distinctive characteristics include natural phenomena such as unique geologic strata, soil formations, slopes, vegetation, water flow, riverbanks, wetlands, flood zones, significant scenic views or other similar natural features, or 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 areas. An SPI district shall be classified according to an SPI category type, and the characteristics of each SPI district shall be in accordance with the characteristics of its type as described in this Chapter.

18.03 PURPOSES

The purposes of SPI 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. SPI regulations seek to protect the public and property owners in the district:

(a) 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;
(b) From significant damage to neighborhoods that contain large institutional and other nonresidential uses or support services;
(c) From significant damage or destruction of prominent wetlands, floodplains, hillsides and/or valleys or other natural resources caused by improper or incongruent development thereof;
(d) 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;
(e) From soil erosion, stream siltation and development on unstable land;

(f) From the loss or destruction of unique natural resources;
(g) From the detrimental cumulative effects of incremental and incongruent development decisions in suburban centers, corridors, neighborhoods and villages on:
    (1) conservation and correction of the character, safety, access and circulation of pedestrians and vehicles.
    (2) preservation and enhancement of pedestrian safety and views from the public right-of-way, including sidewalks and crosswalks.
    (3) balance of convenience and compatibility between residential and nonresidential areas.
    (4) coordination of useful and attractive signage and streetscape elements.
    (5) minimization of traffic congestion and coordination of land use intensity with local capacities and goals.

18.04 IDENTIFICATION

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

18.05 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 SPI district. However, in the case of conflict between the provisions of an underlying zoning district and an SPI district— including the requirements for such SPI district set forth in the 2023 Miami Township Comprehensive Land Use Plan, as amended, modified or superseded from time to time—the provisions of the SPI district shall prevail. The adoption of a SPI district shall not have any effect on a previously approved zoning certificate or PUD Plan during the period of validity of such approval.

18.06 CREATION

The Board of Township Trustees may, from time to time, create, modify, or delete SPI districts as defined and containing the characteristics as set forth herein, including Sections 18.10-18.70 of this Chapter.

18.07 PROCEDURE

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

1. Adoption of Special Public Interest Strategy. Prior to the submittal of an application for initiation of a zoning amendment or supplement for a Special Public Interest (SPI) Overlay District, an SPI strategy shall be duly adopted by the Miami Township Zoning Commission. 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 SPI strategy.

The strategy shall describe in words and/or illustrations the special and distinctive characteristics of public interest that are to be protected, improved or achieved and the related specific and measurable standards or development features that will be required for coordinated implementation of the plan. The SPI Strategy may contain goals, policies and standards for the following physical elements: location of buildings; architectural character of buildings; signage; public spaces; streetscape; building and land use mix, diversity and unifying elements; perimeter buffers; provision of utilities such as sewage disposal; pedestrian and vehicular circulation; parking; open space, landscaping and other elements essential to the achievement of adopted community goals.

Prior to the adoption of any SPI Strategy, copies of the SPI Strategy shall be forwarded for review and comment to the Board of Township Trustees.

2. Adoption of Zoning Text and Map Amendment. The Board of Township Trustees, pursuant to procedures for zoning amendments in Chapter 16, shall approve, deny or modify such standards and boundaries recommended in the SPI strategy and incorporate the same in the resolution establishing any specific SPI district as a supplement to this Chapter. In the SPI 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.

18.08 SUPPLEMENTAL SPI DISTRICT REGULATIONS

SPI district standards adopted by the Board of Township Trustees may relax or further restrict the underlying zoning districts regulations for land use, lot area, coverage, density, floor area, setback, parking, height, fencing, landscaping or other specific development standards for specific SPI districts upon finding that conditions peculiar to such district and the achievement of adopted community plans require supplemental regulations.

18.09 CLASSIFICATION

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

(a) Natural Resource (SPI-NR)
(b) Neighborhood Quality (SPI-NQ)
(c) Commercial Corridor (SPI-CC)
(d) Village Area (SPI-VA)

The following is a list of the Special Public Interest (SPI) districts and their Classification:

1. The Little Miami River Gateway Village Area (SPI-VA)

18.10 SPECIAL PUBLIC INTEREST-NATURAL RESOURCE DISTRICTS

Special Public Interest (SPI) Natural Resource Districts shall be identified as SPI-NR Overlay Districts.

