

Hamilton Township

Zoning Code

2021 Update

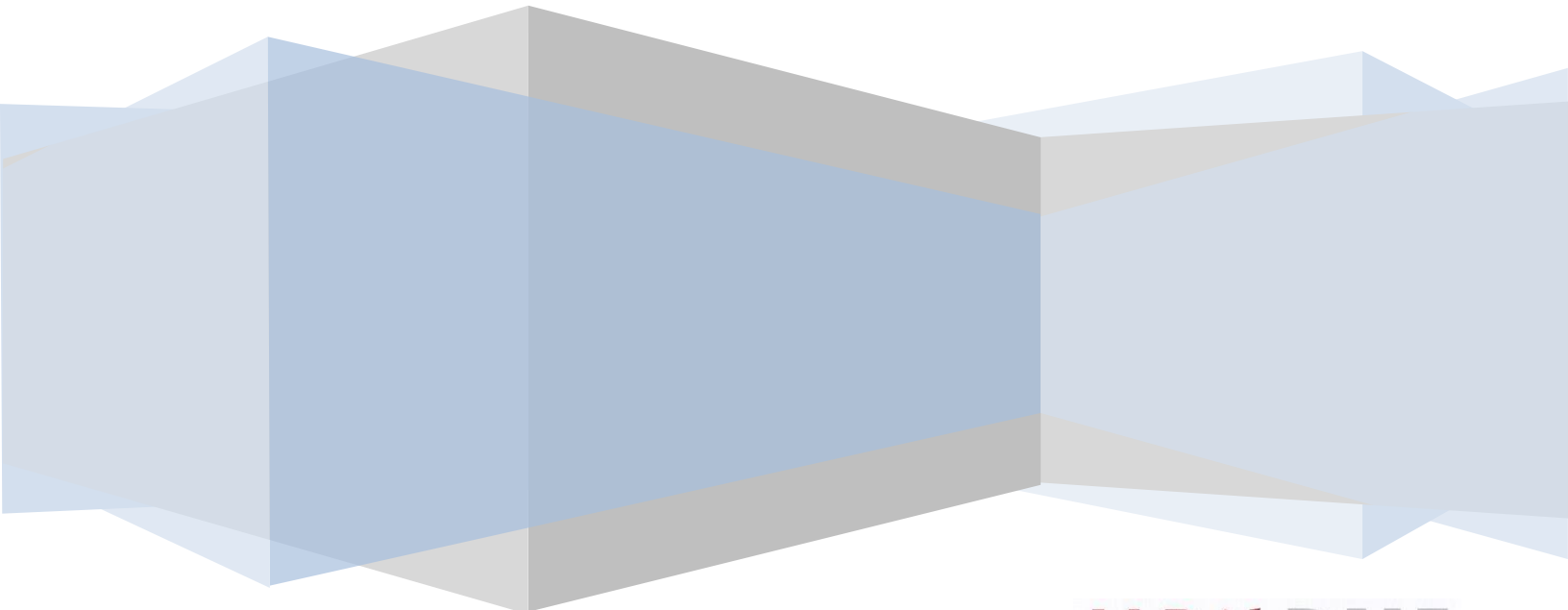


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CHAPTER I. GENERAL PROVISIONS

1.1. TITLE

This zoning code shall be known and may be cited as the “Hamilton Township, Warren County, Ohio, Zoning Code”, and may be referred to herein as the “zoning code” or “this code”.

1.2. PURPOSE

This code is enacted as authorized by the provision of Chapter 519 and the Sections there under of the Ohio Revised Code (ORC) for the following purposes:

- 1.2.1. To promote public health, safety, morals, comfort, prosperity and general welfare;
- 1.2.2. To conserve and protect property and values;
- 1.2.3. To secure the most appropriate use of land;
- 1.2.4. To allow freedom of speech and expression in accordance with the laws of the state and the nation;
- 1.2.5. To facilitate adequate and economical provisions for public improvement; and
- 1.2.6. To provide a method of administration and prescribing penalties for the violations hereafter described.

1.3. APPLICABILITY

This zoning code has been passed under the authority granted to the township under ORC Section 519.01 et seq. and embraces the provisions thereof regarding enforcement and penalties for violations.

1.4. JURISDICTION

The provisions of this zoning code shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Hamilton Township, Warren County, Ohio.

1.5. ZONING OF ANNEXED LAND

The zoning regulations in effect for any land that is annexed from Hamilton Township into an existing municipal corporation shall remain in full force and shall be enforced by the zoning inspector and other township officials until the legislative authority of the applicable municipal corporation adopts the existing zoning regulations or new regulations for the annexed land in accordance with ORC Section 519.18.

1.6. INTERPRETATION AND CONFLICTS

- 1.6.1.** For purposes of interpretation and application, the provisions of this zoning code shall be held to be the minimum requirements required to promote the purpose of this zoning code.
- 1.6.2.** When provisions of this zoning code are inconsistent with one another or with the provisions found in another adopted zoning code, the more restrictive provisions shall govern.
- 1.6.3.** Where this zoning code imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations, or resolutions, the provisions of this zoning code shall control provided it complies with the ORC.

1.7. RELATIONSHIP WITH PRIVATE-PARTY AGREEMENTS

- 1.7.1.** This zoning code is not intended to interfere with or abrogate any third party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this zoning code proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third party private agreements, the provisions of this zoning code shall govern.
- 1.7.2.** In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

1.8. ZONING CERTIFICATE REQUIRED

- 1.8.1.** Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used or changed in use, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in compliance with the regulations herein specified for the applicable zoning district.
- 1.8.2.** No land, building, structure, or premises shall be occupied or change occupancy, and no building or part thereof, or other structure, hereafter located, erected, moved, reconstructed, extended, enlarged or altered shall be occupied or used in part or any work be started until a zoning compliance inspection is conducted by the zoning inspector stating that the building, structure, premises or use is in compliance with the provisions of the zoning code.
- 1.8.3.** Any building or structure to be located, erected, moved, reconstructed, extended, enlarged or altered shall have frontage as required by this code on a dedicated, improved street or road.

CHAPTER 11: Enforcement and Penalties

Section 11.6. Other Action

- 1.8.4.** A zoning certificate shall not be issued for construction, use, or change in occupancy on land within any subdivision until such subdivision has been approved by the Warren County Regional Planning Commission, or other county agency with approval authority, and recorded with the appropriate county authority.
- 1.8.5.** Unless specifically exempted, it shall be unlawful for a property owner to use or to permit the use of any structure, building, or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning certificate is issued by the zoning inspector in accordance with [Section 3.5 Zoning Certificate](#).
- 1.8.6.** Uses, lots, buildings, and structures that do not comply with this zoning code will be subject to the provisions of [CHAPTER 10 Nonconformities](#).

1.9. BURDEN OF PROOF

The burden of demonstrating that an application or any development subject to this code complies with applicable review and approval standards is on the applicant. The burden is not on the township or other parties to show that the standards have been met by the applicant or person responsible for the development.

1.10. SEVERABILITY

- 1.10.1.** If any court of competent jurisdiction invalidates any provision of this zoning code, then such judgment shall not affect the validity and continued enforcement of any other provision of this zoning code.
- 1.10.2.** If any court of competent jurisdiction invalidates the application of any provision of this zoning code to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other property, structure, or situation not specifically included in that judgment.
- 1.10.3.** If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.
- 1.10.4.** Whenever a condition or limitation is included in an administrative action authorizing regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this zoning code, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

1.11. TRANSITIONAL RULES

1.11.1. Effective Date

- A.** Hamilton Township adopted zoning in 1972.
- B.** Any amendments to this zoning code shall be in full force and effect as provided in ORC Section 519.12.

1.11.2. Violations Continue

Any violation that existed at the time this amendment became effective shall continue to be a violation under this zoning code and is subject to penalties and enforcement under [CHAPTER 1](#)

[Enforcement and Penalties](#), unless the use, development, construction, or other activity complies with the provisions of this zoning code.

1.11.3. Nonconformities Continue

- A.** Any legal nonconformity that existed at the time this amendment became effective shall continue to be a legal nonconformity under this zoning code, as long as the situation that resulted in the nonconforming status under the previous zoning code continues to exist.
- B.** If a legal nonconformity that existed at the time this amendment became effective becomes conforming because of the adoption of this zoning code, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

1.11.4. Approved Projects

- A.** Any building, structure, or development for which a zoning certificate was issued prior to the effective date of this zoning code may, at the applicant's option, be completed in conformance with the issued certificate and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this zoning code. If such building, structure, or development does not comply fully with this zoning code at the time of completion, it shall be considered a legal nonconformity upon the issuance of a certificate of occupancy from the Warren County Building Department or final zoning compliance inspection by Hamilton Township.
- B.** If the building, structure, or development is not completed within the time allowed under the original zoning certificate or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this zoning code.
- C.** Any application for a project where the zoning certificate has expired shall meet the standards in effect at the time the application is resubmitted.

1.11.5. Vested Rights

The transitional rule provisions of this section are subject to Ohio's vested rights laws.

1.12. RESTORATION OF UNSAFE BUILDINGS

Except as provided in [CHAPTER 10 Nonconformities](#), nothing in this zoning code shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

1.13. REPEAL

This zoning code may be repealed in accordance with the provisions established in ORC Section 519.25.

1.14. USE OF GRAPHICS, ILLUSTRATIONS, FIGURES, AND CROSS-REFERENCES

- 1.14.1.** Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- 1.14.2.** In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the referenced chapter,

CHAPTER I: General Provisions

Section 1.14. Use of Graphics, Illustrations, Figures, and Cross-References

section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.

CHAPTER 2. ADMINISTRATIVE ROLES AND AUTHORITY

2.1. PURPOSE

The purpose of this chapter is to identify the roles and responsibilities of various elected and appointed boards, and the duties of township staff, in the administration of this zoning code.

2.2. SUMMARY TABLE OF REVIEW BODIES

2.2.1. [Table 2-1: Summary Table of Review Bodies](#) summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in [CHAPTER 3 Development Review Procedures](#). Other duties and responsibilities of the entities are set forth in subsequent sections of this chapter.

TABLE 2-1: SUMMARY TABLE OF REVIEW BODIES

H = HEARING (PUBLIC HEARING REQUIRED) M = MEETING (PUBLIC MEETING REQUIRED) R = REVIEW AND/OR RECOMMENDATION P = PREAPPLICATION MEETING			D = DECISION (RESPONSIBLE FOR FINAL DECISION) A = APPEAL (AUTHORITY TO HEAR/DECIDE APPEALS)			
PROCEDURE	SECTION	BOARD OF TOWNSHIP TRUSTEES	ZONING COMMISSION	COUNTY REGIONAL PLANNING COMMISSION	BOARD OF ZONING APPEALS (BZA)	ZONING INSPECTOR
Zoning Code Text or Map Amendment	Section 3.7	H-D	H-R	M-R		R-P
Planned Unit Development – Sketch Plan/Zone Map Amendment	Section 5.5	H-D	H-R	M-R		R-P
Planned Unit Development – Preliminary Site Plan	Section 5.5	M-D	M-R	M-R		R-P
Planned Unit Development – Final Site Plan	Section 5.5	M-D	M-R			R
Site Plan Review	Section 3.6	H-D [1]			A	R-P
Conditional Use	Section 3.8				H-D	R
Appeals	Section 3.8				H-D	[2]
Variance	Section 3.8				H-D	R
Zoning Certificate	Section 3.5				A	R-D
	NOTES: [1] The board of township trustees shall act as the designated review board for site plan review in accordance with Section 3.6 Site Plan Review . [2] Staff shall forward all records of their decision to the BZA including any staff report or summary that provides a history of actions and decisions made in relation to the appealed action.					

2.2.2. Even though not referenced in this chapter, other boards, commissions, government agencies, and non-government agencies may be asked by the zoning inspector, the Hamilton Township Zoning Commission, the Hamilton Township Board of Zoning Appeals, or the Hamilton Township Board of Township Trustees, to review some applications, including, but not limited to, map amendments

(rezonings), text amendments, site plan review, appeals, variances, conditional uses, and planned unit developments.

2.3. BOARD OF TOWNSHIP TRUSTEES

For the purpose of this zoning code, the Hamilton Township Board of Township Trustees, hereafter referred to as the board of township trustees, shall have the following duties:

- 2.3.1.** Initiate proposed amendments to this zoning code text and/or the official zoning map;
- 2.3.2.** Review and decide on all proposed zoning text and map amendments to this zoning code;
- 2.3.3.** Review and decide on sketch plans, preliminary site plans, and final development plans for PUDs;
- 2.3.4.** Review and decide on site plan review applications as the designated review board; and
- 2.3.5.** Perform all other duties as specified in ORC Chapter 519 and as specified in this zoning code.

2.4. ZONING COMMISSION

The board of township trustees, for the purpose and intent of this zoning code, has hereby created and established the Hamilton Township Zoning Commission, hereafter referred to as the zoning commission.

2.4.1. Appointment and Organization

- A.** The board of township trustees shall appoint members of the zoning commission. The zoning commission shall be composed of five members who reside in the unincorporated area of Hamilton Township, Warren County, Ohio.
- B.** Members shall serve five-year terms with the term of one member expiring each year.
- C.** Each member shall serve until his or her successor is appointed and qualified.
- D.** Members of the zoning commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the board of township trustees, upon written charges filed with the board of township trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given the opportunity to be heard and answer such charges.
- E.** Vacancies shall be filled by appointment by the trustees and shall be for the time remaining in the unexpired term.

2.4.2. Roles and Powers

The zoning commission shall have the following roles and powers:

- A.** Initiate proposed amendments to this zoning code and/or the official zoning map;
- B.** Review all proposed zoning text and map amendments to this zoning code and make recommendations to the board of township trustees;
- C.** Review and make recommendations to the board of township trustees regarding sketch plans, preliminary site plans, and final site plans as they relate to a proposed PUD;

- D.** Perform all other powers conferred upon township zoning commissions in ORC Chapter 519, or as authorized by the board of township trustees in compliance with this zoning code and state law; and
- E.** Serve on committees or subcommittees as appointed by the board of township trustees.

2.4.3. Alternates

- A.** The board of township trustees may appoint up to two alternate members to the zoning commission for a term of five years each.
- B.** An alternate member shall take the place of an absent regular member at any meeting of the zoning commission.
- C.** An alternate member shall only take the place of a regular member during a public hearing (where a vote is required) if the alternate was present for all portions of the public hearing, including all presentations and testimony.
- D.** If an alternate takes the place of a regular member during a public hearing, the regular member that was absent for the hearing shall not participate in future portions of the same public hearing.
- E.** An alternate member shall meet the same appointment criteria as a regular member.

2.4.4. Bylaws

The zoning commission may organize and adopt bylaws for its own governance provided they are consistent with law or with any other resolution of the township.

2.4.5. Meetings

- A.** Meetings shall be held at the call of the chair, or the acting chair, and at such other times as the zoning commission may determine.
- B.** All meetings shall be open to the public, except as exempted by law.
- C.** The zoning commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be filed in the office of the Hamilton Township Planning and Zoning Department.

2.4.6. Quorum and Decisions

- A.** Any combination of three or more regular or alternate members of the zoning commission shall constitute a quorum.
- B.** The zoning commission shall act when at least three members concur. Action by the zoning commission requires a majority vote by a quorum.
- C.** A tie vote shall result in a failure of the motion.
- D.** Non-decision items, such as continuance or approval of minutes, shall require a majority of the quorum to concur.

2.5. BOARD OF ZONING APPEALS

The board of township trustees, for the purpose and intent of this zoning code, has hereby created and established the Hamilton Township Board of Zoning Appeals, hereafter referred to as the BZA.

2.5.1. Appointment and Organization

- A.** The board of township trustees shall appoint members of the BZA. The BZA shall be composed of five members who reside in the unincorporated area of Hamilton Township, Warren County, Ohio.
- B.** Members shall serve five-year terms with the term of one member expiring each year.
- C.** Each member shall serve until their successor is appointed and qualified.
- D.** Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the board of township trustees, upon written charges filed with the board of township trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given the opportunity to be heard and answer such charges.
- E.** Vacancies shall be filled by appointment by the trustees and shall be for the time remaining in the unexpired term.

2.5.2. Roles and Powers

The BZA shall have the following roles and powers:

- A.** To hear and decide appeals where it is alleged by the appellant that there is error in an order, requirement, decision, grant, or refusal made by the zoning inspector, other township official, or administrative body of the township in the interpretation or enforcement of the provisions of this zoning code.
- B.** To hear and decide, in accordance with the provisions of this zoning code, applications filed for conditional uses. In granting a conditional use, the BZA may impose such conditions, safeguards or restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set out in [Section 3.8 Appeals, Variances, and Conditional Uses](#) in order to reduce or minimize potentially injurious effects of such conditional use upon other property in the neighborhood and to carry out the general purpose and intent of this code.
- C.** To authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning code as will not be contrary to the public interest, where owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning code will result in practical difficulty, and so that the spirit of the zoning code shall be observed and substantial justice done. Under no circumstances shall the BZA grant a use not permitted by the zoning code in the district involved.
- D.** To authorize the completion, restoration, reconstruction, in whole or in part, extension, or substitution of nonconforming uses, taking into consideration the nature of such uses in relationship to the character of the adjacent uses, lot size, setback lines, traffic conditions, terrain, and all other factors which, in the opinion of the BZA are pertinent to such completion, restoration, reconstruction, extension, or substitution in compliance with [CHAPTER 10 Nonconformities](#).

- E.** To hear and provide an interpretation of the zoning map whenever there is a question of how the zoning districts are applied to the zoning map.
- F.** To perform all other powers conferred upon township boards of zoning appeals in ORC Chapter 519, or as authorized by the board of township trustees in compliance with this zoning code and state law.

2.5.3. Alternates

- A.** The board of township trustees may appoint up to two alternate members to the BZA for a term of five years each.
- B.** An alternate member shall take the place of an absent regular member at any meeting of the BZA.
- C.** An alternate member shall only take the place of a regular member during a public hearing (where a vote is required) if the alternate was present for all portions of the public hearing, including all presentations and testimony.
- D.** If an alternate takes the place of a regular member during a public hearing, the regular member that was absent for the hearing shall not participate in future portions of the same public hearing.
- E.** An alternate member shall meet the same appointment criteria as a regular member.

2.5.4. Bylaws

The BZA may organize and adopt bylaws for its own governance provided they are consistent with law or with any other resolution of the township.

2.5.5. Meetings

- A.** Meetings of the BZA shall be held at the call of the chair, or the acting chair, and at such other times as the BZA may determine.
- B.** The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per ORC Section 519.15.
- C.** All meetings of the BZA shall be open to the public, except as exempted by law.
- D.** The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the office of the Hamilton Township Planning and Zoning Department and shall be a public record, unless exempted by law.
- E.** The BZA may call upon any township department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

2.5.6. Quorum and Decisions

- A.** Any combination of three regular or alternate members of the BZA shall constitute a quorum.
- B.** The BZA shall act by resolution when at least three members concur. Every decision shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application.

- C.** Non-decision items, such as continuance or approval of minutes, shall require a majority of the quorum to concur.

2.6. ZONING INSPECTOR

2.6.1. Roles and Powers

- A.** The board of township trustees shall appoint a zoning inspector who shall have the following roles and powers:
 - (1)** To serve as the zoning inspector within the Hamilton Township Planning and Zoning Department.
 - (2)** To enforce this zoning code. All officials and employees of the township shall assist the zoning inspector by reporting to him/her upon new construction, reconstruction, land uses, or upon seeing violations.
 - (3)** To review applications for zoning certificates and to ensure compliance with this zoning code in accordance with [Section 3.5 Zoning Certificate](#) and [Section 3.6 Site Plan Review](#).
 - (4)** To issue a zoning certificate, after written request from the owner or tenant, for any building or premises existing at the time of enactment of this zoning code, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this zoning code.
 - (5)** To keep adequate records of all applications and decisions on said applications.
 - (6)** To keep an accurate record of the zoning map.
 - (7)** To issue citations for any zoning violations and keep adequate records of all violations.
 - (8)** To review and make decisions on architectural standards as provided for in ORC Section 519.171.
 - (9)** To conduct inspections of buildings and uses of land to determine compliance or non-compliance with this zoning code.
 - (10)** To revoke a zoning certificate or approval issued contrary to this zoning code or based on a false statement or misrepresentation on the application.
- B.** The board of township trustees may also appoint additional zoning inspector personnel to assist the zoning inspector in such roles and powers.

2.6.2. Decisions

- A.** A decision of the zoning inspector may be appealed to the BZA.
- B.** The zoning inspector shall have appropriate forms for appeal available at the time of denial.

CHAPTER 3. DEVELOPMENT REVIEW PROCEDURES

3.1. PURPOSE

The purpose of this chapter is to identify the development review procedures used in the administration of this zoning code.

3.2. AGRICULTURAL EXEMPTION

- 3.2.1.** Agricultural uses, and buildings or structures that are incidental to agricultural uses, located on lots with a lot area of five acres or more, shall be exempt from the requirements of this zoning code and property owners shall not be required to obtain a zoning certificate for such uses in accordance with ORC Section 519.21. A property owner shall complete an agriculture exemption application so that the zoning inspector can confirm the exemption status.
- 3.2.2.** For any platted subdivision approved under ORC Sections 711.05, 711.09 or 711.10, or in any area consisting of 15 or more lots approved under ORC Section 711.131 that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the following regulations shall apply:
- A.** Buildings or structures incidental to the use of land for agricultural uses on lots less than one acre shall be set back a minimum of 85 feet from all property lines, except that houses for not more than two adult dogs or cats or combination thereof may be kept anywhere on the premises.
 - (1)** The keeping of swine is prohibited.
 - (2)** The keeping of poultry shall comply with [Section 4.9.5.J Keeping of Chickens](#).
 - (3)** Houses for more than two adult dogs or cats or combination thereof are prohibited.
 - (4)** Dairying and animal or poultry husbandry are prohibited.
 - (5)** Public or private stables and beasts for hire are prohibited.
 - B.** Buildings or structures incidental to the use of land for agricultural uses on lots greater than one acre but less than five acres shall be set back a minimum of 85 feet from all property lines, except that houses for not more than two adult dogs or cats or combination thereof may be kept anywhere on the premises.
 - C.** Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least 35 percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under ORC Section 4503.06 shall be prohibited. After 35 percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered a nonconforming use of land, buildings, or structures pursuant to ORC Section 519.19.
- 3.2.3.** Structures that are exempt from the provisions of the zoning code pursuant to this section shall not be exempt from any applicable special flood hazard area regulations established and enforced by Warren County.

3.3. EXEMPTIONS FOR PUBLIC UTILITIES AND RAILROADS

Per ORC Section 519.211, no part of this zoning code shall confer any power on the board of township trustees, zoning commission, or BZA, to regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.

3.4. COMMON REVIEW REQUIREMENTS

The requirements of this section shall apply to all applications and procedures subject to development review under this zoning code, unless otherwise stated.

3.4.1. Authority to File Applications

- A.** The person having legal authority to take action in accordance with the approval sought shall file an application for any review in accordance with this zoning code. The person having legal authority shall be the record owner or the duly authorized agent of the record owner and may be required to provide proof of such authority at the time of application.
- B.** The zoning commission and board of township trustees may initiate zoning text and map amendments under this zoning code with or without an application from the property owner who may be affected.

3.4.2. Application Contents

A. Submittal Requirements

Applications required under this zoning code shall be submitted in a form and in such numbers as established by the zoning inspector and made available to the public.

B. Submission of Fees

- (1)** Applications shall be accompanied by a fee as established by resolution of the board of township trustees and made available to the public.
- (2)** The township shall charge appropriate fees for the review or issuance of zoning certificates, site plan reviews, conditional uses, appeals, variances, zoning amendments, and other applicable permits and procedures to cover the costs of inspection, investigation, legal notices, and other expenses incidental to the enforcement of this zoning code. Such fees shall be paid to Hamilton Township, and shall be paid in accordance to the Official Zoning Fee Schedule as established by the board of township trustees.

C. Complete Application Determination

- (1)** The zoning inspector shall only initiate the review and processing of applications submitted under this chapter if such application is determined to be complete.
- (2)** The zoning inspector shall make a determination of application completeness within five business days of the application filing.
- (3)** If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this zoning code.
- (4)** If an application is determined to be incomplete, the zoning inspector shall provide notice to the applicant along with an explanation of the application's deficiencies. No further

processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal application.

- (5) If the applicant fails to re-submit a complete application within 60 days of the notice provided by the zoning inspector pursuant to [Section 3.4.2.C\(4\)](#), unless an extension is granted by the zoning inspector, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. No reconsideration of an incomplete application shall occur after expiration of the 60 day period, and an applicant in need of further development approval under the zoning code shall, pursuant to all of the original requirements of [Section 3.4.2 Application Contents](#), submit a new application and filing fee.
- (6) If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

D. Refund of Fees

Application or review fees are not refundable except where the zoning inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

3.4.3. Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under this zoning code, the zoning inspector shall determine the order and timing of review. The zoning inspector may authorize a simultaneous review of applications.

3.4.4. Constructive Notice

The following shall apply to all public notice requirements established in each development review procedure:

- A.** Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.
- B.** If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the agency having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this zoning code, and such finding shall be made available to the decision-making body prior to final action on the request.
- C.** When the records of the township document the publication, mailing, and/or posting of notices as required by this chapter, it shall be presumed that notice of a public hearing was given as required by this section.

3.4.5. Conduct of Public Hearing

A. Rights of All Persons

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing

shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

B. Continuance of a Public Hearing or Deferral of Application Review

- (1) An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the zoning inspector prior to the publication of notice as may be required by this zoning code. The zoning inspector may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.
- (2) A request for deferral of consideration of an application received by the Hamilton Township Planning and Zoning Department after publication of notice of the public hearing as required by this zoning code shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
- (3) The review body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place.

C. Withdrawal of Application

Any request for withdrawal of an application shall be either submitted in writing to the zoning inspector or made through a verbal request by the applicant prior to action by the review or decision-making body.

- (1) The zoning inspector shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this zoning code.
- (2) If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this zoning code, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.
- (3) In all cases where the applicant has requested the withdrawal of an application, the application fee paid shall not be refunded.

3.4.6. Examination and Copying of Application and Other Document

Documents and/or records may be inspected and/or copied as provided for by state law.

3.4.7. Computation of Time

- A.** In computing any period of time prescribed or allowed by this zoning code, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by Hamilton Township where the township administrative offices are closed for the entire day.
- B.** When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- C.** When the township offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by Hamilton Township in which the township administrative offices are closed for the entire day.

3.5. ZONING CERTIFICATE

3.5.1. Zoning Certificate Applicability

A zoning certificate shall be required for any of the following unless otherwise specifically exempted:

- A.** New construction or structural alteration of any building or structure, including accessory buildings and structures;
- B.** Change in use of an existing building (including tenant finishes), structure, accessory building, lot, or portion thereof, including nonconforming uses but excluding changing to any agricultural use;
- C.** Change in the use of land to a use of a different classification;
- D.** Occupancy and use of vacant land or buildings, excluding agricultural land or buildings;
- E.** New decks and porches, or expansions of existing decks or porches, that are 18 inches or more in height;
- F.** All exterior swimming pools with a water depth greater than 18 inches, except for temporary pools that are removed or emptied within 24 hours;
- G.** Home occupations, accessory uses, and temporary uses;
- H.** Permanent or temporary signs unless exempted in [Section 9.6 Signs Not Requiring a Zoning Certificate](#); or
- I.** Any structure or improvement that is required to obtain a zoning certificate prior to the issuance of a building permit from the Warren County Building Department.

3.5.2. Site Plan Review Required Prior to Issuance of Zoning Certificate

- A.** Site plan review pursuant to [Section 3.6 Site Plan Review](#) is required for all zoning certificates except as exempted by [Section 3.6.1 Applicability](#).
- B.** A zoning certificate is required for PUDs in accordance with the provision of [Section 5.5 Review Procedures for PUDs](#).

3.5.3. Zoning Certificate Review Procedure

A. Step 1 – Application

The applicant shall submit the required number of copies of the following to the zoning inspector prior to submitting for a building permit from the Warren County Building Department:

- (1)** Zoning certificate application and applicable forms available from the township offices or township web site;
- (2)** All such forms, plans, maps, and information as may be prescribed for that purpose by the Hamilton Township Planning and Zoning Department to assure the fullest practicable presentation of the facts for the permanent record; and
- (3)** All required fees as established in the Hamilton Township fee schedule.

B. Step 2 – Review and Decision

- (1)** The zoning inspector shall review each complete application and either approve and issue the zoning certificate or deny the application within 30 days of the application (Step 1).

- (2) Zoning certificate applications submitted for a site subject to an approved moratorium shall not be reviewed, and no decision made, within the period of time that the moratorium is in place.
- (3) Upon approval, the zoning inspector shall issue a signed zoning certificate and maintain a copy of the certificate for township records.
- (4) If the zoning inspector denies an application, the inspector shall state in writing the reasons for the action taken.
- (5) If the application is denied, the applicant may submit a revised application and site plan for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with [Section 3.8 Appeals, Variances, and Conditional Uses](#) of this zoning code.

C. Step 3 – Zoning Compliance Inspection

- (1) A zoning compliance inspection shall be required after completion of the work authorized by the zoning certificate. A zoning compliance inspection shall be required for any of the following:
 - (a) Occupancy of a new nonresidential building or structure after completion of construction.
 - (b) Occupancy or change of occupancy of an existing nonresidential building or structure.
 - (c) Change of use in any nonresidential building.
 - (d) A zoning compliance inspection shall not be required for agricultural uses.
- (2) The zoning inspector should conduct a zoning compliance inspection to ensure that the project has been completed according to the approved zoning certificate and plans.
- (3) The zoning compliance inspection shall be scheduled at least two weeks prior to expected occupancy and/or opening for business.
- (4) The zoning inspector shall provide the applicant with findings from the zoning compliance inspection within 24 hours of the initial inspection.
- (5) The applicant shall notify the zoning inspector when corrections, if needed, have been made based on the initial inspection. Additional inspections shall be scheduled if deemed necessary by the zoning inspector.
- (6) Upon passing the zoning compliance inspection, the zoning inspector shall notify the applicant and the Warren County Building Department of inspection passage so that the certificate of occupancy may be issued when all other approvals and inspections are complete.

3.5.4. Review Criteria

- A.** All applications for a zoning certificate shall demonstrate conformity with the provisions of this zoning code.
- B.** No zoning certificate shall be issued to any applicant or for any property that is in violation of any provision of this zoning code until such violation is corrected or eliminated to the satisfaction of the zoning inspector unless said application is being made to bring the property into conformance with this zoning code.

- C.** No zoning certificate shall be issued without written certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public central sewer system or, in the absence thereof, by a private on-site sewage disposal or containment system approved by the Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District, as applicable. The zoning inspector may waive this requirement if prior proof of service was provided for development of a subdivision.
- D.** No zoning certificate shall be issued without certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public or private central water supply system, or in the absence thereof, by a private on-site water supply well or other means approved by the OEPA and/or the Warren County Combined Health District, as applicable. The zoning inspector may waive this requirement if prior proof of service was provided for development of a subdivision.
- E.** No zoning certificate shall be issued without written certification from the Hamilton Township Fire Department and/or other appropriate applicable authority of jurisdiction that the application shall comply with all applicable fire code requirements and not exceed emergency service capability of the applicable department.
- F.** No zoning compliance inspection shall be approved by the zoning inspector for the occupancy of any building, structure or improvement to the land or any lot which has been approved for platting or replatting, until all subdivision plans have been approved, the final plat recorded, the zoning requirements met, and the performance bond posted to guarantee installation of all the required improvements.

3.5.5. Amendments or Modifications

- A.** Incidental changes from an approved zoning certificate are permissible and the zoning inspector may grant changes, provided such change has no discernible impact on neighboring properties or the general public. Amendments or modifications to an approved zoning certificate may require the payment of a fee as established in the Hamilton Township fee schedule.
- B.** All other requests for changes will be processed as a new application, which require the submission of a new fee.
- C.** An applicant or property owner requesting changes shall submit a written request to the zoning inspector, itemizing the proposed changes, unless waived by the zoning inspector.

3.5.6. Expiration

- A.** Construction shall commence within 12 months and shall be substantially completed and a certificate of occupancy issued by the building department within 36 months of the date upon which the zoning certificate was issued unless the owner of the property has established a vested right under the laws of Ohio to the use for which the original zoning certificate was issued.
- B.** Construction shall not be required to comply with the time limits established in [Section 3.5.6.A](#) above if the zoning inspector has authorized an alternative commencement or substantial completion date as part of the zoning certificate application review process. If the zoning inspector has authorized an alternative commencement or substantial completion date as part of the zoning certificate application review process, construction shall commence and be substantially completed within those time limits established by the zoning inspector.

- C.** For the purposes of [Section 3.5.6.B](#) above, construction shall not be deemed to have commenced until the excavation necessary for placement of the structure's foundation is no less than 100 percent complete, as determined by the zoning inspector.
- D.** Failure to commence construction within 12 months and substantially complete construction within 36 months or any alternative time limits approved by the zoning inspector shall result in the expiration of the zoning certificate unless the applicant requests and receives an extension from the zoning inspector. Applications shall be required to apply for an extension no later than 30 days prior to the date of expiration of the original zoning certificate, unless waived by the zoning inspector. Factors to be considered by the zoning inspector when determining whether to grant an extension shall include:
 - (1)** The length of additional time necessary to complete construction;
 - (2)** Additional time is needed for review by other agencies having jurisdiction on the project;
 - (3)** The reason for the delay;
 - (4)** Good faith on the part of the applicant;
 - (5)** The existence of or potential for any substantial detriment to adjoining property as a result of the extension; and
 - (6)** Conformance with this zoning code.
- E.** Upon expiration of a zoning certificate, a new zoning certificate application, including all applicable fees, shall be required before construction or resumption of construction can begin.
- F.** Actions taken by the zoning inspector on requests for extensions may be appealed to the BZA.

3.5.7. Temporary Zoning Certificates

The zoning inspector may issue a temporary zoning certificate in accordance with the temporary use regulations ([Section 4.10](#)) of this zoning code and the zoning certificate review procedure established above.

3.5.8. Revocation of a Zoning Certificate

The zoning inspector shall hereby have the authority to revoke an approved zoning certificate if the information submitted as part of the application is found to be erroneous or fraudulent after the certificate has been issued. Any revocation of an approved zoning certificate by the zoning inspector may be appealed to the BZA.

3.6. SITE PLAN REVIEW

3.6.1. Applicability

Site plan review shall be required for all development that requires a zoning certificate with the following exemptions that shall be reviewed by the zoning inspector through the zoning certificate review procedure ([Section 3.5.3 Zoning Certificate Review Procedure](#)):

- A.** Agricultural uses exempted in [Section 3.2 Agricultural Exemption](#);
- B.** Single family dwellings, except single family cluster developments and single family conservation development which require site plan review;

- C.** Two family dwellings;
- D.** Accessory and temporary uses and structures associated with a single family or two family dwelling;
- E.** Alteration to a building when confined to the interior of the structure;
- F.** Painting and exterior maintenance of any building or structure;
- G.** Signs;
- H.** Construction within an approved PUD;
- I.** Conditional uses;
- J.** Any change to an existing structure resulting in the following:
 - (1)** A less intense use;
 - (2)** Alteration of any structure upon less than 25 percent of its exterior surface area; or
 - (3)** Alteration of any structure upon less than 25 percent of its building area square footage as measured against the exact condition of an existing structure as of the effective date of this code; and
- K.** Change in use or occupancy not involving expansion exceeding the thresholds in [Section 3.6.1.J](#) above.

3.6.2. Site Plan Review Procedure

A. Preapplication Meeting

- (1)** Applicants for site plan review are required to meet with the zoning inspector for a preapplication meeting prior to submitting a formal application for a zoning certificate. The zoning inspector may waive the requirement for the preapplication meeting.
- (2)** The purpose of the preapplication meeting is to informally discuss application requirements, review procedures, and details of the proposed development.
- (3)** One or more preapplication meetings between the applicant and township staff may be required unless specifically waived by the zoning inspector.
- (4)** Applicants are encouraged to bring a preliminary site plan to the preapplication meeting.
- (5)** No formal application is required to facilitate a pre-application meeting. The applicant need only contact the zoning inspector to set up a meeting date.
- (6)** Discussions that occur during a preapplication meeting with township staff are not binding on the township and do not constitute official assurances or representations by Hamilton Township or its officials regarding any aspects of the plan or application discussed.

B. Step I – Application

The applicant shall submit the required number of copies of the following to the zoning inspector prior to submitting for a building permit from the Warren County Building Department:

- (1)** Site plan review application and applicable forms available from the township offices or township web site;

- (2) All such forms, maps, and information as may be prescribed for that purpose by the Hamilton Township Planning and Zoning Department to assure the fullest practicable presentation of the facts for the permanent record; and
- (3) All required fees as established in the Hamilton Township fee schedule.
- (4) The zoning inspector may modify or eliminate any or all of the submission requirements if the information is deemed by the zoning inspector not necessary for site plan review for the property. Any such alteration of requirements shall be noted in the staff report prepared by the zoning inspector.

C. Step 2 – Review by the Review Board

- (1) The board of township trustees shall act as the review board and all eligible site plan applications shall be reviewed and approved by the review board, or their designee(s).
- (2) The review board shall review the application within 30 days of the submission of an application (Step 1).
- (3) If action is not taken the application shall be considered approved.
- (4) Written notice of a public hearing by the review board shall be given to the owners of property adjacent to and across the street from the property subject to the site plan application at least 10 days prior to the hearing.

D. Step 3 – Decision

- (1) The review board shall review each complete application and either approve, modify or deny the application. The review board may also table the decision for up to 30 additional days to allow for additional time to review the application.
- (2) The review board may grant approval of a site plan application subject to conditions specified by the review board.
- (3) Site plan review applications submitted for a site subject to an approved moratorium shall not be reviewed, and no decision made, within the period of time that the moratorium is in place.
- (4) Upon approval by the review board, the zoning inspector shall be authorized to issue a signed zoning certificate and maintain a copy of the application for township records.
- (5) If the application is denied, the applicant may submit a revised application and sketch plan for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with [Section 3.8 Appeals, Variances, and Conditional Uses](#) within 30 days of the decision by the review board.

3.6.3. Review Criteria

- A.** All applications for a site plan review shall demonstrate conformity with the provisions of this zoning code. The review board does not have the authority to grant variances or to waive or alter requirements of the zoning code, except that the review board may grant up to a 15 percent reduction in the number of required off-street parking spaces in accordance with [Section 7.4.2 Required Number of Parking Spaces](#) if a parking demand study is presented supporting the reduction in parking, and the review board determines that the reduction will not result in negative impacts on surrounding uses or neighborhood.

- B.** Review comments on a site plan application may be solicited from local, state, and federal agencies, including but not limited to the Warren County Engineer's Office, Ohio Department of Transportation, Ohio Department of Natural Resources, Warren County Water and Soil Conservation District, Warren County Regional Planning Commission, Warren County Water and Sewer Department, Warren County Combined Health District, and other applicable agencies.
- C.** Where applications for site plan review indicate that the development and/or use proposed therein, or the manner in which they are proposed to be conducted, do not meet the standards and requirements of this code and could not practically and reasonably be made to do so by the attachment of reasonable conditions and safeguards, such applications shall be denied.
- D.** No person shall commence any use, construct or alter any structure, or make other improvement that requires approval of this section without first obtaining site plan approval.
- E.** No zoning certificate shall be issued in cases where site plan review is required unless a site plan has been approved by the review board and the applicant has supplied revised plans illustrating the approved conditions.

3.6.4. Amendments or Modifications

- A.** Insignificant changes from an approved site plan are permissible and the zoning inspector may grant changes, provided such change has no discernible impact on neighboring properties or the general public. Amendments or modifications to an approved zoning certificate may require the payment of a fee as established in the Hamilton Township fee schedule.
- B.** All other requests for changes will be processed as a new application, which require the resubmittal of a new fee.
- C.** An applicant or property owner requesting changes shall submit a written request to the zoning inspector, itemizing the proposed changes.

3.6.5. Expiration

- A.** A zoning certificate shall be obtained within 12 months of the site plan approval.
- B.** Once a zoning certificate is obtained, the provisions of [Section 3.5.6 Expiration](#) shall apply.
- C.** An approved site plan shall run with the land and shall not expire due to change in land ownership.

3.7. ZONING TEXT AND MAP AMENDMENTS

3.7.1. Amendment Initiation

- A.** Amendments or supplements to the zoning code may be initiated by:
 - (1)** Motion of the zoning commission;
 - (2)** Passage of a resolution by the board of township trustees; or
 - (3)** By the filing of an application by one or more of the owners (or their agents) of property within the area proposed to be changed or affected by the proposed amendment.

3.7.2. Review Procedure

A. Step 1 – Pre-application Conference

- (1) If initiated by property owners, the applicant is required to meet with the zoning inspector to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning code prior to the submission of the application.
- (2) Discussions that occur during a pre-application conference or a preliminary meeting with township staff are not binding on the township and do not constitute official assurances or representations by Hamilton Township or its officials regarding any aspects of the plan or application discussed.

B. Step 2 – Application

- (1) Applications for any change of district boundaries, classifications of property as shown on the zoning map, or changes to the zoning code text shall be filed with the zoning commission by submitting the application to the Hamilton Township Planning and Zoning Department.
- (2) The application shall include all such forms, maps, and information as may be prescribed for that purpose by the zoning inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (3) Each application initiated by property owners shall be signed by at least one of the owners, or the owner's authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- (4) Applications for amendments initiated by the zoning commission or the board of township trustees shall be accompanied by the initiating board's motion or resolution pertaining to such proposed amendment.
- (5) All applications shall be submitted with the required fees as established in the Hamilton Township fee schedule.

C. Step 3 – Referral to the Warren County Regional Planning Commission

- (1) Within five days after the adoption of a motion, certification of a resolution, or the filing of an application (Step 2), the township shall transmit a copy thereof to the Warren County Regional Planning Commission.
- (2) The Warren County Regional Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the zoning commission.
- (3) Such recommendation shall be considered at the public hearing held by the zoning commission on such proposed amendment.

D. Step 4 – Public Hearing and Recommendation by the Zoning Commission

- (1) Upon adoption of a motion, certification of a resolution, or the filing of an application for an amendment (Step 2), the zoning commission shall set a date for a public hearing regarding the proposed amendment.
- (2) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.

- (3) For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with ORC Section 519.12 to all owners of property within and contiguous to and directly across the street from the area of the proposed amendment. If the amendment alters the text of the zoning code, or rezones or redistricts more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with ORC Section 519.12.
- (4) Within 30 days after the zoning commission's public hearing, the zoning commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Warren County Regional Planning Commission, to the board of township trustees.

E. Step 5 – Public Hearing and Decision by the Board of Township Trustees

- (1) Upon receipt of the recommendation from the zoning commission (Step 4), the board of township trustees shall set a time for a public hearing on such proposed amendment.
- (2) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the zoning commission.
- (3) For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with ORC Section 519.12 to all owners of property within and contiguous to and directly across the street from the area of the proposed amendment. If the amendment alters the text of the zoning code, or rezones or redistricts more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with ORC Section 519.12.
- (4) Within 20 days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, the majority vote of the board shall be required.

3.7.3. Effective Date and Referendum

- A. Any amendment adopted by the board of township trustees shall become effective 30 days after the date of such adoption.
- B. A referendum of any amendments may be undertaken within the 30 days after the date of the board of township trustees' decision in accordance with ORC Section 519.12.

3.7.4. Review Criteria

The following criteria shall be used in recommendations and decisions regarding zoning amendments:

- A. The amendment is consistent with the Hamilton Township Land Use Plan, other plans or development policies adopted by the board of township trustees;
- B. The amendment is consistent with the purpose of the zoning code;
- C. Where more than one zoning district is available to implement the land use designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the township; and

- D. Any other substantive factor deemed appropriate by the zoning commission or board of township trustees.

3.7.5. Planned Unit Developments

Planned Unit Developments (PUDs) shall be subject to the review procedure established in [CHAPTER 5 Planned Unit Development Regulations](#).

3.8. APPEALS, VARIANCES, AND CONDITIONAL USES

3.8.1. Review Procedure

The review procedure for appeals, variances, and conditional uses shall be as follows:

A. Step 1 – Application

An application for variances, conditional uses, or other review over which the BZA has original jurisdiction under [Section 2.5 Board of Zoning Appeals](#) may be made by any property owner, including an authorized agent, or by a governmental officer, department, or board.

(1) Special Application Requirements for Appeals

- (a) An appeal to the BZA may be taken by any person aggrieved by a decision of the zoning inspector or by any administrative officer of the township in interpreting or applying the provisions of this zoning code. Such appeal shall be taken within 20 days of receipt of notification of the decision in question, by filing with the zoning inspector and with the BZA, a notice of appeal specifying the grounds thereof including applicable sections of the zoning code.
- (b) The zoning inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.
- (c) The filing of an appeal shall stay all proceedings unless the zoning inspector or any affected person certifies to the BZA that, by reason of facts pertaining to the matter in question, a stay, in their opinion, would cause imminent peril to life or property. When such certification is made, proceedings shall not be stayed except by order granted by the BZA.

- (2) The zoning inspector shall transmit a copy of the application to the BZA.

- (3) All applications shall be submitted with the required fees as established in the Hamilton Township fee schedule.

B. Step 2 – Public Hearing with the Board of Zoning Appeals

- (1) Upon application (Step 1), the BZA shall fix a reasonable time for the public hearing on any application or appeal, give at least 10 days of notice in writing to the parties in interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.
- (2) Written notice shall be given to property owners within 200 feet of the subject property.
- (3) Any party may appear in person or by an appointed representative at a hearing for an appeal or application.

- (4) Upon the day for hearing any application or appeal, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

C. Step 3 – Decision

- (1) Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the application or appeal.
- (2) A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA and to the zoning inspector. Such decision shall be binding upon the zoning inspector and observed by him/her, and he/she shall incorporate the terms and conditions of the decision in the certificate to the applicant or appellant, whenever the BZA authorizes a zoning certificate.
- (3) For appeals, the BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the zoning inspector from whom the appeal is taken.
- (4) In authorizing a variance or conditional use, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the BZA may deem necessary in the interest of the furtherance of the purposes of this zoning code. In authorizing a variance or conditional use with attached conditions, the BZA may require such evidence and guarantee or bond as it may deem to be necessary, that the applicant is and will comply with the attached conditions.
- (5) Failure to comply with the conditions of a decision shall be deemed a violation of this zoning code.
- (6) Any party adversely affected by a decision of the BZA may appeal the decision to the Court of Common Pleas in Warren County pursuant to ORC Chapter 2506.

3.8.2. Appeal Review Criteria

An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this zoning code, state law, or federal law.

3.8.3. Variance Review Criteria

- A. The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this zoning code as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this zoning code will result in practical difficulty for an area/dimensional variance.
- B. The following factors shall be considered and weighed by the BZA to determine practical difficulty:
 - (1) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in

the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;

- (2) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
 - (3) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
 - (4) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
 - (5) Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
 - (6) Whether special conditions or circumstances exist as a result of actions of the owner;
 - (7) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
 - (8) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
 - (9) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- C.** No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

3.8.4. Conditional Use Review Criteria

In reviewing conditional uses, the BZA shall consider the following:

- A.** The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;
- B.** The use is in accordance with the objectives of the Hamilton Township Land Use Plan and zoning code; and
- C.** The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- D.** The BZA shall also consider the following as applicable to the application:
 - (1) The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood;
 - (2) The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;
 - (3) The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;
 - (4) The capacity of adjacent streets and intersections to handle increased traffic in terms of traffic volume and patterns;

- (5) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;
- (6) The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential or real fire or other hazards created by the proposed use;
- (7) The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;
- (8) The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;
- (9) The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation; and
- (10) Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.

3.8.5. Expiration

- A. For conditional uses, the applicant shall have 12 months from the date of approval to receive an approved building permit and start construction or the conditional use shall be deemed null and void.
- B. For variances, the applicant shall have 12 months from the date of approval to receive an approved building permit and start construction or the variance approval shall be deemed null and void.
- C. Applicants may submit one request for an extension of six months to the BZA.

CHAPTER 4. ZONING DISTRICTS AND USE REGULATIONS

4.1. PURPOSE

The purpose of this chapter is to establish zoning districts in order to:

- 4.1.1. Realize the general purpose set forth in [CHAPTER I General Provisions](#) of this zoning code;
- 4.1.2. Classify, regulate and restrict the location of industries, residences, recreation, trades, and other land uses and the location of building designated for specified uses;
- 4.1.3. Regulate the height, number of stories, and size of buildings and other structures hereafter erected or altered;
- 4.1.4. Regulate and limit the percentages of lot areas which may be occupied;
- 4.1.5. Establish building setback lines, sizes of yards, and other open spaces within and surrounding such buildings; and
- 4.1.6. Regulate the density of population within Hamilton Township to the fullest extent allowed by law.

4.2. GENERAL PROVISIONS RELATED TO USE REGULATIONS

4.2.1. Limitation on Principal Structures

In any residential district or on any lot used for residential purposes, unless otherwise provided, no more than one principal structure may be constructed per lot, except that more than one building may be constructed for educational institutions and religious places of worship permitted in residential districts.

4.2.2. Sale of Alcoholic Beverages

Nothing contained in this zoning code shall confer any power or prohibit the sale or use of alcoholic beverages in the areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

4.2.3. General Property Maintenance Requirements

A. Applicability

- (1) The standards of this section shall apply to buildings, structures, and lots in Hamilton Township.
- (2) Violation of these standards shall be considered a violation of this zoning code, punishable in accordance with [CHAPTER 1](#)
- (3) [Enforcement and Penalties](#).

B. Yards

- (1) All yards and lots shall be kept free of overgrown grasses, debris, junk, junk vehicles, and other materials that may cause a fire, health, or safety hazard, or general unsightliness.
- (2) No owner or person in control of a parcel, dwelling, business, building or premises shall allow grass, weeds, noxious weeds, brush or similar vegetation to remain on the premises at such a height and density as to constitute harborage, actual or potential, for rodents or vermin within 100 feet of any abutting property line or 100 feet from any right-of-way.
 - (a) For the purpose of this section, a height of 12 inches constitutes a potential hazard.
 - (b) The foregoing shall not apply to a premises or part thereof on which such growth may be reasonably demonstrated to be for agricultural, horticultural, or natural prairie or wooded areas.
- (3) All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.
- (4) Certain vegetative areas shall be exempt from this provision including, but not limited to, properly maintained and active bioswales, detention basins, and rain gardens.

C. Hazards

Hazards and unsanitary conditions shall be eliminated. The storage of inflammable or hazardous materials must conform to the Ohio State Fire Code and the requirements of the OEPA.

D. Inoperable or Unlicensed Vehicles

- (1) No junk, inoperable, unlicensed, or unregistered vehicle shall be located on any property, except when stored within a completely enclosed building or when such storage is permitted as a principal use in the applicable zoning district.
- (2) Except as permitted elsewhere in this code, no person shall use any property in any district for the purpose of parking, keeping, or storing any inoperable motor vehicle. As used in this section, parking, keeping, or storing of any inoperable motor vehicles means and includes storing, maintaining, collecting, depositing, reserving, allowing to stand, or permitting to remain, one or more inoperable motor vehicles at any place other than in a fully enclosed garage.

E. Outside Storage of Material in Residential District

No person shall store, collect, leave, deposit, maintain, reserve, put aside for future use, permit, allow in a yard area, in any district, the following, except in a completely enclosed building or structure or neatly stored against the house in the side or rear yard of the property:

- (1) Lumber or other building materials except those related to a project for which a current building permit has been issued and for firewood for the personal use of the resident;
- (2) Automotive parts, including tires;
- (3) Materials used in the construction trade;
- (4) Household appliances;
- (5) Furniture capable of harboring rodents; or
- (6) Junk, salvage or miscellaneous debris.

4.3. ESTABLISHMENT OF ZONING DISTRICTS

For the purposes stated above, the unincorporated territory of Hamilton Township is hereby divided into the zoning districts established in [Table 4-1: Zoning Districts](#). The regulations are uniform for each class or kind of building or structure or use throughout each district, except in the Planned Unit Development District.

TABLE 4-1: ZONING DISTRICTS

DISTRICT DESIGNATION	DISTRICT NAME
BASE ZONING DISTRICTS	
R-1	Rural Residence District
R-2	One and Two Family Residence District
R-3	Multi-Family Residence District
R-4	Urban Residence District
B-1	Neighborhood Business District
B-2	General Business District
M-1	Light Industry District
M-2	Heavy Industry District
M-H	Manufactured Home Park District
T-C	Travel Trailer Camp District
ZONING OVERLAY DISTRICTS	
PUD	See CHAPTER 5 Planned Unit Development Regulations

4.4. OFFICIAL ZONING MAP

4.4.1. The boundaries of the zoning districts are shown upon the official zoning map of the unincorporated areas of the township, which map and all notations thereon are incorporated herein and are made a part of this zoning code. The zoning map and all notations, references, and other matters shown thereon constitute a part of this zoning code and have the same force and effect as if fully described or illustrated herein. The official zoning map shall remain on file with the Hamilton Township Planning and Zoning Department.

4.4.2. Zoning District Boundary Interpretation

Where uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules apply:

- A.** Where the districts designated on the zoning map are bounded approximately by street or alley pavement edges or right-of-way lines, such lines shall be construed to be the boundary of the districts.
- B.** Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where the districts on the zoning map are bounded approximately by lot lines, such lines shall be construed to be the boundary of districts unless the boundaries are otherwise indicated on the zoning map.
- C.** In unsubdivided property, the district boundary lines on the zoning map shall be determined by dimensions or the use of the scale appearing on the zoning map.
- D.** The zoning inspector shall make the determination with respect to measuring district boundary lines. The decision of the zoning inspector may be appealed to the BZA.

4.4.3. Street Vacation

Whenever any street or public way is vacated in the manner authorized by law, and where no zoning exists for the vacated right-of-way, the board of township trustees, zoning commission, or property owner shall initiate a zoning map amendment (See [Section 3.7 Zoning Text and Map Amendments](#)) to establish a zoning district(s) for the vacated public way.

4.5. ZONING DISTRICT PURPOSE STATEMENTS

The following are the statements of purpose for each of the zoning districts established in this zoning code.

4.5.1. R-1 Rural Residence District

It is the purpose of the R-1 Rural Residence District to establish and maintain an area that allows residential development densities based on the urban service area boundary, with low density residential development outside the urban service area boundary, protecting rural character, natural areas and agriculture, and increased residential densities inside the urban service area.

4.5.2. R-2 One and Two Family Residence District

It is the purpose of the R-2 One and Two Family Residence District to establish and maintain an area within the urban service area for higher density single family detached dwellings and two family dwellings.

