

CITY OF HAMILTON, OHIO

**ZONING
ORDINANCE**

DEPARTMENT OF COMMUNITY DEVELOPMENT

ADOPTED JUNE 9, 1971

Revised Through: September 9, 2016

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ORDINANCE NO. 7503

TO REGULATE, RESTRICT AND LIMIT, IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, CONVENIENCE, COMFORT, PROSPERITY AND GENERAL WELFARE, THE USES AND LOCATION OF BUILDINGS AND OTHER STRUCTURES AND OF PREMISES TO BE USED FOR TRADE, INDUSTRY, RESIDENCE OR OTHER SPECIFIED USES, THE HEIGHT, BULK AND LOCATION OF BUILDINGS AND OTHER STRUCTURES HEREAFTER ERECTED OR ALTERED, INCLUDING THE PERCENTAGE OF LOT OCCUPANCY, SETBACK BUILDING LINES, AND THE AREA OF YARDS, COURTS AND OTHER OPEN SPACES: AND FOR SAID PURPOSES TO DIVIDE THE CITY INTO ZONES OR DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS ARE DEEMED BEST SUITED TO CARRY OUT SAID PURPOSES; AND TO PROVIDE A METHOD OF ADMINISTRATION AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THE WITHIN PROVISIONS, BY REPEALING THE EXISTING ZONING CODE BEING SECTIONS NO.

1101.01 TO 1109.02 INCLUSIVE OF THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON OHIO, AND ALL AMENDMENTS THERETO OR SUPPLEMENTS THERETO AND BY ORDAINING SECTIONS 1100.00 TO 1186.00 INCLUSIVE CONSTITUTING THE ZONING ORDINANCE OF THE CITY OF HAMILTON, OHIO, UNDER THE HEADING "ZONING ORDINANCE OF THE CITY OF HAMILTON, OHIO".

Be it ordained by the Council of the City of Hamilton, Ohio:

SECTION I

That Sections 1101.00 to 1186.00 inclusive to constitute the Zoning Ordinance of the City of Hamilton, Ohio, are hereby ordained to be and read as follows:

Leave blank

GENERAL PROVISIONS

1100.00 PREAMBLE

1101.00 An Ordinance establishing comprehensive zoning regulations for the City of Hamilton, Ohio, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of Chapter 713, Ohio Revised Code, and for the repeal of all Ordinances in conflict herewith:

WHEREAS the City Council deems it necessary for the purpose of promoting the health, safety, comfort, morals, or general welfare of the City to enact such an Ordinance, and

WHEREAS the City Council, pursuant to the provisions of Chapter 713.01 through 713.05, inclusive, Ohio Revised Code and the Charter of the City of Hamilton, Ohio, has appointed a City Planning Commission, and

WHEREAS the City Planning Commission has given reasonable consideration to the plans and maps prepared as a part of the comprehensive planning process, and

WHEREAS the City Planning Commission, pursuant to the provisions of Chapter 713.06 through 713.15, inclusive, Ohio Revised Code and the Charter of the City of Hamilton, Ohio has framed and adopted a plan for dividing the municipal corporation or any portion thereof into zones or districts, representing the recommendations of the Commission, in the interest of public health, safety, convenience, comfort, prosperity or general welfare, for the limitations and regulation of the height, bulk and location, including percentage of lot occupancy, setback building lines, and area and dimensions of yards, courts and other open spaces, and the uses of buildings and other structures and of premises in such districts, and

WHEREAS the City Planning Commission has made a preliminary report and held public hearings thereof, and submitted its final report to the City Council, and

WHEREAS the City Council has given due public notice of hearings relating to zoning districts, regulations and restrictions, and has held such public hearings, and

WHEREAS all requirements of Chapter 713 of the Ohio Revised Code and the Charter of the City of Hamilton, Ohio with regard to the preparation of the report of the Planning Commission and the subsequent action of the City Council have been met;

NOW, THEREFORE, be it ordained by the Council of the City of Hamilton, Ohio:

1102.00 TITLE AND PURPOSE

1102.10 HAMILTON ZONING ORDINANCE: This Ordinance shall be known and may be cited and referred to as the "*Zoning Ordinance of the City of Hamilton, Ohio*".

1102.20 PURPOSE: The text of the Zoning Ordinance No.7503, the Official Zoning Map and the Official Wellhead Protection Area Map together with all amendments to said Ordinance No. 7503 and the aforesaid maps, shall constitute the Comprehensive Zoning Ordinance and regulations for the incorporated area of the City of Hamilton, Ohio, all of which are adopted to: (OR 98-10-102)

- (1) protect and promote the public health, safety, convenience, comfort, prosperity, or general welfare;
- (2) provide the economic and social advantages which result from an orderly, planned use of land resources. Such regulations are designed to achieve the following objectives:

- 1102.21 To promote the achievement of the general plan for the City of Hamilton.
- 1102.22 To advance the position of the City of Hamilton as a regional center of commerce, industry, recreation and culture.
- 1102.23 To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open space.
- 1102.24 To protect residential, commercial, industrial and civic areas from the intrusions of incompatible uses, and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services.
- 1102.25 To ensure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy.
- 1102.26 To promote safe, fast and efficient movement of people and goods without sacrifice to the quality of Hamilton's environment, and to provide adequate off street parking.
- 1102.27 To stabilize expectations regarding future development of Hamilton, thereby providing a basis for wise decisions with respect to such development.
- 1102.28 To preserve and enhance the quality of Hamilton's environment.

1103.00 ESTABLISHMENT OF USE DISTRICTS AND SUBDISTRICTS : (OR 98-10-102)

- (A) The City is hereby divided into Use Districts as provided for herein and as shown on the Official Zoning Map. Subdistricts within the Use Districts for Historic Preservation and the Wellhead Protection Area may be established pursuant to the provisions herein, including any supplements or amendments to the Zoning Ordinance No. 7503. The Official Zoning Map and the Official Wellhead Protection Area Map, together with all data, references, explanatory material and notations thereon, are hereby adopted and are declared to be a part of Zoning Ordinance No. 7503. The following provisions shall apply to the Official Zoning Map and the Wellhead Protection Area Map:
 - (1) Each of the Official Zoning Map and the Official Wellhead Protection Area Map shall be identified by the signature of the Mayor, attested to by the Clerk of Council, and shall bear the seal of the City under the following words: *"This is to certify that this is the Official (Zoning or Wellhead Protection Area) Map referred to in Section 1103.00 of Zoning Ordinance No. 7503 of the City of Hamilton, Ohio."* The date of the adoption of Ordinance No. 7503, together with all amendments thereto affecting the Official Zoning Map or the Wellhead Protection Area Map shall also be placed on the each of the aforesaid official Maps.

- (2) If, in accordance with the provisions of the Zoning Ordinance No. 7503, and all amendments thereto, and Chapter 713, Ohio Revised Code, changes are made in Use District or Subdistrict boundaries or other matter portrayed on the Official Zoning Map or the Wellhead Protection Area Map, such changes shall be made thereon promptly after the amendment has been approved by the City Council, together with an entry on each Map as follows: "by Ordinance No. OR 98-10-102 adopted on October 14, 1998 by the City Council, the following change or changes were made in the Official (Zoning Map or Wellhead Protection Area) Map: (description of change)", which entry shall be signed by the Mayor and attested by the City Clerk.
- (3) Any unauthorized change of the Official Zoning Map or the Official Wellhead Protection Area Map of whatever kind by any person or persons shall be considered a violation of this Zoning Ordinance No. 7503 and punishable under Section 1186.00 herein.

1103.50 USE DISTRICTS AND SUBDISTRICTS: This Ordinance hereby establishes the following classes of Use Districts and Subdistricts:

1103.51 Use Districts (OR 96-6-61)

- AG Agricultural District
- R-1 Single-Family Residence District
- R-2 Single-Family Residence District
- R-2A Two Family Residence District
- R-3 One to Four Family Residence District
- R-4 Multi-Family Residence District
- RPD Residential Planned Development District
- R-0 Multi-Family Residence and Office District
- OPD Office Planned Development District
- B-1 Neighborhood Business District
- B-2 Community Business District
- B-3 Central Business District
- BPD Business Planned Development District
- I-1 Limited Industrial District
- I-2 Industrial District
- IPD Industrial Planned Development District
- MS-1 Main Street Core District
- MS-2 South B Street District
- MS-3 Main Street Transition District
- DT-1 Downtown High Street
- DT-2 Downtown Support District
- DT-3 Downtown East High Street District
- UCP-1 University Commerce Park District-1
- UCP-2 University Commerce Park District-2

1103.52 Subdistricts. The following Subdistricts may be established within the Use Districts set forth in 1103.51 by legislative action of the Council of the City of Hamilton: (OR 98-10-102)

1103.52.1 **Historic Preservation Subdistrict**. A Historic Preservation Subdistrict may be created in any Use District and shall be designated by the suffix "HD" added to the symbol of the parent Use District.

1103.52.2 **Wellhead Protection Area Subdistrict.** Specific areas shall be delineated on the Official Wellhead Protection Area Map for the protection of groundwater resources. Said areas shall encompass certain territory and shall be identified as one of the following three, separate time-of-travel zones. Each time-of-travel zone shall be specifically delineated on the Wellhead Protection Area Map and shall be designated by one of the suffixes listed below, which applicable suffix shall be added to the symbol of the parent Use District:

- (A) TOT-1 One-Year Time of Travel Zone
- (B) TOT-5 Five-Year Time of Travel Zone
- (C) TOT-10 Ten-Year Time of Travel Zone

Neighborhood Initiative Area Conservation Overlay Subdistrict. A Neighborhood Initiative Area Conservation Overlay Subdistrict is hereby created superimposed over the existing base Use District and is hereby designated by the suffix (NIA) added to the symbol of the underlying base Use District on the Official Zoning Map. (EOR 2004-10-105)

1104.00 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:

Where uncertainty exists as to the boundaries of Districts, as shown on the Official Zoning Map, the following rules shall apply:

- 1104.10 Boundaries indicated as approximately following the center lines or right-of-way lines of streets, highways or alleys shall be construed to follow such center lines;
- 1104.20 Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines;
- 1104.30 Boundaries indicated approximately following City limits shall be construed as following City limits;
- 1104.40 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracts;
- 1104.50 Boundaries indicated as following rivers and streams should be construed to follow the approximate center line of such river or stream, and in the event of change in such river or stream, should be construed as moving with the actual center line;
- 1104.60 Boundaries indicated as parallel to, or extensions of, features indicated in Sections 1104.10 or 1104.50 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- 1104.70 Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not covered by Sections 1104.10 or 1104.60 above, the Board of Zoning Appeals shall interpret the District boundaries in accordance with Section 1170.30.

1105.00 APPLICATION OF DISTRICT REGULATIONS :
Except as hereinafter provided:

1105.10 No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the District in which it is located, except that the Planning Director may administratively permit variances up to a maximum of 10% from the following requirements as they apply to each district.

Administrative variances may be granted for the following in the case of unusual topography, where general conditions (similar to the request) exist within a three hundred foot radius, or odd shaped lots:

(a) Height of a structure

(b) Lot coverage limits

(c) Rear yards, front yards, side yards, or other open spaces, if the minimum separation between structures, as required in the District regulations, is maintained. (Amended by OR 2001-9-93)

1105.20 Repealed by OR 2001-9-93

1105.30 No part of a yard, or other space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, except where permitted.

1105.40 No yard or lot existing at the time of passage of this Code shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Code.

1105.50 Within each District, the regulations set by this Code shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.

1105.60 ZONING ANNEXED TERRITORY: Upon annexation of territory to the existing municipal corporation of Hamilton, the zoning regulations then in effect shall remain in full force, administered by the City Manager or Designee, until the legislative authority of the City of Hamilton shall either officially adopt the existing zoning regulations or enact new regulations for such territory.

1106.00 PROVISIONS OF CODE DECLARED TO BE MINIMUM REQUIREMENTS :

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. Wherever the requirements of the Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.

1107.00 SEPARABILITY CLAUSE :

Should any Section, clause or provision of this Code be declared by the courts to be invalid, the same shall not affect the validity of the Code as a whole or any part thereof other than the part so declared to be invalid.

Leave blank

1108.00 DEFINITIONS

The following terms, words and phrases used herein shall have the meanings ascribed to them in this Section and shall be used in the interpretation of the provisions of this Zoning Code. The definitions provided herein shall control first. Any terms not defined in this Zoning Code shall then be subject to the definition as provided elsewhere in the Codified Ordinances of the City of Hamilton. Words used in the present tense shall include the future tense; the singular number shall include the plural, and the plural the singular; the word "person" shall include a firm, association, organization, partnership, trust, company or corporation; the words "used or occupied" shall include the words "intended, designed or arranged to be used or occupied"; the word "shall" or "will" is mandatory; and the word "may" is permissive. Any other words not used and not defined herein or in the Codified Ordinances of the City of Hamilton shall be construed as having the commonly accepted meaning as defined in a standard dictionary.

Access: Physical access of a building to a publicly dedicated street not including lot frontages which abut a highway but have no driveway affording physical access to such highway.

Accessory Use Or Structure: A use or structure subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use or structure.

Addiction Medicine: The field of healthcare which addresses the needs of individuals addicted to substances of abuse, including alcohol, legal and illicit drugs and others. Addiction medicine may include but is not limited to: counseling, psychology, social work, psychiatry, internal medicine, and the administering of medication for treatment purposes. (OR 2014-8-71)

Adult Arcade: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas. (OR 96-8-85)

Adult Book/Video Store: An establishment, having a substantial portion of its stock in trade, books, videos, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. (OR 96-8-85)

Adult Business: Any Adult Arcade, Adult Book/Video Store, Adult Cabaret, Adult Drive-in Theater, Adult Mini Motion Picture Theater, Adult Motel, Adult Motion Picture Theater, Massage Establishment, Nude Model Studio, Sexual Encounter Establishment, or any other business providing Adult Material, Adult Entertainment, or Adult Services. (OR 96-8- 85)

Adult Cabaret: A nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features: (OR 96-8-85)

- A) Persons who appear nude or in a state of nudity or semi-nude; or
- B) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- C) Films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Day Care: A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day (OR 2014-9-90)

Adult Drive-In Theater: An outdoor theater, in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons which may not be located on a parcel of property less than five (5) acres. (OR 96-8-85)

Adult Entertainment: Any performance by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specified anatomical areas.
(OR 96-8-85)

Adult Material: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, video, phonographic record or tape, or other tangible thing, that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas. (OR 96-8-85)

Adult Mini Motion Picture Theater: An enclosed building with a capacity of less than fifty (50) persons where films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons. (OR 96-8-85)

Adult Motel: A motel, hotel, or similar commercial establishment which: (OR 96-8-85)

- A) 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 which are characterized by the depiction or description 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
- B) Offers a sleeping room for rent for a period of time less than ten (10) hours; or
- C) Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons. (OR 96-8-85)

Adult Service: Any service, capable of arousing sexual interest through sight, sound, or touch, and which service is distinguished or characterized by an emphasis on specified sexual activities, specified anatomical areas, sexual excitement, or human bodily functions of elimination. (OR 96-8-85)

Adult Massage: A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay. (OR 96-8-85)

Adult Massage Establishment: Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or massage therapist duly licensed by the State of Ohio, or physical therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder. (OR 96-8-85)

Adult Nude Model Studio: Any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. (OR 96-8-85)

Adult Nude Or State Of Nudity: The showing, representation, or depiction of human male or female genitals, bare buttock, anus, or the areola or nipple of the female breast with less than a full, opaque covering of any portion thereof below the top of the areola, or of uncovered male genitals in a discernible turgid state. (OR 96-8-85)

Adult Semi-Nude: A state of dress in which clothing covers no more than the genitals, pubic region, and the areola of the female breast, as well as portions of the body covered by supporting straps or devices. (OR 96-8-85)

Adult Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; human male genitals in a discernible turgid state even if completely and opaquely covered. (OR 96-8-85)

Adult Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; human acts, real or simulated, of masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts; bestiality. (OR 96-8-85)

Agriculture: The tilling of the soil, the raising of domestic animals and fowl, crops, horticulture and gardening, but not including agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

Airport: Means any area of land designated and set aside for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings, and open spaces, designated for the storage, repair, and operation of aircraft, and utilized or to be utilized in the interest of the public for such purposes. (OR 00-10-116)

Airport Hazard: Means any use of land within an Airport Safety Area which obstructs the air space required for flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such air navigation. (OR 00-10-116)

Airport Safety Area: Means any area of land adjacent to an airport that includes any of the following zones: (OR 00-10-116)

Primary Surface - for Runway 11-29 is a 1,000 feet wide surface, longitudinally centered on the runway, extending 200 feet beyond each usable end of the runway. The elevation of the primary surface is the same as the nearest point on the runway centerline.

Approach Surface - a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The surface dimensions are based on the type of approach available, and include the following:

APPROACH SURFACE PROTECTION FOR RUNWAY APPROACH END 29:

Inner approach - commonly known as the Runway Protection Zone (RPZ), or a trapezoid centered about the extended runway centerline beginning 200 feet beyond the end of the runway and extending upward and outward with a slope of 50:1 having a horizontal distance of 2,500 feet, an inner width of 1,000 feet and an outer width of 1,750 feet.

Middle approach - a trapezoid centered about the extended runway centerline beginning at the outer width of the runway protection zone and extending upward and outward with a slope of 50:1 having a horizontal distance of 5,650 feet having an outer width of 3,445 feet.

Outer approach - a trapezoid centered about the extended runway centerline beginning at the outer width of the middle approach surface and extending upward and outward with a slope of 50:1 having a horizontal distance of 1,850 feet and an outer width of 4,000 feet with an additional horizontal distance of 40,000 feet at a slope of 40:1 and an outer width of 16,000 feet.

RUNWAY APPROACH END 11

Inner approach - commonly known as the Runway Protection Zone (RPZ), or a trapezoid centered about the extended runway centerline beginning 200 feet beyond the end of the runway and extending upward and outward with a slope of 34:1 having a horizontal distance of 1,700 feet, an inner width of 1,000 feet and an outer width of 1,425 feet.

Middle approach - a trapezoid centered about the extended runway centerline beginning at the outer width of the runway protection zone and extending upward and outward with a slope of 34:1 having a horizontal distance of 3,400 feet having an outer width of 2,275 feet.

Outer approach - a trapezoid centered about the extended runway centerline beginning at the outer width of the middle approach surface and extending upward and outward with a slope of 34:1 having a horizontal distance of 4,900 feet and an outer width of 3,500 feet.

Transitional Surface - Surfaces extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1, from the sides of the primary surface and from the sides of the approach surfaces. This surface is divided into the following three sections:

Inner-transitional - that part of the transitional surface beginning at the edge of the primary surface and extending outward and upward to a horizontal distance of 350 feet.

Middle-transitional - that part of the transitional surface beginning at the outer edge of the inner-transitional area and extending outward and upward to the horizontal surface.

Outer-transitional - that part of the transitional surface for runway 29 which protects through and beyond the limits of the conical surface and extends a distance of 5,000 feet measured horizontally from the edge of the approach surface.

Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient: shall mean any business, building, structure, or land used for the inpatient treatment, counseling, and administering of addiction medicine for recovery purposes. (OR 2014-8-71)

Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient: shall mean any business, building, structure, or land used for the outpatient treatment, counseling, and administering of addiction medicine for recovery purposes. (OR 2014-8-71)

Alley: A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

Animal Unit: An animal unit is the equivalent of one cow (1,000 pounds) in feed (pasture) consumption, as defined by The Agronomy Guide Bulletin No. 742 issued by The Ohio Cooperative Extension Services. One animal unit shall be equivalent to any one of the following: one (1) dairy or beef cow, five (5) ewes, six (6) sows, one (1) horse, two (2) heifers, or two (2) beef steers. An animal unit shall not include the offspring of the aforesaid animals that are less than one (1) year of age. (OR 91-9-115)

Antenna: Any system of exterior wires, poles, rods, reflecting discs or similar apparatus designed for the transmission and/or reception of radio, television, telephonic, and any other electronic communications devices or services through the sending and/or receiving of electro-magnetic waves or other signals. (EOR 97-9-105)

Antenna Tower: (including Wireless and Cellular Tower): Any tower-like, freestanding structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures. The term shall exclude hobby-related communications facilities located in residential districts (i.e. amateur radio antennas, etc.) - see definition of "Wireless and Cellular Telecommunications Facilities" and "Telecommunication Facilities - Exempt". (EOR 97-9-105)

Apartment: A room or suite of rooms in a multi-family or multi-use building arranged and intended as a place of residence for a single family or a group of individuals living together as a single housekeeping unit.

Applicant: Any person or business concern that applies, through the City of Hamilton Planning Department, for a permit, approval or other authorization for a development plan; use; zoning appeal; certification and other matters pertaining to this Zoning Ordinance; and for the construction, alteration, or demolition of a building or structure. (EOR 97-9-105)

Automobile and Other Vehicle Sales: shall mean any business, building, structure, or land used for the display, sale or rental of new or used motor vehicles in operable condition. Automobile Sales may include accessory uses including Automotive Service and Minor Repair, and Automobile Wash Facilities. (OR2014-8-72)

Automobile Or Trailer Sales: An open area other than a street used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Automobile Washing Facilities (Car Wash): Automobile washing facilities (car wash) shall mean any business, building, structure, or land used to wash automobiles as a principle use. (OR2014-8-72)

Automobile Wrecking: The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Automotive Service And Minor Repair: shall mean any business, building, structure, or land used for the minor repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles limited to a gross vehicle weight (GVW) of ten thousand (10,000) pounds or less. Examples of service and minor repair include but are not limited to: dispensing of fuels, oil changes, tire service and sales, light suspension work, coolant system repair, air conditioning system maintenance and repair, audio, or exhaust system repair. Automotive Service and Minor Repair uses may include an accessory automated car wash within a completely enclosed building and shall have a minimum lot size of 40,000 square feet. (OR2014-8-72)

Auto-Sharing Service: An Auto-Sharing Service is a membership based company, organization or enterprise that provides hourly, daily or similar short-term rental of private passenger motor vehicles intended for use by paying members. An Auto-Sharing Services may be located on-street.

Auto-Sharing Vehicle: Any private passenger motor vehicle, available to multiple users who are required to join a membership organization to use such vehicle. Such vehicle includes small trucks routinely used for private passenger transportation (2.5 tons or less) and passenger vans (2.5 tons or less). It shall not include cargo vans, large trucks customarily used for commercial purposes, taxis, or detachable trailers.

Bail Bond Agency: Any building, room, space, establishment, facility or portion thereof where licensed bail bond surety is provided in accordance to State of Ohio Regulations. (OR2013-2-22)

Basement: That portion of a building having part but not more than one-half ($\frac{1}{2}$) its height below grade. A basement is counted as a story for the purpose of height regulations if used for a separate business or dwelling purpose by other than a janitor employed on the premises. (See Figure 7)

Bed And Breakfast: An owner-occupied, detached, single-family dwelling, where lodging and breakfast only are provided to transient guests who make use of the facility for a period of less than thirty (30) days. The provision of lodging and breakfast shall be incidental to the principle use of the structure. (OR 93-3-26)

Best Management Practices(BMP): This term, as it applies to Wellhead Protection, refers to schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the environment. BMP's also include treatment requirements, operating procedures, and practices to control runoff, spills, and leaks. (OR-10-102)

Blanket Approval: Approval by the Federal Aviation Administration (FAA), given to a local jurisdiction, to waive FAA approval requirements for buildings or structures located within the boundaries of specifically defined area(s). The waiver of the FAA approval shall only apply if a building or structure does not exceed a maximum height detailed in an FAA Blanket Approval Agreement for a specifically defined area. Transmitting devices and/or buildings or structures which exceed the maximum height shall not be included in a "Blanket Approval" and proof of FAA Approval must be provided before any building permit may be issued. (EOR 00-10-116)

Block: A tract of land bordered on all sides by streets, or by one or more streets and railroad right-of-way, stream, river or un-subdivided acreage.

Boarding House: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals are provided for five (5) or more persons, but not exceeding twenty (20) persons.

Brewpub: An establishment that is primarily a restaurant where beer, ale, porter and other fermented malt beverages is manufactured on the premises as an accessory use. A brewpub may include some off-site distribution of its manufactured beverages consistent with state law. (OR2013-2-22)

Buffer: A buffer is a strip of land adjacent to the boundary of a property on which is placed plantings or screening of sufficient height and density to provide visual/physical screening between abutting properties which differ in use or density. A buffer may be fashioned out of a variety of components provided the result will create an effective visual screen of a least eight (8) feet in height above the adjacent ground elevation and with a minimum opaqueness of seventy-five (75%) percent. Where trees or shrubs are utilized, the minimum height shall be attained within 5 years of planting; the percentage of minimum opaqueness shall apply to vegetation in full foliage. The following elements, or combination thereof, are acceptable buffer components: trees, shrubs, or other natural vegetation; earthen mounding or berming; fencing or walls of natural or manmade materials (but excluding the use of wire, or plastic materials of any type). However, buffers shall be designed not to obstruct sight lines necessary for safe traffic movement. (OR 96-6-61)

Build-To-Zone: An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line, in contrast to a setback line. (OR2013-2-22)

Building: Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

- A) **Building, Height of:** The vertical distance from the grade at a building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hip roof.
- B) **Building Setback Line:** A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.

Building Frontage: means the maximum horizontal width of the ground floor of a building that approximately parallels and faces a public street or right of way. In the case of a building where an individual occupant's main entrance faces a driveway or parking lot, the width of the occupant's ground floor space facing the occupant's entrance shall be considered that occupant's separate and distinct building frontage. In cases where two or more different tenants occupy the ground floor of a building, the portion of the building frontage occupied by each tenant will be the tenant's separate and distinct building frontage. Corner and through lots shall be considered to have a separate and distinct building frontage on each street. In cases where multiple buildings on the same lot are occupied by a single occupant the building frontage of all buildings may be combined in to a single frontage for the purposes of calculating allowable signage.

Building Restriction Line: A line defining the limits at which suitable buildings may be constructed at or surrounding the airport. The building restriction line encompasses the runway protection zone, the primary surface and the inner-transitional surfaces. On or surrounding airport land a building restriction line has been defined beginning at the primary surface and extending outward to a horizontal distance of 250 feet except where this line intersects with a radius extending 500 feet from the center of the Automated Surface Observation System Combined Sensor Group, in which case the building restriction line shall include that radius for all buildings. Additionally, all vegetation located within the building restriction line shall be limited to ten (10) feet unless the vegetation falls within the limits of other defined criteria located within this zoning ordinance in which case the lesser of the height limits shall prevail. (EOR 00-10-116)

Business Association: A voluntary association of entities engaged in business for profit who have joined together for the purpose of attaining specified goals and who have adopted a constitution and/or bylaws for the association. (OR 93-3-17)

BUSTR: Bureau of Underground Storage Tank Regulations. (OR 98-10-102)

Butler County Airport Zoning Board: The Board of County Commissioners of Butler County, Ohio, which has adopted and will administer and enforce, when and where appropriate, airport zoning regulations within the Airport Safety Area which is located within the political subdivisions of Butler County, City of Hamilton, City of Fairfield, West Chester Township, Fairfield Township, St. Clair Township, and Liberty Township. Such authority of the Board of County Commissioners of Butler County, State of Ohio, is granted by Chapter 4563 of the Ohio Revised Code. (EOR 00-10-116)

Butler County Airport Zoning Board Of Appeals: The body appointed by the Butler County Airport Zoning Board for the purpose of hearing and deciding appeals from any order, requirement, decision, or determination made by the Butler County Airport Zoning Board in the enforcement of its airport zoning regulations, hearing and allowing, refusing, or allowing with modification or condition, any variance from the term of the airport zoning regulation, and affirming, reversing, or modifying any order, requirement, decision, or determination of said Airport Zoning Board. That five (5) member body shall be appointed by the Airport Zoning Board and shall include one (1) member from each of the following: City of Hamilton, City of Fairfield, Fairfield Township, and West Chester Township, the fifth member shall be appointed alternatively from St. Clair Township and Liberty Township. The members of the Zoning Board of Appeals shall serve for terms of three (3) years, subject to removal as set for in Section 4563.313 of the Ohio Revised Code. The first members of the board shall be so designated that two shall serve one year, two shall serve two years, and one shall serve three years. (EOR 00-10-116)

Butler County Airport Zoning Commission: That body appointed by the Butler County Airport Zoning Board to recommend the boundaries of the various zones and the uses permitted within the Butler County Airport Zoning Regulations. Said Commission shall include the Butler County Planning Commission members, a representative from the City of Hamilton, and a representative from the City of Fairfield. (EOR 00-10-116)

Campaign Signs: Any sign supporting, opposing, informing or attempting to influence public sentiment concerning specific ballot issues, specific candidates for public office regardless of whether nominating petitions have been filed, or any specific electoral subject matter that will or may be submitted to the electors at any election. A campaign sign is to be contrasted and distinguished from a political sign which is a sign that expresses a political message but does not include any form of solicitation of elector action in connection with the message conveyed. (OR 95-7-65)

Car Title Loan Business: An establishment that makes consumer loans secured by a title to a motor vehicle. (OR 2014-5-34)

Cash Advance Facility: Any building, room, space, establishment, facility or portion thereof where unsecured, short-term cash advances are provided, including those made against future pay checks. This does not include a state or federally chartered bank, savings association, credit union or industrial loan company. (OR2013-2-22)

Cellar: That portion of a building between floors and ceiling having more than one-half ($\frac{1}{2}$) of its height below grade. (See Figure 6)

Cemetery: Land used or intended to be used for the burial of the human dead and dedicated as a "cemetery" for such purposes.

CERCLA: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., Pub. L. 96-510, December 11, 1980), as amended, including as amended, by the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499, October 17, 1986; 100 Stat. 1613). All references to CERCLA within this regulation are meant to indicate CERCLA, as amended. (OR 98-10-102)

Check Cashing Facility: Any building, room, space, establishment, facility or portion thereof where checks are cashed in exchange for a percentage fee. This does not include a state or federally chartered bank, savings association, credit union or industrial loan company. (OR2013-2-22)

Church Or Synagogue: Place which is operated and maintained by an organized group of people for religious purposes, including but not limited to, a church, synagogue, rectory, parish house, or other similar place. (OR 89-4-33)

City: The City of Hamilton, a municipal corporation, in the State of Ohio, acting by and through its City Council and any of its authorized employees or designees. (OR 98-10-102)

Clear And Convincing Evidence: This term, as used herein, shall mean the measure of proof which will produce a firm belief as to the allegation sought to be established. (EOR 97-9-105)

Clinic: A place 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.

Club: A non-profit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Co-Location: This term, as it applies to Wireless/Cellular Telecommunication Facilities, refers to the process of providing space for more than one user within such Facility and/or Tower, or the act of placing new or additional wireless and cellular equipment on existing antennas or towers. (EOR 97-9-105)

Commercial Warehouse: A building or portion thereof used for storage of any property not permitted in a mini-warehouse or self-service storage facility. This shall not be deemed to include storage in connection with a purely retail business when located on the same property. (OR 2001-1-2)

Commercial Wireless And Cellular Telecommunication Service Providers/Owners: This term, as it applies to Telecommunication Facilities, refers to licensed commercial wireless/cellular telecommunication carriers, service providers, and owners that offer or provide any telecommunications services for a fee directly to the general public from telecommunications facilities in the City of Hamilton including, but not limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services. (EOR 97-9-105)

Computerized Sweepstakes Device: Any Computer, Machine, Game or apparatus which upon insertion of a coin, token, access number, magnetic card or similar object, or upon payment of anything of value, may be operated by the public generally for use in a contest of skill, entertainment, amusement or chance whether or not registering a score, and which provides the user with a chance to win anything of value, on a per play basis, or any cash payout or anything that could be redeemed, directly or indirectly for any cash payout and which is not gambling under state or local laws. Machines designated for use by the State Lottery Commission are not computerized sweepstakes devices for purposes of this Ordinance. (OR2012-2-9)

Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet. (EOR 00-10-116)

Correctional Facility: A facility that provides accommodations for individuals who are legally confined, including facilities such as prisons, jails, reformatories, etc. (OR 89-4-33)

Court: An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

Courtyard: An outdoor area enclosed by a building on at least three sides and is open to the sky. (OR2013-2- 22)

Dead Storage: Goods not in use and not associated with any office, retail, or other business use on premise. Radioactive materials, explosives and flammable or hazardous chemicals shall be prohibited. (OR 2001-1-2)

District: Any section of the City of Hamilton for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

Drive-In Restaurant: Any eating or drinking establishment whose service or facility is designed for food or drinks to be consumed by persons in vehicles parked on the premises.

Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, or mobile home, boarding or rooming house, hotel or motel.

- A) Dwelling, Single-Family: A building designed for or occupied by one family.
- B) Dwelling, Two-Family: A building designed for or occupied by two families.
- C) Dwelling, Multiple: A building or portion thereof designed for or occupied by three or more families.
- D) Dwelling, Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
- E) Dwelling Unit: One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having a kitchen or kitchenette.

Existing Facility Or Existing Storage Unit: This term, as it applies to Wellhead Protection refers to any facility or regulated substance storage unit in operation or for which construction commenced on or before the effective date hereof. Construction of a facility or regulated substance storage unit has commenced if the owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and either:

- (1) A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations for physical construction of the facility or regulated substance storage unit which cannot be canceled or modified without substantial loss. (OR 98-10-102)

Existing Structure - This term, as it applies to Wireless/Cellular Telecommunications Facilities means any building or other structure, other than a tower, which can be used for location of wireless telecommunications facilities. (EOR 97-9-105)

Expression Line. An architectural feature consisting of a decorative, three dimensional, linear element, horizontal or vertical, protruding or indented at least two (2) inches from the exterior facade of a building typically used to delineate the top or bottom of floors or stories of a building. (OR2013-2-22)

FAA - Shall mean the Federal Aviation Administration and any legally appointed, designated or elected agent or successor. (EOR 97-9-105)

FCC - Means the Federal Communications Commission and any legally appointed, designated or elected agent or successor. (EOR 97-9-105)

Facility: This term, as it applies to Wellhead Protection, refers to all contiguous land and related structures, appurtenances, and improvements on land with the same facility operator. A facility may consist of several operations. For these purposes, contiguous land shall include land separated by a public right-of-way so long as such land would otherwise be contiguous. The term facility also includes specific land uses, such as agriculture or mining, and construction sites. (OR 98-10-102)

Facility Operator: This term, as it applies to Wellhead Protection, refers to the person or designee in possession or control of a facility or regulated substance storage unit, regardless of whether such person is the owner, lessee, or other possessor. The term also includes contractors or site managers at construction sites who are responsible for the general management of regulated substances located on site. (OR 98-10-102)

Family: A person living alone, or two or more persons related by blood or marriage living together as a housekeeping unit, and occupying a single dwelling unit; or a group of not more than four (4) persons, who need not be related by blood or marriage, living together as a housekeeping unit by joint agreement and occupying a single dwelling unit on a non-profit, cost sharing basis.

Farm Implements Sales: Farm Implements for sale, display, hire or repair, including sales lots. (OR2014-8-72)

Farm Stand: A temporary urban farm structure, not to exceed 200 square feet, accessory to an urban farm for the display and sale of agricultural products, grown or produced on the same property that the Farm Stand is located. (OR2013-7-58)

Feed Lot: An area of land for the fattening or finishing of animals, generally beef cattle, in which the stocking densities - the number of animals per unit of land at a particular time - exceed 6 cattle per acre. (EOR 00-10-116)

Filling Station: (service station or gas station) Any building or premises used principally for the dispensing, sale or offering for sale at retail of automobile fuels or oils.

Financial Institution: A State or Federally chartered bank, credit union, mortgage lender, or savings and loan association (OR 2014-5-34)

Fish Processing: A factory or other place where fish are prepared for canning, or other commercial uses. (EOR 00-10-116)

Frontage: All the property on one side of a street or place between two intersecting streets or places (crossing or terminating) measured along the line of the street or place, or if the street or place is dead ended, then all the property abutting on one side between an intersecting street or place and the dead end of the street or place, but not including the dead end of the street.

Garage, Private: An accessory building designed or used for the storage of motor-driven vehicles and/or other recreational vehicles which are normally associated with the residential use and which are owned by the occupants of the buildings to which it is accessory. (OR 82-12-70)

Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

Garage Or Yard Sale: Includes all general sales open to the public, conducted from or on a residential premise, in any residential zone as defined in this Zoning Ordinance No. 7503, as amended, for the purpose of disposing of personal property. Personal property is that property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. Personal property does not include merchandise which is purchased for resale or obtained on consignment. (OR 86-4-24)

Grade: The average of the finished ground or surface level at the center of all walls of a building.

Groundwater: All the water naturally occurring beneath the surface of the ground, excluding those waters in underground piping for water, wastewater, and/or storm water distribution/collection systems. (OR 98-10-102)

Handcraft Industries, Small-Scale Manufacturing: Establishments manufacturing and/or assembling for display and sale of products primarily by hand, such as, but not limited to, jewelry, pottery, ceramics, glass, metal art, woodworking and craft products and works of art. Also includes small-scale manufacturing establishments producing products such as, but not limited to: soaps, oils, candles, costume novelties; musical instruments; pens, pencils, and other office and artists' materials; clothing; toys; candies, snacks, and craft alcoholic and non-alcoholic beverages, consistent with Ohio State Law (OR 2014-5-34)

Home Occupation: Any occupation which is customarily incidental to the principal use of the premises and is conducted by a resident occupant.

Horizontal Surface: A horizontal plane located at an elevation of 783 feet Mean Sea Level, the perimeter of which is constructed by swinging an arc having a horizontal radius of 10,000 feet from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs. (EOR 00-10-116)

Hospital: An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices which are an integral part of the facility.

Hotel: A building used as the abiding place of more than twenty (20) persons who are for compensation lodged with or without meals.

Impervious Site Coverage. The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as buildings, driveways, sidewalks, and patios. (OR2013-2-22)

Instant Bingo: A game in which the player(s) or participant(s) purchase a preprinted card which conceals numbers, letters, a pattern or a prize and which reveals, through the removal of concealing paper tabs/flaps or by scratching the card, number(s), or letter(s), a pattern or prize which can be compared to number(s), or letter(s), a pattern or prize on the reverse side of the card, and if by such match, the player or participant wins and collects a prize from the cashier or operator. For the purposes of this Ordinance, this term shall include tip tickets, break-open tickets, or other similar instant games of chance and which are differentiated from a traditional bingo game as described in Section 507.01(s) of the Codified Ordinances of the City of Hamilton.

Institutional: Organizations of instruction or education such as schools and orphanages, as well as licensed child daycare centers and preschools, whether public or private, except correctional facilities. (EOR2007-3-16)

Junk Yard: A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled; including auto wrecking yards, house wrecking yards, used material yards, but not including pawn shops, antique shops, and places for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations.

Kennel: Any structure or premises on which five (5) or more dogs over three (3) months of age are kept or raised for compensation.

Landfill: A place where waste material is disposed by the process of reclaiming areas of the ground. (EOR 00-10-116)

Large Farm Animal: Animals such as horses, cattle, sheep, pigs and goats. (OR 91-9-115)

Lodging House: A building where lodging only is provided for compensation for five (5) or more, but not exceeding twenty (20) persons, in contradistinction to hotels open to transients.

Lot: For zoning purposes, as covered by this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

- A) A single lot of record;
- B) A portion of a lot of record;
- C) A combination of complete lots of record, of complete lots of record and portions of lots of record or of portions of lots of record, provided that it is recorded as one lot;
- D) A parcel of land described by metes and bounds description; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of this Ordinance.

Lot Coverage: That portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building (except any area covered by a structure where 50% or more of the perimeter of such structure is open from grade); and any portion of the lot which is devoted to off-street parking. (See Figure 1)

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards in this Section. (See Figure 2). The horizontal distance between the side lot lines, measured at the front lot lines. (OR2013-2-22)

Lot Lines: The lines bounding a lot.

Lot Measurements:

- A) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear. (See Figure 8)
- B) Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot measured across the rear of the required front yard, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of culs-de-sac, where the 80 percent requirements shall not apply. (See Figure 8)
- C) Area of a lot shall be computed from the area contained in horizontal plane defined by the lot lines.

Lot Of Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Butler County, Ohio, or a lot described by metes and bounds, the description of which has been recorded in said Office of the County Recorder.

Lot Types:

- A) Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 122 degrees. (See Figures 2 & 11)
- B) Interior Lot: A lot other than a corner lot with only one frontage on a street other than an alley. (See Figure 2)
- C) Reversed Frontage Lot: A lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See Figure 2)
- D) Through Lot: A lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots. (See Figure 2)

Major Auto Repair: shall mean any business, building structure, or land used for the major repair of a motorized vehicle, whether licensed to circulate on streets or non-licensed for off-street use, which gross vehicle weight (GVW) is ten thousand (10,000) pounds or more, and regardless of weight, repairs including the remanufacturing of engines, the rebuilding of transmissions, body-work, frame straightening and paint, or similar repairs. (OR 2001-3-24) (REVISED: OR2014-8-72)

Medical Marijuana Sales: shall mean any business, building, structure, or land used for the sale of Medical Marijuana. (OR 2015-2-14)

Mini-Warehouse (also self-storage facilities, residential storage warehouse): A structure or group of structures for the dead storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for temporary storage and where no stall is greater than six hundred (600) square feet of floor space. A single caretaker's residence may be included. (OR 2001-1-2)

Mobile Home (Including Automobile Trailer): Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

Motel: A series of attached or detached sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access of off-street parking spaces for the exclusive use of the guests or occupants.

Municipal Or City-Owned Property: Any property which is owned, in fee simple, solely by the City of Hamilton. (EOR 97-9-105)

New Facility Or New Storage Unit: This term, as it applies to Wellhead Protection, refers to any facility or regulated substance storage unit beginning operation after the effective date of these provisions. (OR 98-10-102)

Non-Conforming Use: A building, structure or premises legally existing and/or used at the time of adoption of this Ordinance or any amendment thereof, and which does not conform with the use provisions of this Ordinance for the District in which the premises are located.

Nursing And Residential Care Facilities: Establishments primarily engaged in providing inpatient nursing, rehabilitative, and continuous personal care services generally provided for an extended period of time by a permanent staff of registered and professional nurses along with other personnel. This includes but is not limited to Hospices, Nursing and Assisted Living Facilities, Mental Retardation, Mental Health and Substance Abuse Facilities. (EOR2007-3-16)

Nursing Home: shall mean any business, building, structure, or land licensed by the State of Ohio which provides maintenance, personal care, or nursing to ill, physically infirm, convalescing, or aged persons who are not related by blood or marriage to the owner/operator. This definition does not include hospitals, clinics or similar uses that are devoted primarily to the diagnosis and/or treatment of sick or injured individuals. (OR 2014-8-71)

Occupied Space: Interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking. (OR2013-2-22)

Ohio EPA: The State of Ohio Environmental Protection Agency. (OR 98-10-102)

Opacity Buffer: An imaginary vertical plan extending from the established grade to a specifically required height; a percentage of which shall be visually screened from adjacent property. (EOR2007-3-16)

Open Space: Open space, as related to development, is an area of land or an area of water, or a combination thereof, that is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, buffer areas, active and passive recreation areas, wooded areas, water courses, and the like. Open space shall be substantially free of structures, however, it may contain minor improvements as are appropriate for the utilization of the open space for recreational purposes. Open space shall not be deemed to include off-street parking areas, streets, or part of road right-of-way, except in the case of a roadway median in excess of ten (10') feet in width. (OR 96-6-61)

Park: A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses. Including but not limited to the City of Hamilton Complete Parks List. (OR 2014-9-90)

Parking Lot: A parcel of land containing one or more unenclosed parking spaces whose use is principal to the lot as differentiated from an accessory use, as in a residential lot.

Parking Space: A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) motor vehicle, together with a paved driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Pawnshop: Any building, room, space or portion thereof where business is conducted in part or in whole of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. (OR2013-2-22)

Pay Day Lending Facility: Any building, room, space, establishment, facility or portion thereof that provides loans to individuals in exchange for personal checks as collateral. (OR2013-2-22)

Pedestrianway: A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter. (OR2013-2-22)

Permanent: This term, as it applies to Wellhead Protection, refers to more than ninety (90) consecutive days. (OR 98-10-102)

Person: Any individual, firm, co-partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other similar representative thereof. (EOR 00-10-116)

Personal Services: An establishment which offers specialized goods and services purchased frequently by the consumer such as non-medically related services, including beauty, nail and barber shops; permanent makeup/cosmetics; clothing rental; dry cleaning drop-off/pick-up stores; laundromats (self service) laundries; massage services; shoe repair shops; tailors; and tanning salons. (REVISED OR2015-6-48)

Permanent Makeup/Cosmetics: Cosmetic technique which employs permanent pigmentation of the skin to resemble makeup, or improve the appearance of birthmarks, scars, burns, or other disfiguring conditions of the skin. (OR 2015-6-48)

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest as defined in Section 2(t) of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 100-64, 100-464, to 100-526 and 100-532); and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. This term shall include all fungicides, insecticides, nematocides, or other substances used for the control of pests. (OR 98-10-102)

Place: An open unoccupied place other than a street or alley permanently reserved as the principal means of access to abutting property.

Political Subdivision: Any municipal corporation, township, or county. (EOR 00-10-116)

Pond: A small, natural, or manmade body of standing fresh water filling a surface depression, usually smaller than a lake, where the detention of water takes place. (EOR 00-10-116)

Primary Street: A street that receives priority over other streets in terms of setting front lot lines and locating building entrances. (OR2013-2-22)

Principal: This term, as it applies to Wellhead Protection, refers to the primary, predominant, or foremost use or activity at a property, establishment, building, structure or facility. (OR 98-10-102)

Process: This term, as it applies to Wellhead Protection, refers to the incorporation of a regulated substance into a product. Includes making mixtures, repackaging, or using a regulated substance as a feedstock, raw material, or starting material for making another chemical. (OR 98-10-102)

Public Utility: Persons, corporations or governments supplying gas, electric, water, sewer, transportation or land line telephone to the general public. For the purposes of this Ordinance, commercial wireless and

cellular telecommunications service facilities shall not be considered public utility uses, and are defined separately. (EOR 97-9-105)

RCRA: The Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq.), as amended. (OR 98-10-102)

Recreational Amenities: Private, semi-public or public facilities which are intended for the relaxation, enjoyment and leisure of residents provided, however, that the facilities are not operated for commercial gain. Examples of recreational amenities may include, but may not be limited to: swimming pools, tennis courts, golf courses, jogging trails, bike paths, landscaped areas, areas devoted to children's play equipment, etc. (OR 96-6-61)

Refuse Storage Area: The area including the refuse container, storage enclosure, and surrounding landscaping for the collection and storage of refuse and/or recyclable materials. (OR 2015-10-83)

Regulated Substances: Those substances regulated under the Wellhead Protection Program as identified in Chapter 940 of the Hamilton Codified Ordinances. (OR 98-10-102)

Regulated Substance Storage Unit: This term, as it applies to Wellhead Protection, refers to any underground storage tank, aboveground storage tank, drum, carboy, or other container used for the storage of one or more regulated substance(s), including silo, bag, tank wagon, box, glass, cylinder, tote bin, and truck body, rail car, or tanker when used for the permanent or temporary storage of regulated substances. (OR 98-10-102)

Release: This term, as it applies to Wellhead Protection, refers to the spilling, leaking, pumping, pouring, emitting, emptying, or dumping of regulated substances upon or into any land or water. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems or units and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term "release" when used and applied herein does not include the following: (OR 98-10-102)

- (A) Disposal, in accordance with all applicable legal requirements and in accordance with the requirements of RCRA regulations thereunder, of hazardous wastes in a facility that has received and maintained all necessary legal approvals for that purpose;
- (B) Disposal or release of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, State, or Federal permit if such permits are required by applicable environmental laws;
- (C) Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;
- (D) Disposal, in accordance with all legal requirements, of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by state or county health departments;
- (E) Any discharge of a petroleum substance in a quantity less than twenty-five (25) gallons unless such petroleum discharge enters a dry well, storm sewer, or surface water body; or
- (F) Any discharge of hazardous materials listed in SARA Title III or CERCLA when the discharge is less than twenty-five (25) pounds within a twenty-four (24) hour period in the One (1) and Five (5)Year

Time-Of-Travel Zone, or less than one-hundred (100) pounds within a twenty-four (24) hour period in the ten (10) year Time-Of-Travel Zone; or

- (G) The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under best management practices as indicated by soil tests, the Ohio State University Cooperative Extension Service, the Soil and Water Conservation District, and label directions approved by the United States Environmental Protection Agency or the Ohio Department of Agriculture.

Replacement: This term, as it applies to Wellhead Protection, refers to the physical removal of a regulated substance storage unit for installation of a new regulated substance storage unit. (OR 98-10-102)

Residential: Providing living accommodations whether temporary or permanent such as dwellings, dwelling units and residences of any kind, including hotels, motels, rooming houses and tourist homes. (OR 89-4-33)

Residential Facility: A home or facility, as defined and regulated in Section 5123.19 of the ORC as amended, 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 Section 5126.05 of the Ohio Revised Code as amended, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code as amended, 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. (OR 2014-8-71)

Residential Facility, Large: A residential facility where there is supervision in a family setting of six to 16 persons. (OR 2014-8-71)

Residential Facility, Small: A residential facility where there is supervision in a family setting of three to five persons. (OR 2014-8-71)

Row House: See town house development.