1. 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.

   a. 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.

   b. 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.

   c. 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.

2. Characteristics.

   SPI-NR districts shall be limited to geographic areas containing one (1) or more of the following characteristics:

   a. Lakes, rivers, floodplains, wetlands, mineral deposits, aquifers, forests, parks, or hillsides (twenty [20%] percent slope or greater) or other natural features of significant public interest:

   b. Existence of Miamitown Shale or Kope geologic formations or soils classified as having severe constraints for development;

   c. Prominent hillsides and natural resources which are readily viewable from a public thoroughfare;

   d. Scenic areas providing views of a major stream or valley or other natural resources;

   e. Hillsides and other natural features functioning as community separators or community boundaries;

   f. Hillsides which support a substantial natural wood cover.

3. Designation.

   The SPI-Natural Resource Districts which meet the characteristics contained in Section 18.10, Item 2 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 this Chapter.

18.30 SPECIAL PUBLIC INTEREST - NEIGHBORHOOD QUALITY DISTRICTS

Special Public Interest (SPI) Neighborhood Quality Districts shall be identified as SPI-NQ Overlay Districts.

1. Findings and Specific Purpose.

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

   a. To support convenience to services and quality of environment by providing sufficient land for public and private services and educational and research institutions.

   b. To promote the orderly growth and expansion of such institutions and support services located in residential neighborhoods;

   c. To require the development and maintenance of buffer yards on institutional and other nonresidential properties to protect adjoining residential neighborhoods from the noise, glare and congestion associated with the intensity of diverse land uses;

   d. To promote compatibility between non-residential uses and surrounding residential uses, and;

   e. To plan for unusual intensity or density of development.

2. Characteristics.

   SPI-NQ districts shall be limited to geographic areas containing one (1) or more of the following characteristics;

   a. Land uses including or adjacent to neighborhood retail and support services (for example hospitals, clinics, educational facilities, and research facilities) or other institutional uses

   b. Close proximity of diverse land uses to a residential neighborhood.

3. Designation

   The SPI-Neighborhood Quality Districts which meet the characteristics contained in Section 18.30, Item 2 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 this Chapter.

18.50 SPECIAL PUBLIC INTEREST – COMMERCIAL CORRIDOR DISTRICTS

Special Public Interest (SPI) Commercial Corridor Districts shall be identified as SPI-CC Overlay Districts.

1. 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 identity. It is in the interest of the Township to protect and enhance the features of public interest in such business districts by:

   a. Preventing the deterioration of property and the extension of blighting conditions;

   b. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area;

   c. Preventing the creation of influences adverse to the physical character of the area.

2. Characteristics.

   SPI-CC districts shall be limited to geographic areas included in a SPI-Commercial Corridor which contain or are planned to contain one (1) or more of the following characteristics:

   a. A concentration of retail and service oriented commercial establishments serving as a principal business activity center for a socio-geographic neighborhood, community, or region;

   b. An area that has received or been approved for substantial public investment;

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

3. Designation.

   The SPI-Commercial Corridor Districts which meet the characteristics contained in Section 18.50, Item 2, 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 this Chapter.

18.70 SPECIAL PUBLIC INTEREST – VILLAGE AREAS

Special Public Interest (SPI) Suburban Village Areas shall be designated SPI-VA Overlay Districts.