4.5.3. R-3 Multi-Family Residence District

It is the purpose of the R-3 Multi-Family Residence District to establish and maintain an area within the urban service area for multi-family residential development, as well as two family, single family attached and detached dwellings.

4.5.4. R-4 Urban Residence District

It is the purpose of the R-4 Urban Residence District to establish and maintain an area for single family attached and detached dwellings within the urban service area.

4.5.5. B-1 Neighborhood Business District

It is the purpose of the B-1 Neighborhood Business District to accommodate land areas for convenience goods and personal service establishments located in close proximity to the residential areas which they are intended to serve.

4.5.6. B-2 General Business District

It is the purpose of the B-2 General Business District to provide for the wide variety of needs for both convenience goods and the more common and often recurring shopping trips for goods, and personal and household services. The location and nature of commercial activity is intended to serve the greater community and/or region.

4.5.7. M-1 Light Industry District

It is the purpose of the M-1 Light Industry District to accommodate and encourage the development of light industry uses which are generally operate within enclosed structures and which are primarily clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare or vibration.

4.5.8. M-2 Heavy Industry District

It is the purpose of the M-2 Heavy Industry District to provide for an area that allows development of more intensive industrial uses than those allowed within the M-1 District.

4.5.9. M-H Manufactured Home Park District

It is the purpose of the M-H Manufactured Home Park District to provide areas for mobile and non-permanently sited manufactured home parks.

4.5.10. T-C Travel Trailer Camp District

It is the purpose of the T-C Travel Trailer Camp District to provide areas for non-permanent overnight parking of travel trailers and specified recreational vehicles and camping.

4.5.11. PUD Planned Unit Development District

The PUD Planned Unit Development District is developed under the provisions of ORC Section 519.021 (Planned Unit Development Regulations) to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility

services, and encourage innovation in the planning and design of development while also promoting the public health, safety, and morals. The PUD provisions are intended to provide permissive, voluntary, and alternative zoning procedures for well planned developments in harmony with the public health, safety, morals and general welfare in any zoning district provided for otherwise in this zoning code. These regulations are designed to provide flexibility to use sites efficiently, to encourage sustainable design, and to create innovative projects with many amenities. It is expected that PUD projects will demonstrate design excellence that cannot be achieved by the base zoning district. See [CHAPTER 5 Planned Unit Development Regulations](#)

4.6. PERMITTED USE TABLE

4.6.1. Principally Permitted Use Table

Table 4-2: Permitted Use Table sets forth the principally permitted uses within the zoning districts. The abbreviations used in the table are described as follows. Permitted uses within Planned Unit Development districts are identified in [CHAPTER 5 Planned Unit Development Regulations](#).

A. Permitted Use (P)

- (1) A “P” in a cell indicates that a use category is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations.
- (2) Uses permitted with conditions under this category are approved administratively by the zoning inspector pursuant to the zoning certificate review procedure or during site plan review, if applicable.

B. Permitted Use with Use-Specific Standards (PS)

- (1) A “PS” in a cell indicates that a use category is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with use-specific standards are subject to all other applicable regulations of this zoning code.
- (2) Uses permitted with use-specific standards under this category are approved administratively by the zoning inspector pursuant to the zoning certificate review procedure or during site plan review, if applicable.

C. Conditional Use (C)

A “C” in a cell indicates that a use category is allowed only if reviewed and approved as a conditional use by the BZA in accordance with [Section 3.8 Appeals, Variances, and Conditional Uses](#). Conditional uses are subject to all other applicable regulations of this zoning code including the use-specific standards referenced in the “Use-Specific Standards” column.

D. Prohibited Uses (Blank Cells)

A blank cell indicates that a use is prohibited in the respective zoning district. Additionally, any use that is not listed is considered prohibited unless the zoning inspector makes a determination that the use is similar to an existing use in accordance with [Section 4.7 Similar Use Determination](#).

E. Numerical References (Last Column)

The numbers contained in the “Additional Requirements” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Additional Requirements” column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

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TABLE 4-2: PERMITTED USE TABLE

USE P = Permitted Use PS=Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS										ADDITIONAL REQUIREMENTS	
	R-1	R-2	R-3	R-4	M-H	T-C	B-1	B-2	M-1	M-2		
AGRICULTURAL USES												
Agriculture – Raising of Crops	P	P	P	P	P	P	P	P	P	P	P	
Agriculture – Raising of Livestock	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See 4.8.1
RESIDENTIAL USES												
Adult Family Home or Small Residential Facility	P	P	P	P								
Adult Group Home or Large Residential Facility			P									
Cluster Development, Single Family	PS											See 4.8.2.A
Conservation Design, Single Family	PS											See 4.8.2.B
Dwelling, Attached Single Family			P	PS								See 4.8.2.C
Dwelling, Multi-Family			P									See 4.8.2.D
Dwelling, Single Family	P	P	P	P								
Dwelling, Two Family		P	P									
Institutional Housing	PS	PS	PS	PS								See 4.8.2.E
Non-Permanently Sited Manufactured Home Park					PS							See 4.8.2.F
Permanently Sited Manufactured Home	PS	PS	PS	PS								See 4.8.2.G
BUSINESS USES												
Animal Hospital or Veterinary Clinic						PS		PS	PS	PS		See 4.8.3.A
Automotive Fuel Sales							P	P	P	P		
Automotive Repair								PS	PS	PS		See 4.8.3.B
Automotive Sales or Rental								PS	PS	PS		See 4.8.3.C
Automotive Service							PS	PS	PS	PS		See 4.8.3.B
Automotive Washing Facility								P	P	P		
Bakery								P	P	P		
Bar or Tavern							PS	PS	PS	PS		See 4.8.3.D
Bed and Breakfast	C	C	C									See 4.8.3.E
Billiard Parlor								PS	PS	PS		See 4.8.3.D
Building Material Sales								P	P	P		
Building Trades								P	P	P		
Club, Lodge or Other Social Meeting Place	C	C	C	C			P	P	P	P		See 4.8.3.F
Commercial Greenhouse								P	P	P		
Conference Center, Assembly Hall, or Banquet Facility								P	P	P		
Day Care Center							P	P	P	P		See 4.8.3.G
Dry Cleaner							P	P	P	P		
Equipment Rental								C	P	P		
Family Day Care Home, Type-A	C	C	C	C	C							
Family Day Care Home, Type-B	P	P	P	P	P							

CHAPTER 11: Enforcement and Penalties
Section 11.6. Other Action

USE P = Permitted Use PS=Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS										ADDITIONAL REQUIREMENTS
	R-1	R-2	R-3	R-4	M-H	T-C	B-1	B-2	M-1	M-2	
Financial Institution							P	P	P	P	
Funeral Home							P	P	P	P	
Garden or Landscape Supply Store								P	P	P	
Hotel or Motel								P	P	P	
Indoor Recreation or Entertainment Facility								P	P	P	
Internet Café							P	P	P	P	
Internet Sweepstakes Establishment										PS	
Kennel									P	P	See 4.8.3.H
Laundry or Laundromat							P	P	P	P	
Lumber Yard								P	P	P	
Medical and Dental Center or Outpatient Clinic							P	P	P	P	
Office							P	P	P	P	
Outdoor Commercial Recreation or Entertainment Facility								PS	PS	PS	See 4.8.3.I
Paint Shop								P	P	P	
Printing Shop								P	P	P	
Race Track or Course										P	
Restaurant							PS	PS	PS	PS	See 4.8.3.J
Retail and Service Commercial Use							P	P	P	P	
Self-Storage Facility or Mini-Warehouse								C			See 4.8.3.K
Sexually Oriented Business										PS	See 4.8.3.L
Sheet Metal Shop								P	P	P	
Stable, Public						C		C			
Tattoo/Piercing Parlor or Studio								P	P	P	
Travel Trailer Camp						PS					See 4.8.3.M
Travel Trailer Overnight Port						PS					See 4.8.3.N
Truck, Trailer, or Farm Implement Sales and Service								P	P	P	
Wholesale Business								P	P	P	
INDUSTRIAL AND WAREHOUSE USES											
Concrete Mixing									P	P	
Contractor Offices and Storage									P	PS	See 4.8.4.A
Crematory									PS	PS	See 4.8.4.B
Gravel or Sand Extraction									P	P	
Heavy Manufacturing										P	
Junkyard										PS	See 4.8.4.C
Light Manufacturing									P	P	
Office-Warehouse								C	P	P	
Research and Development Facility or Laboratory								C	P	P	
Sawmill									P	P	

CHAPTER 11: Enforcement and Penalties
Section 11.6. Other Action

USE P = Permitted Use PS=Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS										ADDITIONAL REQUIREMENTS
	R-1	R-2	R-3	R-4	M-H	T-C	B-1	B-2	M-1	M-2	
Truck Terminal									P	P	
Warehousing, Distribution or Storage Facility								P	P	P	
PUBLIC AND INSTITUTIONAL USES											
Active Park or Recreation Facility	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See 4.8.5.A
Cemetery	PS	PS	PS	PS			PS	PS	PS	PS	See 4.8.5.B
Community Garden	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See 4.8.5.C
Cultural Institution	C	C	C	C			P	P	P	P	
Educational Institution	PS	PS	PS	PS			PS	PS	PS	PS	See 4.8.5.D
Hospital	PS	PS	PS	PS			P	P	P	P	See 4.8.5.E
Passive Park, Recreation Facility, or Open Space	P	P	P	P	P	P	P	P	P	P	
Public and Government Building or Use	PS	PS	PS	PS	P	P	P	P	P	P	See 4.8.5.F
Religious Place of Worship	PS	PS	PS	PS	PS	PS	P	P	P	P	See 4.8.5.G
Telecommunication Tower	C	C	C	C	C	P	P	P	P	P	See 4.8.5.H

4.7. SIMILAR USE DETERMINATION

- 4.7.1.** Where there is a proposed use that is not currently listed in the permitted use tables of this zoning code, the zoning inspector may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.
- 4.7.2.** The zoning inspector should consider the nature, operation, and function of the use in its determination of an appropriate district.
- 4.7.3.** The zoning inspector may find that the use is not compatible with any existing zoning district and not permit the use under the current zoning code or, as an alternative, the zoning inspector may make a recommendation to the zoning commission that a new district and/or new provisions be adopted, through the zoning text and map amendment procedure, pursuant to [Section 3.7 Zoning Text and Map Amendments](#).

4.8. USE-SPECIFIC REGULATIONS

The following section contains additional standards that shall be met by an applicant for uses that are permitted either with use-specific standards or as conditional uses. In addition to meeting the following standards, all applicants for conditional uses shall be required to comply with any and all other applicable provisions of this zoning code.

4.8.1. Agricultural Uses

A. Agriculture – Raising of Livestock

- (I)** The raising of livestock shall be prohibited on lots of less than one acre in lot area – see [Section 3.2 Agricultural Exemption](#) – with the exception of the accessory keeping of chickens as regulated in [Section 4.9.5.J Keeping of Chickens](#).

- (2) Lots that are larger than one acre in area shall be subject to the provisions of [Section 3.2 Agricultural Exemption](#).

4.8.2. Residential Uses

A. Cluster Development

(1) Purpose

- (a) Cluster developments are permitted in designated residential districts within the urban service area in order to preserve rural landscape character, natural resource areas, farmland, and other large areas of open land, while permitting residential development at low, rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings.
- (b) Cluster development option is intended for building sites within the urban service area as specified in the Hamilton Township Land Use Plan and that are connected to a central sanitary sewage system.
- (c) Cluster developments are subject to site plan review in accordance with [Section 3.6 Site Plan Review](#).

(2) Specific Objectives

The specific objectives of cluster developments are as follows:

- (a) To maintain and protect the township's rural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, prairies, ridge tops, steep slopes, critical species habitat, and natural areas by setting them aside from development. Such areas contained in primary environmental corridors, such as the Little Miami River, are of particular significance for conservation;
- (b) To preserve scenic views and to minimize views of new development from existing streets;
- (c) To provide for the unified and planned development of parcels 10 acres or larger for clustered, single family, low density residential uses, incorporating large areas of permanently protected common open space;
- (d) To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard zoning regulations in order to minimize the disturbance of rural landscape elements, scenic quality and overall aesthetic value of the landscape;
- (e) To increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements and the amount of paving required for residential development where possible;
- (f) To create groups of dwellings with direct visual and physical access to common open space;
- (g) To permit active and passive recreational use of common open space by residents of a cluster development or the public;

- (h) To reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes;
- (i) To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses; and
- (j) To permit various means for owning common open space and for protecting it from development in perpetuity.

(3) Minimum Project Area

The gross area of a tract of land proposed for development according to the cluster development option shall be a minimum of 10 acres, but shall not include area within any existing public street rights-of-way.

(4) Use

- (a) Single family detached dwellings are the only principal uses permitted in a cluster development.
- (b) Uses accessory to single family detached dwellings are also permitted.

(5) Maximum Density and Required Open Space

- (a) Land must be within the urban service area as specified by the Hamilton Township Land Use Plan in order to be developed using the cluster development option.
- (b) The maximum density and open space shall be in accordance with [Table 4-3: Maximum Density and Open Space](#) below:

TABLE 4-3: MAXIMUM DENSITY AND OPEN SPACE

DWELLING UNITS PER ACRE	REQUIRED OPEN SPACE
More than 2.2 to 2.3	42%
More than 2.1 to 2.2	38%
More than 2.0 to 2.1	34%
2.0 and under	30%

(6) Other Development Standards

- (a) Each lot shall have an average width at the building line of 65 feet or more, with a minimum lot width of 50 feet. The average width shall be calculated by adding together the building line for all residential lots within the development and then dividing by the total number of residential lots.
- (b) All lots shall have a minimum of 25 feet of frontage along a dedicated public right-of-way and have a minimum lot area of 7,000 square feet.
- (c) All front yards shall have an average minimum depth of 40 feet, with a minimum front yard depth of 35 feet. The average front yard depth shall be calculated by adding together the front yard depth for all residential lots within the development and then dividing by the total number of residential lots.

- (d) The minimum side yard setback shall be seven feet, and the combined total of both side yards shall be a minimum of 14 feet. All lots with more than one front yard shall have minimum side yard setbacks of seven feet with no rear yard setback requirement.
 - (e) There shall be a minimum rear yard setback of 30 feet. Lots with rear yards adjacent to common open space interior to the cluster development and not adjacent to the perimeter of the subdivision may reduce the rear yard setback to 20 feet.
 - (f) The maximum height limitation shall be 35 feet.
 - (g) Any dwelling shall have a minimum area of 1,200 square feet of living space measured in accordance with [Section 6.1.6 Minimum Dwelling Size](#).
- (7) Regulations for Required Open Space**
- Required open space shall comply with the following:
- (a) Active Open Space**
 - (i) Active open space shall be designed with the goal to encourage active recreational use for the residents of the development. Active open space may include, but may not be limited to, the following uses:
 - (A)** Pedestrian walkways;
 - (B)** Mowed parkland;
 - (C)** Picnic groves;
 - (D)** Maintained ball fields;
 - (E)** Maintained open areas;
 - (F)** Horse trails;
 - (G)** Swimming pools;
 - (H)** Clubhouses;
 - (I)** Tennis courts;
 - (J)** Golf courses; or
 - (K)** Fishing and boating.
 - (ii) Active open space amenities shall be constructed and completed before 75 percent of the dwellings within the cluster development have been issued an occupancy certificate by the Warren County Building Department or other applicable authority.
 - (b) Passive open space shall be designed with the goal to preserve the significant natural environmental features of the site, features primarily of undisturbed or unimproved character.
 - (c) No more than 20 percent of the open space may consist of the following:
 - (i) Isolated or fragmented pieces of land that are less than 10,000 square feet in area or less than 15 feet in width (excluding maintained pocket parks);

- (ii) Perimeter or interior buffers required under [CHAPTER 8 Landscaping Regulations](#);
- (iii) Land that is unusable or presents maintenance difficulties including, but not limited to, steep slopes over 40 percent grade, wetlands (as defined by the State of Ohio or the federal government), retention/detention ponds primarily used for stormwater management, areas within the 100-year flood plain, and other areas deemed unusable by the board of township trustees.
- (d) Off-street parking areas or sidewalks required by the Warren County Subdivision Regulations or land within public rights-of way may not be included in any open space calculation(s).

(8) Pedestrian Circulation System

- (a) The cluster development shall have a pedestrian circulation system and shall be designed to ensure that pedestrians can safely and easily walk throughout the development.
- (b) The pedestrian system shall provide connections between properties and activities or special features within the common open space system and need not always be located along streets.
- (c) Alternative pedestrian walkways in lieu of required sidewalks shall require approval by the board of township trustees.

(9) Open Space Ownership

- (a) Open space shall be prohibited from further subdivision or development by conservation easement or other agreement in a form acceptable to the Hamilton Township law director and duly recorded in the office of the Warren County Recorder.
- (b) Open space in a cluster development shall be located on dedicated common parcels owned by an association, the township, county or state, or may remain in private ownership in accordance with the restriction set forth above.

(10) Neighborhood Facilities

- (a) In order to encourage the development of neighborhood facilities within a cluster development and make those facilities accessible to residents by pedestrian walkways, the developer may sell up to 25 percent of the total open space within the cluster development for the following nonresidential uses:
 - (i) Educational facilities;
 - (ii) Religious places of worship; or
 - (iii) Public and governmental buildings or uses.
- (b) The buildings for the neighborhood facilities listed above shall be located on a parcel of ground no less than five acres in size, be located a minimum of 100 feet from any property line, and occupy no more than 10 percent of the total site area.
- (c) In no case may a commercial or industrial use be permitted within a cluster development.

(11) Review of Cluster Developments

- (a)** Review of a cluster development shall be in accordance with the procedures of [Section 3.6 Site Plan Review](#).
- (b)** Once the application and cluster development plan has been approved, the applicant may then submit a preliminary subdivision plat to the Warren County Regional Planning Commission.

B. Conservation Design

(1) Purpose

- (a)** Conservation design developments are permitted in designated residential districts outside the urban service area in order to preserve rural landscape character, natural resource areas, farmland, and other large areas of open land, while permitting residential development at low, rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings.
- (b)** Conservation design is intended for building sites outside of the urban service area as defined by the Hamilton Township Land Use Plan that are not connected to a central sanitary sewage system and are otherwise approved by the Warren County Combined Health District and/or the Ohio Environmental Protection Agency for individual on-site wastewater disposal system.
- (c)** Conservation design developments are subject to site plan review in accordance with [Section 3.6 Site Plan Review](#).

(2) Specific Objectives

The specific objectives of conservation design developments are as follows:

- (a)** To maintain and protect the township's rural character by preserving important landscape elements, including those areas containing unique and environmentally-sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, prairies, ridge tops, steep slopes, critical species habitat, and natural areas by setting them aside from development. Such areas contained in primary environmental corridors, such as the Little Miami River, are of particular significance for conservation;
- (b)** To preserve scenic views and to minimize views of new development from existing streets;
- (c)** To provide for the unified and planned development of parcels 10 acres or larger for clustered, single family, low density residential uses, incorporating large areas of permanently protected common open space;
- (d)** To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard zoning regulations in order to minimize the disturbance of rural landscape elements, scenic quality and overall aesthetic value of the landscape;
- (e)** To increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements and the amount of paving required for residential development where possible;

- (f) To create groups of dwellings with direct visual and physical access to common open space;
- (g) To permit active and passive recreational use of common open space by residents of a conservation development or the public;
- (h) To reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes;
- (i) To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses; and
- (j) To permit various means for owning common open space and for protecting it from development in perpetuity.

(3) Minimum Project Area

The gross area of a tract of land proposed for development according to the conservation design option shall be a minimum of 10 acres, but shall not include area within any existing public street rights-of-way.

(4) Use

- (a) Single family detached dwellings are the only principal uses permitted in a conservation design development.
- (b) Uses accessory to single family detached dwellings are also permitted.

(5) Maximum Density and Required Open Space

- (a) Land must be outside the urban service area as specified by the Hamilton Township Land Use Plan in order to be developed using the conservation design development option.
- (b) For land without the availability of sanitary sewer, the maximum density and open space shall be in accordance with [Table 4-4: Maximum Density and Open Space](#) below:

TABLE 4-4: MAXIMUM DENSITY AND OPEN SPACE

DWELLING UNITS PER ACRE	MINIMUM OPEN SPACE
0.50 up to 0.53	0%
More than 0.53 up to 0.56	5%
More than 0.56 up to 0.59	10%
More than 0.59 up to 0.63	15%
More than 0.63 up to 0.67	20%
More than 0.67 up to 0.71	25%
More than 0.71 up to 0.77	30%
More than 0.77 up to 0.80	35%
0.80 and greater	38%

- (c) The gross project density may not exceed 0.50 dwelling units per acre. Gross density is determined by dividing the total size of the project area in acres by the total number of proposed dwelling units.
- (d) Lot size may not be lower than 1.25 acres per dwelling.

- (e) The sliding scale in [Table 4-4: Maximum Density and Open Space](#) is intended to show that all acreage within a conservation design development that is not used for the traditional zoning minimum of two acres per lot, must be incorporated into open space and roadways.

(6) Other Development Standards

- (a) Each lot shall have an average width at the building line of 120 feet or more, with a minimum lot width of 100 feet. The average width shall be calculated by adding together the building line for all residential lots within the development and then dividing by the total number of residential lots.
- (b) All lots shall have a minimum of 50 feet of frontage along a dedicated public right-of-way and have a minimum lot area of 54,450 square feet (1.25 acres). Lots larger than the minimum may be required by the Warren County Combined Health District, or other applicable authority, contingent on the suitability of soils present on the lot.
- (c) All front yards shall have an average minimum depth of 45 feet.
- (d) The minimum side yard setback shall be 10 feet, and the combined total of both side yards shall be a minimum of 35 feet. All lots with more than one front yard shall have minimum side yard setbacks of 10 feet with no rear yard setback requirement.
- (e) There shall be a minimum rear yard setback of 35 feet.
- (f) The maximum height limitation shall be 35 feet.
- (g) Any dwelling shall have a minimum area of 1,200 square feet of living space measured in accordance with [Section 6.1.6 Minimum Dwelling Size](#).

(7) Regulations for Required Open Space

Required Open Space shall comply with the following:

(a) Active Open Space

- (i) Active open space shall be designed with the goal to encourage active recreational use for the residents of the development. Active open space may include, but may not be limited to, the following uses:
 - (A) Pedestrian walkways;
 - (B) Mowed parkland;
 - (C) Picnic groves;
 - (D) Maintained ball fields;
 - (E) Maintained open areas;
 - (F) Horse trails;
 - (G) Swimming pools;
 - (H) Clubhouses;
 - (I) Tennis courts;
 - (J) Golf courses; or

(K) Fishing and boating.

- (ii)** Active open space amenities shall be constructed and completed before 75 percent of the dwellings within the conservation design development have been issued an occupancy certificate by the Warren County Building Department or other applicable authority.

(b) Passive Open Space

- (i)** Passive open space shall be designed with the goal to preserve the significant natural environmental features of the site, features primarily of undisturbed or unimproved character. Passive open space is intended to exhibit and/or consist of, but not be limited to, one or all of the following:

(A) Environmentally sensitive areas: land containing important natural corridors and ecosystems such as steep slopes, riparian areas, wetlands, streams, lakes, rocky outcrops, floodplains which provide habitats for wildlife;

(B) Forest: areas containing mature trees, in providing value as visual and noise buffers between development and neighboring properties or the public rights-of-way, erosion control, wildlife habitat, shade and energy conservation; or

(C) Scenic views: which contain visible features, as scenery, that contribute to the character and aesthetic value of the community, such as trees or other outstanding natural elements or man-made features that are local landmarks.

(D) Agriculture: such as working farms that use areas for crop fields, pasture meadows and/or animal husbandry, in providing scenic as well as economic value to the community.

- (c)** No more than 20 percent of the open space may consist of the following:

(i) Isolated or fragmented pieces of land that are less than 10,000 square feet in area or less than 15 feet in width (excluding maintained pocket parks);

(ii) Perimeter or interior buffers required under [CHAPTER 8 Landscaping Regulations](#);

(iii) Land that is unusable or presents maintenance difficulties including, but not limited to, steep slopes over 40 percent grade, wetlands (as defined by the State of Ohio or the federal government), retention/detention ponds primarily used for stormwater management, areas within the 100year flood plain and other areas deemed unusable by the board of township trustees.

(iv) Off-street parking areas or sidewalks required by the Warren County Subdivision Regulations or land within public rights-of way may not be included in any open space calculation(s).

(8) Pedestrian Circulation System

- (a)** The conservation design development shall have a pedestrian circulation system and shall be designed to ensure that pedestrians can safely and easily walk throughout the development.

- (b) The pedestrian system shall provide connections between properties and activities or special features within the common open space system and need not always be located along streets.
- (c) Alternative pedestrian walkways in lieu of required sidewalks shall require approval by the board of township trustees.

(9) Open Space Ownership

- (a) Open space shall be prohibited from further subdivision or development by conservation easement or other agreement in a form acceptable to the Hamilton Township law director and duly recorded in the office of the Warren County Recorder.
- (b) Open space in a conservation design development shall be located on dedicated common parcels owned by an association, the township, county or state, or may remain in private ownership in accordance with the restriction set forth above.

(10) Neighborhood Facilities

- (a) In order to encourage the development of neighborhood facilities within a conservation design development and make those facilities accessible to residents by pedestrian walkways, the developer may sell up to 25 percent of the total open space within the conservation design development for the following nonresidential uses:
 - (i) Educational facilities;
 - (ii) Religious places of worship; or
 - (iii) Public and governmental buildings or uses.
- (b) The buildings for the neighborhood facilities listed above shall be located on a parcel of ground no less than five acres in size, be located a minimum of 100 feet from any property line, and occupy no more than 10 percent of the total site area.
- (c) In no case may a commercial or industrial use be permitted within a conservation design development.

(11) Review of Conservation Design Developments

- (a) Review of a conservation design development shall be in accordance with the procedures of [Section 3.6 Site Plan Review](#).
- (b) Once the application and conservation design development plan has been approved by the zoning inspector, the applicant may then submit a preliminary subdivision plat to the Warren County Regional Planning Commission.

C. Dwelling, Attached Single Family

The following standards shall apply to attached single family dwellings in the R-3 and R-4 Districts:

- (1) There shall be a minimum total project area of one acre.
- (2) The project area shall have a minimum of 100 feet of frontage on an improved public right-of-way.
- (3) The maximum project density shall be six units per acre excluding public right-of-way.
- (4) Each unit shall be setback 30 feet from the project boundary.

- (5) The maximum height of all buildings shall be 35 feet.
- (6) At least two off-street parking spaces shall be located within a fully enclosed attached structure and at least two unenclosed, paved surface parking spaces shall be provided for each unit.
- (7) Any single family attached structure in the R-4 District shall be setback at least 75 feet from any R-1 District.
- (8) The minimum front yard building setback shall be as follows:
 - (a) From an arterial or collector street shall be 50 feet.
 - (b) From a local or private street 35 feet from the edge of pavement.
- (9) There shall be a minimum of 25 feet between buildings.

D. Dwellings, Multi-Family

There shall be adequate fire extinguishing facilities as approved by the Hamilton Township Fire and Rescue Department appropriate for the height of multi-family dwellings in the R-3 District.

E. Institutional Housing

- (1) Institutional housing shall have direct ingress and egress from an arterial or collector street as defined in the Warren County Official Thoroughfare Plan and shall not use a local residential street as the principal access route.
- (2) All of these uses shall have a minimum lot area of five acres.

F. Non-Permanently Sited Manufactured Home Park

- (1) No zoning certificate shall be issued unless a site plan for the use has first been approved in accordance with the Ohio Public Health Council rules so regarding, as administered and enforced by the Ohio Department of Health, or as otherwise delegated thereby for permitting through the Warren County Combined Health District, and licensed by and in accordance with applicable rules of the State of Ohio.
- (2) A manufactured home park shall only contain the following:
 - (a) Single family residential use of rented or leased spaces accessed by private streets and driveways as individual sites for temporary placement of mobile homes or other types of non-permanently sited manufactured homes, or
 - (b) Accessory buildings and uses for the manufactured home park including, but not limited to, clubhouse, administrative office, laundry and swimming pool, and other similar on-site facilities for the exclusive use of the park residents and their guests.
- (3) **Minimum District Size, Configuration, Frontage, Setback and Buffering**
A manufactured home park shall comply with all of the following minimum site and development requirements:
 - (a) The site shall be at least five acres in size, not including the minimum required setback specified in [Section 4.8.2.F\(3\)\(d\)](#) below.
 - (b) The site configuration shall not exceed a one-to-five (1:5) ratio of width-to-depth.
 - (c) At least 100 feet frontage on a public road is required.

- (d) A setback of at least 100 feet is required from any residential district or property.
- (e) A buffer not less than six feet in height consisting of evergreen or solid landscaping, or solid board fencing, shall be provided in the required setback distance in [Section 4.8.2.F\(3\)\(d\)](#) above. The buffer is to screen the view from any existing or future residence located within 500 feet surrounding the site.
- (4) No individual home site in a manufactured home park shall be subdivided from or sold as ownable or buildable lots independent of the overall homes park property that they are part of as a rentable or leasable space.
- (5) Sanitary sewer, water supply and trash disposal provisions shall be designed, installed, operated and maintained in accordance with the Ohio Public Health Council rules adopted so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.
- (6) The location and design of any required private driveway entrance from and/or exit to a public road shall be to the satisfaction of the Warren County Engineer or the Ohio Department of Transportation (ODOT), as applicable.
- (7) Stormwater drainage for a manufactured home park must be controlled to the satisfaction of the Warren County Engineer.
- (8) All aspects of development internal to a site in a manufactured home park are subject to plan approval and subsequent licensing of the developed use, in accordance with the Ohio Public Health Council rules so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.
- (9) The design of a manufactured home park is subject to the review satisfaction of the local fire and emergency service provider, as to all applicable aspects of site development and use complying with related accessibility requirements and any other concern to such regard.
- (10) The intensity of any exterior lighting relative to adjacent off-site residential use or district shall not exceed 0.2 footcandles at the border of a manufactured home park, unless otherwise a lower threshold is specified by the Ohio Department of Health.

G. Permanently Sited Manufactured Home

Permanently sited manufactured homes shall meet the following requirements:

- (1) The structure shall be affixed to a permanent foundation and be connected to appropriate facilities.
- (2) The structure, excluding any addition, shall have a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 960 square feet.
- (3) The structure shall have a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch minimum eave overhang, including appropriate guttering.
- (4) The structure shall be manufactured after January 1, 1995.
- (5) The title, if applicable, must be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure as a mobile home shall be surrendered to the county auditor when such is permitted for attachment onto its permanent foundation and such surrender shall be notice to the auditor to tax the structure as real property from that day forward.

- (6) The indicia of mobility (i.e. temporary axles, trailer tongue, running lights) shall be removed upon placement upon the foundation.
- (7) The structure shall not be located in a manufactured home park as defined in ORC Section 3733.01.

4.8.3. Business Uses

A. Animal Hospital/Veterinary Clinics

- (1) All soundproofed structures shall be set back a minimum of 50 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (2) All non-soundproofed structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (3) If the animal hospital or veterinary clinic includes a kennel use for the temporary boarding of animals for purposes other than medical or dental treatment, such use shall also be subject to the standards set out in [4.8.3.H Kennel](#).

B. Automotive Repair and Automotive Service

- (1) Automotive service or automotive repair shall be performed and conducted inside of the building.
- (2) All vehicles or parts shall be kept inside a building or screened from view of persons on contiguous property or persons using public rights-of-way.

C. Automotive Sales and Rental

Automotive sales or rental uses are subject to the following standards:

- (1) There shall be a minimum lot area of two acres.
- (2) A principal structure shall be located on the lot.
- (3) Landscaping shall be provided as specified in [Table 8-7: Vehicular Use Area Perimeter Landscaping Requirements](#) for Automotive Sales or Rental uses.
- (4) Landscaping required by [CHAPTER 8 Landscaping Regulations](#) shall only be required for the parking spaces necessary to meet the minimum off-street parking standards of [Section 7.4 Off-Street Parking Regulations](#). Vehicular use area landscaping shall comply with the requirements of [Section 8.5.4 Interior Vehicular Use Area Landscape Requirements](#), except as modified below:
 - (a) The township may approve the substitution of shrubs for required trees at a ratio of five shrubs per required tree.
 - (b) The township may approve the placement of required vehicular use area landscaping and landscape islands in alternate locations on the site.
- (5) In addition, landscape areas representing a minimum of five percent of the outdoor sales or rental display area shall be provided on the site to reduce impervious surface area and to decrease the appearance of a single expanse of pavement. Such landscape areas are not required to comply with the planting requirements of [CHAPTER 8 Landscaping Regulations](#), however, are required to have a combination of shrubs and ground cover.
- (6) No auctions shall be permitted on the lot.

- (7) No outdoor speaker systems shall be permitted for uses that abut or are across the street from residential districts.
- (8) Delivery and loading shall not be permitted on a public street.
- (9) All structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (10) No storage or display of vehicles shall be permitted in any required landscape area, unless approved by the township.
- (11) Automotive service or repair, if permitted, shall be performed and conducted inside of a building.
- (12) One additional freestanding sign shall be permitted if multiple vehicle brand dealerships share the lot, with a maximum of two signs. Each sign shall not exceed the sign area permitted per [Section 9.8.3 Signs in Nonresidential Zoning Districts](#).

D. Bars, Taverns, and Billiard Parlors

- (1) Bars, taverns and billiard parlors shall have direct ingress and egress from an arterial or collector street as defined in the Warren County Official Thoroughfare Plan.
- (2) All structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.

E. Bed and Breakfast Establishments

Bed and breakfast establishments are subject to the following standards:

- (1) The owner shall reside on the property.
- (2) All such uses shall be located in a single family dwelling consistent in character (e.g., height, scale, setbacks, massing, etc.) with the surrounding residential uses, and shall not include facilities for receptions, weddings, or other events.
- (3) Parking areas shall be located behind the bed and breakfast establishment.
- (4) Parking areas shall be screened from adjacent residential uses by landscaping and/or fencing as determined by the BZA.
- (5) The establishment shall conform to state health and building code requirements and shall show proof of inspection or proof of proper operating licenses by the state and/or county.
- (6) Only overnight guests shall be served unless otherwise authorized as part of the conditional use approval.
- (7) The facility shall be limited to no more than four guestrooms with a maximum guest capacity as determined by fire and building regulations.
- (8) No external vending machines shall be allowed.

F. Clubs, Lodges, or Other Social Meeting Place

- (1) Clubs, lodges, and other social meeting places shall have direct ingress and egress from an arterial or collector street as defined in the Warren County Official Thoroughfare Plan.
- (2) All structures shall be set back a minimum of 50 feet and any parking areas a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (3) There shall be a minimum lot area requirement of two acres.

G. Day Care Center

- (1) All structures shall be set back a minimum of 50 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (2) All exterior activity areas and play lots shall be fenced and screened with appropriate landscape materials.
- (3) Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.
- (4) A day care center shall only be permitted in the M-1 and M-2 Districts when it is accessory to a principally permitted use in the M-1 and M-2 Districts and located within the same building as such principal use.

H. Kennel

- (1) All structures and activities related to the subject kennel use shall be set back a minimum of 100 feet from side and rear lot lines, except that when located adjacent to a residential district, the following additional restrictions shall apply:
 - (a) All non-soundproofed structures or areas where animals are confined shall be set back a minimum of 500 feet from any residential district.
 - (b) Soundproofed, air-conditioned buildings shall be set back a minimum of 100 feet from any residential district.
- (2) All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall a minimum of six feet in height located within 50 feet of the proposed structure.
- (3) Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- (4) There shall be no burial or incineration of animals on the premises.

I. Outdoor Commercial Recreation or Entertainment Facility

Buildings, pools and any other enclosures shall be a minimum of 100 feet from any residential district.

J. Restaurants

- (1) A restaurant with drive-in and/or drive-through service, and restaurants that provide dancing or entertainment shall be set a minimum of 100 feet from any residential district.
- (2) All audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 300 feet of any residential dwelling unit.
- (3) A restaurant that provides dancing or live entertainment is not permitted in the B-1 District.

K. Self-Storage Facility or Mini-Warehouse

- (1) There shall be a minimum lot area requirement of two acres.
- (2) There shall be a minimum setback of 150 feet between all residential property lines and all buildings related to the use.

- (3) The only commercial uses permitted on-site shall be the rental of storage space and the pick-up and/or deposit of goods on the property in storage. Storage spaces, including outdoor storage areas, shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment, or to conduct similar activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on-site.
- (4) A commercial accessory dwelling unit may be permitted in connection with office/watchman purposes.
- (5) A wall shall be required around the perimeter of the storage area. All storage units with access from the exterior of the building shall be located behind the screen wall unless otherwise approved by the township. However, ornamental gates may be used for ingress and egress.
- (6) Outdoor storage is permitted with the exception of inoperative vehicles.
- (7) All required landscaping shall be located outside of any fencing area.

L. Sexually Oriented Businesses

(1) Establishment and Classification of Businesses

- (a) No person shall cause or permit the establishment of any sexually oriented business on any parcel of land, any portion of which is within 500 feet of the right-of-way of an interstate highway. In no case shall signage for a sexually oriented business be visible from an interstate highway.
- (b) Sexually oriented businesses shall be permitted only in areas zoned in the M-2 District provided all other requirements of the zoning code are met.
- (c) No sexually oriented business shall be established within 500 feet of another such business, or within 500 feet of a protected use.
- (d) In no case shall a sexually oriented business engage in the outdoor exhibition of specified anatomical areas or specified sexual activities.

(2) Measurement of Distance

The distance between any two sexually oriented businesses shall be measured from the closest exterior structural wall of each business. The distance between any sexually oriented business and any protected use shall be measured from the closest exterior structural wall of the sexually oriented business and the nearest property line of the protected use.

(3) Nonconformity

A sexually oriented business lawfully operating as a conforming use is not rendered nonconforming by the subsequent location of a protected use within 500 feet of the sexually oriented business.

(4) Permit Required

- (a) No sexually oriented business may operate without a valid sexually oriented business permit issued by the zoning inspector.
- (b) The zoning inspector is responsible for granting, denying, revoking, renewing, suspending and/or canceling permits for existing or proposed sexually oriented

CHAPTER 11: Enforcement and Penalties

Section 11.6. Other Action

businesses. To be approved, applicants must comply with all applicable requirements of the regulations of the zoning code, the Warren County Building Code, Hamilton Township Police Department, Hamilton Township Fire and Rescue Department, and the Warren County Combined Health District.

- (c) The Hamilton Township Police Department is responsible for obtaining information on whether an applicant has been convicted of a specified criminal act, within the time period set forth.
- (d) Applications must be made on a form provided by the township. Applicants must provide one original and all necessary copies of a sworn application, which shall contain the following information and attached documentation.
 - (i) If the applicant is:
 - (A) An individual, the legal name, all aliases and proof that applicant is at least 18 years of age;
 - (B) A partnership, the complete name, all partners' legal names and aliases, proof that each partner is at least 18 years of age and a copy of any partnership agreement;
 - (C) A corporation, its complete name, date of incorporation, legal names of all officers, directors and stockholders, proof that all officers, directors and stockholders are at least 18 years of age, legal name and address of its registered agent, a copy of chapters of incorporation and evidence of good standing under state law.
 - (ii) The proposed name of the sexually oriented business, as well as any registration documentation.
 - (iii) Whether the applicant, or any other individual listed in the application, has been convicted of a specified criminal act or a sexually oriented act within either two years for misdemeanor offenses, or five years for felony offenses or two or more misdemeanor offenses, immediately preceding the application date and if so, the criminal act involved, date and place of the conviction(s).
 - (iv) Whether the applicant, a person with whom the applicant is residing, or any individual listed in the application, has had a sexually oriented business permit revoked, suspended, canceled or denied, and, if so, the name of the business, the jurisdiction and the date of revocation, suspension, cancellation or denial.
 - (v) Whether the applicant, the spouse of the applicant, or any individual listed in the application, holds any other sexually oriented business permits, as well as the names and locations of all such other businesses and whether the aforementioned are overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to a sexually oriented business.
 - (vi) The proposed location of the business, including a legal description of the property, street address and telephone numbers.
 - (vii) The applicant's business and residential address and telephone numbers.
 - (viii) The applicant's drivers license number, social security number, tax identification number and recent photograph.

- (ix) A sketch or diagram showing the configuration and total floor space of the premises upon which the sexually oriented business will be conducted. The sketch need not be professional, but must be drawn to scale and accurate to within six inches.
- (x) A current certificate and straight line drawing, prepared within 30 days prior to application by a registered land surveyor, depicting property lines, structures and the property lines of any existing protected use and other sexually oriented businesses within 1,000 feet of the proposed sexually oriented business. A protected use shall be considered established if it is in existence at the time the application is submitted.
- (xi) The application must be signed:

 - (A) By the individual applicant if the applicant is an individual;
 - (B) By all partners if the applicant is a partnership;
 - (C) By an authorized officer and all shareholders if the applicant is a corporation; and
 - (D) In addition to (A), (B) and (C) above, all persons having any ownership interest in the sexually oriented business.
- (e) Applicants are under a continuing duty to promptly update their application information. Failure to do so within 30 days of the date of a change in application information shall be grounds for permit suspension.
- (f) If the zoning inspector determines that an applicant has provided incomplete or inaccurate information, or improperly completed the permit application, the applicant shall be notified and allowed 10 days for corrections to be made. The time period for application review shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
- (g) A non-refundable application fee, as determined by the board of township trustees, is due at the time the applicant files an application. Applications will not be accepted without the required filing fee.
- (h) The applicant must be qualified according to all provisions of these regulations and the premises must be inspected and found to be in compliance with all applicable health, fire, zoning, and building codes and laws.
- (i) The possession of other types of permits, including a liquor license, does not exempt an applicant from the requirement of obtaining a sexually oriented business permit.
- (j) By making application for a sexually oriented business permit, an applicant shall be deemed to have consented to the provisions of the zoning code and to the appropriate investigation of said application.
- (k) The applicant is required to provide the zoning inspector with the names (including aliases) of all employees required to be licensed under the zoning code, before they commence employment. This obligation continues even after a permit is granted or renewed. Failure to comply with this requirement shall be grounds for permit suspension. No employee may work in a sexually oriented business without a valid sexually oriented business employee license.

(5) Application Investigation

- (a)** Upon receipt of a completed application and the required non-refundable application fee, the zoning inspector shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to any agencies responsible for the enforcement of health, zoning, fire, law enforcement and building codes or laws. Each agency shall promptly investigate the application in accordance with its responsibilities under law and as set forth within the zoning code. All investigations shall be completed within such time as to allow the zoning inspector to approve or deny a permit within 45 days of the zoning inspector's receipt of the completed application.
- (b)** At the conclusion of its investigation, each agency shall indicate on the photocopy of the application its approval or disapproval of the application, with date and signature and in the event of disapproval, state the reasons therefore. An agency shall disapprove any application which reveals that the proposed sexually oriented business will be in violation of any provision of any statute, code, regulation, or other law in effect in Warren County. After its indication of approval or disapproval, each agency shall immediately return the photocopy of the application to the zoning inspector.

(6) Approval or Denial of Permit

- (a)** A sexually oriented business permit shall be approved or denied by the zoning inspector within 45 days of the receipt of a complete application.
- (b)** The permit, if granted, shall state on its face the name of the person(s) to whom it is granted, the name of the business, the address of the business and the permit expiration date. The permit shall be posted in a conspicuous interior location, at or near the entrance to the sexually oriented business, such that it may be easily read at any time.
- (c)** A permit application shall be approved, unless one or more of the following criteria is found to exist, in which case it shall be denied:

 - (i)** An applicant, partner of a partnership applicant, or officer, director or shareholder of a corporate applicant, is under 18 years of age;
 - (ii)** An applicant, or, if the applicant is an individual, an applicant's spouse, is overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to a sexually oriented business;
 - (iii)** An applicant, if the applicant is an individual, is residing with a person to whom a permit to operate a sexually oriented business has been denied or revoked within the preceding 12 months;
 - (iv)** An applicant, after the notice provided in [Section 4.8.3.L\(4\)\(f\)](#), has failed to provide required information in the application, or has supplied false information;
 - (v)** The premises to be used are not in compliance with applicable health, zoning, fire, and building codes, as determined by the agencies responsible for determining such compliance;
 - (vi)** The non-refundable permit application fee has not been paid;

- (vii) An applicant is in violation of, or not in compliance with, any of the provisions of the zoning code;
 - (viii) The issuance of the permit would violate a statute, resolution, or court order;
 - (ix) The applicant held a sexually oriented business permit under the provisions of the zoning code which was subsequently revoked;
 - (x) The applicant has been convicted of a specified criminal act within the time limits specified in [Section 4.8.3.L\(4\)\(d\)\(iii\)](#) of the zoning code;
 - (xi) An applicant knowingly has in his/her employ an employee without a valid sexually oriented business employee license, as required within the zoning code;
- (d) No person may make application for a permit for a sexually oriented business at a particular location if such person has had an application for a sexually oriented business at the same location denied within 12 months of the time application is made.

(7) Annual Permit Fee

The annual fee for a sexually oriented business permit, as determined by the board of township trustees, shall be payable upon the date of first permit issuance and upon each anniversary thereof, assuming renewal is granted by the zoning inspector.

(8) Inspection

An applicant or permittee shall permit representatives of the Warren County Building Department, Hamilton Township Planning and Zoning Department, Warren County Combined Health District, and the applicable fire department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with their respective regulations, at the time it is occupied or open for business.

(9) Expiration and Renewal of Permit

No sexually oriented business shall operate without a valid sexually oriented business permit. Each sexually oriented business permit shall expire one year from date of issuance and may be renewed prior to expiration, subject to the following requirements.

- (a) The permit holder shall request renewal in writing to the zoning inspector at least 60 days prior to permit expiration, accompanied by a non-refundable fee, as determined by the board of township trustees.
- (b) Renewal shall be subject to a finding that the permit holder remains in conformance with all applicable permit requirements. Making application less than 60 days before permit expiration shall not affect the current expiration date.
- (c) An expired permit is not eligible for renewal, however reapplication may be made.

(10) Suspension of Permit

- (a) A permit to operate a sexually oriented business shall be suspended by the zoning inspector for 30 days, until the violation has been corrected. If it is determined that a permittee, or the employee of a permittee, has:
 - (i) Violated, or is not in compliance with, any portion of the zoning code;
 - (ii) Been under the influence of alcoholic beverages or controlled substance while working on the sexually oriented business premises;

- (iii) Refused to allow an inspection of the premises, as authorized by the zoning code;
- (iv) Knowingly permitted gambling by any person on the premises;
- (v) Failed to correct a violation of a building, zoning, fire or health code within seven days of the notification of such violation;
- (vi) Engaged in permit transfer in violation of the applicable provisions of the zoning code; or
- (vii) Knowingly employed a person without a valid license, as required by the zoning code.

(11) Revocation of Permit

- (a) A permit to operate a sexually oriented business shall be revoked by the zoning inspector upon a determination that either a permit is to be suspended for a second time within a 12 month period, or that a permittee or employee of a permittee has:
 - (i) Given false or misleading information in material submitted during the application or renewal process that tended to enhance the opportunity for obtaining such permit or renewal;
 - (ii) Knowingly allowed the possession, use or sale of controlled substances on the permit premises;
 - (iii) Knowingly allowed prostitution on the premises;
 - (iv) Knowingly operated the sexually oriented business while under permit suspension;
 - (v) Been convicted of a specified criminal act for which the time period specified in [Section 4.8.3.L\(4\)\(d\)\(iii\)](#) of the zoning code has not elapsed;
 - (vi) Been convicted of tax violations for taxes or fees related to a sexually oriented business;
 - (vii) Knowingly allowed any specified sexual activities between patrons or between patrons and employees to occur in or on the permitted premises or surrounding properties; or
 - (viii) Operate more than one sexually oriented business under a single roof.
- (b) Permit revocation is effective for one year. The permittee shall not be granted any other permits for any other sexually oriented business during the effective revocation period.

(12) Transfer of Permit

- (a) A permittee shall not operate a sexually oriented business at any location other than the address designated in the application for permit.
- (b) A permittee shall not transfer a sexually oriented business permit unless and until such other person satisfies the following requirements:
 - (i) Obtains an amendment to the permit from the zoning inspector, upon satisfactory completion of all permit application requirements; and

- (ii) Pays a transfer fee of 50 percent of the annual permit fee.
- (c) A permit shall not be transferred in the event that the permittee has been notified that suspension or revocation proceedings have been or are being brought against the permittee.
- (d) A permit shall not be transferred to another location.
- (e) Any attempt to transfer a permit in violation of these provisions is void and the subject permit shall be revoked by the zoning inspector.

(13) Sexually Oriented Business Employee License

- (a) All prospective employees of a sexually oriented business shall obtain a sexually oriented business employee license. Each applicant shall pay a license fee, as determined by the board of township trustees, to cover reasonable administrative cost. No application shall be accepted without the required fee.
- (b) On a form provided by Hamilton Township, the applicant must provide one original and two copies of a sworn application, which shall contain the following information and attached documentation:
 - (i) Name, inclusive of stage names or aliases;
 - (ii) Age, birth date and birthplace;
 - (iii) Height, weight, hair and eye color;
 - (iv) Current residence and business address and phone numbers;
 - (v) State driver's license or state identification and social security number;
 - (vi) Acceptable written proof that the individual is at least 18 years of age;
 - (vii) A color photograph of the applicant, clearly showing the applicant's face. The applicant's fingerprints on a form provided by the Hamilton Township Police Department. Any fees for photos and fingerprints are the responsibility of the applicant;
 - (viii) A statement detailing the sexually oriented business license or permit history of the applicant for the previous five years, including information whether a permit or license had been denied, revoked or suspended, the applicable reasons and dates for such actions, as well as the jurisdiction in which such actions occurred, as applicable; and
 - (ix) Information as to whether the applicant has been convicted of a specified criminal act as well as the date, place, jurisdiction and nature of each conviction.
- (c) By making application for a sexually oriented business employee license, an applicant shall be deemed to have consented to the provisions of the zoning code and to the appropriate investigation of said application.
- (d) The zoning inspector shall refer a photocopy of the sexually oriented business employee license application to the Hamilton Township Police Department for investigation. The chief of police or his designee shall report findings of the investigation on the photocopy, with date and signature and immediately return the photocopy of the application to the zoning inspector.

- (e) The initial application review shall be completed within 14 days from the date a completed application is filed. A conditional license shall be issued upon the completion of the initial application review unless the investigation of the applicant finds one or more of the following:
 - (i) That the applicant knowingly made any false, misleading, or fraudulent statement of a material fact;
 - (ii) That the applicant is under 18 years of age;
 - (iii) That the license is to be used for employment in a business prohibited by these regulations, or other local or state laws; or
 - (iv) The applicant has had such license revoked within two years of the date of the current application.

The conditional permit shall be valid for a period commencing on its issuance and ending on the date a final license is issued or the date license application is denied, whichever first occurs. A final license shall be issued to the applicant within 60 days of the application being filed unless it is found that the applicant has been convicted of a specified criminal act for which the time period set forth in [Section 4.8.3.L\(4\)\(d\)\(iii\)](#) has not elapsed.

- (f) Each sexually oriented business employee license shall expire one year from date of issuance and may be renewed prior to expiration, subject to the following requirements. The licensee shall request renewal in writing to the zoning inspector at least 60 days prior to license expiration, accompanied by a non-refundable license renewal fee, as determined by the board of township trustees. Renewal shall be subject to a finding that the licensee remains in conformance with all applicable requirements. Failure to make application less than 60 days before license expiration shall not affect expiration and no employee shall work in a sexually oriented business without a valid license. An expired license is not eligible for renewal, however re-application may be made, subject to all applicable requirements.

(14) Hearing; Revocation, License Denial, Suspension; Appeal

- (a) If the zoning inspector determines that probable grounds exist for denial, non-renewal, suspension, or revocation of a sexually oriented business permit or sexually oriented business employee license (hereinafter permit and license respectively) under this section, the zoning inspector shall notify the applicant or licensee (respondent) in writing of the intent to deny, non-renew, suspend or revoke the permit or license, including the grounds therefore, by personal delivery, or by certified mail. The notification shall be directed to the most current business address on file with the zoning inspector.
- (b) Within 10 working days of receipt of such notice, the respondent may provide to the board of township trustees in writing a response which shall include a statement of reasons why the license or permit should not be denied, non-renewed, suspended, or revoked.
- (c) Within 10 working days of the receipt of such written response, the board of township trustees shall conduct a hearing at which respondent shall have the opportunity to present evidence and witnesses on his or her behalf. The board of township trustees shall notify the respondent in writing of the hearing date within three days of the

receipt of such written response. The board of township trustees, based upon the standards for permit/license denial, non-renewal, suspension or revocation contained herein shall determine whether to deny, non-renew, suspend or revoke the permit/license. If a response is not received by the board of township trustees in the time stated, or, if after the hearing the board of township trustees finds that grounds exist for denial, non-renewal, suspension, or revocation, then such action shall become final and notice of such final action sent to the applicant or licensee. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction. If the board of township trustees finds that no grounds exist for denial, non-renewal, suspension, or revocation of a permit or license, then the zoning inspector shall withdraw the intent to deny, non-renew, suspend or revoke the permit or license and shall so notify the respondent in writing by delivery, or by certified mail of such action.

- (d) When a decision to deny, non-renew, suspend or revoke a permit or license becomes final, the applicant or licensee whose permit or license has been denied, non-renewed, suspended, or revoked shall have the right to appeal such action to a court of competent jurisdiction pursuant to ORC Section 2506. Any suspension, non-renewal or revocation of a permit or license for a sexually oriented business does not take effect until a final decision is rendered in an appeal taken pursuant to this section.
- (e) Upon the filing of an appeal pursuant to this section by an applicant for a permit or license, said applicant shall be granted a temporary permit or license to operate said sexually oriented business or be an employee of such sexually oriented business pending a final decision on said appeal. Such temporary permit or license shall be subject to all provisions of this section.

(15) Regulation of Sexually Explicit Films or Videos

A person that operates or causes to be operated a sexually oriented business, other than a sexually oriented hotel/motel and regardless of whether or not a sexually oriented business permit has been issued to said business, which exhibits on the premises in a viewing room, computer software, compact discs, a film, video cassette or other video reproduction, which depicts specified sexual activities or specified anatomical areas shall comply with the following requirements:

- (a) Upon application for a sexually oriented business permit, the application shall be accompanied by a sketch or diagram of the entire premises with a plan thereof, specifying the location of manager's stations, if any, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted access. A professionally prepared drawing is not necessary, however each diagram shall be oriented to north and the closest street(s) and be drawn to scale, with marked dimensions sufficient to show the internal features of all areas of the premises to an accuracy of plus or minus six inches. The zoning inspector may waive the foregoing diagram during permit renewal if the applicant certifies that the configuration of the premises has not been altered since the previous diagram was prepared.
- (b) No alteration in the configuration of the premises as set forth in the sketch or diagram of the premises may be made prior to the approval of the zoning inspector.