Satellite Earth Station: This term, as used herein means a concave or circular or dish-shaped device designed for receiving communications or television signals especially using a satellite in the operation. (EOR 97-9-105)

Screening: A solid fence, barrier, continuous evergreen hedge, or combination thereof which is designed to visually conceal/shield, and/or physically separate a building, structure or similar object from its surroundings. (EOR 97-9-105)

School, Primary, Secondary, College Or University: Any school having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for a general academic education, under the supervision of, and in accordance with, the applicable statutes of the State of Ohio.

School, Vocational And Technical: One which teaches the development of basic manipulative skills, technical knowledge, and occupational information for the purpose of training persons for employment in trade, industrial, technical, and other occupational pursuits, and for upgrading skills or retraining for new skills.

Self-Service Uses: Self-service laundries, dry cleaners, pumping of gasoline as an accessory use to convenience or grocery store and similar uses. (OR2014-8-72)

Semi-Pervious Surface: Also referred to as semi-pervious material. A material that allows for at least 40 percent absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel. (OR2013-2-22)

Sewage Pond: A shallow pond where sunlight, bacterial action, and oxygen work to purify wastewater. (EOR 00-10-116)

Sexual Encounter Establishment: A Sexual Encounter Establishment is a business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities. (OR2016-5-36)

Sign means any visual communication device using letters, words, numbers, symbols, pictures, objects, or illumination, whose primary function is to attract the attention, or convey visual information about a product, service, business or event, to a person within a right of way or not on the premises where the device is located. Signs shall only describe or direct attention to a product, service, business or event produced, provided, conducted, sold, offered, or performed on the same premises on which the sign is displayed. (Revised: OR2014-11-99)

Sign Area: means the total area of the sign used to convey significant visual information including background but excluding all materials, which do not convey significant information and primarily function as structural support for the sign, or as architectural elements or architectural decoration on a building. Only one side of a double-faced sign (covering the same subject) will be used when calculating area if the sign faces are parallel and no more than 2 feet apart. For irregular signs or signs that do not have defined display areas (such as letters placed against a window or a wall), the area shall be calculated on the smallest rectangle, polygon, or circle that will frame the copy area of the sign.

Sign-Building Marker: means a sign permanently attached to a building fashioned from metal or stone indicating the name of the building, date of construction, or other historical information, without advertising.

Sign-Changeable Copy: _mean permanent signs including display boxes affixed to a wall or the ground, on which the copy is changed manually, or electronically.

Sign-Conforming: means a sign, which meets all the provisions of this ordinance.

Sign-Directional: means a sign directing the public to on-site facilities such as restrooms, parking, telephones, exits, entrances, or deemed necessary to regulate traffic flow.

Sign-Free Expression: means a sign, which expresses an opinion but does not advertise a product, service, event, or commodity and includes temporary signs, which promote a candidate or issue related to an election.

Sign-Freestanding: means a sign supported by its own structure anchored in the ground independent from a building or other structure including, pole signs and monument signs.

Sign-Interior: means a sign mounted inside a building and more than 2 feet from the interior surface of any window.

Sign-Legal Non-Conforming: means a sign which does not comply with this Chapter but which was in compliance with the requirements of the sign ordinance in effect immediately prior to the adoption of this

Chapter or was characterized as a legal non-conforming sign under such previous ordinance

Sign-Menu Board: means a permanently mounted sign only for the purpose of displaying the bill of fare at a restaurant or drive-in to on site patrons.

Sign-Permanent: mean a sign allowed by this ordinance to be located on premises for an unlimited period of time and which is lawfully constructed and maintained in accordance with local building and zoning codes.

Sign-Projecting: means a sign that wholly or partially dependent on a building for support and that projects more than 15 inches from the face of such building.

Sign-Roof: means a sign mounted on the roof of a building.

Sign-Temporary: means any sign or advertising display which is not permanently erected or permanently affixed to any structure or building and which is not an electric sign or an internally illuminated sign. (Revised: OR2014-11-102)

Sign-Wall: means a sign attached parallel to and within 15in. of a wall, painted on wall, or erected on and confined within the limits of an outside wall of any building our structure. Mansard roofs shall be considered part of the wall surface.

Sign-Warning: means an on site “no trespassing or “no dumping” sign or signs which warn the public of construction, excavation, or other hazards, as long as hazard exists.

Sign-Window: means a sign painted on, mounted on, or affixed within 2 feet of, the interior surface of a window.

Slaughter House: A building or place where animals are butchered for food. (EOR 00-10-116)

Sludge Disposal: The collection and removal of the concentration of solids removed from sewage during wastewater treatment in conjunction with the use of a spread area. (EOR 00-10-116)

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. (See Figure 3)

Story, Ground: Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars. (OR2013-2-22)

Story, Half: A habitable space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story. A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street. (OR2013-2-22)

Story, Upper: Also referred to as upper floor. The floors located above the ground story of a building. (OR2013-2-22)

Street: A publicly dedicated thoroughfare serving as the principal means of access to abutting property.

Street Face: The facade of a building that faces a public right-of-way. (OR2013-2-22)

Street Line: A dividing line between a lot, tract, or parcel of land and a contiguous street.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground.

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

Sweepstake/Internet Cafe: Any premises upon which a computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever. (OR2012-2-9)

Tattoo/Piercing Shops: An establishment that practices one or more of the following 1) places designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This definition does not include permanent makeup/cosmetics. (REVISED OR2015-6-48)

Temporary: This term, as it applies to Wellhead Protection, refers to a period of ninety (90) consecutive days or less. Storage of regulated substances and individual storage units containing such substances that are used on site as part of regular business operations are not considered temporary storage. (OR 98-10-102)

Time Of Travel Zone (TOT): This term, as it applies to Wellhead Protection, refers to the advective travel time for contaminants to flow through an aquifer and reach a well or well field (OR 98-10-102)

Town House Development: A structure containing three (3) or more attached single-family dwellings in a continuous row, each such dwelling designed and erected as a unit on an individual lot and separated from adjoining units by an approved masonry wall or walls.

Trailer: (See mobile home)

Trailer Park – Mobile Home Park: Any lot or part thereof, or any parcel of land which is used or offered as a location for two (2) or more trailers used for any purpose set forth in the definition of mobile home.

Transfer Station: Any site, location, tract of land, installation or building that is used or intended to be used primarily for the purpose of transferring solid wastes that are generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility. The term does not include any facility that consists solely of portable containers that have an aggregate volume of 50 cubic yards or less, nor any facility where legitimate recycling activities are conducted. (EOR 00-10-116).

Transparency: The measurement of the percentage of a facade that has highly transparent, low-reflectance glass including muntins, mullions, transoms, and sashes. Glass and applied films should have a visible light transmittance (VLT) of 70% or higher and a visible light reflectance (VLR) of 11% or less. (OR2013-2-22)

Unoccupied Commercial Building: "Unoccupied commercial building" means any building, including the land on which it is situated, which was once used, is now being used, or is intended to be used for wholesale, retail, commercial or other business occupancy within which a particular wholesale, retail, commercial, or other business use has voluntarily or involuntarily ceased or otherwise been discontinued or abandoned by the occupant. (OR 91-10-131)

Underground Storage Tank (UST): This term, as it applies to Wellhead Protection, refers to one or any combination of tanks, including the underground pipes connected thereto, that are used to contain an accumulation of regulated substances the volume of which, including the volume of the underground pipes connected thereto, is ten percent (10%) or more beneath the surface of the ground. For the purposes herein, the term does not include: (OR 98-10-102)

- (A) Pipeline facilities, including gathering lines, regulated under the "Natural Gas Pipeline Safety Act of 1968", 82. Stat, 720, 49 U.S.C.A. 2001, as amended;
- (B) Surface impoundments, pits, ponds, or lagoons;
- (C) Storm or waste water collection systems;
- (D) Flow-through process tanks;
- (E) Septic tanks;
- (F) Storage tanks located in underground areas when the tanks are located on or above the surface of the floor and the integrity of the tank is periodically visually evaluated; or
- (G) Liquid traps or associated gathering lines directly related to oil or gas production or gathering operations.

Urban Farm: A zoning lot, as defined in this article, up to one acre of land, used to grow and harvest agricultural products for personal or group use including commercial purposes. (OR2013-7-58)

Use Or Otherwise Use: This term, as it applies to Wellhead Protection, refers to the handling, transfer, processing, packaging, treatment, emission, discharge or disposal of regulated substances at a facility. (OR 98-10-102)

Vehicle Impound Lot: A parcel of land used as temporary storage; maximum sixty (60) days for vehicles, including damaged vehicles. No dismantling or disassembling of vehicles is permitted. (OR 89-4-33)

Visible Basement: A half story partially below grade and partially exposed above with required transparency on the street facade. (OR2013-2-22)

Visible Light Reflectance (VLR): The percentage of light striking the glazing that is reflected back. It indicates to what degree the glazing appears like a mirror. (OR2013-2-22)

Visible Light Transmittance (VLT): The amount of visible light striking the glazing that will pass through it. Glazings with a high visible transmittance appear relatively clear and provide sufficient daylight." (OR2013-2-22)

Water Fowl Production: Any activity or plan which promotes and/or aides the reproduction or breeding of water fowl species. (EOR 00-10-116)

Water Reservoir: A multipurpose project which may generate hydroelectric power, controls floods, provides recreational benefits and supplies water. (EOR 00-10-116)

Wellhead Protection Area (WHPA): The surface and subsurface areas supplying water to wells or well fields through which contaminants are likely to move and reach such wells or well fields. The Wellhead Protection Area includes the one (1), five (5), and ten (10) year time-of-travel zones. (OR 98-10-102)

Wellhead Protection Program (WHPP): A program established by Section 1428 of the Safe Drinking Water Act of 1986 (Public Law 93-523) designed to minimize the potential for contamination of groundwater being used as a source of public drinking water. (OR 98-10-102)

Wildlife Sanctuary: An area of land set aside for, among other purposes, providing a refuge for wildlife species, or a small area in private ownership for breeding purposes. (EOR 00-10-116)

Wireless And Cellular Alternative Tower Structure: An alternative design mounting structure that is used to camouflage or conceal the presence of antennas or towers including man-made trees, clock towers, bell steeples, light poles and similar. (EOR 97-9-105)

Wireless And Cellular Telecommunications Equipment : - Any antenna, satellite dish, or other communication devices and/or equipment which is used for transmitting, receiving, or relaying communications signals, except as such equipment has been preempted from regulation by the Telecommunications Act of 1996 (P.L. 104-104), as amended. (EOR 97-9-105)

Wireless And Cellular Telecommunications Equipment Building Or Shelter: Any structure located on a Wireless/Cellular Telecommunications Tower site which houses the electronic receiving and relay equipment for a Wireless/Cellular Telecommunications Facility. (EOR 97-9-105)

Wireless And Cellular Telecommunication Facilities: Any cables, wires, lines, wave guides, antennas, microwave dishes, horns, and any other equipment associated with the transmission or reception of communications as authorized by the Federal Communications Commission (FCC). Telecommunication Facilities also includes towers or similar structures supporting said equipment, equipment buildings, parking areas, and other accessory development. However, the term "Wireless and Cellular Telecommunication Facilities" shall NOT include those telecommunications facilities defined as exempt under the provisions of Chapter 1142.00. (EOR 97-9-105)

A) Height of a Wireless/Cellular Telecommunications Facility - when referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure even if said highest point is an antenna.

Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided however, that fences, walls, lighting standards, statue-like objects and vegetation may be permitted in any yard subject to height limitations as hereinafter indicated.

- A) Yard, Front: A yard extending between lot lines which intersect a street line, the depth of which is the horizontal distance between the street right-of-way line and a line on the lot which is at all points equidistant from and parallel to the street right-of-way line. (See Figures 2 and 12)

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages (See Figure 5). Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the City Manager or Designee may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the District shall be provided on the other frontage. (See Figure 2)

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front of half the depth required generally for front yards in the District shall be provided on the other frontage. (See Figure 2)

In the case of corner lots with more than two frontages, the City Manager or Designee shall determine the front yard requirements, subject to the following limitations: (1) at least one front yard shall be provided having the full depth required generally in the district; (2) no other front yard on such lot shall have less than half the full depth required generally. (See Figure 2)

- B) Yard, Rear: A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and reversed frontage corner lots, there will be no rear yard. In the case of corner lots with normal frontage, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard. (See Figure 2)

Depth of required rear yards shall be measured at right angles to a straight line across the lot joining the rearmost points of the side lot lines or in the case of a dedicated alley, it shall be measured from the rearmost points of the side lot lines when extended to the centerline of said alley. The forward rear yard line of a required rear yard shall be parallel to the straight line so established. (See Figure 12)

- C) Yard, Side: A yard extending from the rear line of the required front yard to the rear lot line (See Figure 2). In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard, adjacent to the interior lot. In the case of corner lots with reversed frontage, the yards remaining after the full and half-depth front yards have been established shall be considered to be side yards. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

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1109.00 NON-CONFORMING: LOTS, LAND USES AND STRUCTURES

- 1109.10 Intent: Within the Districts established by this Ordinance or amendments that may later be adopted there exists lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited under the terms of this Ordinance or future amendment.

It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conforming uses shall not be enlarged upon, expanded upon, expanded nor extended, nor be used as a basis for additional structures or uses prohibited elsewhere in the same District. Structures that are non-conforming due to front, side or rear yard requirements may be expanded or extended in conformance with this Ordinance. Variances of area width, and yard requirements may be granted by the Board of Zoning Appeals where necessary and where such addition does not create an unusual neighborhood building type.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date or adoption or amendment of this Ordinance and upon which actual building construction has been diligently carried on. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner, and demolition, elimination and removal of an existing structure in connection with such construction, provided that actual construction work shall be diligently carried on until the completion of the building involved.

- 1109.20 Non-Conforming Lots Of Record: In any District in which single-family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the District, provided that yard dimensions and other requirements not involving area or width, or both, of lot shall conform to the provisions of Section 1131.10.

- 1109.30 Non-Conforming Uses Of Land (OR 98-10-102)

- (A) Where, at the effective date of the adoption of, or amendment to, the provisions set forth herein, lawful use of land exists that is no longer permissible under the provisions of the Zoning Ordinance No. 7503 as enacted or amended, such use may be continued, so long as it remains otherwise lawful, subject to provisions of this Chapter.
- (B) Any non-conforming use of land, building, or regulated substance storage unit existing as of the effective date of adoption of, or amendment to, the provisions set forth herein and which operates within a Wellhead Protection Area Time-of-Travel Zone is permitted to continue operation as a non-conforming existing land use, building, or regulated substance storage unit provided it remains otherwise lawful; complies with the provisions of Chapter 940 of the Hamilton Codified Ordinances which apply to existing facilities; and subject to provisions of this Chapter.

(C) An existing use made non-conforming solely by application of the Wellhead Protection provisions set forth herein, including those in Section 1128, shall be treated as non-conforming only as to those uses prohibited by these Wellhead Protection provisions. As to existing uses not prohibited or otherwise regulated by these Wellhead Protection provisions, those uses remain conforming such that they may be expanded or otherwise altered without violation of this Charter Code.

1109.31 No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Ordinance;

1109.32 No such non-conforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance;

1109.33 If any such non-conforming use of land ceases for any reason for a period of six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the District in which such land is located. (OR 84-11-95) (Amended OR 2014-5-34)

1109.34 Signs or display devices of uses of land not permitted in a Zoning District shall not be increased in number nor in size beyond the size allowed for conforming uses in the District. (OR # 7631 7/12/72)

1109.34.2 For any non-conforming use signs may not be increased in area until all signs conform to the requirements of Section 1109.341. Any existing sign can be re-lettered or re-paneled. (OR # 7631 7/12/72)

1109.34.3 Signs for non-conforming uses shall be subject to the amortization provisions of Section 1138.50 of this Ordinance and shall be allowed to make such changes in order to comply with Section 1138.50. (OR # 7631 7/12/72).

1109.40 Non-Conforming Structure: If a lawful structure, or structures and premises in combination, exists at the effective date of adoption or amendment of this Ordinance that would not be allowed in the District under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

No such structure may be enlarged or altered in a way that increases its non-conformity.

1109.42 Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

1109.43 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the District in which it is located after it is moved.

- 1109.44 SIGNS: Signs that are non-conforming shall be subject to Sections 1109.42 and 1109.43
- 1109.44.1 For conforming uses, signs that are non-conforming as to area and/or location shall be subject to the following: (OR #7631 7/12/72)
1. An individual sign or group of signs that are non-conforming may be lettered or repaneled.
 2. An individual non-conforming sign may be replaced by a sign that is reduced in size by at least twenty-five percent (25%) of the area of the original sign or replaced by a conforming size sign.
 3. For a use with multiple signs, any or all signs may be replaced provided there is a net reduction in total sign area of at least twenty-five (25%) of the area of the original sign or signs or replaced by conforming size signs.
 4. There shall be no increase in the number of signs until the sign areas are conforming.
- 1109.44.2 Signs can be increased in area only when all signs for the use are in conformity as to number and area. (OR # 7631 7/12/72)
- 1109.44.3 Where a non-conforming use or combination of uses has a non-conforming sign or signs, the provisions of Section 1109.30 shall prevail. (OR # 7631 7/12/72)
- 1109.50 Non-Conforming Uses Of Structure: If a lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption or amendment of this Ordinance, that would not be allowed in the District under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful subject to the following provisions:
- 1109.51 No existing structure devoted to a use not permitted by this Ordinance in the District in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located.
- 1109.52 No additional signs or display devices may be attached to the building or placed on land outside the building.
- 1109.53 Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building.
- 1109.54 If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the District than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.

1109.55 Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District in which such structure is located, and any non-conforming use shall not thereafter be resumed.

1109.56 When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located. (OR 84-11-95) (Amended OR 2014-5-34)

1109.57 When a non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure, per Section 1109.42, shall eliminate the non-conforming status of the land.

1109.60 Repairs And Maintenance: On any building devoted in whole or in part to any non-conforming use, work may be done in any period of twelve (12) consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing to an extent not exceeding ten percent (10%) of the current replacement value of the building, provided that the cubical content of the building as it existed at the time of passage or amendment of this Ordinance shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any City Official charged with protecting the public safety, upon order of such Official.

1109.70 Uses Under Special Permits Not Non-Conforming Uses: Any use for which a special permit has been issued under prior Ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such District under the conditions of such permit.

1109.80 Non-Conformity Performance Standards: All uses non-conforming at the time of adoption of this Ordinance by reason of non-compliance with the provisions concerning performance standards (Section 1139.00) If not otherwise stipulated by the Board, shall adopt necessary measures to conform therewith within three (3) years from the effective date of this Ordinance.

DISTRICT REGULATIONS
1110.00 RESIDENTIAL DESIGN STANDARDS (OR 2006-5-63)

1110.10 Purpose is to establish design standards that encourage neighborhood diversity and higher quality construction in order to protect property values and maintain similar high character of community as adjoining properties, and protect real estate from impairment or destruction of value, while at the same time allow for the use of a variety of building materials and design options encourage quality residential development and neighborhood diversity through the use of a variety of building materials and design options while continuing to provide for housing opportunities for a wide range of economic backgrounds.

Exterior facades provide the impression of the quality of the residential construction as well as establish the character of the neighborhood. Establishing standards for quality materials while allowing for design creativity and diversity increases the value of the city's housing stock and the image of the community. The ability to require a variety of building materials and housing styles within a development strengthens visual interest and value over the typical tract home subdivision.

These standards will apply to all developments that have not received preliminary plat approval as of the effective date of the adoption of this section of the ordinance or whose preliminary approval has expired, as well as infill development, accessory buildings, additions, and alterations obtained after the date of adoption will comply with the design requirements as herein established.

Within the boundaries of any form-based zone district listed in section 1129.00, in the event of any inconsistency between the residential design standards in this section 1110.00 and any provision of the form-based zone districts in section 1129.00, the provisions of section 1110.20 shall apply. (OR2013-2-22)

1110.20 Exterior Wall Finish Materials: All building exterior finishes will be brick, stone, cultured stone, stucco, wood, cement board, hardy plank, metal or aluminum siding, or glass block or other material expressly designed as an exterior building finish material.

1110.21 Siding: Vinyl siding with a minimum thickness of .040 inches and meets all other requirements of ASTM D3679 may be used.

1110.22 Buffering: New residential structures larger than 200-sq.ft. located within 400 feet of an adjacent existing development will have exterior finish materials that match at a minimum of 50% on all sides; the residential buildings directly abutting the new development where the predominant building material on the existing buildings is masonry construction (i.e. brick, stone, stucco, etc.).

1110.23 Foundations: No more than 40" of poured concrete foundation wall may be exposed.

1110.24 Rear and Side Elevations: The primary material used on the front of the residential building will determine the predominant finish material for the building. The

exterior of the residential building will be clad a minimum of 50% on each side of the building by the predominant finish material.

- 1110.25 Building Additions: Additions to existing buildings will have the same ratio of finish materials as the existing building with a 40% margin of variance.
- 1110.26 Accessory Buildings: Accessory buildings over 200-sq. ft. in area must have the same exterior finish material on a minimum of 50% of all sides as the primary exterior material and approximate color as the front of the existing primary building.
- 1110.27 Prohibited Exterior Wall Finish Materials: No materials manufactured to be an underlayment or materials not expressly designed and manufactured as an exterior finish material will be exposed for a period exceeding 120 days.
- 1110.30 Roof: Roofing material can be wooden shake, slate, concrete tile, rubber tile, metal, fiberglass, asphalt shingles or rolled roof.
- 1110.31 Roof Pitch: Roof pitch and compatible style shall be consistent on all roof surfaces of the primary building and on any accessory building over 200-sq. ft. in area. If matching material is no longer reasonably available the material and color may be an approximate match.
- 1110.32 Roll Roofing: No exposed rolled roof will be visible from ground level.
- 1110.33 Continuity: The same style, type, and color of roof material shall be used on all roof surfaces of the primary building and on any accessory buildings over 200-sq. ft. in area. Fabric, plastic, vinyl or other materials not expressly designed and manufactured as a component of a permanent roofing system may be used as a temporary measure for a period not to exceed 120 days.
- 1110.34 Prohibited Roofing Materials: Fabric, plastic, vinyl or other materials not expressly designed and manufactured as a component of a permanent roofing system may be used as a temporary measure for a period not to exceed 120 days.
- 1110.40 Primary Entry and Porch: The primary entry of the residence shall face the primary street frontage. The primary entrance may face a side property line provided it opens onto a porch that fronts on the primary street along a minimum of 40% of its open perimeter.
- Primary Entry of the residence will face the primary street frontage. The primary entrance may face the side property line provided it opens onto a porch that faces the primary street along a minimum of 40% of its open perimeter.
- Stoops and Steps: Dwelling units without a porch will have a stone, masonry or concrete stoop or landing at the primary entrance with minimum dimensions of 4 feet wide by 3 feet deep.
- Enclosure Prohibited: Front Porches shall not be enclosed beyond 50% of the exterior perimeter of said porch other than with approved mesh screening.

Open Space Beneath Porch Decks: Open areas beneath a front porch will be enclosed with the materials compatible to the exterior of the house.

1110.50 Garages and Driveways

Side Entry Garages On lots 100-ft. or wider, attached garage entries will not face the primary street frontage on more than 40% of the homes in each phase of the subdivision. Garage entrances will be placed at a minimum angle of 45 degrees from the primary street.

Garage Frontage In all zoning districts attached garages entrances facing the primary street will not exceed 1/2 of the first floor building frontage unless the garage is setback a minimum of 2-ft. behind the forward edge of the house (not the forward edge of the porch).

Garage Protrusion Allowable first floor entries for attached garages that face the primary street at an angle less than 45 degrees will not protrude more than twelve feet beyond the forward most edge of the house or porch.

Three Bay Garage Entry Three bay or larger attached garages will not face the primary street at an angle of less than 45%, unless the third bay is setback a minimum of two feet behind the first two bays of the garage.

Detached Garages Detached Garages will be setback a minimum of five feet behind the front edge of the primary building.

Alley Access Where alleys exist or are proposed, garage access will be from the alley.

Driveway Width That part of residential driveways within the required frontyard setback will not exceed the lesser of 24-ft. in width or 1/3 of the lot frontage on the street they access.

Curb Cuts Only one curb cut for a drive way will be allowed per property street frontage unless otherwise authorized by the Public Work Department.

Side Entry Driveways Any new driveway or parking space or addition thereto will be setback a minimum of 5-ft. from any side property line. Driveways for side entry garages may be setback a minimum of 3-ft. from the side property line for the width of the garage.

1110.60 Windows

All windows in an elevation will be of the similar style, and material with the same width of trim and reveal. Exceptions will be made for feature or accent windows such as bay, rosette, or palladium windows.

Building elevations that front on a street will have one window of the same style as the windows on the primary frontage for every 400 sq. ft. of that elevation not to include the gable area.

1110.70

Anti-Monotony Standards The residential design standards of this section are intended to ensure that residential construction in the City of Hamilton is varied and interesting in character and that they provide a variety of housing choices. The following standards shall apply to all single-family dwellings or buildings containing more than one dwelling unit in order to prevent monotony of design for residential uses.

A. Buildings on adjoining lots or on opposing lots will not have a similar appearance. Therefore, no single model or floor plan using the same exterior elevations shall be built on the first two lots on either side of the subject house or on the three opposing lots directly across the street, that are the closest to the lot lines of the property in question. (See illustrations) However, the same model may be built within the restricted area provided a minimum of three of the following options are incorporated in the exterior design, at least one of which must be from items 1,2, or 3:

1. Building orientation is rotated a minimum of ninety degrees.
2. Roof configuration is rotated ninety degrees, or a different style of roof is utilized.
3. Different exterior wall materials are used. A mix of materials may be used for example, brick with horizontal siding, stone with shingles and stucco etc.
4. Different color scheme.
5. Different style of building trim around doors and windows and at corners and eave and gable lines.
6. Different orientation for garage entry.
7. Difference in architectural feature, for example window & door size and style, addition of porch and porch size, addition of balconies.

Building elevation drawings or photographs of the surrounding structures will be submitted for purposes of plan review.

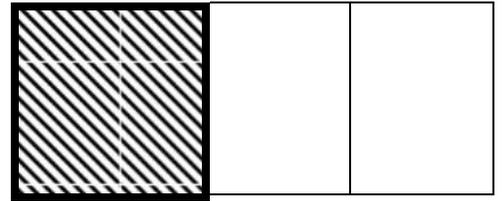
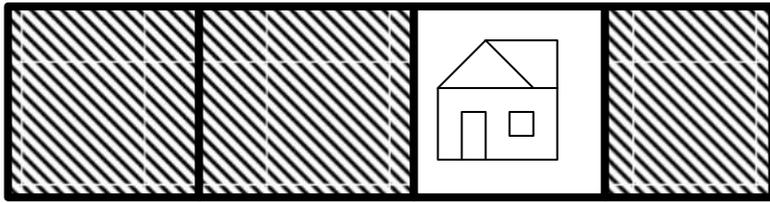
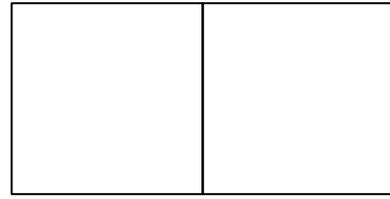
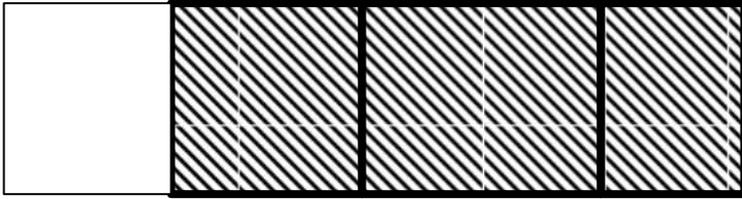
B. Buildings having more than one dwelling unit shall include different floor plans, staggered alignments with the street, roofline variation, architectural features, or rotated building orientation in order to achieve variety and visual interest in the buildings.

C. In such cases where attached units, subdivisions, apartment or condominium complexes seek to replicate a particular architectural style, historic theme, or greater unity of design; plans may be submitted for review by the Architectural and Historic Design Review Board. Such plans will include all proposed building elevations, landscaping and proposed signage.

Measures to Guard Against Building Monotony



Lots restricted from having the same house



MATERIALS



Materials Variation

ROOF LINES



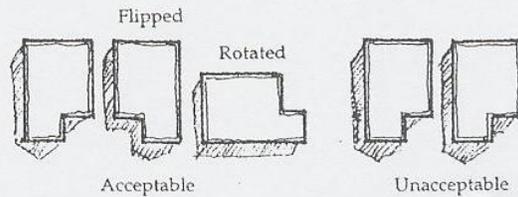
Rotated Peak

ARCHITECTURAL FEATURES



Architectural Feature Variation

ORIENTATION



leave blank

1111.00 ARCHITECTURAL, LANDSCAPING, DESIGN, BUILDING AND SITE DEVELOPMENT
REGULATIONS (OR2007-4-31)

Purpose: The purpose is to establish architectural, landscaping, design, building and site development regulations that encourage higher quality development and function in order to protect property values, provide safe and efficient access for the pedestrian and automobile, and protect real estate from impairment or destruction of value. These architectural, landscaping, design, building and site development criteria can encourage quality development through the use of a variety of design and site techniques while continuing to provide for a wide range of economic development. These standards will apply to all new commercial, office and retail building(s) and development(s) that are permitted in any zoning category, as a permitted use or conditional use, and that have not been submitted for review before the effective date of the adoption of this ordinance. These regulations will also apply to all existing commercial, office and retail building(s) and development(s) that increase or replace the building square footage and/or the developed area by more than fifty (50) percent. Section 1111.00 will not apply to Planned Development (PD) zoned properties, mixed use overlay(s) or mixed use zoned properties with more than twenty-five (25) percent of the project being residential, storage building(s) less than two hundred (200) square feet in size, and all projects covered by Section 1126.00.

Within the boundaries of any form-based zone district listed in section 1129.00:

(a) The landscaping provisions of section 1111.20 (including the cross- referenced requirements of section 1137.20) shall apply, except that no landscaping shall be required in an area of the lot or parcel required to be occupied by a building pursuant to section 1129; and

(b) The architectural design provisions of section 1111.20 shall not apply; provided that in the event of any inconsistency between the regulations in this section 1111.20 and any provision of the form-based zone districts in section 1129.00, the provisions of section 1129.00 shall apply. (OR2013-2-22)

1111.20 Landscaping: All non-residential construction shall adhere to the following landscaping requirements. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site, with all required items from Section 1111.20.1 and Section 1131.70 being clearly labeled. The landscaping plan shall also be reviewed by the City Traffic Engineer for sight distance issues for plantings located in the public right-of-way.

The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of tree(s) required in Section 1131.70. All bush plants must be a minimum of one (1) foot tall at planting and all flowering perennial plants and other plantings must be a minimum of one (1) foot at planting. The City of Hamilton's Planning Director may approve other types of appropriate plantings and

determine their equitable quantity, as required per tree. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:

- a) Bushes: 3 Per Required Tree
- b) Flowering Perennials Plants: 6 Per Required Tree
- c) Trees: 1 Per Required Tree

1111.20.1.1 If weather conditions preclude tree planting or during the winter months from November 1st through April 1st of any calendar year, the developer shall deposit \$250.00 per required tree, \$30.00 per required bush, and \$10.00 per required flower with the City of Hamilton.

If a project's main building front is located within five (5) feet of a sidewalk next to a public roadway, that project can reduce its tree requirement as specified in Section 1131.70 by fifty (50) percent.

If a structure or development can demonstrate its ability to receive a LEED (Leadership in Energy and Environmental Design) 'Silver' or 'Gold' certification from the U.S. Green Build Council (USGBC) within twelve (12) months of the issuance of occupancy, this project can reduce its landscaping requirement in Section 1111.20 and Section 1131.70 by seventy-five (75) percent. However, a bond will be required for the total cost of complying with the City of Hamilton's landscaping requirements without any landscaping reductions. If a development, once completed, is unable to receive a 'Silver' or 'Gold' rating from the USGBC, that development will be required to meet the full landscaping requirements in Section 1111.20 within four (4) months from the notification of failure to receive 'Silver' or 'Gold' rating from USGBC. If the development fails to complete the landscaping requirements with the four (4) month time frame, the City of Hamilton will use the bond to complete the landscaping requirements within one (1) year of the failure to receive 'Silver' or 'Gold' rating from USGBC.

1111.30 Architectural Design: All non-residential construction shall adhere to the following architectural and design regulations. A Colored Elevation Plan will be required for all site plans showing the proposed architectural design and color for all sides of the structure(s) and with all required items from Section 1111.31 being clearly labeled and percentage calculations noted.

1111.31 Architectural Threshold Requirements: All primary structures must have ninety (90) percent of its total exterior façade covered with at least one of the materials listed in Section 1111.31.1.

1111.31.1 Building Materials: Exterior facades shall be built with one or more of the following materials: brick, wood, stone, tile, stucco, decorative block (with common gray block not acceptable), tilt-up concrete panels (prefab concrete panels), and/or transparent materials such as glass or plexiglass. (This will not apply to awnings or

overhangs) Smooth faced concrete block will only be permitted on the service side of a building that does not face a public roadway and must be painted to match the prominent color of the total building.

1111.31.2 Required Building Features:

Window or Transparency: The main front elevation shall provide at least thirty-five (35) percent window or transparency at the pedestrian level. Side elevations that face a public roadway shall provide at least thirty (30) percent window or transparency at the pedestrian level. The window or transparency is measured in lineal fashion. (For example, a one-hundred-foot long building elevation shall have at least thirty-five (35) percent transparency in length.) The height of the glass or plexiglass must be a minimum height of six (6) feet. Dark tinted glass or plexiglass beyond 35% darkening or glass/plexiglass manufactured to reflect light shall not be permitted.

Exterior Wall Elevations: There shall be no uninterrupted lengths of blank wall longer than sixty (60) feet. Walls shall be differentiated with recesses, off sets, building height, variations in rooflines, windows, awnings, and materials. This does not apply to the service side of the building.

Rooftop Equipment: All rooftop equipment shall be screened from view on all sides visible to the general public, by building parapet walls or other building elements that appear as integral elements of the overall building.

Prohibited Roofing Materials: Fabric, plastic, vinyl or other materials not expressly designed and manufactured as a component of a permanent roofing system may be used as a temporary measure for a period not to exceed 120 days.

Service Station Canopies and Columns: Canopies, such as those associated with convenience stores with gasoline sales, must have the same predominate color as the main building. Columns must be clad in the primary building material of the main building or from another material listed in Section 1111.31.1.

- 1111.32 Refuse Storage Areas -The purpose of these regulations is to ensure the provision of adequate, convenient and accessible locations for the collection and storage of refuse and/or recyclable materials within containers and enclosures that are compatible with surrounding land uses and structures. Refuse and/or recycling containers shall be required for all residential dwelling units of three or more dwellings and all non-residential developments in accordance with this Section. (OR 2015-10-83)

Location: Refuse storage containers shall be located in interior side yards or rear yards, and must comply with setback requirements for accessory structures.

Accessory Structure Limitation: A refuse storage area developed under these regulations on a residential property is exempt from the limit of one (1) accessory structure for zoning purposes.

Enclosure: All refuse storage containers for three or more dwelling units and all non-residential developments must be enclosed or screened so as not be visible from the public right-of-way or publically accessible area. The refuse storage area enclosure must be enclosed on all sides, one of which includes a gate or door that can be secured.

Access: Driveways and aisles providing vehicular access between the refuse storage areas and the public right of way shall be hard surfaced of concrete, asphalt, or concrete/brick pavers.

Enclosure Materials: The enclosure surrounding the refuse storage area will match the exterior finish of the principle building and may consist of solid wood, vinyl fencing or masonry walls.

Enclosure Height: The minimum height of the refuse storage area enclosure shall be one-foot taller than the container and no taller than eight (8') feet.

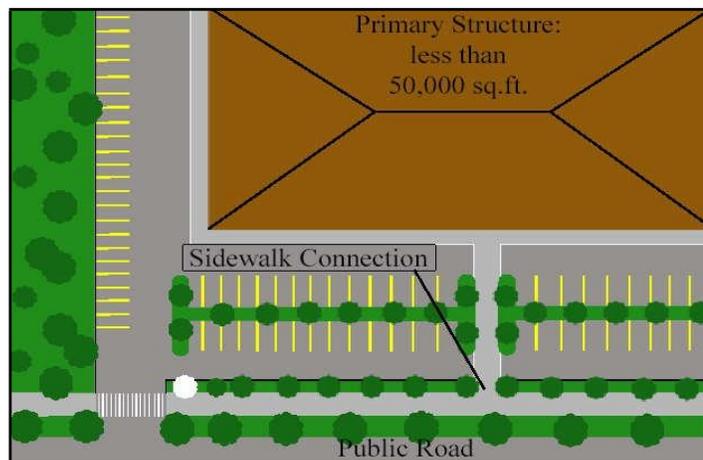
Landscaping: The exterior perimeter of the refuse storage area enclosure visible from the public right-of-way must be landscaping with the exception of the access point.

Maintenance: Enclosures and landscaping must be maintained in a manner that protects adjacent properties as well as tenants located on the property from adverse environmental, health and safety impacts such as noise, odors and attraction of rodents or other pests. The refuse storage area and surrounding area will be maintained as initially approved.

- 1111.40 Sidewalk Requirements: All sidewalks must be designed and built to meet the City of Hamilton's sidewalk construction and design regulations and be a minimum of five (5) feet in width.

1111.40.1 Total Building Square Footage for a development less than fifty thousand(50,000) square feet: All non-residential construction that totals less than fifty thousand (50,000) square feet per development will be required to have a minimum of one (1) sidewalk connection from a sidewalk located along a public roadway to the entrance of the primary structure. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadways within the existing or proposed public right-of-way. The sidewalk(s) adjacent to the public roadway(s) shall be setback one (1) foot from the public right-of-way line. There shall be a minimum five (5) foot grass strip between the sidewalk and roadway. If on- street parking is provided along seventy five (75) percent of the roadway the grass strip and the one (1) foot sidewalk setback requirement will be waived (Sidewalk may be constructed to the curb). – See Figure 1

Figure 1 Graphic for Section 1111.40.1



1111.40.2 Total Building Square Footage for a development greater than fifty thousand (50,000) square feet: All non-residential construction that totals more than fifty thousand (50,000) square feet per development will be required to have a minimum of one (1) sidewalk connection from all sidewalk(s) located along a public roadway to the entrance of the primary structure. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If only one public roadway is located adjacent to the development a minimum of two (2) sidewalk connections shall be required to the entrance of the primary structure. If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadways within the existing or proposed public right-of-way. The sidewalk(s) adjacent to the public roadway(s) shall be setback one (1) foot from the public right-of-way line. There shall be a minimum five (5) foot grass strip between the sidewalk and roadway. If on-street parking is provided along seventy five (75) percent of the roadway the grass strip and the one (1) foot sidewalk setback requirement will be waived (Sidewalk may be constructed to the curb) – See Figure 2a and 2b.

Figure 2a Graphic for Section 1111.40.2

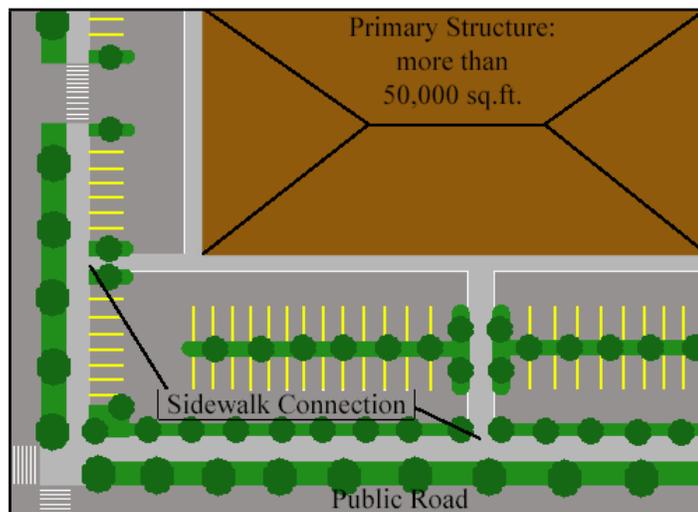
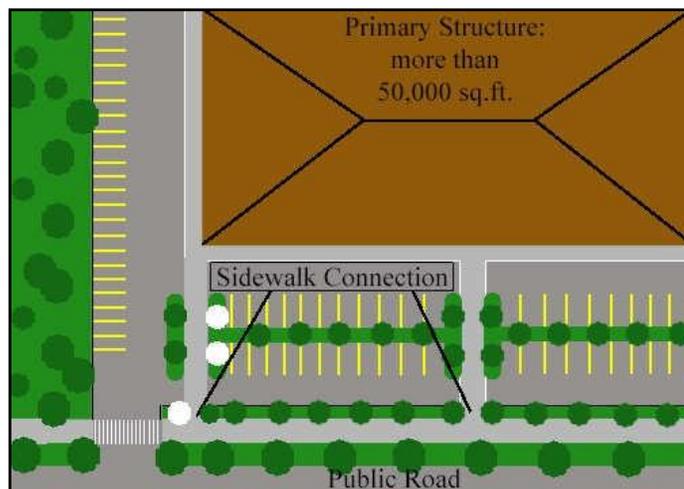
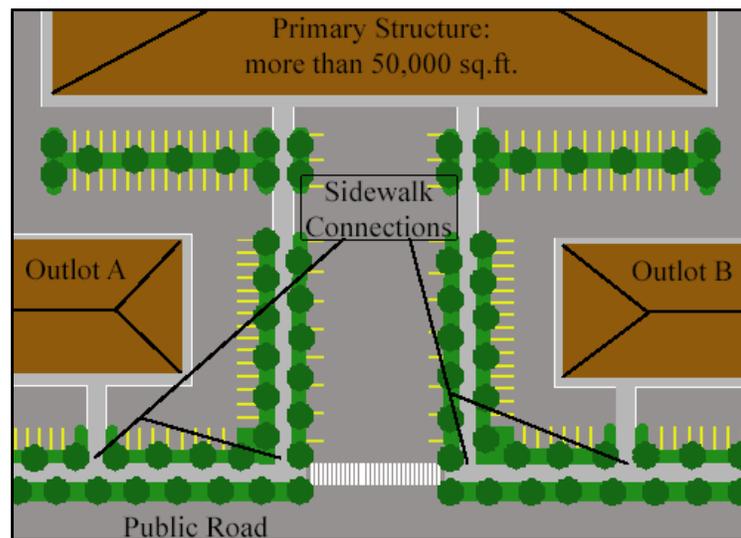


Figure 2b Graphic for Section 1111.40.2



1111.40.3 Out Parcels and Separate Buildings for Developments: All out parcels and separate primary buildings will be required to have a least one (1) sidewalk connection from its primary entrance to a sidewalk located along a public roadway. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadways within the existing or proposed public right-of-way. The sidewalk(s) adjacent to the public roadway(s) shall be setback one (1) foot from the public right-of-way line. There shall be a minimum five (5) foot grass strip between the sidewalk and roadway. If on street parking is provided along seventy five (75) percent of the roadway the grass strip and the one (1) foot sidewalk setback requirement will be waived (Sidewalk may be constructed to the curb). This requirement doesn't supersede the requirements in Section 1111.40.1 and 1111.40.2. – See Figure 3

Figure 3 Graphic for Section 1111.40.3



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1112.00 GREEN BUILDING DEVELOPMENT INCENTIVE REGULATIONS
(OR2009-9-82)

1112.10 **Purpose:** The purpose of this Chapter is to establish incentive based green build development regulations that encourage higher quality development and function in order to protect property values, protect real estate from impairment or destruction of value and improve the sustainability of the built environment. This incentive based green build criteria can encourage environmentally sensitive development through the use of a variety of design and site techniques while continuing to provide for a wide range of economic development. These standards are applicable all new commercial, office, retail, residential, mixed-use, and industrial building(s) and development(s) that are permitted in any zoning category, as a permitted use or conditional use, and that have not been submitted for review before the effective date of the adoption of this ordinance, except where otherwise indicated. These regulations will also be applicable to all existing commercial, office, retail, residential, mixed-use, and industrial building(s) and development(s).

Within the boundaries of any form-based zone district listed in section 1129.00, the provisions of this section 1112.00 shall apply unless the provisions 1129.00 do not permit the building, landscaping, or site feature that is the subject of the incentive. The green building development incentive regulations in this section 1112.00 shall not be interpreted to allow the construction or installation of any building, landscaping, or site feature not permitted under section 1129.00. (OR2013-2-22)

1112.11 **Green Building:** Green Building is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, construction, operation, maintenance, renovation and deconstruction.¹

1112.12 **Waste Reduction And Recycling:** Any project that takes advantage of any incentive offered below shall also facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing an easily accessible area that serves the entire building and is dedicated to the collection and storage of non- hazardous materials for recycling, such as paper, corrugated cardboard, glass, plastics and metals², depending upon the nature of solid waste generated on site.

1112.12.1.1 **Leadership In Energy And Environmental Design (LEED) Certification Registration Fee Reimbursement And Building Permit Fee Reimbursement Incentive:** Once a project has received its LEED Certification as defined below from the U.S. Green Build Council (USGBC) the City of Hamilton will reimburse the USGBC Project Registration Fee to the developer after receiving official notification of LEED certification.

¹ US Environmental Protection Agency, www.epa.gov/greenbuilding/pubs/about.htm#1

²(LEED for New Construction and Major Renovations, 2005)

Projects that receive LEED Silver certification will receive a 20% reimbursement of the building permit fee, 25% reimbursement for LEED Gold, 30% reimbursement for LEED Platinum. The reimbursement will be awarded after the building has been certified by the USGBC.

1112.12.2 Parking Reduction For Landscaping Incentive: All non-residential developments that adhere to the following landscaping requirements will receive a forty (40%) percent reduction in the parking requirement otherwise set forth in Section 1137.00 of the Hamilton Zoning Code. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site with all items clearly labeled. The landscaping plan shall also be reviewed by the City Traffic Engineer for sight distance issues for plantings located in the public right-of-way.

1112.12.2.1 The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of tree(s) required in Section 1131.70 multiplied by two (2). The development should make all efforts to preserve the current healthy tree population on the project site. All bush plants must be a minimum of one (1) foot tall at planting and all flowering perennial plants and other plantings must be a minimum of one (1) foot at planting. The City of Hamilton's Planning Director may approve other types of appropriate plantings and determine their equitable quantity, as required per tree. For every required tree a corresponding number of plantings or trees, from either a, b, or c, or combination thereof, will be required for each site plan:

- a) Bushes: 9 Per Required Tree
- b) Flowering Perennial Plants: 18 Per Required Tree
- c) Trees: 2 Per Required Tree

If weather conditions preclude tree planting or during the winter months from November 1st through April 1st of any calendar year, the developer shall deposit \$250.00 per required tree, \$30.00 per required bush, and \$10.00 per required perennial with the City of Hamilton as a security to assure that the provisions of this Chapter are complied with.

1112.13 Architectural Design "LEED" Silver Or Greater Incentive: If a structure or development can demonstrate and receive a LEED Silver or greater designation, the project can reduce its parking requirements otherwise set forth in Section 1137.00 of the Hamilton Zoning Code by fifty (50 %) percent and will receive an expedited plan review of the project (See 1112.17). If a project can demonstrate and receive a LEED 'Silver' rating or higher, the Planning Director may waive the Architectural Design requirements in Section 1111.30 of the Hamilton Zoning Code as to that structure or development.

1112.14 Parking Reduction For Green Roofs Incentive: If the project has fifty (50%) percent green roof coverage (as defined below) the development can reduce its parking requirement by fifteen (15%) percent. At a minimum the green roof coverage shall be at least 1,500 square feet and may or may not be contiguous.

- 1112.14.1 Green Roof Definition: The National Roofing Contractors' Association (NRCA) defines a green roof system as plantings and/or landscaping installed above a waterproofed substrate at any building level that is separated from the ground beneath it by a man-made structure. A green roof system consists of a waterproofing system and its associated components, such as a protection course, a root barrier, a drainage layer, thermal insulation and an aeration layer, and an overburden of growth medium and plantings.
- 1112.15 Parking Reduction For Permeable Parking Lot Construction Incentive: Parking lots may be constructed of permeable surfaces but must first be approved by the City of Hamilton Public Works. Projects that include approved permeable parking lots of all sizes may reduce the parking requirement otherwise set forth in Section 1137.00 of the Hamilton Zoning Code by twenty (20%) percent.
- 1112.16 Stormwater Fee Reduction Incentive: A development, not including single, two and three family homes, may have its stormwater fees reduced in relation to a reduction in stormwater runoff, pursuant to the approval of the Public Works Department. Upon review and approval by the Public Works Department, stormwater fees may be reduced commensurate to the reduction in stormwater runoff if a project demonstrates to the satisfaction of the Public Works Department that incentives utilized in this ordinance result in a reduction of stormwater runoff that produces a benefit for the stormwater utility.
- 1112.17 Expedited Building Permit Review: Any project submitted to the City of Hamilton that takes advantage of and fully complies with all of the requirements for any of the above incentives will receive an expedited building permit review of the project. Expedited plan reviews shall be reviewed as soon as possible by the Construction Services Departments, in the order received, prior to other building plans already received but not yet under review by the department.