1. Findings and Specific Purpose.

   The development and conservation of village and hamlet character within an expanding suburban area requires protection over and above the protection provided by conventional zoning regulations as follows:

   a. To bring many of the activities of daily living, including dwellings, shopping and working within walking distance;

   b. To minimize traffic congestion by reducing the number and length of automobile trips;

   c. To create a sense of place by providing public spaces and squares;

   d. To integrate economic class and age groups into an authentic community by providing a wide range of housing types and workplaces; and

2. Characteristics.

   SPI-VA districts shall be limited to geographic areas included in a SPI-Village Area which contain or are planned to contain one (1) or more of the following characteristics:

   a. A concentration of residential, retail and service-oriented commercial establishments serving as a principal business activity center for a unique, mixed-use neighborhood, community, or village area in, and synonymous with, Miami Township;

   b. An area that has received or been approved for substantial public investment or that exhibits historic village or hamlet character;

   c. An area that is planned for pedestrian-oriented mixed-use development with an emphasis on community identity and placemaking. This may include areas of unusual intensity or density of development to accomplish these characteristics.

   d. An area offering recreational opportunities by creating substantial public places and civic use areas.

3. Designation.

   The SPI-Suburban Village Areas which meet the characteristics contained in Section 18.70, Item 2 are listed below and are illustrated on the official zoning map. The adopted specific standards for each Suburban Village Area District listed below are included in this Zoning Resolution as a supplement to this Chapter.

   a. The Little Miami River Gateway Village Area (SPI-VA)

18.71 SPECIAL PUBLIC INTEREST – THE LITTLE MIAMI RIVER GATEWAY VILLAGE AREA

1. Purpose.

   The purpose of this Special Public Interest (SPI-VA) Suburban Village Area is to provide for and encourage the thoughtful and compatible development of the Little Miami River Gateway area as a prominent gateway to Miami Township featuring a mix of commercial, residential, retail and recreational uses, while respecting the unique character, history, and natural setting of this neighborhood. It is in the interest of the Township to protect and enhance the features of public interest in this district by:

   a. Preventing the deterioration of real property and continuation or creation of blighting conditions;

   b. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area;

   c. Preventing the creation of influences adverse to the physical, economic and social character of the area;

   d. Bringing many of the activities of daily living, including dwellings, shopping and working within walking distance;

   e. Minimizing traffic congestion by reducing the number and length of automobile trips;

   f. Limiting the need for road construction and encouraging public transportation opportunities by organizing appropriate building densities;

   g. Creating a sense of place by providing public spaces and squares; and

   h. Creating an authentic community by providing a wide range of housing types and workplaces.

   Unless otherwise identified in the Sections below, the underlying zoning district regulations shall remain in full force. However, in the case of conflict between the provisions of an underlying zoning district and an SPI district— including the requirements for such SPI district set forth in the 2023 Miami Township Comprehensive Land Use Plan, as amended, modified or superseded from time to time—the provisions of the SPI district shall prevail, as set forth in Section 18.05 earlier in this Chapter. Nothing in this Section (18.71) shall be deemed to prevent the varying of the standards contained herein via the approval of a PUD Plan for any real property located within this SPI-VA district.

2. Permitted Uses

   Please refer to Figure 18-1 for the boundaries of the Special Public Interest – the Little Miami River Gateway Village Area Overlay District.

   a. Any principal permitted use of the applicable underlying zoning district is permitted, whether it is currently zoned an R-2 or R-3 Residence District, a B-2 General Business District, or an I Planned Industrial Park District, and if it is determined to be consistent with the intent and purpose of the Special Public Interest (SPI) Suburban Village Areas—including Sections 18.01 and 18.03 of this Chapter—except for and excluding:

      I. General Business (B-2): Funeral homes and mortuaries; Vehicle sales, including automobile, truck, trailer, recreational and farm equipment; Lumber yard and Building Materials; Veterinary Clinic, Animal Hospital, Kennel; Car Wash facilities; and / or Automotive Service Stations, Repair Shops, Quick Lubes or similar use.

      II. Planned Industrial Park District (I): Manufacturing establishments; Warehouse and wholesale establishments; Contractor businesses and contractor businesses storage yards; Building materials sales businesses and building materials sales storage yards; and / or Recycling businesses.

   Mixed-use development, high-quality multi-family development, integrated commercial / residential development, and public space(s) and park areas shall be specifically encouraged in this area. Entertainment uses, small-scale retail, restaurant, lodging and convention-type uses are also encouraged with an eye toward creating synergy among land uses.