- (c) It is the duty of the owners and operator of the premises to ensure that such number of employees is on duty and so situated that all patrons present inside the premises are subject to observation by an employee or employees.
- (d) The interior of the premises shall be configured in such a manner that every area of the premises to which any patron is permitted access for any purpose, including the interior of individual viewing booths, excluding restrooms, is subject to an unobstructed view by the employer or employees on duty. Restrooms shall not be equipped with video display equipment.
- (e) It is the duty of the owners, operator and employees present on the premises to ensure that the aforementioned unobstructed view shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area designated for no access by patrons in the application of record.
- (f) No viewing room may be occupied by more than one person at any given time. No peep holes, viewing holes or other holes which are or may be used by occupants of a viewing room for sexual gratification shall be permitted in the walls, floors, ceilings or partitions separating each viewing room from an adjoining viewing room or restroom. Viewing rooms shall not be enclosed by doors, curtains or a maze of wall structures. No signs, lights, or other communicative devices shall be employed to create an expectation of privacy on the part of any patron at any location of the premises.
- (g) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination level of not less than 2.0 footcandles, as measured at floor level. Said level of illumination shall be maintained at all times any patron is present on the premises.

(16) Regulation of Adult Cabarets

Performers in adult cabarets must be located on stage, no less than 18 inches in height and at least six feet from all patrons. There shall be absolutely no physical contact, tipping, or exchange of gratuities between patrons and performers.

(17) Advertising and Lighting Regulations

No sexually oriented business may be operated and:

- (a) Advertise the presentation of any activity prohibited by the zoning code, or other local or state regulation;
- (b) Display or exhibit the materials and performances in advertising which is visible outside the premises, except advertising the existence or location of a sexually oriented business;
- (c) Allow any portion of the interior premises to be visible from outside the establishment; or
- (d) Fail to illuminate the entries and off-street parking areas of the premises, from dusk until closing, with a lighting system which provides an average maintained horizontal illumination of 1.0 footcandle on the parking surface and walkways. Said level of illumination is established in order to provide sufficient lighting for the personal safety of patrons and employees, to reduce potential vandalism and criminal conduct and shall be shown on required permit application documentation.

(18) Minors Prohibited

- (a)** No person under 18 years of age may be admitted, remain, or purchase goods at a sexually oriented business.
- (b)** No person under 18 years of age may be employed at a sexually oriented business.

(19) Violation

- (a)** It shall be unlawful, punishable per [CHAPTER I](#)

- (b) Enforcement and Penalties if:**
- (i)** A sexually oriented business is operated without a currently valid sexually oriented business permit, or the business operates in violation of the terms of its permit or this chapter or has a permit which is under suspension, has been revoked, or has expired;
 - (ii)** There is a failure to allow the inspection of a sexually oriented business by the Warren County Building Department and the zoning inspector, Warren County Combined Health District, Hamilton Township Police Department, or the applicable fire department;
 - (iii)** Any person having a duty under [Section 4.8.3.L\(15\) Regulation of Sexually Explicit Films or Videos](#), knowingly fails to fulfill said duty;
 - (iv)** A person operates, or causes to be operated, a sexually oriented business in violation of the [Section 4.8.3.L\(17\) Advertising and Lighting Regulations](#);
 - (v)** A person operates, causes to be operated, a sexually oriented business, regardless of whether or not a permit has been issued for said business and knowingly, or with reasonable cause to know, permits, suffers, or allows the violation of [Section 4.8.3.L\(18\) Minors Prohibited](#); or
 - (vi)** Any person willfully falsifies any material fact on any required application, or documentation attached thereto.
- (c)** Nothing contained herein shall prevent or restrict the township from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
- (d)** All remedies and penalties provided for in this section shall be cumulative and independently available to the township, which shall be authorized to pursue any and all remedies set forth to the full extent allowed by law.

(20) Exemptions

It is a defense to prosecution for alleged violation or sexually oriented business provisions of the zoning code, that:

- (a)** A person appearing in a state of nudity did so in a modeling class operated:
- (i)** By a college, junior college or university supported in whole or part by taxation;
 - (ii)** By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
 - (iii)** In a structure:
 - (A)** Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
 - (B)** Where in order to participate in a class, a student must enroll at least three days in advance of the class; and

- (c) Where no more than one nude model is on the premises at any one time.
- (b) A person appearing in a state of nudity did so in a bona fide theatrical production.
- (c) An employee of a sexually oriented business exposed any specified anatomical area during the bona fide use of a restroom or dressing room accessible only to employees.

(21) Immunity from Prosecution

All Hamilton Township officers, agents and employees charged with enforcement with state and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a sexually oriented business while acting within the scope of authority conferred by this section.

M. Travel Trailer Camp

- (1) No zoning certificate shall be issued unless a site plan for the use has first been approved in accordance with the Ohio Public Health Council rules so regarding, as administered and enforced by the Ohio Department of Health, or as otherwise delegated thereby for permitting through the Warren County Combined Health District.
- (2) A travel trailer camp shall only contain the following:
 - (a) Recreation parks, recreation camps, recreational vehicle park, and temporary park camps, wherein one or more travel trailers, motor homes, truck campers or other types of dependent or self-contained recreational vehicles or otherwise portable camping units, such as tents, can be placed on leased or otherwise contracted spaces for recreation, vacation or business purposes, all as defined in 0

- (b) Definitions.
 - (c) Accessory buildings and uses customarily incidental to any of the above uses, including the sale of food and refreshments are permitted, provided such accessory facilities are only for exclusive use by the principal permitted use occupants and their guests.
- (3) Minimum District Size, Configuration, Frontage, Setback and Buffering**
- A travel trailer camp shall comply with all of the following minimum site and development requirements:
- (a) The site shall be at least five acres in size, not including the minimum required setback specified in [Section 4.8.3.M\(3\)\(d\)](#) below.
 - (b) The site configuration shall not exceed a one-to-five (1:5) ratio of width-to-depth.
 - (c) At least 100 feet frontage on a public road is required.
 - (d) A setback of at least 100 feet is required from any residential district or property.
 - (e) A buffer not less than six feet in height consisting of evergreen or solid landscaping, or solid board fencing, shall be provided in the required setback distance in [Section 4.8.3.M\(3\)\(d\)](#) above. The buffer is to screen the view from any existing or future residence located within 500 feet surrounding the site.
- (4) Duration of Placement or Occupancy**
- (a) No placement of a recreational vehicle or portable camping unit, nor occupancy thereof by the same tenant(s) shall exceed 120 days in any 12 month period following the beginning of placement or occupancy, unless otherwise specified by the Ohio Department of Health.
 - (b) Otherwise permanent occupancy of such a single family residence is prohibited, except by the managing operator and the immediate family members legally dependent thereon.
- (5)** The owner or operator of a permitted travel trailer camp shall maintain a constant record of each tenant or visitor, noting their name, date of stay, home address and the make, model year and license number of their vehicles, which shall be available for inspection by the zoning inspector or other law enforcement agencies.
- (6)** No individual camping sites shall be subdivided from or sold as ownable or buildable lots independent of the overall recreation park, camp or combined park-camp property that they are part of as rentable or leasable spaces.
- (7)** Sanitary sewer, water supply and trash disposal provisions shall be designed, installed, operated and maintained in accordance with the Ohio Public Health Council rules adopted so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.
- (8)** The location and design of any required private driveway entrance from and/or exit to a public road shall be to the satisfaction of the Warren County Engineer or ODOT, as applicable.
- (9)** Stormwater drainage for a travel trailer camp must be controlled to the satisfaction of the Warren County Engineer.

- (10) All aspects of development internal to a site in a travel trailer camp are subject to plan approval and subsequent licensing of the developed use, in accordance with the Ohio Public Health Council rules so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.
- (11) The design of a travel trailer camp is subject to the review satisfaction of the local fire and emergency service provider, as to all applicable aspects of site development and use complying with related accessibility requirements and any other concern to such regard.
- (12) The intensity of any exterior lighting relative to adjacent off-site residential use or district shall not exceed 0.2 footcandles at the border of a travel trailer camp, unless otherwise a lower threshold is specified by the Ohio Department of Health.

N. Travel Trailer Overnight Port

- (1) No zoning certificate shall be issued unless a site plan for the use has first been approved in accordance with the Ohio Public Health Council rules so regarding, as administered and enforced by the Ohio Department of Health, or as otherwise delegated thereby for permitting through the Warren County Combined Health District.
- (2) A travel trailer overnight port shall only contain the following:
 - (a) A travel trailer overnight port shall be operated for sole use as a parking area in which only self-contained recreational vehicles as defined in 0

- (b) Definitions for the purpose of providing vacationing travelers or other motoring transients a place for temporary occupancy, for a fee or free.
 - (c) Accessory buildings and uses such as clubhouses, laundry, swimming pool and other similar on-site support facilities are for exclusive use by the principal occupants and their guests.
- (3) Minimum District Size, Configuration, Frontage, Setback and Buffering**

A travel trailer overnight port shall comply with all of the following minimum site and development requirements:

 - (a) The site shall be at least five acres in size, not including the minimum required setback specified in [Section 4.8.3.N\(3\)\(d\)](#) below.
 - (b) The site configuration shall not exceed a one-to-five (1:5) ratio of width-to-depth.
 - (c) At least 100 feet frontage on a public road is required.
 - (d) A setback of at least 100 feet is required from any residential district or property.
 - (e) A buffer not less than six feet in height consisting of evergreen or solid landscaping, or solid board fencing, shall be provided in the required setback distance in [Section 4.8.3.N\(3\)\(d\)](#) above. The buffer is to screen the view from any existing or future residence located within 500 feet surrounding the site.
- (4) No placement of a recreational vehicle or portable camping unit, nor occupancy thereof by the same tenant shall exceed 48 hours, except in the event of a bona-fide emergency due to illness or injury of the occupant or mechanical failure of their vehicle, and excluding three-day weekends that include either a Friday or Monday that is a nationally observed holiday.**
- (5) Sanitary Facilities**
 - (a) A travel trailer overnight port shall provide for containment or conveyance of sewage waste from trailer holding tanks, in accordance with the specifications of the Ohio Public Health Council rules so regarding, subject to approval of the Ohio Department of Health.
 - (b) Approval of the plan for the design, installation, operation and maintenance of a sewage disposal containment and/or treatment facility is subject to approval by the Warren County Combined Health District, Warren County Sanitary Engineer and/or the Ohio Public Health Council, as applicable, and shall comply with regulations HE 27.01-27.61, inclusive, of the Ohio Sanitary Code.
- (6) The location and design of any required private driveway entrance from and/or exit to a public road shall be to the satisfaction of the Warren County Engineer or ODOT, as applicable.**
- (7) Stormwater drainage for a travel trailer camp must be controlled to the satisfaction of the Warren County Engineer.**
- (8) All aspects of development internal to a site in a travel trailer overnight port are subject to plan approval and subsequent licensing of the developed use, in accordance with the Ohio Public Health Council rules so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.**

- (9) The design of a travel trailer overnight port is subject to the review satisfaction of the local fire and emergency service provider, as to all applicable aspects of site development and use complying with related accessibility requirements and any other concern to such regard.
- (10) The intensity of any exterior lighting relative to adjacent off-site residential use or district shall not exceed 0.2 footcandles at the border of a travel trailer overnight port, unless otherwise a lower threshold is specified by the Ohio Department of Health.

4.8.4. Industrial and Warehouse Uses

A. Contractor Offices and Storage

All outdoor storage of equipment, supplies, and materials shall be subject to the outdoor storage requirements of [Section 4.9 Accessory Use and Structure Regulations](#).

B. Crematory

A crematory shall be located a minimum of 200 feet from any residential district.

C. Junkyard

A junkyard shall be screened along the property boundary, including any boundary with a street or other public right-of-way, in accordance with the requirements of [Section 8.5.2 Site Perimeter Landscape Buffer Requirements](#).

4.8.5. Public and Institutional Uses

A. Active Park or Recreation Facility

- (1) All structures, public swimming pools, and ball fields shall be set back a minimum of 50 feet and all parking areas shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision. This standard shall not apply to fences associated with this use. Areas devoted to a golf course including tee areas and greens shall not be subject to this setback.
- (2) Private recreation facilities within residential districts shall be a minimum of 30 acres and shall be fenced on all sides.
- (3) Active parks and recreational facilities in residential districts shall have primary access along an arterial or collector street as defined in the Warren County Official Thoroughfare Plan.

B. Cemetery

- (1) All structures, except for grave markers, shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (2) In residential districts, the cemetery shall be a minimum of 20 acres.
- (3) Cemeteries shall have primary access on an arterial or collector street as defined in the Warren County Official Thoroughfare Plan.

C. Community Garden

- (1) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.

- (2) The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file with the zoning inspector.
- (3) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- (4) There shall be no retail sales on site, except for produce grown on the site.
- (5) No building or structures shall be permitted on the site unless the community garden is accessory to a use (See [Section 4.9 Accessory Use and Structure Regulations](#)) in which case, the buildings and structures shall be considered as accessory to the principal use of the lot.
- (6) Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, rain barrel systems, children's play areas and similar equipment may be permitted.
- (7) Fences and walls shall be subject to the provisions of [Section 8.4 Landscaping Materials and Standards](#).

D. Higher Educational Facility and Educational Institution

- (1) Both educational institutions and higher educational facilities shall be located on a site with a minimum lot area of five acres.
- (2) All structures shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.

E. Hospital

In residential districts, hospitals shall be located on a minimum of five acres.

F. Public and Government Building or Use

The following standards shall apply to fire stations:

- (1) Front yard, side yard and rear yard requirements for the district are met.
- (2) Main building shall be at least minimum residential size.
- (3) Enough area shall be set aside for future parking spaces, for a minimum of 40 vehicles, with a parking space provided at any given time for each member of the fire company. If an assembly hall is included in the building, additional parking spaces shall be provided in accordance with [Section 7.4 Off-Street Parking Regulations](#).

G. Religious Place of Worship

- (1) In residential districts, buildings shall be set back a minimum of 100 feet from the side and rear lot line.
- (2) In residential districts, buildings shall be no less than the minimum dwelling size specified for the district in which the building is located.

H. Telecommunication Tower

(1) Purpose

The purpose of this section is to regulate the placement, construction, and modification of telecommunication facilities and their support structures in order to protect the public

health, safety, welfare, and morals, while at the same time not unreasonably interfering with the competitiveness in the wireless telecommunications industry in the region.

(2) Applicability

This section shall only apply to the review of wireless telecommunication facilities in residential zoning districts pursuant to ORC Section 519.211.

(3) Procedure for Telecommunication Towers in Residential Zoning Districts

(a) Any person who plans to construct a telecommunications tower in a residential zoning district shall provide written notice in accordance to ORC Section 519.211.

(b) If the board of township trustees receives notice from a property owner in accordance with ORC Section 519.211 or if a board member makes an objection to the proposed location of the telecommunications tower within 15 days after the date of mailing of the notice sent under ORC Section 519.211, the board of township trustees shall request that the township fiscal officer send the person proposing to construct the facility written notice that the tower is subject to the power conferred by and in accordance with ORC. The notice shall be sent no later than five days after the earlier of the date the board of township trustees first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, ORC Sections 519.02 to 519.25 shall apply to the facility. Such tower or facility shall be subject to a conditional use review pursuant to [Section 3.8 Appeals, Variances, and Conditional Uses](#).

(c) If the board of township trustees receives no notice under ORC Section 519.211 within the time prescribed by that division or no board member has an objection as provided under ORC Section 519.211 within the time prescribed by that division, the tower shall be permitted as-of-right pursuant to the applicable sections of this zoning code.

(4) Review Standards for Conditional Use Towers

The BZA shall approve a telecommunications tower as a conditional use if the BZA finds that the applicant has satisfied all of the following standards:

(a) The proposed site meets the minimum site development standards for the applicable zoning district.

(b) The maximum height of the tower shall be 200 feet.

(c) Lot Size, Setback and Clear Falling Zone

(i) The lot on which the tower is to be located shall be owned or leased by the telecommunications tower company, and the parcel shall be of sufficient size to allow the minimum setback from this parcel's lot line to the base of the telecommunication tower.

(ii) The minimum setback shall be a 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet of distance from the tower base to the nearest lot line and/or closest unrelated structure).

(iii) Towers less than 100 feet in height that cannot satisfy this setback requirement may be approved, provided that the applicant presents certification that the

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tower meets requirements of the American National Standards Institute, Electronic Industry Association and the Telecommunication Industry Association 222-F, that the tower will withstand wind up to 100 miles per hour.

- (iv) The equipment shelter shall comply with minimum setback requirements for the established zoning district. New structures not related to the telecommunication facility cannot be added within the area of the tower's parcel. If the parcel on which the tower is located has road frontage, the tower must be located 300 feet from the right-of-way.
- (d) The application shall comply with the general standards for a conditional use as established in [Section 3.8 Appeals, Variances, and Conditional Uses](#).
- (e) Proof shall be provided by the applicant in a form satisfactory to the BZA that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to the Ohio Department of Transportation, the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), or the successors to their respective functions.
- (f) In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing towers. This shall include, but not be limited to, a certified mail announcement to all other tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on a tower, unless available space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of co-location versus new construction and any FCC limitations on tower sharing preclude co-location.
- (g) The BZA shall require a bond to cover tower removal and full site restoration after discontinued use.
- (h) The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Monopole installations are recommended.
- (i) No telecommunication facility shall be located within a "wetland" as defined by federal law.
- (j) A telecommunication facility shall not be located upon a property listed on a federal, state, or local historic register, or be mounted on a building or structure listed on a federal, state, or local historic register.
- (k) A balloon test, if requested by the BZA, shall be conducted at the height of the application request. Photographs shall be taken up to one-half mile away from the site from a minimum of four opposing directions.
- (l) No advertising sign(s) shall be permitted anywhere on a telecommunication tower, equipment building, and appurtenances or on the site.
- (m) There shall be no outdoor storage of equipment or other items on the site except during the facility construction period or to supply emergency power to the facility only during a power outage.

- (n) The owner/operator of the telecommunication facility shall, by January 15th of every year from the date of issuance of the zoning certificate, file a declaration with the zoning inspector, including verification that the radio frequency (electromagnetic) emissions are in compliance with the current FCC regulations. The appropriate fee(s) will be included to permit the continuing operation of every facility, which is subject to these regulations.
- (o) The maximum cumulative total size of all equipment buildings accessory to a telecommunication tower or antenna on a parcel shall be 800 square feet. All telecommunication equipment shelters shall be configured to appear as one building on any one parcel.
- (p) The applicant shall demonstrate to the township that it is licensed by the FCC, and shall notify the township of any special conditions conveyed by the license.
- (q) Screening and Landscaping**
 - (i) Existing on-site vegetation shall be maintained to the greatest extent possible.
 - (ii) In addition, at a minimum, the perimeter of the site shall be planted with at least one row of evergreen shrubs capable of forming a continuous hedge at least five feet in height within two years of planting, spaced not more than five feet on center.
 - (iii) For towers 100 feet or greater in height, in addition to the above, at least one row of deciduous trees, not less than one and one-half (1½) inches in diameter measured three feet above grade at time of planting, spaced not more than 20 feet on center, shall be planted within 25 feet of the perimeter of the site.
 - (iv) Additional landscaping and alternate means of screening the base of the tower and any equipment buildings or off-street parking may also be required by the BZA.
 - (v) Towers shall be painted green below the prevailing treetop level.
- (r) Telecommunication towers shall not be artificially lighted unless required by the FAA or other applicable federal or state authority. When so required, it shall be oriented inward, so as not to project onto surrounding residential properties. In any case, overall site illumination shall be such that measurements along the perimeter of the site shall not exceed 0.20 footcandles.
- (s) The applicant (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give notice of such ceasing of operation to the BZA. Facilities shall be removed from the site within 12 months of ceasing operations. Resale or renting of facilities is permissible only to other cellular communications systems subject to obtaining a zoning certificate.
- (t) Vehicular access to the equipment shelter shall be via the existing road circulation system and subject to [CHAPTER 7](#) Parking, Loading and Circulation.
- (u) An antenna for a telecommunication facility may be attached to an existing residential building two and one-half (2½) stories in height or to an existing nonresidential structure, excluding residential accessory structures, subject to the following conditions:

- (i) The antenna shall not extend more than 10 feet above the roof of the existing building or top of the existing structure.
- (ii) If the applicant proposes to locate the telecommunications equipment in a separate telecommunications equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district.

4.9. ACCESSORY USE AND STRUCTURE REGULATIONS

4.9.1. Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

4.9.2. General Provisions

The following general provisions apply to all accessory uses or structures.

- A.** The structure or use shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
- B.** The structure or use shall be located on the same lot as the principal use for which it serves.
- C.** Unless otherwise stated in this section, a zoning certificate shall be required prior to construction or establishment of an accessory use or structure.
- D.** An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of this zoning code.
- E.** Unless permitted by the zoning commission or board of township trustees as part of a PUD approval, accessory uses and structures shall be prohibited in any open space area dedicated as part of a PUD, except buildings for the storage of equipment or maintenance items for the open space.
- F.** Accessory structures on properties with a lot area of five acres or more and used for agricultural purposes shall be exempt from these regulations. To be exempt, the building should be one which is necessary for, or customarily used in conjunction with, the specific agricultural use that is active on the property. Such structures include, but are not limited to, barns, greenhouses, and other buildings that are specifically designed for agricultural uses. Although such a structure may have some incidental use for other than agricultural activities, the principal use of the structure must be agricultural.

4.9.3. Permitted Accessory Uses

[Table 4-5: Permitted Accessory Uses](#) lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in [Table 4-5: Permitted Accessory Uses](#).

A. Permitted Use (P)

A “P” in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted accessory uses and structures are subject to all other applicable regulations of this zoning code, including the additional standards set forth in this section.

B. Permitted Use with Use-Specific Standards (PS)

- (1) A “PS” in a cell indicates that an accessory use or structure is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections in the last column of [Table 4-5: Permitted Accessory Uses](#). Permitted uses and structures with use-specific standards are subject to all other applicable regulations of this section and zoning code.
- (2) Accessory uses and structures permitted with use-specific standards under this category are approved administratively by the zoning inspector pursuant to the zoning certificate review procedure (where required).

C. Conditional Use (C)

A “C” in a cell indicates that, in the respective zoning district, an accessory use or structure is permitted if reviewed and approved as a conditional use pursuant to [Section 3.8 Appeals, Variances, and Conditional Uses](#). Conditional uses are subject to all other applicable regulations of this zoning code, including the additional standards set forth in this section.

D. Prohibited Uses (Blank Cells)

A blank cell indicates that the listed accessory use or structure is prohibited in the applicable zoning district.

E. Zoning Certificate Required

The “Zoning Certificate Required” column identifies if a zoning certificate is required for the applicable accessory use or structure.

F. Yards Permitted

The “Yards Permitted” column identifies in which yards the applicable accessory use or structure is permitted. See also [Section 4.9.4 Setback, Yard Coverage and Height Requirements](#).

G. Numerical References (Last Column)

The numbers contained in the “Additional Requirements” column are referenced to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the “Additional Requirements” column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

TABLE 4-5: PERMITTED ACCESSORY USES

USE OR STRUCTURE	ZONING DISTRICTS						ZONING CERTIFICATE REQUIRED	YARDS PERMITTED F = FRONT S = SIDE R = REAR [1]	ADDITIONAL REQUIREMENTS
	R-1, R-2, R-4	R-3	M-H	T-C	B-1, B-2	M-1, M-2			
Accessory Apartment	PS						Yes	S or R	See 4.9.5.A
Accessory Retail Sales					P	P	Yes	Inside principal building	See 4.9.5.B
Amateur Radio Transmitter or Antenna	PS	PS	PS				Yes	S or R	See 4.9.5.C
Automated Teller Machine (ATM)					P	P	Yes [2]	F, S or R	

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USE OR STRUCTURE	ZONING DISTRICTS						ZONING CERTIFICATE REQUIRED	YARDS PERMITTED F = FRONT S = SIDE R = REAR [1]	ADDITIONAL REQUIREMENTS
	R-1, R-2, R-4	R-3	M-H	T-C	B-1, B-2	M-1, M-2			
Beekeeping	PS	PS	PS				No	S or R	See 4.9.5.D
Caretaker Dwelling				P	P	P	Yes	S or R	
Community Garden	PS	PS	PS	PS	PS	PS	Yes	F, S, or R	See 4.9.5.E
Detached Accessory Building	P	P	P	P	P	P	Yes	R	
Drive-Through Facility					PS	PS	Yes [2]	S or R	See 4.9.5.F
Drop-Off Box					PS	PS	No	S or R	See 4.9.5.G
Dumpster or Refuse Container		PS	PS	PS	PS	PS	No	S or R	See 4.9.5.H
Home Occupation	PS	PS	PS				Yes	Inside principal building	See 4.9.5.I
Keeping of Chickens	PS						No	S or R	See 4.9.5.J
Outdoor Dining Area					PS	PS	Yes	F, S or R	See 4.9.5.K
Outdoor Wood Furnace	PS						Yes	S or R	See 4.9.5.K
Porch or Deck	PS	PS	PS	PS	PS	PS	Yes	F, S, or R	See 4.9.5.M
Private or Public Swimming Pool	PS	PS	PS	PS			Yes	S or R	See 4.9.5.N
Roadside Stand	PS	PS	PS	PS	PS	PS	Yes	F, S, or R	See 4.9.5.O
Satellite Dish	PS	PS	PS	PS	PS	PS	Yes [3]	F, S, or R	See 4.9.5.P
Small Wind Energy Conservation System	PS	PS	PS	PS	PS	PS	Yes	R	See 4.9.5.Q
Solar Panels	PS	PS	PS	PS	PS	PS	See Section 4.9.5.R	On roof of structure or rear yard	See 4.9.5.R
Stable, Private	PS						Yes	S or R	See 4.9.5.S
Tennis Court or Other Game Court	PS	PS	PS	PS	PS	PS	Yes	S or R	See 4.9.5.T
Tree House, Play Set, or Trampoline	P	P	P	P			No	R	
Unenclosed Patio	P	P	P	P	P	P	No	R	
Other Accessory Uses	C	C	C	PS	PS	PS	See Section 4.9.5.U		

NOTES:

- [1] For the purposes of the placement of accessory uses or structures on a corner lot, the side yard located opposite of the front door of the structure shall be considered the rear yard; and for through lots, the front yard located to the rear of the structure shall be considered the rear yard.
- [2] ATMs and drive-through facilities shall be permitted in the stated zoning district when they are accessory to the building containing the principal use. The zoning certificate approval may be part of the zoning certificate application for the principal use.
- [3] Satellite dishes should be located in the side or rear yard to the maximum extent feasible. However, these regulations shall not prohibit the location of a satellite dish in the front yard.

4.9.4. Setback, Yard Coverage and Height Requirements

- A.** An accessory structure may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or other similar structure.
- B.** An accessory structure may be detached from the principal building.

- C.** Accessory structures that are structurally connected to the principal structure, either as an extension of the principal use or through a breezeway, shall meet the setback requirements of the applicable zoning district. Such requirements shall not apply to unenclosed patios.
- D.** Accessory uses or structures shall be set back a minimum of five feet from any lot line unless otherwise specified.
- E.** [Table 4-5: Permitted Accessory Uses](#) identifies the yards in which accessory uses are permitted to be located as it relates to a standard interior lot. See [Section 6.1 Measurements, Computations, and Exceptions](#) for standards related to corner lots and double frontage lots.

4.9.5. Use-Specific Standards

A. Accessory Apartment

Accessory apartments shall comply with the following standards:

- (1)** Accessory apartments are allowed as accessory uses only to single family detached dwellings, and are not allowed as accessory uses to two family dwellings, townhouse dwellings, multi-family dwellings, or manufactured homes.
- (2)** The principal dwelling shall be occupied by its owner.
- (3)** Not more than one accessory apartment shall be allowed per single family dwelling.
- (4)** An accessory apartment may be within or attached to the principal dwelling (e.g., a downstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse).
- (5)** An accessory apartment attached to the principal dwelling shall have an operative interconnecting door with the principal dwelling, and shall have a principal access only from the side or rear yard of the principal dwelling.
- (6)** The gross floor area devoted to an accessory apartment shall not exceed 35 percent of the total gross floor area of the principal dwelling to which it is accessory. The floor area of an accessory apartment shall not be included as part of the floor area of the principal dwelling for calculation purposes of applying limits on home occupations or similar limits imposed by this code.
- (7)** The use of a manufactured home, recreational vehicle, or a similar vehicle as an accessory apartment unit is prohibited.
- (8)** At least one, but no more than two, off-street parking spaces shall be provided for an accessory apartment in addition to off-street parking required for the principal dwelling.
- (9)** The addition of an accessory apartment to a single family detached dwelling shall not change the status of the dwelling as a single family detached dwelling or the lot as the site of a single family dwelling for purposes of applying intensity and dimensional standards.

B. Accessory Retail Sales

Principal uses in the applicable zoning district may include some retail sales provided:

- (1)** The floor area dedicated to retail sales is less than 10 percent of the total building floor area;
- (2)** The retail sales take place in the principal building; and

- (3) The retail sales are related to the services rendered, products stored, or products produced as part of the principal use.

C. Amateur Radio Transmitter or Antenna

Noncommercial amateur radio antenna structures for use by amateur radio operators licensed by the FCC shall be authorized for use by licensed amateur radio operators in all residential districts, provided that:

- (1) The plans for all new and altered amateur radio towers shall be prepared by a certified professional engineer or in accordance with the tower manufacturer's guidelines for installation. The applicant must show evidence that the proposed facility will have sufficient structural strength to support the radio tower and related equipment.
- (2) Amateur radio towers 35 feet and under shall be set back a minimum distance of five feet from the rear and side property lines, but may not project into any front yard of the residence.
- (3) In order to make reasonable accommodations for amateur radio towers, there shall be a height limit of 35 feet in all residential areas.
 - (a) An additional height limit up to 70 feet for amateur radio towers may be granted when the tower setback meets a ratio of one foot from the base of the tower to all adjoining property boundaries for every one foot of tower height up to 70 feet.
 - (b) Height measurements shall be taken from the top of the tower or the highest antenna to the finished grade.
- (4) Amateur radio towers shall not be artificially lighted unless required by the FAA or other applicable federal or state authorities. When so required, lighting shall be oriented upwards, so as to not project onto surrounding residential properties. In any case, overall site illumination shall not exceed 0.20 footcandles along the perimeter of the site.
- (5) Permission for the amateur radio tower resides with the applicant for the specific property and does not transfer to a different site or to new owners of the property. New owners may apply to the township for permission to retain the tower for amateur radio antenna under this provision. The applicant (or its successors) shall within 30 days of ceasing operation of the amateur radio or tower, provide written notice of abandonment to the zoning inspector. An amateur radio tower may not stand longer than 12 months following abandonment.

D. Beekeeping

Beekeeping is permitted provided that:

- (1) The principal use is a single family dwelling.
- (2) No more than two hives is permitted on lots less than one acre.
- (3) A beehive shall be kept no closer than 10 feet to any lot line and no closer than 25 feet to any residential structure on an adjacent lot, or shall comply with the setbacks of the applicable zoning district, whichever is greater.
- (4) The front of any beehive shall face away from the property line of the adjoining residential property closest to the beehive.
- (5) A solid fence or dense hedge, known as a flyaway barrier, at least five feet in height shall be placed around the beehive. A boundary fence or hedge at least five feet in height may be

used to meet this requirement. No such flyaway barrier shall be required if all beehives are located at least 25 feet from all property lines and for beehives that are located on porches or balconies at least 10 feet above grade, except if such porch or balcony is located less than five feet from a property line.

- (6) No Africanized bees may be kept on a property.
- (7) A supply of fresh water shall be maintained in a location readily accessible to all beehives on the property.
- (8) These regulations to not apply to agricultural uses exempted in accordance with [Section 3.2 Agricultural Exemption](#).

E. Community Garden

- (1) Community gardens may be allowed as an accessory use when associated with public or institutional principal use (e.g., religious institution or educational facility).
- (2) Community gardens shall be subject to the provisions of [Section 4.8.5.C](#).

F. Drive-Through Facility

The following standards shall apply to businesses that contain a drive-through facility, regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

(1) General Standards

- (a) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 300 feet of any residential dwelling unit.
- (b) All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area, shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- (c) An opaque fence or screen between four and six feet in height shall be constructed along any property line abutting a residential district.

(2) Stacking Space and Lane Requirements

- (a) The number of required stacking spaces shall be as provided for in [Table 4-6 Stacking Space Requirements](#). See [Figure 4-1: Location of Stacking Spaces and Lanes](#) for illustration of stacking spaces. Stacking spaces do not count towards the parking spaces required in accordance with [Section 7.4 Off-Street Parking Regulations](#).

TABLE 4-6 STACKING SPACE REQUIREMENTS

ACTIVITY	MINIMUM STACKING SPACES (PER LANE)	MEASURED FROM
Financial Institution or Automated Teller Machine (ATM)	5	Teller or Window

ACTIVITY	MINIMUM STACKING SPACES (PER LANE)	MEASURED FROM
Fuel or Gasoline Pump Island	2	Pump Island
Full Service Automotive Washing Establishment	6	Outside of Washing Bay
Restaurant	6	Pick-Up Window
Self-Service or Automotive Washing Establishment	2	Outside of Washing Bay
Other	As determined by the zoning inspector	

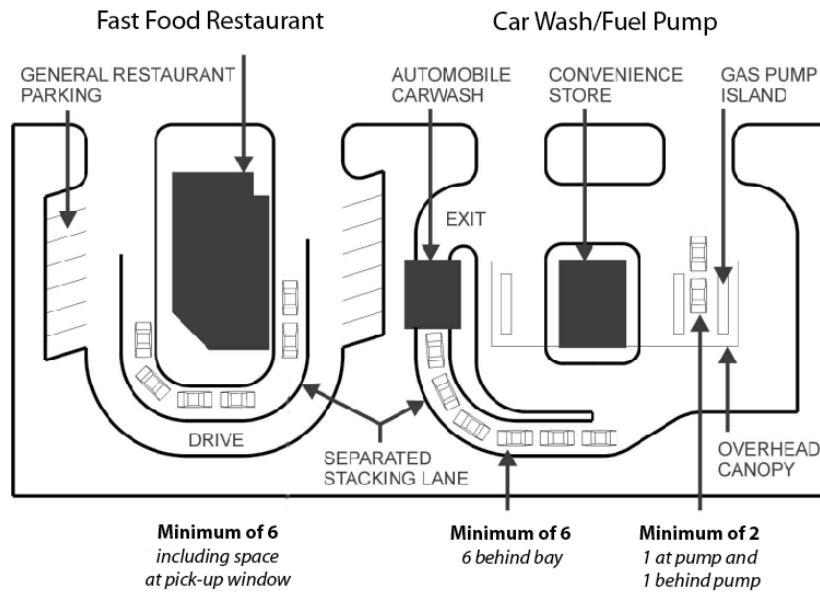


Figure 4-1: Location of Stacking Spaces and Lanes

Note that the stacking lanes are oriented toward the side and rear yards rather than the front yard.

- (b)** Stacking lanes shall be provided for any use having a drive-through facility and shall comply with the following standards:
 - (i)** Drive-through stacking lanes shall have a minimum width of 10 feet.
 - (ii)** Stacking lanes shall be set back 25 feet from rights-of-way.
 - (iii)** Stacking spaces shall be a minimum of nine feet by 18 feet in size.

(3) Menu Board Signs

- (a)** One menu board sign for each stacking lane shall be allowed provided it does not exceed 35 square feet in sign area. Any additional attachments such as pictures or photographs of food and other items shall be included within the maximum signage area.
- (4)** Menu board signage shall not be included in the total calculated allowed signage for a property under [Section 9.8.3 Signs in Nonresidential Zoning Districts](#).

- (a) No menu board sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.
- (b) Illuminated menu board signs shall be internally illuminated.
- (c) Menu boards shall be reviewed and approved as part of the zoning certificate for the drive-through facility or, when a menu board is to be added, as part of a separate zoning certificate application.

G. Drop-Off Box

Drop-off boxes and dumpster style recycling collection containers for public use are permitted in accordance with the following standards:

- (1) A drop-off box may be located in any yard area, but shall not be located in any area that is required to be landscaped.
- (2) Drop-off boxes must be placed on a hard paved surface and located outside of driveways and parking spaces required in conformance with [Section 7.4 Off-Street Parking Regulations](#).
- (3) Drop-off boxes must either be enclosed per the requirements of [Section 8.5.5 Service Area and Structure Screening Requirements](#) or kept in a clean, new appearing condition. Drop-off boxes which are not kept within an enclosure shall not have dents, any deformation to the outside painted surface, any dirt or residue on the outside surface, graffiti, etc.
- (4) If two or three drop-off boxes are kept on a site, all boxes shall be kept within a common enclosure in conformance with [Section 8.5.5 Service Area and Structure Screening Requirements](#). The common enclosure for multiple boxes shall not be located in any area that is required to be landscaped, nor shall it be located in front yard or corner side yard areas. No more than three boxes may be kept on a single site.
- (5) Each drop-off box shall be limited in size to 10 cubic yards and shall have a lid.
- (6) Recycling collection containers for private, on-site use only are considered trash and/or garbage collection areas and are subject to the provisions [Section 4.9.5.H](#).

H. Dumpster

The dumpster shall be screened on a minimum on three sides to a height that fully screens the use in conformance with [Section 8.5.5 Service Area and Structure Screening Requirements](#) unless otherwise required in this zoning code.

I. Home Occupation

Home occupations shall be subject to the following conditions in addition to any other applicable use standards of the applicable zoning district:

- (1) A person whose principal employment is outside of the home but who temporarily works out of a home office shall not be considered as operating a home occupation subject to these standards.
- (2) Home occupations shall be clearly incidental and subordinate to the use of the property for residential purposes and shall be completely conducted within the dwelling.
- (3) The external appearance and/or use of the structure or lot in which the home occupation is conducted shall not be altered to indicate the presence of the home occupation.

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- (4) There shall be no outside storage of any kind related to the home occupation and only commodities made on the premises may be sold on the premises. No display of the products shall be visible from the street.
- (5) No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupation, shall be created.
- (6) No equipment, process, materials, or chemicals which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances shall be utilized in the home occupation.
- (7) Not person who is not a resident of the premises may participate in the home occupation as an employee.
- (8) No more than one home occupation shall be permitted within any single dwelling unit.
- (9) Delivery of any materials necessary for a home occupation shall be limited to automobiles, light duty trucks (e.g., typical FedEx or UPS home delivery vans and trucks) or vans.
- (10) No building or structure shall be used to operate a business, store equipment used for a business, or serve as a location where multiple employees meet or park prior to going to work off-site.
- (11) Hours of operation for a home occupation that entails client visits or incoming deliveries is restricted to no earlier than 8:00 a.m. and no later than 8:00 p.m. each day of the week.
- (12) No sign, other than one non-illuminated nameplate, two square feet in area and mounted flat on the front face of the dwelling or on a driveway lamppost, shall be erected or maintained on the premises.
- (13) In those instances when the zoning inspector denies an application, or if the zoning inspector is uncertain of the appropriateness of a proposed home occupation, the matter may be appealed or taken to the BZA for interpretation.
- (14) The following are examples of permitted home occupations:
 - (a) Clerical and other similar business services;
 - (b) Instruction in music, dance or other type of teaching that does not require an expansion in parking;
 - (c) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office oriented occupations;
 - (d) Artists, sculptors, photographers, and other providers of home crafts;
 - (e) Barber shop/beauty salon with a maximum of one chair;
 - (f) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
 - (g) Any similar use as determined by the zoning inspector.

J. Keeping of Chickens

The keeping of up to four chickens is permitted provided that:

- (1) The principal use is a single family dwelling.

- (2) No person shall keep any rooster.
- (3) No person shall slaughter any chickens for commercial sales.
- (4) The chickens shall be provided with a covered enclosure for protection from the elements.
- (5) Chickens must always be confined within a fenced area of the yard at all times.
- (6) A covered enclosure or fenced area shall be located no closer than 25 feet to any residential structure on an adjacent lot, or shall comply with the setbacks of the applicable zoning district, whichever is greater.

K. Outdoor Dining Area

- (1) Outdoor dining areas in a public right-of-way shall be prohibited.
- (2) Outdoor dining areas on a private property shall be regulated as follows:
 - (a) An outdoor dining area may be allowed as an accessory use to a restaurant with an indoor eating area on the same site; provided the outdoor dining area shall not replace any off-street parking, loading, or landscaping areas as may be required by this code.
 - (b) If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to an area that is closed to vehicular traffic, no railing or fencing shall be required.
 - (c) Umbrellas, or other protective elements, that shelter diners from the elements shall be secured so as not to create a hazard.
 - (d) Enclosing an outdoor dining area either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a zoning certificate.
 - (e) There shall be no use of electronics (e.g., televisions, radios, or speakers) in the outdoor dining areas that generate noise.
- (3) The location of outdoor dining areas is subject to review by the township to ensure that access to the building and pedestrian walkways are not obstructed.

L. Outdoor Wood Furnaces

Outdoor wood furnaces shall only be permitted as an accessory use on lots with a minimum lot area of five acres.

(1) Setbacks

Outdoor wood furnaces shall be set back:

- (a) A minimum of 100 feet from all lot lines;
- (b) A minimum of 200 feet from the boundaries of all recorded subdivisions with lots less than five acres in size; and
- (c) A minimum of 200 feet from all residential dwellings not located on the property where the outdoor wood furnace will be situated.

(2) Permitted and Prohibited Fuels

- (a) Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels

specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.

- (b) The following fuels are strictly prohibited in new or existing outdoor wood furnaces:
 - (i) Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - (ii) Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - (iii) Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - (iv) Rubber, including tires or other synthetic rubber-like products.
 - (v) Any other items not specifically allowed by the manufacturer or this section.

(3) Nonconforming Use

Outdoor wood furnaces that were installed prior to the effective date of this amendment shall be permitted to continue. However, if the existing outdoor wood furnace does not meet the standards of this section, the outdoor wood furnace shall be considered a nonconforming use subject to the nonconforming use provisions of this zoning code (See [CHAPTER 10 Nonconformities](#)).

M. Porch or Deck

- (1) Porches or decks that are enclosed (with screening or other materials), have a roof, or that are physically attached to the principal structure shall meet the setback requirements for principal buildings in the applicable zoning district. See [Section 6.2 Site Development Standards](#).
- (2) Unenclosed porches and decks may encroach into required setbacks in accordance with [Section 6.2 Site Development Standards](#).
- (3) Porches or decks that are under 18 inches in height do not require a zoning certificate.

N. Private Swimming Pool or Public Swimming Pool

- (1) The swimming pool shall be set back a minimum of 20 feet from any property line. This setback shall be measured from the edge of the pool water.
- (2) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four feet in height and maintained in good condition with a self-closing, self-latching gate that can be locked. Above grade pool walls may be counted toward the height of the required fence.
- (3) Any swimming pool for the use of occupants of multi-family dwellings containing over three dwellings or those that are accessory to a nonresidential use shall meet the structural and sanitary requirements of the Ohio Department of Health.
- (4) The swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

O. Roadside Stand

- (1) A roadside stand shall only be permitted where at least 50 percent of the total value sold from the stand is derived from produce raised on farms owned or operated by the stand operator in a normal crop year.
- (2) Off-street parking shall be provided as required in [Section 7.4 Off-Street Parking Regulations](#).
- (3) One ground-mounted sign may be permitted provided it does not exceed 12 square feet in sign area, six feet in height, and only external illumination is used.

P. Satellite Dish

- (1) Satellite dishes that are one meter in diameter or less shall be subject to the following standards:
 - (a) To the maximum extent feasible, such dishes should be located to the side or rear of a structure. However, the township shall not have the authority to prevent the location of these smaller satellite dishes in the front yard.
 - (b) Such dishes shall not require a zoning certificate.
- (2) Satellite dishes that exceed one meter in diameter shall be subject to the following standards:
 - (a) Satellite dishes may be erected or installed on the ground of any property.
 - (b) Roof mounting of dishes is only permitted in the B-1, B-2, M-1, and M-2 Districts.
 - (c) Ground-mounted satellite dishes shall be set back a minimum five feet from all lot lines.
 - (d) Satellite dishes shall be prohibited in the front yards of any property on which it is located.
 - (e) Installation of a these satellite dishes shall require a zoning certificate.
 - (f) The maximum height of the satellite dish shall be 15 feet as measured from the average grade.
 - (g) The maximum diameter of the satellite dish shall be 12 feet.
 - (h) Screening shall be provided as required by [Section 8.5.5.D\(12\)](#).

Q. Small Wind Energy System

- (1) Small wind energy systems that are attached to a roof or structure are permitted provided that the measurement from the average grade to the tip of the blade of the system does not exceed the maximum height of buildings permitted in the applicable zoning district.
- (2) Stand-alone small wind energy systems may be permitted on lots with a minimum lot area of one acre. The pole or supporting structure shall be set back a minimum of 50 feet from any lot line.
- (3) The maximum height shall be 75 feet measured from the average grade to the highest point on the blade.
- (4) The height and location of a stand-alone small wind energy system shall be such that if the system were to collapse it would fall within the boundaries of the subject lot.

R. Solar Panels

- (1) Roof-mounted solar panels that are visible from a public right-of-way shall be flush-mounted to the roof or may be elevated on one side of the panel to a distance that does not exceed six inches as measured from the roof surface to the top of the panel.
- (2) Roof-mounted solar panels that are not visible from a public right-of-way shall not be elevated from the roof surface more than two feet.
- (3) Roof-mounted solar panels shall not count toward the maximum number of accessory structures permitted on the property and shall not require a zoning certificate.
- (4) Freestanding solar panels shall be limited to a maximum height of five feet and shall be located in the rear yard. Such freestanding solar panels shall count toward the maximum number of accessory structures permitted on the property and shall require a zoning certificate.

S. Stable, Private

A private riding stable shall only be permitted as an accessory use on lots with a minimum area of five acres.

T. Tennis Court or Other Game Court

Tennis courts or other game courts shall be set back five feet from all lot lines.

U. Other Accessory Uses

- (1) Other accessory uses in a residential zoning district shall be subject to a conditional use review (See [Section 3.8 Appeals, Variances, and Conditional Uses](#)).
- (2) Other accessory uses in a nonresidential zoning district may be permitted by the zoning inspector if they are customarily found in conjunction with and required for the full utilization and economic viability of the principal business use. The zoning inspector shall have the authority to determine that a proposed accessory use (not otherwise defined in [Table 4-5: Permitted Accessory Uses](#)) shall be subject to conditional use review (See [Section 3.8 Appeals, Variances, and Conditional Uses](#)).

4.10. TEMPORARY USE REGULATIONS

4.10.1. Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

4.10.2. Permitted Temporary Uses and Structures

[Table 4-7: Temporary Uses and Structures](#) summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

TABLE 4-7: TEMPORARY USES AND STRUCTURES

TEMPORARY USE OR STRUCTURE	ALLOWABLE DURATION (PER SITE)	ZONING CERTIFICATE REQUIRED	ADDITIONAL REQUIREMENTS
Construction Dumpster	For construction use – Until issuance of a certificate of occupancy by the building department. For use during temporary cleaning, clearing, or renovations - 60 days per calendar year	No	See 4.10.3.B
Construction Office or Trailer	Until issuance of a certificate of occupancy by the building department	Yes	See 4.10.3.C
Gravel Surface Parking Lots	Until issuance of a certificate of occupancy by the building department	No	
Real Estate Sales/Model Homes	While lots are for sale	Yes	See 4.10.3.D
Seasonal Agricultural Sales	120 days per calendar year	Yes	See 4.10.3.E
Temporary Housing During Construction	See 4.10.3.F	Yes	See 4.10.3.F
Temporary Special Events	See 4.10.3.G	Yes	See 4.10.3.G
Temporary Storage During Construction	See 4.10.3.H	Yes	See 4.10.3.H
Temporary Storage in a Portable Container	Maximum of 14 consecutive days	Yes	See 4.10.3.I
Temporary Structure for Public or Institutional Uses	3 years	Yes	See 4.10.3.J

4.10.3. Temporary Use and Structure Standards

A. General Standards

- (1) All temporary uses or structures shall be reviewed in accordance with this section and all other applicable sections of this zoning code.
- (2) All temporary uses or structures shall:
 - (a) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
 - (b) Be compatible with the principal uses taking place on the site;
 - (c) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
 - (d) Not include permanent alterations to the site;
 - (e) Not maintain temporary signs associated with the use or structure after the activity ends;
 - (f) Not violate the applicable conditions of approval that apply to a site or use on the site;
 - (g) Not interfere with the normal operations of any permanent use located on the property; and

- (h) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.

B. Construction Dumpsters

Temporary trash receptacles or dumpsters shall be located outside public rights-of-way and shall comply with the following standards:

- (1) Not be located within a floodplain or otherwise obstruct drainage flow; and
- (2) Not be placed within five feet of a fire hydrant or within a required landscaping area that has already been constructed.

C. Construction Office or Trailer

One trailer used as a temporary construction office within a subdivision or nonresidential development which is being developed provided:

- (1) The subdivision shall be at least five acres. No minimum is established for nonresidential construction sites.
- (2) A zoning certificate has been issued for the placement of the trailer within the subdivision or development site.
- (3) The trailer is incidental to and located within the subdivision or site that is subject to development.
- (4) The placement of the trailer shall conform to all setback requirements for the district in which it is located. In no case shall the trailer be located in the public right-of-way or in proposed or completed roadways.
- (5) Only one such trailer shall be permitted for each phase of development of the subdivision or nonresidential development.
- (6) The trailer shall have a parking area with a minimum of one parking space and one additional parking space for each employee within the trailer.
- (7) The parking area will be surfaced with gravel and the entrance/exit to the parking area shall be paved. This requirement may be waived by the zoning inspector for good cause shown.
- (8) All doors and entries to the trailer shall be secured and lighted as required by the zoning inspector.
- (9) Sales activity shall not be conducted at or within the trailer but only such activities as may be related to the development of the subdivision or nonresidential site shall be permitted.
- (10) A sketch plan shall be submitted to the zoning inspector showing the dimensions of the lot or other land upon which the trailer is located and showing compliance with other location requirements of this subsection.
- (11) The trailer shall be removed when 75 percent of the lots within the phase of development have been developed.
- (12) A deposit is made with Hamilton Township in an amount set forth upon the township fee schedule. The deposit shall be returned when the trailer is permanently removed. Should the trailer not be removed within the period set forth, then the township may apply the deposit to defray the cost of removing the trailer.

D. Real Estate Sales Office

One temporary sales office or trailer is permitted in a residential district provided:

- (1) The subdivision shall consist of at least five acres.
- (2) A zoning certificate has been issued for the placement of the trailer within the subdivision.
- (3) The trailer is incidental to and located within the subdivision subject to development.
- (4) The trailer may not be placed within the subdivision until an application for construction of a model home within the subdivision has been issued. In no case shall the trailer be located in the public right-of-way, or in proposed or completed roadways. The trailer shall be removed upon completion of the model home.
- (5) Placement of the trailer shall conform to all the setback requirements for the district, which it is located.
- (6) Only one such trailer shall be permitted in a subdivision.
- (7) The trailer shall have a parking area with a minimum of four parking spaces and one additional parking space for each employee who works within the trailer.
- (8) The entrance to the parking area shall be from an interior street within the subdivision.
- (9) The parking area will be surfaced with gravel and the entrance/exit to the parking area shall be paved. This requirement may be waived by the zoning inspector for good cause shown.
- (10) All doors and entries to the trailer shall be secured and lighted as required by the zoning inspector.
- (11) Only one wall sign which is attached to the trailer shall be permitted. The sign shall not exceed 32 square feet in size.
- (12) A sketch plan is submitted to the zoning inspector setting forth the dimensions of the lot or other land within the subdivision upon which the trailer is placed and in compliance with the location requirements of this subsection.
- (13) A deposit is made with Hamilton Township in an amount set forth upon the township fee schedule. The deposit shall be returned when the trailer is permanently removed. Should the trailer not be removed within the period set forth, then the township may apply the deposit to defray the cost of removing the trailer.

E. Seasonal Agricultural Sales

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

(1) Location

- (a) The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking space availability.
- (b) The display or storage of goods for sale shall not occur within the public right-of-way, or within 200 feet of a dwelling.

(2) Range of Goods Limited

The range of goods or products available for sale shall be limited to non-processed products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, and firewood; bees and beekeeping products; seafood; and dairy products.

(3) Hours of Operation

The hours of operation of the seasonal sale of agricultural products shall be from 7:30 a.m. to 10:00 p.m., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

F. Temporary Housing During Construction

A zoning certificate shall be issued for temporary housing on the lot on which a building is being erected provided:

- (1)** A building permit has been issued for construction of a residence on the same lot or tract of ground, and that actual construction has commenced before the temporary housing is placed on the property.
- (2)** The temporary housing shall be located behind the residence site.
- (3)** Before occupying the temporary housing it shall be connected to the sewage disposal system required for the residence under construction.
- (4)** The electrical service for the temporary housing shall meet the requirements of the applicable building codes.
- (5)** The temporary housing shall be securely anchored to the ground.
- (6)** A safe and substantial set of entrance steps of steel, wood or concrete shall be installed.
- (7)** A deposit is made with Hamilton Township in an amount set forth upon the township fee schedule. The deposit shall be returned when the temporary housing is permanently removed. Should the temporary housing not be removed within the period set forth, then the township may apply the deposit to defray the cost of removing the trailer.
- (8)** The temporary housing may be occupied for a period of six months and an additional six month period if the zoning inspector and the Warren County building inspector are satisfied that work is progressing and additional time is required for completion of the residence. Occupancy of the temporary housing will not be permitted for longer than one year.
- (9)** The temporary housing must be vacated and its sewer and electrical connection removed within 30 days after the residence is approved for occupancy or at the end of one year, whichever occurs first, at which time the temporary housing shall either be removed from the premises, or located on the premises in accordance with [Section 7.9 Parking of Recreational and Commercial Vehicles](#).

G. Temporary Special Events

- (1)** A zoning certificate for temporary special events such as festivals, circuses, concerts, and similar uses shall only be required if tents or structures are required on the applicable lot where the event will occur.

- (2) The zoning certificate shall be valid for no more than two weeks provided the event meets the following conditions:
 - (a) For a lot that is zoned residentially or that is within 500 feet of a residential zoning district, there shall be a limit of two temporary special events per lot, per calendar year.
 - (b) The applicant receives other applicable permits from the Warren County Building Department and the Hamilton Township Fire and Rescue Department.
 - (c) The plans receive approval by the Hamilton Township Police Department for the purposes of protecting the public safety.
- (3) Temporary tents for outdoor sales may be permitted for a 14-day period once every 90 days.
- (4) Buildings and structures for circuses, carnivals, or similar transient enterprises shall be located a minimum of 500 feet from any residential district.