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1113.00 DISTRICT REGULATIONS

1113.00 Schedule Of District Regulations Adopted:

District Regulations shall be as set forth in the schedule of District Regulations, hereby adopted by reference and declared to be a part of this Code, and in Section 1110.00 "Residential Design Standards" and Section 1130.00 of the Code, "Special Provisions".

1113.10	<u>Zoning District</u> (OR2013-2-22)	<u>District Name</u>	<u>Section</u>
	AG	Agricultural	1114.00
	R-1	Single-Family Residence	1115.00
	R-2	Single-Family Residence	1116.00
	R-2A	Two Family Residence	1116.100
	R-3	One to Four Family Residence	1117.00
	R-4	Multi-Family Residence	1118.00
	RPD	Residential Planned Development	1118.100
	R-0	Multi-Family Residence/Office	1119.00
	OPD	Office Planned Development	1119.100
	B-1	Neighborhood Business	1120.00
	B-2	Community Business	1121.00
	B-3	Central Business	1122.00
	BPD	Business Planned Development	1122.100
	I-1	Light Industrial	1123.00
	I-2	Industrial	1124.00
	IPD	Industrial Planned Development	1125.00
	MS-1	Main Street Core District	1129.00
	MS-2	South B Street District	1129.00
	MS-3	Main Street Transition District	1129.00
	DT-1	Downtown High Street District	1129.00
	DT-2	Downtown Support District	1129.00
	DT-3	Downtown East High Street District	1129.00
	UCP-1	University Commerce Park - 1	1129.00
	UCP-2	University Commerce Park - 2	1129.00

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1114.00 "AG" AGRICULTURAL DISTRICT

- 1114.10 Purpose: It is the purpose of the "AG" Agricultural District to permit the preservation of relatively intensive agriculture operation within the City of Hamilton. Such District and the uses permitted shall provide a transition between "urban" and "rural" types of development.
- 1114.20 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in Section 1109.00 above:
- 1114.21 Agricultural: Agricultural uses or any other enterprise customarily carried on in the field of general agriculture which are not hazardous, offensive or objectionable by reason of odor, dust, cinders, fumes, noise, vibration, radiation, refuse matter, or water-carried waste; commercial feed lots are prohibited.
- 1114.22 Residential: Single-family detached dwelling.
- 1114.22.1 Refer to the Minimum Lot Area and Off Street Parking Requirements of Section 1126.31 for properties located in the German Village Historic District, Rossville Historic District and Dayton-Campbell Historic District. (OR 2014-9-90)
- 1114.23 Religious and Cultural: Churches, synagogues and other places of worship, Sunday school buildings, elementary and secondary schools for academic instruction.
- 1114.24 Public Facilities: Publicly owned and operated facilities by municipal, county, state and federal governments as required to provide service to the area. Such facilities to include parks, playgrounds, recreation and community center buildings, golf courses, swimming pools and similar recreational uses including structures and concessions as are necessary for their operation, administrative buildings and utility stations.
- 1114.25 Public Utility Stations and Services
- 1114.26 Public Works Facilities: Publicly owned and operated facilities authorized by the Planning Commission and City Council on a temporary basis after public hearings.
- A) Solid waste disposal - operated under the supervision of the Director of Public Works.
- B) Sanitary landfill- operated under the supervision of the Director of Public Works.
- 1114.27 Agricultural Display Stands: Stands for the display and sale of primarily those products raised upon the same premises provided it does not exceed an area of two hundred (200) square feet.
- 1114.28 Residential Facility, Small: As Defined in Section 1108.00 (OR 2014-8-71)

1114.30 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. (REVISED OR2015-9-80)

1114.31 Recreational: Recreational uses other than those publicly owned and/or operated such as golf courses, camps, parks, and country clubs including commercial swimming pools, fishing lakes and similar enterprises.

1114.32 Extraction of Minerals: Extraction of minerals, stripping of soil, sand and gravel pits subject to the provisions of Section 1141.00.

1114.33 Miscellaneous:

Commercial Stables and Riding Academies	Boat Harbors and Marinas
Day Nurseries	Public Boat Landing and Launching Facilities
Dog Kennels	Cemeteries

1114.40 Accessory Use And Buildings: Accessory use, building or structure customarily incident to a principal permitted use or conditionally permitted use, located on the same lot therewith, including:

1114.41 Residential: Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.

1114.42 Customary Home Occupations: Customary home occupations such as handicrafts, art or music lessons, dressmaking, millinery, laundry, preserving and home cooking, provided that not more than one-fourth (1/4) of the area of one floor of said residence shall be used for such purposes. In addition, such customary home occupation shall meet the criteria as specified in Section 1114.421 below.

1114.42.1 Customary Home Occupations - shall meet the following criteria:

- A) No unreasonable use of material or mechanical equipment not recognized as being part of and compatible with normal household use.
- B) The use shall not generate pedestrian or vehicular traffic beyond that reasonable or normal to the District in which located.
- C) It shall not involve the use of commercial vehicles for delivery of materials to or from the premise.
- D) It shall not involve the use of signs other than one non-illuminated sign, not over one (1) square foot in area, and attached flat against the principal building; and there shall be no public display of goods.
- E) No accessory building or space outside of the principal building shall be used for such purposes, except for minor storage.
- F) No special space within the principal building shall be designed or arranged for such use nor shall it require any internal or external alterations or involve construction features not customary to dwellings (either by color, materials or construction, lighting, sound or noise, vibration, or electrical interference, etc.).
- G) There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.
- H) There shall be no sale of products or services not produced on the premises.

- 1114.43 Accessory Buildings: Accessory buildings and structures customarily incident to any principal use and including: private garages, off-street parking as specified in Section 1137.00, and temporary buildings for uses incidental to construction work, which building shall be removed upon completion or abandonment of the construction work.
- 1114.44 Signs: Signs are permitted as specifically stipulated and regulated in Section 1138.00 through 1138.50.
- 1114.45 Satellite Earth Stations: (See Chapter 1142.00 EOR 97-9-105)
- 1114.46 Religious and Cultural – Charitable Bingo Games: Bone fide charitable, non-profit and Veteran’s organizations may use the premises for the uses listed in Section 1114.23 to conduct traditional bingo games as defined in Section 517.01(s) of the Codified Ordinances of the City of Hamilton, provided however, that they comply with all of the provisions of Sections 2915.01 through 2915.12 of the Ohio Revised Code and Chapter 517 of Hamilton’s Codified Ordinances. (OR 99-7-63)
- 1114.46.1 Instant Bingo: The sale, distribution, or transfer and opening of any instant bingo ticket shall only be ancillary to and held in conjunction with a traditional bingo game and may only occur on the premises of the event/activity being operated by eligible organizations. (OR 99-7-63)
- 1114.47 Prohibited Use Medical Marijuana Sales: As Defined in Section 1108.00. (OR 2015-2-14)
- 1114.50 Requirements: The following requirements shall be observed.
- 1114.51 Maximum Height: Two and one-half (2-1/2) stories or thirty-five (35) feet in height.
- 1114.52 Minimum Lot Area: Five (5) acres.
- 1114.53 Minimum Lot Area Per Dwelling Unit: Five (5) acres per dwelling unit.
- 1114.54 Minimum Lot Width: Minimum lot width at building setback line shall be three hundred (300) feet.

1114.55 Yards and Lot Area Coverage: Front, rear and side yards are required as defined in Section 1108.00 as modified in Section 1131.00, and as specified herein below; and the maximum lot area that may be covered by principal buildings, accessory buildings and parking spaces or garages, exclusive of areas used for walkways, access drives, unenclosed porches, patios, swimming pools and other landscape elements, shall not exceed the percentage of total lot area as specified herein below:

FRONT YARD	REAR YARD	SIDE YARDS LEAST WIDTH	SIDE YARDS SUM OF LEAST WIDTH	MAXIMUM LOT AREA COVERAGE
100 feet	50 feet	50 feet	100 feet	20%

1114.56 Off-Street Parking and Loading: Off-street parking and loading facilities shall be provided as specified in Section 1137.00.

1114.56.1 Parking for Agricultural Display Stands: Space necessary for parking of vehicles of customers of agricultural display stands shall be provided off the public highway and not counted in the use area limitations.

1115.00 "R-1" SINGLE-FAMILY RESIDENCE DISTRICT

- 1115.10 Purpose: It is the purpose of the "R-1" District to encourage the establishment and the preservation of residential neighborhoods characterized by single-family buildings on medium and larger than medium sized lots and to preserve undeveloped lands for similar types of residential development by permitting a minimum of auxiliary non-residential uses.
- 1115.20 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in Section 1109.00 above:
- 1115.21 Residential: A single-family detached dwelling.
- 1115.21.1 Refer to the Minimum Lot Area and Off Street Parking Requirements of Section 1126.31 for properties located in the German Village Historic District, Rossville Historic District and Dayton-Campbell Historic District. (OR 2014-9-90)
- 1115.22 Religious and Cultural: Churches, synagogues and other places of worship, Sunday school buildings, elementary and secondary schools for academic instruction, public libraries, museums, art galleries and similar public cultural uses.
- 1115.23 Public Facilities: Publicly owned and operated facilities by municipal, county, state and federal governments as required to provide service for the residential area. Such facilities to include parks, playgrounds, recreation and community center buildings, golf courses, swimming pools, and similar recreational uses including structures and concessions as are necessary for their operation, administrative buildings and utility stations. Such facilities to be reasonably separated from any Residential District by screen plantings, walls, or fences, or other architectural or real barrier as may be deemed appropriate by the Planning Commission.
- 1115.23.1 Public-Works Facilities: Publicly owned and operated facilities authorized by the Planning Commission and City Council on a temporary basis after public hearings. Such facilities to be reasonably separated from any residential district by screen plantings, walls, or fences, or other architectural or real barrier as may be deemed appropriate by the Planning Commission.
- A) Solid waste disposal - Operated under the supervision of the Director of Public Works.
- B) Sanitary landfill - Operated under the supervision of the Director of Public Works.

1115.24 Agricultural: Nurseries, greenhouses and general farming not including animal or poultry farms and kennels.

Flower or vegetable gardens, community gardens, fruit or nut orchards, urban agriculture, and general farming with the following restrictions:

Raised beds, planter boxes or containers located in a primary or secondary front yard setback shall not be higher than 30-inches at the tallest point above the surrounding grade and shall not cover more than 20% of the total of any required front yard setback area. No single box shall be larger than 8-ft long by 4-ft wide. All planter boxes and containers shall be setback a minimum of 10 feet from any front yard property line and 5 feet from side and rear property lines.

Weeds and grass in or around gardens and orchards on vacant lots shall be maintained in accordance with the City of Hamilton Health Codes. (REVISED: OR 2013-7-58)

1115.24.1 Non-Conforming Agricultural Uses: Non-conforming agricultural uses, including the raising and keeping of animals, poultry, etc., which are created by the passing of this Ordinance, shall be allowed to continue. Reasonable variations in the number of animals kept will be permitted.

1115.25 Residential Facility, Small: As Defined in Section 1108.00. (OR 2014-8-71)

1115.26 Prohibited Use: Medical Marijuana Sales: As Defined in Section 1108.00 (OR 2015-2-14)

1115.30 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. (REVISED OR2015-9-80)

1115.31 Recreational: Private non-commercial recreation areas including country clubs, golf courses, and swimming pools.

1115.32 Extraction of Minerals: Extraction of minerals, of soil, sand and gravel pits subject to the stripping provisions of Section 1141.00.

1115.33 Cemeteries: Private and public cemeteries and mausoleums for humans.

1115.34 Keeping of Farm Animals: The keeping of large farm animals shall be subject to the following regulations: (OR 91-9-115)

A) Minimum lot size required: Five (5) acres.

B) Two (2) animal units, as defined in Section 1108.00 hereof, shall be permitted to occupy a five-acre tract of land. One (1) additional animal unit is permitted for each additional two and one-half (2-1/2) acres of land contained as part of the same tract of land. Young animals born on the premises from permitted animals shall not be counted as an animal unit or any part of an animal unit until they have reached one (1) year of age.

C) Any structure used to shelter large farm animals must be located a minimum of one

hundred fifty (150) feet from any property line.

- D) The size and height of a structure used to house large farm animals shall be regulated as defined in Section 1115.431 hereof regarding accessory buildings.
- E) The area used to keep large farm animals must be entirely fenced to a minimum height of four (4) feet. Said fenced area shall not be located less than fifty (50) feet from any lot used for any residential purpose.

1115.40 Accessory Use And Buildings: Accessory use, building or structure customarily incident to a principal permitted use or conditionally permitted use, located on the same lot therewith, including:

Only one accessory building is permitted for each dwelling unit on the same lot. Minimum setbacks for accessory buildings all zoning districts shall be 5-ft. from rear and side property lines. Detached garages shall be setback a minimum of 10-ft from the edge of any alley in order to allow vehicles the space to enter and exit the building without encroaching onto someone else's property. No accessory building shall encroach into any easement of record. (OR-06-5-63)

1115.41 Residential: Living quarters of persons employed on the premises and not rented or otherwise used as a separate dwelling.

1115.42 Customary Home Occupations: Customary home occupations such as handicrafts, art or music lessons, dressmaking, millinery, laundry, preserving and home cooking, provided that not more than one-fourth (1/4) of the area of one floor of said residence shall be used for such purposes. In addition, such customary home occupation shall meet the criteria as specified in Section 1115.421 below. This shall not prohibit customary occupations which:

- (1) Use the residence as a headquarters,
- (2) Do not employ any person on the premises other than the occupant,
- (3) Does not require the storage of other than minor materials none of which shall be outside the building,
- (4) Does not receive delivery of materials or goods in commercial trucking vehicles.

Customary Home Occupations shall meet the following criteria:

- A) No unreasonable use of material or mechanical equipment not recognized as being part of and compatible with normal household use.
- B) The use shall not generate pedestrian or vehicular traffic beyond that reasonable or normal to the District in which located.
- C) It shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- D) It shall not involve the use of signs other than one non-illuminated sign, not over one (1) square foot in area, and attached flat against the principal building; and there shall be no public display of goods.
- E) No accessory building or space outside of the principal building shall be used for such purposes, except for minor storage.
- F) No special space within the principal building shall be designed or arranged for such use

nor shall it require any internal or external alterations or involve construction features not customary to dwellings (either by color, materials or construction, lighting, sound or noise vibration, or electrical interference, etc.).

- G) There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.
- H) There shall be no sale of products or services not produced on the premises.

1115.43 Accessory Buildings: Accessory buildings and structures customarily incident to any principal use and including private garages, buildings used to shelter large farm animals, buildings used for off-street parking as specified in Section 1137.00, and temporary buildings for uses incidental to construction work which buildings will be removed upon completion or abandonment of construction work. (OR 91-9-115)

1115.43.1 Maximum Limitations – Accessory Buildings (OR 82-12-70)

Only one accessory building is permitted for each dwelling unit on the same lot.

Accessory buildings shall have a maximum first floor area of eight hundred (800) square feet.

Minimum setbacks for accessory buildings in all zoning districts shall be 5-ft. from rear and side property lines.

Detached garages larger than 200-sq.ft. will be setback a minimum of 10-ft from the edge of any alley in order to allow vehicles the space to enter and exit the building without encroaching onto someone else's property. No accessory building shall encroach into any easement of record.

Height: One story to a maximum of fifteen (15) feet.

The Board of Zoning Appeals may, upon appeal, consider additional height where several existing accessory buildings in the area are of a height greater than fifteen (15) feet.

1115.44 Signs: Signs may be permitted as specified in Section 1138.00.

1115.45 Satellite Earth Stations: (See Chapter 1142.00, EOR 97-9-105)

1115.46 Garage or Yard Sales: Garage or yard sales shall not exceed two per year per location. Duration of the sale shall not exceed two days per week for two consecutive weeks. The time of sale shall be limited to daylight hours. The person responsible for the sale shall not permit noise or conduct on or about the premises in such a manner as to disturb the peace and quiet of the surrounding neighborhood. Operation of the sale may be by more than one resident of the immediate neighborhood. (OR 86-4-24)

1115.47 Clubs - Charitable Bingo Games: Bone fide charitable, non-profit and Veteran's organizations may use the premises to conduct traditional bingo games as defined in Section 517.01(s) of the Codified Ordinances of the City of Hamilton, provided however, that they comply with all of the provisions of Sections 2915.01 through 2915.12 of the Ohio Revised Code and Chapter 517 of Hamilton's Codified Ordinances. (OR 99-7-63)

1115.47.1 Instant Bingo: The sale, distribution, or transfer and opening of any instant bingo ticket shall only be ancillary to and held in conjunction with a traditional bingo game and may only occur on the premises of the event/activity being operated by eligible organizations. (OR 99-7-63)

1115.48 Automobile and Other Vehicle Sales: Privately owned automobiles and other vehicles may be sold as an accessory use to any permitted in the zoning district. However, no more than a total of two vehicles may be placed for sale on a residential lot in any calendar year. This is to include automobiles, pick-up trucks, motorcycles, recreational motor vehicle, boats, watercraft, campers and trailers. Commercial vehicles of any type are not permitted for sale in residential zoning districts. (OR2005-3-14)

1115.49 Agricultural Structures (OR2013-7-58)

Greenhouses, hoop houses, tool sheds – no more than two such urban farm structures shall be permitted on the same property provided they do not exceed more than 200 square feet combined. Any such urban farm structure shall be limited in height to a maximum of 15 feet and shall be setback a minimum of 50 percent of the depth of the lot from the property line and a minimum of 10 feet from any side property line.

On any vacant lot, existing structures shall first be utilized for urban farm structures associated with an urban farm (i.e. tool sheds, etc.) before additional structures shall be allowed.

Any Farm Stand, Greenhouse, or other urban farm structure located in a designated historic district shall make application for review by the Architectural Design Review Board and the \$25 fee for Certificate of Appropriateness shall be waived.

Administrative variances may be granted for the following in the case of unusual topography, or in the case of greenhouses for adequate sunlight.

These structures shall be maintained in good order; i.e. unpainted wood, peeling paint, broken windows, torn coverings, exposed rust, etc. will not be allowed.

A temporary farm stand, not to exceed 200 square feet, may be erected on a vacant lot from May 1st through October 31st and hours of operation shall be limited to sun rise to sun set. A farm stand shall meet the building setbacks of the zoning district where it is located and shall not exceed 15 feet in height.

If the garden site is abandoned, any accessory structure shall be removed.

Fences used to enclose a garden or orchard on a vacant lot shall not be constructed of plastic snow fence or erosion control cloth, and shall meet all other City requirements in regards to setbacks, height, construction and maintenance.

- 1115.50 Requirements: The following requirements shall be observed:
- 1115.51 Maximum Height: Two and one-half (2-1/2) stories or thirty (30) feet in height.
- 1115.52 Minimum Lot Area: Twelve thousand (12,000) square feet. (OR2006-5-62)
- 1115.52.1 Minimum Lot Front Width: One hundred (100) feet wide at building setback line. (OR2006-5-62)
- 1115.53 Minimum Lot Area Per Dwelling Unit: Twelve thousand (12,000) square feet per dwelling unit. (OR2006-5-62)
- 1115.54 Yards and Lot Area Coverage: Front, rear and side yards are required as defined in Section 1108.00 as modified in Section 1131.00, and as specified herein below; and the maximum lot area that may be covered by principal buildings, accessory buildings and parking spaces or garages, exclusive of areas used for walkways, access drive, unenclosed porches, patios, swimming pools and other landscape elements, shall not exceed the percentage of total area as specified herein below: (OR-06-5-63)

R-1

BUILDING HEIGHT	FRONT YARD	REAR YARD	SIDE YARDS LEAST WIDTH	SIDE YARDS SUM OF LEAST WIDTH	MAXIMUM LOT AREA COVERAGE
1 to 1 ½ stories	30 feet	30 feet	5 feet	15 feet	35%
2 to 2 ½ stories	30 feet	30 feet	5 feet	15 feet	35%

1115.55 Off-Street Parking and Loading: Off-street parking and loading facilities shall be provided as specified in Section 1137.00.

1115.60 It is the purpose of the Design and Site Standards Regulations to establish design and site standards that encourage neighborhood diversity and higher quality development in order to protect property values and maintain similar high character of community as adjoining properties, and protect real estate from impairment or destruction of value. The site and design criteria can encourage quality neighborhood diversity through the use of a variety of design options while continuing to provide for housing opportunities for a wide range of economic backgrounds.

These standards shall apply to all developments that have not received preliminary plat approval as of the effective date of this ordinance and to those developments for which preliminary plat approval has expired. Infill development constructed after the effective date of this ordinance will comply with all applicable provisions herein. (OR2006-5-62)

- 1115.61 Requirements: The following requirements will be implemented per phase of a development. Failure to comply with Sections 1115.60 and 1115.70 will result in no future permits being issued for the project and preliminary plat and final plat approval being revoked. The following requirements shall be observed for all developments in which the standard minimum lot size is between ten thousand (10,000) square feet to eleven thousand nine hundred and ninety-nine (11,999) square feet and a minimum lot front width of eighty (80) feet to ninety-nine (99) feet:
- 1115.62 Maximum Height: Two and one-half (2-1/2) stories or thirty (30) feet in height.
- 1115.63 Minimum Lot Area: Ten thousand (10,000) square feet.
- 1115.63.1 Minimum Lot Front Area: Eighty (80) feet wide at building setback line.
- 1115.64 Minimum Lot Area Per Dwelling Unit: Ten thousand (10,000) square feet per dwelling unit.
- 1115.65 Yards and Lot Area Coverage: Front, rear and side yards are required as defined in Section 1108.00 as modified in Section 1131.00, and as specified herein below; and the maximum lot area that may be covered by principal buildings, accessory buildings and parking spaces or garages, exclusive of areas used for walkways, access drive, unenclosed porches, patios, swimming pools and other landscape elements, shall not exceed the percentage of total area as specified herein below: (OR 76-11-72)
- 1115.66 Off-Street Parking and Loading: Off-street parking and loading facilities shall be provided as specified in Section 1137.00.
- 1115.67 All new developments that are to be located adjacent to an existing development that has an average lot size greater than what is proposed must have the same lot size as contained within the existing development within two hundred (200) feet of the existing development.
- 1115.68 All front loaded garage homes must include a front porch.
- 1115.69 Buffer Requirements: All developments must choose one (1) of the following (A project may build a combination of these buffers per boundary area):
- 1115.69.1 Three (3) foot high berm with a thirty percent (30%) opaque landscaping with a minimum height of five (5) feet at planting.
- 1115.69.2 Five (5) foot wide buffer with a fifty percent (50%) opaque landscaping with a minimum height of five (5) feet at planting.
- 1115.69.3 Fifteen (15) foot wide buffer with a thirty percent (30%) opaque landscaping with a minimum height of five (5) feet at planting.

1115.70 Site and Design Requirements: All developments must have a total combined score of ten (10) points or greater from the following list:

Three (3) points for a passive park consisting of no less than five percent (5%) of the total development's acreage. A passive park consists of recreational activities and facilities that are characterized by picnicking, walking, jogging, hiking, biking, Frisbee, playgrounds, and similar activities.

Three (3) points for an active park consisting of no less than five percent (5%) of the total development's acreage. An active park consists of recreational activities and constructed facilities that are generally characterized by tennis, swimming, soccer, golf, basketball, baseball, playgrounds, and similar activities.

Five (5) points for a clubhouse with at least one thousand (1,000) square feet of indoors space.

One (1) point for the passive park facility(s) being located so that seventy-five percent (75%) or more of the total dwelling units are within a one-fourth (1/4) mile radius.

Five (5) points for a traditional street grid layout (this includes no cul-de-sac streets and block lengths no greater than five hundred (500) linear feet).

Two (2) points for decorative lighting fixtures throughout that project, that adheres to the City of Hamilton's Street Lighting Standards adopted jointly by the Electric Department and Planning Department, September, 2003.

Three (3) points for an eight (8) foot wide multi-modal path that transverses at least seventy-five percent (75%) of the development.

Two (2) points for having a total of four (4) trees per dwelling unit with two (2) trees located in the front yard.

Three (3) points for features that include special designs such as but not limited to foundations, public art and water features (this does not include landscaping or signage).

Three (3) points for the protection of existing environment including maintaining at least fifty percent (50%) of the current trees with a six (6) inch plus trunk. Maintaining the existing stream(s), contours and slopes of the property will also be considered. (Trees must be a minimum of two (2) per five thousand (5,000) square feet of area, per development, to qualify for these points.) A tree inventory shall be required to verify compliance with this regulation. The inventory must designate which trees meet these criteria, denote which trees will remain and show the above - required calculations.

Three (3) points for developments that are located adjacent to an existing development that has an average lot size greater than what is being requested, shall have the same lot size within three hundred (300) feet of the existing development.

Three (3) points if seventy-five percent (75%) of all proposed homes have a complete first floor masonry (brick, stucco, etc...) wrap.

1115.71 The Planning Commission may grant two (2) points to a development that meets one of the following criteria:

1115.71.1 Passive park space that is proposed to be increased by the developer from five percent (5%) of the total acreage of the development to ten percent (10%) of the total acreage.

1115.71.2 Active park space that is proposed to be increased by the developer from five percent (5%) of the total acreage of the development to ten percent (10%) of the total acreage.

1115.71.3 Twenty percent (20%) of all residential units are to be priced to be attainable to the Median Household Income of the City of Hamilton as determined by the most recent US Census figures.

1115.71.4 That all structures meet the criteria of "Silver" as defined under the LEED (Leadership Energy and Environment Design) Rating System for housing by the United States Green Build Council.

1115.71.5 That all structures within the development must follow one or more of the following historical architectural designs:

Colonial Revival (Popular Contemporary Period Designs)

Italianate

Early Gothic Revival

Greek Revival

Federal Vernacular

1115.71.5.1 Complete definition of the above listed styles related to the City of Hamilton is available through the book Hamilton, Ohio It's Architecture and History by James Schwartz, Ph.D., May 1986 which is on record in the Planning Department. The City of Hamilton's Planning Director will refer to this book to determine if the intent of 1115.71.5 has been met.

1116.00 "R-2" SINGLE FAMILY RESIDENCE

- 1116.10 Purpose: It is the purpose of the "R-2" District to encourage the establishment and preservation of residential neighborhoods characterized by single family buildings on medium and smaller than medium sized lots. Non-residential uses permitted in this District are those that will provide auxiliary service and/or will contribute to the stability and long-term value of the area for residential purposes.
- 1116.20 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in Section 1109.00 above:
- 1116.21 General: All principal permitted uses as regulated in "R-1" Single-Family Residence District, except as hereafter modified.
- 1116.22 Prohibited Use: Medical Marijuana Sales: As Defined in Section 1108.00 (OR2015-2-14)
- 1116.30 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. (REVISED OR2015-9-80)
- 1116.31 General: Any conditionally permitted use as regulated in "R-1" District, except as hereinafter modified.
- 1116.32 Clubs: Clubs, fraternities, lodges and meeting places for other organizations, not including any use that is customarily conducted as a gainful business.
- 1116.33 Bed and Breakfast: A maximum of two (2) bedrooms located in the principle structure on a lot and located within a designated Historic Preservation District, may be used for this purpose. (OR 93-3-26)

1116.40 Accessory Use And Buildings: Accessory use, building or structure as permitted and regulated in the "R-1" District, and any accessory use, building or structure customarily incident or accessory to a principal or conditional permitted use in the "R-2" District.

1116.41 Clubs – Charitable Bingo Games: Bone fide charitable, non-profit and Veteran’s organizations may use the premises to conduct traditional bingo games as defined in Section 517.01(s) of the Codified Ordinances of the City of Hamilton, provided however, that they comply with all of the provisions of Sections 2915.01 through 2915.12 of the Ohio Revised Code and Chapter 517 of Hamilton’s Codified Ordinances. (OR 99-7-63)

1116.41.1 Instant Bingo: The sale, distribution, or transfer and opening of any instant bingo ticket shall only be ancillary to and held in conjunction with a traditional bingo game and may only occur on the premises of the event/activity being operated by eligible organizations. (OR 99-7-63)

1116.50 Requirements: The following requirements shall be observed:

1116.51 Maximum Building Height: Two and one-half (2-1/2) stories, or thirty (30) feet in height.

1116.52 Minimum Lot Area: Seventy-five hundred (7500) square feet.

1116.52.1 Minimum Lot Front Width: Seventy (70) feet wide at building setback line. The minimum lot width may be decreased at the discretion of the Planning Commission after consideration of the typical widths of lots in the immediate vicinity within a three hundred foot radius. (OR 97-7-71)

1116.53 Minimum Lot Area Per Dwelling Unit: Seventy-five hundred (7500) square feet per dwelling unit.

1116.54 Yards and Lot Area Coverage: Front, rear and side yards are required as defined in Section 1108.00, as modified in Section 1131.00, and as specified herein below; and the maximum lot area that may be covered by principal buildings, accessory buildings and parking spaces or garages, exclusive of areas used for walkways, access drive, unenclosed porches, patios, swimming pools and other landscape elements, shall not exceed the percentage of total lot area as specified herein below: (OR-06-5-63)

R-2

BUILDING HEIGHTS	MINIMUM FRONT YARD	MAXIMUM FRONTYARD SETBACK	MINIMUM REAR YARD	SIDE YARDS LEAST WIDTH	SUM OF BOTH SIDE YARDS	MAXIMUM LOT AREA COVERAGE
1 to 1 ½ stories	15 feet	30 feet	10 feet	5 feet	15 feet	35%
2 to 2 ½ stories	15 feet	30 feet	10 feet	5 feet	15 feet	35%

1116.55 Off-Street Parking and Loading: Off-street parking and loading facilities shall be provided as specified in Section 1137.00.

Leave blank

1116.100 "R-2A" TWO FAMILY RESIDENCE DISTRICT

- 1116.110 Purpose: It is the purpose of the "R-2A" District to provide for certain medium density two family residential areas in the City while preserving existing and future residential neighborhoods. The District will be characterized by two family buildings on smaller than medium size lots. Non-residential uses permitted in this District are those that will provide auxiliary service and/or will contribute to the stability and long-term value of the District and to other surrounding Residential Districts for residential purposes.
- 1116.120 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in Section 1109.00 above:
- 1116.121 General: All principal permitted uses as regulated in "R-2" Two Family Residence District except as hereafter modified.
- 1116.122 Prohibited Use: Medical Marijuana Sales: As Defined in Section 1108.00 (OR2015-2-14)
- 1116.130 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. (REVISED OR2015-9-80)
- 1116.131 General: Any conditionally permitted use as regulated in "R-2" District, except as hereinafter modified.
- 1116.140 Accessory Use And Buildings: Accessory use, building or structure as permitted and regulated in the "R-2" District, and any accessory use, building or structure customarily incident or accessory to a principal or conditional permitted use in the "R-2A" District.
- 1116.150 Requirements: The following requirements shall be observed:
- 1116.151 Maximum Building Height: Two and one-half (2-1/2) stories, or thirty (30) feet in height.
- 1116.152 Minimum Lot Area: Seven thousand (7,000) square feet.
- 1162.152.1 Minimum Lot Front Width: Fifty-Five (55) feet wide at building setback line. The minimum lot width may be decreased at the discretion of the Planning Commission after consideration of the typical widths of lots in the immediate vicinity within a three-hundred foot radius. (OR 97-7-71)
- 1116.153 Minimum Lot Area per Dwelling Unit: Three thousand five hundred (3,500) square feet per dwelling unit, with a maximum of two (2) dwelling units per lot.

1116.154 Yards and Lot Area Coverage: Front, rear, and side yards are required as defined in Section 1108.00, as modified in Section 1131.00 and as specified herein below; and the maximum lot area that may be covered by principal buildings, accessory buildings and parking spaces or garages, exclusive of areas used for walkways, access drives, unenclosed porches, patios, swimming pools and other landscape elements, shall not exceed the percentage of total lot area as specified herein below: (OR 76-11-72)

R-2A

BUILDING HEIGHTS	MINIMUM FRONT YARD	MAXIMUM FRONTYARD SETBACK	REAR YARD	SIDE YARDS LEAST WIDTH	SIDE YARDS SUM OF LEAST WIDTH	MAXIMUM LOT AREA COVERAGE
1 to 1 ½ stories	15 feet	30 feet	10 feet	5 feet	15 feet	35%
2 to 2 ½ stories	15 feet	30 feet	10 feet	5 feet	15 feet	35%

1116.155 Off-Street Parking and Loading: Off-street parking and loading facilities shall be provided as specified in Section 1137.00.

1117.00 "R-3" ONE TO FOUR FAMILY RESIDENCE DISTRICT

- 1117.10 Purpose: It is the purpose of the "R-3" District to encourage the establishment and preservation of medium-high density residential neighborhoods characterized by one, two, or three and four family buildings, for owner and/or rental occupancy. Non-residential uses permitted in this District will provide auxiliary service and/or will contribute to the stability and long-term value of the area for residential purposes.
- 1117.20 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in Section 1109.00 above:
- 1117.21 General: All principal permitted uses and as regulated in the "R-2A" Two Family Residence District, except as hereafter modified.
- 1117.22 Residential: One (1), two (2), three (3), and four (4) family dwellings and dwelling groups, including "Cluster", "Row-House" or Condominiums developed in accordance with ORC 5311.01 and 5311.22 provided that not more than four (4) dwelling units be contained in any one building or otherwise attached on one lot. (OR 96-6-61)
- 1117.22.1 Refer to the Minimum Lot Area and Off Street Parking Requirements of Section 1126.31 for properties located in the German Village Historic District, Rossville Historic District and Dayton-Campbell Historic District. (OR 2014-9-90)
- 1117.23 Prohibited Use: Medical Marijuana Sales: As Defined in Section 1108.00 (OR 2015-2-14)

- 1117.30 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions of Section 1155.00. (REVISED OR2015-9-80)
- 1117.31 General: Any conditionally permitted use as regulated in "R-2A" District, except as hereinafter modified.
- 1117.32 Clinics: Medical clinics including the offices of physicians, surgeons, and dentists for the care, diagnosis and treatment of persons in need of medical or surgical attention, but not including overnight accommodations for patients.
- 1117.33 Nursing homes, or licensed day care centers, children's nurseries and similar uses. (Revised OR 2014-9-90)
- 1117.34 Office or Studio: Professional office or studio in the residence of an architect, artist, dentist, lawyer, engineer, physician, teacher or similar professional person, but not including beauty parlors, barber shops, schools of any kind with organized classes of any business, provided that not more than one person not a resident in said dwelling is employed in said establishment, and that not more than twenty-five percent (25%) of the total floor area of one floor of the dwelling is devoted to said accessory use. In addition, such professional office shall meet the criteria as specified in Section 1115.421.
- 1117.35 Bed and Breakfast: A maximum of three (3) bedrooms located in the principle structure on a lot and located within a designated Historic Preservation District, may be used for this purpose. (OR 93-3-26)
- 1117.36 Residential Facility, Large: (OR 2014-8-71)
As Defined in Section 1108.00 and must comply with the following conditions:
- In order to prevent the excessive concentration of Large Residential Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Large Residential Facility within the same block or within a 500 foot radius of another Large Residential Facility.
- 1117.40 Accessory Uses And Buildings: Accessory uses, buildings, or structures as permitted and regulated in the "R-2A" District, except as modified herein below, and any accessory use, building, or structure customarily incident or accessory to a principal or conditional permitted use in the "R-3" District. (82-12-70)
- 1117.43.1 Maximum Limitations – Accessory Buildings: (OR 82-12-70)
- A) Height: One story to a maximum of fifteen (15) feet.
 - B) The Board of Zoning Appeals may, upon appeal, consider additional height where several existing accessory buildings in the area are of a height greater than fifteen (15) feet.

1117.50 Requirements: The following requirements shall be observed:

1117.51 Maximum Building Height: Two and one-half (2-1/2) stories or thirty (30) feet in height.

1117.52 Minimum Lot Area: Five thousand (5000) square feet.

1117.52.1 Minimum Lot Front Width: (OR 97-7-71)

- A) Single, detached Structure on a Lot: Fifty-Five (55) feet wide at the building setback line. The minimum lot width may be decreased at the discretion of the Planning Commission after consideration of the typical widths of lots in the immediate vicinity within a three hundred foot radius.
- B) Town Homes, Row Houses: Eighteen (18) feet for town homes and row houses for attached and semi-attached dwellings, each existing on separate lots.

1117.53 Minimum Lot Area Per Dwelling Unit: Twenty-five hundred (2500) square feet per dwelling unit.

1117.54 Yards and Lot Area Coverage: Front, rear and side yards are required as defined in Section 1108.00, as modified in Section 1131.00 and as specified herein below; and the maximum lot area that may be covered by principal buildings, accessory buildings and parking spaces or garages, exclusive of areas used for walkways, access drives, unenclosed porches, patios, swimming pools and other landscape elements, shall not exceed the percentage of total lot area as specified herein below: (OR 76-11-72)

R-3

BUILDING HEIGHTS	MINIMUM FRONT YARD	MAXIMUM FRONT YARD SETBACK	MINIMUM REAR YARD	SIDE YARDS LEAST WIDTH	SUM OF BOTH SIDE YARDS	MAXIMUM LOT AREA COVERAGE
1 to 1 ½ stories	15 feet	30 feet	10 feet	5 feet	15 feet	35%
2 to 2 ½ stories	15 feet	30 feet	10 feet	5 feet	15 feet	35%

1117.55 Off-Street Parking and Loading: Off-street parking and loading facilities shall be provided as specified in Section 1137.00.

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1118.00 "R-4" MULTI-FAMILY RESIDENCE DISTRICT

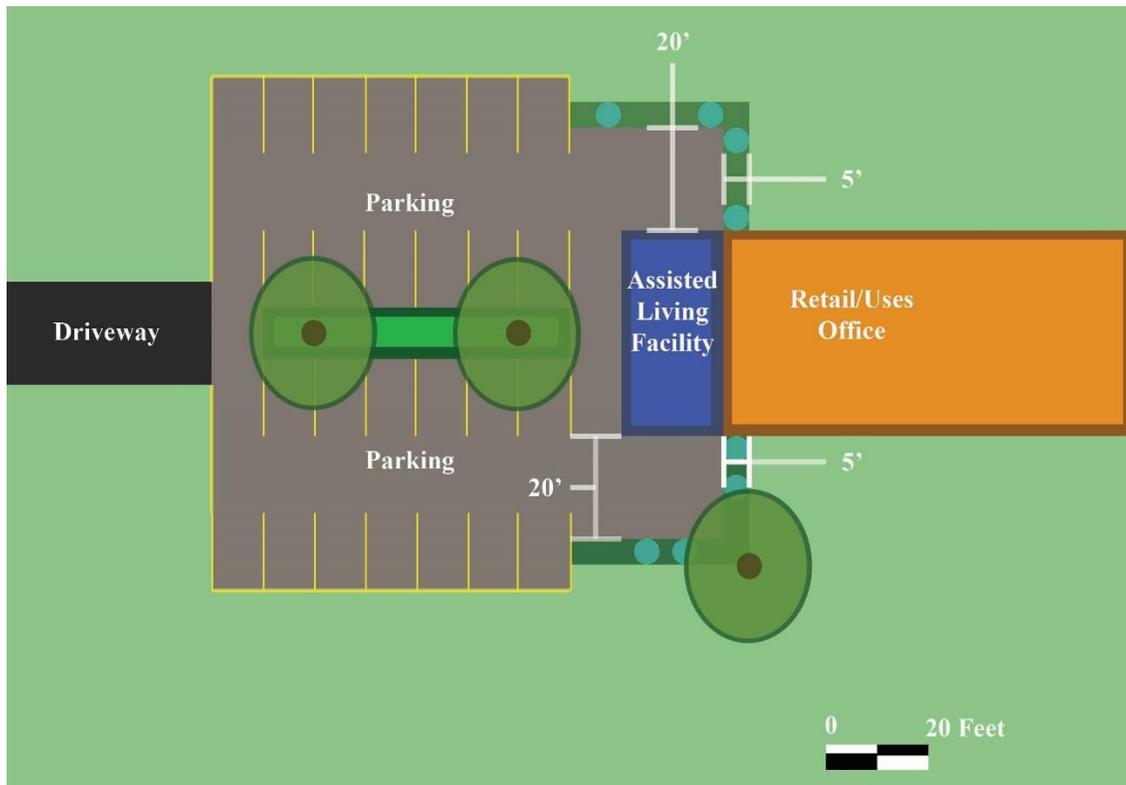
- 1118.10 Purpose: It is the purpose of the "R-4" District to assist in the maintenance and development of desirable residential neighborhoods, characterized by high density development, appropriate levels of service and varied dwelling types. Non-residential uses permitted in this District shall be limited to those uses and buildings that will provide stability and dignity to the area as a residential neighborhood.
- 1118.20 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following, except as provided in Section 1109.00 above.
- 1118.21 General: All principal permitted uses and as regulated in the "R-3" One-Four Family Residence District, except as hereafter modified.
- 1118.22 Residential: Multiple family dwellings for any number of families or housekeeping units, including row houses; provided that the minimum width of each individual dwelling unit in any row house, measured from centerline between adjoining units along the exterior front wall shall not be less than eighteen (18) feet.
- 1118.22.1 Refer to the Minimum Lot Area and Off Street Parking Requirements of Section 1126.31 for properties located in the German Village Historic District, Rossville Historic District and Dayton-Campbell Historic District. (OR 2014-9-90)
- 1118.23 Lodging and Boarding Houses: Lodging and boarding houses, including incidental accessory service.
- 1118.24 Clinics: Medical clinics, including the offices of physicians, surgeons and dentists for the care, diagnosis and treatment of persons in need of medical or surgical attention, but not including overnight accommodations for patients.

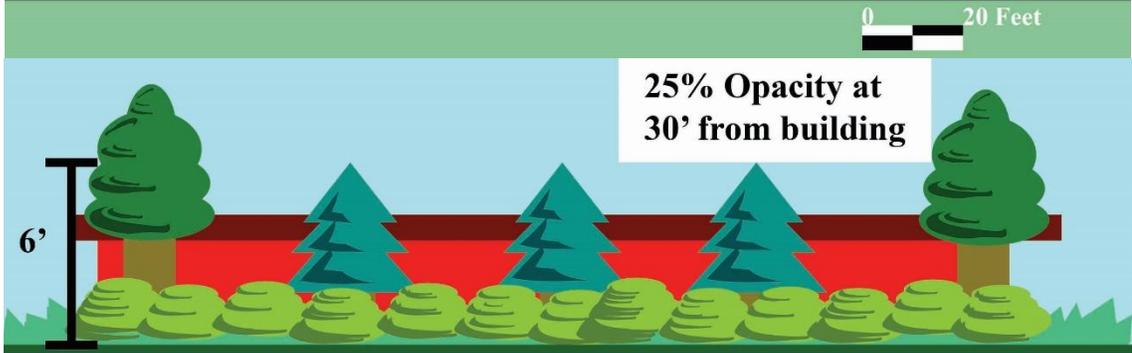
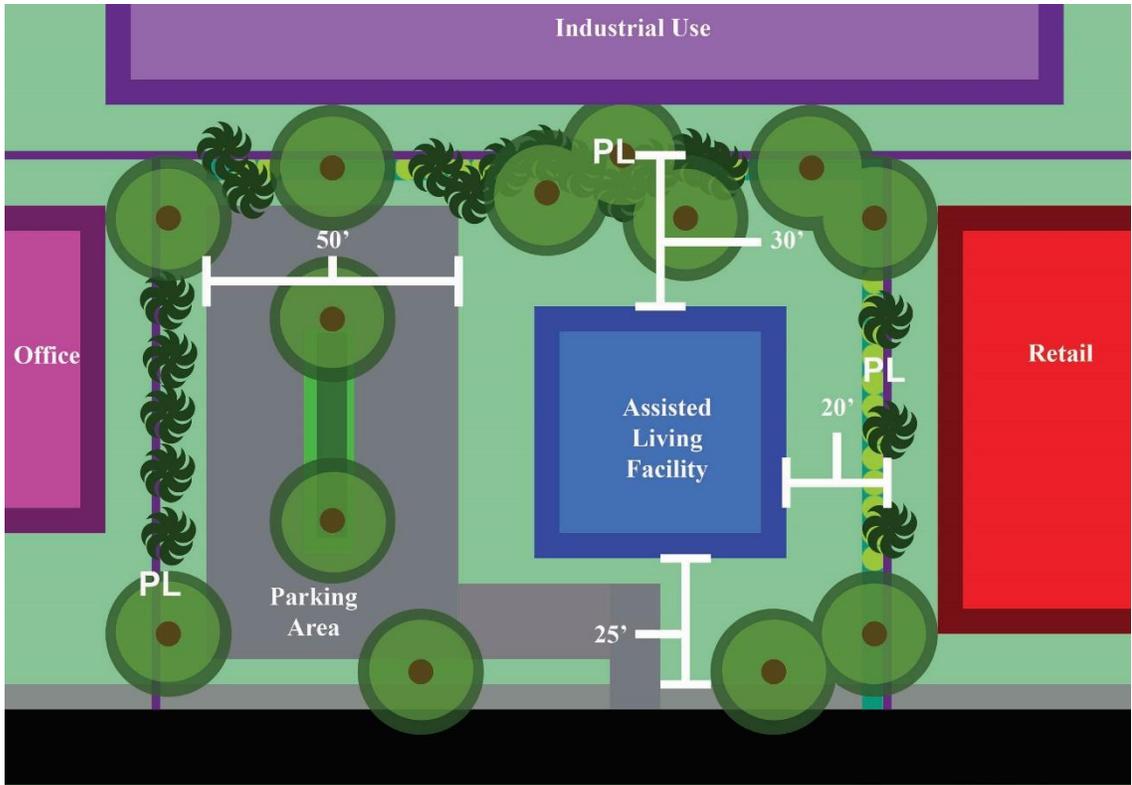
1118.25 Nursing Homes and Adult Daycare Facilities (EOR2007-3-16) (Revised OR 2014-9-90)

1118.25.1 All off-street parking for Nursing Homes will be physically separated from the parking area for any other use on the same property, with a separate means of ingress/egress and appropriate signage designating the parking use. (EOR2007-3-16) (Revised OR 2014-9-90)

1118.25.2 That portion of a property and/or new building or building addition utilized for a Nursing Homes will be subject to the commercial design standards. (EOR2007-3-16) (Revised OR 2014-9-90)

1118.25.3 In order to keep such uses peaceful and serene for the resident it will be buffered from all adjoining properties by a minimum 20-ft. green-space with a minimum opacity of 75% to a height of six (6) feet. For multi-use buildings the screening will extend five feet beyond the adjoining wall dividing this use from an adjoining use. Opacity may be decreased 25% for each additional 5-ft. of open green-space added to the buffer. (See Examples) (EOR2007-3-16)





- 1118.25.4 Bed and Breakfast: A maximum of four (4) bedrooms, located in the principle structure on the lot, may be used for this purpose. (OR 93-3-26)
- 1118.28 Children's Licensed Daycare, Preschools, and Day Nurseries (EOR2007-3-16)
- 1118.29 Prohibited Use: Medical Marijuana Sales: As Defined in Section 1108.00 (OR 2015-2-14)
- 1118.30 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. (REVISED OR2015-9-80)
- 1118.31 General: Any conditionally permitted use and as regulated in the "R-3" District, except as hereinafter specified.
- 1118.32 Institutional Uses: As defined in Section 1108.00 (Revised OR 2014-9-90)
- 1118.33 Cultural: Colleges for academic instruction.
- 1118.34 Mortuary: Mortuary or funeral home, when located on premises with frontage on a street officially designated as a thoroughfare on the "Official Thoroughfare Plan". This use shall not include crematories.
- 1118.35 Off-Street Parking.
- 1118.36 Residential Facility, Large: (OR 2014-8-71)
As Defined in Section 1108.00 and must comply with the following conditions:
- In order to prevent the excessive concentration of Large Residential Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Large Residential Facility within the same block or within a 500 foot radius of another Large Residential Facility.
- 1118.37 Hospitals: As defined in Section 1108.00 (OR 2014-9-90)
- 1118.40 Accessory Uses And Buildings: Accessory uses, buildings or structures as permitted and regulated in the "R-3" District, and any accessory use, building or structure customarily incident or accessory to a principal or conditional permitted use in the "R-4" District. Off-street parking as required and as specified in Section 1137.00 may be provided as an accessory use.

1118.50 Requirements: The following requirements shall be observed.

1118.51 Maximum Building Height: Fifty (50) feet except as authorized by the Planning Commission, who will review each application whose height exceeds fifty (50) feet. The Planning Commission shall base approval of higher heights on the following criteria:

- (1) Added height does not restrict, impede or destroy visual sight distances exceeding 40 degrees of a plane from neighboring properties. (See Figure 10)
- (2) Street system is adequate for the proposed density of development and entrances are planned to eliminate peak traffic and pedestrian congestion.
- (3) Adequate fire protection is provided the proposed building as well as not adversely affecting neighboring properties.