3. Conditionally Permitted Uses

   a. Any conditional use of the applicable underlying zoning district is permitted if it is determined to be consistent with the intent and purpose of the Special Public Interest (SPI) Suburban Village Areas—including Sections 18.01 and 18.03 of this Chapter— except for and excluding:

      a. Residence Districts (R-2, R-3): Elementary, Junior High and High Schools or Private Schools; Cemeteries Including Mausoleums; and Golf Courses.

      b. General Business (B-2): Flea Markets or other outdoor sales where vendors rent, lease or acquire space to display and/or market merchandise goods or services; golf course driving ranges; Self Storage facilities; and Nursing/Convalescent Homes.

   The minimum lot area requirements of the under lying zoning district can be reduced as part of a conditional use request, if the proposed use is determined to be consistent with the intent and purpose of the Special Public Interest (SPI) Suburban Village Areas—including Sections 18.01 and 18.03 of this Chapter.

4. Accessory Uses

    a. Any accessory use of the applicable underlying zoning district is permitted if it is determined to be consistent with the intent and purpose of the Special Public Interest (SPI) Suburban Village Areas—including Sections 18.01 and 18.03 of this Chapter.

5. Height Regulations

    a. Multi-family development areas shall be a minimum of 2 stories.

    b. Mixed use development along Bridge Street shall be a minimum of 3 stories.

    c. A minimum building height of 20 feet is required for commercial structures along the Little Miami River.

6. Area Regulations / Setbacks

    a. A 10’ setback maximum for commercial uses and mixed-use buildings, with 0’ build-to-line standards encouraged along primary street frontages.

    b. A 15’ setback maximum along streets for buildings with residential units on the first floor. Up to 50% of the façade length is permitted to be recessed further than 15 feet.

    c. Bridge Street: Recesses allowed, for restaurant terraces and building entrances, if an 8-foot-wide sidewalk is maintained.

    d. A 25’ setback maximum for potential townhomes between Skinner Street and the Little Miami River, with additional setback permitted where open space or stormwater management features are provided.

7. Intensity of Use

    a. To maximize planned infrastructure improvements, including transportation improvements, the mixed-use commercial and residential and high-density residential areas should achieve a minimum gross density target of 12 units/acre—with a preferred minimum gross density target of at least 15 units/acre.

8. Signage

    a. Monument-style signage shall be harmonious with the required building materials for this area and shall be the preferred free-standing signage utilized throughout the corridor, where appropriate, with monopole signage not permitted. Multi-tenant, consolidated signage shall be encouraged.

    b. “Blade-style” and “sandwich board style” signage is encouraged where appropriate.

    c. Except as otherwise noted herein, signs shall be as established in Chapter 24 of this Resolution.

9. Building Materials & Design Standards

    a. Developments and redevelopments shall incorporate high-quality, traditional building materials and construction methods, utilizing façade design elements consistent with a "village style" theme. Steep sloped roof lines, stoops, and other similar features shall be encouraged.

        i. For the purposes of this district, high-quality, traditional materials, includes brick, stone, concrete or silicate-based masonry units—excluding stucco, concrete block, and the like—that is satisfactory to the Community Development Director or his / her designee as acceptable primary materials. Natural and local materials are recommended. Contemporary secondary or supporting materials with the same visual characteristics as traditional materials (e.g., thermally treated wood, composite panels, lapped and shiplap siding products, metal panel siding) are acceptable if properly detailed with surface textures and trim at openings, corners, and changes in material and in context with the primary materials. Long-term durability and maintenance needs should be considered in the selection of all building materials—particularly in floodplain or flood-prone areas. The use of primary traditional building materials or high-quality building materials is required on all building façades (excluding windows and doors in the calculation of the façade area) that are highly visible from a public or private roadway.

        ii. Vinyl siding, EIFS, vinyl and EIFS soffits, and adhered masonry products are not permitted on building façades that are highly visible from a public or private roadway.

        iii. Brick pavers and pervious pavers may be used, where appropriate, to provide a walkable, relatable, human scale and reduce impervious surface area.

        iv. All walls that are visible from road rights-of-way and / or the Little Miami River shall be encouraged include large windows.