H. Temporary Storage During Construction

One trailer used as a temporary storage of tools and materials used for construction is permitted on a lot on which a building is being constructed provided:

- (1) A building permit has been issued for the construction of a residence on the same lot or tract of land upon which the trailer is situated and actual construction has commenced.
- (2) A zoning certificate has been issued for the placement of the trailer on the lot or other tract of ground.
- (3) The placement of the trailer shall comply with the front and side yard setback requirements for the district within which it is placed.
- (4) A sketch plan is submitted to the zoning inspector showing the dimensions of the property upon which the trailer is to be placed with front, side and rear lot dimensions and showing compliance with the location requirements of this subsection.
- (5) The trailer may remain for a period of one year from the date of issuance of the zoning certificate. Upon application to the zoning inspector, the trailer may remain an additional period of six months provided that the construction of the residence is progressing and additional time is required for completion of the residence.
- (6) A deposit is made with Hamilton Township in an amount set forth upon the Hamilton Township fee schedule. The deposit shall be returned when the trailer is permanently removed. Should the trailer not be removed within the required time period set, then the township may apply the deposit to defray the cost of removing the trailer.

I. Temporary Storage in a Portable Shipping Container

Storage containers that are loaded with materials and placed on a property for the purpose of temporarily storing materials are permitted with the following regulations:

- (1) Portable storage containers shall be kept in the driveway of the property at the furthest accessible point from the street. The location of the portable storage container on a driveway shall not obstruct visibility nor block the sidewalk. If no driveway is present, approval from the zoning inspector for the placement of the portable storage container prior to its delivery is required.

- (2) Only one portable storage container shall be placed at any residential property at one time.
- (3) The zoning inspector, upon good cause shown, may approve a one-time extension of the zoning certificate for an additional 14 days. Portable storage containers shall not be located on any parcel for a period exceeding 28 days per calendar year.

J. Temporary Structures for Public or Institutional Uses

Temporary structures serving public or institutional uses shall comply with the following standards:

(1) Location

- (a) The use shall be located to the side or rear of the principal structure(s) and at least five feet from any other structure.
- (b) The use shall not be permitted within required off-street parking spaces, required open space areas, or required landscaping areas.

(2) Standards

- (a) Under skirting or other materials shall be used to prevent unauthorized access underneath the structure.
- (b) Parking shall be provided for the temporary structure in conformance with [Section 7.4 Off-Street Parking Regulations](#).

(3) Approval and Duration

This use is permitted if approved by the zoning inspector, and may remain on the site for no more than three years. This period may be renewed for two additional years, for good cause shown, upon approval of a written request, submitted to the zoning inspector at least 30 days prior to the expiration of the zoning certificate. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than five years.

CHAPTER 5. PLANNED UNIT DEVELOPMENT REGULATIONS

5.1. PURPOSE

The purpose for Planned Unit Developments (PUDs) is established in [Section 4.5 Zoning District Purpose Statements](#).

5.2. TYPE OF PUD DISTRICTS

- 5.2.1.** The PUD District shall be established as a zoning district that overlays a base zoning district. Therefore, a PUD can be created that overlays any of the zoning districts provided for in this zoning code. An approved PUD shall be referenced using both the base zoning district and PUD, for example R-4 PUD Urban Residence Planned Unit Development or B-2 PUD General Business Planned Unit Development.
- 5.2.2.** Upon application of the property owners or their agent, the board of township trustees may establish a PUD by designating the property as such on the zoning map in accordance with the procedures set forth in [Section 3.7 Zoning Text and Map Amendments](#).
- 5.2.3.** Once the property has been zoned as a PUD, subsequent use of the property shall comply with the regulations of the underlying zoning designation and other conditions of approval of the PUD or modifications to the underlying zoning district regulations as determined by the board of township trustees.

5.3. PUDS APPROVED PRIOR TO THE EFFECTIVE DATE OF THIS CODE

Any PUD approved prior to the effective date of this zoning code shall continue in accordance with the approved plans. Modifications, amendments, and expansion of existing PUDs shall be in accordance with this chapter.

5.4. COMPLIANCE WITH PLANS

All PUDs approved after the effective date of this zoning code should comply with the Hamilton Township Land Use Plan, and other adopted plans, including compliance with the permitted uses, densities, intensities, and other recommendations of the plan specific to the applicable property.

5.5. REVIEW PROCEDURES FOR PUDS

- 5.5.1.** All PUDs shall be processed in three stages that include a PUD sketch plan (Stage 1), PUD preliminary site plan (Stage 2) and a PUD final site plan (Stage 3).

5.5.2. Combined Review

- A.** In the event an applicant/developer is sufficiently far along with their plans, a combined PUD preliminary site plan and PUD final site plan approval may be requested.
- B.** A combined PUD preliminary and final site plan application shall be reviewed in accordance with the process and procedures set forth in [Section 5.5.5 Stage 2 – PUD Preliminary Site Plan](#).

- C. Approval of a Stage I - PUD sketch plan and zone map amendment (see [Section 5.5.4 Stage I – PUD Sketch Plan](#)) is required prior to application for combined PUD review.

5.5.3. PUD Initiation

- A. A PUD may be initiated by the filing of an application by one or more of the owners (or their agents) of property within the area proposed to be changed or affected by the proposed amendment. An application initiated by the owner or their agent shall be subject to the complete review procedure established below.
- B. The zoning commission or board of township trustees may initiate a rezoning of a property to establish a PUD overlay district without submitting a preliminary PUD plan. Upon rezoning a property to establish a PUD overlay district, development may occur in one of the two following methods:
 - (1) The property owner may submit an application for a use that is permitted in any method (permitted, permitted with use-specific standards, or as a conditional use) in
 - (2) [Table 4-2: Permitted Use](#) Table without being subject to the PUD standards of this chapter; or
 - (3) The property owner may submit an application of a preliminary PUD plan pursuant to this chapter. The review shall follow the same procedure established herein for Stage 2 or Stage 3.

5.5.4. Stage I – PUD Sketch Plan and Zone Map Amendment

The PUD sketch plan is intended to establish the major governing principles of a development related to land uses, density, open space and circulation. Specific details related to issues such as the number of parking spaces, the type and location of landscaping, or the location of individual lots and buildings shall be reviewed during the PUD preliminary site plan.

A. Step 1 – Preapplication Conference

- (1) Applicants for any PUD District are required to meet with the zoning inspector for a preapplication conference prior to submitting a formal application for a PUD.
- (2) The purpose of the preapplication conference is to informally discuss application requirements, review procedures, and details of the proposed development. More than one preapplication conference between the applicant and township staff may be necessary.
- (3) Applicants are encouraged to bring a preliminary site plan to the preapplication conference.
- (4) No formal application is required to facilitate a preapplication conference. The applicant need only contact the zoning inspector to set up a meeting date.
- (5) Discussions that occur during a preapplication conference with township staff are not binding on the township and do not constitute official assurances or representations by Hamilton Township or its officials regarding any aspects of the plan or application discussed.

B. Step 2 – PUD Sketch Plan Application

- (1) Applications for the PUD sketch plan shall be submitted to the zoning inspector at the township offices.

- (2) Where the property is not already zoned as a PUD, the PUD sketch plan shall be submitted as part of a zoning map amendment.
- (3) The application shall include all such forms, maps, and information as may be prescribed for that purpose by the zoning inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (4) Each application shall be signed by at least one of the owners, or the owner's authorized agent, of each property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- (5) Applications for amendments initiated by the zoning commission or the board of township trustees shall be accompanied by the initiating board's motion or zoning resolution pertaining to such proposed amendment.
- (6) All applications shall be subject to [Section 3.4 Common Review Requirements](#).
- (7) All applications shall be submitted with the required fees as established in the Hamilton Township fee schedule.

C. Step 3 – Referral to the Warren County Regional Planning Commission

- (1) Within five days after filing of an application, the township shall transmit a copy thereof to the Warren County Regional Planning Commission.
- (2) The Warren County Regional Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the zoning commission.
- (3) Such recommendation shall be considered at the public hearing held by the zoning commission on such proposed amendment.

D. Step 4 – Public Hearing and Recommendation by the Zoning Commission

- (1) Upon the filing of an application for an amendment (Step 2), the zoning commission shall set a date for a public hearing regarding the proposed PUD amendment and the PUD sketch plan.
- (2) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.
- (3) For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with ORC Section 519.12 to all owners of property within and contiguous to and directly across the street from the area of the proposed amendment. If the amendment rezones more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with ORC Section 519.12.
- (4) Within 30 days after the zoning commission's public hearing, the zoning commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and PUD sketch plan, and submit such recommendation together with the application, text and plans pertaining thereto, and the recommendation of the Warren County Regional Planning Commission to the board of township trustees.

E. Step 5 – Public Hearing and Decision by the Board of Township Trustees

- (1) Upon receipt of the recommendation from the zoning commission (Step 4), the board of township trustees shall set a time for a public hearing on such proposed amendment.
- (2) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the zoning commission.
- (3) For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with ORC Section 519.12 to all owners of property within and contiguous to and directly across the street from the area of the proposed amendment. If the amendment rezones more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with ORC Section 519.12.
- (4) Within 20 days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the zoning commission, or adopt some modification thereof. In the event the board of township trustees modifies or overturns the recommendation of the zoning commission, the majority vote of the board of township trustees shall be required.
- (5) Review and approval of the PUD sketch plan shall be limited to:
 - (a) Defining the uses permitted within the PUD, the general location of such uses (footprints of individual dwellings or buildings are not required), and any use-specific standards that may apply to the permitted uses;
 - (b) Establishing the maximum density or intensity of development that is permitted in the PUD;
 - (c) Establishing the minimum lot area and lot width requirements for residential uses;
 - (d) Defining any deviations from the standard of the underlying district;
 - (e) Establishing the general layout of any new streets or major access drives for the development and pedestrian circulation; and
 - (f) Defining the amount and general location of open space.
- (6) In accordance with the standards set forth herein, the board of township trustees may explicitly impose special conditions relating to the PUD as the board may determine necessary in order to best promote the public health, safety and welfare.

F. Review Criteria for PUD Sketch Plan

The following criteria shall be used in recommendations and decisions regarding the PUD sketch plan:

- (1) The PUD sketch plan is consistent with the intent and purposes of the zoning code to promote public health, safety, morals, community stability and the general welfare of Hamilton Township.
- (2) The PUD sketch plan is consistent with the Hamilton Township Land Use Plan and Warren County Thoroughfare Plan.
- (3) The uses proposed will not be detrimental to the present surrounding uses or to the uses authorized under the zoning code for the surrounding real estate, and will be harmoniously related to the surrounding area.

- (4) The PUD sketch plan provides adequate safeguards to protect the general public, owners, and occupants of nearby real estate from nuisances, noise, air pollution, water pollution, soil pollution, visual blight or any other environmental contamination.
- (5) The uses proposed will not be detrimental to existing and potential future surrounding uses and will be harmoniously related to the surrounding area.
- (6) The internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designated on the Warren County Official Thoroughfare Plan. A traffic impact study may be required by the township, and the zoning commission and trustees shall coordinate cross access easements or stubbed streets to all adjacent parcels as needed to facilitate better traffic flow between individual developments in conjunction with the Warren County Engineer's Office.
- (7) The minimum common open space areas have been designated in accordance with the provisions of this chapter. The PUD sketch plan shall provide for the preservation of as many trees as practicable.
- (8) The PUD sketch plan may vary from the requirements of the zoning code upon approval by the board of township trustees of the sketch plan.

5.5.5. Stage 2 – PUD Preliminary Site Plan

The PUD preliminary site plan is intended to be in accordance with the approved PUD sketch plan and to provide greater detail of the design of the development. Specific details related to issues such as the number of parking spaces, the type and location of landscaping, the location of buildings, or residential lots shall be reviewed during the PUD preliminary site plan.

A. Step 6 – Preapplication Conference

- (1) Applicants for any PUD District are encouraged to meet with the zoning inspector for a preapplication conference prior to submitting a formal application for a PUD preliminary site plan.
- (2) The purpose of the preapplication conference is to informally discuss application requirements, review procedures, and details of the proposed development, and to review any specific conditions applied to the PUD sketch plan by the board of township trustees so that such conditions are addressed in the PUD preliminary site plan application.
- (3) Discussions that occur during a preapplication conference with township staff are not binding on the township and do not constitute official assurances or representations by Hamilton Township or its officials regarding any aspects of the plan or application discussed.

B. Step 7 – PUD Preliminary Site Plan Application

- (1) Applications for the PUD preliminary site plan shall be submitted to the zoning inspector at the township offices.
- (2) The application shall include all such forms, maps, and information as may be prescribed for that purpose by the zoning inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (3) All applications shall be subject to [Section 3.4 Common Review Requirements](#).

- (4) All applications shall be submitted with the required fees as established in the Hamilton Township fee schedule.

C. Step 8 – Referral to the Warren County Regional Planning Commission

- (1) After filing of an application, the township shall transmit a copy thereof to the Warren County Regional Planning Commission.
- (2) The Warren County Regional Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed PUD preliminary site plan, and shall submit such recommendation to the zoning commission.
- (3) Such recommendation shall be considered at the public hearing held by the zoning commission on such proposed PUD preliminary site plan application.

D. Step 9 – Public Meeting and Recommendation by the Zoning Commission

- (1) Upon the filing of an application for a PUD preliminary site plan (Step 7), the zoning commission shall set a date for a public meeting regarding the proposed PUD preliminary site plan.
- (2) After the zoning commission’s public meeting, the zoning commission shall recommend the approval, approval with modifications, or denial of the proposed PUD preliminary site plan and submit such recommendation together with the application, text and plans pertaining thereto, and the recommendation of the Warren County Regional Planning Commission to the board of township trustees.

E. Step 10 – Public Meeting and Decision by the Board of Township Trustees

- (1) Upon receipt of the recommendation from the zoning commission (Step 9), the board of township trustees shall set a time for a public meeting on such proposed amendment.
- (2) The board of township trustees shall either adopt or deny the recommendations of the zoning commission, or adopt some modification thereof. In the event the board of township trustees modifies or overturns the recommendation of the zoning commission, the majority vote of the board of township trustees shall be required.
- (3) In accordance with the standards set forth herein, the board of township trustees may explicitly impose special conditions relating to the PUD preliminary site plan as the board may determine necessary in order to best promote the public health, safety and welfare.

F. Review Criteria for PUD Preliminary Site Plan

The following criteria shall be used in recommendations and decisions regarding the PUD preliminary site plan:

- (1) The preliminary PUD plan is in accordance with the PUD sketch plan as adopted by the board of township trustees.
- (2) The arrangement of vehicular access and circulation, including intersections, road widths, channelization structures and traffic controls are adequately designed for the proposed uses and existing surrounding development.
- (3) The design generally addresses stormwater management and erosion control, and avoids flood hazard areas.
- (4) The minimum common open space areas have been designated and designed in accordance with the provisions of this chapter, and shall be conveyed to a legally established home

owners or property owners association, commercial management group, the township, or other agency as herein provided.

- (5) That any part of the PUD not used for structures, parking and loading areas, streets, public improvements, or walkways shall be landscaped or otherwise improved for the purpose intended or otherwise left in its natural state.
- (6) The comments and recommendations from the Warren County Engineer's Office and other departments or officials of the township and Warren County, as well as representatives of federal and state agencies including the Soil Conservation Service, the Department of Conservation, the Environmental Protection Agency and similar agencies are adequately addressed.
- (7) The PUD preliminary site plan may vary from the requirements of the zoning code upon approval by the board of township trustees of the preliminary site plan.
- (8) Approval of the PUD preliminary site plan may be conditional upon provisions that are necessary for the protection of public health, safety, and general welfare. The zoning commission or board of township trustees may require that a revised PUD preliminary site plan be submitted if, in its opinion, substantial changes are required to comply with this chapter.

5.5.6. Stage 3 – PUD Final Site Plan

The PUD final site plan is intended to establish the construction details of the PUD approved by the board of township trustees.

A. Step 11 – Final PUD Plan Submittal

A PUD final site plan may be submitted for approval after the board of township trustees grants approval of the PUD preliminary site plan and after a traffic impact study has been performed for all access points on a state and/or county roadway.

B. Step 12 – Public Meeting and Decision by the Zoning Commission

- (1) Upon the filing of an application for an amendment (Step 11), the zoning commission shall set a date for a public meeting regarding the proposed PUD final site plan.
- (2) After the zoning commission's public meeting, the zoning commission shall recommend the approval, approval with modifications, or denial of the proposed PUD final site plan and submit such recommendation together with the application, text and plans pertaining thereto, to the board of township trustees.

C. Step 13 – Public Meeting and Decision by the Board of Township Trustees

- (1) Upon receipt of the recommendation from the zoning commission (Step 12), the board of township trustees shall set a time for a public meeting on such proposed amendment.
- (2) The board of township trustees shall either adopt or deny the recommendations of the zoning commission, or adopt some modification thereof. In the event the board of township trustees modifies or overturns the recommendation of the zoning commission, the majority vote of the board of township trustees shall be required.
- (3) Upon final approval by the board of township trustees, the township shall forward the approved PUD final site plan to the Warren County Building Department with an endorsement of the approval thereon. The Building Department shall not issue a building

permit to the applicant until the approved PUD final site plan is received from the township fiscal officer and has received evidence of the owner's compliance with [Section 5.5.6.C\(4\)](#).

- (4) PUD final site plan approvals shall not be effective until the property owner causes the terms and conditions of the PUD final site plan to be placed in the chain of title of the real estate to which it applies as a restrictive covenant, running with the land, incorporated into a deed of conveyance or other legal documents. This restrictive covenant may be altered with the consent of the property owner and the board of township trustees. The developer will require the assistance of an attorney to place the terms of the PUD final site plan in record form so that it may be placed as a matter of record in the records kept by the Warren County Recorder pursuant to ORC Section 317.08.

D. Review Criteria for PUD Final Site Plan

The following criteria shall be used in decisions regarding all phases of PUD final site plans:

- (1) The PUD final site plan shall substantially conform to the approved PUD preliminary site plan, including any revisions or conditions of approval by the board of township trustees.
- (2) All necessary legal documentation relating to the incorporation of a home owners or property owners association for residential PUDs, or other similar associations for nonresidential PUDs, and copies of any restrictive covenants or agreements that are to be recorded, have been submitted and approved as part of the PUD final site plan. Such legal documentation shall demonstrate how the common open space will be maintained over the life of the development.

5.5.7. Phasing Plan

Any plan that will require more than 24 months to complete shall be constructed in phases and a phasing plan shall be developed accordingly. In a phased PUD, it is expected that changes in the approved PUD final site plan may be required from time to time. In order to preserve the flexibilities which are fundamental to a PUD, planned changes or modifications are permitted subject to the procedures of [Section 5.5.8 Modifications](#).

5.5.8. Modifications

- A.** Major modifications to an approved PUD sketch plan shall be processed in accordance with the procedures in [Section 5.5.4 Stage 1 – PUD Sketch Plan and Zone Map Amendment](#).
- B.** Modifications to an approved PUD preliminary site plan or PUD final site plan shall be considered in accordance with this section.
- C.** A request for a modification shall be submitted to the zoning inspector.
- D.** The board of trustees shall have the authority to determine if the proposed modification is a major modification or minor modification in accordance with this section. Such decision may be appealed to the BZA.
- E. Major Modifications**
 - (1) Major modifications to an approved PUD preliminary site plan or PUD final site plan shall include but not be limited to:
 - (a) An increase in residential density;

- (b) An expansion in nonresidential floor area that exceeds 10 percent of the total floor area that was previously approved;
 - (c) Changes to the PUD boundaries;
 - (d) Changes in the amount (percentage of the total development) or location of different land uses; or
 - (e) Changes to internal street patterns that alter the intersection points with existing streets.
- (2) Major modifications shall be reviewed in accordance with the entire procedure set forth in [Section 5.5.5 Stage 2 – PUD Preliminary Site Plan](#).

F. Minor Modifications

Other amendments or modifications that are in compliance with the regulations of this code shall be classified as a minor modification and shall be reviewed and approved by the zoning inspector, except that the zoning inspector may elect to submit the minor modification to the zoning commission for review and a decision. Such review shall occur at a public meeting of the zoning commission and shall be subject to notice and fees as established by the board of township trustees and state law.

5.5.9. Enforcement

- A. The terms and conditions of the PUD and the covenant that runs with the land shall be enforceable by owners of real estate covered by the PUD, the home owners association for residential PUDs, or other similar associations for nonresidential PUDs, or by Hamilton Township.
- B. Failure to enforce shall not be deemed a waiver of rights of enforcement.
- C. The owners and all subsequent owners must take action subject to a covenant running with the land whereby they waive the defense of laches against any person or body that has the power to enforce the PUD.

5.6. DEVELOPMENT STANDARDS

5.6.1. Permitted Uses

- A. Any permitted use may be included within a PUD regardless of the underlying zoning. It is essential however, that the PUD be planned, developed and operated in accordance with the approved PUD plan. The PUD plan must assure that the uses, structures and developments are properly integrated with the surrounding area and promote the health, safety, morals, general welfare and provides for a wholesome environment, free of nuisances for the entire community.
- B. Development of the PUD property shall comply with the use regulations established during the Stage 1 and Stage 2 PUD plans and the underlying zoning district as determined by the board of township trustees.

5.6.2. Site Development Standards

- A. Development of the PUD property shall comply with the site development standards established during the Stage 1 and Stage 2 PUD plans as determined by the board of township trustees.

B. Permitted Density

- (1) The permitted density is subject to approval by the board of township trustees as part of the PUD plan approval.
- (2) The density for each PUD plan will be reviewed on a case-by-case basis taking into account:
 - (a) Recommendations from the Hamilton Township Land Use Plan;
 - (b) Adjacent land uses;
 - (c) Unique features and characteristics of the land;
 - (d) The proposed site layout; and
 - (e) Quality and character of the proposed open space.
- (3) Any change to the density of an approved Stage 1 or Stage 2 plan shall be considered a major modification, and shall be reviewed in accordance with [Section 5.5.8 Modifications](#).

C. Accessory Uses and Structures

Accessory uses and structures shall conform to the provisions of [Section 4.9 Accessory Use and Structure Regulations](#) for the applicable zoning district that is part of the PUD.

D. Minimum Dwelling Size

The minimum dwelling size in a PUD shall be in accordance with the minimum size established in the residential district where the PUD is located, unless modified in the PUD plan.

E. Lot Area and Yards

- (1) The minimum lot area and lot width requirements shall be established in the PUD plan approval based on:
 - (a) Recommendations from the Hamilton Township Land Use Plan;
 - (b) Adjacent land uses;
 - (c) Unique features and characteristics of the land;
 - (d) The proposed site layout; and
 - (e) Quality and character of the proposed open space.
- (2) To the maximum extent feasible, when a PUD is proposed adjacent to the open space of an existing PUD, the proposed PUD shall establish open space adjacent thereto to create larger areas of open space within the township.
- (3) The minimum setbacks for individual lots shall be those of the underlying zoning district unless varied as part of the PUD approval.

F. Height Requirements

The maximum height of structures shall be as established in the underlying zoning district unless modified as part of the PUD approval.

G. Open Space

- (1) All common open space shall be subject to [Section 5.6.3 Open Space Standards](#).

H. Parking

Off-street parking shall be in accordance with the provisions of [CHAPTER 7](#) Parking, Loading and Circulation, unless modified as part of the PUD approval.

I. Signs

- (1) Signs in a PUD shall comply with the regulations in [CHAPTER 9 Signs](#) for the underlying zoning district, unless the board of township trustees approves modifications to the sign standards during the PUD plan approval.
- (2) Signs in a PUD approved prior to the adoption of this regulation shall continue to be regulated by the PUD regulations applicable to the property.

J. Design Standards

(1) Residential Standards

- (a) The overall quality of the design of the development shall be considered when reviewing a PUD application. The zoning commission and board of township trustees shall review:
 - (i) The use of unique street design and landscaping;
 - (ii) The use of a sufficient number of house types to avoid a monotonous streetscape;
 - (iii) The incorporation of limitations on the use of certain building materials (See [Subsection \(b\) Building Materials](#) below.);
 - (iv) The incorporation of pedestrian and/or bicycle paths or trails to the extent reasonably possible and reasonably desirable; and
 - (v) The incorporation of ponds or other water or land features to the extent reasonably possible and desirable, including sustainable, low maintenance and natural appearance.

(b) Building Materials

All PUD developments are encouraged to maximize the use of natural building materials such as brick, jumbo brick, stone, wood, hardi-plank siding, glass, stucco, cementeous siding or cultured stone.

(2) Nonresidential Standards

- (a) The overall quality of the design of the development shall be considered when reviewing a PUD application. The zoning commission and board of township trustees shall review:
 - (i) The use of unique street design and landscaping;
 - (ii) The use of a sufficient number of building types to avoid a monotonous streetscape;
 - (iii) The incorporation of limitations on the use of certain building materials (See [Subsection \(b\) Architectural and Building Material Standards](#) below.);
 - (iv) The incorporation of pedestrian and/or bicycle paths or trails to the extent reasonably possible and reasonably desirable; and

- (v) The incorporation of ponds or other water or land features to the extent reasonably possible and desirable.

(b) Architectural and Building Material Standards

- (i) All PUD developments shall maximize the use of natural building materials such as brick, jumbo brick, stone, wood, hardi-plank siding, glass, stucco, cementeous siding or cultured stone. The zoning commission and board of township trustees reserve the right to regulate building materials on each PUD plan on a case-by-case basis.
- (ii) Metal siding, vinyl siding, and exposed smooth face concrete masonry unit (CMU) block is prohibited as a primary exterior building material on all building elevations visible from a public road right-of-way.
- (iii) All visible elevations shall include decorative features such as cornices, pilasters, and contrasting horizontal bands. Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls.

(c) Architectural Guidelines

The design guidelines in [Section 6.4 Architectural Design Guidelines and Standards](#) shall be incorporated as part of the buildings in the PUD.

(d) Circulation and Access

- (i) A PUD in a nonresidential district shall have primary access from an arterial or collector road as defined by Warren County Thoroughfare Plan when such access is feasible. Secondary access points on local streets may be permitted with approval from the zoning commission and board of township trustees during the PUD plan review.
- (ii) Pedestrian ways shall be subject to the provisions of [Section 7.7 Mobility and Sidewalks](#) unless otherwise waived by the board of township trustees. Pedestrian ways, including sidewalks and multi-use paths, are required to accommodate safe non-motorized transportation throughout the PUD along internal streets and perimeter roads. Additional pedestrian ways may be permitted internally within the development where they are not adjacent to a road.
- (iii) Cross access easements to adjacent parcels may be required by the zoning commission and board of township trustees to provide better circulation and access between adjacent developments.

(3) Size of PUD

- (a) It is suggested that the size of a PUD be a minimum of five acres or more.
- (b) In circumstances where the project area is less than five acres, the board of township trustees may determine that common open space is not necessary or if common open space is necessary, the establishment of a trust for the preservation of common open space may not be required.
- (c) Normally, a PUD is occupied by more than one owner.

5.6.3. Open Space Standards

The purpose of this section is to establish the types of land that are appropriate for open space areas, and to regulate the manner in which open space areas are preserved and maintained.

A. The PUD shall provide for the reservation of land within the tract to be developed as common or public open space, unless the board of township trustees decides that this requirement is not necessary for the proper execution of the PUD.

B. Required Amount of Open Space

- (1) A minimum of 20 percent of the total PUD development proposed for residential uses shall be set aside for common open space.
- (2) A minimum of 15 percent of the total PUD development proposed for nonresidential uses shall be set aside for common open space.
- (3) The open space for a PUD with mixed uses is determined by calculating the area used for residential purposes, separate from the area used for nonresidential purposes and then applying the total acreage for each use to the required percentage of open space listed above. If mixed uses occur in the same building, open space shall be required using nonresidential standard.
- (4) Hamilton Township strongly encourages applicants to exceed the standard percentage of open space whenever possible.
- (5) In circumstances where a development is planned near an existing public park or when the board of township trustees determines open space is not necessary within the project, the developer may donate funding towards existing public parks in lieu of common open space.

C. Types of Land to Be Preserved

- (1) The following types of land shall be required to be preserved in a natural state as part of the minimum open space requirement for each development type:
 - (a) Floodways and the 100 year flood plain as determined by FEMA.
- (2) The following types of land are encouraged, but not required, to be preserved in a natural state as part of the minimum open space requirement for each development type:
 - (a) Stream corridor setback areas (both sides) as established below based on the drainage area of the stream. The drainage area is to be determined by the Warren County Soil and Water Conservation District and the setbacks measured from the centerline of the stream.
 - (i) 50 feet for streams with a drainage area of up to 320 acres.
 - (ii) 75 feet for streams with a drainage area between 320 acres and 20 square miles.
 - (iii) 100 feet for streams with a drainage area between 20 square miles and 300 square miles.
 - (iv) 300 feet for streams and rivers with a drainage area over 300 square miles (e.g., Little Miami River).
 - (b) Mature woodlands and existing vegetation;
 - (c) Intermittent streams;

- (d) Wetlands as determined by the EPA; and
 - (e) Areas with slope 20 percent or greater or other unique natural and/or geological features.
- (3) No more than 35 percent of the standard open space for residential areas may consist of the following:
 - (a) Isolated or fragmented pieces of land that are less than 10,000 square feet in area or less than 15 feet in width (excluding maintained pocket parks); or
 - (b) Perimeter or interior buffers required under [CHAPTER 8](#) Landscaping Regulations; or
 - (c) Land that is unusable or presents maintenance difficulties including, but not limited to, the following:
 - (i) Steep slopes over 25 percent grade.
 - (ii) Wetlands (as determined by the EPA).
 - (iii) Retention/detention ponds primarily used for stormwater management.
 - (iv) Areas within the 100 year flood plain as determined by FEMA.
 - (v) Other areas deemed unusable by the zoning commission or board of township trustees.
- (4) The following areas shall not count toward the minimum open space requirements:
 - (a) Private and public roads, and associated rights-of-way.
 - (b) Public or private parking areas, access ways, and driveways related to any residential use.
 - (c) Required minimum setbacks or spacing between buildings and parking areas.
 - (d) Required setbacks between buildings and streets.
 - (e) Private yards, including front, rear and side yards.
 - (f) Off-street parking areas.
 - (g) Above-ground buildings, pipes, apparatus, and other equipment for community or individual septic or sewage disposal systems.

D. Minimum Percentage Devoted to Active Recreation

- (1) A minimum of 25 percent of the required open space for each development type shall be improved for active park and recreational uses or facilities including but not limited to: community facilities, pedestrian or bicycle paths; benches or other seating areas; pedestrian scaled lighting; gazebos or other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; athletic fields; fishing and boating; mowed parkland; picnic areas; horse trails; courts; golf courses; and clubhouses used primarily for recreational purposes (equipment or structures for such uses shall be indicated on the site plan).
- (2) Commercial or industrial may not be included.

(3) These active recreation areas shall be located in areas with the least impact on natural amenities and resources.

E. Passive open space shall be designed with the goal to preserve the significant natural environmental features of the site, features primarily of undisturbed or unimproved character. They shall not include the items listed in [Sections 5.6.3.C\(3\)](#) or [5.6.3.C\(4\)](#).

F. All areas designated for open spaces shall be improved for active park and recreational uses or preserved in a natural state unless otherwise permitted as follows:

(1) They are designated to be utilized for farming when authorized in a conservation easement as outlined in [Section 5.6.3.I](#), or in home owners association covenants and restrictions recorded with the Warren County Recorder's Office; or

(2) They are designated to be utilized for stormwater management facilities. Easements shall be required to enable the maintenance of these facilities; or

(3) Disturbance of the open space is required for the construction of improvements and infrastructure or for mitigation efforts that may be required by FEMA, the Army Corps of Engineers, or other county or federal agencies.

G. Reclamation of Disturbed Open Space

Any area designated as required open space or for community facilities that is to be preserved in its natural state but is disturbed during construction shall be landscaped with vegetation native to the area similar to that which existed prior to construction.

H. Protection and Ownership of Open Space

(1) Further subdivision of the open space for uses other than those prescribed in this section and the approved PUD plan shall be prohibited.

(2) All required open space shall be owned by either:

(a) The township, county, state, or park district subject to acceptance by the appropriate legislative body; or

(b) Held jointly or in common by the owners of the building lots with maintenance provided through a home owners association or similar association. If the open space is to be owned jointly or in common by a home owners association, the open space shall be protected through the establishment of a conservation easement as outlined in [Section 5.6.3.I](#) below. Such easement, along with any deed restrictions or covenants of the home owners association, shall be recorded with the Warren County Recorder's Office.

I. Conservation Easements

(1) At the time when an applicant records the plat for the approved PUD development as a subdivision, a conservation easement shall be placed on all lands and private waters used to satisfy the open space requirement. The conservation easement shall:

(a) Run with the land, regardless of ownership;

(b) Provide for protection of the land in perpetuity;

(c) Be granted and deeded to the township, a township approved land trust, or other qualified organization approved by the township;

- (d) Be solely for the purpose of ensuring the land remains undeveloped; and
 - (e) Shall not, in any way, imply the right of public access or any other right or duty not expressly established by the terms of the easement.
- (2) While the township, township approved land trust, or other qualified organization may hold the conservation easement, the property itself shall still be owned by the original property owner, the developer, or the home owners association. If it is to be owned by the home owners association, the association's documents shall be recorded with the subdivision plat and a copy submitted to the zoning inspector to be maintained as part of the township's records.
 - (3) The conservation easement shall include information on how the property will be maintained by the property owner and shall also state that failure to maintain the property in accordance with the conservation easement agreements shall be considered a violation of this zoning code. In addition, the holder of the easement may pursue any remedy provided by law or equity, including, but not limited to, the remedies in ORC Section 5301.70.
 - (4) As an alternative to a conservation easement, the township may approve the designation of a separate parcel of land with deed restriction, or other suitable legal protection of the property to ensure open space will be provided.

J. Home Owners Associations

- (1) A home owners association shall be established to permanently maintain all open space and common areas if such areas are not transferred and accepted by the township, county, state, or park district.
- (2) All home owners association agreements shall be submitted to the zoning inspector as part of the PUD final site plan. No set of proposed covenants, articles of incorporation, or bylaws of a home owners association shall permit the abrogation of any duties set forth in this section.
- (3) All home owners associations shall guarantee the maintenance of all open space and common areas within the boundaries of the PUD through the deed restrictions or covenants.
- (4) Membership in the association shall be mandatory for all purchasers of lots in the development.
- (5) The association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.
- (6) These regulations are not applicable to commercial establishments.

CHAPTER 6. GENERAL DEVELOPMENT STANDARDS

6.1. MEASUREMENTS, COMPUTATIONS, AND EXCEPTIONS

6.1.1. General Provisions

A. Percentages and Fractions

When a calculation or ratio established in this chapter results in a fractional number or percentage, any fraction of $\frac{1}{2}$ or less shall be rounded down to the next lower whole number and any fraction of more than $\frac{1}{2}$ shall be rounded up to the next higher whole number, unless otherwise expressly stated.

B. Distance Measurements

Unless otherwise expressly stated, distances specified in this code are to be measured as the length of an imaginary straight line joining those points.

6.1.2. Lot Area

A. Lot Area Measurements

The area of a lot is the horizontal area contained within the lot lines. Right-of-way is not included in the lot area measurements. Right-of-way easement where the front property boundary extends into a right-of-way easement is included in the lot area measurements.

B. Reductions in Lot Area Prohibited

- (1) No existing lot of record shall be reduced in area so that lot area, lot width, yards, or other requirements of this code are not maintained, except where such reduction has been brought about by the expansion or acquiring of public rights-of-way or is approved through a PUD District.
- (2) If, however, by some means (for example, misinterpretation of law, erroneous lot descriptions, and the like) the lot area of a lot of record is reduced below the minimum required lot area as specified herein for the zoning district, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this code.
- (3) In the event that the uses and structures cannot comply in such circumstances, the property owner shall seek relief from the BZA, as provided for in [Section 3.8 Appeals, Variances, and Conditional Uses](#).

6.1.3. Setbacks and Yards

A. Measurements

- (1) Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located.

- (2) Setbacks shall be unobstructed by any portion of the building or any protuberances, structural (e.g. chimneys, bay windows, etc.) or mechanical (e.g. air conditioners, above ground fuel tanks, etc., but excluding utility metering devices), attached to the building from the ground upward, except eaves and cantilevered balconies at least eight feet above grade.

B. Yards Required for Buildings

A yard or other open space required for a building shall not be included as part of a yard or other open space for another building.

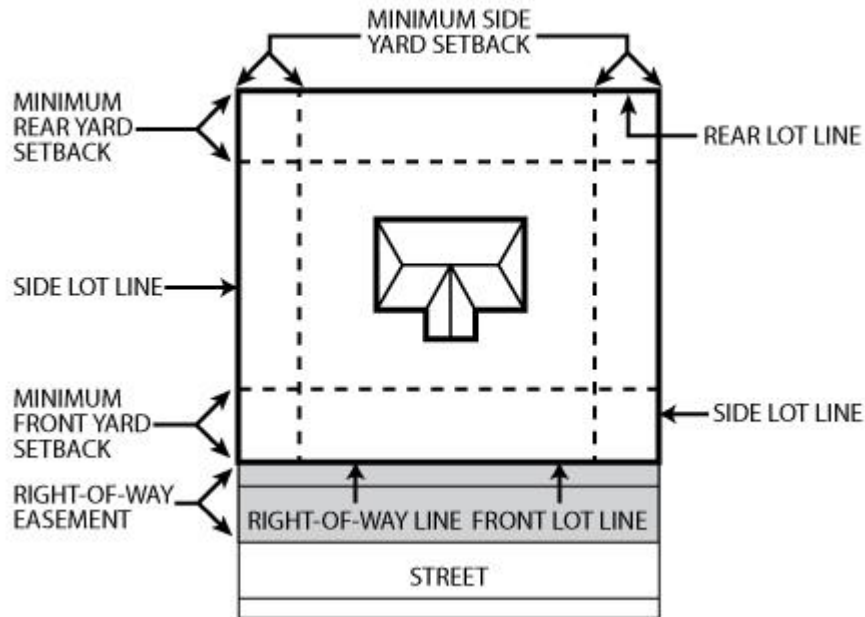


Figure 6-1: Typical Setback Measurements on an Interior Lot

C. Front Yard Setback

- (1) The yard fronting a street shall be considered to be a front yard and shall meet the minimum front yard setback. See [Figure 6-1](#).
- (2) In determining the front yards for a lot fronting on more than one street, the frontage on all streets shall be considered as front yards.
- (3) The front yard setback shall extend the full width of the lot and shall be measured from the property line.
- (4) In cases where the front property boundary extends into a right-of-way easement, the front yard setback shall be measured from the nearest edge of pavement to the building or closest protuberance.

D. Side Yard Setback

The side yard setback shall extend from the front yard to the rear yard and shall be measured from the side lot line. See [Figure 6-1](#).

E. Rear Yard Setback

The rear yard setback shall extend the full width of the lot and shall be measured from the rear lot line. See [Figure 6-1](#).

F. Front Yard within an Established Block in Residential Districts

No front yard in a residential district shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within 100 feet of a building. See [Figure 6-2](#).

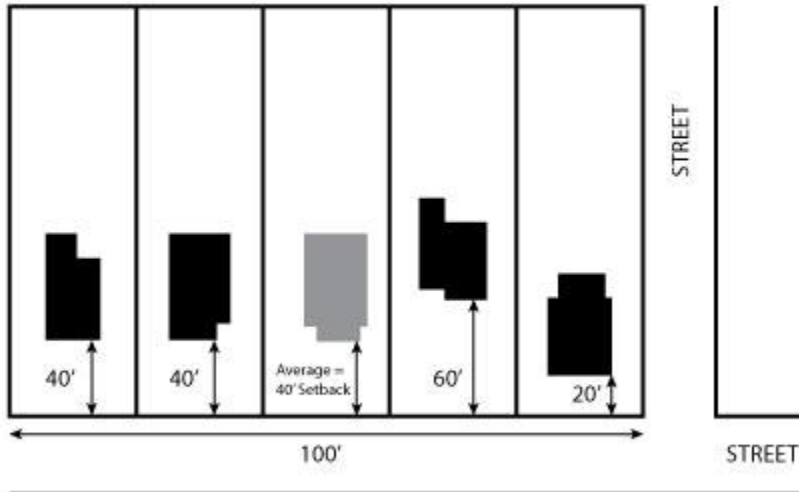


Figure 6-2: Illustration of the Averaging of Front Yard Setbacks

G. Corner Lots

- (1) Where a lot is considered a corner lot, the required minimum front yard setback shall be provided on each street or section thereof. See [Figure 6-3](#).
- (2) All yards not fronting on a street shall provide a setback equal to the minimum side yard setback of the district.

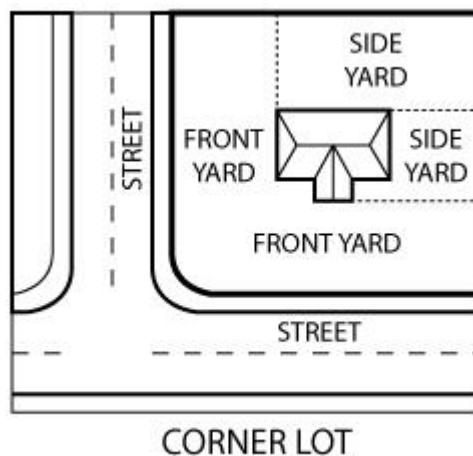


Figure 6-3: Yard Locations on a Corner Lot

H. Double Frontage Lots

- (1) Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided from both streets. See [Figure 6-4](#).
- (2) The remaining lot lines shall be considered side lot lines and the side yard setback shall be applied to those lot lines. See [Figure 6-4](#).

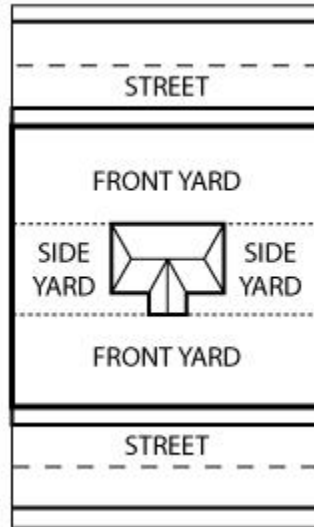


Figure 6-4: Yard Locations on Double Frontage Lots

I. Panhandle Lots

Panhandle lots are permitted subject to the following regulations:

- (1) The panhandle portion of the lot shall have a minimum frontage equal to the lot width required in the district where the lot is located.
- (2) Panhandle lots shall not be used to avoid the construction of a street.
- (3) The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 6-5](#).
- (4) The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.

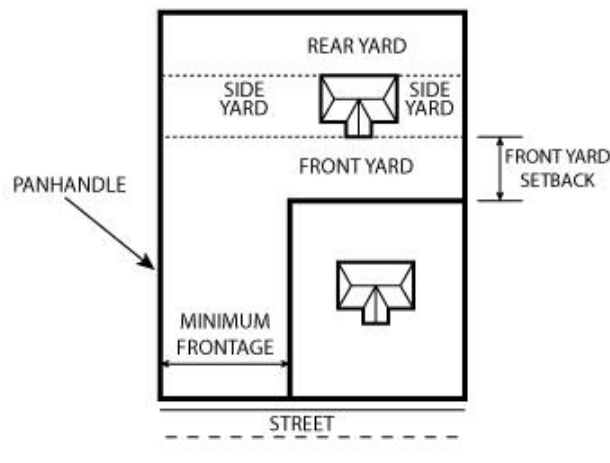


Figure 6-5: Yard and Front Yard Setback Locations on a Panhandle Lot

J. Cul-de-Sac or Curved-Street Lot

For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall be measured parallel to the curve of the street. See [Figure 6-6](#).

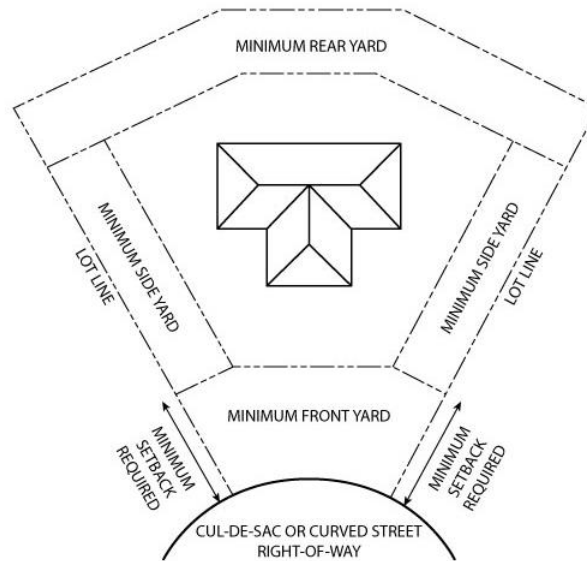


Figure 6-6: Setback Line of a Lot with Frontage on a Curved Street or Cul-de-sac

K. Other Lot Types

For any type of irregular lot not addressed in this section, the zoning inspector shall determine the location of the front, side, and rear yard taking into consideration the effect on adjoining properties.

6.1.4. Lot Width

Lot width is the distance between the side lot lines measured at the point of the front setback line. See [Figure 6-7](#).

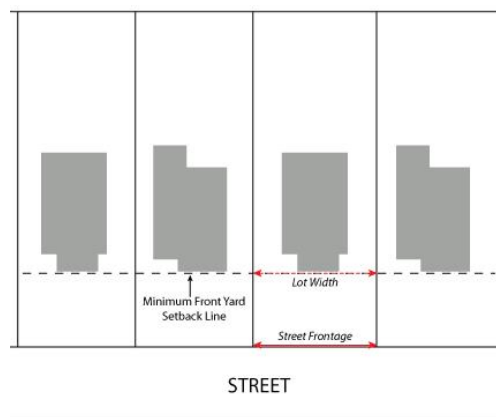


Figure 6-7: Measurement Location of Lot Width and Street Frontage

6.1.5. Street Frontage

The street frontage is the distance between the side lot lines measured at the point of the street right-of-way. See [Figure 6-7](#).

6.1.6. Minimum Dwelling Size

The minimum size of a dwelling shall be the sum of the horizontal area of each floor of the dwelling measured from the exterior walls, or the center of party walls, exclusive of porches, garages, and cellars.

6.1.7. Height Measurement and Exceptions

A. Height Measurement

- (1) Where specified in feet, building height shall be measured as the vertical distance from average grade at the base of the structure to (See [Figure 6-8](#)):
 - (a) The highest point of the coping of a flat roof, excluding a parapet wall; or
 - (b) The deck line of a mansard roof;
 - (c) The mean height between the eaves and ridge on gable, hip, or gambrel roofs.

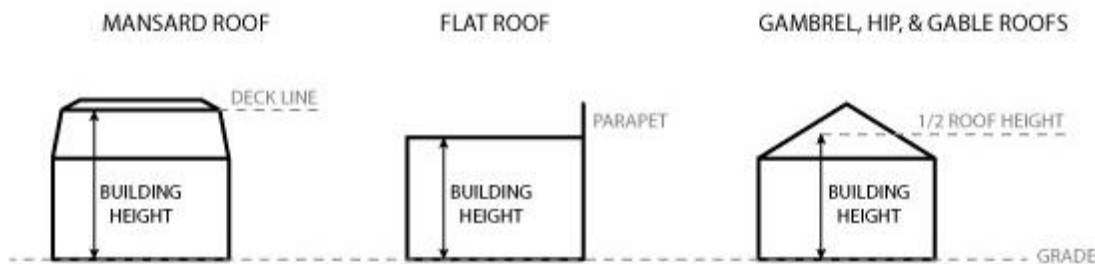


Figure 6-8: Building Height Measurement

B. Exceptions to Height Limits

The height limitations of this code shall not apply to: spires, domes, smoke stacks, elevator towers, radio and television towers, necessary mechanical appurtenances, and the like provided their construction is in accordance with existing or hereafter adopted regulations of the township, and is acceptable to the FAA and the FCC.

6.2. SITE DEVELOPMENT STANDARDS

6.2.1. General Site Development Standards

- A. All buildings and lots shall meet the minimum site development standards set forth in this chapter unless otherwise specified in the use-specific regulations of [Section 4.8 Use-Specific Regulations](#), or as modified by an approved PUD plan.
- B. No building shall be erected on any lot that does not have permanent means of ingress and egress.

6.2.2. Site Development Standards for Residential Zoning Districts

[Table 6-1: Site Development Standards for Residential Zoning Districts](#) establishes the minimum site development standards for the residential zoning districts.

TABLE 6-1: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS

	MINIMUM REQUIRED:			MINIMUM SETBACKS:			MAXIMUM BUILDING HEIGHT (STORIES/ FEET)	MINIMUM DWELLING UNIT SIZE (SQUARE FEET)	
	LOT AREA [1] (SQUARE FEET)	LOT WIDTH AT BUILDING LINE (FEET)	WIDTH OF STREET FRONTAGE [2] (FEET)	FRONT YARD (FEET)	SIDE YARD [3] (FEET)	REAR YARD (FEET)			
R-1 RURAL RESIDENCE DISTRICT									
Single Family Dwelling, Under 5 Acres, Outside Urban Service Area [4]	87,120	135	50	50	5/20	35	2½; 35	960	
Single Family Dwelling, Under 5 Acres, Inside Urban Service Area [5]	21,780	80	50 [6]	50	5/20	35	2½; 35	960	
Single Family Dwelling, 5 Acres or More	217,800	100	250	50	20/20	35	2½; 35	960	
All Other Principally Permitted Uses	43,560	200	200	50	5/20	35	2½; 35	n/a	
R-2 ONE AND TWO FAMILY RESIDENCE DISTRICT									
Single Family Dwelling	12,800	75	30	35	7/14	30	2½; 35	720	
Two Family Dwelling	12,000	70	35	35	5/14	30	2½; 35	600	
All Other Principally Permitted Uses	43,560	200	200	50	5/20	35	2½; 35	n/a	
R-3 MULTI-FAMILY RESIDENCE DISTRICT									
Single Family Dwelling, Detached	8,000	70	25	50 [7]	7/14	30	2½; 35	720	
Single Family Dwelling, Attached	5,000	43	25	22.5	0/14 [8]	20	2½; 35	600	
Two Family Dwelling	10,000 + 2,500 for each dwelling over one	60	30	35	5/14	30	2½; 35	600	
Multi-Family Dwelling	10,000 + 2,500 for each dwelling over one	60	30	35	5/14 [9]	30 [9]	None [10]	400	
All Other Principally Permitted Uses	43,560	200	200	50	5/20	35	2½; 35	n/a	
R-4 URBAN RESIDENCE DISTRICT									
Single Family Dwelling, Detached	8,000	70	25	40	7/14	30	2½; 35	720	
Single Family Dwelling, Attached	43,560	See Sec. 4.8.2.C Dwelling, Attached Single Family						2½; 35	1,200
All Other Principally Permitted Uses	43,560	200	200	50	5/20	35	2½; 35	n/a	
M-H MANUFACTURED HOME PARK DISTRICT									
See Sec. 4.8.2.F Non-Permanently Sited Manufactured Home Park									
NOTES:									
[1] The Warren County Combined Health District may require larger lot areas where a centralized sanitary sewer system is not available and an on-site septic system or other alternative wastewater treatment system is required for development.									
[2] Amount of continuous street frontage required. Panhandle lots shall be subject to the requirements of Sec. 6.1.3.1 Panhandle Lots .									
[3] The smaller number under the side yard setback requirement is the minimum side yard setback required from any one side lot line. The larger number under the side yard setback requirement is the minimum aggregate side yard setback required for both side yard setbacks (e.g., in the R-1 District, you may have a 5 foot yard setback on one side provided the other side yard setback is 15 feet to have an aggregate side yard setback of 20 feet).									
[4] For Single Family Conservation Design developments, see Sec. 4.8.2.B Conservation Design .									

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	MINIMUM REQUIRED:			MINIMUM SETBACKS:			MAXIMUM BUILDING HEIGHT (STORIES/ FEET)	MINIMUM DWELLING UNIT SIZE (SQUARE FEET)
	LOT AREA [1] (SQUARE FEET)	LOT WIDTH AT BUILDING LINE (FEET)	WIDTH OF STREET FRONTAGE [2] (FEET)	FRONT YARD (FEET)	SIDE YARD [3] (FEET)	REAR YARD (FEET)		

[5] For Single Family Cluster Developments, see Sec. 4.8.2.A Cluster Development.
 [6] Lots located on the end of a cul-de-sac street may reduce the required continuous frontage from 50 feet to 35 feet.
 [7] The front yard within established residential blocks per Sec. 6.1.3.F shall not be required to exceed 50 feet regardless if the average front yards of adjacent lots is a greater distance.
 [8] No side yard is required if dwellings have adjoining common walls.
 [9] Multi-family buildings that are 3 stories shall have side yards a minimum of 10 feet; and rear yards a minimum of 40 feet.
 [10] The height of multi-family dwellings shall be unlimited, except that for each foot over 45 feet, the minimum front, side and rear yards shall be increased by 1 foot.

6.2.3. Site Development Standards for Nonresidential Zoning Districts

Table 6-2: Site Development Standards for Nonresidential Zoning Districts establishes the minimum site development standards for nonresidential zoning districts.

TABLE 6-2: SITE DEVELOPMENT STANDARDS FOR NONRESIDENTIAL ZONING DISTRICTS

DISTRICT	MINIMUM REQUIRED:			FRONT YARD (FEET)	MINIMUM SETBACKS:				MAXIMUM BUILDING HEIGHT (STORIES/ FEET)
	LOT AREA (SQUARE FEET)	LOT WIDTH AT BUILDING LINE (FEET)	WIDTH OF STREET FRONTAGE (FEET)		MINIMUM SIDE YARD SETBACK (FEET)		MINIMUM REAR YARD SETBACK (FEET)		
					ADJACENT TO A NONRESIDENTIAL DISTRICT	ADJACENT TO A RESIDENTIAL DISTRICT [1]	ADJACENT TO A NONRESIDENTIAL DISTRICT	ADJACENT TO A RESIDENTIAL DISTRICT [1]	
B-1 Neighborhood Business District	43,560	100	50	50	0	50/20	10	50/20	2½; 35
B-2 General Business District	43,560	100	50	50	0	50/20	0	50/20	None [2]
M-1 Light Industry District	43,560	100	50	50	0	50/20	0	50/20	None [2]
M-2 Heavy Industry District Uses Permitted In Other Districts	43,560	100	50	50	0	50/20	0	50/20	None [2]
M-2 Heavy Industry District Uses Only Permitted In M-2 District	217,800	100	50	[3]	50	400/100	35	100/50	None [2]
T-C Travel Trailer Camp District	See Sec. 4.8.3.M Travel Trailer Camp and Sec. 4.8.3.N Travel Trailer Overnight Port.								