1118.52 Minimum Lot Area: Five thousand (5000) square feet.

1182.52.1 Minimum Lot Front Width: Fifty-Five (55) feet wide at building setback line. The minimum lot width may be decreased at the discretion of the Planning Commission after consideration of the typical widths of lots in the immediate vicinity within a three hundred foot radius. (OR 97-7-71)

1118.53 Minimum Lot Area for Dwelling Unit: One thousand five hundred (1500) square feet.

1118.54 Yards and Lot Area Coverage: Front, rear and side yards are required as defined in Section 1108.00, as modified in Section 1131.00, and as specified herein below; and the maximum lot area that may be covered by principal buildings, accessory buildings and parking spaces or garages, exclusive of areas used for walkways, access drives, unenclosed porches, patios, swimming pools and other landscape elements, shall not exceed the percentage of total lot area as specified herein below: (OR 76-11-72)

R-4

BUILDING HEIGHTS	MINIMUM FRONT YARD	MAXIMUM FRONTYARD SETBACK	REAR YARD	SIDE YARDS LEAST WIDTH	SIDE YARDS SUM OF LEAST WIDTH	MAXIMUM LOT AREA COVERAGE
1 to 1 ½ stories	15 feet	30 feet	10 feet	5 feet	15 feet	35%
2 to 2 ½ stories	15 feet	30 feet	10 feet	5 feet	15 feet	35%

When authorized in accordance with Section 1118.51 the following are the minimums that shall be applied:

R-4

BUILDING HEIGHT	FRONT YARD	REAR YARD	SIDE YARDS LEAST WIDTH	SIDE YARDS SUM OF LEAST WIDTH	MAXIMUM LOT AREA COVERAGE
40 feet	30 feet	15 feet	13 feet	28 feet	32%
50 feet	35 feet	20 feet	18 feet	38 feet	30%
60 feet	40 feet	25 feet	23 feet	48 feet	29%
70 feet	45 feet	30 feet	28 feet	58 feet	28%
80 feet and above	50 feet	35 feet	33 feet	68 feet	27%

1118.55 Off-Street Parking and Loading: Off-street parking and loading facilities shall be provided as specified in Section 1137.00.

1118.100 "RPD" RESIDENTIAL PLANNED DEVELOPMENT DISTRICT
(Chapter Amended OR 2008-1-2)

- 1118.110 Purpose: The purpose of the Residential Planned Development (RPD) District is to permit a variety of living environments and a range of amenities, including limited complimentary commercial uses. This may be accomplished through the creative use of one or more varied dwelling types complimented by appropriate site amenities, traffic circulation patterns and supporting facilities. An RPD District must also comply with the general provisions for Planned Developments contained in Chapter 1132.00 (General Planned Development Regulations).
- 1118.120 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses:
- 1118.121 Residential: A single-family detached dwelling
- 1118.121.1 Refer to the Minimum Lot Area and Off Street Parking Requirements of Section 1126.31 for properties located in the German Village Historic District, Rossville Historic District and Dayton-Campbell Historic District. (OR 2014-9-90)
- 1118.122 Religious and Cultural: Churches, Synagogues and other places of worship, Sunday school buildings, elementary and secondary schools for academic instruction, public libraries, museums, art galleries and similar public cultural uses.
- 1118.130 ACCESSORY USES: Accessory use, building, or structure customarily incidental to a principal permitted use or a conditionally permitted use, located on the same lot therewith, including
- 1118.131 Permitted Accessory Uses: Those accessory uses as regulated in the R-1 Single-Family Residence Zoning District (Chapter 1115.00, Section 1115.40 - of this Ordinance).
- 1118.140 Uses Requiring Specific Approval: An RPD may include the following uses, subject to obtaining specific approval by the Hamilton Planning Commission (see Chapter 1132 of this Ordinance for the general procedures, regulations, requirements and appeal process information applicable to Planned Developments)
- 1118.141 Principal Uses: Principally and Conditionally Permitted uses of the R-1, R-2, R-2A, R-3 and R-4 Zones as set forth in Chapters 1115.00 and 1116.00 (Single-Family Residence District); 1117.00 (One to Four Family Residence District); and 1118.00 Multi-Family Residence District, but excluding those uses prohibited by Section 1118.120 of this Chapter. While the Permitted Uses of a RPD District (listed in Section 1118.120 of this Chapter) do not require the Specific Approval of the Planning Commission, the overall Planned Development Plan does require the Commission's approval.

1118.142 Ancillary Uses: Limited, ancillary commercial uses provided they are intended to primarily serve or complement the needs of residents within the RPD, and, in addition, those which are designed to be a harmonious part of the residential neighborhood.

1118.142.1 Permitted Commercial Ancillary Uses: Ancillary uses, meeting the provisions of Section 1118.142 may include uses similar to, but not limited to, the following:

Day Care Facility

Convenience Retail Store

Sandwich Shop, Cafe or similar eating establishment

Personal Service Shop such as Laundromat, Dry Cleaning drop - off - pick up, tailor, Barber/Beauty Shop, Retail Bakery or Confectionery, or an ATM machine

Dance, Art, Karate, Gymnastic or Music Studio

Professional Office such as a Physician, Dentist, Lawyer, Engineer, Architect or Teacher

Bed and Breakfast Establishment with up to six (6) guest-sleeping rooms

1118.142.2 Requirements: The ancillary, commercial uses which are located within a RPD are subject to Chapter 1132.00 (General Planned Development Regulations) and the provisions of Chapter 1139.00 (Performance Standards) of this Ordinance. In addition, ancillary commercial uses are also subject to the following:

- A) Size: The gross floor area occupied by a commercial establishment within a RPD shall be limited to a maximum size of 5,000 square feet, providing, however, that the Planning Commission may waive this limitation in stances involving the adaptive reuse of any existing, vacant structure within the RPD District.
- B) Hours of Operation: As a part of any RPD Plan where commercial uses are proposed, the maximum hours of operation and the servicing of the establishment (such as deliveries, waste removal, etc.) may be established so as to complement the general residential nature of the development and as appropriate to service the needs of the residents of the development and surrounding neighborhood.
- C) Landscaping: All ancillary commercial uses within an RPD shall adhere to the following landscaping requirements. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site. The landscaping plan shall also be reviewed by the City Traffic Engineer for sight distance issues for plantings located in the public right-of-way.

The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of tree(s) required in Section 1131.70. All bush plants must be a minimum of one (1) foot tall at planting and all flowering perennial plants and other plantings must be a minimum of one (1) foot at planting. The City of Hamilton's Planning Director may approve other types of appropriate plantings and determine their equitable quantity, as required per tree. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:

Bushes: 3 Per Required Tree

Flowering Perennials Plants: 6 Per Required Tree

Trees: 1 Per Required Tree

If weather conditions preclude tree planting or during the winter months from November 1st through April 1st of any calendar year, the developer shall deposit \$250.00 per required tree, \$30.00 per required bush, and \$10.00 per required flower with the City of Hamilton.

D) Building Design and Site Layout. Ancillary commercial uses shall comply with 1111.00 Architectural, Landscaping, Design, Building and Site Development Regulations with regard to building design and site layout, or as otherwise approved by the Planning Commission as part of the Planned Development.

- 1118.150 Minimum Percentage If Residential Development In A RPD: Within any Residential Planned Development, a minimum of eighty-five percent (85%) of the gross acreage must be devoted to residential or open space uses, or for recreational amenities.
- 1118.160 Prohibited Uses: The following uses, which may normally be permitted or conditionally permitted in "AG" (Agricultural) or in "R-1", "R-2", "R-2A", "R-3", "R- 4", and "R-0" (Residential Districts), shall be prohibited in a Residential Planned Development:
- 1118.161 Solid Waste Disposal Facilities or Sanitary Landfills
- 1118.162 Agricultural Uses (after development)
- 1118.163 Mining or Drilling
- 1118.164 Cemeteries
- 1118.165 Mortuaries and Crematory Services
- 1118.166 Instant Bingo (OR 99-7-63)
- 1118.167 Medical Marijuana Sales (OR 2015-2-14)

1118.170 Minimum Requirements For Residential RPD Consideration

Any proposed RPD may be single use or contain a mix of development types as listed in A through F below, which may be development in stages. For the purposes of this Section (1118.00), a stage in an RPD development is defined as the area of the RPD with its own required point total. For any RPD that is to be implemented in stages, each stage shall meet its own required point total. For any proposed PD, a minimum of three (3) such points shall be taken from subsection 1118.171 Open Space and Recreational Amenities below.

A single-family development with average lot width of one-hundred (100) feet or greater shall provide for eight (8) points from the list below.

A single-family development with average lot width between 80 and 99 feet shall provide ten (10) points from the list below.

A single-family development with average lot width between 60 and 79 feet shall provide twelve (12) points from the list below.

A single-family development with an average lot width between 59 feet and 50 feet shall provide fifteen (15) points from the list below.

Two-family developments regardless of average lot widths as outlined above shall provide for a minimum of sixteen (16) points from the list below.

Multi-family (3+ units) developments regardless of average lot widths as outlined above shall provide for a minimum of eighteen (18) total points from the list below. In addition, Multi-Family Developments shall meet the additional requirements found in 1118.180.

Single Family developments with an average lot width less than 50 feet shall require Planning Commission approval.

Because some amenities found in Section 1118.172 and 1118.173 can serve all stages of an RPD their required points can be counted for each separate stage. Amenities or items that that may provided one time for an RPD and be counted for each separate stage include 1118.172A, 1118.172B, 1118.172E, 1118.172H, and 1118.173A.

1118.171 Open Space and Recreational Amenities

Three (3) points for passive open space consisting of no less than five percent (5%) of the total development's acreage. Passive open space consists of recreational activities and facilities that are characterized by picnicking, walking, jogging, hiking, biking, Frisbee, playgrounds, and similar activities.

Three (3) points for active open space consisting of no less than five percent (5%) of the total development's acreage. Active open space consists of recreational activities and constructed facilities that are generally characterized by tennis, swimming, soccer, golf, basketball, baseball, playgrounds, and similar activities.

Three (3) points for the protection of existing environment including maintaining at least fifty percent (50%) of the current trees with a six (6+) inch plus trunk (DBH). Maintaining the existing stream(s), contours and slopes of the property will also be considered. (Trees must be a minimum of two (2) per five thousand (5,000) square feet of area, per development, to qualify for these points.) A tree inventory shall be required to verify compliance with this regulation. The inventory must designate which trees meet this criteria, denote which trees will remain and show the above required calculations.

The required open space shall not include isolated or fragmented pieces of land that serve no useful purpose. No common open space shall be put to any use not specified in the Final PD, excepting amendments approved pursuant to Section 1132.80.

1118.172 Site Amenities

One (1) point for the passive or active open space facility(s) being located so that seventy-five percent (75%) or more of the total dwelling units are within a one-fourth (1/4) mile radius.

Five (5) points for a clubhouse or community building with a least two thousand (2,000) square feet of covered space, of which seventy-five (75%) percent shall be indoor enclosed space. If more than 275 dwelling units are proposed the size of the facility shall be increased by forty (40%) percent. The required square footage does not have to be incorporated into one (1) building.

Five (5) points for a traditional street grid layout. (This includes no cul-de-sac streets and block lengths no greater than five hundred (500) linear feet.)

Two (2) points for decorative lighting fixtures throughout the project, that adheres to the City of Hamilton's Street Lighting Standards adopted jointly by the Electric Department and the Planning Department, September, 2003.

Three (3) points for an eight (8) foot wide paved multi-modal path that transverses at least seventy five percent (75%) of the development.

Two (2) points for having a total of four (4) trees per dwelling unit with two (2) trees located in the front yard.

Three (3) points for features that include special designs such as but not limited to fountains, public art and water features. (This does not include landscaping or signage.)

Three (3) points for a minimum of two road connections (entrance and exit) into the development and connect to all adjacent existing or planned road connections.

Five (5) points for construction of a roundabout that meets the approval of the City of Hamilton Public Works and Planning Department.

Five (5) points for a development that includes rear loaded garages on all residential units.

Three (3) points for development that includes a covered front porch minimum size (4' X 6') on all residential units.

Eight (8) points for a development where all structures meet the minimum LEED certification or better as defined under the LEED (Leadership in Energy and Environmental Design) Rating System for housing by the United States Green Build Council.

1118.173 Planning Commission Discretionary Points

The Planning Commission may grant two (2) points, to a single-family, two-family, or multi-family development that meets one of the following criteria:

Passive open space that has been increased from five (5%) percent of the total acreage of the development to ten (10%) percent of the total acreage.

Active open that has been increased from five (5%) percent of the total acreage of the development to ten (10%) percent of the total acreage.

All principal structures meet the criteria of 'Silver' as defined under the LEED (Leadership in Energy and Environmental Design) Rating System for Housing by the U.S. Green Build Council.

Twenty (20%) percent of all residential units are priced to be attainable to the Median Household Income of the City of Hamilton.

That all structures within the development must follow one or more of the following historical architectural designs:

Colonial Revival (Popular Contemporary Period Designs)

Italianate

Early Gothic Revival

Greek Revival

Federal Vernacular

Complete definition of the above listed styles related to the City of Hamilton is available through the book, Hamilton, Ohio, Its Architecture and History, by James Schwartz, PhD., May, 1986 which is on record in the Planning Department.

1118.180 Multi-Family Development

Multi-family (3+ units) developments shall also achieve a minimum of 18 total points with from the above Site Amenity list, and in addition shall meet at least 3 of the 4 requirements below.

All main entrances to residential buildings located within ten (10) feet of a sidewalk.

All main entrances to residential buildings include a covered porch, covered stoop, or awning.

All garages to be rear loaded, behind the front of the building, may be attached or detached.

Each unit has a balcony, patio, or deck a minimum size of four (4) feet in width and six (6) feet in length.

1118.190 General Development Standards

The following table establishes the general development standards in an RPD per type of use.

TYPE OF USE (1)	FRONT YARD SETBACK *	MINIMUM SIDE YARD SETBACK	MINIMUM REAR YARD SETBACK (2)	MAXIMUM LOT COVERAGE
Single Family, Detached	25 Ft	5 Ft	10 Ft	35%
Two-Family	25 Ft	5 Ft	10 Ft	45%
Multi-Family (3+ units)	25 Ft(3)	7.5 Ft	15 Ft	45%

*Front yard setback may be reduced if rear loaded garages are provided.

General Development Standards from the table above for uses other than residential shall be determined by the Planning Commission as part of the Planned Development.

If proposed, garages may be setback 8 Ft. from rear property line if alley access is provided.

Unless Option A from Section 1118.180 is chosen.

1118.191 Buffer Requirements

All Residential RPD developments must choose one (1) of the following buffer options to be installed along perimeter boundaries. A project may build a combination of these buffers per boundary area. Compliance with this requirement shall be demonstrated by the submission of a scaled typical elevation view of proposed buffer area to be submitted as part of the required landscaping plan found in Section 1132.55.E. and 1132.56.F. All plantings shall comply with minimum height requirements found Section 1131.70.3:

- A) Three (3) foot high berm with a thirty percent (30%) opaque landscaping with a minimum height of five (5) feet at planting.
- B) Five (5) foot wide buffer with a fifty percent (50%) opaque landscaping with a minimum height of five (5) feet at planting.
- C) Fifteen (15) foot wide buffer with a thirty percent (30%) opaque landscaping with a minimum height of five (5) feet at planting.

1118.192 Building Design Standards

Single Family Residential buildings shall comply with the Residential Design Standards found in Section 1110.00 of the Zoning Code, or as otherwise approved by the Planning Commission as part of the PD. Multi-family residential buildings shall comply with 1110.70.B, of the Residential Design Standards.

1118.193 Construction Of Amenities And Improvements And Minimum Requirements

Amenities and improvements and minimum requirements associated with any PD shall be constructed as part of the first phase or section of the proposed development, or as otherwise approved by the Planning Commission as part of the PD.

1118.194 Open Space And Recreational Amenities Maintenance

Open Space and Recreational Amenities shall be set aside as required in Section 1118.171 for the use of residents and users of the property subject to the Final RPD. A homeowners' association, condominium association, or in case of nonresidential development, an owners association or similar legal entity shall be created to ensure that continued maintenance, upkeep and control of such areas, including the required open space, private streets, storm water drainage facilities, and access drives. The applicant shall provide the City with copies of the Declaration, Articles of Incorporation and Code of Regulations for review. No Final PD shall be approved without approval by the City Law Department that a proposed homeowners association or the like and accompanying regulations are appropriate to implement the requirements of ownership and continued maintenance of facilities pursuant to the approved Final PD.

leave blank

1119.00 "R-0" MULTI-FAMILY RESIDENCE - OFFICE DISTRICT

- 1119.10 Purpose: It is the purpose of the "R-0" District to restore economic value to developed sections of the City where old, large estate properties are no longer practical for single family residency, where residential properties along major thoroughfares can be removed and replaced by modern residential and office buildings and generally areas near the center of the City where a wider choice of land uses is desirable while still maintaining a non-commercial environment.
- 1119.20 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following, except as provided in Section 1109.00.
- 1119.21 General: All principal or conditionally permitted uses and as regulated in the "R-4" Multi-Family Residence District, except as hereafter modified.
- 1119.21.1.1 Institutional Uses: As defined in Section 1108.00 (OR 2014-5-34) (Revised OR 2014-9-90)
- 1119.22 Cultural: Colleges for academic instruction, business or trade schools, and civic or institutional offices.
- 1119.23
- 1119.24 Mortuary: Mortuaries or funeral homes. This use shall not include crematories.
- 1119.25 Offices: Business and professional offices.
- 1119.26 Studios: Art, television, radio, music and dance studios, and/or conservatories.
- 1119.27 Public Facilities: Publicly owned and operated service facilities by a municipal, county, state and federal government. Such facilities include administrative buildings and offices. (OR 96-12-134)
- 1119.28 Hospitals: As define in Section 1108.00 (Revised OR 2014-9-90)
- 1119.29 Prohibited Use: Medical Marijuana Sales: As Defined in Section 1108.00 (OR 2015-2-14)

- 1119.30 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. (REVISED OR2015-9-80)
- 1119.31 Transient Accommodations: Transient homes, hotels, motels, motor hotels and bed and breakfasts for any number of guests; including incidental commercial accessory uses, when located on a lot having frontage on a street officially designated as a thoroughfare on the "Official Thoroughfare Plan". (OR 93-3-26)
- 1119.32 Drive-in Uses: Banks, savings and loan associations and other office uses whose operations incorporate the service to customers while in their automobile or requiring the automobile to be present as in an insurance claim office.
- 1119.33 Antenna Towers: (Replaced by regulations stated in Chapter 1142.00, EOR 97-9-105)
- 1119.34 Residential Facility, Large: (OR 2014-8-71)
As Defined in Section 1108.00 and must comply with the following conditions:
- In order to prevent the excessive concentration of Large Residential Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Large Residential Facility within the same block or within a 500 foot radius of another Large Residential Facility.
- 1119.40 Accessory Uses And Buildings: Accessory uses, buildings or structures as permitted and regulated in the "R-4" District, and any accessory use, building or structure customarily incident or accessory to a principal or conditional permitted use in the "R-0" District.
- 1119.41 Service: Restaurants, shops, and personal service establishments within multi- family dwellings, hotels, recreation buildings and office buildings, provided such service use is limited to no more than five (5%) percent of the gross floor area of the structure in which it is located, and provided all entrances shall be from within such building or project, and no exterior business sign shall be permitted. (OR 84-11-95)

- 1119.50 Requirements- The following requirements shall be observed:
- 1119.51 Maximum Building Height: Seventy (70) feet except as authorized by the Planning Commission, who will review each application whose height exceeds seventy (70) feet. The Planning Commission shall base approval of higher heights on the following criteria:
- (1) Added height does not restrict, impede or destroy visual sight distances exceeding 40 degrees of a plane from neighboring properties.
 - (2) Street system is adequate for the proposed density of development and entrances are planned to eliminate peak traffic and pedestrian congestion.
 - (3) Adequate fire protection is provided the proposed building as well as not adversely affecting neighboring properties.
- 1119.52 Minimum Lot Area: Five thousand (5000) square feet.
- 1119.52.1 Minimum Lot Front Width: Fifty-Five (55) feet wide at building setback line. The minimum lot width may be decreased at the discretion of the Planning Commission after consideration of the typical widths of lots in the immediate vicinity within a three hundred foot radius. (OR 97-7-71)
- 1119.53 Minimum Lot Area per Dwelling Unit: One thousand five hundred (1500) square feet per dwelling unit, except as modified in Section 1132.00.

1119.54 Yards and Lot Area Coverage: Front, rear and side are required as defined in Section 1108.00, as modified in Section 1131.00 and as specified herein below; and the maximum lot area that may be covered by principal buildings, accessory buildings and parking spaces or garages, exclusive of areas used for walkways, access drives, unenclosed porches, patios, swimming pools and other landscape elements, shall not exceed the percentage of total lot area as specified herein below: (OR 76-11-72)

R-0

BUILDING HEIGHT	FRONT YARD	REAR YARD	SIDE YARDS LEAST WIDTH	SIDE YARDS SUM OF LEAST WIDTH	MAXIMUM LOT AREA COVERAGE
1 to 1 ½ stories	25 feet	10 feet	5 feet	14 feet	35%
30 feet	25 feet	10 feet	8 feet	18 feet	35%
40 feet	30 feet	15 feet	13 feet	28 feet	32%
50 feet	35 feet	20 feet	18 feet	38 feet	30%
60 feet	40 feet	25 feet	23 feet	48 feet	29%
70 feet	45 feet	30 feet	28 feet	58 feet	28%

When authorized in accordance with Section 1118.51 the following are the minimums that shall be applied:

R-0

BUILDING HEIGHT	FRONT YARD	REAR YARD	SIDE YARDS LEAST WIDTH	SIDE YARDS SUM OF LEAST WIDTH	MAXIMUM LOT AREA COVERAGE
80 feet	50 feet	35 feet	33 feet	68 feet	27%
90 feet	55 feet	40 feet	38 feet	78 feet	26%
100 feet and above	60 feet	45 feet	43 feet	88 feet	25%

1119.55 Off-Street Parking and Loading: Off-street parking and loading facilities shall be provided as specified in Section 1137.00.

1119.100 "OPD" OFFICE PLANNED DEVELOPMENT
DISTRICT
(Chapter Amended OR 2008-1-2)

- 1119.110 Purpose: The purpose of the Office Planned Development (OPD) District is to enhance concentrated areas of office development or the Central Business District by integrating a variety of uses to ensure more efficient, successful, and aesthetically pleasing developments. An OPD District must also comply with the general provisions for Planned Developments contained in Chapter 1132.00.
- 1119.120 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses:
- 1119.121 Office: Business and Professional offices.
- 1119.130 Uses Requiring Specific Approval: An OPD may include the following uses, subject to obtaining specific approval by the Hamilton Planning Commission (see Chapter 1132 of this Ordinance for the general procedures, regulations, requirements and appeals process information applicable to Planned Developments).
- 1119.131 Principal Uses: Principally and Conditionally Permitted uses of the R-0 District (as set forth in Chapter 1119.00, Sections 1119.20 and 1119.30), but excluding those uses prohibited by Section 1119.140 of this Chapter. While the Permitted Uses of an OPD District (as listed in Section 1119.120 of this Chapter) do not require the Specific Approval of the Planning Commission, the overall Planned Development Plan does require the Commission's approval.
- 1119.132 Treatment Facilities, Educational Institutions and Juvenile Correctional Facilities which are publicly owned and operated by a municipal, county, state, or federal government.

- 1119.140 Prohibited Uses: The following uses, which may normally be permitted or conditionally permitted in “AG” (Agricultural) or in “R-1”, “R-2”, “R-2A”, “R-3”, “R- 4”, and “R-O” (Residential Districts), shall be prohibited in an Office Planned Development:
- 1119.141 Agricultural Uses (after development)
- 1119.142 Mining or Drilling
- 1119.143 Sanitary Landfill/Solid Waste Disposal
- 1119.144 Antenna Towers (Replaced by requirements set forth in Chapter 1142.00, EOR 97-9- 105)
- 1119.145 Instant Bingo (OR 99-7-63)
- 1119.146 Residential Uses
- 1119.147 Residential Facility, Small: As Defined in Section 1108.00 (OR 2014-8-71)
- 1119.148 Residential Facility, Large: As Defined in Section 1108.00 (OR 2014-8-71)
- 1119.149 Medical Marijuana Sales: As Defined in Section 1108.00 (OR 2015-2-14)

1119.151 Requirements And General Development Standards

Minimum Lot Area	1 Acre
Maximum Lot Coverage	50 Percent (1)
Front Yard Setback	15 feet
Rear Yard Setback	20 feet
Side Yard Setback (each side	10 feet

(1) Maximum lot coverage may be increased to 75 percent where all structures meet the minimum LEED certification or better as defined under the LEED (Leadership in Energy and Environmental Design) Rating System for housing by the United States Green Build Council.

A) Landscaping: All proposed uses within an OPD shall adhere to the following landscaping requirements. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site. The landscaping plan shall also be reviewed by the City Traffic Engineer for sight distance issues for plantings located in the public right-of-way.

The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of tree(s) required in Section 1131.70. All bush plants must be a minimum of one (1) foot tall at planting and all flowering perennial plants and other plantings must be a minimum of one (1) foot at planting. The City of Hamilton’s Planning Director may approve other types of appropriate plantings and determine their equitable quantity, as required per tree. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:

Bushes: 3 Per Required Tree

Flowering Perennials Plants: 6 Per Required Tree Trees: 1 Per Required Tree

If weather conditions preclude tree planting or during the winter months from November 1st through April 1st of any calendar year, the developer shall deposit \$250.00 per required tree, \$30.00 per required bush, and \$10.00 per required flower with the City of Hamilton.

B) Building Design and Site Layout. All proposed uses within an OPD shall comply with 1111.00 Architectural, Landscaping, Design, Building and Site Development Regulations with regard to building design and site layout, or as otherwise approved by the Planning Commission as part of the PD.

leave blank

1120.00 "B-1" NEIGHBORHOOD BUSINESS DISTRICT

- 1120.10 Purpose: It is the purpose of the "B-1" Neighborhood Business District to permit and to encourage the establishment of small convenience goods and personal service centers not to exceed three (3) acres in size, located in close proximity to residences. Such Districts shall be so arranged and designed as to be a functional and harmonious part of a residential neighborhood. The location of these districts and the nature of their limited commercial activity avoid undue traffic congestion and provide limited commercial services. Uses creating high traffic volume and/or having a potential for being out of harmony with adjacent residential uses shall be examined as conditional uses. (OR 86-11-73)
- 1120.20 Principal Permitted Uses: No building, structure, or land shall be used and no building or structure shall be erected, altered or enlarged to exceed five thousand (5,000) square feet in floor area per establishment, which is arranged, intended, or designed for other than one of the following uses, except as provided in Section 1109.00 herein:(OR 86-11-73)
- 1120.20.1 General: All principal or conditionally permitted uses as regulated in the "R-0" Multi-Family Residence/Office District, except as hereinafter modified.
- 1120.21 Retail and Service: Retail business or service establishment supplying commodities or performing services primarily for local residents on a day-to-day basis including grocery stores, variety and apparel stores, barber shops, beauty parlors, clothes cleaning and laundry pick-up stations, shoe repair shops, tailor shops, appliance and television repair shops, commercial parking lots and other similar stores, shops and uses for the conduct of similar retail business or provide similar personal services. (OR 2014-5-34)
- 1120.22 Eating Places: Soda fountains, ice cream parlors and restaurants excluding establishments serving alcoholic beverages, providing entertainment, permitting dancing and having drive-in/drive-through service.
- 1120.23 Offices: Business and professional offices.
- 1120.24 Financial Institutions: Banks, savings and loan associations and similar financial institutions, not including drive-through service.
- 1120.25 Studios: Art, photographic, television, radio, music and dance studios and/or conservatory.
- 1120.26 Mortuaries: Mortuaries or funeral homes.
- 1120.27 Business Signs: Business identification signs, professional, institutional, announcement, bulletin board, real estate and nameplate signs, subject to the provisions of Section 1138.00 hereof.
- 1120.28 Single and Multi-Family Dwelling Units
- 1120.29 Agricultural Uses (OR2013-7-58)
- Agricultural: Nurseries, commercial, green houses, tree farms, flower or vegetable gardens, community gardens, fruit or nut orchards, urban agriculture, and general farming greenhouse, hoop houses, cold-frames, tool sheds, and produce stands with the following restrictions.
- All planting must be a minimum of 10-ft from the front property line and 5-ft from rear and side property lines.
- 1120.29.1 Residential Facility, Small: As Defined in Section 1108.00 (OR 2014-8-71)

1120.30 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00 hereof: (OR 86-11-73) (REVISED OR2015-9-80)

1120.31 Sales and Service to Customers in Motor Vehicles: Drive-in, drive-through, or drive-up uses; financial institutions; restaurants and eating places; carry-out ("pony keg") establishments and similar uses. (OR 86-4-24)

1120.32 Eating and/or Drinking Places: Bars and cafes serving or selling alcoholic beverages, excluding such establishments that provide live entertainment or permit dancing.

1120.34 Self-Service Uses: Self-service laundries, dry cleaners, pumping of gasoline as an accessory use to convenience or grocery store and similar uses. (OR 86-11-73) (Previously Amended OR 2014-5-34) (REVISED: OR2014-8-72)

The following conditions pertain to the retail sales of gasoline as accessory use in the B-1 district only:

- The only services permitted to be performed at an accessory vehicle fueling station shall include the retail sale of automobile fuels, oils, air, and other common vehicular liquids and lubricants.
- Parking and related driveways and paved areas may be erected in a front yard, but not less than 20 feet from any property line.
- Minimum lot area 20,000 square feet.
- Minimum lot width 100 feet.
- Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street;

1120.35 Residential Facility, Large: (OR 2014-8-71)

As Defined in Section 1108.00 and must comply with the following conditions:

- In order to prevent the excessive concentration of Large Residential Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Large Residential Facility within the same block or within a 500 foot radius of another Large Residential Facility.

1120.36 Processing: Retail bakeries, dry cleaning shops, and caterers. (OR 86-11-73) (Amended OR 2014-5-34)

1120.37 Adult Businesses: (Repealed OR 2014-5-34)

1120.38 Instant Bingo: (Repealed OR 2014-5-34)

1120.39 Large interior household item merchandise such as furniture, appliances, & floor coverings. (OR 2014-5-34)

- 1120.39.1 Prohibited Uses: Pawn Shops, Check Cashing, Bail Bonds, Pay Day Lending, Car Title Loan Business, Tattoo & Piercing, and Medical Marijuana Sales (OR 2014-5-34)
- 1120.40 Accessory Uses And Buildings: Any accessory use, building or structure customarily incident to a principal permitted use or conditionally permitted use, located on the same lot therewith. (OR 86-11-73)
- 1120.41 Satellite Earth Stations: (Replaced by regulations set forth in Chapter 1142.00, EOR 97-9-105)
- 1120.50 Requirements: The following requirements shall be observed: (OR 86-11-73)
- 1120.51 Production for Sale at Retail: All products produced on the premises, whether primary or incidental, shall be sold at retail on the premises where produced.
- 1120.53 Non-Objectionable Uses: No processes and/or equipment shall be employed or goods sold which are objectionable by reason of odor, dust, smoke, gas, cinders, fumes, noise, vibration, radiation, refuse matter or water-carried waste, in accordance with Section 1139.00 hereof.
- 1120.54 New Merchandise: Goods for sale shall consist primarily of new merchandise.
- 1120.55 Maximum Building Height: No principal structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height and no accessory structure shall exceed one (1) story or fifteen (15) feet in height.
- 1120.56 Minimum Lot Area: For all residential uses, the minimum lot area shall be five thousand (5000) square feet.
- 1120.56.1 Minimum Lot Front Width: Fifty-Five (55) feet wide at building setback line. The minimum lot width may be decreased at the discretion of the Planning Commission after consideration of the typical widths of lots in the immediate vicinity within a three hundred foot radius. (OR 97-7-71)
- 1120.57 Minimum Lot Area per Dwelling Unit: Two thousand (2000) square feet per dwelling unit. (OR 96-12-134)

1120.58 Yards and Lot Area Coverage: Front, rear and side yards are required as defined in Section 1108.00 hereof, as modified in Section 1131.00 and as specified herein below. The maximum lot area that may be covered by principal buildings, accessory buildings and parking spaces or garages, exclusive of areas used for walkways, access drives, and landscape elements, shall not exceed the percentage of total lot area as specified in Sections 1120.581 and 1120.582 hereof.

B-1

BUILDING HEIGHT	FRONT YARD	REAR YARD	SIDE YARDS LEAST WIDTH AND SIDE YARDS SUM OF LEAST WIDTH	MAXIMUM LOT AREA COVERAGE
Up to and including 35 feet	25 feet	25 feet	None except when the side yard adjoins a Residential District, in which case a minimum side yard of eight (8) feet is required for buildings fifty (50) feet or less in length. The side yard shall be increased one (1) foot for each additional ten (10) feet of building length along the side yard to a maximum of twenty (20) feet.	Not Applicable

1120.58.1 Non-Residential Use: (OR 85-1-6)

1120.58.2 Residential Uses: Same as specified in "R-0" District. (OR 86-11-73)

1120.59 Off-Street Parking and Loading: Off-street parking and loading facilities shall be provided as specified in Section 1137.00 hereof. (OR 86-11-73)

1120.60 Screening: A visual barrier shall be required along the full length of any side or rear yard adjoining a Residential District. Such barrier shall have a minimum height of eight (8) feet, be set back a minimum distance of five (5) feet from any property line, and shall be designed not to obstruct sight lines necessary for safe traffic movement. Barriers consisting of vegetation shall be planted with a minimum height of six (6) feet to mature to at least eight (8) feet in height. Visual barriers may consist of vegetation, natural materials, or man-made materials excluding metal and plastic, that will successfully reduce noise, divert emissions, restrict passage, and obstruct not less than seventy-five percent (75%) of the view from the adjoining property when measured from zero (0) to eight (8) feet above grade. All barriers shall be maintained by the property owner with timely repair and/or replanting when needed.

1121.00 "B-2" COMMUNITY BUSINESS DISTRICT

- 1121.10 Purpose: It is the purpose of the "B-2" District to permit and to encourage the establishment of commercial shopping centers which offer a wide variety of consumer goods and services. It is intended that the Community Business District serve a larger population and larger area than the "B-1" District and, where located along major highways and thoroughfares, accommodate primarily automotive- oriented establishments.
- 1121.20 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in Section 1109.00 above.
- 1121.21 General: All principal or conditionally permitted uses as regulated in the "B-1" Local Commercial District, except as hereafter modified.
- 1121.22 Retail Stores: Any retail store.
- 1121.23 Personal Services and Business Services:
- A) Any personal service establishment.
 - B) Post offices and telegraph offices.
 - C) General business services.
 - D) Eating and drinking places: bars, restaurants, cocktail lounges, subject to all applicable regulations and such permits and licenses as may be required by law.
 - E) Entertainment: night clubs, theaters (not including drive-in theaters), billiard parlors, pool halls, bowling alleys, and similar enterprises, subject to all applicable regulations and such permits and licenses as may be required by law.
 - F) Building materials and hardware, primarily for retail.
 - G) Upholstery shops.
- 1121.24 Processing: Bakery, catering establishment, laundry or dyeing and cleaning works- (OR 2014-5-34)
- 1121.25 Ice Storage and Distribution Station: Limited to five (5) tons capacity.
- 1121.26 Minor Fabricating and Repair: Plumbing shop, painting and decorating shop, tinsmith shop, electric repair shop (OR2014-8-72).
- 1121.27 Prohibited Use: Medical Marijuana Sales: As Defined in Section 1108.00 (OR2015-2-14)

1121.30 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. (REVISED OR2015-9-80)

1121.31 Commercial Recreation: Any type of commercial recreation including baseball fields, swimming pools, skating rinks, golf driving ranges, drive-in theaters, and similar open air facilities, provided such use of property shall be located not less than one hundred (100) feet from any Residential District.

1121.32 Animal Hospitals, Veterinary Clinics: Kennels for display, boarding or treatment of pets and other domestic animals; provided that any structure or area used for such purposes, including pens and exercise yards, shall be located at least one hundred (100) feet from any Residential District and that such pens or exercise runs shall be enclosed on four sides by a sight obscuring, unpierced fence or wall at least five (5) feet in height.

1121.33 Farm Implement Sales: (REVISED: OR2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1121.34 Public Utility Stations and Services, together with Public Works Facilities (Repealed OR 2014-5-34)

1121.35 Instant Bingo: Instant Bingo, as defined in Section 1108.00, subject to the regulations in Section 1121.35.1, and any other conditions imposed by the City Council in accordance with the provisions of Section 1155.00 hereof. (OR 99-7-63) (REVISED OR2015-9-80)

1121.35.1 Instant Bingo Regulations: The use of any building, structure, or premises to distribute, transfer or sell an instant bingo ticket may only be operated by bone fide charitable organizations permitted by Chapter 517 of the Codified Ordinances of the City of Hamilton which are also in compliance with Sections 2915.01 through 2915.12 of the Ohio Revised Code. (OR 99-7-63)

1121.36 Mortuaries: With crematory services.

1121.37 Printing establishments: Printing establishments, including letterpress, screen printing and lithographing. Not included are large printing/publishing operations using multi-form, continuous form, web printing or other similar equipment. All loading docks and doors shall be at least one hundred (100) feet from any abutting Residential District. (OR 82-7-44)

1121.38 Adult Businesses: Adult Businesses, as defined in Section 1108.00, are permitted, subject to the regulations in Section 1121.382. (OR 96-8-85)

1121.38.1 Purpose: The purpose of the regulations on Adult Businesses is to promote the peace, health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent deleterious effects of Adult Businesses within the City. These regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of the regulations to restrict or deny adults access to sexually oriented materials protected by the First Amendment, or to deny the distributors and exhibitors of sexually oriented entertainment access to their intended market. Neither is it the intent or effect of the regulations to in any way condone or legitimize the distribution of material obscene or harmful to minors.

1121.38.2 Adult Business Regulations: Adult Businesses must comply with the following regulations:

- A) Adult Businesses shall not be located within a radius of 500 feet of any Residential District.
- B) Adult Businesses shall not be located within a radius of 500 feet of any form of day-care facility as defined and regulated by R.C. Chapter 5104, nor any school or teaching facility, including home nursery schools, whether public or private, governmental or commercial, where the day-care, school or teaching facility is attended by persons under eighteen (18) years of age.
- C) Adult Businesses shall not be located within a radius of 500 feet of any other adult business.
- D) Adult Businesses shall only be open for public access between 12:00 pm and 1:00 am.
- E) Off-street parking shall be provided in accordance with the Hamilton Zoning Ordinance. Retail establishments such as Adult Bookstores shall comply with Section 1137.28(c)(1), while establishments more closely oriented towards the provision of entertainment such as Adult Motion Picture Theaters and Adult Cabarets shall comply with either Section 1137.28(c)(8)(aa) or Section 1137.28(c)(8)(cc), respectively.
- F) Displays or other promotional material shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas, either public or semi-public.
- G) All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- H) No viewing screens, surface loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) or other adult business that can be seen or discerned by the public from public or semi-public areas.
- I) All displays, exhibits, materials, performances, entertainment, and activities at adult businesses, except for adult drive-in theaters, shall be conducted inside the structure located on the premises and shall not be visible from outside the premises. This prohibition shall not extend to advertising of the existence or location of such adult business.
- J) The measure of distance for purposes of this section shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel.

1121.39 Single and Multi-Family Dwelling Units: (Revised OR 2014-9-90)

1121.39.1 Hotels (OR 2014-5-34)

1121.39.10 Sweepstakes/Internet Cafe: Sweepstakes/internet cafes, as defined in Section 1108.00, subject to the regulations in this Section of the zoning ordinance and any other conditions imposed by the City Council in accordance with the provisions of Section 1155.00 hereof. Sweepstakes/internet cafes shall be conditionally permitted with the following conditions: (OR2012-2-9) (REVISED OR2015-9-80)

1. No sweepstakes/internet cafe shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public playground, church, or religious institution. (OR2012-2-9)
2. No sweepstakes/internet cafe shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it any establishment that has been issued a liquor permit by the State of Ohio. (OR2012-2-9)
3. No sweepstakes/internet cafe shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it another sweepstakes/internet cafe. (OR2012-2-9)
4. A sweepstakes/internet cafe must be registered with and licensed by the City of Hamilton in accordance with Chapter 756 of the Codified Ordinances of the City of Hamilton. If at anytime said license should lapse for any reason the conditional use will be immediately revoked and will require another hearing before the Planning Commission before it may be reinstated. (OR2012-2-9) (REVISED OR2015-9-80)
5. If in the future the State of Ohio deems sweepstakes/internet cafes illegal or regulates them in a different manner the conditional use may be invalidated and revoked. (OR2012-2-9)

1121.39.2 Residential Facility, Small: As Defined in Section 1108.00 (OR 2014-8-71)

1121.39.20 Pawn Shops (OR 2014-5-34)

1121.39.21 Check Cashing (OR 2014-5-34)

1121.39.22 Bail Bonds (OR 2014-5-34)

1121.39.23 Pay Day Lending (OR 2014-5-34)

1121.39.24 Car Title Loan Business (OR 2014-5-34)

1121.39.25 Tattoo & Piercing (OR 2014-5-34)

1121.39.26 Automotive Service and Minor Repair: (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot area with accessory Car Wash 40,000 Square Feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street;
- Any automobile awaiting minor repair may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- Automobiles awaiting repair, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property line. The area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least ten (10) feet, whichever is greater. All areas not used for parking of vehicles shall be landscaped according to the requirements of Section 1111.20.
- An accessory automated car wash is permitted within a completely enclosed building and shall have a minimum lot size of 40,000 square feet. The location of access drives shall be placed as far as possible from the intersection.
- Vacuuming or steam cleaning equipment may be located outside a building but shall not be placed closer than fifty (50) feet to any adjoining residential property and at least twenty (20) feet from a public right-of-way.
- Parking and related driveways and paved areas may be erected in a front yard, but not less than 20 feet from any property line.
- The only services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuels, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1121.39.27 Automobile and Other Vehicle Sales: (OR2014-8-71)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the City of Hamilton Street Designation.
- Any automobile for sale, or automobiles awaiting minor repair, may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- Display of automobiles for sale, or awaiting minor repair, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property line. The outdoor display area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least ten (10) feet, whichever is greater. All areas not used for parking or display of vehicles shall be landscaped according to the requirements of Section 1111.20.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1121.39.28 Automobile Washing Facilities (Car Wash): (OR 2014-8-71)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the City of Hamilton Street Designation.
- Automobile washing structures shall be located at least fifty (50) feet from any adjoining residential property.
- A solid wall, fence or landscaping, a minimum of six (6) feet in height shall separate an automobile washing facility from adjoining residential property.
- All automated automobile washing facilities shall be located entirely within an enclosed building, except that entrance and exit doors may be left open during the hours of operation.
- Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than fifty (50) feet to any adjoining residential property and at least twenty (20) feet from a public right-of-way.
- Off-street parking and waiting space shall be provided for auto washing facilities as specified in Section 1137.27.C, Off-Street Parking and Loading Regulations. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
- Vehicular access shall be provided from a thoroughfare street and access shall be limited to no more than one (1) access drive per street frontage. The location of access drives shall be placed as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state, and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1121.39.3 Residential Facility, Large: (OR 2014-8-71)

As Defined in Section 1108.00 and must comply with the following conditions:

In order to prevent the excessive concentration of Large Residential Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Large Residential Facility within the same block or within a 500 foot radius of another Large Residential Facility.

1121.40 Accessory Uses And Buildings: Any accessory use, building or structure customarily incident to a principal permitted use, located on the same lot herewith.

1121.50 Requirements: The following requirements shall be observed:

1121.52 Non-Objectionable Uses: No processes and equipment shall be employed or goods sold which are objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water carried waste, in accordance with Section 1139.00.

1121.53 Maximum Building Height: No principal structure shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height and no accessory structure shall exceed twenty (20) feet in height.

1121.54 Minimum Lot Area: For residential uses, the minimum lot area shall be five thousand (5000) square feet.

1121.54.1 Minimum Lot Front Width: Fifty-Five (55) feet wide at building setback line. The minimum lot width may be decreased at the discretion of the Planning Commission after consideration of the typical widths of lots in the immediate vicinity within a three-hundred foot radius. (OR 97-7-71)

1121.55 Minimum Lot Area Per Dwelling Unit: Two thousand (2000) square feet per dwelling unit. (OR 96-12-134)

1121.56 Yards and Lot Area Coverage: Front, rear and side yards are required as defined in Section 1108.00, as modified in Section 1131.00 and as specified herein below; and the maximum lot area that may be covered by principal buildings, accessory buildings and parking spaces or garages, exclusive of areas used for walkways, access drives, and landscape elements shall not exceed the percentage of total lot areas as specified herein below.

B-2

BUILDING HEIGHT	FRONT YARD	REAR YARD	SIDE YARDS LEAST WIDTH AND SIDE YARDS SUM OF LEAST WIDTH	MAXIMUM LOT AREA COVERAGE
Up to and including 35 feet	25 feet	25 feet	None except when the side yard adjoins a residential district, in which case a minimum side yard of eight (8) feet is required for buildings fifty (50) feet or less in length. The side yard shall be increased one (1) foot for each additional ten (10) feet of building length along the side yard to a maximum of twenty (20) feet.	Not Applicable

1121.56.1 Non-Residential Use: (OR 85-1-6)

1121.56.2 Front Yard: Twenty-five (25) feet except as modified by Section 1131.31 hereof. (OR 84-11-95)

1121.56.3 Residential Use: Same as specified in the "R-0" District.

1121.57 Off-Street Parking and Loading: Off-street parking and loading facilities shall be provided as specified in Section 1137.00.

1122.00 "B-3" CENTRAL BUSINESS DISTRICT

- 1122.10 Purpose: It is the purpose of the "B-3" District to permit and to encourage the establishment of a wide variety of shopping goods and services in the Central Business District in such a way as to attract consumers from a large trade area. Only those uses, which will materially interfere with the overall function of the Central Business District, will be excluded.
- 1122.20 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses, except as provided in Section 1109.00 above.
- 1122.21 General: All principal or conditionally permitted uses as regulated in the "B-2" Community Business District, except as modified herein below:
- 1122.22 Trade and Services: Any retail stores, personal service or business service establishment, subject to all applicable regulations and such permits and licenses as may be required by law, and further provided that the use is not objectionable due to noise, fumes, smoke, odor or vibration, including the following, and other similar uses:
- A) Eating and drinking places, excluding drive-in food services.
 - B) Trade and business schools.
 - C) Hotels, motels, group quarters, all being non-residential uses in this District. (OR 85-1-6)
 - D) Publishing, job printing and blue printing.
 - E) Wholesale establishments, with warehousing stock.
- 1122.23 Deleted (OR 2014-9-90)

- 1122.25 Prohibited Uses: No building, structure or land shall be used and no building or structure erected, altered or enlarged which is arranged, intended or designed for any of the following uses; *provided, however, that any of the uses herein described that legally existed in the "B-3" District at the time of the adoption of this Ordinance, or any amendment thereto, shall be classified as a Conditional Use and subject to the provisions of Section 1155.00.* (OR 96-12-134) (REVISED OR2015-9-80)
- 1122.25.1 Adult Businesses (OR 96-12-134)
- 1122.25.2 Instant Bingo (OR 99-7-63)
- 1122.25.3 Sweepstakes/Internet Café (OR2012-7-60)
- 1122.25.4 Not Permitted:
- 1122.25.4.1 Pawn Shops (OR2014-5-34)
 - 1122.25.4.2 Check Cashing (OR2014-5-34)
 - 1122.25.4.3 Bail Bonds (OR2014-5-34)
 - 1122.25.4.4 Pay Day Lending (OR2014-5-34)
 - 1122.25.4.5 Car Title Loan Business (OR2014-5-34)
 - 1122.25.4.6 Tattoo & Piercing (OR2014-5-34)
 - 1122.25.4.7 Automobile Washing Facilities (Car Wash):
As Defined in Section 1108.00 - (OR2014-8-72)
 - 1122.25.4.8 Farm Implements Sales: As Defined in Section 1108.00 (OR2014-8-72)
 - 1122.25.4.9 Medical Marijuana Sales: As Defined in Section 1108.00(OR 2015-2-14)

- 1122.30 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. (REVISED OR2015-9-80)
- 1122.31 Limited Industrial Uses: Manufacturing, treatment, converting, finishing, warehousing or assembling authorized as a principal permitted use in the "I-1" Limited Industrial District, provided that such use shall be located on floors other than the ground floor and, further provided, that any mechanical equipment, machinery or process is not hazardous, offensive or objectionable to neighboring properties due to noise, fumes, smoke, odor or vibration. Any such use is subject to the requirements of Section 1139.00 Performance Standards.
- 1122.32 Commercial Parking Garages and Lots: Commercial parking garages and lots for passenger vehicles only, provided a reservoir space is provided within the garage or lot for holding cars awaiting entrance, which reservoir space shall have a vehicular capacity of no less than two percent (2%) of the total parking capacity of such garages or lot, in any event not less than two vehicles.
- 1122.33 Automotive Service Stations when accessory to a principal permitted use.
- 1122.34 Correctional Facility (OR 89-4-33)
- 1122.35 Single and Multi-Family Dwelling Units: (Revised OR 2014-9-90)

1122.36 Automobile and Other Vehicle Sales: (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the City of Hamilton Street Designation.
- Any automobile for sale, or automobiles awaiting minor repair, may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- Display of automobiles for sale, or awaiting minor repair, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property line. The outdoor display area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least ten (10) feet, whichever is greater. All areas not used for parking or display of vehicles shall be landscaped according to the requirements of Section 1111.20
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1122.37 Major Auto Repair: (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet
- Minimum lot width 100 feet
- Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street.
- Major Auto Repair Outdoor Automobile Storage. Any space devoted to the storage of motor vehicles awaiting Major Auto Repair (as defined in Section 1108.00) must be located behind the principal structure or screened from the view of any public right-of-way. Screening may be accomplished by a solid wall, fence, or landscaping, a minimum of six (6) feet in height.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1122.37.1

Automotive Service and Minor Repair: (OR2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot area with accessory Car Wash 40,000 Square Feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street;
- Any automobile awaiting minor repair may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- Automobiles awaiting repair, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property line. The area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least (10) feet, whichever is greater. All areas not used for parking of vehicles shall be landscaped according to the requirements of Section 1111.20.
- An accessory automated car wash is permitted within a completely enclosed building and shall have a minimum lot size of 40,000 square feet. The location of access drives shall be placed as far as possible from the intersection.
- Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than fifty (50) feet to any adjoining residential property and at least twenty (20) feet from a public right-of-way.
- Parking and related driveways and paved areas may be erected in a front yard, but not less than 20 feet from any property line.
- The only services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuels, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be store on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including

hazardous materials as mentioned above must be stored inside a building.

- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1122.38 Residential Facility, Small: As Defined in Section 1108.00 (OR 2014-8-71)

1122.39 Residential Facility, Large: (OR 2014-8-71)

As Defined in Section 1108.00 and must comply with the following conditions:

- In order to prevent the excessive concentration of Large Residential Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Large Residential Facility within the same block or within a 500 foot radius of another Large Residential Facility.

1122.40 Accessory Uses And Building: Any accessory use, building or structure customarily incident to a principal permitted use or conditionally permitted use, located on the same lot therewith.

1122.50 Requirements: The following requirements shall be observed:

1122.52 Non-Objectionable Uses: No processes and equipment shall be employed or goods sold which are objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, radiation, refuse matter or water-carried waste, in accordance with Section 1139.00.

1122.53 Maximum Building Height:

1122.53.1 Non-Residential Use: No limit.

1122.53.2 Residential use: Same as specified in the "R-O" District.

1122.54 Minimum Lot Area: No minimum required for non-residential uses. For residential uses, the minimum lot area shall be five thousand (5000) square feet.

1122.54.1 Minimum Lot Front Width: Fifty-Five (55) feet wide at building setback line. The minimum lot width may be decreased at the discretion of the Planning Commission after consideration of the typical widths of lots in the immediate vicinity within a three-hundred foot radius. (OR 97-7-71)

1122.55 Minimum Lot Area Per Dwelling Unit: One thousand (1000) square feet per dwelling unit, except as modified in Section 1132.00

1122.56 Yards and Lot Area Coverage:

1122.56.1 Non-Residential Use: None required.

1122.56.2 Residential Use: Same as specified in "R-0" District.

1122.57 Off-Street Parking and Loading:

1122.57.1 Off-street parking shall be provided as specified in Section 1137.00 with credit being given for up to fifty (50) percent of the total required spaces where such credited space is available through public parking lots and parking garages within a distance of five hundred (500) feet of the building setback line of said use.

1122.57.2 Where metered on-street parking is located within three hundred (300) feet of a business the total off-street parking requirements for that business as specified in Section 1137.00 shall be reduced by fifty (50) percent. (OR2004-12-120)

1122.57.3 Whenever public parking garages or public parking lots are located within five hundred (500) feet of a business and on-street metered parking is also located within three hundred (300) feet of the same business, all parking requirements as specified by Section 1137.00 may be waived by the Planning Director. (OR2004-12-120)

1122.57.4 Off-street loading facilities shall be provided as specified in Section 1137.40.

1122.100 "BPD" BUSINESS PLANNED DEVELOPMENT DISTRICT
(Chapter Amended OR 2008-1-2)

1122.110 Purpose: The purpose of the Business Planned Development (BPD) District is to enhance commercial neighborhood/community shopping centers, or the Central Business District, by integrating a variety of uses to ensure more efficient, successful, and aesthetically please developments. A BPD District must also comply with the general provisions for Planned Developments contained in Chapter 1132.00.

1122.120 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses:

1122.121 Principal Uses: Principal Uses of the B-1 District (as set forth in Chapter 1120.00 - Neighborhood Business District, Section 1120.20), EXCEPT as modified by Section 1122.140 of this Chapter.

1122.130 Uses Requiring Specific Approval: A BPD may include the following uses, subject to obtaining Specific Approval by the Hamilton Planning Commission (*see Chapter 1132.00 of this Ordinance for the general procedures, regulations, requirements and appeal process information applicable to Planned Developments*).

1122.131 Principal: Conditionally Permitted uses of the B-1 District (Chapter 1120 - Neighborhood Business District), and Principal and Conditional Permitted uses of the B-2 and B-3 Districts (Chapter 1120.00 - Community Business District, and Chapter 1122.00 - Central Business District) and mini-warehouses, but excluding those uses prohibited by Section 1122.140 of this Chapter. While the Permitted Uses of a BPD (as listed in Section 1122.120 of this Chapter) do not require the Specific Approval of the Planning Commission, the overall Planned Development Plan does require the Commission's approval. (Amended by OR 2001-1-2)

1122.140 Prohibited Uses: The following uses, which may normally be permitted or conditionally permitted in "AG" (Agricultural); in "R-1", "R-2", "R-2A", "R-3", "R-4", and "R-O" (Residential Districts); and in "B-1" and "B-2" (Business Districts), shall be prohibited in all Business Planned Developments

1122.141 Major Auto Repair: As Defined in Section 1108.00 (REVISED: OR2014-8-72)

1122.142 Correctional Facility

1122.143 Limited Industrial Uses

1122.144 Mortuaries with Crematory Services

1122.145 Sanitary Landfill/Solid Waste Disposal

1122.146 Adult Businesses (OR 96-12-134)

1122.147 Instant Bingo (OR 99-7-63)

1122.148 Sweepstakes/Internet Café (OR2012-7-60)

1122.149 Not Permitted:

1122.149.1 Pawn Shops (OR2014-5-34)

1122.149.2 Check Cashing (OR2014-5-34)

1122.149.3 Bail Bonds (OR2014-5-34)

1122.149.4 Pay Day Lending (OR2014-5-34)

1122.149.5 Car Title Loan Business (OR2014-5-34)

1122.149.6 Tattoo & Piercing (OR2014-5-34)

1122.149.7 Farm Implement Sales: As Defined in Section 1108.00 (OR 2014-8-72)

1122.149.8 Residential Facility, Large: As Defined in Section 1108.00 (OR 2014-8-71)

1122.149.9 Medical Marijuana Sales: As Defined in Section 1108.00 (OR 2015-2-14)

1122.150 Requirements And General Development Standards

Minimum Lot Area	1 Acre
Maximum Lot Coverage	60 Percent (1)
Front Yard Setback	10 feet
Rear Yard Setback	10 feet
Side Yard Setback (each side)	10 feet

- (1) Maximum lot coverage may be increased to 80 percent where all structures meet the minimum LEED certification or better as defined under the LEED (Leadership in Energy and Environmental Design) Rating System for housing by the United States Green Build Council.

1122.151 Landscaping: All proposed uses within an BPD shall adhere to the following landscaping requirements. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site. The landscaping plan shall also be reviewed by the City Traffic Engineer for sight distance issues for plantings located in the public right-of-way.

The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of tree(s) required in Section 1131.70. All bush plants must be a minimum of one (1) foot tall at planting and all flowering perennial plants and other plantings must be a minimum of one (1) foot at planting. The City of Hamilton’s Planning Director may approve other types of appropriate plantings and determine their equitable quantity, as required per tree. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:

- a) Bushes: 3 Per Required Tree
- b) Flowering Perennials Plants: 6 Per Required Tree
- c) Trees: 1 Per Required Tree

If weather conditions preclude tree planting or during the winter months from November 1st through April 1st of any calendar year, the developer shall deposit \$250.00 per required tree, \$30.00 per required bush, and \$10.00 per required flower with the City of Hamilton.

1122.152 Building Design and Site Layout. All proposed uses within an BPD shall comply with 1111.00 Architectural, Landscaping, Design, Building and Site Development Regulations with regard to building design and site layout, or as otherwise approved by the Planning Commission as part of the PD.

1122.160 Residential Development and Mixed Use Development Provisions. Residential developments shall comply with all the minimum requirements of Chapter 1118.00 RPD Residential Planned Development District.

Residential Developments that exceed the standards for Permitted Commercial Ancillary Uses found in Chapter 1118.142.1 proposed under the BPD designation shall be considered a Residential Mixed-Use Development. Such developments shall also comply with the requirements of the Chapter 1118.00 Residential Planned Development, or as otherwise approved by the Planning Commission as part of the Planned Development.

1122.170 Mini-Warehouse Regulations The Planning Commission, as a condition of approval, shall require the following standards:

TYPE OF USE	MINIMUM LOT AREA	MAXIMUM LOT COVERAGE
Mini-Warehouse	2 Acres	60 Percent

- A. Off-Street Parking and Interior Driveways:
 Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-five (25) feet wide when cubicles open onto one side of the lane and at least thirty (30) feet wide when cubicles open onto both sides of the lane.

 Parking shall be provided as required by Section 1137.28(c).
- B. Access: One point of ingress and egress shall be provided off an arterial road with a minimum width of twenty-eight (28) feet and with enough stacking depth for two (2) vehicles or from the interior of an adjacent property via a common access easement.
- C. Outdoor Lighting. All outdoor lights may be of sufficient intensity to discourage vandalism and theft as well as follow the requirements as written in Section 1132.80.
- D. Landscaping. Where the subject lot is adjacent to a residential zoning district, a twenty-five (25) foot landscaped yard shall be provided on the lot adjacent to the residential zoning district and a twenty (20) foot landscaped front yard shall be provided when within 100 feet of a residential zoning district or when across the street from a residential zoning district. The landscaping shall be in addition to any architectural screening type fences or face of the structure that shall be designed to screen the use from the residential neighborhood.

- E. Dead Storage Only: Mini-warehouses shall be limited to dead storage use only:
- 1) No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises. Examples of activities prohibited include, but are not limited to:
 - i. Auctions, commercial, wholesale or retail sales, or miscellaneous or garage sales; and
 - ii. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawnmowers, appliances, or other similar equipment; and
 - iii. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment; and
 - iv. A transfer and storage business.
 - 2) Radioactive materials, explosives and flammable or hazardous chemicals shall be prohibited.
 - 3) All mini-warehouse rental agreements shall include clauses prohibiting the storage of flammable liquids, highly combustible or explosive materials, or hazardous chemicals. Copies of the master lease form which contains the language prohibiting these uses must be submitted with the final plan.
- F. Exterior Finish. The exteriors of mini-warehouses shall be of finished quality.
- G. Live-in Managers. A live-in manager is allowed. The manager's quarters may include or be separate from the leasing office. The manager shall be responsible for security and together with the owner, responsible for conformance with the provisions of this ordinance.
- H. Fencing. A fence shall be erected for the purpose of security around the entire facility and shall be located not closer than six (6) feet from a boundary property line. The fence shall not exceed eight (8) feet in height, unless unusual topography or similar situations may permit a fence not exceeding ten (10) feet in height.
- I. Routine Maintenance. Nothing in this section shall preclude any property owner to carry out routine maintenance and repair of facilities located within an approved Final PD, provided that such maintenance and repair do not violate the approved Final PD.

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1123.00 "I-1" LIMITED INDUSTRIAL DISTRICT
(All Sections replaced by OR 89-4-33)

- 1123.10 Purpose: It is the purpose of the "I-1" District to create industrial areas that will be acceptable within the City and will not adversely affect adjacent business or residential neighborhoods by permitting industrial establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; and whose objectionable features will be obviated by design and/or appropriate devices.
- 1123.20 Principal Permitted Uses: No building, structure, or land shall be used and no building or structure shall be erected, altered or enlarged which is not arranged, intended or designed for uses such as but not limited to the following, except as provided in Section 1109.00 and further regulated by the Performance Standards of Section 1139.00. The standard industrial classification manual may also be used as a guide in proper classification.
- 1123.21 General: All principal or conditionally permitted uses as listed in the "B-3" Central Business District, except as hereinafter modified.
- 1123.22 Manufacturing, Assembly, Fabricating, Processing:
- A) Food and related products such as dairies, canneries, bakeries, bottling plants
 - B) Tobacco products
 - C) Finished textile products such as clothing and apparel, curtains, draperies and bedding, tents, awnings
 - D) Finished paper products such as file folders, stationery, envelopes, tablets, sanitary paper products
 - E) Book binding, manifold business forms such as binding, edging and repair, computer forms, business forms
 - F) Finished leather products such as footwear, gloves, handbags
 - G) Electronic and other electrical equipment and components such as motors, generators, T.V., Household appliances, communication equipment, computer equipment
 - H) Measuring, analyzing and controlling instruments
 - I) Furniture and fixtures such as metal and wood furniture, cabinets, counters
 - J) Fabricated metal products such as cans, hand tools, hardware, household appliances

- 1123.23 Public Works and Public Utilities Facilities: Solid waste disposal and sanitary landfill, water and wastewater treatment plant
- 1123.24 Warehousing, Interior Storage, and Distribution Centers
- 1123.25 DELETED (OR 2014-8-72)
- 1123.26 Construction Contractor, Excluding Exterior storage
- 1123.27 Agricultural Uses
- 1123.28 Signs as Regulated in Section 1138.00
- 1123.30 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. (REVISED OR2015-9-80)
- 1123.31 Vehicle Impound Lots
- 1123.32 Exterior Storage and/or Parking of Contractor's Supplies and Equipment
- 1123.33 Correctional facility
- 1123.34 Adult Businesses: Adult Businesses, as defined in Section 1108.00, are permitted, subject to the regulations in Section 1123.342. (OR 96-8-85)
 - 1123.34.1 Purpose: The purpose of the regulations on Adult Businesses is to promote the peace, health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent deleterious effects of Adult Businesses within the City. These regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or effect of the regulations to restrict or deny adults access to sexually oriented materials protected by the First Amendment, or to deny the distributors and exhibitors of sexually oriented entertainment access to their intended market. Neither is it the intent or effect of the regulations to in any way condone or legitimize the distribution of material obscene or harmful to minors.

1123.34.2 Adult Business Regulations: Adult Businesses must comply with the following regulations:

- A) Adult Businesses shall not be located within a radius of 500 feet of any Residential District.
- B) Adult Businesses shall not be located within a radius of 500 feet of any form of day-care facility as defined and regulated by R.C. Chapter 5104, nor any school or teaching facility, including home nursery schools, whether public or private, governmental or commercial, where the day-care, school or teaching facility is attended by persons under eighteen(18) years of age.
- C) Adult Businesses shall not be located within a radius of 500 feet of any other adult business.
- D) Adult Businesses shall only be open for public access between 12:00 pm and 1:00 am.
- E) Off-street parking shall be provided in accordance with the Hamilton Zoning Ordinance. Retail establishments such as Adult Bookstores shall comply with Section 1137.28(c)(1), while establishments more closely oriented towards the provision of entertainment such as Adult Motion Picture Theaters and Adult Cabarets shall comply with either Section 1137.28(c)(8)(aa) or Section 1137.28(c)(8)(cc), respectively.
- F) Displays or other promotional material shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas, either public or semi-public.
- G) All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- H) No viewing screens, surface loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) or other adult business that can be seen or discerned by the public from public or semi-public areas.
- I) All displays, exhibits, materials, performances, entertainment, and activities at adult businesses, except for adult drive-in theaters, shall be conducted inside the structure located on the premises and shall not be visible from outside the premises. This prohibition shall not extend to advertising of the existence or location of such adult business.
- J) The measure of distance for purposes of this section shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel.

1123.35 Instant Bingo: Instant Bingo as defined in Section 1108.00, as subject to the regulations in Section 1123.35.1, and any other conditions imposed by the City Council in accordance with the provisions of Section 1155.00 hereof. (OR 99-7-63) (REVISED OR2015-9-80)

1123.35.1 Instant Bingo Regulations: The use of any building, structure, or premises to distribute, transfer or sell an instant bingo ticket may only be operated by bone fide charitable organizations permitted by Chapter 517 of the Codified Ordinances of the City of Hamilton, which are also in compliance with Sections 2915.01 through 2915.12 of the Ohio Revised Code. (OR 99-7-63)

1123.36 Automobile and Other Vehicle Sales: (OR 2014-8-72)
As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the City of Hamilton Street Designation.
- Any automobile for sale, or automobiles awaiting minor repair, may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- Display of automobiles for sale, or awaiting minor repair, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property line. The outdoor display area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least ten (10) feet, whichever is greater. All areas not used for parking or display of vehicles shall be landscaped according to the requirements of Section 1111.20.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but no be limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.

- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1123.37 Residential Uses

1123.38.1 Major Auto Repair: (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet
- Minimum lot width 100 feet
- Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street.
- Major Auto Repair Outdoor Automobile Storage. Any space devoted to the storage of motor vehicles awaiting Major Auto Repair (as defined in Section 1108.00) must be located behind the principal structure or screened from the view of any public right-of-way. Screening may be accomplished by a solid wall, fence, or landscaping, a minimum of six (6) feet in height.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1123.38.2 Automotive Service and Minor Repair: (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot area with accessory Car Wash 40,000 Square Feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street;
- Any automobile awaiting minor repair may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- Automobiles awaiting repair, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property line. The area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least (10) feet, whichever is greater. All areas not used for parking of vehicles shall be landscaped according to the requirements of Section 1111.20.
- An accessory automated car wash is permitted within a completely enclosed building and shall have a minimum lot size of 40,000 square feet. The location of access drives shall be placed as far as possible from the intersection.
- Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than fifty (50) feet to any adjoining residential property and at least twenty (20) feet from a public right-of-way.
- Parking and related driveways and paved areas may be erected in a front yard, but not less than 20 feet from any property line.
- The only services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuels, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be store on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.

- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1123.38.3 Automobile Washing Facilities (Car Wash): (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the City of Hamilton Street Designation.
- Automobile washing structures shall be located at least fifty (50) feet from any adjoining residential property.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate an automobile washing facility from adjoining residential property.
- All automated automobile washing facilities shall be located entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
- Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than fifty (50) feet to any adjoining residential property and at least twenty (20) feet from a public right-of-way.
- Off-street parking and waiting space shall be provided for auto washing facilities as specified in Section 1137.27.C, Off-Street Parking and Loading Regulations. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
- Vehicular access shall be provided from a thoroughfare street and access shall be limited to no more than one (1) access drive per street frontage. The location of access drives shall be place as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1123.38.4 Farm Implements Sales: (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the City of Hamilton Street Designation.
- Any automobile for sale, or automobiles awaiting minor repair, may be permitted outside of a building. Automobiles awaiting repair may not be store on the lot for more than 30 days.
- Display of automobiles for sale or awaiting minor repair, shall be located on a paved service and shall be setback a minimum of ten (10) feet from any property line. The outdoor display area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least ten (10) feet, whichever is greater. All areas not used for parking or display of vehicles shall be landscaped according to the requirements of Section 1111.20.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1123.38.5 Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient:
(OR 2014-8-71)

As Defined in Section 1108.00 and must comply with the following conditions:

- No Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.
- No Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient shall be located within a radius of 500 feet of any business that serves and/or sells Alcoholic beverages.
- In order to prevent the excessive concentration of licensed Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient within the same block or within a 500 foot radius of another Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient.

1123.38.6 Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient:
(OR 2014-8-71)

As Defined in Section 1108.00 and must comply with the following conditions:

- No Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.
- No Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient shall be located within a radius of 500 feet of any business that serves and/or sells Alcoholic beverages.
- In order to prevent the excessive concentration of licensed Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient within the same block or within a 500 foot radius of another Alcohol and Drug Addiction Treatment Clinics and Facilities, Outpatient.

1123.38.7 Residential Facility, Small: As Defined in Section 1108.00 (OR 2014-8-71)

1123.38.8 Residential Facility, Large: (OR 2014-8-71)

As Defined in Section 1108.00 and must comply with the following conditions:

- In order to prevent the excessive concentration of Large Residential Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Large Residential Facility within the same block or within a 500 foot radius of another Large Residential Facility.

1123.39.10 Sweepstakes/Internet Cafe: Sweepstakes/internet cafes, as defined in Section 1108.00, subject to the regulations in this Section of the zoning ordinance and any other conditions imposed by the City Council in accordance with the provisions of Section 1155.00 hereof. Sweepstakes/internet cafes shall be conditionally permitted with the following conditions: (OR2012-2-9) (REVISED OR2015-9-80)

1. No sweepstakes/internet cafe shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public playground, church, or religious institution. (OR2012-2-9)
2. No sweepstakes/internet cafe shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it any establishment that has been issued a liquor permit by the State of Ohio. (OR2012-2-9)
3. No sweepstakes/internet cafe shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it another sweepstakes/internet cafe. (OR2012-2-9)
4. A sweepstakes/internet cafe must be registered with and licensed by the City of Hamilton in accordance with Chapter 756 of the Codified Ordinances of the City of Hamilton. If at anytime said license should lapse for any reason the conditional use will be immediately revoked and will require another hearing before the Planning Commission before it may be reinstated. (OR2012-2-9) (REVISED OR2015-9-80)
5. If in the future the State of Ohio deems sweepstakes/internet cafes illegal or regulates them in a different manner the conditional use may be invalidated and revoked. (OR2012-2-9)

- 1123.40 Prohibited Uses: No building, structure or land shall be used and no building or structure erected, altered or enlarged which is arranged, intended or designed for any of the following uses; *provided, however, that any of the uses herein described that legally existed in the "I-1" District at the time of the adoption of this Ordinance, or any amendment thereto, shall be classified as Conditional Use and subject to the provisions of Section 1155.00.* (REVISED OR2015-9-80)
- 1123.42 Institutional Uses
- 1123.43 Commercial Feed Lots
- 1123.44 Medical Marijuana Sales: As Defined in Section 1108.00 (OR 2015-2-14)
- 1123.50 Accessory Uses And Buildings: Any accessory use, building or structure customarily incident to a principal permitted or conditionally permitted use and located on the same lot.
- 1123.60 Yards And Lot Coverage:
- 1123.61 Minimum Lot Area: None required, except for conditional residential uses, in which case a minimum of five thousand (5000) square feet shall be required.
- 1123.61.1 Minimum Lot Front Width: Fifty-Five (55) feet wide at building setback line. The minimum lot width may be decreased at the discretion of the Planning Commission after consideration of the typical widths of lots in the immediate vicinity within a three-hundred foot radius. (OR 97-7-71)
- 1123.62 Maximum Building or Structure Height: None
- 1123.63 Minimum Yard Requirements: Yards in Industrial Districts can be of variable design depending upon location, lot size, and intensity of proposed use. Front, rear, and side yards are required as defined in Section 1108.00, as modified in Section 1131.00, and, unless otherwise required, as specified herein below:

1123.63.1 Building/Structure Height

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MINIMUM BUILDING\ STRUCTURE HEIGHT	MINIMUM FRONT YARD (feet)	MINIMUM REAR YARD (feet)
40' or LESS	25 feet	10 feet
41' to 50'	30 feet	15 feet
51' to 60'	35 feet	20 feet
61' or MORE	40 feet	25 feet

- i. Side Yard Widths: For buildings or structures with a height of 20' or less and a length of 100' or less:

I-1

WIDTH of Lot -at the BUILDING SETBACK LINE	MINIMUM SIDE YARD WIDTHS in feet (')
100' (feet) or more	12' minimum <u>each</u> side, OR 0' one side and 20' other side.
55' up to and including 99'	12' One side AND either 0' or 4' minimum other side (any side yard more than 0' shall be 4' minimum).
Less than 55'	NO side yards required - However, any side yard more than 0' <u>shall</u> be 4' minimum.

NOTE: Where building or structure height exceeds 20' or length exceeds 100', at least one side yard shall be not less than 20' in width regardless of front yard width.

- ii. Additional Yard Requirements:

- A) Lots abutting Residential Districts: A minimum of four-foot side yard is required on any side yard directly abutting a Residential District. This requirement is mandatory except when abutting a street or alley.
 - B) Minimum distance to adjacent structure on same or adjacent lot: Zero (0) feet or four (4) feet. If less than four (4) feet, area must be enclosed.
- b. Off-Street Parking and Loading Facilities Shall Be Provided as Specified in Section 1137.00. (OR 85-1-6)

1124.00 "I-2" INDUSTRIAL DISTRICT
(All Sections amended by OR 89-4-33)

- 1124.10 Purpose: It is the purpose of the "I-2" District to create industrial areas to accommodate a full range of industrial uses with moderate to high nuisance characteristics allowing these industries to operate to their maximum advantage without adversely affecting other nearby similar or dissimilar uses and activities.
- 1124.20 Principal Permitted Uses: No building structure or land shall be used and no building or structure shall be erected, altered or enlarged which is not arranged, intended or designed for uses such as but not limited to the following, except as provided in Section 1109.00. The standard industrial classification manual may also be used as a guide in proper classification.
- 1124.21 General: Except as modified, all principal permitted uses as used in "I-1", also any use not specifically prohibited or listed under conditional uses may be permitted provided that the performance standards of Section 1139.00 are followed.
- 1124.22 Manufacturing, Assembly, Fabricating, Processing:
- A) Rubber and miscellaneous plastic products
 - B) Stone, clay, glass, and concrete products
 - C) Primary metal industries
 - D) Transportation equipment
 - E) Paper
 - F) Leather tanning and dyeing
 - G) Textile mills
 - H) Industrial and commercial machinery
 - I) Fabricated structural metal products
 - J) Lumber and wood products
 - K) Grain mills
 - L) Alcoholic beverages
- 1124.23 Agricultural Uses of Tracts Larger Than 5 Acres
- 1124.24 Signs as Regulated in Section 1138.00
- 1124.25 Instant Bingo: Instant Bingo as defined in Section 1108.00 (OR 99-7-63)

1124.30 Conditional Uses: The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. (REVISED OR2015-9-80)

1124.30.1 Residential Uses

1124.31 Vehicle Impound Lots

1124.32 Exterior Storage and/or Parking of Contractor's Supplies and Equipment

1124.33 Manufacturing, Refining, and Storage:

A) Chemicals

B) Petroleum

1124.34 Junk Yards

1124.35 Railroad Freight Station

1124.36 Stockyards and Meat Packing and Processing

1124.37 Solid Waste and Sanitary Landfill

1124.38 Concrete and Asphalt Batching Plants

1124.39 Correctional Facility

1124.39.1 Adult Businesses: Adult Businesses, as defined in Section 1108.00, are permitted, subject to the regulations in Section 1124.393. (OR 96-8-85)

1124.39.2 Purpose: The purpose of the regulations on Adult Businesses is to promote the peace, health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent deleterious effects of Adult Businesses within the City. These regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of the regulations to restrict or deny adults access to sexually oriented materials protected by the First Amendment, or to deny the distributors and exhibitors of sexually oriented entertainment access to their intended market. Neither is it the intent or effect of the regulations to in any way condone or legitimize the distribution of material obscene or harmful to minors.

1124.39.3 Adult Business Regulations: Adult Businesses must comply with the following regulations:

- A) Adult Businesses shall not be located within a radius of 500 feet of any Residential District.
- B) Adult Businesses shall not be located within a radius of 500 feet of any form of day-care facility as defined and regulated by R.C. Chapter 5104, nor any school or teaching facility, including home nursery schools, whether public or private, governmental or commercial, where the day-care, school or teaching facility is attended by persons under eighteen (18) years of age.
- C) Adult Businesses shall not be located within a radius of 500 feet of any other adult business.
- D) Adult Businesses shall only be open for public access between 12:00 pm and 1:00 am.
- E) Off-street parking shall be provided in accordance with the Hamilton Zoning Ordinance. Retail establishments such as Adult Bookstores shall comply with Section 1137.28(c)(1), while establishments more closely oriented towards the provision of entertainment such as Adult Motion Picture Theaters and Adult Cabarets shall comply with either Section 1137.28(c)(8)(aa) or Section 1137.28(c)(8)(cc), respectively.
- F) Displays or other promotional material shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas, either public or semi-public.
- G) All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi-public areas.
- H) No viewing screens, surface loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) or other adult business that can be seen or discerned by the public from public or semi-public areas.
- I) All displays, exhibits, materials, performances, entertainment, and activities at adult businesses, except for adult drive-in theaters, shall be conducted inside the structure located on the premises and shall not be visible from outside the premises. This prohibition shall not extend to advertising of the existence or location of such adult business.
- J) The measure of distance for purposes of this section shall be from property line to property line along the shortest possible course, regardless of any customary or common route or path of travel.

1124.39.4 Automobile and Other Vehicle Sales: (OR 2014-8-72)
As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the City of Hamilton Street Designation.
- Any automobile for sale, or automobiles awaiting minor repair, may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- Display of automobiles for sale, or awaiting minor repair, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property line. The outdoor display area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least ten (10) feet, whichever is greater. All areas not used for parking or display of vehicles shall be landscaped according to the requirements of Section 1111.20.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1124.39.5 Major Auto Repair: (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet
- Minimum lot width 100 feet
- Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street.
- Major Auto Repair Outdoor Automobile Storage. Any space devoted to the storage of motor vehicles awaiting Major Auto Repair (as defined in Section 1108.00) must be located behind the principal structure or screened from the view of any public right-of-way. Screening may be accomplished by a solid wall, fence, or landscaping, a minimum of six (6) feet in height.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1124.39.6 Automotive Service and Minor Repair: (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot area with accessory Car Wash 40,000 Square Feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street;
- Any automobile awaiting minor repair may be permitted outside of a building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- Automobiles awaiting repair, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property line. The area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least (10) feet, whichever is greater. All areas not used for parking of vehicles shall be landscaped according to the requirements of Section 1111.20.
- An accessory automated car wash is permitted within a completely enclosed building and shall have a minimum lot size of 40,000 square feet. The location of access drives shall be placed as far as possible from the intersection.
- Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than fifty (50) feet to any adjoining residential property and at least twenty (20) feet from a public right-of-way.
- Parking and related driveways and paved areas may be erected in a front yard, but not less than 20 feet from any property line.
- The only services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuels, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be store on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.

- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1124.39.7 Automobile Washing Facilities (Car Wash): (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the City of Hamilton Street Designation.
- Automobile washing structures shall be located at least fifty (50) feet from any adjoining residential property.
- A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate an automobile washing facility from adjoining residential property.
- All automated automobile washing facilities shall be located entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
- Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than fifty (50) feet to any adjoining residential property and at least twenty (20) feet from a public right-of-way.
- Off-street parking and waiting space shall be provided for auto washing facilities as specified in Section 1137.27.C, Off-Street Parking and Loading Regulations. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
- Vehicular access shall be provided from a thoroughfare street and access shall be limited to no more than one (1) access drive per street frontage. The location of access drives shall be place as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1124.39.8 Farm Implements Sales: (OR 2014-8-72)

As Defined in Section 1108.00 and must comply with the following conditions:

- Minimum lot area 20,000 square feet.
- Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial or a collector street, in accordance with the City of Hamilton Street Designation.
- Any automobile for sale, or automobiles awaiting minor repair, may be permitted outside of a building. Automobiles awaiting repair may not be store on the lot for more than 30 days.
- Display of automobiles for sale or awaiting minor repair, shall be located on a paved service and shall be setback a minimum of ten (10) feet from any property line. The outdoor display area for vehicles shall comply with the side and rear building setback requirements set for the district in which the lot is located or be at least ten (10) feet, whichever is greater. All areas not used for parking or display of vehicles shall be landscaped according to the requirements of Section 1111.20.
- Any repair and services area must be located within an enclosed building.
- No junk, inoperative or unlicensed automobiles, except for the inventory of new or used automobiles for sale, or automobiles awaiting repair, shall be permitted outside of any building. Automobiles awaiting repair may not be stored on the lot for more than 30 days.
- The only automobile repair and services permitted to be performed outside of a building shall include but not be limited to the dispensing of fuel, oil, air and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- Hazardous Materials. All automotive fluids, tires, batteries, and other discarded hazardous materials must be recycled or removed in accordance with local, state and federal standards.
- Indoor Storage. Used or discarded automotive parts or equipment, not including hazardous materials as mentioned above must be stored inside a building.
- Building Openings. There may not be any openings in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- Proposed building and site shall comply with Section 1111.00 Architectural, Landscaping, Design, Building & Site Development Regulations.

1124.39.9 Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient: (OR2014-8-71)
As Defined in Section 1108.00 and must comply with the following conditions:

- No Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.
- No Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient shall be located within a radius of 500 feet of any business that serves and/or sells Alcoholic beverages.
- In order to prevent the excessive concentration of licensed Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient within the same block or within a 500 foot radius of another Alcohol and Drug Addiction Treatment Clinics and Facilities, Inpatient.

1124.39.10 Sweepstakes/Internet Cafe: Sweepstakes/internet cafes, as defined in Section 1108.00, subject to the regulations in this Section of the zoning ordinance and any other conditions imposed by the City Council in accordance with the provisions of Section 1155.00 hereof. Sweepstakes/internet cafes shall be conditionally permitted with the following conditions: (OR2012-2-9) (REVISED OR2015-9-80)

1. No sweepstakes/internet cafe shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public playground, church, or religious institution. (OR2012-2-9)
2. No sweepstakes/internet cafe shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it any establishment that has been issued a liquor permit by the State of Ohio. (OR2012-2-9)
3. No sweepstakes/internet cafe shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it another sweepstakes/internet cafe. (OR2012-2-9)
4. A sweepstakes/internet cafe must be registered with and licensed by the City of Hamilton in accordance with Chapter 756 of the Codified Ordinances of the City of Hamilton. If at anytime said license should lapse for any reason the conditional use will be immediately revoked and will require another hearing before the Planning Commission before it may be reinstated. (OR2012-2-9) (REVISED OR2015-9-80)
5. If in the future the State of Ohio deems sweepstakes/internet cafes illegal or regulates them in a different manner the conditional use may be invalidated and revoked. (OR2012-2-9)

1124.39.11 Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient:
(OR2014-8-71)

As Defined in Section 1108.00 and must comply with the following conditions:

- No Alcohol and Drug Addiction Treatments, Outpatient shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.
- No Alcohol and Drug Addiction Treatment Clinics & Facilities, Outpatient shall be located within a radius of 500 feet of any business that serves and/or sells Alcoholic beverages.
- In order to prevent the excessive concentration of licensed Alcohol and Drug Addiction Treatment Clinics and Facilities, Outpatient and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient within the same block or within a 500 foot radius of another Alcohol and Drug Addiction Treatment Clinic and Facilities, Outpatient.

1124.39.12 Residential Facility, Small: As Defined in Section 1108.00 (OR2014-8-71)

1124.39.13 Residential Facility, Large: (OR2014-8-71)

As Defined in Section 1108.00 and must comply with the following conditions:

- In order to prevent the excessive concentration of Large Residential Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Large Residential Facility within the same block or within a 500 foot radius of another Large Residential Facility.

1124.40 Prohibited Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for any of the following uses; *provided, however, that any of the uses herein described that legally existed in the "I-2" District at the time of adoption of this Ordinance, or any amendment thereto, shall be classified as a Conditional Use and subject to the provisions of Section 1155.00.* (REVISED OR2015-9-80)

1124.42 Institutional Uses

1124.43 Commercial Feed Lots

1124.44 Medical Marijuana Sales: As Defined in Section 1108.00

1124.50 Accessory Uses And Buildings: Any accessory use, building or structure customarily incident to a Principal Permitted or Conditionally Permitted use and located on the same lot.

1124.60 Yards And Lot Coverage:

1124.61 Minimum Lot Area: None required, except for conditional residential uses, in which case a minimum of five thousand (5000) square feet shall be required.

1124.61.1 Minimum Lot Front Width: Fifty-Five (55) feet wide at building setback line. The minimum lot width may be decreased at the discretion of the Planning Commission after consideration of the typical widths of lots in the immediate vicinity within a three hundred foot radius. (OR 97-7-71)

1124.62 Maximum Building or Structure Height: None

1124.63 Minimum Yard Requirements: Yards in Industrial Districts can be of variable design depending upon location, lot size, and intensity of proposed use. Front, rear, and side yards are required as defined in Section 1108.00, as modified in Section 1131.00, and, unless otherwise required, as specified herein below:

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MINIMUM BUILDING\ STRUCTURE HEIGHT	MINIMUM FRONT YARD	MINIMUM REAR YARD
40' or LESS	25 feet	10 feet
41'to 50'	30 feet	15 feet
51' to 60'	35 feet	20 feet
61' or MORE	40 feet	40 feet

1124.63.2 Side Yard Widths: For buildings or structures with a height of 20' or less and a length of 100' or less:

I-2

WIDTH of Lot - at the BUILDING SETBACK LINE	MINIMUM SIDE YARD WIDTHS in feet (')
100' (feet) or more	12' minimum <u>each</u> side, OR 0' one side and 20' other side.
55' up to and including 99'	12' One side AND either 0' or 4' minimum other side (any side yard more than 0' shall be 4' minimum).
Less than 55'	NO side yards required - However, any side yard more than 0' <u>shall</u> be 4' minimum.

NOTE: Where building or structure height exceeds 20' or length exceeds 100', at least one side yard shall be not less than 20' in width regardless of front yard width.

1124.63.3 Additional Yard Requirements:

- A. Lots abutting Residential Districts: A minimum of four-foot side yard is required on any side yard directly abutting a Residential District. This requirement is mandatory except when abutting a street or alley.
- B. Minimum distance to adjacent structure on same or adjacent lot: 0 feet or four (4) feet. If less than four (4) feet, area must be enclosed.

1124.64 Off-Street Parking and Loading Facilities Shall be Provided as Specified in Section 1137.00.

1125.00 "IPD" INDUSTRIAL PLANNED DEVELOPMENT DISTRICT
(OR 96-6-61)

1125.10 Purpose: The purpose of the Industrial Planned Development (IPD) District is to encourage industrial development by coordinating industrial activities, providing location and design flexibility, and ensuring suitably served sites (by both transportation and utility systems). An IPD District must also comply with the general provisions for Planned Developments contained in Chapter 1132.00 of this Ordinance.

1125.20 Principal Permitted Uses: No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the following uses:

1125.21 Principal Uses: Principal Uses of the I-1 District as set forth in Chapter 1123.00 (Limited Industrial District), but excluding those uses prohibited by Section 1125.40 of this Chapter.

1125.30 Uses Requiring Specific Approval: An IPD may include the following uses, subject to obtaining specific approval by the Hamilton Planning Commission (see Chapter 1132 of this Ordinance for the general procedures, regulations, requirements and appeals process information applicable to Planned Developments). (REVISED OR2015-2-9)

1125.31 Principal Uses: Conditionally Permitted uses of the I-1 District (Chapter 1123.00 - Limited Industrial District) and Principal and Conditional Uses of the I-2 District (Chapter 1124.00 - Industrial District) but excluding those uses prohibited by Section 1125.40 of this Chapter. While the Permitted Uses of an IPD (as listed in Section 1125.20 of this Chapter) do not require the Specific Approval of the Planning Commission, the overall Planned Development Plan does require the Commission's approval.

1125.32 Principal Uses:

Alcohol and Drug Addiction Treatment Clinics & Facilities, Inpatient or Outpatient (OR2016-5-35)

Minimum Lot Size: Ten (10) Acres

Use Setbacks:

1. Setback five-hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public park, church, or religious institution.
2. Setback five-hundred (500) feet of any business that serves and/or sells Alcoholic beverages.

1125.40 Prohibited Uses: The following uses, which may normally be permitted or conditionally permitted in lower (Agricultural, Residential, Business or Industrial Districts), shall be prohibited in all Industrial Planned Developments:

- 1125.41 Residential Uses
- 1125.42 Adult Businesses (OR 96-12-134)
- 1125.43 Institutional Uses
- 1125.44 Church/Places of Worship
- 1125.45 Canneries, and Meat Packing/Processing Plants
- 1125.46 Stockyards/Commercial Feed Lots
- 1125.47 Vehicle Impound Lots/Junk Yards
- 1125.48 Manufacturing, Refining, and Warehousing of Petroleum and Chemicals
- 1125.49 Solid Waste and Sanitary Landfills
- 1125.410 Concrete and Asphalt Batching Plants
- 1125.411 Correctional Facilities
- 1125.412 Instant Bingo (OR 99-7-63)
- 1125.413 Sweepstakes/Internet Café (OR2012-7-60)
- 1125.414 Major Auto Repair: As Defined in Section 1108.00 (OR 2014-8-72)
- 1125.415 Automotive Service And Minor Repair: As Defined in Section 1108.00 (OR 2014-8-72)
- 1125.416 Automobile and Other Vehicle Sales: As Defined in Section 1108.00 (OR 2014-8-72)
- 1125.417 Automobile Washing Facilities (Car Wash): As Defined in Section 1108.00 (OR 2014-8-72)
- 1125.418 Farm Implements Sales: As Defined in Section 1108.00 (OR 2014-8-72)
- 1125.421 Residential Facility, Small: As Defined in Section 1108.00 (OR2014-8-71)
- 1125.422 Residential Facility, Large: As Defined in Section 1108.00 (OR2014-8-71)
- 1125.423 Medical Marijuana Sales: As Defined in Section 1108.00 (OR2015-2-14)

1126.00 ARCHITECTURAL CONSERVATION /HISTORIC DISTRICTS
(EOR2005-7-71) (Amend. OR2011-12-122) (Amend. OR2013-2-22) (Amend. OR2015-2-13)

1126.00 Purpose: It is the purpose of Section 1126.00, et seq., to protect the economic, cultural, and educational welfare of the citizens of the City of Hamilton by preserving and protecting significant architectural and/or historic structures, sites, monuments, streetscapes and neighborhoods by the establishment of restrictions on construction, erection, alteration, painting, design, color, removal, moving or demolition of buildings and structures, and the construction, erection, mounting, painting, design, color, moving, demolition, or revision of signage in the any hereinafter designated Architectural Conservation/Historic District. The further purpose of said Section 1126.00, et seq., shall include but not be limited to the following:

Combating conditions of blight and deterioration in aging neighborhoods through protection from a decrease in value of individual real property resulting from the destruction and/or degradation of architectural and/or historic features in residential and commercial structures, sites, monuments, streetscapes and neighborhoods.

The encouragement of investment in architectural and/or historic resources that can result in stabilization or increase in property values and strengthen the economy of the City of Hamilton.

Ensure that new development is compatible with existing structures and the Comprehensive Plan of the City of Hamilton through improvements in the aesthetic quality of the designated districts for safe, harmonious, and integrated building design continuity by establishing uniform, mass, height, setback, material and design standards in order to promote a positive visual image for the City of Hamilton.

Protect and promote public safety and preservation of air and light quality by limiting maximum building height of any building to within the stream reach of existing firefighting equipment.

1126.20 Definitions:

For the purposes of this Chapter Architectural Conservation/Historic Districts Zoning Ordinance the following words and phrases, shall have the meanings respectively ascribed to them. These definitions are germane to the Architectural Conservation/Historic Districts Zoning Ordinance. The definitions are as follows:

1. **Alteration** - Any act or process that changes one or more of the exterior architecture features of a building or structure, including but not limited to the erection, construction, reconstruction, painting, design change, color change, or removal of the building or structure (REVISED OR2015-2-13)
2. **Addition** - Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.
3. **Building** - Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.
 - a. **Building, Height of:** The vertical distance from the grade at a building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hip roof.
 - b. **Building, Setback Line:** A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.
4. **Certificate of Appropriateness** - A certificate issued by the architectural review board or commission indicating that a proposed change, alteration, painting, design change, color change, or demolition of a historic building or structure, or signage, or within a historic site or district, is in accordance with the provisions of this chapter and local design guidelines. (REVISED OR2015-2-13)
5. **Change** - Any alteration, painting, design change, color change, demolition, removal or construction involving any property subject to the provisions of this chapter. (REVISED OR2015-2-13)
6. **Construction** - The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
7. **Demolition** - Any act or process that destroys in part or in whole any building or structure.
8. **Historic District** - Any area designated by ordinance of the city or village council which may contain within definable geographic boundaries, buildings, structures or sites of historic, architectural or archaeological significance.

9. **Historic Structure** - Any building or structure which has historic, architectural or archaeological significance and has been so designated according to the provisions of this chapter. The significance of a property to the history, architecture, archaeology, engineering, or culture of a community, state, or the nation. It may be achieved in several ways:
 - a. Association with broad pattern of our history, events, activities, or patterns
 - b. Association with important persons
 - c. Distinctive physical characteristics of design, construction, or form
 - d. Potential to yield information important in history or prehistory (archaeology)
10. **Landmark** - Any building, structure or archaeological site that has been designated as a "landmark" by ordinance of the city or village council, pursuant to procedures proscribed herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance
11. **Like for Like** – A repair or improvement in relation to a property in an Architectural Conservation/Historic District or a property listed on the State of Ohio Historic Inventory in which the repair or improvement is being done that utilizes the existing materials/colors and replaces them with matching materials/colors.
12. **Owner** - the owner or owners of record
13. **Preservation** - The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property
14. **Reconstruction** - The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location
15. **Rehabilitation** - The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values
16. **Restoration** - The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project
17. **Review Board or Landmarks Commission** - the board or commission established under the provisions of the enabling legislation (OR2011-12-122)
18. **Sign** - As Defined by Section 1108.00 Definitions of the Hamilton Zoning Ordinance (OR2015-2-13)
 - a. New permanent signage or any change of signage, is considered an Alteration to the historic property as defined in the aforementioned Section 1126.20 of the Hamilton Ordinance. Such proposal shall submit a Certificate of Appropriateness Application for review and approval by the Architectural Design Review Board per Section 1126.00 of the Hamilton Zoning Ordinance.

- b. Proposed freestanding permanent signage must comply with Section 1138.71.D of the Hamilton Zoning Ordinance.
- c. All proposed permanent signage must comply with the regulations of Section 1138.00 of the Hamilton Zoning Ordinance.

1126.30 **Architectural Conservation/Historic Districts And Structures – Local Register:**

There are hereby established locally registered Architectural Conservation/Historic Districts with all structures contained within as having historic significance and/or character. In addition, there are locally registered specific structures that may be outside of these districts that have historic significance and/or character as well. The districts and structures are identified as follows:

- A. **German Village**, the description of which is attached hereto, marked Exhibit A and incorporated herein by reference.
- B. **Rossville Historic District**, the description of which is attached hereto, marked Exhibit B and incorporated herein by reference.
- C. **Dayton-Campbell Historic District**, the description of which is attached hereto, marked Exhibit C and incorporated herein by reference.
- D. **North Dayton-Lane Local Area**, the description of which is attached hereto, marked Exhibit E and incorporated herein by reference. (OR 90-1-2)
- E. **CSX Railroad Passenger Station**, located at South Fifth and Henry Streets consisting of Entire Lots Numbered 1151, 1152, 1153 and 1154 as the same as are known and designated on the revised list of lots in the Fourth Ward of the City of Hamilton, Butler County, Ohio. (OR 93-12-132)
- F. **Local Inventory of Structures Outside of Districts** – structures both inside and outside of the districts may be identified by the inventory map created by the Miami University Cartography Laboratory for the City of Hamilton Planning Department circa 1986. Individual properties subsequently designated by the ADRB and City Council as having architectural and/or historic significance can be added or deleted to this list based on the rules stipulated in 1126.70. The structures listed on this inventory will be under the purview of the ADRB.

The requirements of Sections 1126.00, et seq., are hereby superimposed upon, and are in addition to, the requirements of the existing Zoning Districts contained within the Architectural Conservation/Historic Districts. The Architectural Conservation/Historic Districts shall be designated by the symbol "C/H" on the Official Zoning Map. (OR2011-12-122)

1126.31 **Special Provisions** Applicable to Residential Uses within Historic Districts
(OR 2014-9-90)

Within the boundaries of the German Village Historic District, Rossville Historic District and Dayton-Campbell Historic District, regardless of the current underlying Zoning there is hereby established the following minimum requirements for residential uses.

- 1) Minimum Lot Area per Dwelling Unit – 3500 square feet
- 2) Minimum Off Street Parking required per Dwelling Unit – 2 spaces
- 3) Off Street Parking Area Design Requirements
 - Each Off Street Parking Space shall have a minimum of 9' x 18' in area
 - Off Street Parking Spaces shall be surfaced with an asphaltic, concrete, cement binder, brick concrete paver, or other approved pervious paving product so as to provide a dustless surface and shall be graded and drained per Director of Public Works.
 - A minimum of 20% of all Off Street Parking Areas shall be suitably screened and landscaped so as to provide a visual barrier between all Off Street Parking Areas and adjacent properties.
 - Any proposed fencing, wall, or landscaping associated with Off Street Parking Areas shall be reviewed and approved by the Architectural Design Review Board.