10. Landscaping & Bufferyards

    a. Landscaping along the public frontage is required for all developing and/or redeveloping properties along the commercial, mixed-use commercial and residential, and high-density residential areas. Grass medians, tree lawns and planting areas, planting strips, hedges, and other similar strategies shall be preferred. Landscaping must include indigenous, non-invasive species—with plantings that require irrigation beyond their establishment period (1-2 years after installation) to be avoided.

11. Other Development Controls

    a. Buildings must be situated as to create and foster a "streetscape" appearance along streets and/or access drives, with building entrances generally facing the adjacent street(s).
    b. Sidewalks are required in this entire District and must be a minimum of 8 feet in width along all mixed-use and commercial development. In primarily residential areas, sidewalks shall be a minimum of 6 feet in width.
    c. Bridge Street:
        I. All first-floor space must be occupied by commercial uses, with residential units permitted above the first floor.

II. No vehicular drive-thrus or drive-thru windows will be permitted for any food or beverage service, or convenience store use.
III. Any parking structure must be substantially screened from Bridge Street.

d. Maximum parking thresholds may be negotiated to prevent inefficient land use. Shared parking arrangements among complementary uses are encouraged and may be considered in calculating required parking.
e. Parking shall be oriented toward the rear of the structures, or on the interior of blocks. The use of structured parking shall be preferred.
f. Green infrastructure strategies such as bioswales, permeable paving, reduced hardscape, etc. are encouraged for reduced stormwater runoff.
g. Energy efficiency measures should be considered, such as increasing insulation and glazing values, the use of high-performance MEP systems, etc.

18.80 DEVELOPMENT AUTHORIZATION

1. Applications; Process.

Applications for zoning certificates in SPI districts that are limited to a change in permissible use or occupancy of an existing building, accessory building, lot or portion thereof shall be submitted on a form prescribed by the Community Development Director and reviewed administratively by staff.

All other applications for zoning certificates in SPI districts shall be made to the Community Development Director on a form titled "Application for Approval of Overlay District Plan" provided by the Community Development Director. The information required for submission shall demonstrate the need to modify the regulations for the Zoning District identify the characteristics that are consistent with the intent of the SPI District.

a. To be eligible for review, the property must be properly zoned with a principle and permitted use as regulated by the Miami Township Zoning Resolution.

b. Ten (10) copies of the proposed modified plan shall accompany the request, along with the required fee, if any.

c. The plan shall be captioned, "Overlay District."

d. Unless waived by the Community Development Director, prior to submission to the Board of Township 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 Community Development Director evidencing conformance to all requirements or resolution of all issues pertaining to the Overlay District.

e. The Board of Township Trustees shall hold a public hearing within thirty (30) days after the receipt of an Overlay District application.

I. The Community Development Director shall provide notice of such hearing 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 Board of Township Trustees for further determination.

II. The Community Development Director shall place the Overlay District application on the Board of Township Trustees' docket at the next available meeting.

III. The applicant will have the opportunity to appear, examine witnesses and present evidence.

IV. All witnesses will be sworn.

V. The Board of Township Trustees shall consider the Overlay District application, make appropriate findings of fact and adopt a motion approving or denying the application.

VI. Prior to entering a final decision, the Board of Township Trustees may direct that further data be provided if necessary to make an informed decision.

2. Appeal.

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

18.81 OVERLAY DISTRICT PLAN EXPIRATION; MODIFICATIONS

1. Expiration and Extension of Approved Overlay Plan.

a. The Township's approval of an Overlay Plan shall expire if, within two (2) years following the date of such approval, physical grading work and/or building construction in furtherance of the approved plan has not begun on-site. In the event of Overlay Plan expiration, a new Application for Approval of Overlay District Plan shall be submitted for the Township's review and approval prior to developing the site.

b. Prior to expiration of an approved Overlay Plan, the property owner shall have the right to submit one (1) request to the Community Development Director for a one (1) year extension of the approved Overlay Plan. The Community Development Director may grant or deny the request or forward the request to the Board of Trustees for review and decision. An extension shall only be granted if the Community Development Director or Board of Trustees determines the property owner is actively working towards completion of the Overlay Plan and is capable of commencing grading work and/or building construction on site within one (1) year of the Overlay Plan's original expiration date.