NOTES:
 [1] The first number listed is the setback for structures, and the second number listed is the setback for parking areas and driveways, and to graveled surfaces for uses only permitted in the M-2 District.
 [2] The height of buildings shall be unlimited, except that for each foot over 45 feet, the minimum front, side and rear yards shall be increased by 1 foot. There shall be adequate fire extinguishing facilities as approved by Hamilton Township Fire and Rescue.
 [3] The setbacks are based on the functional street classification of the street frontage of the property, as follows:
 • Primary and Secondary Arterial Streets – 400 feet.
 • Collector Streets – 200 feet.
 • Local Streets – 100 feet.
 These setbacks shall apply to structures, parking areas, and paved or gravel surfaces used exclusively for access to the property from the right-of-way.

The front yard setback for structures may be reduced by 50 percent if the heavy industry use provides a 10 foot high buffer consisting of a solid wall, solid wood fence, earth mound or combination thereof along the entire frontage.

6.3. OUTDOOR LIGHTING

6.3.1. Purpose

- A.** The purpose of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting in order to preserve, protect and enhance the character of the township and the lawful nighttime use and enjoyment of property located within the township. Outdoor lighting should positively enhance the visual impact of a building or development on surrounding properties and uses, and should be designed and installed in a consistent and coordinated fashion. Outdoor lighting should be used to accentuate key architectural elements of the building or development, and highlight or otherwise emphasize landscape features.
- B.** All outdoor lighting fixtures located on the applicable site (including lighting for signs and on buildings) shall be arranged so as to:
 - (1)** Provide safety, utility and security;
 - (2)** Control light trespass, visual nuisance, obtrusive light, and glare on adjacent properties and public roadways; and
 - (3)** Reduce atmospheric light pollution.

6.3.2. Applicability

- A.** The regulations of this section shall apply to all uses except for agricultural uses, single family, two family, and multi-family dwellings.
- B.** Lighting plans shall be submitted for approval with all applications for zoning certificates in the nonresidential districts and for all nonresidential uses in residential districts unless specifically exempted below.
- C.** The following shall be exempt from the regulations of this section:
 - (1)** Public utility street lighting.
 - (2)** Decorative outdoor lighting fixtures with bulbs that do not exceed 25 watts, installed seasonally.
 - (3)** Temporary construction or emergency lighting. Such lighting shall be discontinued immediately upon completion of the construction work or abatement of the emergency necessitating such lighting.
 - (4)** All outdoor lighting fixtures existing and legally installed prior to the effective date of this code.
 - (a)** When existing lighting fixtures become inoperative, their replacements are subject to the provisions of this subsection.
 - (b)** When 50 percent or more of any component (e.g., luminaires, poles) of the outdoor lighting system at a building or development is upgraded, changed, or replaced, but not including regular maintenance, such component for the remainder of the outdoor

lighting shall be brought into substantial compliance with the requirements of this section.

- (5) Lighting required by the FAA or any other federal regulatory authority.

6.3.3. General Lighting Standards

A. Outdoor Lighting Plan

- (1) An outdoor lighting plan shall be submitted with a zoning certificate application.
- (2) The lighting plan shall be prepared by a licensed professional engineer, who shall certify that the exterior lighting plan complies with this section.
- (3) The photometric plan shall be prepared in a scale that is easily legible.
- (4) The lighting plan shall include the following information:
 - (a) A photometric plan for the site of the building or development;
 - (b) Product details, and cut sheets for proposed poles, fixtures, and lamps;
 - (c) Descriptions of lenses; and
 - (d) Data tables providing details required by this section.

B. Lighting Intensities

Lighting intensities for buildings, developments, or other uses not specifically regulated by this section (e.g., athletic fields, courts, and swimming pools) shall be designed as recommended by the IESNA. However, all such uses shall comply with these regulations for control of glare and light level at the property line.

C. Footcandle Intensities

Footcandle intensities specified in this section shall be maintained values calculated using a maintenance factor, also referred to as “m.f.”, not lower than 0.72.

D. Light Fixture and Types

- (1) All light fixtures, including security lighting, shall be cutoff fixtures.
- (2) All light fixtures shall be incorporated as an integral design element that complements the design of the building or development through style, material or color.
- (3) Luminaires shall not be tilted.
- (4) Lighting of or on buildings shall be limited to wall washer type fixtures or up-lights, which do not produce spill light or glare.
- (5) A cutoff fixture shall not have more than one percent of lamp lumens above horizontal. Sag lenses, convex lenses, and drop lenses shall be prohibited.
- (6) Lighting at a building or development shall not be comprised in whole or part of any floodlights, except floodlights may be permitted with a noncommercial industrial use, provided the floodlights are shielded to meet cutoff standards.

E. Illumination Levels

- (1) Light originating on a site shall not trespass beyond the site to exceed the values in [Table 6-3: Illumination Levels at Property Line](#) when measured at the property line for the following adjacent property types:

TABLE 6-3: ILLUMINATION LEVELS AT PROPERTY LINE

ADJACENT LAND USE	ILLUMINATION LEVEL
Residential	0.2 Footcandles
Nonresidential	1.0 Footcandles

- (2) Illumination shall be installed with house side shields and reflectors when necessary to avoid glare or spill light from encroaching onto adjacent properties, and shall be maintained in such a manner as to confine light rays to the premises of the building or development.

F. Time Controls

Lighting for nonresidential uses shall be installed with time controls so that light levels are reduced not later than one hour after the close of operations to the minimum levels needed under the IESNA to ensure safety and security (approximately a 50 percent reduction).

G. Height

Except as otherwise required in this section, the height of an outdoor lighting fixture, inclusive of the pole and light source/luminaire, shall be a maximum of 25 feet within a parking lot, and a maximum of 15 feet within a non-vehicular pedestrian area. Height shall be measured from the finished grade to the top of the light fixture.

H. Shielding

- (1) All outdoor lighting for nonresidential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.
- (2) Wall-mounted lights shall be screened by the building’s architectural features, or contain a cutoff shield to direct lighting onto the building and not into adjacent residential lots.

I. Color and Glare

- (1) No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.
- (2) Uniform lighting shall be provided to prevent various non-uniform footcandle levels and/or color variance intensities of lighting throughout the parking area.

J. Other Standards

- (1) The placement of light poles within raised curb planter areas or landscaped islands is encouraged, but conflicts with parking lot trees that can obscure the lighting shall be avoided through alternative lighting locations.
- (2) For statues, monuments, fountains, flags, or other objects for which it may not be possible to reliably and consistently illuminate with full cutoff lighting, upward lighting may be used only in the form of spotlights which confine the illumination to the object of interest.
- (3) The use of laser lighting or lights that pulse, flash, rotate or simulate motion for advertising or promotions is prohibited.

6.3.4. Specific Lighting Standards

A. Parking Areas

Parking area lighting shall be coordinated with the required parking area landscape plans to avoid conflict in layout. The following lighting requirements shall apply to a parking area:

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- (1) The lamp source shall be metal halide, LED, or compact fluorescent, or a light source that produces a Color Rendering Index (CRI) of 65 or higher. Wattage shall not exceed 400 watts per bulb.
- (2) Illumination levels outside the radius of any light pole shall range between a minimum of 0.6 footcandles and a maximum of 3.6 footcandles. The radius of a light pole equals the height of the pole, not to exceed 30 feet, but no less than 20 feet. The 30 foot or lesser radius shall be shown on the photometric plan.
- (3) The spacing between poles shall be no closer than 2 1/2 times the pole height. However, overflow lighting in a transition zone around a canopied area shall be permissible in the parking area surrounding the canopied area. (See [Section 6.3.4.C Canopied Areas](#) regarding canopied areas.)
- (4) The township encourages the use of decorative acorn-type fixtures. Such lighting fixtures shall not exceed 18 feet in height and 250 watts per bulb, and shall have a textured clear lens/globe, frosted/phosphor coated bulbs, and an internal louvered optical system, with appropriate cut-off shields. Refractor type glass globes that meet the cutoff standard and are equipped with frosted/phosphor coated bulbs are acceptable. An example of this type of fixture is the Greenlee Lexington Series fixture by LSI Industries, as illustrated in [Figure 6-9](#).



Figure 6-9 : Example of acorn-type fixture encouraged by Hamilton Township. (Source: LSI Industries, Greenlee Enterprise, Intrepid & Lexington Series)

B. Pedestrian Walkway or Bike Path

The following lighting requirements shall apply to a pedestrian walkway or bike path:

- (1) The light fixture/luminaire shall be decorative in appearance, style and finish.
- (2) The lamp source shall be metal halide, or compact fluorescent, or a light source that produces a CRI of 65 or higher. Wattage shall not exceed 100 watts per bulb.

- (3) Illumination levels shall range between a minimum of 0.2 footcandles and a maximum of 2.5 footcandles.

C. Canopied Areas

The following lighting requirements shall apply to a canopied area, including but not limited to drive-through facilities, service stations, convenience centers, and car-washes, lighting under the canopy, awning, or porte-cochere:

- (1) Light fixtures shall be either recessed or cutoff fixtures.
- (2) The lamp source shall be either metal halide, with wattage not to exceed 250 watts per bulb, or compact fluorescent, or a light source that produces a CRI of 65 or higher.
- (3) The maximum average maintained illumination level shall be 20 footcandles, with a maximum to minimum ratio of 2:1.

D. Dealerships

The following lighting requirements shall apply to dealerships for new and used products, including, but not limited to, automobiles, truck, trailer, farm implement, recreational vehicles, motorcycles, boats, and other equipment displayed outside:

- (1) The maximum illumination level shall be 24 footcandles for any row or tier of display that is adjacent to an external road or street (public or private), and a maximum level of 10 footcandles for all other rows or tiers of display. However, overflow lighting in a transition zone around a row or tier of display that is adjacent to an external road or street shall be permissible between such row or tier and the adjoining row or tier.
- (2) Entrances and exits to and from the dealership shall not exceed 10 footcandles.
- (3) All other areas (parking and storage) shall comply with the applicable requirements of this section.

E. Fire Lanes and Driveways

Lighting at fire lanes or driveways may exceed allowable standards of intensity for safety purposes upon demonstration that compliance with these lighting criteria would otherwise create a safety hazard. However, light levels shall not exceed 5.0 footcandles at any point.

F. Automatic Teller Machines (ATMs)

Lighting intensities at ATM machines shall be governed by any applicable state regulations. However, lighting at freestanding ATMs shall not exceed 20 footcandles within a five foot radius from the ATM or 5.0 footcandles within a 30 foot radius.

G. Building Ornamentation and Accentuation

Utilization of neon lighting to accentuate key architectural elements of a building or development is permitted.

- (1) In no case shall such lighting flash or blink intermittently.
- (2) Any such lighting source located on the side of a building that faces an adjoining residential use or zoning district shall be effectively screened from view of the residential use or zoning district.

H. Searchlights for Purpose of Special Events or Attractions

One or more lights of such type and for such purpose shall be permitted for a period not to exceed three days within a calendar year, provided the location and operation does not interfere with traffic movement, endanger public safety and is not operated past midnight on each day so allowed.

6.3.5. Measurement

- A.** Light levels shall be measured in footcandles with a direct reading, portable light meter. Readings shall be taken only after the cell has been exposed long enough to take a constant reading.
- B.** Measurements shall be taken at the property line, along a horizontal plane at a height of 3.5 feet above the ground.

6.3.6. Technical Deviations

- A.** Any zoning certificate application which includes technical deviations from these lighting standards shall demonstrate the unique aesthetic and/or engineering design that meets or is within the spirit of these regulations. Such presentation shall include appropriate calculations and drawings or illustrations as necessary to explain the request or as may be required by the township.
- B.** The zoning inspector shall make a determination whether to accept such proposed technical deviation after consulting with a mutually acceptable licensed professional engineer. The cost of making such determination shall be borne by the party requesting the technical deviation.
- C.** Any decision by the zoning inspector in regards to this section, including proposed technical deviations, may be appealed to the BZA.

6.3.7. Certificate of Compliance Required

The zoning inspector shall not issue approval of a zoning compliance inspection until a licensed professional engineer delivers a certificate of compliance stating that the outdoor lighting at the building and site complies with this section. However, where a development is of such a small scale that in the determination of the zoning inspector the lighting layout is considered an incidental engineering service, a certificate of compliance may be issued by the licensed professional rendering the incidental service.

6.4. ARCHITECTURAL DESIGN GUIDELINES AND STANDARDS

6.4.1. Purpose

The purpose of the architectural design guidelines and standards is to ensure new construction and additions to existing buildings are well designed, detailed, and crafted to embody high standards of architectural design, and to ensure the long-term viability of nonresidential and mixed use structures in the township. The architectural design of nonresidential development determines much of the character and attractiveness along the major thoroughfares in the township. These standards require a basic level of architectural variety, compatible scale and mass to surrounding development, and mitigation of negative impacts.

6.4.2. Architectural Review Authority

For the purposes of this section, the zoning inspector shall be authorized to review and make decisions on architectural standards as provided for in ORC Section 519.171.

6.4.3. Applicability

The development standards of this section shall apply to new property development and any collective substantial expansion of existing structures in the B-1, B-2, M-1 and M-2 Districts within the urban service area, including PUDs in these districts, except industrial and warehouse uses as classified in [Table 4-2: Permitted Use Table](#). The standards in this section do not apply to individual single family, two family and multi-family dwellings. Substantial expansion of existing structures shall be defined based on the criteria established below in

Table 6-4: Substantial Expansion:

TABLE 6-4: SUBSTANTIAL EXPANSION

WHEN EXISTING STRUCTURE IS...	A SUBSTANTIAL EXPANSION IS...
0 - 1,000 Square Feet	50% or Greater
1,001 – 10,000 Square Feet	40% or Greater
10,001 – 25,000 Square Feet	30% or Greater
25,001 – 50,000 Square Feet	20% or Greater
50,001 Square Feet or larger	10% or Greater

6.4.4. Architectural Guidelines

The following design guidelines generally address site design issues.

A. Unified Theme

- (1) The architectural design of buildings within a development, including freestanding outparcel structures, should be organized around a consistent architectural theme in terms of the architectural style, materials, texture, color, and scale of buildings.
- (2) Themed restaurants, retail chains, and other franchise-style structures should adjust some aspects of their standard architectural model to be consistent with the development’s architectural theme as identified in this section. See [Figure 6-10](#).

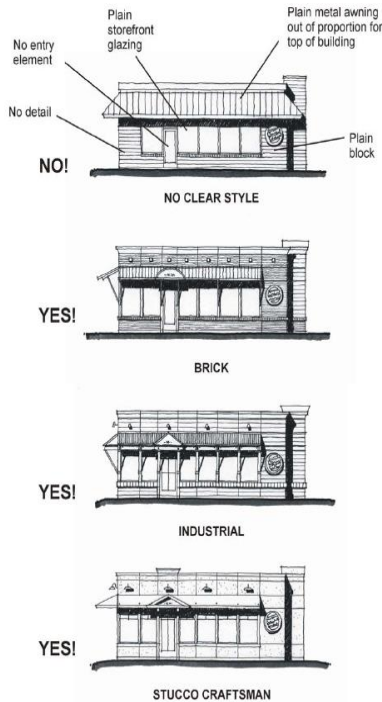


Figure 6-10: This image shows how franchise architecture can be modified.

B. Building Relationship

Buildings within a multi-building development should be arranged and grouped so that their primary orientation complements one another and adjacent, existing development. See [Figure 6-11](#). Buildings should:

- (1) Frame the corner of an adjacent street intersection or entry point to the development;
- (2) Frame a "main street" pedestrian and/or vehicle access corridor within the development site;
- (3) Frame at least three sides of parking areas, public spaces, or other site amenities; or
- (4) Frame outdoor dining or gathering spaces for pedestrians between buildings.

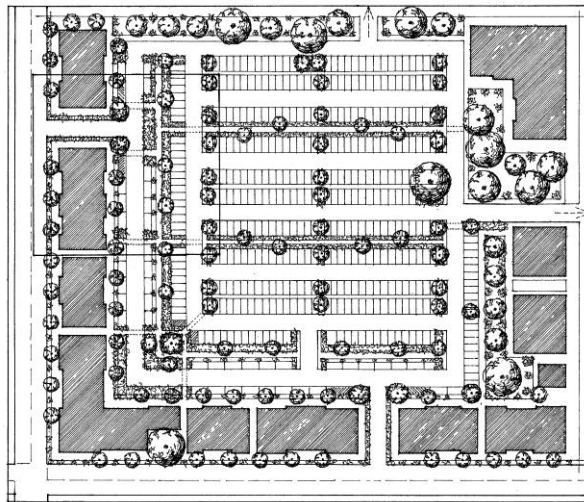


Figure 6-11: This diagram demonstrates how multi-building retail/commercial developments can be organized to address the building relationship guidelines.

C. Outparcel Orientation

Outparcels and outparcel buildings should be organized to reinforce, rather than obscure, the identity and function of the other buildings within the same development.

- (1)** Outparcels and their buildings should be clustered in order to define street edges, entry points, and spaces for gathering or seating between buildings.
- (2)** The even dispersal of outparcel sites in a widely-spaced pattern along off-site streets is strongly discouraged.
- (3)** Spaces between buildings on outparcels should be improved to provide small-scale pedestrian amenities such as plazas, seating areas, pedestrian connections, gathering spaces, or well-landscaped parking areas.

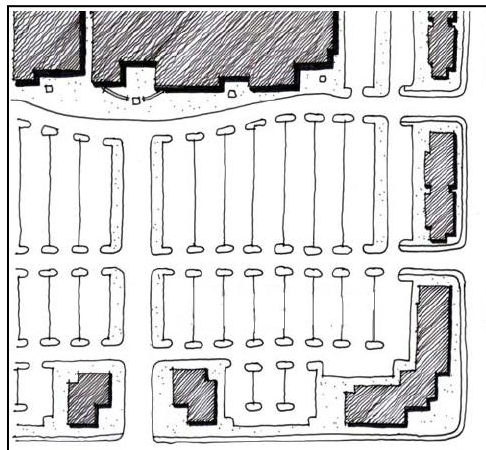


Figure 6-12: This image demonstrates how outparcels and outparcel structures (located along the side and bottom of the image) can be configured in relation to the guidelines.

D. Building Transparency

Building transparency provided by storefront windows, entrances, and other openings is a key element to establish a pedestrian-oriented context, and should be provided by retail and commercial development in the following amounts:

- (1) Strip shopping centers or other multi-tenant commercial buildings should dedicate a minimum of 40 percent of the length of the front façade, of each tenant space, to windows or transparent entrances.
- (2) Buildings or tenant spaces that occupy 40,000 square feet or more of gross floor area should dedicate a minimum of 25 percent of the length of the front façade to windows or transparent entrances.
- (3) Outparcel structures should dedicate a minimum of 35 percent of the length of the front façade to windows or transparent entrances.
- (4) Offices and other noncommercial structures should dedicate a minimum of 25 percent of the length of the front façade to windows or transparent entrances.
- (5) The township may approve the use of opaque, spandrel or fake windows when it is determined that transparent windows are not appropriate, suitable or compatible with the proposed building or floor plan configuration.

6.4.5. Architectural Standards

The following design standards shall apply to new property development and any collective substantial expansion of existing structures as described in [Section 6.4.3 Applicability](#).

A. Building Orientation

- (1) Single-building developments shall be oriented so that the primary façade treatment faces the street from which the building derives its street address.
 - (a) For lots that face two non-intersecting streets, the primary façade shall face the street with the higher vehicle capacity.
 - (b) For corner lots, the building orientation may face the street intersection.
- (2) Larger multi-building developments should be configured in a manner that breaks the site into a series of smaller “blocks” defined by on-site streets, vehicle access ways, pedestrian walkways, or other circulation routes.

B. Building Design and Mass

- (1) All architectural elevations of principal buildings shall consist of a base, a body, and a cap (See [Figure 6-13](#)).



Figure 6-13: Image of a building with a clear base, body, and cap.

- (a) The base shall occupy the lowest portion of the elevation, and shall have a height no less than eight percent of the average wall height.
 - (b) The body shall occupy the middle portion of the elevation, and shall have a height no less than 60 percent of the average wall height.
 - (c) The cap shall occupy the highest portion of the elevation, excluding the roof, and shall have a height no less than eight percent of the average wall height, not to exceed the height of the base.
 - (d) The cap shall consist of at least one of the following architectural features:
 - (i) A cornice;
 - (ii) A parapet;
 - (iii) An awning;
 - (iv) A canopy; or
 - (v) Eaves.
 - (e) The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.
- (2) Architectural elevations for all new or modified buildings shall include design, massing, materials, shape, and scale that creates a unified design on the premises that is visually compatible with the surrounding buildings.

C. Façade Massing

(1) Offset Required

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See [Figure 6-14](#).

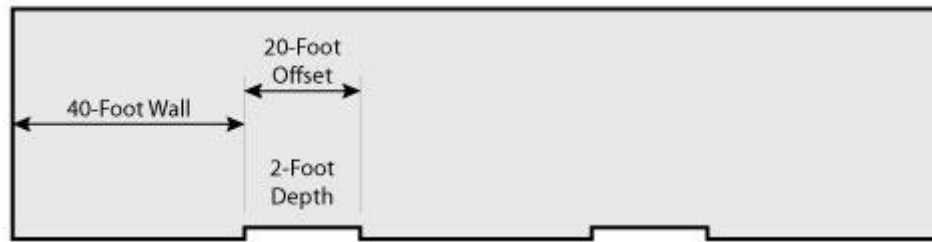


Figure 6-14: Facade offsets.

(2) Offset Alternatives

The following alternatives can be used in place of the required front façade offsets:

- (a) Façade color changes following the same dimensional standards as the offset requirements;
- (b) Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the façade's height; and/or
- (c) Roof line changes when coupled with correspondingly aligned façade material changes.

(3) Roof Line Changes

- (a) Roof line changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
- (b) When roof line changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes. See [Figure 6-15](#).



Figure 6-15: Roof line changes.

D. Building Facades

- (1) Blank building walls facing public streets are prohibited.
- (2) These requirements shall not apply to those walls that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed use site, or hidden due to topography or preserved natural features.

E. Multi-Sided Architecture

- (1) Although the front façade of a building is expected to be the focal point in terms of the level of architectural character and features, all sides of buildings that are visible from a public street or adjacent building, not subject to applicable buffering requirements of [CHAPTER 8 Landscaping Regulations](#), shall incorporate architectural detailing that is consistent with the front facade.
- (2) All outparcel structure facades should include a similar level of architectural detail and treatment consistent with the front façade.



Figure 6-16: This figure shows two methods of using architectural features to create wall surface relief on wall elevations that are not the primary elevation.

F. Roofs

(1) Flat Roofs

All roof types are permitted except that where any non-architectural roofing materials (e.g., tar and paper) are utilized, such roofing shall be concealed with parapet walls that have 3-dimensional cornice treatments or similar screening methods. See [Figure 6-17](#).



Figure 6-17: Flat roofs.

(2) Asymmetric or Dynamic Roofs

Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings provided the criteria for flat roofs in [Subsection 6.4.5.F\(1\)](#) above. See [Figure 6-18](#) for an example of a building with a dynamic roof form.

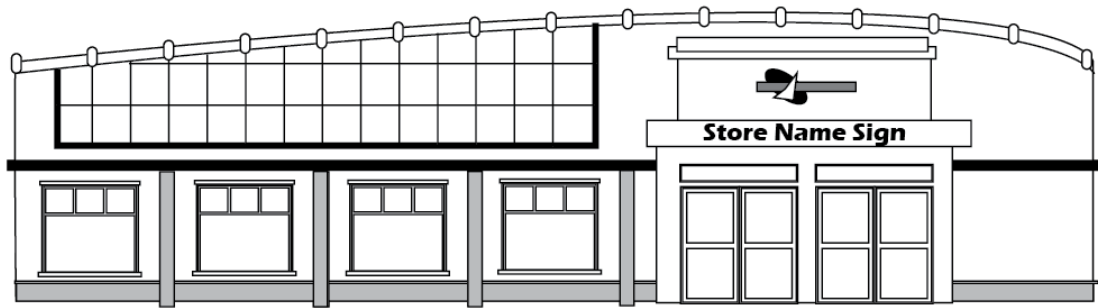


Figure 6-18: Example of a dynamic roof line.

(3) Roof Mounted Equipment

Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), from view from adjacent properties and public rights-of-way. This standard does not prevent the installation of solar panels which are regulated by [Section 4.9.5.R Solar Panels](#).

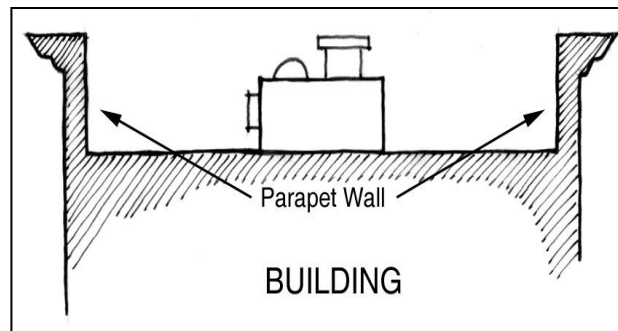


Figure 6-19: Parapet walls to screen roof mounted equipment.

6.4.6. Customer Entrances

Buildings with a total gross floor area of 15,000 square feet or more shall have a clearly defined customer entrance as defined in this subsection.

A. Required Entrances

Each side of a building facing a public street shall include at least one customer entrance, except that no building shall be required to provide entrances on more than two sides of the structure that face public streets.

B. Entrance Design

Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features (See [Figure 6-20](#)):

- (1) Canopies/porticos above the entrance;
- (2) Roof overhangs above the entrance;
- (3) Entry recesses/projections;

- (4) Arcades that are physically integrated with the entrance;
- (5) Raised corniced parapets above the entrance;
- (6) Gabled roof forms or arches above the entrance;
- (7) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
- (8) Display windows that are directly adjacent to the entrance;
- (9) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or
- (10) Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.



Figure 6-20: Customer Entrances.

6.4.7. Enforcement of Standards

The zoning inspector shall be responsible for reviewing and enforcing the provisions of this section during the review of a zoning certificate application.

6.4.8. Approval of Alternate Standards

- A.** An applicant may submit a variance application to propose an alternative to the above architectural guidelines or standards. In doing so, the following standards must be met:
 - (1) Proposals shall, at a minimum, include site plans, building elevations, and perspective drawings or photo overlays. These shall illustrate the improvement in relation to the neighboring facilities including, but not limited to: building shapes and sizes, colors, shade and shadow, signage, entrance treatment, edge treatments and appurtenances. Construction material type and quality shall be noted. Treatment of mechanical equipment and service operations shall also be illustrated.
 - (2) Visual appeal shall be considered from all pedestrian and vehicular accessible viewpoints surrounding the site.
 - (3) Additional presentation tools such as material samples, models or electronic visualizations are encouraged.
- B.** In making its determination, the BZA must find that:

- (1) The proposed alternative achieves the intent of the subject guideline or design standard to the same or better degree than the subject standard;
 - (2) The proposed alternative achieves the goals and purpose of this code to the same or better degree than the subject standard; and
 - (3) The proposed alternative results in benefits to the community that is equivalent to or better than compliance with the subject design standard.
- C.** The township may consult with a design professional to assist with the review and evaluation of the standards in this section. Such design professional may make recommendations to the township on appropriate alternate standards based on specific applications.

6.5. OUTDOOR SALES, DISPLAY AND STORAGE

6.5.1. Purpose

The purpose of this section is to ensure the proper use of land for outdoor displays, sales, and storage so as to minimize impacts on surrounding property owners and uses.

6.5.2. Applicability

The provisions of this section shall apply to all uses except agriculture, single family, two family, and multi-family dwellings, and roadside stands as permitted in [Section 4.9.5 Use-Specific Standards](#).

6.5.3. Exemptions

The following uses, where the outdoor display, storage or sales are the principal use of the lots, shall be exempt from the regulations of this section:

- A.** Automotive sales and rental;
- B.** Building material sales;
- C.** Commercial greenhouses;
- D.** Garden or landscape supply store;
- E.** Truck, trailer, or farm implement sales and services; and
- F.** Similar uses as determined by the zoning inspector.

6.5.4. Outdoor Sales and Displays

Temporary and permanent facilities for outdoor sales and displays (e.g., garden supply sales, news and flower stands, and similar uses) may be permitted upon compliance with the following standards:

- A.** Outdoor sale and display areas are prohibited on vacant lots with the exception of temporary seasonal agricultural sales (See [Section 4.10.3.E Seasonal Agricultural Sales](#)).
- B.** Outdoor sale and display areas may be permitted provided that the merchandise is displayed along the sidewalk, the walkway adjacent to the building, or in the side yard, and as permitted in [Section 6.5.4.E](#) below.

- C.** The placement of the merchandise shall not interfere with customer movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
- D.** The outdoor display and sale of bulk or large products that exceed 20 pounds, including, but not limited to, mulch (bag or bulk), concrete, salt, or other similar products that cannot be easily carried into the store for purchase, shall be required to meet the requirements of [Section 6.5.5](#).
- E.** Temporary outdoor sales and display areas may be authorized in a parking lot under the following provisions:
 - (1)** The maximum time the temporary outdoor sales and display areas shall be authorized is for 90 days per year; and
 - (2)** In no case shall the outdoor sales or display area reduce the amount of off-street parking spaces to a number below the minimum number of required spaces.

6.5.5. Outdoor Storage

Outdoor storage areas may be permitted where such storage areas comply with the following standards:

- A.** Outdoor storage of goods shall be prohibited on vacant lots.
- B.** Outdoor storage shall comply with all applicable state and federal regulations.
- C.** Outdoor storage areas are located in the side or rear yard. In no cases shall the outdoor storage of goods be permitted between a principal building and a street.
- D.** Storage of any goods or materials shall not exceed six feet in height unless the storage is fully screened by a six-foot high fence or wall that is architecturally compatible with the principal structure in material type and color.

6.6. FLOOD PLAIN REGULATIONS

6.6.1. Purpose

The flood hazard areas of Hamilton Township are subject to periodic inundation which results in the loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and welfare. These flood losses are the result of the cumulative effect of obstructions in flood hazard areas which cause increases in flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to flood loss. The purpose of the flood plain regulations is the promotion of the public health, safety and general welfare and the minimization of the public and private losses due to flood conditions in specific areas. This is accomplished by:

- A.** Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities, and developments, will cause unacceptable increases in flood heights, velocities, and frequencies.
- B.** Restricting or prohibiting certain uses, activities and developments from locating within areas subject to flooding.

- C.** Requiring all those uses, activities and developments that do occur in flood prone areas to be protected and/or flood-proofed against flooding and flood damage.
- D.** Protecting individuals from buying lands and structures which are unsuited from intended purposes because of flood hazards.

6.6.2. Applicability

The regulations set forth in this section are the zoning regulations for the flood plain areas and shall apply to all lands within the jurisdiction of the Hamilton Township Zoning Code.

6.6.3. Warning and Disclaimer of Liability

The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside the flood plain areas, or that land uses permitted within such areas, will be free from flooding or flood damages. This section shall not create liability on the part of Hamilton Township or any officer or employee thereof for any flood damages that result from reliance on this code or any administrative decision lawfully made thereupon.

6.6.4. Basis of Flood Plain Areas

- A.** The flood plain shall include all areas subject to inundation by waters of the 100 year flood. The flood plain is comprised of two parts, the floodway and the floodway fringe. The basis for the delineation shall be the engineering report entitled Flood Insurance Study, County of Warren, Ohio, Unincorporated Areas dated October 15, 1980 and effective April 15, 1981 prepared by the Federal Emergency Management Agency, Federal Insurance Administration, the most recent version of this study. This study, with the accompanying maps and any revisions thereto, is hereby adopted by reference and declared to be part of the zoning code. The Flood Insurance Study is to be on file in the Hamilton Township Planning and Zoning Department.
- B.** For that area denoted on the Flood Insurance Study maps as "Approximate One Hundred (100) Year Flood Boundary" areas for which no detailed flood profiles or elevations are provided other sources of data may be used such as:
 - (1)** U.S. Army Corps of Engineers - Flood Plain Information Reports.
 - (2)** U.S. Geological Survey - Flood Prone Quadrangles.
 - (3)** U.S. Department of Agriculture, Soil Conservation Service - Soil Survey of Warren County, Ohio and Flood Hazard Analysis Studies.
 - (4)** Ohio Department of Natural Resources - Flood Hazard Reports and Flood Profile Charts.
 - (5)** Known high water marks from past floods.
 - (6)** Other Sources.
- C.** Where the 100 year flood elevation cannot be determined for this area using other sources of data, the applicant for the proposed use, development, and/or activity shall, if requested to do so by the zoning inspector, determine the 100 year flood elevation in accordance with hydrologic and hydraulic analysis engineering techniques. Hydrologic and hydraulic analyses shall be

undertaken only by registered professional engineers who shall demonstrate that the technical methods used correctly reflect current accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by the township.

6.6.5. Flood Hazard Area Provisions

- A.** All uses, activities and development occurring within any flood plain shall be undertaken only in strict compliance with the provisions of this code, and with all other applicable codes and regulations of Hamilton Township and Warren County, Ohio.
- B.** Prior to any proposed alteration or relocation of a watercourse, notification of the proposal shall be given to all affected adjacent communities. Copies of such notifications shall be forwarded to both the Federal Emergency Management Agency; the Flood Insurance Coordinator, Ohio Department of Natural Resources; the Warren County Soil and Water Conservation District; and the U.S. Army Corps of Engineers, Louisville District.

6.6.6. Permitted Uses

A. Uses in the Floodway

- (1)** No use, activity or any other development shall be permitted in the floodway except the following uses provided the property is zoned properly for the intended use and the use is not prohibited by any other regulations of this section:
 - (a)** Agricultural uses with the exception of any building or structure.
 - (b)** Public or private recreational areas and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, trap and skeet ranges, and hunting and fishing areas with the exception of any building or structure.
 - (c)** Utilities and public facility improvements such as railroads, streets, bridges, transmission lines, pipe lines and other similar or related uses with the exception of any buildings.

B. Uses in the Floodway Fringe

- (1)** No development, use or activity, including but not limited to fill, grading and/or substantial improvements to structures, shall be permitted in the floodway fringe unless the applicant for the proposed development, use or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the 100 year flood more than one foot at any point. The engineering principal “equal reduction of conveyance” shall be used to make the determination of increases in flood heights.
- (2)** The following uses and activities having a low flood damage potential and not obstructing flood flows are permitted in the floodway fringe provided the property is zoned properly for the intended use and the use is not prohibited by any other regulations or paragraph or section of this chapter; and further that no building or structure shall be erected, constructed, reconstructed, altered, or moved into the premises unless it is elevated to a level which is one and one-half feet above the 100 year flood level; or approved as a PUD subject to the procedures in [CHAPTER 5 Planned Unit Development Regulations](#):

- (a) Agricultural uses.
- (b) Public or private recreational areas and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, and hunting and fishing areas.
- (c) Summer camps, cabins and trailer camps which provide central management and control to assure seasonal or temporary occupancy only.
- (d) Yards for residential uses and accessory residential uses such as gardens, play areas, and pervious parking areas.
- (e) Yards for industrial and commercial uses and accessory industrial and commercial uses such pervious parking and loading areas.
- (f) Utilities and public facilities improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewer treatment plants and other similar or related uses.
- (g) Extraction of sand, gravel, and other materials.
- (h) Temporary uses such as circuses, carnivals, and similar activities.
- (i) Storage of materials and equipment provided that they are not subject to major damage by flooding, and provided that such material and equipment is firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after a flood warning.
- (j) Other similar uses and activities provided they do not cause more than the maximum allowable increase in flood heights and/or velocities. All uses, activities and structural developments shall be undertaken in strict compliance with the flood protection provisions contained in all other applicable codes and regulations.

6.7. CLEAR VISIBILITY TRIANGLE

Development proposed adjacent to any driveway, public or private street, or alley intersection, in every district shall be designed to provide a clear visibility area for pedestrian and vehicular traffic safety.

- 6.7.1.** There shall be a triangular area of clear vision free of any obstructions where any driveways, alleys and/or streets intersect in order to provide a clear view to the motorist from the motorist's eye at 3.75 feet above the ground level.
- 6.7.2.** Nothing shall be erected, placed, planted or allowed to grow in such a manner as to impede vision between a height of three feet and 10 feet above the grade of the driveway, alley and/or street on any portion of a site that lies within the clear visibility triangle area.
- 6.7.3.** The size and configuration of this clear visibility area shall be a function of street width as shown in [Table 6-5](#).

TABLE 6-5: LENGTH OF TRIANGLE BASED ON CROSS STREET

NUMBER OF CROSS STREET LANES	LENGTH OF TRIANGLE LEG
2 or 3 Lanes	100 Feet
4 or 5 Lanes	120 Feet
6 or More Lanes	130 Feet

- 6.7.4.** The clear visibility triangle area shall be formed by a point at the location of the driver's eye 3.75 feet above the ground level, 15 feet behind the curb or edge of roadway, the approaching vehicle, and the potential point of impact. See [Figure 6-21: Clear Visibility Triangle](#).
- 6.7.5.** When the cross street has more than two lanes, clear visibility triangles shall be formed using the vehicle in the lane nearest the centerline approaching from the right and the vehicle nearest the curb approaching from the left.

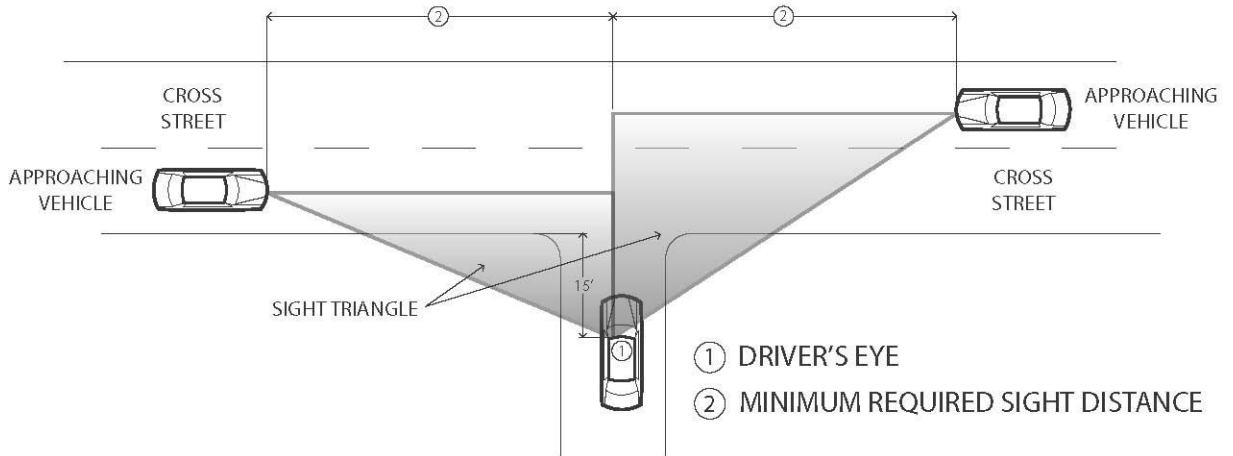


Figure 6-21: Clear Visibility Triangle

CHAPTER 7. PARKING, LOADING AND CIRCULATION

7.1. PURPOSE

The purpose of this chapter is to:

- 7.1.1.** Relieve congestion on the streets by requiring that parking, loading, and associated circulation be provided on property and off streets in relation to the parking demand generated by the property user;
- 7.1.2.** Promote safety and convenience for people by requiring that vehicular use areas and driveways be located and constructed according to good standards for visibility and accessibility;
- 7.1.3.** Encourage the incorporation of alternative modes of transportation by emphasizing pedestrian circulation and encouraging provision of bicycle parking; and
- 7.1.4.** Protect the visual amenities and values of residential areas by the visual screening of large parking areas and by limiting the parking and storage of vehicles, boats, trailers and trucks in residential areas.

7.2. APPLICABILITY

All vehicular use areas (e.g., parking spaces, loading spaces, stacking spaces, driveways, etc.) shall be provided in conformance with the provisions of this chapter prior to occupying or using any building, structure, land, or portion thereof.

7.2.1. New, Expanded and Existing Uses

The requirements of this chapter shall apply to the following:

- A.** A zoning certificate application for the construction of a new building.
- B.** When a building or use constructed or established after the effective date of this code is changed in use or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of 10 percent or more in the number of existing parking spaces required by this code, such spaces shall be provided on the basis of the enlargement or change.
- C.** When a building or use existing prior to the effective date of the code is enlarged in floor area or changed in use to create a need for 50 percent or more parking spaces required by this chapter than required for such a building or use as it existed prior to the enlargement or change, said building or use shall then and thereafter comply with the parking regulations of this chapter.
- D.** Where an expansion of a vehicular use area is proposed.
- E.** Any vehicular use areas now serving such existing buildings or uses shall not be reduced below the requirements established in this chapter in the future.

7.2.2. Plan Review

For any off-street parking, loading, or vehicular use area required under this chapter with five or more parking spaces, a plan shall be submitted with the application for a zoning certificate or zoning compliance inspection. The required contents of the plan shall be as established by the zoning inspector.

7.3. GENERAL STANDARDS APPLICABLE TO ALL VEHICULAR USE AREAS

7.3.1. Maintenance

- A.** All vehicular use areas shall be maintained and kept free from debris, litter, junk, or rubbish.
- B.** All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition.
- C.** The duty to provide and maintain all parking, loading, or other vehicular use areas shall be the responsibility of the property owner where the vehicular use areas are required. The owner shall maintain all paved surfaces and repair any disintegration of the surface by patching or resealing when such disintegration takes place.

7.3.2. Storage

All vehicular use areas for nonresidential uses shall not be used for the continuous storage of a vehicle for more than 48 hours visible from a public right-of-way, except where expressly permitted in this code as accessory to the principal use of the lot.

7.3.3. Landscaping and Screening

Landscaping for vehicular use areas shall be as established in [CHAPTER 8 Landscaping Regulations](#).

7.3.4. Fire Code

All parking and loading plans shall conform to all requirements set forth in the fire code as adopted by Hamilton Township Fire Rescue, or as approved by Hamilton Township Fire Rescue.

7.3.5. Drainage

All vehicular use areas shall provide for the proper drainage of surface water in accordance with all applicable federal, state, and county runoff control and sediment abatement regulations, to prevent the drainage of such water onto adjacent properties and onto sidewalks.

7.3.6. Other Uses within Required Vehicular Use Areas

No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any vehicular use area. Outdoor display, sales, or storage of any merchandise within any required vehicular use area shall not be permitted unless otherwise specifically permitted as regulated in [Section 6.5 Outdoor Sales, Display and Storage](#).

7.3.7. Surfacing

- A.** All vehicular use areas shall be graded and paved with an asphalt or concrete surface unless otherwise provided in this chapter. The use of granular parking surfaces are permitted for new development in M-1 and M-2 Districts for vehicular use areas that are not required for compliance with the minimum parking, loading or circulation requirements of this chapter, subject to proper drainage of surface water.
- B.** Residential subdivision parcels on roadways greater than 35 MPH, shall be required to have a minimum 25 foot deep apron that shall be surfaced with an asphaltic, Portland cement binder, or other like pavement. See [Figure 7-1](#).

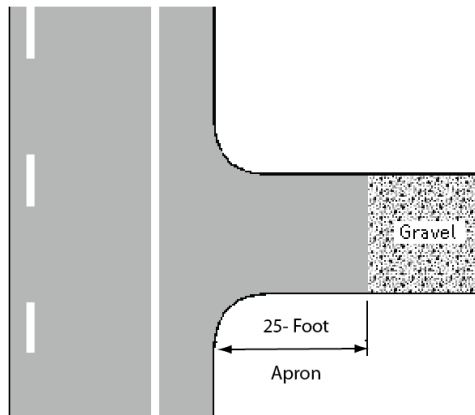


Figure 7-1: A 25-foot driveway apron.

- C.** Pavers or porous pavement systems that allow for stormwater drainage to pass through or grass to grow through them may be permitted for use in up to 50 percent of the parking areas and aisles in nonresidential districts, and up to 100 percent in residential districts.

7.3.8. Lighting

All lighting within a vehicular use area shall be subject to the standards in [Section 6.3 Outdoor Lighting](#).

7.3.9. Striping

The individual parking spaces and loading spaces shall be striped according to the approved layout of the vehicular use area.

7.4. OFF-STREET PARKING REGULATIONS

7.4.1. Units of Measure

The following rules shall apply when computing parking spaces:

- A. On-Street Parking**

On-street parking spaces shall not be counted toward off-street parking space requirements.

- B. Multiple Uses**

Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.

C. Area Measurements

- (1) Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building, measuring from the exterior surface of exterior walls or from the centerline of walls separating buildings, including all such space except porches, garages or parking area, areas occupied by mechanical equipment, toilet or rest rooms and any basement or cellar space used for storage or incidental purposes.
- (2) When calculating the required parking and fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

D. Occupancy- or Capacity-Based Standards

- (1) For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on a single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable, and whichever results in a greater number of parking spaces.
- (2) In hospitals, bassinets shall not be counted as beds.
- (3) In the case of benches, pews and similar seating accommodations, each 24 inches thereof shall be counted as one seat for the purpose of determining the parking requirements.

E. Stacking Spaces

Vehicle stacking spaces that are required for drive-through facilities shall not count toward the off-street parking requirements of this section, and shall be in accordance with [Section 4.9.5.F Drive-Through Facility](#).

F. Unlisted Uses

- (1) Upon receiving an application for a use not specifically listed in the parking schedule below, the zoning inspector shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size and intensity of use.
- (2) If the zoning inspector determines that there is no listed use similar to the proposed use, intensity, or size, they may refer to the estimates of parking demand based on recommendations from parking studies prepared by the Institute of Traffic Engineers (ITE), Urban Land Institute (ULI), and/or the American Planning Association (APA).

7.4.2. Required Number of Parking Spaces

A.

B. [Table 7-1: Minimum Off-Street Parking Standards](#) defines the number of parking spaces required for each use within Hamilton Township.

C. Reduction in the Number of Required Parking Spaces

- (1) Any use that requires site plan review as specified in [Section 3.6 Site Plan Review](#), the applicant may request up to a 15 percent reduction in the number of parking spaces required in
- (2) [Table 7-1: Minimum Off-Street Parking Standards](#) without requiring a variance. Such request shall be considered during the site plan review process and shall require approval by the review board.

- (3) Applicants may propose fewer parking spaces than provided in this section through the use of shared parking or off-site parking as established in [Section 7.5 Alternative Parking Options](#).

D. Maximum Number of Parking Spaces

- (1) For any use listed under the business uses classification in
- (2) [Table 7-1: Minimum Off-Street Parking Standards](#), the number of off-street parking spaces shall not exceed 125 percent of the minimum number of parking spaces required, unless an alternative parking plan is approved in accordance with the provisions of [7.4.2.D\(3\)](#) below.

(3) Alternative Parking Plan

An alternative parking plan may propose to exceed the maximum number of off-street parking spaces allowed by

[Table 7-1](#). The alternative parking plan shall be submitted with an application for site plan approval ([Section 3.6 Site Plan Review](#)) or zoning certificate ([Section 3.5 Zoning Certificate](#)), as appropriate. Applicants may propose more than 125 percent of spaces allowed in

[Table 7-1: Minimum Off-Street Parking Standards](#) by complying with the following standards:

(a) Parking Demand Study

An alternative parking plan proposing to exceed the maximum number of off-street parking spaces allowed shall include a parking demand study demonstrating how the maximum number of parking spaces specified by

[Table 7-1](#), is insufficient for the proposed development.

(b) Maximum Amount Required

The maximum number of off-street spaces allowed shall be limited to the minimum number of additional spaces recommended as needed by the required parking demand study.

(c) Additional Landscaping

If an alternative parking plan is approved to exceed the maximum number of off-street parking spaces, additional landscaping shall be provided in the interior of the parking area as specified in [Section 8.5.4.B\(8\) Additional Landscaping for Parking Over Maximum Allowed](#).

TABLE 7-1: MINIMUM OFF-STREET PARKING STANDARDS

USE	REQUIRED NUMBER OF PARKING SPACES
AGRICULTURAL USES	
Agricultural Use	No parking spaces required
RESIDENTIAL USES	
Adult Family Home or Small Residential Facility	1.5 spaces per bedroom not counting garages
Adult Group Home or Large Residential Facility	1.5 spaces per bedroom not counting garages
Cluster Development, Single Family Dwelling	2.0 spaces per dwelling unit
Conservation Development, Single Family Dwelling	2.0 spaces per dwelling unit
Dwelling, Attached Single Family	2.0 spaces per dwelling unit
Dwelling, Multi-Family	2.0 spaces per dwelling unit
Dwelling, Single Family	2.0 spaces per dwelling unit
Dwelling, Two Family	2.0 spaces per dwelling unit

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USE	REQUIRED NUMBER OF PARKING SPACES
Institutional Housing	1.0 space per 3 bedrooms
Non-Permanently Sited Manufactured Home Park	2.0 spaces per dwelling unit
Permanently Sited Manufactured Home	2.0 spaces per dwelling unit
BUSINESS USES	
Animal Hospital or Veterinarian Clinic	1.0 space per 250 square feet
Automotive Fuel Sales	1.0 space per point of sale fuel pump filling area
Automotive Repair	1.0 space per 300 square feet for facilities under 5,000 square feet or 1.0 space per 500 square feet for facilities of 5,000 square feet or larger.
Automotive Sale or Rental	1.0 space per 400 square feet of indoor display area and 1.0 space per 3,000 square feet of outdoor display area; this does not include spaces for display of vehicles for sale, lease or rent.
Automotive Service	1.0 space per 300 square feet for facilities under 5,000 square feet or 1.0 space per 500 square feet for facilities of 5,000 square feet or larger.
Automotive Washing Facility	2.0 spaces plus stacking spaces as required per 4.9.5.F.
Bakery	1.0 space per 250 square feet
Bar or Tavern	1.0 space per 100 square feet
Bed and Breakfast	1.0 space per guest room plus requirement for dwelling unit
Billiard Parlor	1.0 space per 300 square feet
Call Center	1.0 space per 50 square feet of telephone work station area, plus 1.0 space per 400 square feet of office area
Club, Lodge or Other Social Meeting Place	1.0 space per 125 square feet
Commercial Greenhouse	1.0 space per 500 square feet of sales area
Conference Center, Assembly Hall, or Banquet Facility	1.0 space per 100 square feet
Day Care Center	1.0 space per 500 square feet
Dry Cleaner	1.0 space per 250 square feet
Equipment Rental	2.0 spaces plus 1.0 space per 300 square feet
Financial Institution	1.0 space per 200 square feet
Funeral Home	1.0 space per 50 square feet
Garden or Landscape Supply Store	1.0 space per 300 square feet plus 1.0 space per 1,500 square feet of outdoor sales or display area
Hotel and Motel	1.0 space per room or suite, plus 1.0 space per 200 square feet of commercial or public meeting space
Indoor Recreation or Entertainment Facility	1.0 space per 200 square feet or 1.0 space per 5 persons at maximum capacity, whichever is greater
Internet Café	1.0 space per 100 square feet
Kennel	1.0 space per 400 square feet
Laundry or Laundromat	1.0 space per 400 square feet
Lumber Yard	1.0 space per 400 square feet
Medical or Dental Center or Outpatient Clinic	1.0 space per 200 square feet
Office	1.0 space per 250 square feet
Outdoor Commercial Recreation or Entertainment Facility	1.0 space per 5,000 square feet of land area or 1.0 space per 3 persons at maximum capacity, whichever is greater
Paint Shop	1.0 space per 3 employees
Printing Shop	1.0 space per 3 employees
Race Track or Course	1.0 space per 5 seats
Restaurant	1.0 space per 100 square feet
Retail and Service Commercial Use	1.0 space per 250 square feet
Roadside Stand	1.0 space per 250 square feet; minimum of 2.0 spaces

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USE		REQUIRED NUMBER OF PARKING SPACES
Self-Storage Facility/Mini-Warehouse		3.0 spaces plus 1.0 space per 50 units
Sexually Oriented Business		1.0 space per 250 square feet
Sheet Metal Shop		1.0 space per 3 employees
Stable, Public		1.0 space per 2 stalls
Tattooing/Piercing Parlor		2.0 spaces per station or service chair
Travel Trailer Camp		1.0 space per camping unit site; such space may be part of each travel trailer parking area
Travel Trailer Overnight Port		1.0 space per camping unit site; such space may be part of each travel trailer parking area
Truck, Trailer or Farm Implement Sale and Service		1.0 space per 1,000 square feet of indoor display area and 1.0 space per 3,000 square feet of outdoor display area
Type-A Day Care Home (7-12 Children)		2.0 spaces in addition to that required for the dwelling unit
Type-B Day Care Home (1-6 Children)		No additional parking spaces required
Wholesale Business		2.0 spaces plus 1.0 space per 300 square feet over 1,000 square feet
INDUSTRIAL AND WAREHOUSE USES		
Concrete Mixing		See Section 7.4.2.E
Contractor Office and Storage Use		1.0 space per 200 square feet plus 1.0 space per 5,000 square feet of storage area
Crematory		See Section 7.4.2.E
Gravel or Sand Extraction		See Section 7.4.2.E
Heavy Manufacturing		1.0 space per 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used
Junkyard		See Section 7.4.2.E
Light Manufacturing Use		1.0 space per 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used
Office-Warehouse		1.0 space per 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used
Research and Development Facility or Laboratory		1.0 space per 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used
Sawmill		See Section 7.4.2.E
Truck Terminal		See Section 7.4.2.E
Warehousing, Distribution or Storage Facility		1.0 space per 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used
PUBLIC AND INSTITUTIONAL USES		
Active Park or Recreation Facility	Ball Field	30.0 spaces per field
	Basketball Court	5.0 spaces per court
	Golf Course	8.0 spaces per hole
	Golf Driving Range	2.0 spaces per tee
	Miniature Golf Course	2.0 spaces per hole
	Racquetball, Handball and Tennis Court	5.0 spaces per court
	Swimming Pool (Not Associated with a Residence)	1.0 space per 50 square feet of swimming area including water, lawn, deck, and bathhouse
	Park or Playground Not Otherwise Specified	1.0 space per 10,000 square feet of park or playground area
Cemetery		1.0 space per four seats in a chapel or place of assembly
Community Garden		No parking spaces required
Cultural Institution		See Section 7.4.2.E

USE	REQUIRED NUMBER OF PARKING SPACES
Educational Facility	1.0 space per 10 seats in auditorium or main assembly room, or 1.0 space per classroom, whichever is greater For High Schools or Colleges, 1.0 space per 8 seats in auditorium or main assembly room, or 3.0 spaces per classroom, whichever is greater
Hospital	1.0 space for every three patient beds
Passive Park, Recreation Facility, or Open Space	1.0 space per 10,000 square feet of park, recreation, or open space
Public and Government Building or Use	See Section 7.4.2.E
Religious Place of Worship	1.0 space per 4 fixed seats in the main assembly room
Telecommunication Tower	1.0 space per provider

E. Uses With Variable Parking Demand Characteristics and Unlisted Uses

For some listed uses,

[Table 7-1](#) refers to this subsection because the use has widely varying parking and loading demand characteristics, making it difficult to establish a single appropriate off-street parking or loading standard. On receiving an application proposing such a use, or proposing a use not expressly listed in

[Table 7-1](#), the zoning inspector is authorized to:

- (1) Apply the minimum off-street parking space requirement specified in
- (2) [Table 7-1](#) for the listed use that is deemed most similar to the proposed use; or
- (3) Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association or the American Planning Association; or
- (4) Establish the minimum off-street parking space requirement based on a parking demand study prepared by the applicant that estimates parking demand based on the recommendations of the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data, and that includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

7.4.3. Bicycle Parking Spaces

The following standards for bicycle parking are recommended and are not required.