1126.40 **Architectural Design Review Board:** There is hereby established an Architectural Design Review Board, consisting of eleven (11) members, three (3) members appointed by the City Manager, six (6) members nominated by the organizations listed below and confirmed by the City Manager, and one member from City Council and the Planning Commission, as ex-officio voting members. (OR2009-10-106)(Revised OR2013-8-65)(Revised OR2015-3-24)

A) All members shall be residents of the City of Hamilton, Ohio, and shall be appointed to serve a two (2) year term. Whenever an organization listed below fails to nominate a member the existing member may serve an additional six (6) months upon approval by the City Manager.

- (1) One (1) member nominated by the Hamilton Chamber of Commerce and confirmed by the City Manager.
- (2) One (1) member of the City Council, as an ex-officio voting member appointed by City Council.
- (3) One (1) member from the City of Hamilton Planning Commission, as an ex-officio voting member appointed by the Planning Commission.
- (4) One (1) member nominated by Historic Hamilton and confirmed by the City Manager.
- (5) One (1) member who is a private licensed architect, landscape architect or engineer, confirmed by the City Manager.
- (6) One (1) member nominated by the Rossville Historic Preservation Association and confirmed by the City Manager.
- (7) One (1) member nominated by the Dayton Lane Historic Area, Inc. and confirmed by the City Manager.
- (8) One (1) member nominated by Hamilton's German Village Inc. and confirmed by the City Manager.
- (9) One (1) member nominated by the Downtown Special Improvement District and confirmed by the City Manager.
- (10) Two (2) members appointed by the City Manager, as At-Large voting members.

At least two of the members must meet the Secretary of Interior's Standard for Professional Qualifications, which must be a preservation related field that includes planning, architecture, landscape architecture, architectural history, conservation, cultural anthropology, curation, engineering, folklore, and history. All members shall have experience or an interest in historic preservation. (OR2009-10-106)

B) An alternative member shall be appointed or nominated and confirmed as outlined in 1126.40(A) to substitute for a member when such member is absent or unable to participate on an item before the Board. The alternate member shall meet all the qualifications of the member they are appointed to substitute for as listed in Section 1126.40. The alternate member shall possess all the powers and responsibilities of such member of the Board. (OR2009-10-106)

- C) Members of the Architectural Design Review Board shall serve without compensation and vacancies caused by death, resignation, or termination of eligibility to serve, shall be filled in the same manner as original appointments are made.
- D) The Architectural Design Review Board shall annually select one of its own members as Chairperson. The Chairperson shall call meetings and preside at meetings and hearings of the Architectural Design Review Board. A Secretary shall be appointed by the City Manager from the Community Development of the City. The Secretary shall possess at least the minimum qualifications of an Associate Planner, or a higher but related classification, as defined by the class description for that position adopted by Civil Service Commission of the City of Hamilton. The Secretary shall not be a voting member of the Architectural Design Review Board and shall keep minutes and records of all proceedings of the Architectural Design Review Board. At the discretion of the Architectural Design Review Board the Secretary and/or Chairperson may be given authority to approve such minor rehabilitation activities as the Architectural Design Review Board may determine if such minor rehabilitation activities meet the standards hereinafter set forth. (OR2009-10- 106)
- E) The Architectural Design Review Board may adopt rules of procedure and provide for regular and special meetings. Meetings shall be open to the public. Records will be made available to the public through the Secretary upon request. Architectural Design Review Board members shall not vote if personal or pecuniary interests are involved. Six (6) members present shall constitute a quorum. If a quorum is present, a simple majority vote of those present shall be required to approve or disapprove a motion. (OR2009-10-106) (Revised: OR2015-3-24)
- F) Applicants will be notified of the meeting date, time, and location and are encouraged to attend and present the details of their project. Once a decision has been rendered by the Board, the applicant will be notified in writing of the Board's decision within one week of that decision.
- G) The Board recognizes four classifications of meetings (regular, working, special, and emergency) - of which there will be no less than 1 meeting per quarter, or at least 4 per year. These meetings will be publicly announced, and a posted agenda will be made available.
- H) A written annual report of board or commission activities, including: cases decisions, special projects, qualifications of members etc., kept on file and available for public inspection.
- I) All Architectural Design Review Board Rules, Procedures, and Guidelines will be made available to the public. (OR2011-12-122)

1126.50 Certificate Of Appropriateness: No alteration, painting, design change, color change, construction, reconstruction, erection, removal or exterior work on a structure, and no construction, erection, mounting, painting, design change, color change, moving, removal, or revision of permanent signage to any property in an Architectural Conservation/Historic District where such action or work will affect the exterior architectural and/or historic features or appearance of a structure, site, monument, streetscape, or neighborhood shall be permitted unless and until a Certificate of Appropriateness for such action or work has been applied for and issued by the Architectural Design Review Board, its Secretary, or Chairperson, as authorized by said Architectural Design Review Board. An application for any building permit for use in an Architectural Conservation/Historic District shall also be considered an application for Certificate of Appropriateness. In addition to the requirements for a building permit, an application shall include such other information as may be required by the Architectural Design Review Board for a Certificate of Appropriateness. (REVISED OR2015-2-13)

A fee will be charged for any Certificate of Appropriateness application that is required to be heard before the Architectural Design Review Board, unless the proposed change is returning to or restoring to previous or original historic materials that can be referenced in past Architectural Design Review Board or other official City of Hamilton/State of Ohio Historic Inventory records. Fee information is listed in section 1190.12 Certificate of Appropriateness.

Upon receipt of an application by the Planning Department of the City, such application shall be forwarded to the Secretary of the Architectural Design Review Board who shall formally record the date of receipt of the application and submit the same to the Architectural Design Review Board for timely disposal. The Architectural Design Review Board shall act upon any application within thirty (30) calendar days from the date of filing with the secretary. Extensions of time may be granted with the mutual consent of the applicant and the Architectural Design Review Board. In the event the Architectural Design Review Board does not act to approve or disapprove an application within the stated time limit of thirty (30) days, the application shall be deemed to have been approved by the Architectural Design Review Board. (OR 86-9-47)

In the event the Architectural Design Review Board issues to an applicant Certificate of Appropriateness, such Certificate shall remain valid for a period of six (6) months from the date of issuance. During the period of validity, the work for which said Certificate was issued must commence and proceed without unreasonable delay. If such work is not commenced, or if such work is delayed for a period exceeding six (6) months, the Certificate of Appropriateness shall expire; provided, however, the Secretary may grant one (1) or more extensions of time not to exceed an additional eighteen (18) months. A request for an extension shall set forth the reasons for delay. In the event the Architectural Design Review Board refuses to issue to an applicant Certificate of Appropriateness, the Architectural Design Review Board shall attempt to reconcile an alternative plan with the applicant that is acceptable both to the applicant and to the Architectural Design Review Board. If the Architectural Design Review Board and the applicant are unable to reconcile an alternative plan, the applicant may appeal the decision of the Architectural Design Review Board to the Board of Zoning Appeals pursuant to the applicable provisions of Section 1160.00, et seq. and Section 1170.00, et seq., of the Zoning Ordinance No. 7503, as amended.

In the event the Secretary or Chairperson refuses to issue to an applicant Certificate of Appropriateness for minor rehabilitation, the applicant may appeal the decision to the Architectural Design Review Board.

In determining whether or not the Architectural Design Review Board will approve the issuance of a Certificate of Appropriateness, said Board shall consider whether the proposed change will adversely affect or destroy any significant exterior architectural and/or historical feature of the structure, site, monument, streetscape or neighborhood, whether such change is inappropriate or inconsistent with the purpose of Section 1126.00, et seq., and whether it will adversely affect or destroy the general architectural and/or historical significance of the Architectural Conservation/Historic District. In addition to the foregoing, the Architectural Design Review Board will apply the specific design standards for each separate Architectural Conservation/Historic District when reviewing, all projects in that district, in determining whether to approve or disapprove the issuance of Certificate of Appropriateness

As new districts and landmarks are added to the inventory, guidelines will be drawn up that offer recommendations and parameters on how to adhere to the character of these new districts. (OR2011-12-122)

1126.51 The specific design standards for the areas described in Section 1126.30 A, B, C, D, and E of the Architectural Conservation/Historic District are as follows:

- A) That the exterior architectural and/or historical character and functional plan of the property, when changed, will not be at such variance with existing properties in the immediate neighborhood or Zoning District as to cause substantial depreciation of the property values of such properties or the neighborhood.
- B) That the site utilization and orientation of the proposed change is reasonably integrated with existing roads, drives, vehicular traffic patterns and pedestrian walkways abutting the property to which the proposed change is to be made.
- C) That the proposed change is compatible with the subject property and/or a majority of properties in the immediate surrounding area in terms of: height, proportion of a facade, openings within a facade, relationships of solids to voids in a facade, entrances to sidewalks, materials, textures, color, architectural details, roof shapes, landscaping, continuity and scale.
- D) That the proposed change complies with the "Secretary of the Interior's Standards of Rehabilitation", dated 1977, (appearing at Section 36 of the Code of Federal Regulations, Part 67), or as they may be subsequently amended if adopted by Council. Said standards are as follows:
 - (1) Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose
 - (2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed; the removal or alteration of any historic material or distinctive architectural features should be avoided when possible;

- (3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged
 - (4) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected
 - (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity;
 - (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible; in the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities; repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures;
 - (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken
 - (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project;
 - (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment; and
 - (10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- E) Any work done shall be performed in a good and workmanship like manner according to accepted standards and practices in the trade as outlined in the Historic Design Review Board Policies & Guidelines. (OR2009-10-106)

1126.60 **Certificate Of Appropriateness - Demolition:** In the event an application for a Certificate of Appropriateness includes demolition of any property in the Architectural Conservation/Historic District the applicant shall be required to submit evidence to the Architectural Design Review Board indicating that at least one the following conditions prevail:

- A) That the property proposed for demolition is not inherently consistent with other properties in its area of the Architectural Conservation/Historic District
- B) That the property proposed for demolition contains no features of architectural and/or historical significance; or
- C) That there is no reasonable economic use for the property as it exists or as it might be rehabilitated, that there is no feasible means or prudent alternative to demolition,
- D) Existing structures listed in section 1126.110 (Central Area Building Inventory) shall be maintained. For buildings listed in that inventory, the cost of rehabilitation must exceed 67% of the replacement cost of the same structure at the time of the proposed demolition based on the Marshall Swift Construction Cost Index or a similar industry standard index before a Certificate of Appropriateness for demolition can be issued. No building listed in the Central Area Building Inventory may be demolished without approval by the Architectural Design Review Board regardless of existing building condition. (OR2013-2-22)
- E) Both the architectural and historical significance of the property, its relation to the street and to the historic district as a whole shall be considered.

If the Architectural Design Review Board finds that the application does not meet the above criteria, the application for Certificate of Appropriateness for demolition shall be refused. The Architectural Design Review Board may delay determination of the application for a period of one hundred twenty (120) days upon a finding that the property is of such architectural and/or historic significance that alternatives to demolition may be feasible. In the event that action upon such application is delayed, the Architectural Design Review Board may take such steps as it deems necessary to preserve the property in accordance with the purposes of Section 1126.00, et seq. such steps may include but shall not be limited to consultation with civic groups, public agencies and interested citizens. If the Architectural Design Review Board and the applicant are unable to reconcile an alternative plan to demolition, and if the Architectural Design Review Board shall refuse to recommend the issuance of a Certificate of Appropriateness for demolition, the applicant may appeal the decision of the Architectural Design Review Board to the Board of Zoning Appeals pursuant to the applicable provisions of Section 1160.00, et seq., and Section 1170.00, et seq., of the Zoning Ordinance No. 7503, as amended. (OR2009-10-106)

1126.70 Additions To Or Deletions From The Architectural Conservation / Historic District:

Additions to or deletions from the Architectural Conservation/Historic District may be initiated by the Architectural Design Review Board, City Council, or any owner(s) of the subject property to be added or deleted. Such action shall be commenced with the filing of an application with the Architectural Design Review Board. In considering the addition or deletion of such property or properties, the Architectural Design Review Board shall apply, in addition to any other available information, the following criteria:

- A) The character, interest or value of the area or property as part of the development, heritage or cultural characteristics of the City, State or the United States;
- B) The location as a site of a significant historic event;
- C) The identification with a person or persons who significantly contributed to the culture and development of the City;
- D) The exemplification by the area or property of the cultural, economic, social or historic heritage of the City;
- E) The embodiment of distinguishing characteristics of an architectural type or specimen;
- F) Identification as the work of an architect or notable builder whose individual work has influenced the development of the City;
- G) The embodiment of elements of architectural design, detail, materials or craftsmanship which represent architecture of significant character, charm or grandeur; and
- H) A unique location or physical characteristic representing an established and familiar visual feature of a neighborhood or of the City.

After receipt of an application to add to or delete property from an Architectural Conservation/Historic District, the Architectural Design Review Board shall instruct its Secretary to schedule a public hearing on the application and to notify owners of the property or properties described in the application. Such public hearing shall be scheduled within thirty (30) days of receipt of the application. After the public hearing, the Architectural Design Review Board shall decide within thirty (30) days whether to recommend approval or disapproval of the application. (OR 93-9-100)

- l) If an application to designate property as an Architectural Conservation/Historic District or to remove the Architectural Conservation/Historic District designation from property does not include or require a change in the existing Zoning District designation [for example- a change from an Agricultural (AG) District to a Single Family Residence District (R-1), then the application need not be submitted to nor be approved by the Planning Commission. In such cases, the Architectural Design Review Board's recommendation concerning the application to designate property as or to remove the designation of property as a Architectural Conservation/Historic District shall be made directly to Council for legislative consideration. (OR 93-9-100)

If an application to designate property as or to remove the designation of property as a Architectural Conservation/Historic District also includes or requires a change in the existing Zoning District designation (for example- a change from an Agricultural (AG) District to a Single Family Residence District (R-1), in addition to adding to or deleting from the Architectural Conservation/Historic District) then both a recommendation by the Architectural Design Review Board, which shall make a recommendation limited to the Architectural Conservation/Historic District aspect of the application, and the Planning Commission, which shall make a recommendation limited to the Zoning District aspect of the application, shall be required for legislative consideration by City Council. In such cases, the recommendation of the Architectural Design Review Board on the Historic District aspect of the application shall be submitted by the Architectural Design Review Board directly to Council for legislative consideration. Similarly, the recommendation of the Planning Commission on the Zoning District aspect of the application shall be submitted by the Planning Commission directly to Council for legislative consideration (OR 93-9-100)

1126.80 Further Duties Of The Architectural Design Review Board: To assist applicants, the review board shall publish and make available general guidelines for the review of applications. In addition, the Review Board may function as follows:

- A) Act in an advisory role to any City board, Commission or to City Council upon request
- B) Conduct or cause to be conducted a historic survey on official survey forms of any property within the City which it believes may be eligible for inclusion in the Architectural Conservation/Historic District;
- C) Provide continuing education to residents of the City with respect to the importance of historic preservation in conserving the architectural and/or historical heritage of the City, State and Nation. Items of continuing education will include periodic workshops (Building Doctor Workshops), literature development, and neighborhood/district presentations by select local historians.
- D) Obtain technical assistance (with or without compensation) which it feels it requires to perform its duties. Such authority shall be subject to appropriation of funds by Council
- E) Monitor the Districts designated in this Ordinance to ensure compliance.
- F) Conduct or encourage members to attend training/educational sessions at least once a year, or in-depth consultation with the OHPO, pertaining to work and functions of the commission or on specific historic preservation issues. Barring extenuating circumstances, all commission members should attend such a session at least once yearly. The OHPO will provide orientation materials and training for local commissions.
- G) Additional responsibilities may be undertaken by the commission upon mutual written agreement between the SHPO and the City – i.e. review of all proposed National Register nominations within its jurisdiction. A written agreement will address what duties are to be performed, what staff assistance is need to perform the work, and what level of activity in each area of responsibility will be maintained. All delegated responsibilities must be complimentary.
- H) A detailed inventory of the designated districts, sites, and/or structures under the specific jurisdiction of the local government shall be maintained. In addition, all inventory material shall be:
 - a. Maintained securely and be accessible to the public, except that access to archaeological site locations may be restricted.
 - b. Recorded on Ohio Historic Inventory, Ohio Archaeological inventory forms, and/or forms compatible with OHPO's computerized inventory and therefore compatible with the comprehensive preservation planning process.
 - c. Available through duplicates (with contact prints) to the OHPO. Digital images are also acceptable.
 - d. Updated periodically to reflect changes, alterations, and demolitions. (OR2011-12-122)

1126.90 Maintenance And Repair: It is the intent of this section to preserve from deliberate or inadvertent neglect the features of buildings within an Architectural Conservation/Historic District, when such maintenance is necessary to prevent deterioration and decay of the property thus causing, in effect, demolition by neglect. Neither the owners nor the persons in charge of property within an Architectural Conservation/Historic District shall permit such property to fall into a state of disrepair so as to produce, or tend to produce, a detrimental effect upon the character of the Architectural Conservation/Historic District as a whole or the life and character of a property, including but not limited to:

- A) The deterioration of flooring or floor supports, walls or other vertical structural supports;
- B) The deterioration of roofs, ceilings and roof supports or other horizontal members;
- C) The deterioration of exterior chimneys;
- D) The deterioration or crumbling of exterior plaster or mortar;
- E) Deteriorated or ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
- F) The deterioration of any significant architectural features;
- G) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

Compliance with this Section shall be in accordance with Chapter 521 and Chapter 17 of the Codified Ordinances of the City of Hamilton and enforced by the Health Department. Any work done on the repair and maintenance of the building and other structures shall be performed in a good and workmanship like manner according to accepted standards and practices in the trade as outlined in the *Historic Design Review Board Policies & Guidelines*. (OR2009-10-106)

1126.100 Miscellaneous: Nothing in Section 1126.00, et seq., shall be construed to prevent or regulate:

- A) Interior arrangements, other than maintenance and repair work as listed in Section 1126.90;
- B) Ordinary maintenance or repair of any exterior features to any property within an Architectural Conservation/Historic District which does not involve a change in design, material, color, signage, or outer appearance thereof;
- C) Construction, reconstruction, alteration, restoration, or demolition of any such feature which the City Manager or Designee or similar official shall certify is required by the public safety because of an unsafe or dangerous condition; Any such action required by the City of Hamilton Health Department shall be coordinated with the Planning Department and Architectural Design Review Board; and
- D) Emergency repairs.
- E) Nothing in Section 1126.00, et seq., shall be construed to mean that the alteration or rehabilitation of any property in the Architectural Conservation/Historic District is required, other than the maintenance requirements of Section 1126.90 hereof. (OR2009-10- 106)

1126.110 Central Area Building Inventory: The Central Area Building Inventory shall include the following properties. (OR2013-2-22)

105 Court Street	320 High Street	320 S. Front Street
228-234 Court Street	332 High Street	105 N. Second Street
309-311 Court Street	10 Journal Square	128 N. Second Street
19 S. Front Street	225 Ludlow Street	2 S. Second Street
23 S. Second Street	311-315 Ludlow Street	120 S. Second Street
1 High Street	337 Ludlow Street	319 S. Second Street
101 High Street	317 Maple Street	136 N. Third Street
219 High Street	10 Monument Street	100 S. Third Street
222 High Street	20 Monument Street	215 S. Third Street
228-236 High Street	100 Monument Street	216-220 S. Third Street
254 High Street	111 S. Front Street	225 S. Third Street
300 High Street	212 S. Front Street	301 S. Third Street

1126.120 Violations: Whoever violates any of the provisions of Section 1126.00, et seq., shall be deemed guilty of a third degree misdemeanor, and upon conviction thereof, shall be fined not to exceed the sum of five hundred (\$500.00) Dollars. Each day the violation continues shall be considered a separate offense. In the event of a violation of Section 1126.00, et seq., or imminent threat thereof, the City or the owner of any property within the Architectural Conservation/Historic District who would be especially damaged by such violation, may institute a suit for injunction pursuant to Section 713.13 of the Ohio Revised Code.

1127.00 NEIGHBORHOOD INITIATIVE AREA CONSERVATION OVERLAY ZONING DISTRICT
(EOR 2004-10-105)

1127.10 Purpose Of Neighborhood Initiative Area Conservation Overlay District

The purpose of the NIA Conservation Overlay Subdistrict is to promote high quality new residential and commercial development within the Neighborhood Initiative Area while providing for the conservation and preservation of the unique character of the neighborhood. The intent is to stabilize property values, conserve and enhance existing, important neighborhood qualities by requiring minimum base standards for new construction to ensure compatibility with existing neighborhood attributes. The base standards relate to the building scale, mass, architecture and overall design character of new development. The design goals and minimum standards will help preserve established neighborhood scale and character, ensuring that residential and commercial areas contribute to overall vitality and longevity of the neighborhood and require that new construction projects meet minimum base standards to ensure they are compatible with the existing character of the neighborhood

1127.20 Applicability

These requirements shall apply to the development of any property located within the confines of the NIA as shown on the Official Zoning Map for the City of Hamilton. In no instance shall these regulations require renovation or changes to existing structures when building permit applications are not required to be submitted. These requirements shall only be applicable to the building or portion of the building being constructed, altered or added to in the building permit application. Nothing in this section shall preclude the owner from ordinary maintenance and upkeep of existing structures. Interior remodeling/renovation/restorations that have no exterior impact are exempt from the requirements of this chapter Examples of such instances are listed below:

New Construction

Building Additions

Exterior Rehabilitation – Siding and exterior veneer application, windows and door replacement

1127.30 Design And Plan Review

Within the NIA Overlay District, all building permit applications subject to this chapter shall be reviewed by the Planning Department staff to ensure consistency with the specific regulations found in this chapter. No building permit shall be issued for construction until a “Zoning Certificate” is issued by the Zoning Inspector indicating that the proposed project complies with the regulations found in this chapter. All permit applications shall be reviewed by the Planning Department staff within fifteen (15) days of the date of said application for a Zoning Certificate.

Any action taken by the Planning Department staff on any building permit application subject to review under this chapter may be appealed to the City Planning Commission.

Appeals to the Commission

Appeals may be taken by any person aggrieved or affected by a decision of the Planning Department Staff. Such appeal shall be taken within thirty (30) calendar days after Planning Department staff action on the building permit application, by filing with the Secretary to the Planning Commission a Notice of Appeal, specifying the grounds thereof. The Secretary shall forthwith transmit to the Commission all of the papers constituting the record upon which the action appealed from was taken.

The Commission shall fix a reasonable time and place for the hearing of the appeal, shall give due notice thereof to the parties in interest, and shall render a decision within a reasonable time. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

Decision of the Planning Commission on Appeals

In exercising the above enumerated powers, the Commission may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from to the extent and manner that the Commission may decide to be fitting and proper on the premises, and to that end the Commission shall have all the powers of the Director of Planning and Planning Department Staff from whom the appeal is taken.

No order or decision of the Commission made in approving an appeal shall be valid for a period longer than one hundred-eighty (180) days unless a building permit for such construction is obtained and the work on the project is started within such period.

1127.40 Permitted Uses

The permitted uses within the NIA Overlay District includes those permitted and conditional uses listed in the underlying zoning district(s) R-3, R-4, R-0 and B-2, except as provided in Section 1127.50 and 1127.51 below.

In the case of a conflict between the underlying zoning district and the NIA Overlay Zoning District, the overlay district shall govern, except in cases of a Planned Development District where the PD district shall govern.

1127.50 Conditional Uses

Certain uses, because of their potential incompatible nature with other land uses, warrant special review by the Planning Commission to ensure that the intent of the NIA Overlay District is met. Conditional uses shall be reviewed by the Planning Commission and City Council in accordance with Section 1155.00. (REVISED OR2015-9-80)

Drive-through facilities, except banking facilities
Retail stores larger than 10,000 square feet on the ground level
Transient Accommodations, except Bed & Breakfast

1127.51 Prohibited Uses

The following uses, which may normally be permitted or conditionally permitted in the R-2, R-4, R- O and B-2 zoning districts, shall be prohibited within the Neighborhood Initiative Area Overlay District.

- Mobile Homes
- Modular Homes
- Adult Businesses
- Instant Bingo Billboards
- Landfill and waste disposal
- Vehicle impound lots
- Junk Yards
- Antenna Towers

1127.60 General Design Guidelines

The following guidelines shall be used in review of all applications within the NIA District. Compliance with guidelines is expected unless an alternative approach meets the intent of the guideline equally well. Flexibility in applying the guidelines may be permitted in response to specific physical conditions on the property or block in question.

Guidelines for Single-Family and Multi-Family Residential Buildings

Compatibility. New buildings should be compatible with surrounding traditional buildings. Buildings should maintain similar setbacks, scale and massing, width to height ratio, and patterns of windows and openings.

Orientation. All buildings should be oriented to the principal public street, with the main entrance on the façade that faces the street. Where block interiors with alley access are to be developed, buildings should be oriented to the public lane or alley, which should be designated as a minor street. Corner lots should be oriented towards the prevailing lot pattern on the block face.

Buildings longer than wide. In keeping with the existing development pattern, the narrow end of the building should face the street. On large lots, an L-shaped building design may be appropriate. On corner lots, the façade should be oriented consistent with the prevailing pattern on the block face.

Single-family characteristics. Attached and multifamily housing should emulate single-family housing in its basic architectural elements – pitched roofs, articulated facades, visible entrances, porches or balconies. Taller buildings should step down to provide a height transition to existing adjacent residential buildings.

Front/rear facades. Main entrance with porch or steps and landscaping should be located to the front, while trash/recycling storage, play equipment and outdoor storage should be located in the back. Outdoor decks should be located to the rear.

Semi-private space. All new single-family dwellings shall include a front porch and steps elevated a minimum above sidewalk grade to provide a sense of privacy for residents.

Parking to the rear. Parking spaces and garages should be located to the rear of the lot or interior of the block. When garages cannot be located to the rear or on the interior of the block, they may be located to the side of the dwelling unit. The garage may not extend more than twenty-two (22') feet from the plane of the rear wall of the dwelling.

Outdoor space. Attached and multi-family units are encouraged to include private or semi-private outdoor space such as a yard, patio, porch or balcony, with direct access from inside the unit.

Defined outdoor space. Define all outdoor spaces, distinguishing between those reserved for residents and those open to the public. Provide visual indications of the boundaries between private space, public space and shared space. Enclose the shared outdoor space with buildings, low fences or hedges, and paths. Provide convenient access to shared outdoor areas, amenities such as play equipment, seating and tables to encourage their use, and vegetation for seasonal shade.

Paths. On larger sites, where common open space or parking are provided separate from housing units, a clear internal walkway system should be provided that connects each housing unit to destinations within the site and the surrounding public sidewalk system.

Guidelines for Mixed-Use Commercial/Office/Residential Buildings

Building placement: Buildings should be placed at or close to the edge of the sidewalk to form a consistent “street wall.” Portions of the façade may be recessed to provide outdoor seating areas, but the façade should generally meet the front yard setback for at least 75 percent of its length.

Building height: Buildings should generally not exceed three stories, but four stories may be appropriate at prominent intersections. Buildings should “step down” to provide a transition to existing residential buildings.

Storefront design: Mixed-use buildings should include elements of storefront design at ground level. Storefront design includes the following elements:

The ground floor includes large display windows at least, and is visually separated from the upper stories, through the use an intermediate cornice line, an awning, arcade or portico, or similar techniques.

Roofs may be flat, consistent with traditional storefront commercial design, or pitched. If flat roofs are used, building tops should be articulated with detailed cornices or parapets. Pitched roofs should be consistent in profile with surrounding residential buildings.

Windows above the ground floor should be placed at regular intervals, have a consistent shape, and be vertically oriented (taller than wide).

Long building facades should be divided into smaller increments to create visual interest, through divisions or breaks in materials, separate entrances and entry treatments, window bays, or similar techniques.

Parking to the rear or side. As with residential buildings, parking and loading areas should be placed at the rear of the lot, or if that is not feasible, to the side of the building.

Maintain and improve green space. Residential blocks should be landscaped in keeping with the City’s general landscaping guidelines, except that planting strips between street and sidewalk should be landscaped with shade trees where feasible, using species that are compatible with narrow areas found in Chapter 915 of the City of Hamilton Codified Ordinances.

Screen surface parking. Parking areas adjacent to public streets or sidewalks shall be screened with a combination of landscape material and decorative fencing or walls sufficient to screen parked cars on a year-round basis while providing adequate visibility for pedestrians.

1127.70 Specific Design Standards

Design and Dimensional Standards

The following standards shall take precedence over the standards in the underlying districts:

Building Feature	Residential Uses			Mixed Use and Nonresidential use (commercial or office)
Front Yard Setback	Average of existing structures on the block face, or minimum of 5 feet and maximum of 10 feet. On corner or double frontage lots, minimum 5 feet on each frontage			Same
Side Yard Setback	Lot Width	Side Yards Least Width	Side Yards Sum of Least Width	For new construction a minimum of 5 feet if abutting a residential district or use.
	45-54 feet 36-44 feet 35 feet or less	4 feet 3 feet 3 feet	12 feet 11 feet 6 feet	
	On lots of 55 feet in width or greater, the setback of the underlying zoning district shall apply.			
Building Height	Maximum building height is 35 feet.			The height of new construction for structures shall, at a minimum, have a height of ten (10) feet for every eight (8) feet of front building width. Maximum height 45 feet on corner lots, 35 feet in mid-block.
Front Porch	Required. Minimum of 6 feet deep and 8 feet wide per dwelling unit. No enclosures of existing or new front porches permitted.			Not Required
First Floor Elevation	Minimum 18" above grade			Not Required
Basements	Required			Not Required
Eave overhangs and all gable cornice projections	Minimum 12" overhang projection if frame construction. Minimum 12" overhang projection (Finish 8") if brick construction. Minimum 6" gable cornice projection if frame construction. Minimum 10" gable cornice projection (finish 6") if brick construction.			For gable roofs a minimum 12" projection. The preferred roof is a single slope structure, with the slope facing away from the street façade and the roof plane hidden from view on the front façade through use of decorative devices such as parapets or decorative cornices.

Building Feature	Residential Uses	Mixed Use and Nonresidential use (commercial or office)
Main roof pitch – principal building	Minimum 6 over 12.	Minimum 6 over 12 if gable roof. If not, single-slope to rear or flat roof. If flat roof a minimum 12-inch parapet wall shall be provided.
Building Entrance	The main building entrance shall face the principal street.	Same
Roof pitch – garage	Same as the main structure.	Same
Garage placement	Detached and attached shall be located in rear yard if alley access is provided, setback a maximum of eight (8) feet from rear property line. If no alley access, garage may face street but shall not create obstruction of sidewalk.	Same
Garage design	Shall be compatible in materials and design with the principal structure.	Same
Parking placement	Rear yard if alley access is provided. If no alley access, it may be located in the side yard but shall not create obstruction of sidewalk.	Same
Parking Surface	Any off-street parking area or access drive shall be surfaced with asphalt or cement binder, concrete, or decorative brick pavers, so as to provide a dustless surface, and shall be graded and drained.	Same
Accessory Structures	Accessory structures such as storage sheds are permitted within the rear yard, setback a maximum of eight (8) feet from the rear property line. The design shall be compatible with the principal building.	Same
Fences	Permitted, maximum height as specified in Zoning Ordinance (1131.41H). Front yard fences shall be at least 50% transparent (i.e. 50% of fence area consisting of open space). No chain-link fence permitted on any street frontage. Chain-link fence permitted in non-street facing yards, no slats on chain-link fence permitted.	Fences are only permitted in the rear of nonresidential uses

Building Feature	Residential Uses	Mixed Use and Nonresidential use (commercial or office)
Exterior Finish Building Materials	Masonry, (brick, natural stone), stucco, precast concrete units if textured, wood, if painted (horizontal lap siding with an exposure no greater than 5 inches or wood shakes), and cementitious or vinyl siding designed to resemble wood with an exposure no greater than 5 inches.	Masonry, (brick, natural stone), stucco, precast concrete units if textured, wood, if painted (horizontal lap siding with an exposure no greater than 5 inches or wood shakes), and cementitious or vinyl siding designed to resemble wood with an exposure no greater than 5 inches. EIFS (exterior insulating finish system) on rear and side facades only, starting at least 3 feet above grade.
Windows - area	Minimum of 20% of front façade. Minimum of 15% on street side facades if located on a corner.	Ground floor: at least 60% of ground floor façade between 2.5 feet and 7 feet, above the sidewalk, shall be designed as storefront display windows. The degree of transparency or tint shall not exceed 35%. Upper stories: at least 20% of upper stories. If a building is located on a corner lot, at least 40 % of the ground floor façade shall be designed as display windows.
Building Facade	Not Applicable	Vertical elements, whether structural or ornamental, in the form of piers or pilasters used to subdivide the building façade into window display areas and entrances, shall be between ten (10) and twenty (20) inches wide and such vertical elements shall be constructed between six (6) to fifteen (15) feet apart. The ground floor and second floor of a building shall be visually separated by a projected horizontal linear element to extend no more than six (6) inches beyond the face of the building and be placed along the entire width of the front of the building.

Building Feature	Residential Uses	Mixed Use and Nonresidential use (commercial or office)
Windows – size	Consistent with surrounding traditional buildings; height-to-width proportion of at least 2:1 (i.e. twice as high as wide).	Same
Window Trim	Window trim on non-masonry finish construction shall include a minimum 1" X 4" trim wrap around window opening. Masonry finish construction shall include a masonry lintel and sill.	Same
Doors	On existing buildings, front doors should be retained where feasible, or replaced with doors appropriate to the age and style of the house constructed of either wood, steel, or anodized aluminum in colors complementary to the building. Storm and screen doors shall be compatible with the interior door in size and shape. Historic door surrounds and trim should not be removed when replacements are installed.	New doors to office or commercial businesses shall be at least 40 percent transparent. Replacement or new doors shall be appropriate to the age and style of the house constructed of either wood, steel, or anodized aluminum in colors complementary to the building.
Mechanical Equipment	Not Applicable	All mechanical equipment used as an accessory to the building shall not be visible from the public right-of-way. Mechanical equipment shall be screened.

1128.00 WELLHEAD PROTECTION AREA
REGULATIONS (OR 98-10-012)

1128.10 Purpose: In addition to the objectives of the Comprehensive Zoning Ordinance and Regulations as set forth in Section 1102.20, it is the purpose of this Chapter to regulate land uses within the Wellhead Protection Area of the City of Hamilton in order to safeguard the public health, safety, and welfare of persons and property by protecting designated groundwater supplies from degradation resulting from the improper storage, handling, or discharge of regulated substances in and around existing and future well fields and their recharge areas. Specifically the purposes of these regulations are:

- A) To prevent the creation or establishment of non-compatible land uses which have the potential to degrade or otherwise negatively impact groundwater resources and thus, impair or destroy the utility of the Great Miami Buried Valley Aquifer, and the public investment therein,
- B) To reduce the risk of contamination of groundwater by managing development, land use, and commercial activities within identified groundwater protection zones of the City of Hamilton,
- C) To assist in the implementation of policies and recommendations and to cooperate with present and future groundwater users in southwest Butler County and northern Hamilton County who receive water from one of six public and private water suppliers in the Hamilton to New Baltimore area, thereby preserving groundwater resources among these water suppliers and their host communities.
- D) To preserve and enhance the quality of Hamilton's environment.
- E) To promote economic health of the City through balancing protection of groundwater with promotion of business and community interests.

1128.20 Wellhead Protection Area (WHPA): Certain areas of the City of Hamilton are hereby delineated and zones are hereby established for the protection of groundwater resources and shall be collectively referred to as the "Wellhead Protection Area" (WHPA). A map of the WHPA shall be kept on file in the offices of the City Planning Department and the City Clerk. The requirements of Chapter 1128 are hereby superimposed upon, and are in addition to, the requirements of the underlying Zoning Use District contained within the applicable Time-Of-Travel Zones. The Wellhead Protection Area shall be comprised of the following zones:

1128.21 One-Year Time-Of-Travel (TOT) Zone

- 1128.21.1 Location. The one-year TOT zone is that area around the well or well field from which groundwater will be drawn for use in a one-year time period. The one-year TOT zone is hereby established in those areas of the City of Hamilton as delineated on the Wellhead Protection Area Map.
- 1128.21.2 Permitted Uses. Uses within TOT-1 zone include those uses permitted by each Use District underlying the TOT-1 zone, unless prohibited herein.
- 1128.21.3 Prohibited Uses. The establishment of the following new activities/land uses is prohibited in the one-year TOT zone as of the effective date of this provision:
- (A) Commercial junkyards;
 - (B) Commercial sanitary/solid waste landfills;
 - (C) The disposal of shingles, asphalt, and/or lead-based or lead containing materials in an unlicensed landfill;
 - (D) The manufacturing, processing, or recycling of regulated substances as the principal activity where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred, forty (440) pounds aggregate for dry weights;
 - (E) Commercial establishments for motor vehicle repair/service shops and/or body repair where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four hundred, forty (440) pounds aggregate for dry weights;
 - (F) Trucking or bus terminals where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred, forty (440) pounds aggregate for dry weights;
 - (G) Animal feedlots exceeding one thousand (1,000) animal units;
 - (H) Primary metal product industries where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four hundred, forty (440) pounds aggregate for dry weights;
 - (I) Metal plating, polishing, etching, engraving, anodizing, or similar processes where storage, handling, or use of a regulated substance exceeds fifty-five (55) gallons or four hundred-forty (440) pounds, whichever is less;
 - (J) Lawn, garden, pesticide, and agricultural services with on-site bulk mixing or blending of fertilizers, pesticides, and other industry-related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred, forty (440) pounds aggregate for dry weights;

- (K) Permanent storage of regulated substances in trucks, trailers, tankers, or rail cars not meeting conditions specified in Chapter 940 of the Hamilton Codified Ordinance where storage of the Regulated Substance(s) exceeds fifty-five (55) gallons aggregate for liquid materials or four hundred, forty (440) pounds aggregate for dry weights;
- (L) Use of oil, waste oil, or similar liquid petroleum-type products for dust suppression;
- (M) Use of fly ash or other ash material for fill material. This prohibition does not apply where fly ash is used as a component in cement, concrete, or cinder block;
- (N) Dry cleaning facilities with on-site dry cleaning service where Regulated Substance(s) exceeds fifty-five (55) gallons aggregate for liquid materials or four hundred, forty (440) pounds aggregate for dry weights;
- (O) Installation of underground storage tanks except as permitted in Chapter 940 of the Hamilton Codified Ordinances; and
- (P) Temporary or permanent storage of regulated substances other than vehicle fuels, vehicle lubricants, and fuel for building and/or process heating in new or existing underground storage tanks (UST's), except as permitted in Chapter 940 of the Hamilton Codified Ordinances.

1128.22 Five-Year Time-Of-Travel (TOT) Zone

- 1128.22.1 Location. The five-year TOT zone (TOT-5) is that area around the well or well field located outside the one-year TOT zone but within the boundaries of the five-year TOT zone from which groundwater will be drawn in a five-year time period. The five-year TOT zone is hereby established in those areas of the City of Hamilton as delineated on the Wellhead Protection Area Map.
- 1128.22.2 Permitted Uses. Uses within TOT-5 zone include those uses permitted by each Use District underlying the TOT-5 zone, unless prohibited herein.
- 1128.22.3 Prohibited Uses. The establishment of the following new activities/land uses is prohibited in the five-year TOT zone as of the effective date of this provision:
- (A) Commercial junkyards;
 - (B) Commercial sanitary/solid waste landfills;
 - (C) The disposal of shingles, asphalt, and/or lead-based or lead containing materials in an unlicensed landfill;
 - (D) Manufacturing, processing, or recycling of regulated substances as the principal activity where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred, forty (440) pounds aggregate for dry weights;
 - (E) Permanent storage of regulated substances in trucks, trailers, tankers, or rail cars not meeting the conditions specified in Chapter 940 of the Hamilton Codified Ordinances where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred, forty (440) pounds aggregate for dry weights;
 - (F) Use of oil, waste oil or similar liquid petroleum type products for dust suppression;
 - (G) Installation of underground storage tanks, except as permitted in Chapter 940 of the Hamilton Codified Ordinances.
 - (H) Temporary or permanent storage of regulated substances other than vehicle fuels, vehicle lubricants, and fuel for building and/or processing heat for new or existing underground storage tanks, except as permitted in Chapter 940 of the Hamilton Codified Ordinances.

1128.23 Ten-Year Time-Of-Travel (TOT) Zone

- 1128.23.1 Location. The ten-year TOT zone (TOT-10) is that area around the well or well field located outside the one-year and five-year TOT zones but within the boundaries of the ten-year TOT zone from which groundwater will be drawn in a ten-year time period. The ten-year TOT zone is hereby established in those areas of the City of Hamilton as delineated on the Wellhead Protection Area Map.
- 1128.23.2 Permitted Uses: Uses within TOT-10 zone include those uses permitted by each Use District underlying the TOT-10 zone, unless prohibited herein.
- 1128.23.3 Prohibited Uses. The establishment of the following new activities/land uses is prohibited in the ten-year TOT zone as of the effective date of this provision:
- (A) Commercial sanitary/solid waste landfills;
 - (B) The disposal of shingles, asphalt, and/or lead-based or lead containing materials in an unlicensed landfill;
 - (C) Permanent storage of regulated substances in trucks, trailers, tankers, or rail cars when not meeting conditions specified in Chapter 940 of the Hamilton Codified Ordinances where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred, forty (440) pounds aggregate for dry weights;
 - (D) Use of oil, waste oil, or similar liquid petroleum-type products for dust suppression;
 - (E) Installation of underground storage tanks, except as permitted in Chapter 940 of the Hamilton Codified Ordinances.
 - (F) Temporary or permanent storage of regulated substances other than vehicle fuels, vehicle lubricants, and fuel for building and/or processing heat for new or existing underground storage tanks, except as permitted in Chapter 940 of the Hamilton Codified Ordinances.

1128.24 Conditional Uses Applicable to all Wellhead Protection Time-of-Travel (TOT) Zones. The following land uses/activities will only be permitted within specified TOT's based on case-by-case review by the Board of Zoning Appeals. Each case must be submitted as a variance request to the Board of Zoning Appeals in accordance with local requirements:

- (A) Use of fly ash as fill material as described in Section 1128.213 (m) at any facility or property located in the ten-year TOT zone. This prohibition does not apply where fly ash is used as a component in cement, concrete or cinder block.
- (B) Lawn, garden, pesticide, and agricultural services, located in the five-year TOT zone, which have on-site bulk mixing or blending of fertilizers, pesticides, and other industry-related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site meet or exceed five hundred (500) gallons aggregate for liquid materials or four thousand (4000) pounds aggregate for dry weights.

1128.25 Uses Exempted from Regulation - Applicable to Wellhead Protection Time-of-Travel (TOT) Zones:

1128.25.1 Full Exemptions: The following activities, substances, or storage units are exempt from regulation under this provision when located within the WHPA:

- (A) Exemptions in all TOT zones:
 - (1) Laboratory activities;
 - (2) Chemical storage tanks containing pressurized gases such as chlorine, propane, hydrogen, and nitrogen;
 - (3) Household use of regulated substances packaged for consumer use in original, unopened pre-packaged containers;
 - (4) Excavation or removal of earth materials;
 - (5) Office and maintenance/janitorial use of regulated substances. This exemption does not apply to hydrocarbon or halogenated hydrocarbon solvents;
 - (6) Oils and fluids within electrical utility transformers/switches;
 - (7) Materials present as a solid inside of a manufactured item; and

(8) Transport of Regulated Substances in trucks, trailers, tankers, or rail cars to facilities in and through the WHPA are exempt providing the Regulated Substances are fueling the transporting vehicle, or in the transporting vehicle is in continuous transit, making a delivery or is stopped for a period of time not to exceed twenty-four (24) hours.

(B) Additional exemption only applicable to the ten-year TOT zone:

(1) UST's in the Ten-Year TOT Zone when used exclusively for the storage of Grade 1 or Grade 2 heating fuels and diesel fuel.

1128.25.2 Limited Exemptions:

(A) Oil/water separator underground storage tanks, and any underground storage tank system (UST):

(i) In the process of being installed; or

(ii) In the process of receiving a permit to install

As of the effective date of this Ordinance, are exempt from the requirements of paragraphs (O) and (P) of Section 1128.213, (G) and (H) of Section 1128.223, or (E) and (F) of Section 1128.233.

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1129.00 Form-Based Zoning Districts
(OR2013-2-22)

1129.10 General Requirements

- (1) Six new districts are hereby created for use along High Street, Main Street, and the areas surrounding them. Sections 1129.20 through 40 below contain brief descriptions of each of these form-based zoning districts. Two new districts are hereby created for use within the University Commerce Park.
- (2) Within the boundaries of the eight districts listed in this Section 1129, the provisions of section 1126.00 (Architectural Conservation/Historic District) remain in effect for those properties located within the designated historic districts except as specifically modified by subsection (3) below.
- (3) Within the boundaries of the eight districts listed in this Section 1129, the requirements of this section 1129 apply to all properties not listed on the Central Area Building Inventory as follows:
 - When a building is replaced or a new building is constructed on a vacant lot, all of the requirements in this section 1129 apply.
 - When a gross floor area of a building is increased by 50% or more and, the requirements of this section 1129 applicable to the building location and facades shall apply to the building addition.
 - Regardless of the size of any building addition, when any street facing building façade within the build to zone is altered, or when any street facing building façade originally located outside the build to zone is altered so as to bring it within the build to zone, the requirements of this section 1129 applicable to exterior facades shall apply to that façade, provided, however, that façade alterations involving only the following activities shall not require compliance with the façade requirements of this section 1129:
 - Routine maintenance;
 - Repainting;
 - Replacement of existing façade materials with the same materials;
 - Replacement of lighting fixtures;
 - Replacement of doors and windows that do not modify the size or shape of building openings; or
 - Replacement of existing signage.

1129.20 District Descriptions and Intent

1129.21 Establishment of Districts and Street Hierarchy

The following districts have been established for use in the Downtown and Main Street areas of the City.

- 02.01 "MS-1" Main Street Core District
- 02.02 "MS-2" South B Street District
- 02.03 "MS-3" Main Street Transition District
- 02.04 "DT-1" Downtown High Street District
- 02.05 "DT-2" Downtown Support District
- 02.06 "DT-3" Downtown East High Street District

The following district(s) have been established for use in the University Commerce Park area of the City.

- 02.07 "UCP-1 University Commerce Park District -1"
- 02.08 "UCP-2 University Commerce Park District -2"

1129.22

MS-1: Main Street Core District.

The MS-1 District supports a mix of one to four story buildings that define the City’s Main Street core area, serving residents and area employees. This neighborhood shopping and service area has high ground floor transparency requirements and establishes a street wall of storefront-style building facades along the sidewalk. It focuses pedestrian-friendly retail and service uses on the ground story with residential and/or office uses in upper stories.

1129.23

MS-2: South B Street District

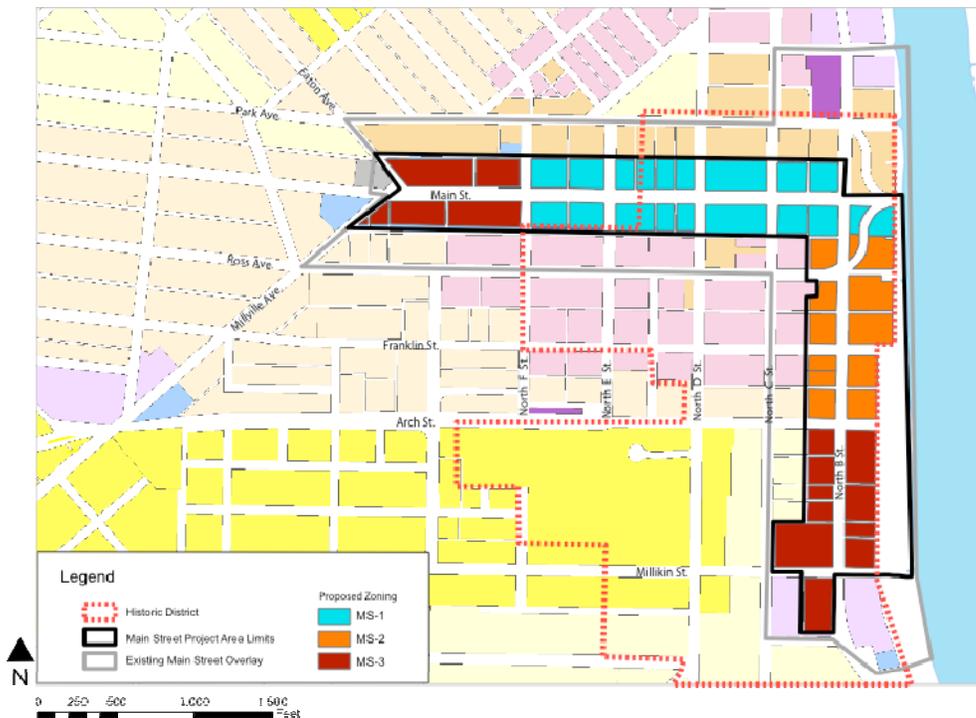
The MS-2 District is a Main Street adjacent district that permits one to four story buildings with residential and mixed uses. Residential uses are found in stoop buildings and row houses, with neighborhood-scale commercial uses in stoop and cottage commercial building types.