2. Completion of Overlay Plan Construction Work and Requirements.
    a. All grading work and building construction approved as part of an Overlay Plan shall be started within one (1) year of commencement of such work and construction—with substantial site and building improvements to be completed within two (2) years of the date of issuance of the applicable zoning certificate or permit. All other requirements of the approved Overlay Plan must be completed within six (6) months of building occupancy. The property owner may submit a request to the Community Development Director for a reasonable extension of either aforementioned deadline. The Community Development Director may grant an extension request if the Director determines, in his/her reasonable discretion, that good cause exists for the extension.

    b. Township Planning & Zoning Department staff will conduct a post-development site inspection following the scheduled Overlay Plan completion date pursuant to Section 18.81, item 1a. herein. The purpose of the inspection shall be to verify compliance with all approved Overlay Plan requirements. If the Community Development Director determines the property owner has deviated from any approved Overlay Plan requirement, the Community Development Director shall determine whether the deviation represents a minor or major amendment to the Overlay Plan, and the property owner shall be required to submit a written request to amend the Overlay Plan in accordance with Section 18.81, item 3.

3. Procedure to Amend an Approved Overlay Plan.
    a. A property owner may request amendment to any unexpired Overlay Plan. Approval of an amendment does not re-commence the start date of the applicable expiration period. However, for major amendments, the Board of Trustees, in its discretion, may by motion re-commence the expiration start date as of the date of the amendment approval.

    b. The Community Development Director shall determine whether the proposed amendment is a major or minor amendment. Major amendments shall include, but are not limited to: any increase in, or significant movement or relocation of, density; changes in use that result in an increased intensity (as determined by the Community Development Director); movement of primary access locations; the elimination of roadway connections to adjacent tracts or subdivisions; the elimination or reduction of open space, recreational uses, or buffer yard features; and any other substantial and material changes to approved Overlay Plan requirements, as determined by the Community Development Director in his/her reasonable discretion. Any amendment which is not deemed to be a major amendment shall be considered a minor amendment.

c. For minor amendments, the following procedure shall apply:
    i. The property owner shall submit a written request to amend the plan to the Community Development Director. The request shall be made using the Overlay Plan Application form but shall be captioned: “Minor Amendment.”
    ii. Five (5) copies of the proposed amended plan shall accompany the Application, along with the required fee, if any.
    iii. The Community Development Director shall review the application and approve or deny the minor amendment based on the Director’s determination, in his/her reasonable discretion, as to the amendment’s consistency with the requirements, and spirit and intent of the approved Overlay Plan; compliance with the Township Comprehensive Plan; and impact on the public health, safety and general welfare.
    iv. The Applicant may appeal a denial of a minor amendment to the Board of Trustees.

d. For major amendments, the following procedure shall apply:
    i. The property owner shall submit a written request to amend the plan to the Community Development Director. The request shall be made using the Overlay Plan Application form but shall be captioned: “Major Amendment.”
    ii. Ten (10) copies of the proposed amended plan shall accompany the Application, along with the required fee, if any.
    iii. The Community Development Director shall review the application and draft a report for review by the Board of Trustees.
    iv. Unless waived by the Community Development Director, prior to submission to the Board of Township 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 Community Development Director evidencing conformance to all requirements or resolution of all issues pertaining to the Overlay District.
    v. Thereafter, the Community Development Director shall place the amendment on the Board of Trustees’ docket. The Board of Trustees shall consider the amendment and adopt a motion approving, denying, or modifying the amended plan. Prior to entering a final decision, the Board of Trustees may direct further data be provided as necessary to make an informed decision.

Figure 18-1 SPECIAL PUBLIC INTEREST – THE LITLE MIAMI RIVER VILLAGE AREA OVERLAY DISTRICT