- A.** All nonresidential uses containing 50 parking spaces or more should provide two bicycle parking spaces for each 50 parking spaces provided, or fraction thereof.
- B.** Bicycle racks or other accommodations to allow locking of bicycles should be provided and placed within reasonable access to the main entrance.
- C.** The space should be at least two feet wide by six feet long in size.
- D.** The location of bicycle racks should not obstruct access to building entrances.

7.4.4. Parking Requirements for Physically Disabled

Applicants shall provide parking spaces for the physically disabled as required by the Ohio Basic Building Code and shall include all necessary markings, striping, and signage.

7.5. ALTERNATIVE PARKING OPTIONS

The following are methods of accommodating parking as an alternative to constructing the required number of parking spaces on an individual lot.

7.5.1. Shadow Parking

A portion of the required parking spaces may remain landscaped and unpaved or paved with porous pavement provided that the parking and unpaved areas comply with the following standards. See [Figure 7-2](#).

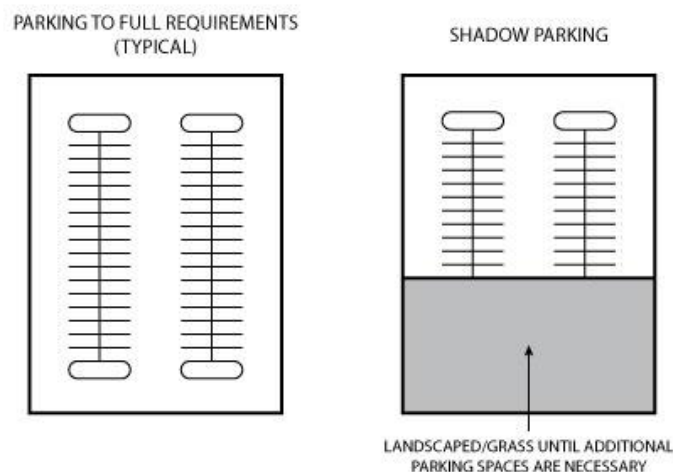


Figure 7-2: Shadow Parking

- A.** No more than 30 percent of the required number of parking spaces may be designated for shadow parking.
- B.** The plans submitted with the zoning certificate application shall denote the location and layout of that portion of the parking area that is deemed currently not required. The plan shall indicate that the “shadow” parking spaces will be constructed according to this code in the event that the zoning inspector makes a finding, at any time, that all or any portion of this parking is necessary.
- C.** At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that grass pavers or reinforced turf may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
- D.** At no time shall any portion of the required parking or loading that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this article.
- E.** The owner shall initiate construction of the approved "future" parking area, as identified on the approved plan, within three months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the zoning inspector, identifying that such parking is determined to be necessary.
- F.** When the designated shadow parking area is constructed, such parking shall be constructed in a manner to meet the parking lot landscaping requirements of [CHAPTER 8 Landscaping Regulations](#).

7.5.2. Shared Parking

A portion of the required parking spaces may be located on an adjacent property if the parking area complies with the following:

- A.** Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- B.** The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:
 - (1)** A sufficient number of spaces are provided to meet the highest demand of the participating uses.
 - (2)** The uses are located adjacent to each other.
 - (3)** Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the zoning inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.
 - (4)** The shared parking space shall be located not more than 300 feet from a public or institutional use, or not more than 500 feet from another use, from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
 - (5)** A legal shared parking agreement is submitted and approved by the Hamilton Township law director, that provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours). This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
 - (6)** The approved shared parking agreement shall be filed with the application for a zoning certificate and shall be filed with the county recorder and recorded in a manner as to encumber all properties involved in the shared parking agreement.
 - (7)** No zoning certificate will be issued until proof of recordation of the agreement is provided to the zoning inspector.
 - (8)** Shared parking shall not account for more than 50 percent of the required parking spaces as established in [Section 7.4.2 Required Number of Parking Spaces](#).

7.5.3. Off-Site Parking

A portion of the required parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with the following standards:

- A.** Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, hospitals, bars (if not incidental to a restaurant), or convenience stores and other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.

- B.** No off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- C.** Off-site parking shall not be permitted on a vacant lot in a residential zoning district.
- D.** In the event that an off-site parking area is not under the same ownership as the principal use served, a written off-site parking agreement shall be required.
- E.** An off-site parking agreement shall be submitted and approved as to form by the Hamilton Township law director. This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
- F.** The off-site parking agreement approved by the Hamilton Township law director shall be filed with the application for a zoning certificate and shall be recorded as a deed restriction or covenant in a manner as to encumber all properties involved in the off-site parking agreement.
- G.** A zoning certificate shall not be granted until proof of recordation of the agreement is provided to the zoning inspector.
- H.** Off-site parking shall be used and maintained solely for parking as long as the use, as recorded and approved, exists. The off-site parking agreement may be terminated when the additional site is no longer necessary, there is a change of use, or the approved conditions are no longer applicable.

7.6. DESIGN STANDARDS FOR PARKING AREAS

Unless otherwise specified, the standards of this section shall apply to all parking lots or vehicular use areas that are subject to this chapter.

7.6.1. Location

All driveways and open off-street parking areas shall comply with the following:

- A.** All vehicles shall be parked in an open off-street parking space or garage.
- B.** All parking spaces shall be connected to a public street by a driveway, except dwelling units which may be accessed from an alley.
- C.** All required off-street parking spaces shall have direct access to an aisle or driveway without the need to move any other vehicle.
- D.** Parking spaces shall be located on the same lot as the principal use they serve unless the spaces meet the requirements of [7.5.2 Shared Parking](#) or [7.5.3 Off-Site Parking](#).
- E.** Parking for business, office, industrial, or warehouse uses shall not be permitted in residential districts.
- F.** Parking areas are encouraged to be located, to the maximum extent feasible, to the rear and side of buildings.
- G.** Parking areas shall be screened subject to the requirements of [Section 8.5.5 Service Area and Structure Screening Requirements](#).

- H.** No part of a parking area for 10 or more vehicles shall be closer than 10 feet to the side lot line of any lot in a residential district, except that this limitation shall not apply within the required rear yard.

7.6.2. Access

- A.** Cross access easements to adjacent parcels shall be provided in order to achieve better circulation throughout the township and to minimize driveway cuts along public roads. If only one of the adjacent parcels is subject to review, this cross access easement requirement shall be established as a condition of the zoning certificate approval, prohibiting the applicant from denying cross access from adjacent parcels. At the establishment of the easement, shared maintenance agreements shall be filed with the Warren County Recorder and provided to the zoning inspector for the township files. All cross access easements shall comply with the county's access management requirements.
- B.** No entrance to or exit from a parking area for 10 or more vehicles shall be closer than 50 feet to any street intersection. See [Figure 7-3](#).

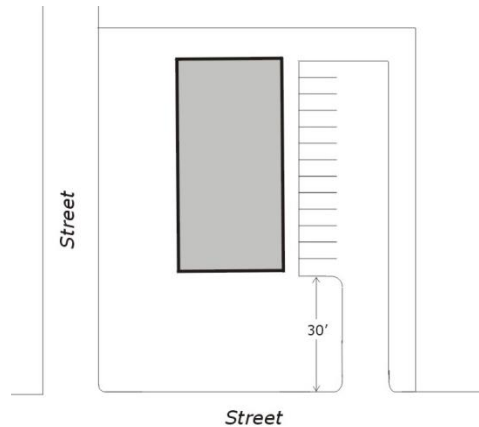


Figure 7-3: Parking Location Along Entry Drive

- C.** Driveways shall be located so loading and unloading activities will not hinder vehicular ingress and egress.
- D.** To the maximum extent feasible, provisions for primary access along secondary streets shall be provided to minimize traffic congestion on primary arterial streets.
- E.** The township, with guidance from the Warren County Engineer, may require the owner to provide acceleration and/or deceleration lanes where traffic volumes indicate the need for such improvements.
- F.** Maneuvering aisle widths for parking areas shall be a minimum of 24 feet wide for two-way access aisles. The township may allow a reduced width for one-way access aisles.

7.6.3. Parking Space Size

Parking spaces shall contain an area of not less than 180 square feet, exclusive of driveways and access drives.

7.6.4. Wheel Stops and Curbing

- A.** Continuous curbs of concrete, asphalt, stone or other similar material at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures, unless the elimination of this curbing is required to adhere to stormwater management requirements.
- B.** Continuous curbs shall be located a minimum of four feet from any structures, buildings, or walls to prevent a vehicle from hitting any structure at the edge of a parking area. See [Figure 7-4](#).
- C.** Individual wheel stops may be provided in lieu of continuous curbing only when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area.
- D.** Parked vehicles may overhang an interior landscaped area no more than 2.5 feet. Wheel stops or curbs shall be provided to ensure no greater overhang or penetration on the landscape area.

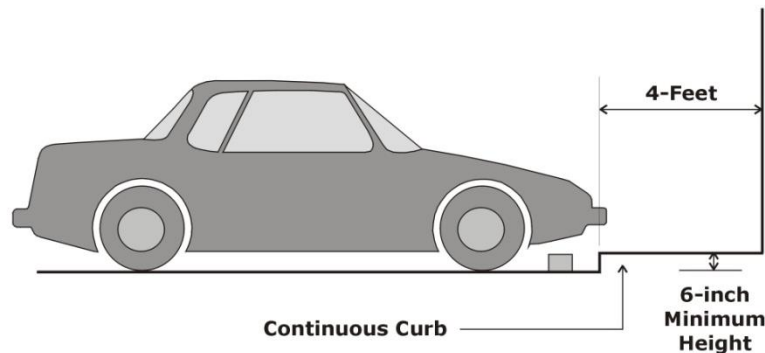


Figure 7-4: Continuous Curbs.

7.7. MOBILITY AND SIDEWALKS

7.7.1. Sidewalks Along a Public Street

- A.** Any use or building subject to the provisions of this chapter and established after the effective date of this code shall be required to provide a four foot wide sidewalk along all public streets for the full length of street frontage.
- B.** Any established use or building that is expanded more than 50 percent of the existing floor area after the effective date of this code shall be required to install a four foot wide sidewalk along all public streets for the full length of street frontage.
- C.** All sidewalks shall meet the minimum design requirements of the rules and regulations of the Warren County Subdivision Regulations.

7.7.2. Walkway Connections to Public Sidewalks

- A.** There shall be one internal continuous sidewalk of at least four feet in width that provides a direct connection from the public street to the primary customer entrance or to the sidewalk along a multi-tenant building.
- B.** Lane striping may be used to designate pedestrian sidewalks.

- C.** At a minimum, all internal pedestrian walkways shall be constructed of a surface that is visually distinct from the parking area surface by use of pavers, scored or stamped concrete, or bricks. Applicants are strongly encouraged to physically separate internal walkways from the vehicular circulation drives.
- D.** Sidewalks, at least eight feet in width, shall be provided along any facade featuring a customer entrance. At all times, such sidewalks shall maintain a clear pedestrian passage not less than five feet in width. Additionally, such sidewalks shall connect all customer entrances to other internal sidewalks.

7.8. OFF-STREET LOADING REGULATIONS

7.8.1. Applicability

On the same premises with every building, structure, or part thereof, erected and occupied for commerce, industry, public assembly, or other uses involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys in conformance with this section.

7.8.2. Number of Loading Spaces Required

The minimum number of loading spaces provided for various uses shall be as follows:

- A.** Public and government buildings, educational institutions, cultural institutions, hospitals, religious places of worship, places of assembly or for sports or athletics, clubs, lodges, multi-family dwellings and similar uses in any district shall provide loading spaces as specified in [Table 7-2](#):

TABLE 7-2: LOADING SPACE REQUIREMENTS

BUILDING FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
Up to 100,000 sq. ft.	1
Each additional 100,000 sq. ft.	1

- B.** Financial institutions, medical and dental center and clinics, offices, indoor recreation or entertainment facilities, or other places of recreation in a business district shall provide loading spaces as specified in [Table 7-3](#):

TABLE 7-3: LOADING SPACE REQUIREMENTS

BUILDING FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
Up to 100,000 sq. ft.	1
Each additional 100,000 sq. ft.	1

- C.** Retail and service commercial uses, wholesale stores, restaurants, and all other commercial uses shall provide loading spaces as specified in [Table 7-4](#):

TABLE 7-4: LOADING SPACE REQUIREMENTS

BUILDING FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
Up to 10,000 sq. ft.	0
10,001 to 30,000 sq. ft.	1
30,001 to 50,000 sq. ft.	2
Each additional 100,000 sq. ft. over 50,000 sf. Ft.	1

- D.** Uses first permitted in the M-1 Lighting Industrial or M-2 Heavy Industrial Districts shall provide loading spaces as specified in [Table 7-5](#):

TABLE 7-5: LOADING SPACE REQUIREMENTS

BUILDING FLOOR AREA	REQUIRED NUMBER OF LOADING SPACES
Up to 20,000 sq. ft.	1
20,001 to 40,000 sq. ft.	2
40,001 to 60,000 sq. ft.	3
Each additional 100,000 sq. ft. over 60,000 sf. Ft.	1

E. Unlisted Uses

- (1) Upon receiving an application for a use not specifically listed in this section, the zoning inspector shall apply the loading standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size and intensity of use.
- (2) If the zoning inspector determines that there is no listed use similar to the proposed use, intensity, or size, they may refer to the estimates of loading space demand based on recommendations from studies prepared by the Institute of Traffic Engineers (ITE), Urban Land Institute (ULI), and/or the American Planning Association (APA).

- F.** Off-street loading spaces shall not count toward any minimum parking space requirements.

7.8.3. Loading Space Design Standards

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:

A. Location of Required Loading Spaces

- (1) Loading spaces shall be located on the same lot as the building or structure to which they are accessory.
- (2) No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any required front yard or across any lot lines of a more restrictive district while the vehicle is being loaded or unloaded.
- (3) No loading space shall be closer than 100 feet to any residential use or district, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or solid fence not less than six feet in height.

B. Dimensions

Loading spaces shall have a minimum width of 10 feet, a minimum length of 25 feet and a minimum vertical clearance of 14 feet.

C. Access

- (1) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The zoning inspector shall approve access to and from loading spaces.
- (2) No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.
- (3) Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

D. Screening

- (1) All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.
- (2) The screening material shall be at least six feet in height and 100 percent opaque and shall satisfy the buffer requirements of the most restrictive adjacent district.
- (3) Screening areas shall also be subject to applicable requirements and standards in [CHAPTER 8 Landscaping Regulations](#).

E. Surfacing

All loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials.

F. Drainage

All loading space areas shall provide for the proper drainage of surface water in accordance with all applicable federal, state, and county runoff control and sediment abatement regulations, to prevent the drainage of such water onto adjacent properties and onto sidewalks.

G. Lighting

The lighting of off-street loading areas shall be regulated by [Section 6.3 Outdoor Lighting](#) and shall only consist of full cut off lighting fixtures.

7.9. PARKING OF RECREATIONAL AND COMMERCIAL VEHICLES

7.9.1. In any residential district, a recreational vehicle, travel trailer or boat trailer shall be prohibited, except:

- A.** One recreational vehicle, one boat on a trailer, and one trailer may either be parked on the property or stored in a garage or other accessory building or rear yard, provided:
 - (1) No occupancy for human habitation be maintained, and
 - (2) No business conducted therein while such trailer is so parked or stored.
- B.** As provided in [Section 4.10 Temporary Use Regulations](#).
- C.** Not more than one trailer may be placed, parked or stored upon any lot, parcel or other tract of land whether such trailer is authorized by [Subsections 7.9.1.A\(1\)](#) and [7.9.1.A\(2\)](#) above.

- D.** The wheels of any trailer or similar transporting devices shall not be removed. No trailer shall be connected to the ground or any structure except as provided in [Section 4.10.3 Temporary Use and Structure Standards](#).

7.9.2. One licensed commercial vehicle, and/or one recreational vehicle, and/or one commercial trailer may be stored or parked on a lot of two acres in size or more in a residential district in compliance with the regulations below. Parking commercial vehicles on lots less than two acres in size in a residential district is not permitted.

- A.** Such vehicles must be parked in a manner as to not obstruct sidewalks and pedestrian pathways or the sight distance from vehicular traffic.
- B.** Infrequent, short-term parking of a commercial vehicle or trailer for conveying tools and materials to premises where labor using such tools is being performed, delivering goods to a residence, or moving furniture to or from a residence, during the time such parking is actually necessary, is hereby exempted from this section.
- C.** The occupant of the residence may have one commercial trailer on the premises which is accessory to the commercial vehicle normally parked on the property.

CHAPTER 8. LANDSCAPING REGULATIONS

8.1. PURPOSE

Trees are recognized as a valid asset to the community, providing a more healthful and beautiful environment in which to live. Trees and other vegetation provide oxygen, shade, protection from the wind, glare, noise, blight, view barriers, aesthetics and a positive psychological counterpoint to a man-made setting. Landscaping is economically beneficial in attracting new residents, visitors and industry. When grown in the right place and of proper varieties, landscaping enhances the value and marketability of property and promotes the stability of desirable neighborhoods and commercial and industrial areas. With this recognition of the value, importance and benefits that trees, landscaping and buffering provide, this chapter is established for the following purposes:

- 8.1.1.** To promote the preservation and replacement of trees and significant vegetation removed in the course of land development;
- 8.1.2.** To promote the proper utilization of landscaping as an ease between certain land uses to minimize the opportunities for nuisances;
- 8.1.3.** To improve the appearance of vehicular use areas and property abutting public right-of-way;
- 8.1.4.** To provide visual buffering between non-compatible land uses and enhance the beautification of the township;
- 8.1.5.** To protect, preserve and promote the identity, environment, aesthetic appeal, character and value of the township and it's neighborhoods;
- 8.1.6.** To promote public health, safety and welfare through the reduction of noise pollution, air pollution, visual pollution, air temperature and artificial light glare.

- 8.1.7.** To aid in stabilizing the environment's ecological balance by contributing to the process of air purification, oxygen regeneration, ground water recharge and stormwater runoff retardation, while at the same time aiding in noise, glare, blight and heat abatement;
- 8.1.8.** To ensure that the local stock of native trees and vegetation is protected and replenished;
- 8.1.9.** To safeguard and enhance property values, protect public and private investment, and preserve the economic base attracted to the township; and
- 8.1.10.** To conserve energy.

8.2. APPLICABILITY

- 8.2.1.** For the purposes of this chapter, the zoning inspector shall be authorized to review and make decisions on landscaping plans as provided for in ORC Section 519.171.
- 8.2.2.** This chapter shall apply to new property development and any collective substantial expansion of existing structures, except as exempted by [Section 8.2.3 Exemptions](#) below. Substantial expansion of existing structures shall be defined based on the criteria established below in [Table 8-1: Substantial Expansion](#):

TABLE 8-1: SUBSTANTIAL EXPANSION

WHEN EXISTING STRUCTURE IS....	A SUBSTANTIAL EXPANSION IS...
0 - 1,000 Square Feet	50% or Greater
1,001 – 10,000 Square Feet	40% or Greater
10,001 – 25,000 Square Feet	30% or Greater
25,001 – 50,000 Square Feet	20% or Greater
50,001 Square Feet or larger	10% or Greater

8.2.3. Exemptions

The following shall be exempted from compliance with this chapter:

- A.** Lots in residential districts which are used for single-family or two family dwellings, except that when such lots are part of a new subdivision, perimeter landscaping is required.
 - B.** Any lot used for a single-family or two family dwelling which is a valid nonconforming use in a nonresidential district.
 - C.** Golf courses, parks, playgrounds and similar types of uses, except that any new golf course, park, playground or similar type of use shall provide the required perimeter landscaping.
 - D.** Parking lots with five or fewer spaces.
- 8.2.4.** For expansion of structures or parking areas, the landscaping, buffering, and screening requirements shall apply to any new or expanded parking or vehicular use areas.
 - 8.2.5.** For the expansion of structures that will decrease the setback between the structure and a residential zoning district, the buffering and screening standards of this chapter shall apply.
 - 8.2.6.** Where there is a change in use that is more intense than the pre-existing use, the buffering and screening standards of this chapter shall apply.

8.2.7. In the event there is a conflict between the requirements of this chapter and any other Hamilton Township resolution or with any state or federal law or regulation, the more restrictive regulation shall apply.

8.3. LANDSCAPE PLAN REQUIRED

8.3.1. Landscaping Plan Requirements

- A.** Any property to which this chapter applies shall illustrate all proposed landscaping and buffer, including the proposed landscaping material, on a site plan or on a separate landscape plan as part of the application for a zoning certificate.
- B.** Landscaping plans shall be prepared by and/or certified by a landscape architect certified within the State of Ohio.
- C.** Landscape plans must contain the information as specified in the application material provided by the zoning inspector.
- D.** All plans shall include a table listing the existing plant material that will be retained and all proposed plant materials within the landscaping and buffer areas. This shall include the common and botanical names, sizes and other remarks as appropriate to describe the landscaping material selection.
- E.** Details shall be provided showing the proper planting of trees, shrubs, and ground cover within the landscaping and buffer areas.
- F.** The plans shall indicate the location of one of the following:
 - (1)** Outside hose attachment; or
 - (2)** An irrigation plan which shall include the following:
 - (a)** Location and type of sprinkler heads;
 - (b)** Size and mainline of irrigation piping;
 - (c)** Location of size of water meter;
 - (d)** Location of backflow prevention device;
 - (e)** Location and size of all valves; and
 - (f)** Location of irrigation controller.

8.3.2. Approval of Landscape Plan

Criteria for the approval of a landscape plan shall be as follows:

- A.** No zoning certificate shall be issued without approval of a landscaping plan.
- B.** No zoning certificate shall be issued unless the following criteria are fully satisfied with regard to the approved landscape plan:
 - (1)** Such plan has been fully implemented on the site; or
 - (2)** Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the

township in a form acceptable to the Hamilton Township law director and secured by a letter of credit, cash escrow or other instrument acceptable to the Hamilton Township in an amount equal to the cost of such installation plus a 10 percent allowance for administrative costs, inflation and potential damage to existing vegetation or improvements.

- C.** No site plan within a PUD shall receive final approval unless a landscaping plan has been submitted and approved as part of the Stage 3 final site plan hearings.
- D.** Failure to implement the landscape plan within 12 months of the issuance of a zoning certificate shall be deemed a violation of this code.
- E.** The township may seek professional advice from a landscape architect or other qualified professional in the review of the submitted plans. The cost of such consultation may be passed on to the applicant.

8.4. LANDSCAPING MATERIALS AND STANDARDS

8.4.1. Responsibility for Installation of Landscaping Materials

- A.** Required landscaping shall be provided by the person in charge of or in control of developing the property, whether as owner, lessee, tenant, occupant or otherwise.
- B.** The landscape area and material required adjacent to any street under this chapter shall be provided by the property owner adjoining the street, unless the authority building the street has fully met all requirements on the street right-of-way.
- C.** Landscape material required by this chapter shall be located within any required buffer area, perimeter area, or landscape area unless otherwise specified.
- D.** When adjacent to other common boundaries, the required perimeter landscape areas and materials:
 - (1)** May be placed on either adjoining parcel or astride the boundary, if both are owned and being processed by the same owner; or
 - (2)** Generally shall be placed on the activity listed under “Proposed Use” in
 - (3)** [Table 8-4: Type and Width of Perimeter Buffer](#) Required when adjoining parcels have different owners; or
 - (4)** May be placed astride the boundary of adjoining parcels having different owners if a written agreement, signed by both owners, if filed with the Planning and Zoning Department, as a public record; or
 - (5)** Shall be placed on the activity or parcel being processed when adjoining property is already developed, with the exception of “Railroad” and “Utility Substation, Junk Yard, Landfill, Sewage Plant, or Similar Use” in
 - (6)** [Table 8-4: Type and Width of Perimeter Buffer](#) Required; or
 - (7)** Shall not be required along the common boundary if the requirements of this chapter have been fully complied with on the adjoining property, in fulfillment of the requirements of this chapter; or
 - (8)** In the case of a zone map amendment or use change, the property of the newly created zone map amendment or use change will provide the required landscaping or buffer.

8.4.2. Existing Landscape Material

- A.** Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this chapter in whole or in part provided they meet all requirements of this chapter.
- B.** The zoning inspector shall determine satisfaction of this requirement.
- C. Preservation of Wooded Areas**
It is encouraged that efforts be made to preserve natural vegetation areas. Consideration shall be given to laying out streets, lots, structures and parking areas to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens. It is further encouraged that whenever possible, heavily wooded areas shall be maintained as a neutral area.

8.4.3. Easements and Clear Vision

- A. Landscaping in Easements**
Required landscape areas may be combined with a utility or other easement as long as all of the landscape requirements can be provided in addition to, and separate from, any other easement.
- B. Landscaping and Clear Visibility Triangles**
To ensure that landscape materials do not constitute a driving hazard, a clear visibility triangle area shall be observed at all street intersections or intersections of driveways with streets as defined in [Section 6.7 Clear Visibility Triangle](#).
 - (1)** Within this clear visibility triangle area, no landscaping material or parked vehicles, except for required grass or ground cover, shall be permitted.
 - (2)** Within the clear visibility triangle area, trees shall be permitted as long as only the tree trunk is visible between grade and eight feet above grade or otherwise does not present a traffic visibility hazard in the opinion of the zoning inspector, except during early tree growth stages.

8.4.4. Landscaping Materials

Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards. The following items are suitable for landscaping materials used individually or in combination with each other, subject to review and approval by the zoning inspector. Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the township.

- A. Walls and Fences**
 - (1)** When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be constructed of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar, and using aluminum or galvanized hardware. Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the buffer and landscape requirements of this chapter.
 - (2)** Walls and fences shall be designed to orient the finished side away from the subject lot so the finished side faces the adjacent lots.

B. Plants

- (1) All plants are to be living and part of the acceptable plant list identified in this chapter.
- (2) Plant materials used in conformance with these provisions shall conform to the American Nursery and Landscape Association and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root, balled and burlapped, or from containers.
- (3) The following are specific standards for landscaping materials.
 - (a) **Deciduous Trees**
 Deciduous trees shall have a minimum caliper of at least two inches diameter at breast height (DBH) conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this chapter shall be used to create a dense buffer.
 - (b) **Evergreen Trees**
 Evergreen trees shall be a minimum of six feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of 15 feet on center to provide an effective, dense screen within four years of planting.
 - (c) **Shrubs and Hedges**
 Shrubs and hedges shall be at least 36 inches in height at the time of planting. Unless otherwise specified in this chapter, all shrubs and hedges shall be designed to provide an effective, dense screen and mature height of at least six feet within four years after the date of the final approval of each planting. The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.
 - (d) **Grass and Ground Cover**
 Grass of the Fescus (Gramineak) or Bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns in Warren County. In swales or other areas subject to erosion, solid sod, erosion reducing net, or suitable mulch shall be used and nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved and shall be reviewed by the Warren County Soil and Water Conservation District. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one foot on center to provide 75 percent complete coverage after two growing seasons.
- (4) Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.
- (5) **Species Diversity**
 - (a) To curtail the spread of disease or insect infestation in a plant species, new plantings shall comply with the standards of [Table 8-2: Species Variety Requirements](#):

TABLE 8-2: SPECIES VARIETY REQUIREMENTS

NUMBER OF TREES REQUIRED ON SITE	MAXIMUM PERCENTAGE OF TREES THAT MAY BE A SINGLE SPECIES
1-19	50%
20-39	33%

40 or more	25%
------------	-----

- (b) Required shrubs shall utilize the same species diversity requirements.
- (c) Nothing in this subsection shall be construed so as to prevent the utilization of a larger number of different species than specified above.

C. Earth Mounds

Earth mounds may be used as physical barriers which block or screen a view. Differences in elevation between areas requiring screening do not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following standards:

- (1) The maximum side slope shall be 3:1 and the design shall be reviewed by the zoning inspector to ensure that proper erosion prevention and control practices have been utilized. Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.
- (2) Mounds and earth forms shall be designed with physical variations in height and alignment throughout their length.
- (3) Landscape plant material installed on mounds and earth forms shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- (4) The landscape plan shall show sufficient detail, including a plan and profile of the mound or earth form, soil types and construction techniques to demonstrate compliance with the above provisions.
- (5) Mounds and earth forms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
- (6) No part of any mound or earth form which is elevated more than 18 inches above natural grade shall be located within 20 feet of any right-of-way or property line.

D. Grade Changes

In cases where grading is necessary that results in a parking lot lower in elevation than the surrounding area or adjacent right-of-way, the resulting embankment shall be planted with low shrubs and shade or ornamental trees. The type and variety of plantings shall be based on the steepness of the slope. A maximum slope of 1:2.5 shall be provided for landscaping between the lot line and the parking lot.

8.5. LANDSCAPE REQUIREMENTS

Several types of landscape standards and requirements are needed to achieve the various purposes of this chapter as set forth in [Section 8.1 Purpose](#). Five types of landscape standards are established – interior site landscaping, perimeter landscaping and buffering, vehicular use area perimeter landscaping, vehicular use area interior landscaping, and service structure and area screening. The standards for each of these are set forth below. Each may apply cumulatively to a site or development, unless noted otherwise.

8.5.1. Interior Site Landscaping Requirements

All development subject to the requirements of this chapter, as set forth in [Section 8.2 Applicability](#), shall provide the landscaping requirements as established in [Table 8-3: Minimum Interior Site Landscaping Requirements](#).

TABLE 8-3: MINIMUM INTERIOR SITE LANDSCAPING REQUIREMENTS

CHAPTER 11: Enforcement and Penalties
Section 11.6. Other Action

PROPOSED USE	MINIMUM LANDSCAPING REQUIREMENT
All uses in residential districts, excluding lots used for single family and two family dwellings	One tree per 500 square feet, or fraction thereof, of building ground floor area for all structures; each tree shall have a minimum of 2" caliper.
All uses in business districts	One tree per 500 square feet, or fraction thereof, of building ground floor area for all structures, and each tree shall have a minimum of 2" caliper; plus there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building coverage areas, or fraction thereof. Such landscape areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.
All uses in industrial districts	Three trees per 1,000 square feet, or fraction thereof, of building ground floor area for all structures, and each tree shall have a minimum of 2" caliper; plus there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building coverage areas, or fraction thereof. Such landscape areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.
NOTES: Trees planted to satisfy perimeter, vehicular use area perimeter, and interior vehicular use area landscaping requirements may be counted towards the requirements of this section.	

8.5.2. Site Perimeter Landscape Buffer Requirements

A. Applicability

Site perimeter landscape buffer shall be provided to buffer certain districts or uses from adjacent or proximate incompatible uses, districts, or vehicular use areas.

B. Landscape Buffer Requirements

Perimeter landscape buffers shall be required as established in [Table 8-4: Type and Width of Perimeter Buffer Required](#).

TABLE 8-4: TYPE AND WIDTH OF PERIMETER BUFFER REQUIRED

PROPOSED USE	ADJACENT TO (AVERAGE WIDTH – BUFFER TYPE)[1]			
	RESIDENTIAL DISTRICT	BUSINESS DISTRICT	INDUSTRIAL DISTRICT	FREEWAY, ARTERIAL OR COLLECTOR STREET RIGHT-OF-WAY [2]
Single Family Residence [3]	None	None	None	None
Recorded Residential Subdivision	None	10 feet – Buffer “A”	20 feet – Buffer “C”	50 feet – Buffer “D”
Mobile Home Park	10 feet – Buffer “A”	None	None	10 feet – Buffer “E”
Institutional Use	10 feet – Buffer “B”	None	None	10 feet – Buffer “E”
Business District	10 feet – Buffer “B”	None	15 feet – Buffer “B”	10 feet – Buffer “E”
Industrial District	20 feet – Buffer “C”	15 feet – Buffer “B”	None	10 feet – Buffer “E”
Railroad	20 feet – Buffer “E”	20 feet – Buffer “E”	20 feet – Buffer “E”	None
Utility Substation, Junk Yard, Landfill, Sewage Plant, or Similar Use	50 feet – Buffer “D”	50 feet – Buffer “D”	50 feet – Buffer “D”	50 feet – Buffer “D”
NOTES: [1] The first number listed is the minimum average width of the buffer area, with no width being less than 3 feet. The second is the type of buffer required. Materials required for each buffer type are established in Table 8-5 .				

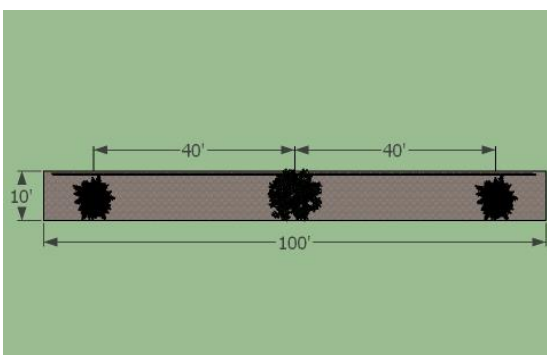
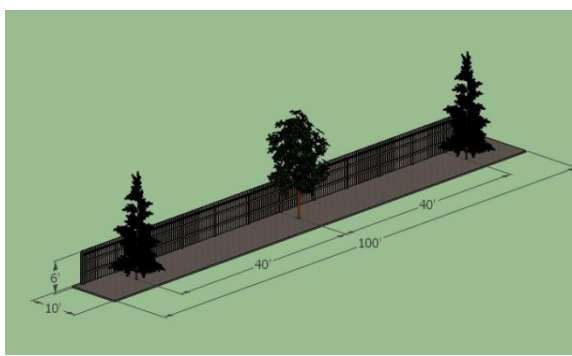
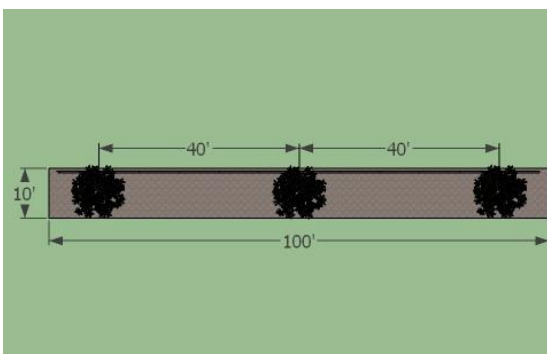

PROPOSED USE	ADJACENT TO (AVERAGE WIDTH – BUFFER TYPE)[1]			
	RESIDENTIAL DISTRICT	BUSINESS DISTRICT	INDUSTRIAL DISTRICT	FREEWAY, ARTERIAL OR COLLECTOR STREET RIGHT-OF-WAY [2]
[2] In business and industrial districts, the right-of-way buffer requirement shall only apply when adjacent to freeway or arterial street rights-of-way that prohibit driveways. [3] This use is individual single family residences that are not part of a subdivision.				

- C.** Perimeter landscape buffer shall contain the minimum plant and screening materials as established in [Table 8-5: Minimum Requirements for Buffer Types](#).

TABLE 8-5: MINIMUM REQUIREMENTS FOR BUFFER TYPES

BUFFER TYPE	MINIMUM PLANT MATERIALS [1]
"A"	1 tree per 40 feet of linear boundary or street frontage, or fraction thereof; trees shall be from Group A, B, C or D. And a continuous combination 6' high planting, hedge, fence, wall or earth mound with no single material being used exclusively for more than 150 linear feet. Alternate materials used for breaks must run for a minimum of 15 linear feet. [2]
"B"	1 tree per 40 feet of linear boundary or street frontage, or fraction thereof; trees shall be from Group A or B. And a continuous combination 6' high planting, hedge, fence, wall or earth mound with no single material being used exclusively for more than 150 linear feet. Alternate materials used for breaks must run for a minimum of 15 linear feet. [2]
"C"	1 tree per 10 feet of linear boundary, or fraction thereof; trees shall be from Group A, B, C or D, with a minimum of 30% from Group D. And a continuous combination 6' high planting, hedge, fence, wall or earth mound with no single material being used exclusively for more than 150 linear feet. Alternate materials used for breaks must run for a minimum of 15 linear feet. [2]
"D"	1 tree per 20 feet of linear boundary, or fraction thereof; trees shall be from Group A, B, C or D, with a minimum of 30% from Group D. And a continuous combination 6' high planting, hedge or earth mound with no single material being used exclusively for more than 150 linear feet. Alternate materials used for breaks must run for a minimum of 15 linear feet. [2]
"E"	1 tree per 30 feet of boundary, or fraction thereof; trees shall be from Group A. And a continuous 6' high planting, hedge, wall, fence or earth mound.
NOTES: [1] Grass or ground cover shall be planted on all portions of the buffer area not occupied by other landscape material. [2] Depending on the site topography, buffer areas may have to be relocated to obtain the desired screening effects. This determination will be made at the discretion of the zoning inspector.	

TABLE 8-6: ILLUSTRATION OF LANDSCAPE BUFFER TYPES

BUFFER TYPE	PLAN VIEW	PERSPECTIVE VIEW
Buffer A		
Buffer B		

BUFFER TYPE	PLAN VIEW	PERSPECTIVE VIEW
Buffer C		
Buffer D		
Buffer E		

- D.** Unless otherwise provided, it is the intent that landscaping materials shall be installed to provide a minimum approximately 50 percent winter opacity and approximately 70 summer opacity, between one foot above finished grade level to the top of the required planting, hedge or earth mound within four years of installation.
- E.** In some cases, a fence or wall may be approved as appropriate.
- F.** A plant list shall be maintained at the Township Building to provide more detailed information on acceptable plant material.

8.5.3. Vehicular Use Area Perimeter Buffer Requirements

A. Applicability

The provisions of this section shall apply to vehicular use areas containing five or more parking spaces.

B. Perimeter Buffer Requirements

- (1) Landscape planting shall be provided along the perimeter of vehicular use areas as established in [Table 8-5: Minimum Requirements for Buffer Types](#).
- (2) These requirements may be counted towards the property perimeter requirements as set forth in
- (3) [Table 8-4: Type and Width of Perimeter Buffer](#) Required, where perimeter buffer areas are also applicable.

TABLE 8-7: VEHICULAR USE AREA PERIMETER LANDSCAPING REQUIREMENTS

VEHICULAR USE AREA LOCATION [1]	AVERAGE BUFFER WIDTH [2]	MINIMUM PLANT MATERIALS [3]
A vehicular use area adjacent to any property in any district.	10' adjacent to portion of vehicular use area that faces adjacent property; 4' minimum distance to all trees from the edge of the paving where vehicles overhang.	1 tree per 40' of linear boundary, or fraction thereof. Trees shall be from Group A, B, or C; and a continuous planting, hedge, fence, wall or earth mound with an average height of 3'.
A vehicular use area in any district is adjacent to any public right-of-way or private street. [2]	10' adjacent to portion of vehicular use area that faces public right-of-way or private street; 4' minimum distance to all trees from the edge of the paving where vehicles overhang.	1 tree per 40' of frontage, or fraction thereof; trees shall be from Group A or B. And a continuous planting, hedge, fence, wall or earth mound with an average height of 3'.
Any vehicular use area in an automotive sales or rental use, or truck, trailer, or farm implement sales or service use.	10' adjacent to portion of vehicular use area that faces public right-of-way or private street; 4' minimum distance to all trees from the edge of the paving where vehicles overhang.	1 tree per 30' of frontage, or fraction thereof; trees shall be from Group A or B and shall be a minimum 3" caliper along the entire street frontage. And a continuous planting, hedge, fence, wall or earth mound with an average height of 3' along at least 75% of the street frontage. The remaining street frontage, not to exceed 25%, shall include plantings a minimum of 1' high. [4]

NOTES:

- [1] See [Section 1.2.2 Definitions](#) for Vehicular Use Area. Driveways are considered to be vehicular use areas whenever they are adjacent to public streets or other vehicular use elements defined and where intervening curbs, sidewalks, landscape strips, etc., do not eliminate adjacency.
- [2] The minimum average width of the buffer area, with no width being less than 3 feet.
- [3] Grass or ground cover shall be planted on all portions of the buffer area not occupied by other plant material.
- [4] The intent of these requirements is to improve the appearance of automotive sales or rental uses, and truck, trailer, or farm implement sales or service uses, and their appearance from abutting streets. The vehicular use area perimeter requirements for these uses allows the creation of "picture frame(s)" along streets for vehicular sales display. The following formula shall be used to determine the display area allowed per street frontage:
 - Linear Distance of Street Frontage (from lot line to lot line, or from lot line to corner in feet) x 0.25 = Display area (in feet).
 - Vehicles in the display area shall be parked at grade.

VEHICULAR USE AREA LOCATION [1]	AVERAGE BUFFER WIDTH [2]	MINIMUM PLANT MATERIALS [3]
<ul style="list-style-type: none"> Screening requirements for the remaining vehicular use areas at installation are increased and the spacing between trees is reduced. These requirements will help mitigate the glare from artificial lights. 		

- C.** In addition to the requirements shown in [Table 8-7: Vehicular Use Area Perimeter Landscaping Requirements](#), parking lots shall have a perimeter buffer zone with a minimum width of 6.5 feet containing evergreen plant material that will achieve an effective, dense screen of a height of at least three feet at the time of installation. Perimeter buffer zone shall also contain deciduous trees.

8.5.4. Interior Vehicular Use Area Landscape Requirements

A. Applicability

Vehicular use areas on a parcel of two acres or more in any business or industrial district, and for a nonresidential use or multi-family dwelling use in residential district, shall provide interior landscaping as required by this section. No interior landscaping shall be required within a service or storage area.

B. Landscape Requirements

- (1) For each 100 square feet or fraction thereof of vehicular use area, at least five square feet of landscaping area shall be provided.
- (2) The required amount of landscaping area shall be provided in peninsular or island type areas within the vehicular use area.
- (3) Peninsular or island type areas shall contain well drained un-compacted soils.
- (4) The minimum permitted landscape area shall be 64 square feet.
- (5) A minimum of four feet shall be provided from the edge of pavement where vehicles overhang to all trees.
- (6) **Maximum Contiguous Area**
 In order to encourage the required landscape areas to be properly dispersed:
 - (a) No individual landscape area shall be larger than 350 square feet in size in parking areas less than 30,000 square feet; and
 - (b) No individual area shall be larger than 1,500 square feet in parking areas over 30,000 square feet.
 - (c) In both cases, a minimum of four feet shall be provided from the edge of pavement where vehicles overhang to all trees.
 - (d) Individual landscape areas larger than the sizes specified above are permitted as long as such area is in excess of the required minimum total interior vehicular landscape area required by [Section 8.5.4.B\(1\)](#).
- (7) **Minimum Tree Planting Requirement**
 - (a) One large tree from Group A or B shall be planted for each 5,000 square feet, or fraction thereof, of vehicular use area. These trees shall be located within the required interior landscape areas.

- (i) Two small trees may be substituted for one large tree.
 - (ii) One and one-half medium trees may be substituted for one large tree.
 - (b) The area not covered by the canopy of the tree, but within an interior landscape area, shall be covered by shrubs, grass, ground cover, landscape gravel, or mulch.
- (8) Additional Landscaping for Parking Over Maximum Allowed**
- If an alternative parking plan is approved to exceed the maximum number of off-street parking spaces in accordance with [Section 7.4.2.D Maximum Number of Parking Spaces](#), additional landscape areas shall be provided within the vehicular use area.
- (a) 10 square feet of landscape area (instead of five square feet) shall be provided for each 100 square feet or fraction thereof of vehicular use area needed for the parking spaces that exceed the maximum amount of parking allowed.
 - (b) The additional landscaping area shall be distributed within the vehicular use area.

8.5.5. Service Area and Structure Screening Requirements

A. Intent and Applicability

In addition to the site, perimeter, and interior landscaping requirements, screening shall be required to conceal specific areas of high visual or auditory impact from both on-site and off-site views. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other proximate landscaping material.

B. Items to be Screened

The following areas shall be screened in accordance with this section:

- (1) Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers), but not including drop-off boxes for use by the public (see [Section 4.9.5.G Drop-Off Box](#));
- (2) Loading and service areas, including any areas where commercial vehicles or trailers are stored;
- (3) Outdoor storage areas not subject to the outdoor storage requirements of [Section 6.5 Outdoor Sales, Display and Storage](#); and
- (4) Mechanical equipment, propane tanks, and utility meters not located on, and screened by, the building or structure.

C. General Provisions

- (1) Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of the properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such condition to the satisfaction of the township.
- (2) Required screening areas shall be provided by the owner and/or developer as a condition of development. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner. Failure to maintain the required screening areas to accomplish their intended purpose shall constitute a violation of this code under [CHAPTER I](#)

- (3) [Enforcement and Penalties](#).
- (4) Areas to be set aside as screening areas shall be identified on the plans required for zoning certificate review. It shall be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.
- (5) Structures may be grouped together, however, screening height shall be based upon the tallest of the structures.

D. Screening Requirements

- (1) All screening shall be approved during the zoning certificate review.
- (2) All items to be screened shall be shielded from view from public roads and adjoining property.
- (3) All items to be screened shall be provided with a visual screen consisting of fences, walls, mounds or plant materials or a combination thereof.
- (4) The screening shall be at least one foot higher than the item to be screened, but shall not exceed 10 feet in height.
- (5) The screening shall extend along three sides of the service area.
 - (a) For areas that require frequent access, such as waste receptacles, a gate shall be required on the fourth side where access is provided.
 - (b) The gates shall be opaque enough to shield from view the interior of the service area.
- (6) Whenever screening material is placed around any waste receptacle unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material or other protective measures. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.
- (7) All plant materials used for required screens around service areas shall be of an evergreen variety.
- (8) If an adjacent building provides screening on one side of the service area, only two sides need to be screened, mounded, or walled, with a gate required in front of the service area. The gate shall be opaque enough to shield from view the interior of the service area.
- (9) Roof mounted mechanical equipment shall be screened by parapet walls or other screening device. (Also see [Section 6.4.5.F\(3\) Roof Mounted Equipment](#).)
- (10) No interior landscaping shall be required within an area screened for service structures.
- (11) **Screening of Loading and Unloading Areas**

All areas used for service storage and loading/unloading activities shall be screened from adjacent properties and the public right-of-way.

 - (a) Screening shall consist of continuous walls, fences, natural vegetation, earth mound or acceptable combination of these elements.
 - (i) Natural vegetation shall have a minimum opaqueness of 75 percent during full foliage when viewed from between two and five feet from the ground.

- (ii) Full opaqueness shall be achieved not more than three years from planting.
- (iii) The use of evergreen or nondeciduous vegetation is encouraged.
- (b) The screening must be at least six feet high and located not less than three feet from the property line, except that fences or walls shall be located not less than 12 inches from the property line.
- (c) No interior landscaping shall be required within a service or storage area.

(12) Screening of Accessory Uses

- (a) In all districts, except lots used for single family and two family dwellings in residential districts, the following accessory uses shall be screened to shield them from direct view from adjacent properties and/or enhance their appearance:
 - (i) Prefabricated metal or wood storage sheds.
 - (ii) Satellite dish-type antennas or receivers.
- (b) Screening shall consist of plantings of not less than six feet in height. The use of evergreen or nondeciduous vegetation is encouraged.

8.6. MAINTENANCE

- 8.6.1.** All landscaping materials shall be installed in a sound, workmanship-like manner and according to accepted, good construction and planting procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in proper, neat and orderly appearance, free from refuse and debris at all times.
- 8.6.2.** Landscaping materials used to fulfill code requirements or conditions or approval, as authorized by the board of township trustees, BZA, zoning commission, or zoning inspector may not be pruned or otherwise treated so as to reduce the overall height or level of opacity required. Landscape materials are intended to grow, spread and mature over time; and pruning and other inhibiting measures including removal may only be practiced to ensure the public safety, to maintain a neat and attractive appearance and to preserve the relative health of the material involved. The use of growth inhibitors is not permitted to be used on any plant material used to fulfill code requirements or conditions of approval.
- 8.6.3.** All unhealthy or dead plant material shall be replaced within one year or by the next planting period, whichever comes first; while other defective landscaping material shall be replaced or repaired within three months.
- 8.6.4.** Violation of these installation and maintenance provisions shall be grounds for the zoning inspector to refuse to issue zoning compliance inspection approval or institute legal proceedings.

8.7. MODIFICATIONS

- 8.7.1.** The zoning inspector may approve modifications to the landscaping, buffer or screening requirements of this chapter. The zoning inspector shall base its decision on all of the following criteria:
 - A.** The specific conditions which are unique to the applicant's land;

- B.** The manner in which the strict application of the provision of this chapter would deprive the applicant of a reasonable use of the land in a manner equivalent to the use permitted other landowners in the same district;
- C.** The unique conditions and circumstances are not the result of actions of the applicant subsequent to the adoption of this chapter;
- D.** Reasons that the modification shall preserve, not harm, the public safety and welfare, and shall not alter the essential character of the neighborhood; and
- E.** A demonstration that the applicant has provided for landscape areas, buffers, or screening that achieves the spirit of this chapter.

8.7.2. Appeals

Decisions of the zoning inspector may be appealed to the BZA in accordance with the provisions of [Section 3.8 Appeals, Variances, and Conditional Uses](#).

8.8. PLANT LISTS

Plants from the following lists are representative of those to be utilized in the landscape areas, buffers and screening as indicated in this chapter.

8.8.1. Shade Trees – Plant List A

- A.** The trees in Plant List A are shade trees and are deciduous. They reach a mature height as indicated by the following:
 - (1)** Large trees – 60 feet,
 - (2)** Medium trees – 40 feet,
 - (3)** Small trees – 20 feet.
- B.** Other shade trees which are native and hardy to zone 5-6 of the United States Department of Agriculture Plant Hardiness Zone Map may also be used within the landscape area, buffer or screening.

TABLE 8-8: PLANT LIST A - SHADE TREES

LARGE TREES			
Common Plant Name Plant Botanical Name Specie Cultivars	European Beech <i>Fagus sylvatica</i>		Common Plant Name Plant Botanical Name Specie Cultivars Norway Maple <i>Acer platanoides</i> Columnare Crimson King Summershade
Common Plant Name Plant Botanical Name Specie Cultivars	Ginkgo <i>Ginkgo biloba (male only)</i> Autumn Gold Fastigiata Sentry		Common Plant Name Plant Botanical Name Specie Cultivars Pin Oak <i>Quercus palustris</i> Sovereign Crown Rite
			Common Plant Name Plant Botanical Name Specie Cultivars Red Maple <i>Acer rubrum</i> Autumn Flame October Glory

CHAPTER 11: Enforcement and Penalties

Section 11.6. Other Action

				Red Sunset
Common Plant Name Plant Botanical Name Specie Cultivars	Scarlet Oak <i>Quercus coccinea</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Red Oak <i>Quercus rubra</i>
Common Plant Name Plant Botanical Name Specie Cultivars	London Plane Tree <i>Plantanus x acerifolia</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Tulip Poplar <i>Liriodendron tulipifera</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Sugar Maple <i>Acer saccharum</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Sweetgum <i>Liquidambar styraciflua</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Willow Oak <i>Quercus phellos</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Elm <i>Ulmus parvifolia</i> Lace Bark Elm
Common Plant Name Plant Botanical Name Specie Cultivars	Shumardi Oak <i>Quercus shumardii</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Shingle Oak <i>Quercus imbricaria</i>
MEDIUM TREES				
Common Plant Name Plant Botanical Name Specie Cultivars	Callary Pear <i>Pyrus calleryana</i> Aristocrat Chancellor		Common Plant Name Plant Botanical Name Specie Cultivars	Littleleaf Linden <i>Tilia cordata</i> Chancellor Greenspire June Bride
Common Plant Name Plant Botanical Name Specie Cultivars	Japanese Pagoda Tree <i>Sophora japonica</i> Regent		Common Plant Name Plant Botanical Name Specie Cultivars	Japanese Zelkova <i>Zelkova serrata</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Thornless Honey Locust <i>Gelditsia triacanthos</i> Moraine Shademaster Skyline Imperial		Common Plant Name Plant Botanical Name Specie Cultivars	Yellowwood <i>Cladrastis lutea</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Amur Cork <i>Phellodendron amurense</i>		Common Plant Name Plant Botanical Name Specie Cultivars	River Birch <i>Betula nigra</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Katsura Tree <i>Cercidiphyllum japonicum</i>			
SMALL TREES				
Common Plant Name Plant Botanical Name Specie Cultivars	Sourwood <i>Oxydendron arboreum</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Hedge Maple <i>Acer campestre</i> Queen Elizabeth
Common Plant Name Plant Botanical Name Specie Cultivars	Amur Maple <i>Acer ginnala</i> Flame		Common Plant Name Plant Botanical Name Specie Cultivars	Paperbark Maple <i>Acer griseum</i>
Common Plant Name Plant Botanical Name Specie Cultivars	European Hornbeam <i>Carpinus betulus</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Hornbeam <i>Ostrya virginiana</i>

8.8.2. Flowering Trees – Plant List B

The trees in Plant List B are flowering, deciduous trees and reach a mature height not exceeding 30 feet.

TABLE 8-9: PLANT LIST B - FLOWERING TREES

FLOWERING TREES				
Common Plant Name Plant Botanical Name Specie Cultivars	Callery Pear <i>Pyrus calleryana</i> Aristocrat Chancellor		Common Plant Name Plant Botanical Name Specie Cultivars	Downy Serviceberry <i>Amelanchier canadensis</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Crabapple <i>Malus varieties</i> Bob White Sargent Snowdrift White Angel		Common Plant Name Plant Botanical Name Specie Cultivars	Allegheny Serviceberry <i>Amelanchier laevis</i> Robin Hill
Common Plant Name Plant Botanical Name Specie Cultivars	Eastern Redbud <i>Cercis canadensis</i> Flame Forest Pansy Royal		Common Plant Name Plant Botanical Name Specie Cultivars	Sweetbay Magnolia <i>Magnolia virginiana</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Dogwood Cornus florida Cornus kousa Cornus mas		Common Plant Name Plant Botanical Name Specie Cultivars	Lilac <i>Syringa reticulata</i> Japanese Silk Lilac Ivory Silk Lilac
Common Plant Name Plant Botanical Name Specie Cultivars	Golden Raintree <i>Koelreutraria paniculata</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Witch Hazel <i>Hamamelis virginiana</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Green Hawthorne <i>Crataegus virdis</i> Winter King		Common Plant Name Plant Botanical Name Specie Cultivars	Star Magnolia <i>Magnolis stellata</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Sargent Cherry <i>Prunus sargentii</i> Columnaris Kwanzan		Common Plant Name Plant Botanical Name Specie Cultivars	Saucer Magnolia <i>Magnolia soulangiana</i>

8.8.3. Evergreen Trees – Plant List C

The trees in Plant List C are evergreen, can reach a mature height over 30 feet, and if not limbed-up, can create a screen from the ground level up.