1129.24

MS-3: Main Street Transition District

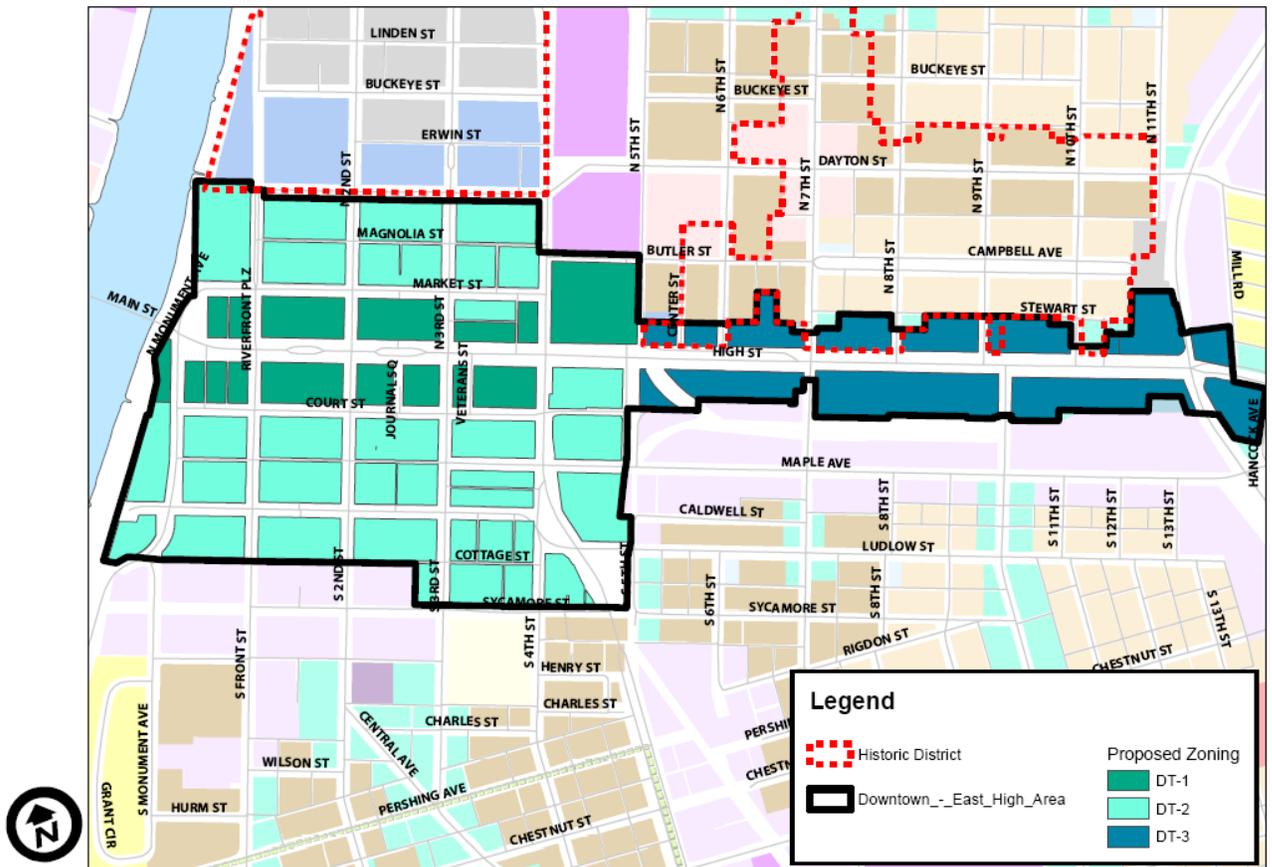
The MS-3 District permits residential, mixed use, and office buildings. Its’ one to four story buildings allow development of a traditional main street building as well as more flexible building types that allow for less overall transparency and more parking options, without sacrificing the pedestrian scale and orientation of the district. Ground story uses include pedestrian-friendly retail uses, service uses, and office uses with residential and office uses in the upper stories.

Main Street Area Proposed Zoning



- 1129.25 DT-1: Downtown High Street District.
The DT-1 District supports a mix of two to ten story buildings that define the City’s core High Street area. This regional civic, shopping, service, and office area has high ground floor transparency requirements and establishes a street wall of storefront style-building facades along the sidewalk. It focuses pedestrian-friendly retail and service uses on the ground story with office and residential uses in upper stories.
- 1129.26 DT-2: Downtown Support District.
The DT-2 District is an area that permits a wide variety of uses and building types that support the High Street core. It maintains a high level of pedestrian-orientation, but allows for buildings with less overall transparency and more parking options. Its two to eight story buildings allow development of storefronts, office buildings, apartments, civic buildings, and row townhouse buildings. It provides for pedestrian-friendly retail and service uses on the ground story, with office and residential uses in upper stories.
- 1129.27 DT-3: Downtown East High Street District
The DT-3 District is a highly transitional district that permits residential, commercial, mixed use, and office buildings. Its’ one to three story buildings allow development of a traditional main street building as well as more flexible building types that allow for less overall transparency and more parking options.

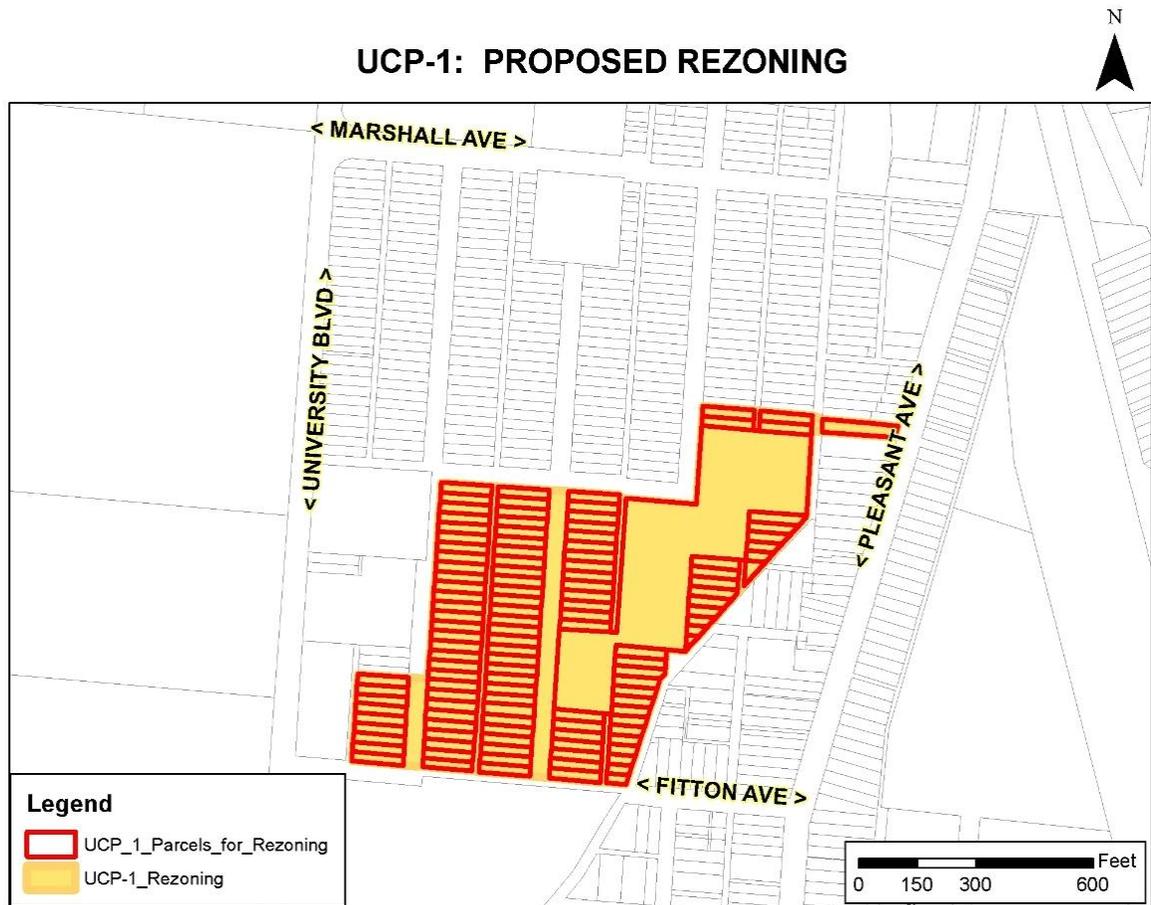
Downtown - East High Area Proposed Zoning



1129.27.1 UCP-1 University Commerce Park District -1

The UCP-1 District is a form based zone district that permits three to five story buildings with residential and mixed uses. Residential uses are found in storefront, general stoop, and row house building types, with neighborhood-scale commercial uses in storefront and general stoop building types.

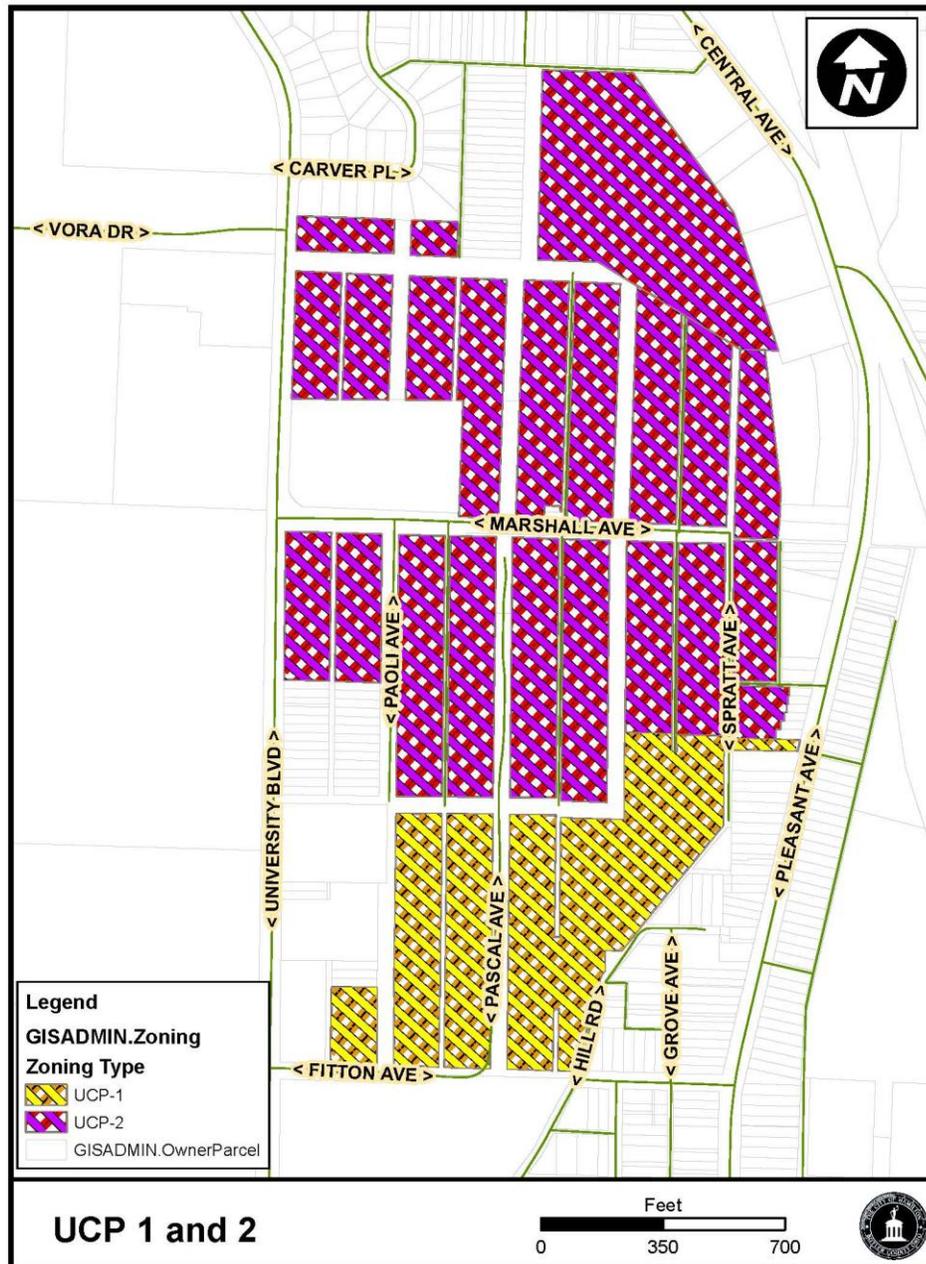
UCP-1 ZONING MAP



1129.27.2 UCP-2 University Commerce Park District -2

The UCP-2 District is a form based zone district that permits one to three story buildings with commercial, office, and industrial mixed uses. Permitted uses are found in storefront, general stoop, and parking structure building types.

UCP-2 ZONING MAP



1129.28 Access and Hierarchy of Streets.
Refer to the maps on the following pages.

- (1) Intent. To provide guidance for locating the front lot lines and vehicular access to lots, as referred to in the Building Types (refer to Section 1129.40).
- (2) Street Hierarchy Maps. Refer to Figures 1120.28 (1) and (2) for designation of primary streets, secondary streets, and alleys.
 - a. Primary streets are defined as the highest priority street for pedestrian orientation with limited sidewalk interruptions from driveways and the highest levels of transparency.
 1. Vehicular access, loading, and driveways are permitted off these streets only if no alley or secondary street abuts the property and no easement to an alley or secondary street exists.
 2. If a lot abuts a primary street, the lot line parallel to the primary street shall be the front lot line.
 - b. Alley Streets. Platted, named streets currently used as alleys are designated as alleys for the purposes of this code. Applies to Downtown only.
 1. Vehicular access off these streets is permitted as if the street is an alley. Refer to 1129.28 (3) Vehicular Access Hierarchy, below.
 2. Street Facade Requirements for each Building Type do not apply to facades fronting these streets.
 3. Yards associated with these streets are typically rear yard or side yards. Buildings may front these streets only if no other street frontage is available.
 - c. Secondary Streets. All streets not designated as a primary street, alley, or alley street are secondary streets.
 1. Vehicular access off these streets is permitted only if an alley or an easement to an alley does not exist. Refer to 1129.28 (3) Vehicular Access Hierarchy, below.
 2. All facades abutting a secondary street are required to meet the Street Facade Requirements of the Building Type.
 3. A Street is considered a secondary street for the purpose of access; however, it shall be considered a primary street for all Street Facade Requirements, triggering treatment as an additional front facade.
 - d. At the intersection of any two primary streets, the following shall be considered the front lot line:
 1. High Street. If High Street is one of the primary streets, the lot line parallel to High Street shall be the front lot line.
 2. Main Street. If Main Street is one of the primary streets, the lot line parallel to Main Street shall be the front lot line.
 3. For all other situations, the Department of Community Development, or designee shall determine which lot line shall be the front lot line. At the intersection of any two primary streets within the University Commerce Park, the Department of Community Development, or designee shall determine which lot line shall be the front lot line.

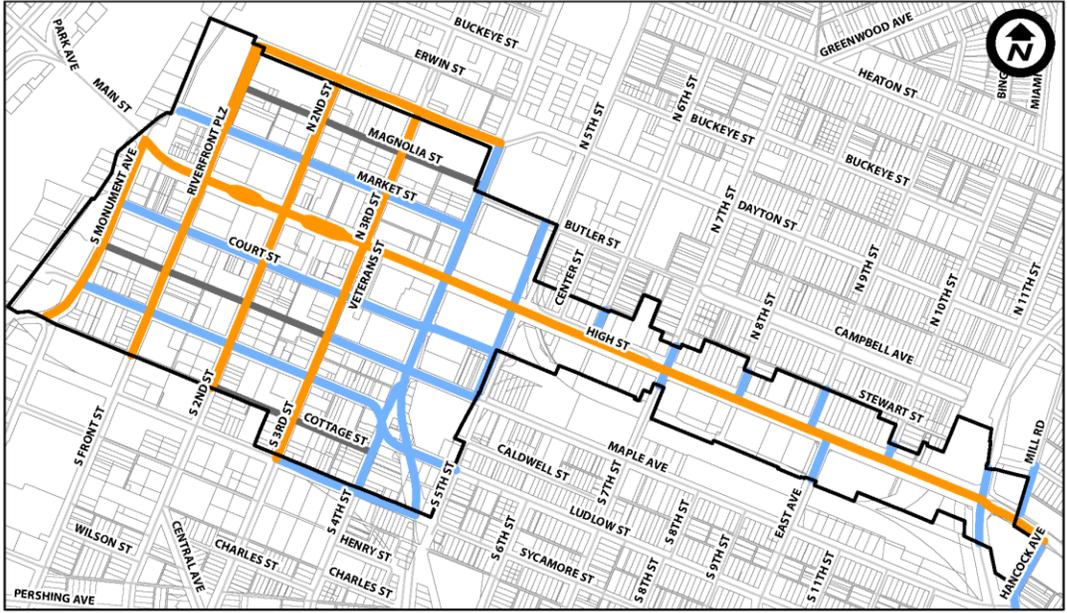


Figure 1129.28 (2). Street Hierarchy Map: Downtown and East High Street

- Key**
- Primary Street
 - Secondary Street
 - Alley Street
 - Boundary of Applicable Area

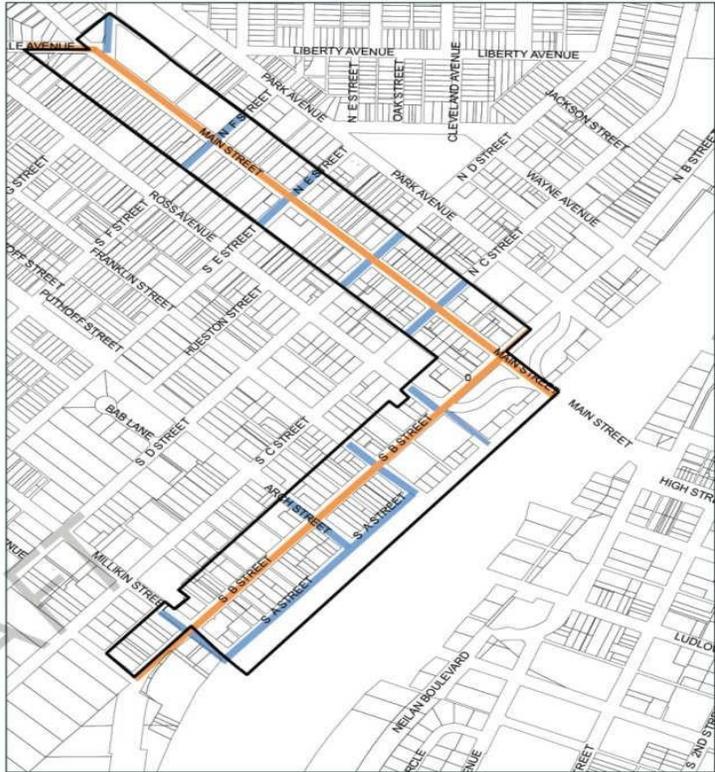


Figure 1129.28 (1). Street Hierarchy Map: Main Street.

- Key**
- Primary Street
 - Secondary Street
 - Boundary of Applicable Area

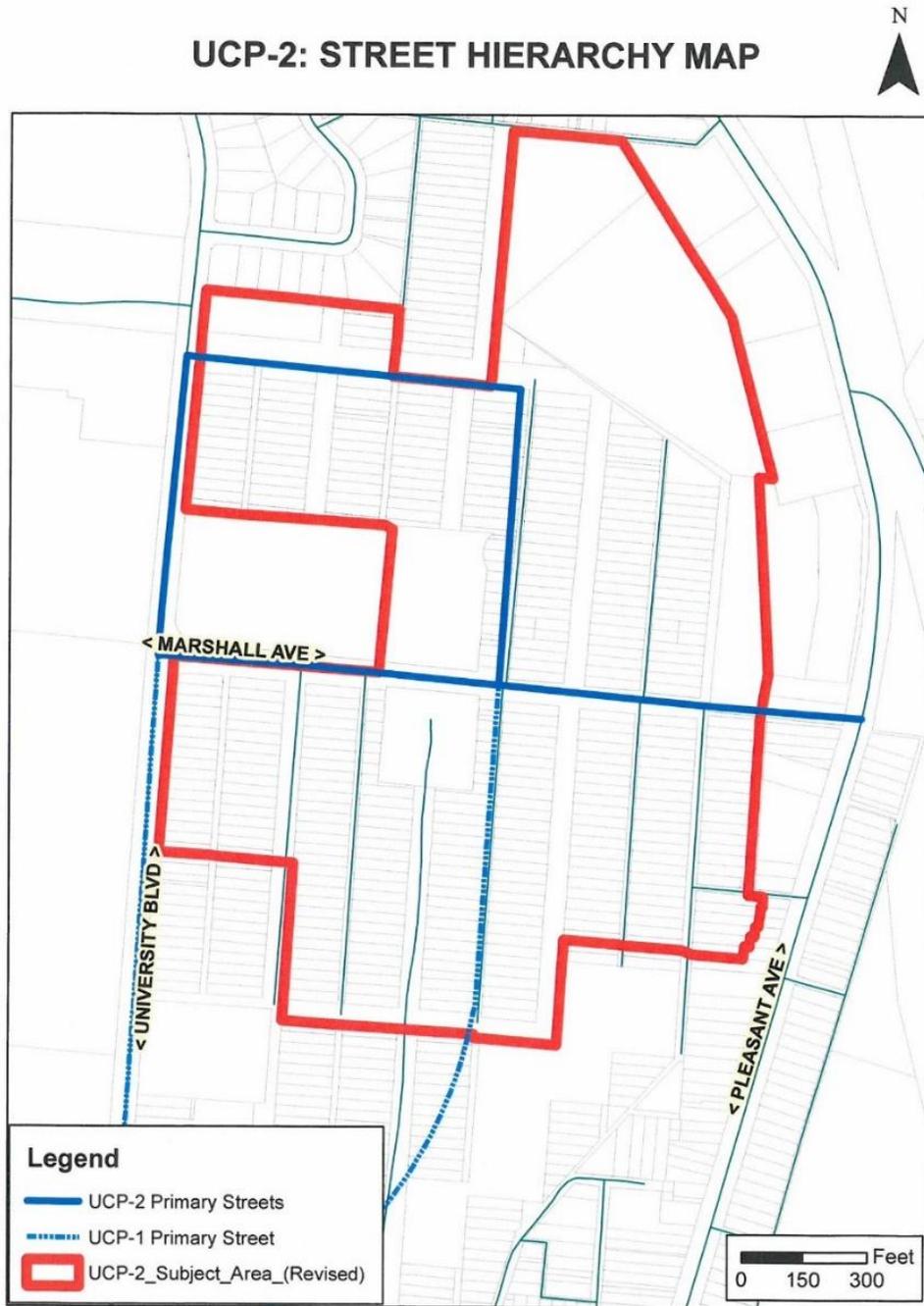
(3) Vehicular Access Hierarchy. The following hierarchy should be considered to determine the appropriate location for vehicular access, loading, and driveways for all parcels within the form-based districts. (Amended OR 2014-5-34)

- a. If an alley exists, vehicular access should be from the alley. No limitation on the number of driveways off alleys applies.
- b. If no alley exists, one driveway may be permitted off a secondary street, unless otherwise permitted by the Building Type.
- c. If no alley and no secondary street frontage exists, one driveway may be permitted off a primary street. Driveways off primary streets should be no wider than eighteen (18) feet and the sidewalk pavement shall continue across the driveway.
- d. Shared driveways are encouraged.
- e. Vehicular access and driveway width shall be determined jointly by the Director of Community Development and Director of Public Works on a case by case basis.

(4) Vehicular Access Hierarchy within the University Commerce Park. The following hierarchy shall be used to determine the appropriate location for vehicular access, loading, and driveways for all parcels within the UCP-1 and UCP-2 form-based districts.

- a. No new vehicular access drives permitted on Marshall Avenue and/or Grand Avenue extension.
- b. If an alley exists, vehicular access shall be from the alley. No limitation on the number of driveways off alleys applies. Driveways within the UCP-1 form based district shall be no wider than twenty-four (24') feet and sidewalk pavement shall continue across the driveway.
- c. If no alley exists, one driveway is permitted off a secondary street, unless otherwise permitted by the Building Type. Within the UCP-2 form based district, driveways off secondary streets shall be no wider than thirty-six (36') feet and the sidewalk pavement shall continue across the driveway.
- d. If no alley and no secondary street frontage exists, one driveway is permitted off a primary street. Within the UCP-2 form based district, driveways off primary streets shall be no wider than thirty-six (36') feet and the sidewalk pavement shall continue across the driveway.
- e. Shared driveways are encouraged.

UCP STREET HIERARCHY MAP



1129.30 Permitted Uses

The table below indicates what uses are permitted or conditional uses in the form-based zone districts, as well as any additional requirements that may limit or condition the ability of specific uses in some locations.

- (1) A “P” in a cell of this table indicates that the land use is allowed by right in that form-based zone district, subject to compliance with those standards referenced in the right-hand column of the table, Additional Requirements, any restrictions on uses contained in sections 1129.43 Building Types, and all other applicable provisions of this zoning ordinance. Any use allowed by right as a primary use of land is also permitted as an accessory use to a different permitted or approved conditional use of land on the same parcel.
- (2) A “U” in a cell of this table indicates that the land use is allowed by right in that form-based zone district only above the ground floor of the building, subject to compliance with those standards referenced in the right-hand column of the table, Additional Requirements, any restrictions on uses contained in sections 1129.43 Building Types, and all other applicable provisions of this zoning ordinance.
- (3) A “C” in a cell of the table indicates that the land use is allowed in that form-based zone district only if specifically authorized by the City Council in accordance with the provisions in Section 1155.00. If the use is authorized, it shall be subject to compliance with those standards referenced in the right-hand column of the table, Additional Requirements, any restrictions on uses contained in sections 1129.43 Building Types, and all other applicable provisions of this zoning ordinance. (REVISED OR2015-9-80)
- (4) An “A” in a cell of this table indicates that the land use is allowed by right in that form-based zone district only as an accessory (i.e. secondary and subordinate) use to another permitted or approved conditional use on the property, subject to compliance with those standards referenced in the right-hand column of the table, Additional Requirements, any restrictions on uses contained in sections 1129.43 Building Types, and all other applicable provisions of this zoning ordinance.
- (5) A blank cell indicates that the land use is not permitted in that form-based zone district.
- (6) If a Civic Building is constructed pursuant to this section 1129,434 and that building later remains unoccupied for a period of six (6) months or longer, then, notwithstanding the provisions of section 1129.434, the applicant may apply for approval of any use in the clinics, eating places, financial institutions, offices, personal and business services, retail, studio, or transient accommodation categories as shown in the table below through the conditional use process.
- (7) Uses not specifically listed within the Permitted Use Chart will be determined based upon the North American Industrial Classification System (NAICS) published by the United States Office of Management and Budget.

USE P = Permitted Use C = Conditional Use U = Upper Floor Use A = Accessory Use	ZONING DISTRICTS												ADDITIONAL REQUIREMENTS	
	PROPOSED DISTRICTS													
	R-0	B-1	B-2	B-3	BPD	MS-1	MS-2	MS-3	DT-1	DT-2	DT-3	UCP-1		UCP-2
Adult Businesses														See 1121.38
Agricultural Uses														
General Farming														
Greenhouses								P				A	A	
Keeping of Animals														See 1115.24
Nurseries								P						
Animal Hospitals, Veterinary Clinics														See 1121.32 – applies to all
Kennels														
Antenna Towers							A	A	A	A		A	A	See 1142.70 applies to all
Automotive Services, Farm Implements														See 1121.33 --applies to all
Automotive Service Stations								C		C	P			See 1122.22; 1122.33
Automobile repair								C		C	C			See 1122.22
Body and Fender Shops								C		C	C			See Table Note [1]
Car Washes								C		C	C			
Commercial Parking Garages and Lots						C		P	C	P	P	P	P	See 1122.32
Paint Shops								C		C	C			
Repair Garages								C		C	C			
Trailer Lots														
Used Car Lots														
Auto Sharing Service										C		P	P	
Business Signs						P	P	P	P	P	P	P	P	
Children's Licensed Daycare, Preschools and Day						P	P	P	P	P	P	C	C	
Clinics														
Medical Clinics						P	P	P	P	P	P	P	P	
Offices of Physicians, Surgeons or Dentists						P	P	P	P	P	P	P	P	
Clubs														See 1116.32 –applies to all See Table Note [6]
Fraternities							P	P	P	P	P	P	C	
Lodges							P	P	P	P	P	P	C	
Meeting Places for Other Organizations							P	P	P	P	P	P	C	
Cultural Uses														
Art Galleries						P	P	P	P	P	P	P	P	
Civic or Institutional Offices						P	P	P	P	P	P	P	P	
Colleges for Academic Instruction						P	P	P	P	P	P	P	P	
Museums						P	P	P	P	P	P	P	P	
Public Libraries						P	P	P	P	P	P	P	P	

USE P = Permitted Use C = Conditional Use U = Upper Floor Use A = Accessory Use	ZONING DISTRICTS												ADDITIONAL REQUIREMENTS	
	PROPOSED DISTRICTS													
	R-0	B-1	B-2	B-3	BPD	MS-1	MS-2	MS-3	DT-1	DT-2	DT-3	UCP-1		UCP-2
Dwelling Units														1126.31 May Apply if Located in a Historic District
Residential Facility, Large														
On the First Floor						C	C	C	C	C	C	C		See 1120.35
Above the First Floor						C	C	C	C	C	C	C		See 1120.35
Residential Facility, Small														
On the First Floor						C	P	C		C	C			
Above the First Floor						P	P	P	P	P	P	P	P	
Dwelling, Single-Family First Floor						C	P	C		C	C			
Dwelling, Single-Family Upper Floor						P	P	P	P	P	P	P		
Dwelling, Multi-Family First Floor						C	P	C	C	C	C	P		
Dwelling, Multi-Family Upper Floor						P	P	P	P	P	P	P		
Eating Places														See 1121.23 – applies to all
Bars/Taverns Soda Fountains						P	P	P	P	P	P	P	P	
Brewpub						P		P	P	P	P	P	P	
Cocktail Lounges						P	P	P	P	P	P	P	P	
Ice Cream Parlors						P	P	P	P	P	P	P	P	
Restaurants						P	P	P	P	P	P	P	P	
Restaurants, with Drive-in Service								C		C	P		C	See Table Note [2]
Soda Fountains						P	P	P	P	P	P	P	P	
Fabricating and Repair, Minor														
Electric Repair Shop								P	P	P	P		C	
Handcraft Industries, Small-Scale Manufacturing						P	P	P	P	P	P			
Painting and Decorating Shop								P	P	P	P		C	
Plumbing Shop								P	P	P	P		C	
Tinsmith Shop								P	P	P	P		C	
Tire Repair Shop								P		P	P		C	
Financial Institutions														See 1120.24
Banks						P	P	P	P	P	P	P	P	
Car Title Loan Business										C				
Cash Advance Facility										C				
Check Cashing Facility										C				
Financial Institutions with Drive-in Pay Day Lending Facility								C	C	C	P		C	See Table Note [2]
Savings and Loan Associations						P	P	P	P	P	P	P	P	
Industrial Uses, Limited													P	See Table Note [3]
Industrial Uses													P	See Table Note [4]
Institutional														
Business or Trade Schools						P	P	P	P	P	P	P	P	

USE P = Permitted Use C = Conditional Use U = Upper Floor Use A = Accessory Use	ZONING DISTRICTS												ADDITIONAL REQUIREMENTS	
	PROPOSED DISTRICTS													
	R-0	B-1	B-2	B-3	BPD	MS-1	MS-2	MS-3	DT-1	DT-2	DT-3	UCP-1		UCP-2
Elementary and Secondary Schools						P	P	P	P	P	P	P	P	
Hospitals for Human Care							P	P		P	P	P	P	
Mortuaries and Related Services														
Cemeteries														
Mortuaries or Funeral Homes								P	P	P	P			
Mortuaries with Crematory Services								C	C	C	C			
Nursing Homes and Adult Daycare Facilities								C		C		C		
Offices														
Business and Professional Offices						P	P	P	P	P	P	P	P	
Government and Quasi-Government						P	P	P	P	P	P	P	P	
Personal and Business Services														
Appliance & Television Repair Shops						P	P	P	P	P	P			
Bail Bond Agency										C				
Barber Shops						P	P	P	P	P	P	P	P	
Beauty Parlors						P	P	P	P	P	P	P	P	
General Business Services						P	P	P	P	P	P	P	P	
Personal Service						P	P	P	P	P	P			
Post Offices and Telegraph Offices						P	P	P	P	P	P	P	P	
Shoe Repair Shops						P	P	P	P	P	P	P	P	
Tailor Shops						P	P	P	P	P	P	P	P	
Tattoo/Piercing Shops				C										
Upholstery Shops						P	P	P	P	P	P	P	P	
Printing Establishments														
Blueprinting						C	C	C	P	P	C	P	P	
Job Printing						C	C	C	P	P	C	P	P	
Letterpress						C	C	C	P	P	C	P	P	
Lithographing						C	C	C	P	P	C	P	P	
Publishing						C	C	C	P	P	C	P	P	
Screen Printing						C	C	C	P	P	C	P	P	
Processing														
Bakery						P	P	P	P	P	P	P	P	See Table Note [5]
Catering Establishment						P	P	P	P	P	P	P	P	
Cleaning Works						P	P	P	P	P	P	C	P	
Laundry or Dyeing						P	P	P	P	P	P	C	P	
Public Facilities														
Correctional Facility										C				
Public Utility Stations and Services, together with Facilities						P	P	P	P	P		C	P	See 1121.34
Recreational and Entertainment Uses														
Baseball Fields										C				
Billiard Parlors						P		P	P	P	P			
Bowling Alleys						P		P	P	P	P			
Drive-in Theaters														

USE P = Permitted Use C = Conditional Use U = Upper Floor Use A = Accessory Use	ZONING DISTRICTS												ADDITIONAL REQUIREMENTS	
	PROPOSED DISTRICTS													
	R-0	B-1	B-2	B-3	BPD	MS-1	MS-2	MS-3	DT-1	DT-2	DT-3	UCP-1		UCP-2
Golf Courses														
Golf Driving Ranges														
Indoor Theaters						P		P	P	P	P	P	P	
Instant Bingo														
Night Clubs						P		P	P	P	P	P	C	
Pool Halls						P		P	P	P	P	P		
Parks						P	P	P	P	P	P			
Public Parks						P	P	P	P	P	P			
Private Non-commercial Recreation						A	A	A	A	A	A	A		
Skating Rinks							A	A		A	A	A		
Swimming Pools						P	P	P	P	P	P	A		
Religion Uses														See Table Note [8]
Churches, Synagogues and Other							P	P	P	P	P			
Retail and Services						P	P	P	P	P	P	P	P	See 1120.21
Building Materials and Hardware						P	P	P	P	P	P			
Clothes Cleaning and Laundry Pick-up Stations						P	P	P	P	P	P	P	P	
Grocery Stores						P	P	P	P	P	P	P	P	
Medical Marijuana Sales														
Outdoor Sales						A			A					See Table Note [6]
Pawn and Swap Shops														
Sales and Service to Customers in Motor Vehicles								C		C	P			See Table Note [7]
Variety and Apparel Stores						P	P	P	P	P	P	P	P	
Studios														
Art Studios						P	P	P	P	P	P	P	P	
Conservatory Studios						P	P	P	P	P	P	P	P	
Dance Studios						P	P	P	P	P	P	P	P	
Music Studios						P	P	P	P	P	P	P	P	
Photography Studios						P	P	P	P	P	P	P	P	
Radio Studios						P	P	P	P	P	P	P	P	
Television Studios						P	P	P	P	P	P	P	P	
Self-service Uses														
Dry Cleaners							P	P	P	P	P	P	P	See 1120.34
Self-service Laundries							P	P	P	P	P	P	P	
Pumping of Gasoline Accessory to Convenience or Grocery Stores								C		C	P		C	
Sweepstakes/Internet Cafe														
Trade and Services														See 1122.22 - applies to all
Ice Storage and Distribution Station														
Wholesale Establishments												P		
Transient Accommodations														
Bed and Breakfasts						P	P	P	P	P	P			
Group Quarters														

USE P = Permitted Use C = Conditional Use U = Upper Floor Use A = Accessory Use	ZONING DISTRICTS													ADDITIONAL REQUIREMENTS
	PROPOSED DISTRICTS													
	R-0	B-1	B-2	B-3	BPD	MS-1	MS-2	MS-3	DT-1	DT-2	DT-3	UCP-1	UCP-2	
Hotels, Motels and Related						P	P	P	P	P	P	C	C	
Motor Hotels														
Transient Shelters														
Table Notes: [1] Limited to automobiles and light trucks less than 8,000 GVW. [2] See Section 1129.46(7) for design and placement of drive-throughs. [3] See Section 1123.00 for list of permitted uses. [4] See Section 1124.00 for list of permitted uses. [5] This use is permitted if a retail storefront is part of the business operation. [6] Sidewalk sales will be permitted twelve (12) days each calendar year for each business. A no cost permit must be obtained in advance from the Planning Department Construction Services Division. [7] This does not include restaurants with drive-throughs or financial services with drive-throughs, which are listed separately. [8] Must be located in the Civic Building Type, except within UCP-1 & UCP-2. * Added per (OR2014-5-34) - Use Chart is not complete for R-0, B-1, B-2, B-3, BPD														

1129.40 Building Types

1129.41 Introduction to Building Types

The Buildings described in this section 1129.40 are the required Building Types for new construction and renovated structures within the form-based districts listed in 1129.20. In the event of any inconsistency between the Building Type standards in this section 1129.40 and any other provisions of this zoning ordinance, the provisions of this section 1129.40 shall apply.

(1) General

All Building Types shall meet the following requirements to achieve the intents defined for the districts.

- (a) Zoning Districts. Each Building Type shall be constructed only within those districts where it is shown as a permitted Building Type in Table 1129.40(1) Permitted Building Types by Districts.

		Districts					
		MS-1 (Main Street)	MS-2 (B Street)	MS-3 (Transitions)	DT-1 (High Street)	DT-2 (Support)	DT-3 (East High)
Building Types	Storefront Building	●		●	●	●	●
	General Stoop Building		●	●		●	●
	Cottage Commercial	●	○	●			●
	Civic Building		●	●	●	●	●
	Row Building		●			●	
	Parking Structure					◐	

● = Permitted within district
 ○ = Permitted only on corner parcels
 ◐ = Permitted on secondary street only

Table 1129.40 (1). Permitted Building Types by District.

- (b) No Other Building Types. All buildings constructed must meet the requirements of one of the Building Types permitted within the zoning district of the lot.
- (c) Permanent Structures. All buildings constructed shall be permanent construction.
- (d) Existing Historic Structures. Properties listed in Section 1126.110 (Central Business Building Inventory) are not subject to the requirements of this section 1129.40 Building Types.
- (e) Accessory Structures
 - A. Attached accessory structures are considered part of the principal structure.
 - B. Detached accessory structures are permitted per each Building Type and shall comply with all setbacks except the following:
 1. Detached accessory structures are not permitted in the front yard.
 2. Detached accessory structures shall be located behind the principal structure in the rear yard.
 3. Detached accessory structures shall not exceed the height of the principal structure.

1129.42 Explanation of Building Type Tables

(1) Building Siting. This section explains the line item requirements for each Building Type Table within the first section entitled “Building Siting”. Table 1129.42 (1), illustrates an example of a Height Requirements Table from a typical Building Type.

(a) Multiple Principal Structures. Whether more than one principal structure is permitted on a lot. If more than one principal structure is permitted, all buildings shall meet the requirements.

(b) Occupation of Corner. Whether a principal structure is required to occupy the intersection of the front and corner build-to zones.

(c) Front Lot Line Coverage. The minimum percentage of street wall or building facade required along the street. The width of the principal structure(s) (as measured within the front build-to zone) shall be divided by the maximum width of the front build-to zone (BTZ). Refer to Figure 1129.42 (1). Measuring Front Property Line Coverage.

A. Certain buildings have this number set to also allow the development of a courtyard along the front property line.

B. Some frontage types allow side yard parking to be exempted from the front lot line coverage calculation. If that exemption is permitted, the width of up to one double loaded aisle of parking, located with the drive perpendicular to the street and including adjacent sidewalks and landscaping, may be exempted, to a maximum of seventy (70) feet.

(d) Front Build-to Zone. The build-to zone or setback parallel to the front property line. Building components, such as awnings or signage, are permitted to encroach into the build-to zone.

(e) Corner Build-to Zone. The build-to zone or setback parallel to the corner property line.

(f) Minimum & Maximum Lot Width. The minimum and maximum width of a lot, measured at the front property line.

(g) Maximum Building Width. Dimension of building frontage.

(h) Maximum Impervious Coverage. The maximum percentage of a lot permitted to be covered by principal structures, accessory structures, pavement, and other impervious surfaces. . Refer to Figure 1129.42 (2), Maximum Impervious & Semi-Impervious Coverage.

(i) Additional Semi-Pervious Coverage. The additional percentage of a lot beyond the Maximum Impervious Coverage, which may be surfaced in a semi-pervious material, including a green roof or pavers.



Figure 1129.42 (2). Maximum Impervious & Additional Semi-Pervious Coverage.

Table 1129.42 (1). Example Building Siting Requirements Table from a Typical Building Type.

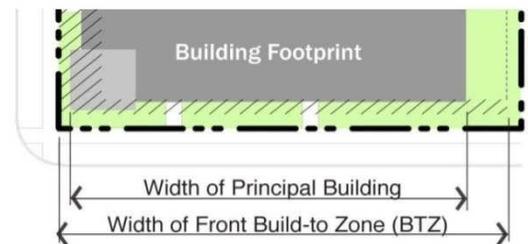


Figure 1129.42 (1). Measuring Front Property Line Coverage.

- (j) Parking & Loading Location. The yard in which a surface parking lot, detached garage, attached garage door access, loading and unloading, and associated drive is permitted.
- (k) Vehicular Access. The permitted means of vehicular ingress and egress to the lot.
 - A. Alleys, when present, shall always be the primary means of access.
 - B. When alleys are not present, a driveway may be permitted per Building Type and, if an alternative is available, shall not be located off a Primary Street.

(2) Height

This section explains the line item requirements for each Building Type Table within the second section entitled "Height". Table 1129.42 (2), illustrates an example of a Height Requirements Table from a typical Building Type.

	Permitted Districts	
	District A	District B
(2) Height		
Minimum Overall Height	1 story	1 story
Maximum Overall Height	4 stories	6 stories
Ground Story: Minimum Height	12'	12'
Maximum Height	18'	18'
Upper Stories: Minimum Height	8'	8'
Maximum Height	12'	12'

Table 1129.42 (2). Example Height Requirements Table from a Typical Building Type.

- (a) Minimum Height in Stories. The minimum overall height for the building shall be located within the build-to zone; stories above the required minimum height may be stepped back from the facade.
- (b) Maximum Height in Stories. The sum of a building's total number of stories.
 - A. Half stories must be located either completely within the roof structure with street-facing windows or in a visible basement exposed a maximum of one half story above grade.
 - B. A building incorporating both a half story within the roof and a visible basement shall count the height of the two half stories as one full story.
 - C. Some Building Types require a building facade to step back as its height increases. If required, the upper stories of any building facade with street frontage shall be set back beyond the building facade of the lower stories by the amount designated in the table.
- (c) Ground Story and Upper Story, Minimum and Maximum Height. Each frontage type includes a permitted range of height in feet for each story. Refer to Figure 1129.42 (3). Measuring Height. Additional information is as follows:
 - A. Floor height is measured in feet between the floor of a story to the floor of the story above it.
 - B. Floor height requirements apply only to street facing facades.
 - C. For single story buildings and the uppermost story of a multiple story building, floor to floor height shall be measured from the floor of the story to the tallest point of the ceiling.

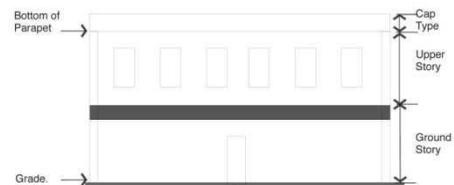
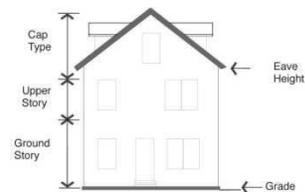


Figure 1129.42 (3). Measuring Height.

(3) Uses

This section explains the line item requirements for each Building Type Table within the third section entitled “Uses”. Refer to Section (C) Uses for uses permitted within each Zoning District. The requirements in this section of the Building Type Tables may limit those uses within a specific Building Type. Table 1129.42 (3) illustrates an example of the Uses table from a typical Building Type.

(a) Ground and Upper Story. The uses or category of uses that may occupy the ground and/or upper story of a building.

(b) Parking Within Building. The area(s) of a building in which parking is permitted within the structure.

(c) Required Occupied Space. The area(s) of a building that shall be designed as occupied space – which includes interior building space regularly occupied by the building users, but does not include storage areas, utility space, or parking.

	Permitted Districts	
	District A	District B
(3) Uses		
Ground Story	Any permitted use	
Upper Story	Any permitted use	
Parking within Building	Permitted fully in any basement and in rear of upper floors	
Occupied Space Required	30' deep on all full floors from the front facade	

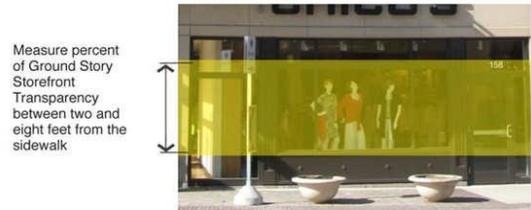
Table 1129.42 (3). Example Uses Table from a Typical Building Type.

(4) Street Facade Requirements

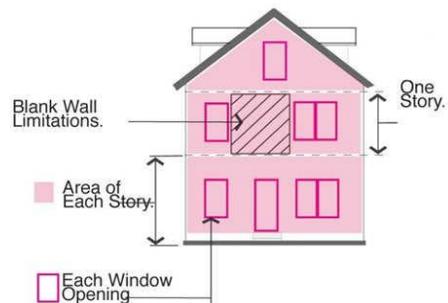
This section explains the line item requirements for each Building Type Table within the fourth section entitled “Street Facade Requirements.” Street Facade Requirements apply only to facades facing a public right-of-way. The rear or interior side yard facades are not required to meet these standards unless otherwise stated. Table 1129.42 (4) illustrates an example of a Street Facade Requirements Table from a typical Building Type.

(a) Minimum Ground Story and Upper Floor Transparency. The minimum amount of transparency required on street facades with street frontage. Refer to Figure 1129.42 (4).

- A. Transparency is any glass in windows and/or doors, including any mullions, that is highly transparent with low reflectance.
 1. Ground Story Primary Facade Transparency, when defined separately from the overall minimum transparency, shall be measured between two (2) feet and eight (8) feet from the average grade at the base of the front facade.
 2. Corner Side Facades are required to meet this percentage for the first thirty (30) feet of the facade from the corner.



Measuring Ground Floor Transparency on a Storefront base.



Measuring Transparency on Each Story.

Figure 1129.42 (4). Measuring Transparency.

- B. Transparency within the UCP-2 zoning district also includes opaque spandrel glass, spandrel architectural panels, and like and similar materials.
- (b) Blank Wall Limitations. A restriction of the amount of windowless area permitted on a facade with street frontage. If required, the following shall both be met for each story:
 - A. No rectangular area greater than thirty (30) percent of a story's facade, as measured from floor to floor, may be windowless; and
 - B. No horizontal segment of a story's facade greater than fifteen (15) feet in width may be windowless.
 - C. Within the UCP-2 zoning district no rectangular area greater than thirty (30) percent of a story's facade, as measured from floor to floor, may be featureless; and no horizontal segment of a story's facade greater than fifteen (15) feet in width may be featureless. For the purposes of this section, features include but are not limited to windows, vertical and horizontal building facade divisions and offsets (see f & g below), diversity of building materials (i.e. masonry, concrete texturing, cement or plaster) to produce effects of texture and relief that provide architectural interest.
- (c) Base type. The Base type(s) permitted for the entrance(s) of a given Building Type. A mix of permitted Base types may be used. Refer to section 1129.44 Base Types for definition of and additional requirements for each Base type.
- (d) Principal Entrance Location. The facade on which the primary building entrance is to be located.
- (e) Required Number of Street Entrances. The minimum number of and maximum spacing between entrances on the ground floor building facade with street frontage.
- (f) Vertical Facade Divisions. The use of a vertically oriented expression line or form to divide the facade into increments no greater than the dimension shown, as measured along the base of the facade. Elements may include a column, pilaster, or other continuous vertical ornamentation a minimum of one and a half inch depth.
- (g) Expression Line. The use of a horizontally oriented expression line or form to divide portions of the facade into horizontal divisions. Elements may include a cornice, belt course, molding, string courses, or other continuous horizontal ornamentation a minimum of one and a half inch depth.