TABLE 8-10: PLANT LIST C - EVERGREEN TREES

EVERGREEN TREES				
Common Plant Name Plant Botanical Name Specie Cultivars	American Holly <i>Ilex opaca</i> Xanthocarpa		Common Plant Name Plant Botanical Name Specie Cultivars	Austrian Pine <i>Pinus nigra</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Canadian Hemlock <i>Tsuga canadensis</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Carolina Hemlock <i>Tsuga caroliniana</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Eastern Red Cedar <i>Juniperus virginiana</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Colorado Blue Spruce <i>Picea pungens</i> Glanca
Common Plant Name Plant Botanical Name Specie Cultivars	Norway Spruce <i>Picea abies</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Scotch Pine <i>Pinus sylvestris</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Southern Magnolia <i>Magnolia grandiflora</i>		Common Plant Name Plant Botanical Name Specie Cultivars	White Fir <i>Abies concolor</i>
Common Plant Name Plant Botanical Name Specie Cultivars	White Pine <i>Pinus strobus</i>			

8.8.4. Deciduous Shrubs – Plant List D

The shrubs in Plant List D are perennial, woody, deciduous plants that grow to at least three feet in height.

TABLE 8-11: PLANT LIST D - DECIDUOUS SHRUBS

DECIDUOUS SHRUBS				
Common Plant Name Plant Botanical Name Specie Cultivars	Burning Bush <i>Euonymus alatus</i> Compactus		Common Plant Name Plant Botanical Name Specie Cultivars	Doublefile Viburnum <i>Viburnum plicatum</i> <i>tomentosum</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Forsythia Species		Common Plant Name Plant Botanical Name Specie Cultivars	Glossy Abelia <i>Abelia grandiflora</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Quince <i>Chaenomeles speciosa</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Shrub Cinquefoil <i>Potentilla fruticosa</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Spirea Species		Common Plant Name Plant Botanical Name Specie Cultivars	Spreading Cotoeaster <i>Cotoneaster divaricata</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Winterberry Barberry <i>Berberis julianne</i>			

8.8.5. Evergreen Shrubs – Plant List E

The shrubs in Plant List E are perennial, woody, evergreen plants that grow to at least three feet in height.

TABLE 8-12: PLANT LIST E - EVERGREEN SHRUBS

EVERGREEN SHRUBS				
Common Plant Name Plant Botanical Name Specie Cultivars	Anglojap Yew <i>Taxus x media</i> Brownii Densiformis Hicksii Wardii		Common Plant Name Plant Botanical Name Specie Cultivars	Blue Holly <i>Llex x meserveae</i> Blue Angel Blue Prince Blue Princess
Common Plant Name Plant Botanical Name Specie Cultivars	Chinese Juniper <i>Juniperis chinensis</i> Hetzil Keteleeri Mint Julip Robusia Green		Common Plant Name Plant Botanical Name Specie Cultivars	Japanese Holly <i>Llex creata</i> Microphylla Rotundifolia
Common Plant Name Plant Botanical Name Specie Cultivars	Japanese Yew <i>Taxus cuspidata</i> Capitata Intermedia Nana		Common Plant Name Plant Botanical Name Specie Cultivars	Korean Boxwood <i>Buxus microphylla koreana</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Leatherleaf Viburnum <i>Viburnum rhytidophyllum</i>		Common Plant Name Plant Botanical Name Specie Cultivars	Mugho Pine <i>Pinus mugho</i>
Common Plant Name Plant Botanical Name Specie Cultivars	Spreading Yew <i>Taxus x media</i>			

CHAPTER 9. SIGNS

9.1. PURPOSE

The purpose of this chapter is to permit the use of signs as a means of communication in the township; to maintain and enhance the township's natural and manmade environment; to encourage an attractive and healthy economic environment; to minimize the possible adverse effects of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign regulations.

9.1.1. The purpose as stated above is based on the following findings concerning signs:

- A.** That excessive signs create dangerous traffic conditions, intrude on motorist and pedestrian enjoyment of the natural and manmade beauty of the township, and as such are detrimental to the public health, safety and general welfare of the township.
- B.** That business enterprises and other institutions located along public and private streets have a need to identify themselves and their activities to motorists and pedestrians by means of signs.

9.1.2. More specifically, this chapter is intended to:

- A.** Promote and protect public health, safety and welfare by regulating existing and proposed outdoor signage and associated illumination in a manner that will provide for the minimal amount demonstrated absolutely necessary for identification, informational and directional purposes in order to sufficiently serve the public and private concerns.
- B.** Protect property values from detrimental visual impacts that could otherwise result from an over proliferation of unrestricted signage.
- C.** Create an attractive and effective business environment by providing design specifications and restrictions as to the types, sizes and locations of outdoor signage permitted, inclusive of lighting and landscaping, as applicable.
- D.** Enhance and protect the developed appearance of Hamilton Township, by causing signage to be well organized, helpful and informative in directing the viewing public and identifying signage dependent uses, without being visually distractive, overwhelming and unsafe in doing so.
- E.** Preserve and promote the scenic beauty of natural and developing areas in Hamilton Township by preventing or restricting the size, type, number and location of signage and lighting devices in and around them.
- F.** Minimize signage and related lighting to prevent visual distractions and sight obstructions which would pose an accident hazard to viewing pedestrians and/or motorists.
- G.** Reduce hazards which might be caused by signs hanging over, projecting into or abutting public rights-of-way and/or erected in a structurally overwhelming or visually intrusive or obstructive manner.
- H.** Enhance community development and prevent visual deterioration of its natural environment and open space by regulating against objectionable types, sizes, numbers and locations of signage and lighting.
- I.** Protect first amendment rights to allow freedom of speech and expression.

9.2. APPLICABILITY

- 9.2.1.** The regulations contained within this chapter shall apply to all signs and to all zoning districts.
- 9.2.2.** No sign shall be erected, established, modified, created, or maintained in Hamilton Township without the issuance of a zoning certificate and the payment of fees in accordance with [Section 3.5 Zoning Certificate](#), unless otherwise exempted in this chapter.
- 9.2.3.** No zoning certificate is required for the maintenance of a sign or for a change of copy on painted signs.
- 9.2.4.** Changes of sign panels or letters require a zoning certificate.
- 9.2.5.** All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electrical code in effect.
- 9.2.6.** No sign of any classification shall be installed, erected, or attached to a structure in any form, shape, or manner that is in violation of building or fire code of Warren County or the State of Ohio.

9.3. GENERAL REQUIREMENTS FOR ALL SIGNS

The following shall apply to all signs in Hamilton Township:

- 9.3.1.** No business shall use, place or erect temporary or non-permanent signs except as provided elsewhere in this chapter.
- 9.3.2.** No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided herein.
- 9.3.3.** No wall sign shall be erected or maintained from the front or face of a building a distance of more than 18 inches, including those projecting from the face of any theater, hotel, or motel marquee.
- 9.3.4.** No sign shall be placed on the roof of any building, except those integral roof signs whose supporting structure is concealed in such a manner that the sign appears to be a continuation of the face of the building.
- 9.3.5.** Window signs are allowed in all zones and for each ground floor occupancy of a building, but no more than two permanent signs may be painted on or otherwise displayed from the inside surface of any window, showcase, or other similar facility.
 - A.** Said signs shall be in addition to those signs permitted under the provisions in this chapter.
 - B.** The total area of window signs shall not exceed more than 50 percent of the window surface.
- 9.3.6.** All permanent signs hung or erected and all temporary signs required to obtain zoning certificates shall bear the zoning certificate number and date installed.
- 9.3.7.** No sign shall be placed at any location where by reason of its position, shape or color it may interfere with or be confused with any authorized traffic sign, signal, or device, or which make use of a word, symbol, phrase, shape or color in such a manner as to interfere with, mislead, or confuse traffic.
- 9.3.8.** No sign shall be permitted at the intersection of any street or driveway in such a manner as to obstruct free and clear vision by motor vehicle operators. For corner lots or at points of intersection of ingress/egress drives with a street, signs shall be located in such a way to allow clear visibility areas as defined in accordance with [Section 6.7 Clear Visibility Triangle](#).

9.3.9. Sign Illumination and Electronic Signs

- A.** Any illuminated sign or lighting device shall employ only light emitting a constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights.
- B.** In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to be directed or beamed upon a public right-of-way or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- C.** All light emitting from a sign shall be shielded by a translucent covering.
- D. Electronic Message Signs**
 - (1)** Electronic message signs, as defined in [Section 12.2 Definitions](#), are permitted on ground and pole signs for public and institutional uses under [Section 9.8.1 Signs for Public and Institutional Uses in Any District](#) and nonresidential signs under [Section 9.8.3 Signs in Nonresidential Zoning Districts](#).
 - (2)** In no case are electronic message signs permitted on wall, projecting or plaque signs.
 - (3)** The dynamic portion of an electronic message sign may not exceed more than 40 percent of the permitted sign area as noted in [Section 9.8.1 Signs for Public and Institutional Uses in Any District](#) and [Section 9.8.3 Signs in Nonresidential Zoning Districts](#).
 - (4)** Only one electronic sign is permitted per parcel.
 - (5)** No electronic sign shall:
 - (a)** Contain or display animated, moving video, or scrolling advertising;
 - (b)** Display an image, symbol, or combination thereof for a period of time less than 60 minutes, and a change in image, symbol, or combination shall be accomplished within two seconds and occur simultaneously. Once changed, the symbol or image shall remain static until the next change; and
 - (c)** No electronic signs shall appear within or attached to an off-site advertising sign.
 - (6)** An electronic sign must:
 - (a)** Contain a default mechanism that freezes the sign in one position if a malfunction occurs;
 - (b)** Automatically adjust the intensity of its display according to natural ambient light conditions; and
 - (c)** Contain a minimum character size for a display based on viewing distance and the speed at which the audience may be traveling in accordance with [Table 9-1: Minimum Electronic Sign Character Size](#) below:

TABLE 9-1: MINIMUM ELECTRONIC SIGN CHARACTER SIZE

CHARACTER SIZE		MAXIMUM VIEWING DISTANCE		FONT SIZE PERMITTED					
INCHES	MM	FEET	METERS	5 MPH	15 MPH	25 MPH	35 MPH	45 MPH	55 MPH
2	51	5-100	30	Yes	No	No	No	No	No
6	152	300	91	Yes	Yes	No	No	No	No

CHARACTER SIZE		MAXIMUM VIEWING DISTANCE		FONT SIZE PERMITTED					
INCHES	MM	FEET	METERS	5 MPH	15 MPH	25 MPH	35 MPH	45 MPH	55 MPH
9	229	450	137	Yes	Yes	Yes	No	No	No
13	330	650	198	Yes	Yes	Yes	Yes	No	No
18	457	900	274	Yes	Yes	Yes	Yes	Yes	No
24	610	1200	366	Yes	Yes	Yes	Yes	Yes	Yes
36	914	1800	549	Yes	Yes	Yes	Yes	Yes	Yes
48	1219	2400	732	Yes	Yes	Yes	Yes	Yes	Yes

9.4. SIGN COMPUTATIONS

The following principles shall control the computations of sign area and sign height.

9.4.1. Sign Face or Area

- A.** The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color that is an integral part of the background of the display or used to differentiate the sign from backdrop or structure against which it is placed.
- B.** The calculation for the sign face area does not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined by the zoning inspector to constitute an integral part of the sign design or is determined to be designed to attract attention. See [Figure 9-1](#).

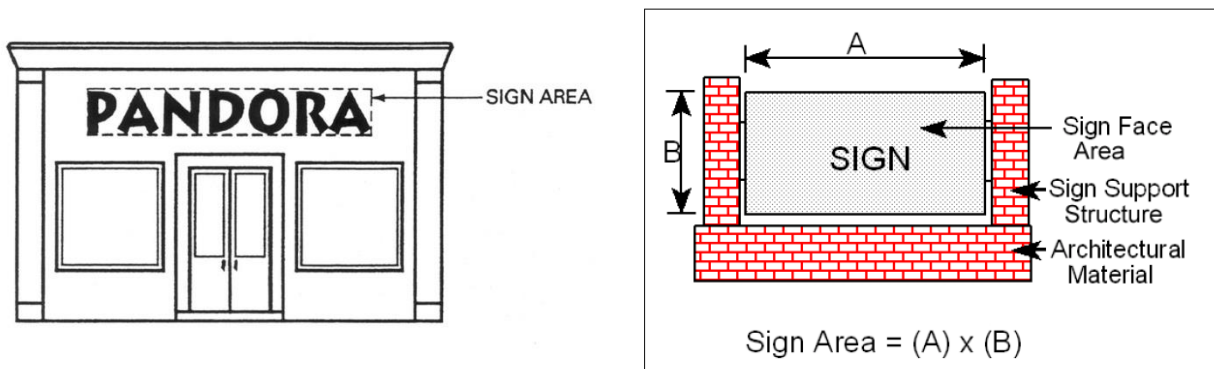


Figure 9-1: Illustration of sign area calculations for a wall sign (left) and a freestanding sign (right).

- C.** In the case of irregularly shaped three dimensional signs, the area of the display surface shall be measured on the plane of the largest vertical cross section.
- D.** The sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces visible from any one point.
- E.** When two identical sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces.

- F.** No more than two display faces shall be permitted for freestanding and projecting signs.
- G.** When calculating sign area, fractional amounts are not required to be rounded.

9.4.2. Street and Building Frontage

- A.** When calculating street frontage, only the street frontage that lies in the unincorporated area of Hamilton Township shall be used in the calculation.
- B.** For multi-occupant buildings, the portion of a building that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.
- C.** The building frontage is the length of an outside building wall on a public or private street.
- D.** In the case of a building on a corner lot, either building frontage may be used in determining maximum sign area.

9.4.3. Window Area

Where the sign area is based on the total window area, the window area shall be calculated as the total area of glass windows on the building frontage.

9.4.4. Sign Height

- A.** The height of a sign shall be computed as the distance from the average grade at the base of the sign or support structure to the top of the highest attached component of the sign.
- B.** A freestanding sign on a man-made base, including a graded earth mound, shall be measured from the average grade, where the sign is to be located.
- C.** The height of a wall sign shall be measured from the finished grade at the building base below the sign. The top of the sign shall be no higher than the maximum permitted building height nor shall it be more than three feet higher than the highest roof elevation of the building, excluding antennas, towers, satellite dishes, non-structural poles or other projections.

9.4.5. Sign Setbacks

- A.** The required setbacks for a sign shall apply to all elements of the sign including its frame and base.
- B.** The setback of a freestanding sign shall be measured horizontally from the edge of the sign frame to the street right-of-way line or lot line, as applicable.

9.5. PROHIBITED SIGNS

The following signs are specifically prohibited in Hamilton Township:

- 9.5.1.** Signs in the public right-of-way, with the exception of governmental traffic control signs and devices.
- 9.5.2.** Pennants, banners (except under [Section 9.9 Temporary Signs](#)), streamers and similar type devices intended to grab the attention of drivers or pedestrians.
- 9.5.3.** Roof signs and signs that extend above or beyond the building façade, except as otherwise specifically permitted in this chapter.

9.5.4. Signs emitting sounds.



Figure 9-2: Examples of prohibited sign types.

- 9.5.5.** Beacons and searchlights, except for emergency purposes.
- 9.5.6.** Aerial signs are not permitted.
- 9.5.7.** Off-premises signs unless permitted as a billboard in accordance with [Section 9.10 Off-Premises](#)
- 9.5.8.** Flashing, moving, blinking, racer type, intermittent, rotating, or revolving signs, whirligig devices, inflatable signs and tethered balloons, ribbons, spinners, exposed light bulbs, and strings of lights not permanently mounted to a rigid background, and other similar types of attention-getting devices.
- 9.5.9.** Merchandise, equipment, products, vehicles or other items not themselves for sale and placed for attention-getting, identification or advertising purposes.
- 9.5.10.** Signs which are painted on or attached to any tree, telephone pole, public bench, streetlight, curb, post, electrolier, hydrant, bridge, public easement or other surface located on public property or over or across any street or public thoroughfare, except as authorized in this chapter.
- 9.5.11.** Abandoned signs or any signs which advertise a business or product no longer existing or sold on the premises.
- 9.5.12.** A-frame and other portable-type signs.
- 9.5.13.** Statues, real or simulated, utilized for advertising purposes.

9.6. SIGNS NOT REQUIRING A ZONING CERTIFICATE

The following signs and messages do not require a zoning certificate and shall be allowed in all districts, unless otherwise noted in this chapter:

- 9.6.1.** Temporary noncommercial speech signs.
- 9.6.2.** Signs installed by employees or officials of a township, city, county, state or federal agency in the course of their governmental duties.
- 9.6.3.** Other signs conforming to the Manual of Uniform Traffic Control Devices
- 9.6.4.** Reflectors and safety signs or devices used exclusively to mark driveways, towers and potentially dangerous structures or situations provided such signs and devices
- 9.6.5.** Signs required by a state or federal statute.
- 9.6.6.** Signs required by an order of a court of competent jurisdiction.
- 9.6.7.** Signs installed by public utilities in their rights-of-way or on their for the sole purpose of carrying out their official public utility duties.
- 9.6.8.** Signs installed by a transit company with a franchise or other right to operate in Warren County, where such signs are installed along its routes and relate to schedules or other information about the transit route.
- 9.6.9.** Flags, emblems and insignias of national, state or local political subdivisions.
 - A.** A zoning certificate shall be required for a flag pole that will exceed the maximum building height permitted in the district by five feet or more, however, no fee shall be required.
- 9.6.10.** Commemorative plaques placed on a structure by recognized historical agencies. Such signs shall not exceed six square feet in area and shall not be illuminated.
- 9.6.11.** Name and/or address descriptions mounted to the front wall of a building or to a lamppost in the front yard not to exceed two square feet in sign area (e.g., street numbers).
- 9.6.12.** Interior signs within a stadium, open-air theater, shopping center, arena or other use of which signs can be viewed only by persons within such stadium, open-air theater, shopping center, arena or other use.
- 9.6.13.** Directional ground-mounted monument signs used exclusively to indicate entrance and exit locations located a minimum of 10 feet from the right-of-way with a maximum permitted sign area of four square feet and a maximum height of four feet.
- 9.6.14.** Any work of art provided that the work of art meets all other applicable standards of this code.
- 9.6.15.** Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. Architectural features include any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms that enhance the site in general.
- 9.6.16.** Routine maintenance of any sign, not involving structural changes to the sign.
- 9.6.17.** Changes of message, either manually or electronically, on a message board or reader board, subject to limitations in this chapter.

9.7. GENERAL SIGN CONSTRUCTION STANDARDS

- 9.7.1.** Signs shall be structurally sound and located so as to pose no threat to pedestrian or vehicular traffic.
- 9.7.2.** Permanent signs shall be constructed and erected to withstand wind pressures and shall be fastened, suspended or supported so that they will not be a menace to persons or property.
- 9.7.3.** Temporary signs shall be durable and weather-resistant.
- 9.7.4.** No sign shall be erected so as to project over and obstruct any window, door, fire escape, balcony, platform, stairway, ladder, vent or other means of ingress of any building.

9.8. SIGNS REQUIRING A ZONING CERTIFICATE

The following are provisions for permitted, permanent signs that require a zoning certificate.

9.8.1. Signs for Public and Institutional Uses in Any District

- A.** One ground sign or one wall sign is permitted for any public or institutional use per street frontage.
- B.** The maximum sign area shall be 25 square feet per side (two sides maximum).
- C.** The maximum height of the ground sign shall be 5 feet.
- D.** Signs shall be set back a minimum of 10 feet from the street right-of-way line.
- E. Changeable Copy**
 - (1)** Ground or wall signs may include a changeable copy sign. See [Figure 9-3](#).
 - (2)** The changeable copy sign may be manually changed or may be an electronic message sign.
 - (a)** An electronic messaging area shall not comprise more than 40 percent of the total sign area; and
 - (b)** Shall comply with the standards in [Section 9.3.9](#).
- F.** Ground signs shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area.
- G.** Ground signs shall be constructed of building materials similar to the primary material used on the buildings located on the same property as the sign.



Figure 9-3: Illustration of a sign for an institutional use on a brick base with foundation plantings.

9.8.2. Entrance Monuments For Residential Subdivisions or Developments

Signs which identify the entrance to a residential subdivision or development shall be permitted as follows:

- A.** One ground-mounted sign, or up to two signs attached to a fence or wall, are permitted at each development entrance.
- B.** The sign shall be set back 10 feet from the public right-of-way line.
- C.** The maximum sign area shall be 25 square feet per side (two sides maximum).
- D.** The maximum height of the ground sign shall be five feet.
- E.** The zoning certificate shall include information suitable to identify an established mechanism to ensure the ongoing maintenance of the entire entrance structure and associated landscaping.
- F.** The sign shall not include any changeable copy.
- G.** The sign shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area.
- H.** No sign shall bear any message other than to identify the applicable residential subdivision or development. Builder or developer name is allowed.
- I.** Illuminated signs shall only use external lighting sources.

9.8.3. Signs in Nonresidential Zoning Districts

The following regulations apply to permanent signs in nonresidential districts that require a zoning certificate.

- A.** Two options are available in a nonresidential district as outlined below. Other specific sign provisions are provided in this section for single buildings larger than 10,000 square feet and multiple occupancy buildings (see [Section 9.8.3.B](#)), signs for large floor area structures (see [Section 9.8.3.C](#)), and for fuel sales establishments (see [Section 9.8.3.D](#)).

(1) Option 1 – One Sign

Each parcel in a nonresidential district shall be permitted one of the following:

- (a)** One wall sign with an area not to exceed 1.5 feet per lineal foot of building frontage width. No sign shall exceed a maximum of 120 square feet.
 - (i)** The sign shall not project more than 1.5 feet from the building wall to which it is attached.
 - (ii)** The sign shall be mounted no lower than three feet or higher than 15 feet above the surface abutting the foundation of the structure.
 - (iii)** A building located at the intersection of two or more streets that are in the township, county, state or federal highway system shall be permitted one wall sign on each surface of the building facing such streets. If this option is selected, the area of any sign shall not exceed one square foot per each lineal foot of building frontage width, and shall not exceed a maximum area of 120 square feet.
 - (iv)** If more than one building is located on the parcel, each building shall be permitted one wall sign. If this option is selected, the area of any sign shall not exceed one square foot per each lineal foot of building frontage width, and shall not exceed a maximum area of 120 square feet. This option does not apply to accessory buildings or structures.
- (b)** One projecting sign with a maximum area of six square feet per side.
 - (i)** The sign shall be attached to and project from a building wall at an angle of 90 degrees for a distance not more than four feet.
 - (ii)** The sign shall be mounted at least eight feet if over a public sidewalk, and at least 15 feet if over any drive aisle.
- (c)** One ground sign with an area not to exceed 45 square feet per side.
 - (i)** The sign height shall not exceed eight feet.
 - (ii)** The sign shall be set back a minimum of 10 feet from the right-of-way or other property line.
 - (iii)** Ground signs shall be constructed of building materials similar to the primary material used on the buildings located on the same property as the sign.
- (d)** One pole sign with an area not to exceed 32 square feet per side.
 - (i)** The sign height shall not exceed 15 feet.
 - (ii)** The sign shall be set back a minimum of 10 feet from the right-of-way or other property line.

(2) Option 2 – Two Signs

Each parcel in a nonresidential district shall be permitted each of the following:

- (a)** One wall sign with an area not to exceed 1.5 square feet per lineal foot of building frontage width. No sign shall exceed a maximum of 60 square feet.

- (i) The sign shall not project more than 1.5 feet from the building wall to which it is attached.
 - (ii) The sign shall be mounted no lower than three feet or higher than 15 feet above the surface abutting the foundation of the structure.
 - (iii) A building located at the intersection of two or more streets that are in the township, county, state or federal highway system shall be permitted one wall sign on each surface of the building facing such streets. If this option is selected, the area of any sign shall not exceed one square foot per each lineal foot of building frontage width, and shall not exceed a maximum area of 60 square feet.
 - (iv) If more than one building is located on the parcel, each building shall be permitted one wall sign. If this option is selected, the area of any sign shall not exceed one square foot per each lineal foot of building frontage width, and shall not exceed a maximum area of 60 square feet. This option does not apply to accessory buildings or structures.
- (b) One ground sign with an area not to exceed 40 square feet per side.
- (i) The sign height shall not exceed eight feet.
 - (ii) The sign shall be set back a minimum of 10 feet from the right-of-way or other property line.
 - (iii) Ground signs shall be constructed of building materials similar to the primary material used on the buildings located on the same property as the sign.
- (3) Where a business enterprise requires secondary entrances to rear or side parking areas, a second wall sign having an area up to 33 percent of the first authorized sign is allowed for the rear or side of the building.

B. Multiple Occupancy Buildings

Single buildings that are larger than 10,000 square feet and contain more than one commercial, office or industrial venture are considered multiple occupancy buildings and shall be permitted the following signs:

- (1) Occupants with their own public entrance shall be permitted one wall sign an area not to exceed one square foot per lineal foot of continuous occupied building frontage width. No sign shall exceed a maximum of 60 square feet; or
- (2) Occupants with their own public entrance shall be permitted one projecting sign an area not to exceed one square foot per lineal foot of continuous occupied building frontage width. No sign shall exceed a maximum of 60 square feet; or
- (3) Upper level occupants or street level tenants with no contiguous exterior wall and having no street frontage shall be allowed one identifying plaque with an area not to exceed three square feet.
 - (a) The width of the plaque may not exceed the width of surface of attachment.
 - (b) All plaques shall be placed adjacent to building entrance.
 - (c) Where more than one plaque is placed at an entrance, the total group is to be related in an orderly and integrated manner in one or more vertical columns with common

vertical centerlines. The horizontal centerline of each group must be five feet above the average grade level.

- (4) In addition, each multi-occupancy building meeting the criteria set forth above may be permitted one ground sign or one pole sign in accordance with the guidelines below:
 - (a) One ground sign with an area not to exceed 120 square feet per side.
 - (i) The sign height shall not exceed 10 feet.
 - (ii) The sign shall be set back a minimum of 10 feet from the right-of-way or other property line.
 - (iii) Ground signs shall be constructed of building materials similar to the primary material used on the buildings located on the same property as the sign.
 - (b) One pole sign with an area not to exceed 80 square feet per side.
 - (i) The sign height shall not exceed 15 feet.
 - (ii) The sign shall be set back a minimum of 10 feet from the right-of-way or other property line.

C. Signs for Large Floor Area Structures

Any building containing five or more separate uses (i.e. shopping center) or other nonresidential developments with a minimum enclosed area of 50,000 square feet for retail sales shall be permitted the following signs:

(1) Ground or Pole Sign

- (a) One ground or pole sign with an area not to exceed 150 square feet per side.
- (b) The sign shall have a maximum of two sides.
- (c) The sign height shall not exceed 30 feet.
- (d) The sign shall be set back a minimum of 10 feet from the right-of-way or other property line.
- (e) In addition to the ground or pole sign, one directional sign may be permitted for occupants located within a courtyard or recessed area within a shopping center.
 - (i) One sign is allowed per drive or walk.
 - (ii) The sign area shall not exceed four square feet per side.
 - (iii) The sign height shall not exceed four feet.
 - (iv) The sign may be permitted for occupants located within a courtyard or recessed area within a shopping center.

(2) Wall Signs

- (a) Each building occupant shall be permitted one wall sign with an area not to exceed one square foot per lineal foot of continuous occupied building frontage width. No sign shall exceed a maximum of 60 square feet.

- (b) Where an occupant requires secondary entrances to rear or side parking areas, a second wall sign having an area up to 33 percent of the first wall sign is allowed for the rear or side of the building.
- (c) All signs within a shopping center or large floor area development shall be of the same type of construction and materials, in order to achieve a uniform and coordinated character compatible with the form and details of the structures.

D. Signs for Fuel Sales Establishments

Due to the special nature and needs fuel sales establishments share, they shall be permitted the following signs:

- (1) Wall signs shall be permitted in accordance with [Section 9.8.3.A](#) above.
- (2) Signs shall be permitted on the fuel dispensers. No zoning certificate shall be required for these signs.
- (3) One ground sign or one pole sign in accordance with the guidelines below:
 - (a) One ground sign with an area not to exceed 45 square feet per side.
 - (i) The sign height shall not exceed 10 feet.
 - (ii) The sign shall be set back a minimum of 10 feet from the right-of-way or other property line.
 - (b) One pole sign with an area not to exceed 32 square feet per side.
 - (i) The sign height shall not exceed 15 feet.
 - (ii) The sign shall be set back a minimum of 10 feet from the right-of-way or other property line.
- (4) One sign on the fascia of the canopy with an area not to exceed 40 percent of the total area of the canopy fascia.
 - (a) The sign shall not project above or below the canopy fascia.
 - (b) For the purpose of this chapter, unlighted striping containing no advertising verbiage or graphic advertising will not be considered part of the design.
- (5) In addition, pricing information may be included on the pole sign, ground sign or canopy sign.
 - (a) The area encompassing the pricing information shall not be included in the total amount of signage allowed in Subsections (a) and (b), above.
 - (b) The area shall not exceed 24 square feet per side.
 - (c) Pricing signs may be digital and are not subject to the standards in [Section 9.3.9](#).

E. Menu Boards

Menu boards are permitted in accordance with [Section 4.9.5.F Drive-Through Facility](#).

9.8.4. Signs Permitted in PUD Planned Unit Development

- A.** Signs in a PUD shall comply with the regulations in this chapter for the underlying zoning district, unless the board of township trustees approves modifications to the standards of this chapter during the PUD plan approval.
- B.** Signs in a PUD approved prior to the adoption of this regulation shall continue to be regulated by the PUD regulations applicable to the property.

9.9. TEMPORARY SIGNS

9.9.1. General Definitions Related to Temporary Signs

Temporary signs shall be as defined in [Section 12.2 Definitions](#) in this code and may include signs conveying commercial or noncommercial speech

9.9.2. Standards that Apply to All Temporary Signs

- A.** No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured by any permanent means to any building, permanent sign, other structure, or improvement, or to the ground upon which it is erected.
- B.** No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roof of a structure.
- C.** No temporary sign shall be illuminated by anything other than non-reflected daylight, unless otherwise permitted in this section, or by variance issued by the BZA.
- D.** No temporary sign shall be located in a right-of-way.
- E.** A zoning certificate shall be required for temporary signs unless specified otherwise in this section.

9.9.3. Temporary Signs for Development/Construction

- A.** One temporary, on-premises sign may be posted on the site where a development project or subdivision is under construction.
- B.** The sign may be posted 60 days prior to, and throughout the duration of, construction.
- C.** Such sign shall not exceed 64 square feet in area per side (two sides maximum).
- D.** The maximum height of the sign shall be 10 feet.
- E.** The sign shall be set back a minimum of 15 feet from the right-of-way or other property line.

9.9.4. Temporary Off-premises Subdivision Signs

- A.** Up to four temporary, off-premises subdivision signs may be posted per development for a subdivision in Hamilton Township.
 - (1)** No more than one off-premises sign is permitted on a property at any time unless the sign is located 300 feet from any other off-premises sign. This does not include temporary development/construction signs or subdivision entrance signs.

- (2) An off-premises subdivision sign may not be placed within 100 feet of a residential district unless a signed statement from the neighboring property owners within 100 feet is provided to the zoning inspector with the zoning certificate application.
- B. The signs may be posted for a period up to one year.
 - (1) The zoning inspector may renew a zoning certificate for additional periods of up to one year for each zoning certificate upon written application at least 30 days prior to its expiration.
 - (2) Renewals may be issued until 75 percent of the dwellings in the final phase of the development have been issued zoning compliance inspection approvals.
- C. Such sign shall not exceed 32 square feet in area per side (two sides maximum).
- D. The maximum height of the sign shall be eight feet in a residential district and 10 feet in a nonresidential district.
- E. The sign shall be set back a minimum of 15 feet from the right-of-way or other property line.
- F. No such sign shall be permitted in one development for the purpose of advertising the sale of lots or structures in another development.

9.9.5. Temporary Signs for Special Events

- A. One temporary, on-premises sign may be used announcing special events on-site and may be erected 60 days prior to the event and must be removed one week after the event with the occurrence of no more than twice a year or as approved by the zoning inspector.
- B. Such signs shall not exceed 32 square feet in area per side (two sides maximum).
- C. The maximum height of the sign shall be eight feet.
- D. The sign shall be set back a minimum of 10 feet from the right-of-way or other property line.

9.9.6. Temporary Signs on Properties for Lease or Sale

A. Temporary Signs on Properties for Lease or Sale in Residential Districts

- (1) Up to two temporary signs may be permitted on an individual lot for the purpose of identifying the premises as for lease or for sale (without a zoning certificate). Such signs shall be limited to six square feet or less in sign area and five feet in height.
- (2) In addition to the above two temporary signs, a larger temporary sign is allowed for a subdivision under development provided it complies with the following requirements:
 - (a) The owner of the property, or authorized agent, where the sign will be located shall obtain a zoning certificate for the sign;
 - (b) There shall be a limit of one sign per street frontage, provided not more than two signs may be permitted for any single development;
 - (c) The sign shall not exceed 32 square feet per side with a maximum of two sides;
 - (d) The maximum height shall be 10 feet;

- (e) The sign shall be set back a minimum of 15 feet from the right-of-way or other property line; and
- (f) The applicant must submit a request to renew the applicable zoning certificate every 12 months.

B. Temporary Signs on Properties for Lease or Sale in Nonresidential Districts

- (1) Up to two temporary signs may be permitted on an individual lot for the purpose of identifying the premises as for lease or sale (without a zoning permit). Such signs shall be limited to six square feet or less in sign area and five feet in height.
- (2) In addition to the above two temporary signs, a larger temporary sign is allowed in a nonresidential district provided it complies with the following requirements:
 - (a) The owner of the property where the sign will be located shall apply for and receive a zoning certificate for the sign;
 - (b) There shall be a limit of one sign per street frontage, provided not more than two signs may be permitted for any single development;
 - (c) The sign shall not exceed 32 square feet per side with a maximum of two sides;
 - (d) The maximum height shall be 10 feet;
 - (e) The sign shall be set back a minimum of 15 feet from the right-of-way or other property line; and
 - (f) The applicant must submit a request to renew the applicable zoning certificate every 12 months.

9.10. OFF-PREMISES BILLBOARDS

9.10.1. Placement

Billboards are permitted in all nonresidential districts and on lots that are used for agricultural purposes. Billboards are prohibited along a national or state scenic byway, as identified by the Ohio Department of Transportation and all non-interstate roads.

9.10.2. Sign Area

No billboards shall exceed 300 square feet in area per side and no more than two sides.

9.10.3. Sign Height

No billboards shall exceed 25 feet in height.

9.10.4. Sign Location and Setbacks

All billboards shall comply with the following setbacks:

- A.** The minimum roadway distance between outdoor advertising signs is 2,000 feet.
- B.** All billboards shall be located at least 100 feet from any property line.

- C.** All billboards shall be located at least 500 feet from uses such as residential dwellings, parks, natural preserves, scenic roadways, educational institutions, cemeteries, historic sites or areas, hospitals, institutional housing, or public or government buildings.
- D.** All billboards along interstate highways shall conform to the regulations established in ORC Chapter 5516.
- E.** All billboards shall meet the minimum setback requirements of the zoning district and all properties where such signs are located shall meet the applicable minimum lot area.

9.10.5. Proof of Other Regulations Compliance

Billboards shall comply with all regulations set forth in this chapter and this zoning code. Outdoor advertising signs shall comply with all other local, state and federal permitting procedures.

9.10.6. Landscaping

- A.** Billboards shall be erected in a landscaped setting that has a minimum size equal to, or exceeding, twice the sign face area.
- B.** The landscaped area shall include one tree and two shrubs per 20 square feet of sign area.
 - (1)** Trees shall be a minimum of eight feet high and two inches in caliper at installation.
 - (2)** Shrubs shall be a minimum of three gallon pot size with a minimum of 18 inches in height and spread at installation.

9.10.7. Illumination

- A.** Billboards located within 1,000 feet of a residential district shall not be illuminated.
- B.** Billboards located in a nonresidential district may be externally illuminated through cutoff fixtures located external to the sign face and no internal light sources or light producing elements in the sign face or message media shall be permitted.
- C.** Illumination shall be concentrated upon the area of the sign face so as to prevent glare upon the roadway or adjacent properties.
- D.** A photometric plan shall be provided and light shall not trespass beyond the site to exceed 0.2 footcandles when adjacent to residential property or 1.0 footcandles when adjacent to a nonresidential property.
- E.** Flashing or intermittent lighting is prohibited.

9.10.8. Changeable Messages

An electronic changeable message is not permitted on any billboards.

9.11. NONCONFORMING SIGNS

Notwithstanding any provision of this subsection to the contrary, all signs erected following the effective date of these regulations shall comply with all the provisions of this chapter. All signs that are in existence on the effective date of these regulations, that do not conform with the standards of this chapter, shall be considered nonconforming uses and shall be subject to the following provisions:

CHAPTER 11: Enforcement and Penalties

Section 11.6. Other Action

- 9.11.1. Changes in words, symbols, or messages shall not be made on nonconforming signs unless the sign is specifically designed for periodic change of message.
- 9.11.2. Nonconforming signs shall not be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated without complying with the standards of this chapter, except that the BZA may grant a change that will result in a decrease in the nonconformity of the sign.
- 9.11.3. Nonconforming signs shall be subject to the provisions of [Section 10.5 Nonconforming Structures or Sites](#).
- 9.11.4. Minor repairs and maintenance of nonconforming signs such as repainting, electrical repairs, and neon tubing repair shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall be permitted except to make the sign comply with the requirements of this chapter.

9.12. MAINTENANCE

- 9.12.1. The owner of a sign shall be held responsible for the maintenance, repair and upkeep of their sign.
- 9.12.2. Any sign reaching a state of disrepair and deemed unsafe by the zoning inspector shall be condemned and an order shall be issued for the immediate removal of the sign at the expense of the sign owner or building owner.
- 9.12.3. The sign owner shall be held responsible for the removal and dismissal of all abandoned signs, including the complete removal of painted wall signs.
- 9.12.4. Signs which are no longer functional and do not serve the purpose for which they were intended shall be removed or relocated within 30 days following such malfunction or non-function. In the event the sign owner cannot be determined, located or legally held responsible, the building owner, or land owner where no building exists, shall be held responsible.

CHAPTER 10. NONCONFORMITIES

10.1. PURPOSE

Within the districts established by this zoning code, some lots, uses of land or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this zoning code, but that are prohibited, regulated, or restricted under the terms of this amended zoning code. The purpose of this chapter is to outline provisions related to the continuance of those existing uses, lands, and structures.

10.2. GENERAL PROVISIONS

- 10.2.1.** The lawful use of any dwelling, building, structure, or of any land or premises as existing and lawful at the time of enactment of this zoning code may be continued although such use does not conform to the provisions of this zoning code.
- 10.2.2.** Passage of this zoning code in no way legalizes any illegal uses existing at the time of its adoption.
- 10.2.3.** Normal maintenance and incidental repair or replacement, and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing, may be performed on any structure that is devoted in whole or in part to a nonconforming use or structure.

10.3. NONCONFORMITIES AND VARIANCES

- 10.3.1.** Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use.
- 10.3.2.** The granting of a variance for a lot, site, or structure that would otherwise comply with this code shall not create a nonconformity upon the approval of the variance.
- 10.3.3.** When a property owner or authorized agent is granted a variance for a nonconforming lot, site, or structure that addresses the nonconformity, the lot, site, or structure shall no longer be considered nonconforming.
- 10.3.4.** If a property owner or authorized agent is granted a variance for a nonconforming lot, site, or structure that addresses some nonconformities but additional nonconformities continue, the lot, site, or structure shall still be considered a legal nonconformity.

10.4. NONCONFORMING USES

- 10.4.1.** An existing building or premises devoted to a use that is not permitted by this zoning code in the applicable zoning district, except when required to do so by law or order, shall not be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the applicable zoning district, or unless approved by the BZA.
- 10.4.2.** If no structural alterations are made, a nonconforming use of a building or premises may be changed to another nonconforming use of the same or more restrictive classification, provided that the change is less offensive to adjacent properties, and the proposed use is desirable to the township as determined by the BZA.

10.4.3. Whenever a nonconforming use has voluntarily been changed to a conforming use (i.e., a use that is permitted within the applicable zoning district), such use shall be deemed conforming and shall not be changed back to the previous nonconforming use.

10.4.4. Whenever a nonconforming use has been changed to a more restrictive classification of use, such use shall not be changed thereafter to a less restrictive use.

10.4.5. Termination of Use through Discontinuance

If the legally nonconforming use of any building, structure, or of any land or premises is voluntarily discontinued for 24 continuous months or longer, any future use thereof shall be in conformity with the provisions of this zoning code. Discontinued shall mean that the structure has remained vacant, unoccupied, unused or has ceased the daily activities or operations which had occurred.

10.4.6. Damage or Destruction of a Structure Containing a Nonconforming Use

- A.** When a building or structure, the use of which does not conform to the provisions of this zoning code, is damaged by fire, explosion, Act of God, or a public enemy, it may be restored.
- B.** In the event that any structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by any means not covered by [Subsection 10.4.6.A](#) above, to the extent of more than 50 percent of the market value as established by the Warren County Auditor's Office, such structure shall not be restored unless the structure and the use will conform to all regulations of the applicable zoning district.
- C.** When such damage or destruction is 50 percent or less of the market value as established by the Warren County Auditor's Office, such structure may be repaired and reconstructed and used for the same purposes and to the same extent as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within 24 months of the date of such damage or destruction. The BZA may impose such reasonable conditions as may be necessary to mitigate the adverse effect of the nonconformity within the district in which such use is located and upon surrounding and neighboring properties.

10.4.7. Expansion of a Nonconforming Use

- A.** Notwithstanding the foregoing provisions to the contrary, a structure containing a nonconforming residential use may be increased or improved, regardless of the applicable zoning district, provided the structure continues to be used for residential purposes only and meets all required setbacks.
- B.** Notwithstanding the foregoing provisions to the contrary, a structure containing a nonconforming, nonresidential use, may be increased or improved, regardless of the applicable zoning district, where the owner of such use can demonstrate through application to the BZA that the manner in which the useable area of the nonconforming use will be increased or improved will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions.
- C.** The BZA shall review a request to expand a nonconforming use pursuant to the variance procedure in [Section 3.8 Appeals, Variances, and Conditional Uses](#), and shall be subject to the review criteria of this section.

10.5. NONCONFORMING STRUCTURES OR SITES

- 10.5.1.** Any nonconforming structure or site may be enlarged, maintained, repaired or altered provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this code.
- 10.5.2.** No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the district in which such structure is located after being relocated.

10.5.3. Damage or Destruction of a Structure Containing a Conforming Use

- A.** When a building or structure that does not conform to the provisions of this zoning code is damaged by fire, explosion, Act of God, or a public enemy, it may be restored.
- B.** In the event that any structure that is devoted in whole to a conforming use is damaged or destroyed, by any means not covered by [Subsection 10.5.3.A](#) above, to the extent of more than 50 percent of the market value as established by the Warren County Auditor's Office, such structure shall not be restored unless the structure will conform to all regulations of the applicable zoning district.
- C.** When such damage or destruction is 50 percent or less of the market value as established by the Warren County Auditor's Office, such structure may be repaired and reconstructed to the same extent as it was before the damage or destruction, provided that such repair or reconstruction is commenced and completed within 24 months of the date of such damage or destruction. The BZA may impose such reasonable conditions as may be necessary to mitigate the adverse effect of the nonconformity within the district in which such use is located and upon surrounding and neighboring properties.

10.6. NONCONFORMING LOTS

- 10.6.1.** All lots of record or subdivisions with preliminary plats or Stage I Sketch Plans approved by the Warren County Regional Planning Commission prior to the effective date of this zoning code, and which approval has not lapsed by reason of inactivity as provided in the "Warren County Subdivision Regulations", shall be controlled by the zoning regulations under which they were approved and shall not be considered as nonconforming.
- 10.6.2.** All existing lots of record prior to the effective date of this zoning code shall be controlled by the zoning regulations under which they were approved and shall not be considered nonconforming.
- 10.6.3.** Where any lot or lots of record exist, as of the effective date of this zoning code, that do not conform to the area and/or frontage requirements of this zoning code, development in accordance with the use and other regulations of the district in which it is located may be permitted on any such lot provided that the lot was subdivided or platted as a separate tax parcel and regardless of whether contiguous parcels are in separate ownership, however, no lot shall be used for if it is found to be less than 40 feet wide. Where a dimensional variance from any minimum yard or setback requirement is necessary to develop on said lot, an application for dimensional variance shall meet the criteria of this section.
- 10.6.4.** If two or more adjacent lots of substandard width for the district in which they are located, belong to one owner, they shall be combined into new lot sizes as follows:

CHAPTER 11: Enforcement and Penalties

Section 11.6. Other Action

- A.** If the total combined width is less than the required minimum width for one lot for the district in which they are located, they shall be combined to form one lot.
- B.** If the total combined width is greater than the minimum required width for one lot, for the district in which it is located, but not a multiple of said width, it shall be divided into equal width lots of such width as to result in one more lot with the minimum width required in the district in which they are located.

10.6.5. The sum of the side yard width of any substandard size lot shall be 30 percent of the width of the lot.

10.6.6. The sum of the side yard width of any substandard size lot shall be at least 10 percent of the lot width for any one side yard.

10.6.7. The depth of the rear yard of any substandard size lot need not exceed 20 percent of the depth of the lot, but in no case less than 10 percent.

10.7. BURDEN OF PROOF

An applicant for any development review procedure that deals with a nonconforming use shall bear the burden of proof in demonstrating that the use was a legal nonconforming use on the effective date of this zoning code.

CHAPTER 11. ENFORCEMENT AND PENALTIES

11.1. ENFORCING OFFICER

The zoning inspector is hereby designated as the enforcing officer of this code. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations, and administer the provisions of this code. The zoning inspector may be assisted by other personnel as the board of township trustees may authorize.

11.2. REMEDIES

If any building or land is used, altered, constructed, enlarged or any such action proposed in violation of the provisions of this code or any amendment or supplement thereto, the Hamilton Township law director, the zoning inspector, any person or any property owner damaged by or subject to damage by such violation in addition to remedies provided by law is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alterations, enlargement, change, maintenance or use.

11.3. NOTICE OF VIOLATION

The notice of any violation of the zoning code shall be as follows:

11.3.1. Whenever the zoning inspector determines that there is a violation of any provision of this zoning code, a notice of such violation shall be issued. Such notice shall:

- A.** Be in writing;
- B.** Identify the violation;
- C.** Include a statement of the reason or reasons why it is being issued and refer to the section of this zoning code being violated;
- D.** Provide a copy of the necessary forms to file an appeal; and
- E.** State the time by which the violation shall be corrected.

11.3.2. Service of notice of the violation shall be as follows:

- A.** By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of 16 years or older; or
- B.** By certified mail, and first class simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when a certified mail receipt is received or first class mail is not returned after 10 days of mailing; or
- C.** By posting a copy of the notice form in a conspicuous place on the premises found in violation.

11.4. PENALTIES

- A.** Any person, firm or corporation violating any regulation, provision, amendment or supplement to this code, or failing to obey any lawful order of the zoning inspector issued pursuant thereto, shall be fined not more than \$500.00 or the maximum amount

allowed by the Ohio Revised Code per offense. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense. Violations of any regulation, provision, amendment or supplement to this code shall be deemed a criminal misdemeanor offense.

- B.** Any person, firm, or corporation violating any prohibition set fourth in this zoning code on the placement of signage on, in or around public property or public rights-of-way shall be subject to the following graduated fines per each such violation:
1. For the first offense, a fine of \$50.00;
 2. For the second offense, a fine of \$100;
 3. For the third offense, a fine of \$250; and
 4. For any subsequent offense, a fine of \$500.

The Township shall be entitled to immediately remove and discard any sign unlawfully placed on, in or around public property or public right-of-way in violation of this zoning code.

11.5. AFFECTED PARTIES

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

11.6. OTHER ACTION

Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy any violation including issuing a misdemeanor citation for a continuing zoning code violation.

CHAPTER 12. DEFINITIONS

12.1. RULES OF CONSTRUCTION AND INTERPRETATION

12.1.1. Intent

All provisions, terms, phrases, and expressions contained in this zoning code shall be construed according to this zoning code's stated purpose.

12.1.2. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as “including,” “such as,” or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

12.1.3. References to Other Regulations, Publications and Documents

Whenever reference is made to a resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

12.1.4. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Hamilton Township, unless otherwise expressly stated.

12.1.5. Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the township to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

12.1.6. Technical Words

Technical words and phrases not otherwise defined in this zoning code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

12.1.7. Mandatory and Discretionary Terms

The word “shall” is always mandatory, and the words “may” or “should” are always permissive.

12.1.8. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A.** “And” indicates that all connected items, conditions, provisions, or events shall apply; and
- B.** “Or” indicates that one or more of the connected items, conditions, provisions, or events shall apply.

12.1.9. Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

12.1.10. Gender

The masculine shall include the feminine, and vice versa.

12.1.11. Meaning

For the purpose of this zoning code, words and phrases shall have the meanings set forth in this chapter.

12.1.12. Other Terms Not Defined

Words and phrases not otherwise defined in this zoning code shall be construed according to the common and approved usage of American English.

12.2. DEFINITIONS

ABUTTING OR ADJACENT

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

ACCESSORY BUILDING, STRUCTURE, OR USE

See definitions under “building, accessory”, “structure, accessory”, or “use, accessory.”

ACCESSORY DWELLING

A secondary dwelling unit established in conjunction with and clearly subordinate to a principal dwelling unit, that has its own kitchen, sleeping area, and full bathroom facilities. Accessory apartments may be contained within or added on to a principal dwelling, be part of an accessory building (e.g., attached to a garage), or the accessory dwelling may be a separate structure.

ACCESSORY RETAIL SALES

The sale of products manufactured, produced, stored, or marketed on-site at an office, office-warehouse, or industrial use.

ACTIVE PARK OR RECREATION FACILITY

Any park or recreational facility that requires grading of the land (beyond minor grading or revegetation), construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, golf courses, and other similar outdoor facilities.

ADULT FAMILY HOME

A residence or facility, as defined and regulated in ORC Chapter 3722, which provides accommodations for three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

CHAPTER 12: Definitions

Section 12.2. Definitions

ADULT GROUP HOME

A residence or facility, as defined and regulated in ORC Chapter 3722, which provides accommodations for six to 16 unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

AGRICULTURE

Farming, ranching, aquaculture, apiculture, horticulture, viticulture, animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals, poultry husbandry and the production of poultry and poultry products, dairy production, the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms, timber, pasturage, any combination of the foregoing, the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

AGRICULTURE - RAISING OF CROPS

The use of land for field and orchard uses including production of field crops, flowers and seeds, fruits, grains, melons, ornamental crops, tree nuts, trees and sod, and vegetables. Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, crop processing, and sales in the field not involving a permanent structure.

AGRICULTURE - RAISING OF LIVESTOCK

The use of land for dairying, animal raising, breeding, and pasturage of livestock and the necessary accessory uses; provided, however, that such accessory uses shall be secondary to that of normal animal husbandry activities. The raising of livestock shall not include the commercial feeding of garbage or offal to swine or other animals.

ALTERATION

Any change, addition, or modification in construction, type of occupancy, increase in floor space, the consummated act of which may be referred to herein as "altered" or "reconstructed."

AMATEUR RADIO TRANSMITTER OR ANTENNA

An antenna, related supporting mast or tower, and transmitter used in amateur radio (a.k.a., ham radio) for the purpose of transmitting and receiving radio signals in conjunction with an amateur radio station licensed by the Federal Communications Commission (FCC).

ANIMAL HOSPITAL OR VETERINARY CLINIC

A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use of a kennel shall be limited to short-term boarding and shall be related and incidental to the hospital use.

APPEAL

An appeal of an administrative decision made by the zoning inspector, considered by the BZA, in accordance with [Section 3.8 Appeals, Variances, and Conditional Uses](#).

APPLICANT

Unless otherwise specified, an owner of a property or an agent for the owner, including a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to [CHAPTER 3 Development Review Procedures](#).

CHAPTER 12: Definitions

Section 12.2. Definitions

APPLICATION

The process by which the applicant submits a request for any type of development review or approval identified in [CHAPTER 3 Development Review Procedures](#) of this code. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the township.

AUTHORIZED AGENT

A person with express written consent to act upon another person's behalf.

AUTOMATED TELLER MACHINES (ATM)

An automated device that performs banking or financial functions.

AUTOMOTIVE FUEL SALES

Any building or land used for the retail dispensing or sales of vehicular fuels and including, as an accessory use, the sale and installation of lubricants, tires, batteries and similar accessories.

AUTOMOTIVE REPAIR

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of parts to motor vehicles. See also definition for "truck, trailer, and farm implement sales and service."

AUTOMOTIVE SALES OR RENTAL

Any building or land used for the display, sale or rental of new or used motor vehicles or trailers in operable condition. See also definition for "truck, trailer, and farm implement sales and service."

AUTOMOTIVE SERVICE

Any business that derives or expects to derive more than 50 percent of its gross revenue from the maintenance of automobiles and trucks. Examples of maintenance include but are not limited to: oil changes, tire replacement, light suspension work, coolant system repair, air conditioning system maintenance and repair, audio, or exhaust system repair. See also definition for "truck, trailer, and farm implement sales and service."

AUTOMOTIVE WASHING FACILITY

Any building or land used for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

BAKERY

An establishment for preparing, cooking, baking, and selling of products on the premises.

BAR OR TAVERN

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises. A tavern shall be this type of establishment where food may also be available for consumption on the premises.

BASEMENT

A story or portion of a story having part of, but not more than one-half, its height below average grade. A basement is counted as a story for the purpose of height regulation. See definition for "cellar".

BEACON

Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

CHAPTER 12: Definitions

Section 12.2. Definitions

BED AND BREAKFAST ESTABLISHMENT

A single family dwelling where no more than four sleeping rooms are offered for pay to transient guests for a period of stay of 14 days or less in association with breakfast the next day.

BILLBOARD

See definition for “sign, outdoor advertising”.

BILLIARD PARLOR

A business establishment containing more than two pool or billiard tables that is the principal use of the business.

BLOCK

The property abutting one side of a street and lying between the two nearest intersecting streets (crossing or terminating), or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate lines of the township.

BOARD OF TOWNSHIP TRUSTEES

The Board of Township Trustees of Hamilton Township, Warren County, Ohio.

BOARD OF ZONING APPEALS (BZA)

The Hamilton Township Board of Zoning Appeals.

BUFFER OR BUFFERYARD

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use, no part of which buffer is used for active recreation or parking, or interior access drives. A buffer may include a wall, fence, or mound as provided in accordance with the provisions of [CHAPTER 8 Landscaping Regulations](#).

BUILDING

Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

BUILDING, ACCESSORY

A subordinate building, the use of which is incidental to that of the main building or to the principal use of the premises.

BUILDING FRONTAGE

See definition of “frontage, building.”

BUILDING HEIGHT

The vertical distance from the average grade at the building walls to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE

A line across the width of the lot generally parallel to the front lot and representing the distance which all or any part of the building is to be set back from the front lot line. See “setback, front”.

CHAPTER 12: Definitions

Section 12.2. Definitions

BUILDING MATERIAL SALES

An establishment or place of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures.

BUILDING, NONCONFORMING

A building that lawfully occupied a lot at the effective date of this code, or amendments thereto, and that does not currently conform to the regulations of the applicable zoning district.

BUILDING, PRINCIPAL

The building containing the main or principal uses on the lot.

BUILDING TRADES

Businesses related to the construction of buildings including, but not limited to, carpentry, electrical, plumbing, and heating/air conditioning, and the like.

BZA

See “Board of Zoning Appeals.”

CANOPY

A free standing permanent roof-like shelter not attached to or requiring support from an adjacent structure.

CELLAR

A story or portion of a story having more than one-half (1/2) of its height below average grade, and is counted as a story for the purposes of regulating the number of stories if used for dwelling purposes.

CEMETERY

Land used for the burial of the human dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

CLUB, LODGE, OR OTHER SOCIAL MEETING PLACES

A building and/or facilities owned or operated by a corporation, association, person, or persons for social, educational or recreational purposes but not primarily for profit or to render a service which is customarily carried on as a business.

CLUSTER DEVELOPMENT, SINGLE FAMILY

An approach to designing a site within the urban service area and in conformance with the standards in [Section 4.8.2.A](#) in order to preserve open land by allowing clustering of single family residential lots.

COMMERCIAL GREENHOUSE

A glassed or translucent enclosure used for the cultivation and protection of plants that are in turn sold to retail or wholesale customers and which is not related to an on-premises agricultural use that is otherwise exempt from these regulations.

COMMON AREAS

Parcels of land, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.

CHAPTER 12: Definitions

Section 12.2. Definitions

COMMUNITY GARDEN

A single piece of land that is gardened collectively by a group of people that may include individual garden plots designated for individual gardens. Community gardens may be a principal or accessory use and may include related accessory uses as allowed for in this zoning code.

COMPREHENSIVE PLAN

A long range planning document for Hamilton Township. The Hamilton Township Land Use Plan adopted by the board of township trustees and as amended from time to time is the comprehensive plan for Hamilton Township.

CONCRETE MIXING

A facility for the manufacture or mixing of concrete, cement, or concrete and cement products, including any apparatus and use incident to such manufacturing or mixing.

CONFERENCE CENTER, ASSEMBLY HALL OR BANQUET FACILITY

A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

CONSERVATION DESIGN, SINGLE FAMILY

An approach to designing a site outside the urban service area and in conformance with the standards in [Section 4.8.2.B](#) in order to preserve open land by allowing clustering of single family residential lots.

CONSTRUCTION DUMPSTER

A container used for the temporary storage of rubbish or materials related to the related construction site or project.

CONSTRUCTION TRAILER

A mobile home, trailer, or similar temporary structure that is used as an office or for storage in conjunction with a construction project.

CONTRACTOR OFFICES AND STORAGE

A use where the principal activity is the storage of equipment and materials related to building or landscaping contractors. Such use may also include office space for the business. Such uses are typically related to the construction industry and may include, but are not limited to, plumbing, heating, roofing, interior remodeling, excavating, and landscaping contractors.

COUNTY

Warren County, Ohio.

COUNTY COMMISSIONERS

Board of County Commissioners of Warren County, Ohio.

CREMATORY

A location containing properly installed, certified apparatus intended for use in the act of cremation.

CUL-DE-SAC

A dead-end street which includes a turnaround space.

CULTURAL INSTITUTION

A use providing for display, performance, or enjoyment of heritage, history, or the arts, including but not limited to museums, arts performance venues, cultural centers, or interpretative sites, but not including commercially operated theaters.

DAY CARE CENTER

A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, or other similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period.

DBH

See “diameter-at-breast height”.

DECK

Any exterior floor system raised 18 inches above grade and supported on at least two opposing sides by an adjoining structure and/or posts, piers or other independent supports.

DENSITY

The quotient of the total number of dwelling units as divided by total area of the site.

DENSITY, GROSS

The density derived by dividing the total size of a PUD project area in acres by the total number of proposed dwelling units.

DETACHED ACCESSORY BUILDING

A detached accessory building is a “building” that is clearly accessory and incidental to the principal use of the lot. Detached accessory buildings may include, but are not limited to, detached garages, storage sheds, and utility sheds.

DEVELOPMENT

Any man-made change to improved or unimproved land, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.

DEVELOPMENT PLAN

A plan for the development and use of a specific parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract; the location, size, height, and use of all structures; all vehicular and pedestrian ways and parking areas; all sewer and water mains, fire hydrants (both public and private); and all landscaped and recreational areas to be erected and maintained thereon; and further explained by such specifications, conditions and limitations as may be imprinted on the plat, or contained in the amendment or supplement to the zoning code, incorporating the development plan as an integral part of the zoning regulations applicable to that particular tract of land.

DIAMETER-AT-BREAST HEIGHT (DBH)

DBH is used to measure the caliper of a tree trunk at the specific height of 4.5 feet above the ground.

CHAPTER 12: Definitions

Section 12.2. Definitions

DISTRICT

A portion of the unincorporated area of the township within which certain uniform regulations and requirements govern the use of buildings and lots, the size of yards, building heights, and other man-made improvements.

DISTRICT, NONRESIDENTIAL

Any property or portion thereof located within the unincorporated area of Hamilton Township that has been established as a B-1, B-2, M-1, M-2, or T-C zoning district according to the terms set forth in this zoning code.

DISTRICT, PLANNED UNIT DEVELOPMENT

Any property or portion thereof located within the unincorporated area of Hamilton Township that has been established as a Planned Unit Development (PUD) zoning district according to the terms set forth in this zoning code.

DISTRICT, RESIDENTIAL

Residential district means any property or portion thereof located within the unincorporated area of Hamilton Township that has been established as a R-1, R-2, R-3, R-4, or M-H zoning district according to the terms set forth in this zoning code.

DRIVE-THROUGH FACILITY

Any portion of a building or structure from which business is transacted, or is capable of being transacted, directly with customers located in a motor vehicle during such business transactions.

DROP-OFF BOX

A small collection facility where recyclable materials are purchased or accepted from the public. Typical uses include neighborhood recycling stations and thrift store collection boxes or dumpsters.

DWELLING

A building or portion thereof designed or intended to be used exclusively for residence purposes, including a permanently sited manufactured home, but not a manufactured home in a manufactured home park, industrialized unit, mobile home, tent, cabin, trailer, travel trailer, trailer coach, camper on a truck or other recreational vehicle.

DWELLING, ATTACHED SINGLE FAMILY

A single family dwelling that is joined to another single family dwelling by a party or common wall.

DWELLING, CARETAKER

An accessory dwelling on a nonresidential premises, occupied by the person, and his or her family, who oversees the nonresidential operation.

DWELLING, MULTI-FAMILY

A building or portion thereof designed for or occupied by more than two non-transient families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit. Multi-family dwelling shall include apartment buildings, elderly housing, and buildings where three or more dwellings are attached by common walls or floors within a single structure.

DWELLING, SINGLE FAMILY

A building designed for or occupied exclusively by one non-transient family or housekeeping unit.

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DWELLING, TWO FAMILY

A building designed for or occupied exclusively by two non-transient families or housekeeping units, living independently of each other, with cooking and sanitary facilities in each dwelling unit.

DWELLING UNIT

A single unit of one or more rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel, recreational vehicle, or other temporary or transient structure or facility. A dwelling unit shall not include a mobile home or recreational vehicle, camping equipment, or a manufactured home except for permanently sited manufactured homes that conform to the requirements for such uses.

EASEMENT

Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

EDUCATIONAL INSTITUTION

Buildings or structures used to teach students. Educational institutions may include primary schools, elementary schools, middle schools, or high schools, and teaching at higher educational levels, including, but not limited to, colleges, vocational schools, universities, training centers and other similar uses.

ENTRANCE MONUMENT

A fence, wall, or sign located at the entrance of a subdivision or development that identifies the name of the subdivision or development.

EQUIPMENT RENTAL

An establishment providing the rental of tools, lawn and garden equipment, construction equipment, party supplies, and similar goods and equipment, but excluding equipment used for excavation, grading or similar tasks or processes.

EXCAVATION

The process of altering the natural grade/elevation by cutting, filling, or moving the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

EXPANSION

An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures.

FAA

The Federal Aviation Administration.

FAÇADE

The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Facades may be on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

CHAPTER 12: Definitions

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FAMILY

A person living alone, or two or more persons customarily living together as a single housekeeping unit and using common cooking facilities as distinguished from a group occupying a hotel, club, boarding or lodging house, motel, sorority house, fraternity house or group home.

FAMILY DAY CARE HOME, TYPE-A

A permanent residence of the provider in which child day care or publicly funded day care is provided for seven to 12 children at one time or is the permanent residence of the provider in which child day care is provided for four to 12 children at one time if four or more children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type-A day care home shall be counted. Type-A day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-A day care homes do not include any child day camp as defined in ORC Section 5104.01.

FAMILY DAY CARE HOME, TYPE-B

A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day care homes do not include any child day camp as defined in ORC Section 5104.01.

FCC

The Federal Communications Commission.

FENCE

An artificial barrier or divider constructed to prevent escape or intrusion, to mark a boundary, or to enclose an area.

FINANCIAL INSTITUTION

Any building, property or activity of which the principal use or purpose of which is the provision of financial services including but not limited to banks, credit unions, savings and loan institutions, mortgage companies and facilities for automated teller machines (ATMs).

FLAG

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

FLOOD

A general and temporary condition of partial or complete inundation of normally dry lands.

FLOOD, 100 YEAR

A flood that on the average is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

FLOOD PLAIN

A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation due to the periodic overflow of surface waters; or an area subject to the unusual and rapid accumulation of surface waters from any source.

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FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water surface elevation more than one foot.

FLOODWAY FRINGE

The area within the 100 year flood plain that is outside the floodway.

FOOTCANDLE

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

FRONTAGE, BUILDING

The length of an enclosed building facing a public or private street. See [Figure 12-1](#).

FRONTAGE, STREET

The length of the property line of any one premises along a public right-of-way on which it borders. See [Figure 12-1](#) and [Figure 12-2](#).

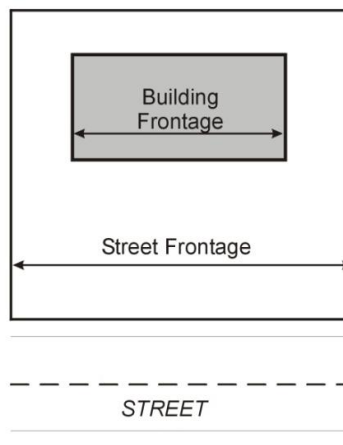


Figure 12-1: An illustration of street frontage and building frontage.

FUNERAL HOME

A building or part thereof used for human funeral services and which may include space for the embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns, and other related supplies, the storage of funeral vehicles, facilities for cremation, chapels, and other related uses.

GARAGE

A detached or semi-detached accessory building or portion of the principal building used for the storage of motor vehicles, boats and their trailers, by the occupants of the premises. Garages in certain nonresidential districts may be used for the repair or servicing of vehicles if the use is permitted within the applicable zoning district.

CHAPTER 12: Definitions

Section 12.2. Definitions

GARDEN OR LANDSCAPE SUPPLY STORE

A place of business where retail or wholesale products and produce are sold to the consumer, and import most of the items sold, which may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and landscaping variety tools and utensils.

GLARE

Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

GRADE

The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

GRASS

A species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

GRAVEL OR SAND EXTRACTION

Mining in which the mineral removed is restricted to sand and gravel.

GRAVEL SURFACE PARKING LOTS

An area designated for the parking or temporary storage of vehicles that is surfaced with gravel or other types of crushed stone to create a temporary parking surface.

GROUND COVER

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

HEDGE

A line of closely spaced shrubs and tree species, planted and trained in such a way as to form a barrier, screen, or to mark the boundary of an area.

HIGHWAY

An officially designated state or federal numbered highway or other road designated as a major street on the Official Thoroughfare Plan of Warren County.

HOME OCCUPATION

Any occupation, profession, activity or use which is customarily incidental to the principal use of the premises and is conducted by a resident occupant which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOSPITAL

A facility providing physical or mental health services, inpatient or overnight accommodations, and medical or surgical care of the sick or injured.

CHAPTER 12: Definitions

Section 12.2. Definitions

HOTEL OR MOTEL

A building in which lodging is provided for transient guests and operated for profit and which may provide additional services such as restaurants, meeting rooms and recreational facilities.

IMPERVIOUS SURFACE

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking and driveways, sidewalks, and pavement.

INDOOR RECREATION OR ENTERTAINMENT FACILITY

A recreational facility where all activities occur within a fully enclosed building and which is operated for commercial profit. Such uses include, but are not limited to, bowling alleys, dance clubs, movie theaters, and indoor athletic clubs.

INDUSTRIALIZED UNIT

A building unit or assembly of closed construction fabrication in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure and that requires transportation to the site of intended use, including units installed on the site as independent units, as part of a group of units or incorporated with standard construction methods to form a completed structural entity, but not including a manufactured home or a mobile home.

INSTITUTIONAL HOUSING

Housing for the elderly or infirm in which three or more unrelated individuals may live on a short-term or long-term basis and where both food and care are provided for compensation. Institutional housing includes, but is not limited to, elderly housing, nursing homes, assisted living facilities, and hospices. Institutional housing shall not include hospitals, medical offices, medical or dental clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured without long-term residency.

INTERNET CAFÉ

A place which provides internet access to the public, usually for a fee. These businesses usually provide snacks and drinks, hence the café in the name. The fee for using a computer is usually charged as a time-based rate. This use does not include viewing or ability to view pornographic or sexually oriented materials, and does not include internet sweepstakes establishments.

INTERNET SWEEPSTAKES ESTABLISHMENT

An establishment that promotes the sale of prepaid internet time cards, phone cards or similar device to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows a customer to use the phone card, internet time cards or similar device at a game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like.

JUNK

Scrap, abandoned or discarded metal, paper, wood, plastic, rubber, glass, building materials, equipment, bottles, appliances, furniture, rags, trash, rubbish, inoperable motor vehicles or parts thereof, or similar materials/items.

JUNKYARD

A place not in a completely enclosed building including auto wrecking yards and building wrecker yards, where waste, scrap metal, discarded or salvaged material is bought, sold, exchanged, baled, packed, stored, disassembled or handled.

CHAPTER 12: Definitions

Section 12.2. Definitions

KEEPING OF CHICKENS

The noncommercial raising and caring of female chickens on a residential lot as an accessory use.

KENNEL

Any structure or premises on which more than five dogs and/or cats that are more than five months of age are kept. Kennel includes facilities that provide daytime care for dogs and/or cats.

LAND USE PLAN

The Hamilton Township Land Use Plan adopted by the board of township trustees and as amended from time to time.

LANDSCAPE MATERIAL

Landscaping consists of:

- Material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, and landscape water features; and
- Non-living durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, decorative walls and fences, brick pavers and earthen mounds, but excluding pavements for vehicular use.

LANDSCAPING

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

LAUNDRY OR LAUNDROMAT

A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patrons.

LIGHT, CUTOFF

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated in [Section 6.3 Outdoor Lighting](#).

LIGHT, NON-CUTOFF

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated in [Section 6.3 Outdoor Lighting](#).

LIGHT TRESPASS

Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.

LIQUOR STORE

A store which sells or offers to sell alcoholic beverages for off-site consumption.

LIVESTOCK

Generally accepted outdoor farm animals including, but not limited to, cows, goats, horses, pigs, barnyard fowl, etc. Livestock shall not include dogs, cats, and other household pets.

LOADING SPACE

An off-street space on the same lot with a building, or a group of such buildings and accessory buildings, or utilized for the principal use and accessory use.

CHAPTER 12: Definitions

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LOT

A parcel of land that is part of a plat, legally recorded in the Warren County Recorder's Office, occupied or intended to be occupied by a principal use or structure.

LOT AREA

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication.

LOT, CORNER

A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees. See [Figure 12-2](#).

LOT COVERAGE

That portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways (impervious surfaces).

LOT, CUL-DE-SAC OR CURVED STREET

A lot with frontage along a curved street or cul-de-sac.

LOT, DOUBLE FRONTAGE

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See [Figure 12-2](#).

LOT, INTERIOR

A lot, other than a corner lot, panhandle lot, double frontage lot, or triple frontage lot that includes those lots that have a front lot line along a street and all other lot lines abutting other lots. See [Figure 12-2](#).

LOT LINE, FRONT

The front property line, which is coterminous with the street right-of-way, or the edge of pavement if the front property boundary extends into a right-of-way easement. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line.

LOT LINE, REAR

A lot line opposite a front yard line. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line.

LOT LINE, SIDE

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line.

LOT LINES

The property lines bounding the lot.

LOT, NONCONFORMING

A lot which does not conform to the minimum site development standards for the applicable zoning district.

LOT OF RECORD

A lot which is part of a subdivision, the plat of which has been recorded in the Warren County Recorder's Office, or a lot described by metes and bounds, the description and deed of which has been recorded in such office.

LOT, PANHANDLE

A lot not fronting or abutting a public street and where access to the public street is limited to a strip of land. See Figure 12-2.

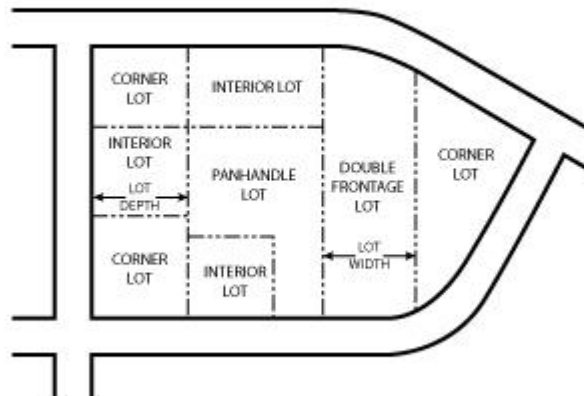
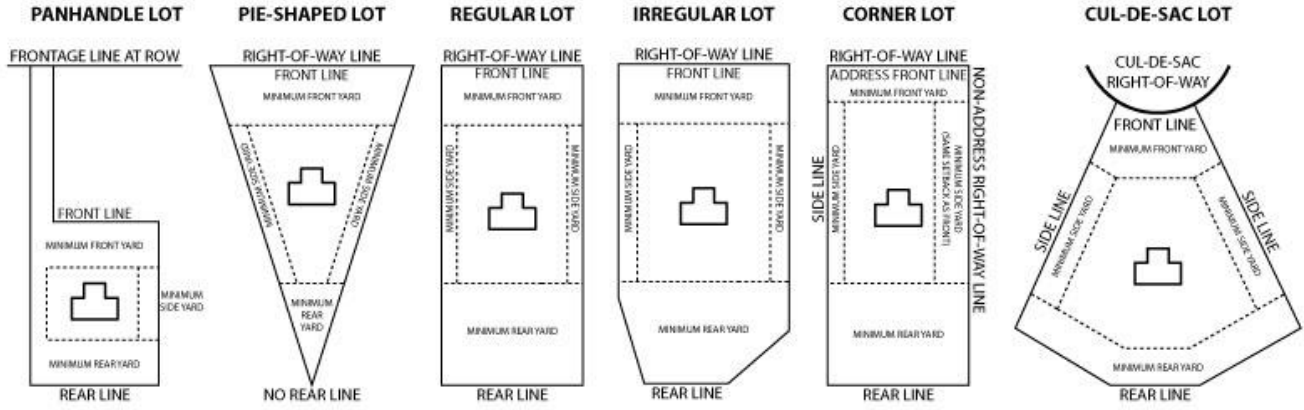


Figure 12-2: Illustration of lot configurations and types

LOT WIDTH

The horizontal distance between the side lot lines measured at the front setback. See Figure 12-2.

LUMBER YARD

An outdoor facility where there are retail sales of lumber and other building materials.

CHAPTER 12: Definitions

Section 12.2. Definitions

MANUFACTURED HOME

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development. Pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

MANUFACTURED HOME PARK

Any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of the park. Manufactured home park does not include any of the following:

1. Any tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as temporary parking or camping.
2. A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority.
3. A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

MANUFACTURED HOME, PERMANENTLY SITED

A "manufactured home" that meets the requirements for a permanently sited manufactured home in [Section 4.8.2.F](#).

MANUFACTURING, HEAVY

Uses engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials; a use engaged in storage of, or manufacturing processes using flammable or explosive material; storage or manufacturing process that potentially involve hazardous conditions; or uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, recycling establishments, truck terminals, public work yards and container storage.

MANUFACTURING, LIGHT

The assembling, altering, fabricating, finishing, processing or the treatment or storage of a product primarily within a fully enclosed building and which does not utilize hazardous or dangerous chemicals or processes.

MAXIMUM EXTENT FEASIBLE

No feasible or practical alternative exists, as determined by the zoning inspector, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent feasible."

MEDICAL AND DENTAL CENTER OR OUTPATIENT CLINIC

A building or facility used for the care, diagnosis, and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board or room nor kept overnight on the premises.

CHAPTER 12: Definitions

Section 12.2. Definitions

MIXED USE OR MIXED USE BUILDING

A combination of residential, and office or commercial uses within the same building.

MOBILE HOME

Any non-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight feet or more in body width or 40 feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets and other projections containing interior space, but does not include bay windows.

MONOPOLE

A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.

MOUND

A mound or berm formed as a result of man-made grading and/or excavation.

NAMEPLATE

A sign indicating only the name and/or address of the person, business, or activity occupying the lot or the buildings.

NIGHT CLUB

A place operated for profit, where food is served for consumption on the premises and one or more forms of amusement are provided or permitted for a consideration that may be in the form of a cover charge or may be included in the price of the food and beverages, or both, purchased by patrons. Does not include sexually oriented businesses, game rooms, or video arcades.

NON-PERMANENTLY SITED MANUFACTURED HOME

A manufactured home that is located within a manufactured home park in compliance with the standards of [Section 4.8.2.F Non-Permanently Sited Manufactured Home Park](#).

NONCONFORMITY

A use, lot, structure, building, sign, or lighting that does not comply with the provisions of this zoning code. See also the definitions for “use, nonconforming,” “lot of record,” “building, nonconforming,” and “structure, nonconforming.”

ODOT

The Ohio Department of Transportation.

OEPA

The Ohio Environmental Protection Agency.

OFFICE

A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

CHAPTER 12: Definitions

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OFFICE-WAREHOUSE

A building in which the affairs of an office are conducted in which the storage and service of products may also be conducted. The warehouse use shall be predominant and the office use ancillary to the building. No walk-in retail sales shall be permitted. No outside storage shall be permitted.

OPEN SPACE

Land or water used for resource protection, recreation, amenity and/or buffering.

OPEN SPACE, COMMON

Land used for resource protection, recreation, amenity and/or buffering that is collectively owned by a home owners association, business owners association, or a group of property owners.

ORC

The Ohio Revised Code.

OUTDOOR COMMERCIAL RECREATION OR ENTERTAINMENT FACILITY

A recreational facility where some or all activities occur outside of a structure and which is operated for commercial profit. Such uses include, but are not limited to, private ball fields and commercial sports stadiums.

OUTDOOR LIGHTING

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See [Section 6.3 Outdoor Lighting](#).

OUTDOOR SALES AND DISPLAYS

The placement of products or materials for sale or lease outside of a retail or wholesale sales establishment.

OUTDOOR STORAGE

A lot or facility for the keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than 24 hours.

OUTDOOR WOOD FURNACE

Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an outdoor wood boiler or outdoor wood-fired hydronic heater.

OWNER

A person recorded as the property owner on official records.

PAINT SHOP

An establishment in which the principal business involves the sale of paint and paint supplies, and may include the sale of other decorating materials, tools, or accessories.

PARAPET OR PARAPET WALL

That portion of a building wall that rises above the roof level.

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PARCEL

A distinct portion or tract of land as is recorded and distinguished in the Warren County Auditor's Property Tax Atlas.

PARK

Any public land available for recreational, educational, cultural, or aesthetic use.

PARKING AISLE

The driveway or access drive by which a vehicle enters and departs a parking space.

PARKING LOT

A surface level facility providing vehicular parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

PARKING SPACE

A designated parking area designed for one vehicle that is exclusive of drives, aisles or entrances giving access thereto.

PASSIVE PARK, RECREATION FACILITY, OR OPEN SPACE

Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development and grading of trails and sidewalks and parking spaces.

PEDESTRIAN WAY

A path or sidewalk used for non-motorized transportation, and may include use by bicycles.

PERMANENT FOUNDATION

A standard design of continuous reinforced concrete or masonry materials, in the form of a wall beneath the exterior perimeter walls of a building and connected to, or resting on, a concrete footer and as necessary for support of other structural members located under or outside a building they are part of, and/or as required for permitting by the Warren County Building Department or appropriate permitting organization.

PERMANENTLY SITED MANUFACTURED HOME

A manufactured home that is in compliance with the standards of [Section 4.8.2.G Permanently Sited Manufactured Home](#).

PERSON

Any individual, corporation, government agency, government official, business trust, partnership, two or more persons having a joint interest, or any other legal entity.

PLANNED UNIT DEVELOPMENT (PUD)

A development that is planned for a single use, or to integrate a variety of uses with collateral uses, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses.

PLAT

A map or other scale drawing of a lot, or other parcel of ground, showing shape and dimensions.

CHAPTER 12: Definitions

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PORCH

A covered, but non-enclosed, portion of a house, excluding a carport.

PREMISES

A parcel of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PRINTING SHOP

An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding and engraving.

PUBLIC AND GOVERNMENT BUILDING OR USE

A building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including township, state, county, or other recognized public entity. Such use may include, but is not limited to, township offices, public works, libraries, post offices, and other uses not defined separately within this chapter. Government and public use shall not include schools or other educational facilities as defined elsewhere in this zoning code.

PUBLIC HEARING

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed resolutions, amendments or other official township business which require public participation and input.

QUORUM

The minimum number of board members that must be present in order to conduct official business or take official action.

RACE TRACK OR COURSE

A measured course where animals or machines are entered in competition against one another or against time, including tracks used in the training of animals, and may contain seating, concessions, suites, and parking facilities.

RAIN GARDEN

A shallow, excavated, planted depression or feature designed to temporarily hold stormwater runoff, typically consisting of an absorbent-plant based soil bed, a mulch layer, and a planting material such as shrubs, grasses, and flowers.

REAL ESTATE SALES/MODEL HOMES

A dwelling unit temporarily converted into a sales and display office or a temporary sales trailer/office established in a development or subdivision for the purpose of providing an example of the units in the development.

RECORDED SUBDIVISION

A subdivision plan that has been approved by Warren County and recorded with the Warren County Recorder's Office.

CHAPTER 12: Definitions

Section 12.2. Definitions

RECREATION CAMP

A tract of land upon which five or more portable camping units are placed and includes any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of the camp. A tract of land that is subdivided for lease or other contract of the individual lots is a recreational camp if five or more portable camping units are placed on it for recreation, vacation or business purposes.

RECREATION FACILITIES

Indoor or outdoor activities/facilities including, but not limited to, baseball fields, swimming pools, tennis courts, skating rinks, golf driving ranges, and the like.

RECREATIONAL VEHICLE

A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation and vacation uses, but shall exclude manufactured homes, and is classified as follows:

- **Fifth Wheel Trailer** – A vehicle that is of such size and weight as to be moveable without a special highway permit, that has a gross trailer area of 400 square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch originally installed in the bed of a truck.
- **Motor Home** – A self propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.
- **Park Trailer** – A vehicle that is commonly known as a park model recreational vehicle, meets the American National Standards Institute A119.5 (1988) for park trailers, is built on a single chassis, has a gross area of 400 square feet or less when set up, is designed for seasonal or temporary quarters and may be connected to facilities necessary for the operation of installed features and appliances.
- **Trailer** – A vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle and includes any such vehicle that is formed and operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, when drawn or towed on a public road or highway at a speed greater than 25 miles an hour and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina or in and around a marina, when drawn or towed on a public road or highway for a distance of more than 10 miles or at a speed of more than 25 miles per hour. Trailer does not include a manufactured home or travel trailer as defined in this zoning code and is not considered a building, structure or dwelling outside of a manufactured home park.
- **Travel Trailer** – means a non-self propelled recreational vehicle that does not exceed the overall length of 35 feet, exclusive of bumper and tongue or coupling and contains less than 320 square feet of space when erected on site. Travel trailer includes a tent-type fold out camping trailer.
- **Truck Camper** – means a non-self propelled vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.

RECREATIONAL VEHICLE, DEPENDANT

A recreational vehicle other than a self-contained recreational vehicle.

CHAPTER 12: Definitions

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RECREATIONAL VEHICLE PARK

A tract of land used for parking five or more self-contained recreational vehicles and includes any roadway, building, structure, vehicle or enclosure used or intended for use as part of the park facilities and any tract of land that is subdivided for lease or other contract of the individual lots for the express implied purpose of placing self-contained recreational vehicles for vacation, or business purposes, and does not include any tract of land used solely for storage or display for sale of self-contained recreational vehicles, or solely as a temporary park-camp.

RECREATIONAL VEHICLE, SELF-CONTAINED

A recreational vehicle that can operate independent of connections to sewer and water and has plumbing fixtures or appliances, all of which are connected to central holding tanks located within the vehicle.

REGIONAL PLANNING COMMISSION

The Warren County Regional Planning Commission.

REINFORCED TURF

Grass grown on a special membrane that is laid over a prepared bedding layer that includes a sub-base designed specifically to support the temporary parking of motor vehicles while having the appearance of a turf lawn.

RELIGIOUS PLACE OF WORSHIP

A building, together with its accessory buildings and uses, where persons regularly assemble for religious worship and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to facilitate public worship.

RESEARCH AND DEVELOPMENT FACILITY OR LABORATORY

A building in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental to the main purpose of the laboratory or facility.

RESIDENTIAL FACILITY

A home or facility, as defined and regulated in ORC Section 5123.19, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under ORC Section 5126.05, a county home or district home operated pursuant to ORC Chapter 5155, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living. See also “Adult Family Home” and “Adult Group Home.”

RESIDENTIAL FACILITY, LARGE

A residential facility where there is supervision in a family setting of nine to 16 persons.

RESIDENTIAL FACILITY, SMALL

A residential facility where there is supervision in a family setting of six to eight persons.

RESTAURANT

An establishment with table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers, provided that no drive-through window is permitted.

CHAPTER 12: Definitions

Section 12.2. Definitions

RETAIL AND SERVICE COMMERCIAL USE

Uses including, but not limited to, groceries and other food stores, coffee shops, soda fountains, internet café, ice cream parlors, drug stores, barber shops, beauty salons, bakeries, dry cleaning, laundromats, tailoring, shoe repair shop, electrical appliance repair/servicing, and the like.

RIGHT-OF-WAY

Land dedicated to or owned by the public for use as a roadway, walk or other way.

ROADSIDE STAND

The use of any land or a structure for the sale of produce in accordance with the provisions of [Section 4.9.5.O](#).

ROOF LINE

The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

SATELLITE DISH

A dish-like antenna used, or intended to be used, to transmit or receive satellite transmissions.

SAWMILL

An operation or facility which has as its predominant purpose the sawing or planing of logs or trees into rough slabs, and is sometimes referred to as a planing mill.

SCREEN OR SCREENING

A visual shield between uses accomplished by the use of mounds, landscaping, walls or other aesthetic means.

SEASONAL AGRICULTURAL SALES

The temporary sale of agricultural products such as fruits, vegetables, and juices where such facilities may sell agricultural products not grown on site. Seasonal sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products.

SELF-STORAGE FACILITY OR MINI-WAREHOUSE

A building or group of buildings consisting of individual, self-contained units leased to individuals, organizations, or businesses for self-storage of personal property.

SETBACK

The minimum distance of a building or structure must be built from a property line or road right-of-way as defined further in [Section 6.1 Measurements, Computations, and Exceptions](#). Driveways and pavement are not considered a structure.

SETBACK, FRONT

The minimum distance required between a building, structure, or improvement and the front lot line.

SETBACK LINE

The line created when applying the required setback distance to a lot.

SETBACK, REAR

The minimum distance required between a building, structure, or improvement and the rear lot line.

CHAPTER 12: Definitions

Section 12.2. Definitions

SETBACK, SIDE

The minimum distance required between a building, structure, or improvement and a lot line that is shared with another lot.

SEXUALLY ORIENTED BUSINESS

Sexually oriented business are those businesses specified below:

- **Adult Arcade** – A commercial establishment where, for any form of consideration, one or more still or motion pictures projectors, slide projectors, or similar machines, or other image-producing machine, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or photographic reproductions characterized by the depiction or description of "Specified Sexual Activities" or "Specified Anatomical Areas".
- **Adult Book Store, Adult Novelty Store or Adult Video Store** – A commercial establishment which has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of revenues, or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration, of any one or more of the following:
 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, computer software, compact discs, or other visual representations, characterized by the depiction or description of specified sexual activities or specified anatomical areas.
 2. Instruments, devices, or paraphernalia designed for use or marketed primarily for stimulation of human genital organs, or for sadomasochistic use or abuse.
- **Adult Cabaret** – A nightclub, bar, restaurant, bottle club, car wash, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
 1. Persons who appear nude, or in the state of nudity, or semi-nudity;
 2. Live performances characterized by the exposure of specified sexual activities or specified anatomical areas;
 3. Films, motion pictures, video cassettes, slides, or other photographic reproductions, characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- **Adult Motel or Hotel** – A motel, hotel or similar commercial establishment which:
 1. Persons who appear nude, or in the state of nudity, or semi-nudity;
 2. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, characterized by the depiction of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; or
 3. Offers a sleeping room for rent for a period of time less than 10 hours; or
 4. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than 10 hours.
- **Adult Motion Picture Theater** – A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown to more than five individuals for any form of consideration.

CHAPTER 12: Definitions

Section 12.2. Definitions

- **Adult Theater** – A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.
- **Escort** – A person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or agrees or offers to privately model lingerie, or privately perform a striptease for another person.
- **Escort Agency** – A person or business association that, for any form of consideration, furnishes, or offers to furnish an escort(s), guide(s), date(s), or companion(s) for another person.
- **Massage Parlor** – Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation's, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as a 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". This definition shall not include the practice of massage in a licensed hospital, under the auspices of a licensed hospital, by a licensed physician, surgeon, chiropractor or osteopath, by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, or by trainers for any amateur, semi-professional or professional athlete, or athletic team, or school athletic program.
- **Nude Model Studio** – Any place where a person, who regularly appears in a state of nudity, or displays specified anatomical areas, is provided, for any form of consideration, to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other person.
- **Sexual Encounter Establishment** – A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons congregate, associate or consort, for the purpose of specified sexual activities, or the exposure of specified anatomical areas, or activities when one or more of the persons is in a state of nudity or semi-nude. This definition shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar person licensed in the State of Ohio, engages in medically approved and recognized sexual therapy.

The following terms are used in the determination and regulation of sexually oriented businesses:

- **Employee** – A person who works or performs as a part of a business association or as a private contractor, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business, excluding a person exclusively on the premises for repair or maintenance of the premises or equipment thereon, or for the delivery of goods to the premises.
- **Establishment** – The opening or commencement of any business as a new business, or the conversion of an existing business.
- **Nudity or State of Nudity** – The appearance of human bare buttocks, anus, male or female pubic region or genitals, or the areolae or nipple of the female breast; or a state of dress which fails to opaquely and fully cover human buttocks, anus, male or female pubic region or genitals, or the areolae or nipple of the female breast.
- **Operator** – The owner, permit or license holder, custodian, manager, operator, or person in charge of any business premises.
- **Permitted or Licensed Premises** – Any premises that requires a license and/or permit under [Section 4.8.3.L Sexually Oriented Businesses](#) of the zoning code.
- **Permittee and/or Licensee** – A person or persons in whose name a permit and/or license to operate a business under these regulations has been issued, as well as the individual or other legal entity listed as an applicant on the application for a permit and/or license.
- **Person** – An individual, proprietorship, partnership, corporation, association, or other legal entity.

CHAPTER 12: Definitions

Section 12.2. Definitions

- **Protected Uses** – Those uses listed below:
 1. Public building means any building owned, leased, or held by the United States, the State of Ohio, Warren County, any city, village or township, any special district or school district, or any other agency or political subdivision, which building is used for government purposes.
 2. Land which has been designated for park or recreational activities, including but not limited to, a park; playground; nature trails; swimming pool; reservoir; athletic field; basketball or tennis courts; pedestrian or bicycle paths; open space; wilderness areas; or similar land.
 3. Quasi-public facility means any building or improved property customarily open to the public for noncommercial purposes, but which is not under government ownership or control.
 4. Religious institution means any church, synagogue, mosque, temple or building used primarily for religious worship and related religious activities.
 5. Residential district or use means districts R-1, R-2, R-3, R-4, M-H, T-C, as set forth in this zoning code.
 6. School means any public or private educational facility, including but not limited to child day care facilities, nursery schools, pre-schools, kindergartens, elementary, primary, intermediate, junior, middle, secondary or high schools, vocational schools, continuation schools, special education schools, junior colleges, colleges and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.
- **Semi-nude** – A state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices, as applicable.
- **Specified Anatomical Areas** – Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola, or human male genitals in a discernibly turgid state, even if completely and opaquely covered.
- **Specified Sexual Activities** – Real or simulated sexual intercourse, oral copulation, masturbation, or sodomy, or excretory functions as a part of or in connection with any of these activities; or the fondling, intentional touching of human genitals, pubic region, buttocks, anus, or female breast; or human genitals in a state of sexual stimulation, arousal or tumescence.
- **Specified Criminal Acts** – Those offenses defined in ORC Chapter 2907, and as the same, may, from time to time be amended and similar offenses pursuant to municipal ordinances, township/county resolutions of this or any other state, the statutes and regulations of any other state or of the United States or tax violations in connection with sexually oriented business.
- **Substantial Enlargement of a Sexually Oriented Business** – An increase in the original floor area occupied by the business by more than 15 percent.
- **Transfer Control of a Business** – The sale, lease, or sublease of the business; or the transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means, voluntary or otherwise; or the establishment of a trust, gift, or similar legal device, which transfers ownership or control of the business, except for transfer by bequest, or other operation of law upon the death of a person possessing the ownership or control.

SHEET METAL SHOP

A place for the assembly of metal parts, including blacksmith, welding, sheet metal, machine and boiler shops, that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

SHRUB

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

SIDEWALK

A pedestrian walkway within a right-of-way of a public street but not on the street surface.

SIGN

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, promote, identify, display, direct, locate or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, or projected images.

SIGN, ABANDONED

A sign or sign structure which no longer correctly directs any activity conducted or product available on the premises where such sign is displayed.

SIGN AREA

See [Section 9.4.1 Sign Face or Area](#) for determination of sign area.

SIGN, AWNING OR CANOPY

Any sign that is painted on, part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area identifying the name of the owner and business, industry, or pursuit conducted within the premises.

SIGN, CHANGEABLE COPY

A sign such as a bulletin board, announcement board, or electronic message sign, where the message or graphic is not permanently affixed to the structure, framing, or background and may be periodically replaced or covered over by electronic or mechanical devices.

SIGN, COMMERCIAL MESSAGE

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

SIGN, DIRECTIONAL GROUND

A permanent sign located on private property, at or near the public right-of-way, directing or guiding vehicles from the street onto private property.

SIGN, ELECTRONIC MESSAGE BOARD

A sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments.

SIGN, EXEMPT

Signs exempted from normal permit requirements.

SIGN FACE

The area or display surface used for the message.

SIGN, FLASHING

Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted intermittent light source.

SIGN, FREESTANDING POLE

A sign that is supported from the ground by poles or other types of individual supports.

SIGN, GROUND-MOUNTED

Any permanent or temporary sign placed on the ground or attached to a supporting structure (not on poles or pylons) and not attached to any building.

SIGN HEIGHT

See [Section 9.4.4 Sign Height](#) for determination of sign height.

SIGN, ILLEGAL

Any sign which is contrary to the requirements of this code and which does not satisfy the nonconforming specifications stated in this code.

SIGN, ILLUMINATED

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

SIGN, MAINTENANCE

The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design, or structure of the sign.

SIGN, MENU BOARD

Any signage pertaining to items, goods, or services offered by a drive-through business.

SIGN, MOVING

Any sign or part of a sign which changes physical position by any movement or rotation or which gives visual impression of such movement or rotation.

SIGN, NONCONFORMING

A sign which was erected legally but which does not comply with subsequently enacted sign restrictions and regulations, or does not comply with the conditions of the permit issued for the sign.

SIGN, OFF-PREMISES

Any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

SIGN, ON-PREMISES

A sign which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

SIGN, OUTDOOR ADVERTISING

Any sign that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

SIGN, PENNANT

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in a series, designed to move in the wind. A pennant is a temporary sign.

SIGN, PERMANENT

A sign permitted by this code to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

SIGN, PORTABLE

A sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels, and signs attached to or painted on a vehicle parked and visible from the public right-of-way, unless such vehicle is used in the day-to-day operations of a business.

SIGN, PROJECTING

A sign attached to a building and extending perpendicular from the building wall.

SIGN, ROOF

Any sign erected, constructed, mounted, or maintained upon or over the roof or parapet wall of a building and having its principal support on the roof or walls of the building.

SIGN, TEMPORARY

A sign that is designed to be used only temporarily and is not permanently, or intended to be permanently, attached to a building, attached to a structure or installed in the ground.

SIGN, WALL

A sign fastened to the wall of a building or structure (such as a fence or wall) in such a manner that the wall becomes the supporting structure for or forms the background surface of the sign and which does not project more than 18 inches from such building or structure.

SIGN, WINDOW

A sign that is applied or attached to the glass of a window or door, or located inside a building within three feet of a window so that the sign is visible and capable of being read from the outside of the building.

SITE, NONCONFORMING

A lot where the use is a conforming use but the site does not meet the parking, signage, landscaping, lighting, architectural, or other applicable development standard.

SLOPE

The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees regarding the grade of land.

SMALL WIND ENERGY CONSERVATION SYSTEM

An engine or motor having a drive shaft driven by the impulse air to create power for the site where such system is located. For the purposes of this zoning code, a small wind energy conservation system is one that creates under 100 Kilowatts of power.

SOLAR PANEL

Panels installed on a building or on a lot to allow for the conversion of solar energy to electrical current.

SOUNDPROOF

To insulate or design so as to obstruct the passage of sound.

STABLE, PRIVATE

A building for beasts of burden to lodge and feed in, especially having stalls for horses, intended for use only by the owner or occupant of the property.

STABLE, PUBLIC

A building for beasts of burden to lodge and feed in, especially having stalls for horses, operated for remuneration.

STACKING SPACE OR LANE

A lane or area that is specifically designated for cars to “stack” in while utilizing drive-up or drive-through services at uses that may include, but are not limited to, car washes, restaurants, and financial institutions.

STREAM

A surface watercourse with a well-defined bed and bank, either natural or artificial, which contains and conducts continuous or periodical flowing water in such a way that perennial terrestrial vegetation cannot establish roots within the channel.

STREET OR ROAD, PUBLIC

One that has been dedicated whether or not it has been constructed to county standards as approved by the County Engineer and accepted by the County Commissioners.

STRUCTURAL ALTERATION

Any change in the structural members of a building, such as walls, columns, beams or girders.

STRUCTURE

Anything constructed or erected or installed or located, the use of which requires location on the ground or attached to something having location on the ground, including but without limiting the generality of the foregoing, signs, outdoor advertising signs, billboards, backstops for tennis courts, swimming pools, and pergolas. Includes “Building.”

STRUCTURE, ACCESSORY

A subordinate structure, the use of which is incidental to that of the principal structure or to the principal use of the premises.

STRUCTURE, NONCONFORMING

A structure that contains a use permitted and approved in the applicable zoning district that does not meet the applicable site development standards.

STRUCTURE, PRINCIPAL

A structure containing the main or principal uses of the premises.

CHAPTER 12: Definitions

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STRUCTURE, TEMPORARY

A structure that is not permanently attached to the ground and that is intended to service its purpose in an established timeframe.

SUBDIVISION

The splitting of any parcel of land into two or more parcels, at least one of which is less than five acres, per ORC Sections 711.001 A. and 711.131.

SUBDIVISION, PLATTED

A parcel of land that has been divided, the resulting lots have been numbered and an approved plat of the entire parcel has been recorded at the Warren County Recorder's Office.

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and it is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when a building permit is issued for the alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include, either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SUBSTANTIALLY COMPLETE CONSTRUCTION

The stage in the progress of the work where the work or building project is sufficiently complete in accordance with the approved construction plans so that the owner may occupy or utilize the work or building for its intended use.

SURFACE PARKING LOT

The portion of a site or development dedicated to vehicular ingress and egress, off-street parking, parking aisles, internal travel ways, fire lanes, and other areas dedicated to vehicular use, but not including vehicular storage or display areas.

SWIMMING POOL, PRIVATE

Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their non-paying guests, but does not mean any impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.

SWIMMING POOL, PUBLIC

Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not fee is charged for use, but does not mean any private swimming pool or impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.

TATTOO/PIERCING PARLOR OR STUDIO

A business that provides tattoo or body piercing services.

CHAPTER 12: Definitions

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TELECOMMUNICATION TOWER

Any structure or device, including accessory structures, used to receive or transmit electromagnetic waves between cellular phones, pagers, and ground wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services.

TEMPORARY SPECIAL EVENT

A temporary event including, but not limited to, circuses, festivals, or concerts, that only takes place for a short period of time and is not a regular occurrence on any given site.

TEMPORARY STORAGE IN A PORTABLE CONTAINER

The temporary storage of materials in a large metal or wooden container, typically intended for transport by large truck, train, or ship.

TEMPORARY ZONING CERTIFICATE

A zoning certificate reviewed and approved, approved with conditions, or denied by the zoning inspector for a temporary use or event in accordance with [Section 3.5.7 Temporary Zoning Certificates](#).

TENNIS COURT OR OTHER GAME COURTS

A specifically marked horizontal, generally hard surfaced area designed for playing tennis, racquetball, basketball or other sports played on a court.

TENT

Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and shall include: shelter providing for circuses, carnivals, side shows, revival meetings, camp meetings and all similar meetings or exhibitions in temporary structures.

TOWNSHIP

Hamilton Township, Warren County, Ohio.

TRAILER OR TRAVEL TRAILER

See definition for “Recreational Vehicle”.

TRAVEL TRAILER CAMP

Land on which one or more travel trailers and other recreational vehicles, dependent or self-contained, and otherwise portable camping units, such as tents, can be placed for a fee or for free, for use as temporary living quarters, which is intended primarily for vacationing and recreational use purposes and secondarily for brief stays by motoring transients or otherwise mobile travelers.

TRAVEL TRAILER OVERNIGHT PORT

Land on which three or more self-contained recreational vehicles are parked, for a fee or for free, which is intended solely for one or two night stays by vacationing or otherwise transient recreational vehicle travelers.

TREE, DECIDUOUS

Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

CHAPTER 12: Definitions

Section 12.2. Definitions

TREE, EVERGREEN

A tree with foliage that is not dropped, or that remains green throughout the year.

TREE, ORNAMENTAL

A small to medium tree with an expected height of 20 feet at maturity and that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

TREE, UNDERSTORY

A tree that would occupy the understory of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees.

TRUCK, HEAVY

Trucks, including truck tractors and similar vehicles, with two or more rear axles.

TRUCK TERMINAL

A facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck.

TRUCK, TRAILER, AND FARM IMPLEMENT SALES AND SERVICE

Any business where the primary business is the sales and/or service of trucks, trailers, and farm implements, whether new or used.

UNENCLOSED PATIO

An uncovered, non-enclosed outdoor hard surfaced area no higher than 18 inches above the ground.

URBAN SERVICE AREA

The area designated in the Hamilton Township Land Use Plan where urban services, such as public sanitary sewer and water service, are available.

USE

Any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

USE, ACCESSORY

A use or structure subordinate to the principal use of a building or to the principal use of land, which is located on the same lot as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.

USE, CONDITIONAL

A use, not permitted by right, that has a particular impact on the surrounding area or neighborhood that cannot be predetermined and controlled by general regulations. Specifically identified uses that may be permitted after review and approval as hereinafter provided.

USE, CONFORMING

A use that is legally permitted and approved in the applicable zoning district.

USE, NONCONFORMING

A use that does not conform to the regulations for the district in which it is located.

USE, PRINCIPAL

The primary use and chief purpose of a lot or structure.

USE, TEMPORARY

A use that is not permanent and may be permitted for a specified period of time.

VARIANCE

A modification of the terms of this code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this code would result in practical difficulty. See [Section 3.8 Appeals, Variances, and Conditional Uses](#).

VEHICLE

Any contrivance that is used in the public or private transportation of one or more persons, is used in the transportation of goods over public or private property on roadways, or is used in a commercial or agricultural enterprise. A contrivance that is designed to be pushed, pulled, or towed by any self-propelled vehicle is considered a vehicle.

VEHICLE, COMMERCIAL

Any vehicle used or designated to be used for business or commercial purpose which infringes on the residential character of a residential district and includes, but is not necessarily limited to: a bus, cement truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step van, tank truck, tar truck, or other commercial-type vehicle licensed by the State of Ohio Bureau of Motor Vehicles as a commercial vehicle or truck.

VEHICLE, INOPERABLE

Any transportation device that is unfit for use for any of the following reasons:

- Not currently licensed for use on the roads in the State of Ohio; or
- Not roadworthy or in a state of disrepair.

VEHICLE, JUNK

A vehicle as defined in ORC Section 505.173.

VEHICULAR USE AREA

Any open or un-enclosed area containing more than 1,800 square feet of area and/or used by five or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking, loading, unloading, driving, maneuvering, storage, display and service areas.

WALL

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure. A retaining wall does not have to meet setback requirements.

WAREHOUSING, DISTRIBUTION, OR STORAGE FACILITY

A facility for the storage of merchandise or commodities in a completely enclosed structure not for the purpose of use or sale on the subject property. Such facility may be used for short-term storage of products prior to distribution to other facilities or as a distribution facility used as a central location to supply merchandise and commodities to multiple retail locations.

CHAPTER 12: Definitions

Section 12.2. Definitions

WHOLESALE BUSINESS

An establishment that is engaged in the storage and selling of merchandise, goods and materials to retail establishments rather than to consumers.

YARD

An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest portion of the main building shall be used.

YARD, FRONT

Unless otherwise stated, a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway. See [Section 6.1 Measurements, Computations, and Exceptions](#).

YARD, REAR

Unless otherwise stated, a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. See [Section 6.1 Measurements, Computations, and Exceptions](#).

YARD, SIDE

Unless otherwise stated, a yard between the main building and the side lot line of the lot extending from the front yard to the rear yard. See [Section 6.1 Measurements, Computations, and Exceptions](#).

ZONING CERTIFICATE

A document issued by the zoning inspector authorizing buildings, structures or uses consistent with the terms of this zoning code and for the purpose of carrying out and enforcing its provisions.

ZONING COMMISSION

The Hamilton Township Zoning Commission, as constituted pursuant to ORC Chapter 519.

ZONING INSPECTOR

The Director of the Hamilton Township Planning and Zoning Department, his/her assistants, or any other person designated by the board of township trustees to perform the statutory duties of the zoning inspector.

ZONING MAP

The Official Zoning Map of Hamilton Township, Warren County, Ohio.

ZONING MAP AMENDMENT

An amendment or change to the Official Zoning Map of Hamilton Township, reviewed and decided upon by the board of township trustees in accordance with [Section 3.7 Zoning Text and Map Amendments](#).

ZONING TEXT AMENDMENT

An amendment or change to the text of the Hamilton Township Zoning Code, reviewed and decided upon by the board of township trustees in accordance with [Section 3.7 Zoning Text and Map Amendments](#).

**HAMILTON TOWNSHIP BOARD OF TRUSTEES
WARREN COUNTY OHIO**

RESOLUTION: NUMBER 14-0903 DATED SEPTEMBER 3, 2014

A RESOLUTION APPROVING THE TEXT AMENDMENT UPDATES, REVISIONS AND CHANGES TO THE HAMILTON TOWNSHIP ZONING CODE AS SHOWN IN THE FEBRUARY, 2014 DRAFT COPY AND ATTACHED TO THIS RESOLUTION AS “EXHIBIT A” AND FURTHER AMENDED BY “EXHIBIT B” DATED SEPTEMBER 3, 2014.

WHEREAS, Public hearings were conducted on August 12, 2013 and September 9, 2013 by the Hamilton Township Zoning Commission and on December 9, 2013 by the Warren County Regional Planning Commission, and on February 10, 2014 by the Hamilton Township Zoning Commission and on April 2, 2014 and September 3, 2014 by the Hamilton Township Trustees at which time Resolution 14-0903 was approved.

WHEREAS, after hearing all persons desiring to be heard and with respect to the above referenced zoning amendment, and upon closing of the hearing on the 3rd day of September, 2014 and upon consideration and the recommendations of the Warren County Regional Planning Commission and the recommendations of the Hamilton Township Zoning Commission,

THEREFORE BE IT RESOLVED, that the Hamilton Township Board of Trustees does approve the text amendment updates, revision and changes to the Hamilton Township Zoning Code as shown in Attachment “Exhibit A” dated “February 2014” and “Exhibit B” dated September 3rd, 2014. The Trustees made further changes to Section 3.6.2, Section C, Subsection 4 of the Site Plan Review and changing the wording from Public Hearing to Public Meeting; Also, with an additional change to Section 4.8.2.b.7, Subsection C, Subsection iii omitting the word retention; Also, a parenthetical phrase changing OEPA to the State of Ohio or the Federal Government.

Kurt Weber moved for the adoption of the foregoing resolution, being seconded by Gene Duvelius.

Upon the call of role the vote resulted as:

Mr. Duvelius----Yes

Mr. Wallace---Yes

Mr. Weber----Yes

Resolution 14-0903 was approved this 3rd Day of September, 2014.

Ray Warrick
Hamilton Township Fiscal Officer