(5) Cap Type

The following explains the line item requirements for each Building Type within the fifth section entitled "Cap Types". Table 1129.42 (5), illustrates an example of a Cap Type Requirements Table from a typical Building Type.

- (a) Permitted Cap Type. The cap type(s) permitted for a given Building Type. Refer to section 1129.45 Cap Types for more specific requirements.
- (b) Tower. A vertical building extension that may be permitted in conjunction with another cap type on certain Building Types. Refer to section 1129.45(5).

	Permitted Districts	
	District A	District B
(5) Cap Type Requirements		
Permitted Cap Types	Parapet, Pitched	Parapet, Pitched
Tower	Permitted	Permitted

Table 1129.42 (5). Example Cap Type Requirements Table from a Typical Building Type.

1129.43 Building Types

1129.431 Storefront Building

(1) Description & Intent.

The Storefront Building is a mixed use building built close to the front and corner property lines. Ground story storefronts with large amounts of glass and regularly spaced at-grade entrances allow easy access to passing pedestrians. Parking may be provided in the rear of the lot, internally in the rear of the building, or, in some cases, one double loaded aisle of parking is permitted in the interior or the side yard at the front property line.

Ground floor uses are limited to those with some level of pedestrian activity, such as retail, service, and office uses, with additional commercial, office, and/or residential uses in the upper stories.

(2) Regulations.

Regulations for the Storefront Building Type are defined in the adjacent table.

	Permitted Districts				
	MS-1	MS-3	DT-1	DT-2	DT-3
(a) Building Siting Refer to Figure 1129.431 (1)					
Multiple Principal Buildings	Not Permitted				Not Permitted
Minimum Front Lot Line Coverage	95% ¹	85% ^{1,2}	95% ³	85% ^{1,2}	65%
Occupation of Corner	Required				
Front Build-to Zone	0' to 5'	0' to 10'	0' to 5' ³	0' to 10'	5' to 20' ⁴
Corner Build- to Zone	0' to 5'	0' to 10'	0' to 5'	0' to 10'	5' to 15'
Minimum Side Yard Setback	0'	0'	0'	0'	5'
Minimum Rear Yard Setback	25'	25'	5'	5'	5'; 25' adjacent to residential
Minimum Lot Width Maximum Lot Width	None None				
Maximum Building Width	80'	80'	None	None	None

Maximum Impervious Coverage Additional Semi-Pervious Coverage	70% 20%	65% 20%	75% 25%	65% 30%	60% 20%
Parking & Loading Location	Rear yard ¹	Rear Yard ²	Rear Yard	Rear Yard ²	Rear Yard & Interior Side Yard
Vehicular Access	Alley. If no alley present, refer to 1129.27 Primary Streets for hierarchy of vehicular access.				
(b) Height Refer to Figure 1129.431 (2)					
Minimum Overall Height	1 story	1 story	3 stories	2 stories	1 story
Maximum Overall Height	4 stories	4 stories	12 stories	10 stories	3 stories
Ground Story: Minimum Height	12' 18'	12' 18'	14' 24' ⁴	14' 24' ⁴	15' 24' ⁴
Maximum Height					
Upper Stories: Minimum Height	8' 12'	8' 12'	9' 14	9' 14	9' 14
Maximum Height					
(c) Uses Refer to Figure 1129.431 (2)					
Ground Story	Any permitted non-residential use				
Upper Story	Any permitted use.				
Parking within Building	Permitted fully in any basement and in rear of upper floors				
Occupied Space Required	30' deep on all full floors from the front facade				
(d) Street Façade Requirements Refer to Figure 1129.431 (3)					
Minimum Ground Story Primary Façade Transparency Measured between 2' and 8' above grade	65%	60%	65%	60%	50%

Minimum Transparency Upper Stories	15%; maximum 50%	15%; maximum 50%	15%; maximum 50%	15%; maximum 50%	15%; maximum 50%
Blank Wall Limitations	Required per floor on Primary Street Facades only				
Primary Facade Base Type	Storefront				
Principal Entrance Location	Front or Corner Facade				
Minimum Number of Street Entrances	One for every 50' or less of facade	One for every 50' or less of facade	One for every 75' or less of facade	One for every 100' or less of facade	One for every 75' or less of facade
Ground Story Vertical Facade Divisions	Every 25' of facade width		Every 30' of facade width		
Upper Story Vertical Facade Divisions	Every 60' of facade width		Every 60' of facade width		
Expression Lines	Within 3' of the top of the ground story		Within 3' of the top of the ground story and the bottom of the top floor	Within 3' of the top of the ground story	
(e) Cap Type Requirements Refer to Figure 1129.431 (3)					
Permitted Cap Types	Parapet, Pitched ⁵	Parapet, Pitched ⁵	Parapet	Parapet, Pitched ⁵ , Flat	Parapet, Pitched ⁵ , Flat
Tower	Permitted				

Notes:

¹ Lots wider than 80 feet are permitted one single-loaded aisle of parking (maximum width of 40 feet), located perpendicular to the front lot line, and shall meet a front lot line coverage of 50%.

² Lots wider than 150 feet are permitted one double-loaded aisle of parking (maximum width of 65 feet), located perpendicular to the front lot line, and shall meet a front lot line coverage of 60%

³ A Courtyard covering up to 35% of the front and/or corner build-to zone may contribute to the front lot line coverage when enclosed by building on three sides.

⁴ If more than 18' in height, the ground story shall count as two stories towards maximum building height.

⁵ Use of the Pitched Cap Type permitted only on buildings with a maximum width, as measured along the front facade, of 60' and the ridge shall run parallel to the front lot line.

Storefront Building

	UCP1 (Residential)	UCP-2 (Commercial/Industrial)
Multiple Principal Buildings	Permitted	Permitted
(a) Minimum front lot line coverage	85%	60%
Occupation of Corner	Required	Required
(b) Front Build-to Zone	5'-15'	8'-15' ¹
(c) Corner Build-to Zone	5'-15'	8'-15'
(d) Minimum Side Yard Setback	10' to property line/ 20' between buildings	10' to property line/ 20' between buildings
(e) Minimum Rear Yard Setback	25'	25'
(f) Minimum Lot Width	100'	100'
(f) Maximum Lot Width		
(g) Maximum Building Width	160'	
Maximum Impervious Surface Coverage	60%	60%
Additional Semi-Pervious Surface Coverage	30%	30%
(h) Parking and Loading Location	Rear Yard ²	Rear Yard ³
(i) Vehicular Access	Primary Street	Primary Street ⁴
(j) Minimum Overall Height	3 stories	1 stories
(k) Maximum Overall Height	5 stories	3 stories
(l) Ground Story: Min Max	12' 18'	20' if single story 25' if single story 12' if multi story 18' if multi story 35' if single story industrial use

¹ The minimum build to zone for University Boulevard shall be 15-25 feet. Minimum “build-to” zone for Marshall Avenue/Grand Boulevard shall be 10-20 feet between University Boulevard and first intersection and the Minimum “build-to” zone for Marshall Avenue/Grand Boulevard between first intersection and Pleasant Avenue will be dependent upon site conditions.

² Lots wider than 80' are permitted one single-loaded aisle of parking (max width of 40'), located perpendicular to the front lot line, and shall meet a front lot line coverage of 50%.

³ Lots wider than 80' are permitted one single-loaded aisle of parking (max width of 40'), located perpendicular to the front lot line, and shall meet a front lot line coverage of 45%. Lots wider than 150 feet are permitted one double-loaded aisle of parking (maximum width of 65 feet), located perpendicular to the front lot line, and shall meet a front lot line coverage of 45%.

⁴ No new vehicular access drives permitted on Marshall Avenue/Grand Boulevard.

Storefront Building

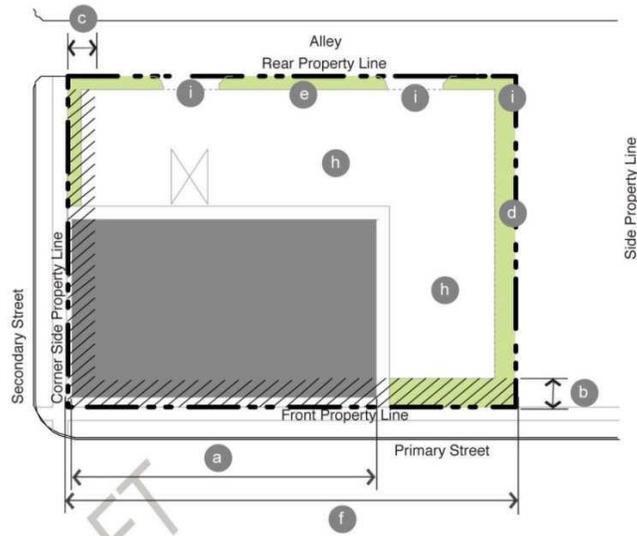
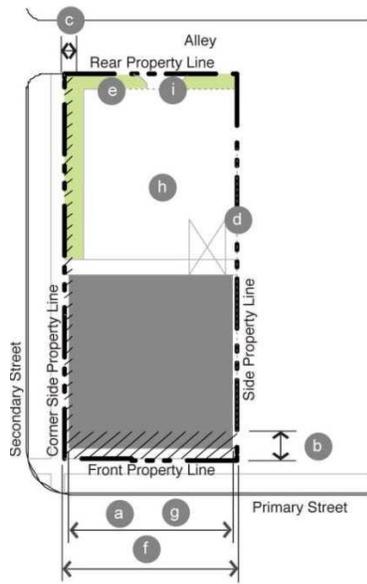
	UCP1 (Residential)	UCP-2 (Commercial/Industrial)
(m) Upper Story: Min Max	8' 12'	8' 12'
(n) Ground Story Permitted Uses	Any permitted non residential use.	Any permitted use.
(o) Upper Story Permitted Uses	Any permitted use.	Any permitted use.
(p) Parking within Building	Permitted fully in any basement and in rear of upper floors.	Permitted fully in any basement and in rear of upper floors.
(q) Occupied Space Required	30' deep on all full floors from the front facade	
(r) Minimum Ground Story Primary Façade Transparency	65% - measured between 2' and 8' above grade	30%
(s) Minimum Upper Story Transparency	15%	15%
Blank Wall Limitations	Required per floor on Primary Street Facades only ⁵	Required per floor on Primary Street Facades only ⁶
(t) Primary Façade Base Type	Storefront, Arcade	Storefront, Arcade
(u) Principal Entrance Location	Front or corner facade	Front or corner facade
Minimum Number of Street Entrances	One (1) every 50'	One (1) per street frontage
(v) Ground Story Vertical Façade Divisions	Every 30' of façade width	Every 30' of façade width
Upper Story Vertical Façade Divisions	Every 60' of façade width	Every 60' of façade width
(w) Expression Lines	Within 3' of the top of the ground story	Within 3' of the top of the ground story
Cap Type Requirements	Parapet, Pitched ⁷ , Flat	Parapet, Pitched ⁸ , Flat
(x) Tower	Permitted	Permitted
Service Entrances/Overhead Doors	Non Street Facade	Non Street Facade

⁵ No rectangular area greater than 30% of the story's façade, as measure from floor to floor, may be windowless; and no horizontal segment of a story's façade greater than 15' in width may be windowless.

⁶ No rectangular area greater than 30% of the story's façade, as measure from floor to floor, may be featureless; and no horizontal segment of a story's façade greater than 15' in width may be featureless.

⁷ Use of the Pitched Cap Type permitted only on buildings with a maximum width, as measured along the front façade, of 60' and the ridge shall be parallel to the front lot line.

⁸ Use of the Pitched Cap Type permitted only on buildings with a maximum width, as measured along the front façade, of 60' and the ridge shall be parallel to the front lot line.



Typical Site Plan

Site Plan with Side Yard Parking (MS-3 District)

Figure 1129.431 (1). Building Siting.

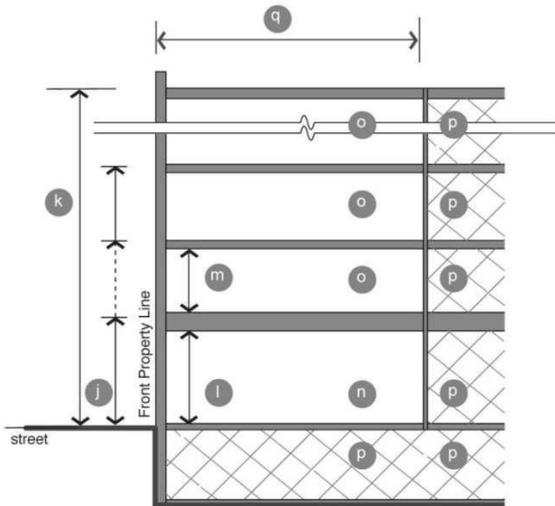


Figure 1129.431 (2). Height & Use Requirements.

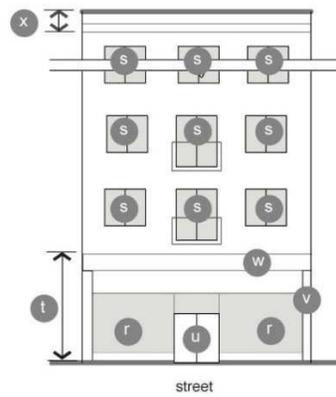


Figure 1129.431 (3). Street Facade Requirements.

1129.432 General Stoop Building.

(1) Description & Intent.

The General Stoop Building Type is limited in terms of uses by the district within which it is located, generally housing office and/or residential uses. Similar to the Main Street Building, the General Stoop building is intended to be built close to the front and corner property lines allowing easy access to passing pedestrians and transit riders. Parking may be provided in the rear of the lot, internally in the building, or, in some cases, one double loaded aisle of parking is permitted in the interior or the side yard at the front property line. The minimum and maximum heights of this Building Type depend on the district within which it is located.

(2) Regulations.

Regulations for the Stoop Building Type are defined in the adjacent table.

	Permitted Districts			
	MS-2	MS-3	DT-2	DT-3
(a) Building Siting Refer to Figure 1129.432 (1)				
Multiple Principal Buildings	Not Permitted			
Minimum Front Lot Line Coverage	75%	75% ¹	85%	60%
Occupation of Corner	Required			
Front Build-to Zone	5' to 20' ₃	5' to 15'	0' to 10'	10' to 25'
Corner Build-to Zone	5' to 10' ₃	5' to 10'	0' to 10'	0' to 15'
Minimum Side Yard Setback	2.5'	2.5'	5'	10'
Minimum Rear Yard Setback	25'	25'	25'	5'; 25' adjacent to residential
Minimum Lot Width	None			
Maximum Lot Width	None			
Maximum Building Width	60' along B street	80'	None	None
Maximum Impervious Coverage	60%	70%	75%	65%
Additional Semi-Pervious Coverage	25%	20%	20%	20%
Parking & Loading Location	Rear yard ₁	Rear Yard ²	Rear Yard ²	Rear Yard & Interior Side Yard
Vehicular Access	Alley. If no alley present, refer to 1129.27 Primary Streets for hierarchy of vehicular access.			
(b) Height Refer to Figure 1129.432 (2)				
Minimum Overall Height	2 stories	1 story	2 stories	1 story
Maximum Overall Height	4 stories	4 stories	10 stories	3 stories

All Stories: Minimum Height	8'	8'	9'	9'
Maximum Height	12'	12'	14'	14'
(c) Uses Refer to Figure 1129.432 (2)				
All Stories	Any office or residential use.			
Parking within Building	Permitted fully in any basement and in rear of upper floors			
Occupied Space Required	30' deep on all full floors from the front facade			
(d) Street Façade Requirements Refer to Figure 1129.432 (3)				
Minimum Transparency All Stories	12%; maximum 50%	12%; maximum 50%	12%; maximum 50%	12%; maximum 50%
Blank Wall Limitations	Required per floor on Primary Street Facades			
Primary Façade Base Type	Stoop, Porch			
Principal Entrance Location	Front or Corner Façade			
Minimum Number of Street Entrances	One	One	One for every 100' or less of facade	
Vertical Façade Divisions	None		Every 60' of ground story	
Expression Lines	Within 3' of the top of the ground story and any visible basement			
(e) Cap Type Requirements Refer to Figure 1129.432 (3)				
Permitted Cap Types	Pitched ⁴ ,Parapet		Parapet, pitched, flat	
Tower	Permitted			

Notes:

¹ Lots wider than 80 feet are permitted one single-loaded aisle of parking (maximum width of 40 feet), located perpendicular to the front lot line, and shall meet a front lot line coverage of 50%.

² Lots wider than 150 feet are permitted one double-loaded aisle of parking (maximum width of 65 feet), located perpendicular to the front lot line, and shall meet a front lot line coverage of 60%

³ Building facades built within 0 to 5' of the front lot line and constructed prior to adoption of this ordinance are considered in conformance. Steps on these buildings are permitted to encroach upon the sidewalk a maximum of 2', with a minimum of 4' clear.

⁴ Use of the Pitched Cap Type permitted only on buildings with a maximum width, as measured along the front facade, of 60' and the ridge shall run parallel to the front lot line.

General Stoop Building

	UCP1 (Residential)	UCP-2 (Commercial/Industrial)
Multiple Principal Buildings	Permitted	Permitted
(a) Minimum front lot line coverage	85%	60%
Occupation of Corner	Required	Required
(b) Front Build-to Zone	5'-15'	8'-15' ⁹
(c) Corner Build-to Zone	5'-15'	8'-15'
(d) Minimum Side Yard Setback	10' to property line/ 20' between buildings	10' to property line/ 20' between buildings
(e) Minimum Rear Yard Setback	25'	25'
Minimum Setback between buildings	20'	20'
(f) Minimum Lot Width	100'	100'
(f) Maximum Lot Width		
(g) Maximum Building Width	160'	
Maximum Impervious Surface Coverage	6%	60%
Additional Semi-Pervious Surface Coverage	30%	30%
(h) Parking and Loading Location	Rear Yard ¹⁰	Rear Yard ¹¹
(i) Vehicular Access	Primary Street	Primary Street ¹²
(j) Minimum Overall Height	3 stories	1 stories
(k) Maximum Overall Height	5 stories	3 stories
(l) All Stories: Min Max	8' 12'	18' if single story 22' if single story 8' if multi story 12' if multi story 35' if single story industrial use

⁹ The minimum build to zone for University Boulevard shall be 15-25 feet. Minimum "build-to" zone for Marshall Avenue/Grand Boulevard shall be 10-20 feet between University Boulevard and first intersection and the Minimum "build-to" zone for Marshall Avenue/Grand Boulevard between first intersection and Pleasant Avenue will be dependent upon site conditions.

¹⁰ Lots wider than 80' are permitted one single-loaded aisle of parking (max width of 40'), located perpendicular to the front lot line, and shall meet a front lot line coverage of 50%.

¹¹ Lots wider than 80' are permitted one single-loaded aisle of parking (max width of 40'), located perpendicular to the front lot line, and shall meet a front lot line coverage of 45%. Lots wider than 150 feet are permitted one double-loaded aisle of parking (maximum width of 65 feet), located perpendicular to the front lot line, and shall meet a front lot line coverage of 45%.

¹² No new vehicular access drives permitted on Marshall Avenue/Grand Boulevard.

General Stoop Building

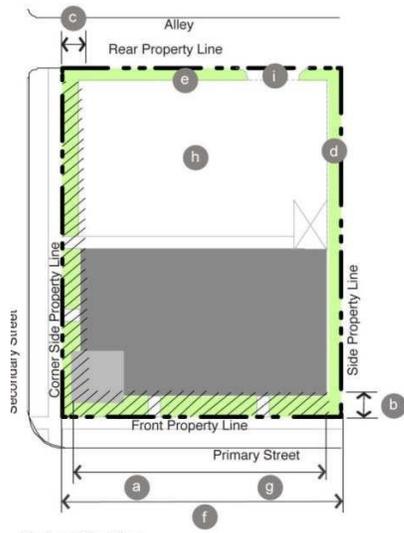
	UCP1 (Residential)	UCP-2 (Commercial/Industrial)
(n) Permitted Uses – All Stories	Any office or residential use	Any permitted use.
(p) Parking within Building	Permitted fully in any basement and in rear of upper floors	Permitted fully in any basement and in rear of upper floors
(q) Occupied Space Required	30' deep on all full floors from the front facade	
(r) Minimum Primary Façade Transparency – All Stories	12% minimum – 50% maximum	12% minimum
Blank Wall Limitations	Required per floor on Primary Street Facades only ¹³	Required per floor on Primary Street Facades only ¹⁴
(t) Primary Façade Base Type	Stoop, Porch, Arcade	Stoop, Porch, Arcade
(u) Principal Entrance Location	Front or corner façade	Front or corner façade
Minimum Number of Street Entrances	Every 50'	One (1) per street frontage
(v) Vertical Façade Divisions	Every 60' of ground story	Every 60' of ground story
(w) Expression Lines	Within 3' of the top of the ground story and any visible basement	Within 3' of the top of the ground story and any visible basement
(x) Cap Type Requirements	Pitched ¹⁵ , Parapet	Pitched ¹⁶ , Parapet
(y) Tower	Permitted	Permitted
Service Entrances/Overhead Doors	Non Street Facade	Non Street Facade

¹³ No rectangular area greater than 30% of the story's façade, as measure from floor to floor, may be windowless; and no horizontal segment of a story's façade greater than 15' in width may be windowless.

¹⁴ No rectangular area greater than 30% of the story's façade, as measure from floor to floor, may be featureless; and no horizontal segment of a story's façade greater than 15' in width may be featureless.

¹⁵ Use of the Pitched Cap Type permitted only on buildings with a maximum width, as measured along the front façade, of 60' and the ridge shall run parallel to the front lot line.

¹⁶ Use of the Pitched Cap Type permitted only on buildings with a maximum width, as measured along the front façade, of 60' and the ridge shall run parallel to the front lot line.



Typical Site Plan

Figure 1129.432 (1). Building Siting.

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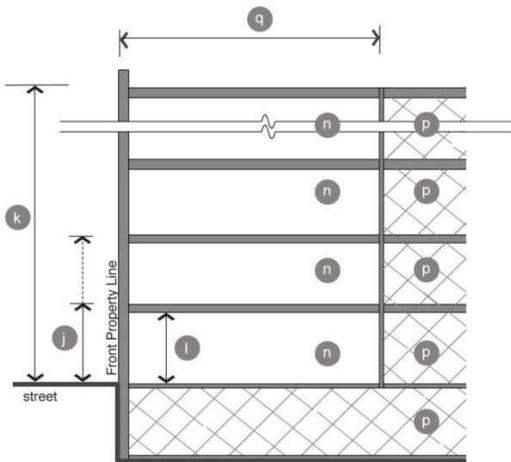


Figure 1129.432 (2). Height & Use Requirements.

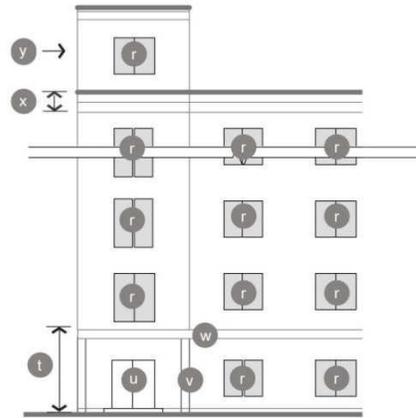


Figure 1129.432 (3). Street Facade Requirements.

1129.433 Cottage Commercial Building.

(1) Description & Intent.

Commercial Building combines characteristics of the Storefront Building Type with physical characteristics of a residential cottage, such as a pitched roof and a front stoop or porch.

This lower-scale building has a pedestrian-friendly storefront, stoop, or porch base type with moderate transparency and a primary entrance that faces the street. Constructed with Setbacks similar to a residential cottage, this building typically has more landscape area than the Storefront Building Types. Parking is permitted in the rear of the lot or a side aisle (with conditions).

The Cottage Commercial Building may contain a mix of uses, including retail, service, and office uses on the ground floor, with residential uses on upper floors.

(2) Regulations.

Regulations for the Cottage Commercial Form are defined in the adjacent table.

	Permitted Districts			
	MS-1	MS-2	MS-3	DT-3
(a) Building Siting Refer to Figure 1129.433 (1)				
Multiple Principal Buildings	Not Permitted	Not Permitted	Permitted	Permitted
Minimum Front Lot Line Coverage	85% ²	85%	75% ^{2,3}	60%
Occupation of Corner	Required			
Front Build-to Zone	0' to 15' ⁴	0' to 20'	5' to 15'	15' to 25'
Corner Build-to Zone	0' to 5'	0' to 15'	0' to 10'	10' to 20'
Minimum Side Yard Setback	2.5'	5'	2.5'	15'
Minimum Rear Yard Setback	35'	35'	35'	25'
Minimum Lot Width	None			
Maximum Lot Width	None			
Maximum Building Width	50'	30'	50'	60'
Maximum Impervious Coverage	60%	65%	60%	65%
Additional Semi-Pervious Coverage	20%	20%	20%	20%
Parking & Loading Location	Rear yard ²	Rear Yard	Rear Yard ^{2,3}	Rear Yard & Interior Side Yard
Vehicular Access	Alley. If no alley present, refer to 1129.27 Primary Streets for hierarchy of vehicular access.			
(b) Height Refer to Figure 1129.433 (2)				
Minimum Overall Height	1.5 stories	2 stories	1.5 stories	1 story
Maximum Overall Height	3 stories	3 stories	3 stories	3 stories
All Stories: Minimum Height	8'	8'	8'	9'
Maximum Height	12'	12'	12'	14'

(c) Uses Refer to Figure 1129.433 (2)				
Ground Story	Any permitted use except residential.			
Upper Stories	Any permitted use.			
Parking within Building	Permitted fully in any basement and in rear of upper floors			
Occupied Space Required	30' deep on all full floors from the front facade			
(d) Street Façade Requirements Refer to Figure 1129.433 (3)				
Minimum Ground Story Transparency Measured between 2' and 8' above grade	20%	45%	20%	20%
Minimum Transparency Upper Stories	15%; maximum 50%	15%; maximum 50%	15%; maximum 50%	15%; maximum 50%
Blank Wall Limitations	Required per floor on all Primary Street Facades			
Primary Façade Base Type	Stoop, Porch	Storefront, Stoop, Porch	Porch	
Principal Entrance Location	Front or Corner Side Façade			
Number of Street Entrances	Minimum 1			
Vertical Façade Divisions	Not Required			
Expression Lines	Within 3' of the top of any visible basement			
Primary Façade Material	Wood, hardiplank, vinyl siding with a minimum thickness of .04 inches			
(e) Cap Type Requirements Refer to Figure 1129.433 (3)				
Permitted Cap Types	Pitched with ridge perpendicular to front lot line			
Tower	Permitted			

Notes:

¹ The Cottage Commercial Building Type is permitted only on corners in the MS-2 District.

² Lots wider than 80 feet are permitted one single-loaded aisle of parking (maximum width of 40 feet), located perpendicular to the front lot line, and shall meet a front lot line coverage of 50%.

³ Lots wider than 150 feet are permitted one double-loaded aisle of parking (maximum width of 65 feet), located perpendicular to the front lot line, and shall meet a front lot line coverage of 60%

⁴ Building facades built within 0 to 5' of the front lot line and constructed prior to adoption of this ordinance are considered in conformance. Steps on these buildings are permitted to encroach upon the sidewalk a maximum of 2', with a minimum of 4' clear.

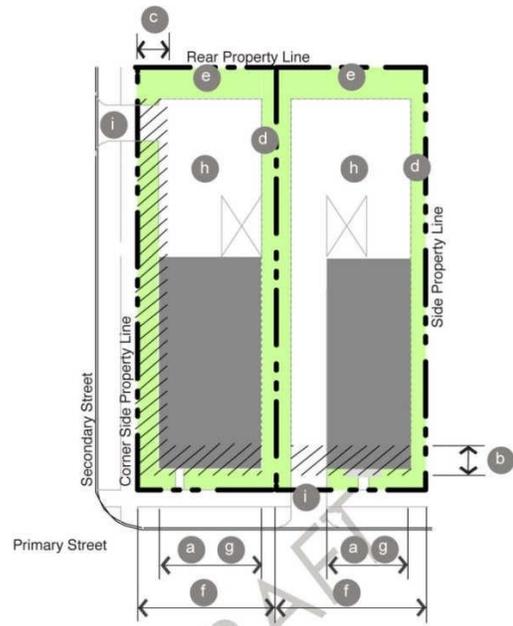


Figure 1129.433 (1). Building Siting.

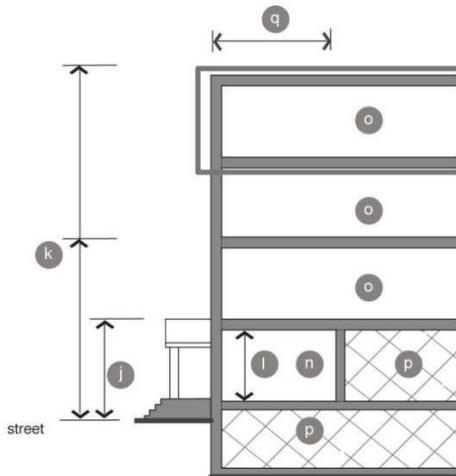


Figure 1129.433 (2). Height & Use Requirements.

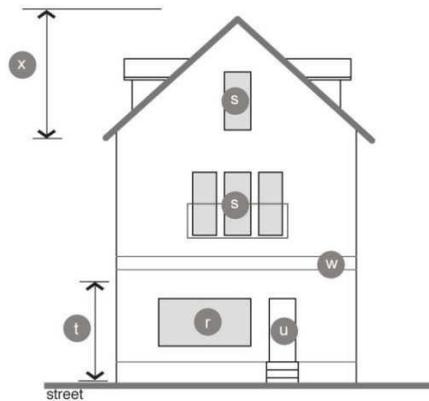


Figure 1129.433 (3). Street Facade Requirements.

1129.434 Civic Building.

(1) Description & Intent.

The Civic Building Type is a more flexible Building Type intended only for civic and institutional types of uses. These buildings are distinctive within the community fabric created by the other Building Types. In contrast to most of the other Building Types, a minimum setback line is required instead of a build to zone. Parking is limited to the rear in most cases.

(2) Regulations.

Regulations for the Civic Building Type are defined in the adjacent table.

	Permitted Districts				
	MS-2	MS-3	DT-1	DT-2	DT-3
(a) Building Siting Refer to Figure 1129.434 (1)					
Multiple Principal Buildings	Not Permitted				Permitted
Minimum Front Lot Line Coverage	None		85%	None	
Occupation of Corner	None		Required	None	
Front Build-to Zone	5'	10'	0'	0'	10'
Corner Build-to Zone	5'	5'	0'	5'	10'
Minimum Side Yard Setback	5'	5'	5'	5'	10'
Minimum Rear Yard Setback	25'	25'	5'	5'	5'; 25' adjacent to residential
Minimum Lot Width	50'				None
Maximum Lot Width	None				None
Maximum Impervious Coverage	70%	70%	75%	75%	70%
Additional Semi-Pervious Coverage	10%	20%	25%	25%	20%
Parking & Loading Location	Rear Yard & Interior Side Yard				
Vehicular Access	Alley. If no alley present, refer to 1129.27 Primary Streets for hierarchy of vehicular access.				
(b) Height Refer to Figure 1129.434 (2)					
Minimum Overall Height	1 story	1 story	1 story	1 story	1 story
Maximum Overall Height	3 stories	3 stories	10 stories	8 stories	2 stories
Ground Story:					
Min. Height	9'	9'	9'	9'	9'
Max. Height	16'	16'	24'	20'	20'
Upper Stories:					
Min. Height	9'	9'	9'	9'	9'
Max. Height	14'	14'	14	14	14

(c) Uses Refer to Figure 1129.434 (2)	
All Stories	Cultural uses, public facilities, clubs, or religion uses. Refer to 1129.30 Permitted Uses.
Parking within Building	Permitted fully in any basement and in rear of upper floors
Occupied Space Required	30' deep on all full floors from the front facade
(d) Street Façade Requirements Refer to Figure 1129.434 (3)	
Minimum Transparency per each story	15%
Blank Wall Limitations	None
Primary Façade Base Type	Stoop, Arcade
Principal Entrance Location	Front or Corner Façade
Number of Street Entrances	1 per each 150' of front facade
Vertical Façade Divisions	None
Expression Lines	None
(e) Cap Type Requirements Refer to Figure 1129.434 (3)	
Permitted Cap Types	Parapet, Pitched, Flat. Other by Conditional use.
Tower	Permitted

Notes:

¹ Lots wider than 80 feet are permitted one single-loaded aisle of parking (maximum width of 40 feet), located perpendicular to the front lot line.

1129.435 Row Building.

(1) Description & Intent.

The Row Building is a building typically comprised of multiple vertical units, each with its own entrance to the street. This Building Type may be organized as townhouses or rowhouses.

Parking is required to be located in the rear yard and may be incorporated either into a detached garage or in an attached garage accessed from the rear of the building. However, when the garage is located within the building, a minimum level of occupied space is required on the front facade to ensure that the street facade is active.

(2) Regulations.

Regulations for the Row Building Type are defined in the adjacent table.

	Permitted Districts	
	MS-2	DT-2
(a) Building Siting Refer to Figure 1129.435 (1)		
Multiple Principal Buildings	Permitted ¹	
Minimum Front Lot Line Coverage	65% ²	65% ²
Occupation of Corner	Required	Required
Front Build-to Zone	5' to 20' ³	5' to 15'
Corner Build-to Zone	0' to 15'	0' to 10'
Minimum Side Yard Setback	0' per unit; 7.5' between buildings	0' per unit; 10' between buildings
Minimum Rear Yard Setback	25', if alley present 10' ⁴	20', if alley present 10' ⁴
Minimum Lot Width Maximum Building Width	18' per unit maximum 6 units per building; maximum 120' width	18' per unit
Maximum Impervious Coverage Additional Semi-Pervious Coverage	60% 20%	75% 20%
Parking & Loading Location	Rear Yard; attached garages access off rear façade only	
Vehicular Access	Alley. If no alley present, refer to 1129.27 Primary Streets for hierarchy of vehicular access.	
(b) Height Refer to Figure 1129.435 (2)		
Minimum Overall Height	2 stories	2 stories
Maximum Overall Height	3.5 stories	4 stories

All Stories: Minimum Height	9'	9'
Maximum Height	14'	14'
(c) Uses Refer to Figure 1129.435 (2)		
All Stories	Any permitted use.	
Parking within Building	Permitted fully in any basement and in rear of upper floors	
Occupied Space Required	30' deep on all full floors from the front facade	
(d) Street Façade Requirements Refer to Figure 1129.435 (3)		
Minimum Transparency per each story	15%	15%
Blank Wall Limitations	Required per floor	
Primary Façade Base Type	Stoop, Porch	
Principal Entrance Location	Front or Corner Side Façade ²	
Number of Street Entrances	1 per unit	1 per unit
Vertical Façade Divisions	None	
Expression Lines	None	
(e) Cap Type Requirements Refer to Figure 1129.435 (3)		
Permitted Cap Types	Parapet, Pitched, Flat	
Tower	1 Permitted per building	

Notes:

¹ For the purposes of the Row Building, a building consists of a series of units. When permitted, multiple buildings may be located on a lot with the minimum required space between them. However, each building shall meet all requirements of the Building Type.

² Each building shall meet the front property line coverage requirement and entrance, except one of every five units may front and enter from a courtyard. The courtyard shall have a minimum width of 30 feet and be defined on three sides by units.

³ Developments spanning parcels between A and B Streets are required to treat B Street as the Front Lot Line.

⁴ Attached garages are considered part of the principal building and shall meet all setbacks. Detached garages shall have a minimum rear setback of 5'.

Row Building

	UCP1 (Residential)	UCP-2 (Commercial/Industrial)
Multiple Principal Buildings	Permitted	
(a) Minimum front lot line coverage	65% ¹⁷	
Occupation of Corner	Required	
(b) Front Build-to Zone	5'-15'	
(c) Corner Build-to Zone	5'-15'	
(d) Minimum Side Yard Setback	0' per unit; 10' to property line/ 20' between buildings	
(e) Minimum Rear Yard Setback	25'	
Minimum Lot Width	100'	
Maximum Lot Width		
(f) Minimum Building (unit) Width (g) Maximum Building (unit) Width	18' per unit maximum, 6 units (width) per building, maximum width 120'	
Maximum Impervious Surface Coverage	60%	
Additional Semi-Pervious Surface Coverage	30%	
(h) Parking and Loading Location	Rear Yard. If attached garage access off rear façade only	
(i) Vehicular Access	Primary Street	

¹⁷ Each building shall meet the front property line coverage requirement and entrance, except one of every five units may front and enter from a courtyard. The courtyard shall have a minimum width of 30' and be defined on three sides by units.

Row Building

	UCP1 (Residential)	UCP-2 (Commercial/Industrial)
(j) Minimum Overall Height	2 stories	
(k) Maximum Overall Height	4 stories	
(l) All Stories: Min Max	9' 14'	
(n) Permitted Uses – All Stories	Any Permitted Use	
(p) Parking within Building	Permitted fully in any basement and in rear of upper floors	
(q) Occupied Space Required	30' deep on all full floors from the front façade	
(r) Minimum Primary Façade Transparency – All Stories	15%	
Blank Wall Limitations	Required per floor on Primary Street Facades only ¹⁸	
(u) Primary Façade Base Type	Stoop, Porch	
Principal Entrance Location	Front or Corner Side Façade	
Minimum Number of Street Entrances	One per unit	
Vertical Façade Divisions	Every 18'	
Expression Lines		
(x) Cap Type Requirements	Parapet, Pitched, Flat	
Tower	Permitted	

¹⁸ No rectangular area greater than 30% of the story's façade, as measure from floor to floor, may be windowless; and no horizontal segment of a story's façade greater than 15' in width may be windowless.

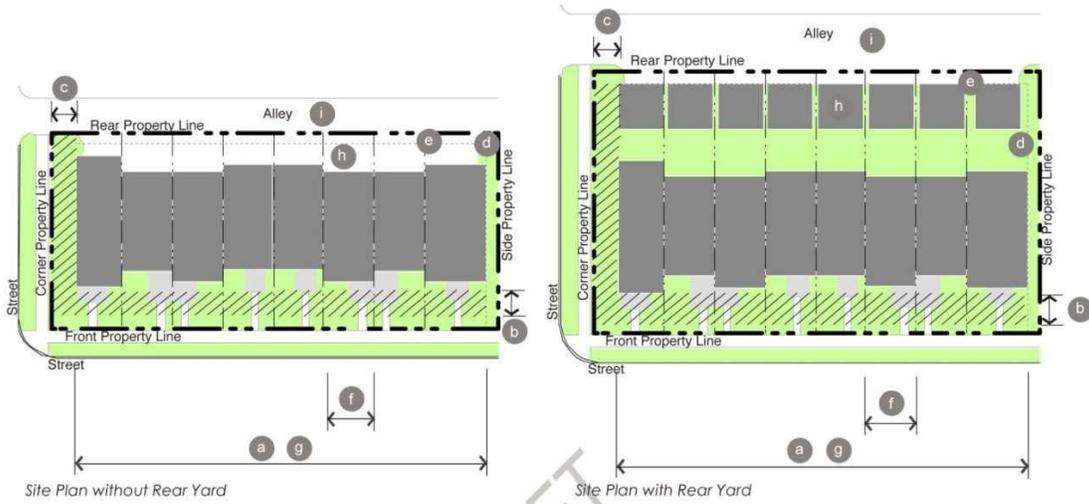


Figure 1129.435 (1). Building Siting.

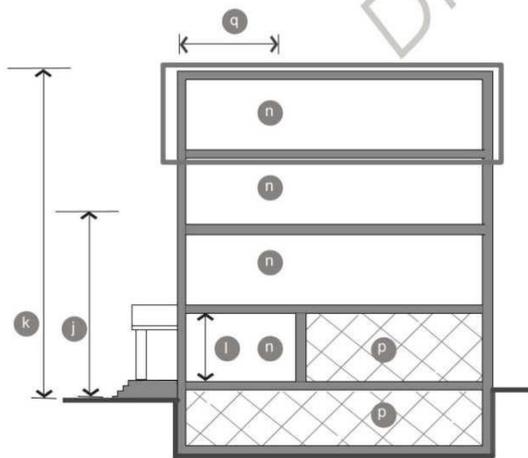


Figure 1129.435 (2). Height & Use Requirements.

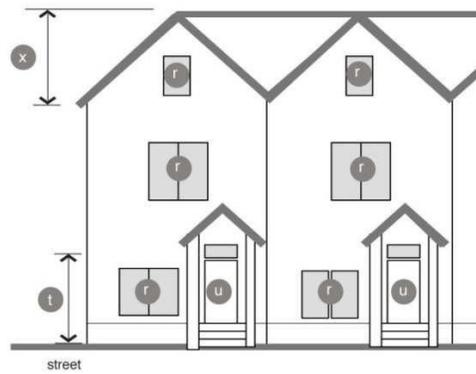


Figure 1129.435 (3). Street Facade Requirements.

1129.436 Parking Structure.

(1) Regulations.

Regulations for the Parking Structure are defined in the adjacent table.

	Permitted Districts
	DT-2
(a) Building Siting Refer to Figure 1129.436 (1)	
Multiple Principal Buildings	Not permitted
Minimum Front Lot Line Coverage	65%
Occupation of Corner	Not required
Front Build-to Zone	0' to 10'
Corner Build-to Zone	0' to 10'
Minimum Side Yard Setback	0'
Minimum Rear Yard Setback	5'
Minimum Lot Width	30'
Maximum Lot Width	60'
Maximum Building Width	250'
Maximum Impervious Coverage	50%
Additional Semi-Pervious Coverage	20%
Parking & Loading Location	Rear Yard
Vehicular Access	Alley, rear lane only, excludes vehicle entrances
(b) Height Refer to Figure 1129.436 (2)	
Minimum Overall Height	1.5 stories
Maximum Overall Height	4 stories
All Stories: Minimum Height	9'
Maximum Height	12'
(c) Uses Refer to Figure 1129.436 (2)	
All Stories	No additional requirement
Parking within Building	Permitted in the rear of the first floor and fully in any basement(s).
Occupied Space Required	15' depth space facing primary street, excludes vehicle entrances
(d) Street Façade Requirements Refer to Figure 1129.436 (3)	
Minimum Transparency per each story	15%
Blank Wall Limitations	Required

Primary Facade Base Type	Storefront, Stoop
Principal Entrance Location	Front, corner or side façade
Number of Street Entrances	1 per unit
Vertical Facade Divisions	None
Expression Lines	None
(e) Cap Type Requirements Refer to Figure 1129.436 (3)	
Permitted Cap Types	Parapet, Pitched, Flat
Tower	Not Permitted

Parking Structure

	UCP1 (Residential)	UCP-2 (Commercial/Industrial)
Multiple Principal Buildings	Not Permitted	Not Permitted
(a) Minimum front lot line coverage	60%	60%
Occupation of Corner	Required	Required
(b) Front Build-to Zone	5'-15'	8'-15' ¹⁹
(c) Corner Build-to Zone	5'-15'	8'-15'
(g) Minimum Side Yard Setback	20'	20'
(e) Minimum Rear Yard Setback	25'	25'
(f) Minimum Lot Width	100'	100'
(f) Maximum Lot Width		
(g) Maximum Building Width	250'	
Maximum Impervious Surface Coverage	40%	40%
Additional Semi-Pervious Surface Coverage	15%	15%
(i) Vehicular Access	Primary Street	Primary Street ²⁰

¹⁹ The minimum build to zone for University Boulevard shall be 15-25 feet. Minimum “build-to” zone for Marshall Avenue/Grand Boulevard shall be 10-20 feet between University Boulevard and first intersection and the Minimum “build-to” zone for Marshall Avenue/Grand Boulevard between first intersection and Pleasant Avenue will be dependent upon site conditions.

²⁰ No new vehicular access drives permitted on Marshall Avenue and/or Grand Avenue extension.

Parking Structure

	UCP1 (Residential)	UCP-2 (Commercial/Industrial)
(j) Minimum Overall Height	1.5 stories	1.5 stories
(k) Maximum Overall Height	4 stories	3 stories
(l) All Stories: Min Max	9' 14'	9' 14'
(m) Permitted Uses – First Floor Required Occupied Space	Any Permitted Use	Any Permitted Use
(n) Parking within Building	Permitted in rear of first floor, fully on any other floor or basement	Permitted in rear of first floor, fully on any other floor or basement
(o) Occupied Space Required	15' depth space facing primary/secondary street corner for a minimum of 30' in length, excludes vehicle entrances	15' depth space facing primary street corner for a minimum of 30' in length, excludes vehicle entrances ²¹
(p) Minimum Primary Façade Transparency – All Stories	15%	15%
Blank Wall Limitations	Required per floor on Primary Street Facades only ²²	Required per floor on Primary Street Facades only ²³
(q) Primary Façade Base Type	Stoop, Porch	Stoop, Porch, Arcade
(r) Principal Entrance Location	Front, Corner or Side Façade	Front, Corner or Side Façade
Number of Street Entrances	One per frontage	One per Primary Street Frontage
Vertical Façade Divisions	None	None
Expression Lines	None	None
(s) Cap Type Requirements	Parapet, Pitched, Flat	Parapet, Pitched, Flat
Tower	Multiple Permitted	Multiple Permitted

²¹ The minimum Occupied Space Required for Parking Structures located on a Primary Street is 15 feet depth and the greater of 60 feet or 50 percent of the structure frontage.

²² No rectangular area greater than 30% of the story's façade, as measure from floor to floor, may be windowless; and no horizontal segment of a story's façade greater than 15' in width may be windowless.

²³ No rectangular area greater than 30% of the story's façade, as measure from floor to floor, may be featureless; and no horizontal segment of a story's façade greater than 15' in width may be featureless.

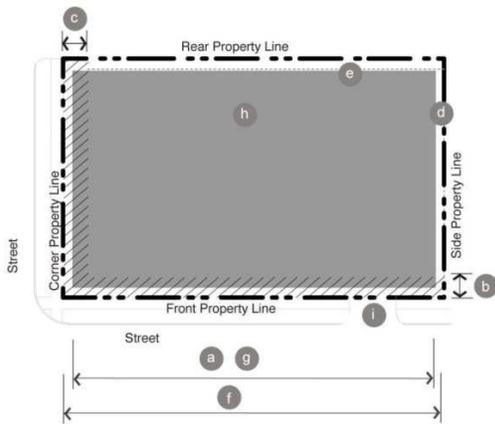


Figure 1129.436 (1). Building Siting.

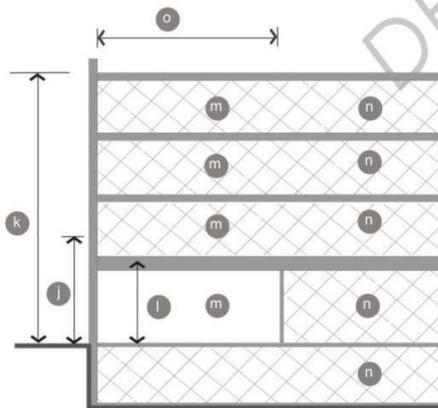


Figure 1129.436 (2). Height & Use Requirements.

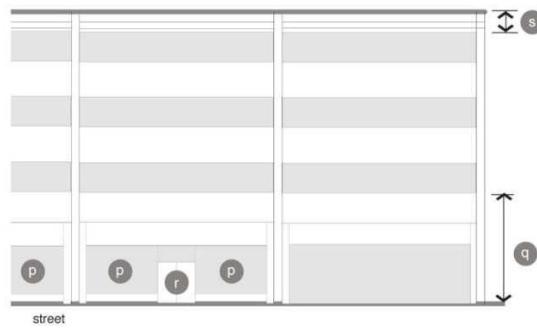


Figure 1129.436 (3). Street Facade Requirements.

1129.44 Base Types

Base type standards apply to the ground story and visible basement of front facades of all Building Types as defined in this section. Refer to the Building Type Table Requirements in section 1129.43.

(1) General

The following provisions apply to all base types.

- (a) Intent. To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each Building Type standard.
- (b) Applicability. The entire ground story front facade(s) of all buildings shall meet the requirements of at least one of the permitted base types, unless otherwise stated.
- (c) Measuring Transparency. Refer to 1129.42 Explanation of Building Type Table Standards, for information on measuring building transparency.
- (d) Visible Basements. Visible basements, permitted by base type, are optional. The visible basement shall be a maximum of one-half the height of the tallest story.

(2) Storefront Base Type

The Storefront base type is a highly transparent ground story treatment designed to serve primarily as the display area and primary entrance for retail or service uses. Refer to Figure 1129.44 (1).

- (a) Transparency. Minimum transparency is required per Building Type.
- (b) Elevation. Storefront elevation shall be between zero and one foot above sidewalk.
- (c) Visible Basement. A visible basement is not permitted.
- (d) Expression Line. Horizontally define the ground story facade from the upper stories.
- (e) Entrance. Where the sidewalk is less than 10 feet in width at the entrance, the entry door shall be recessed from the front facade.

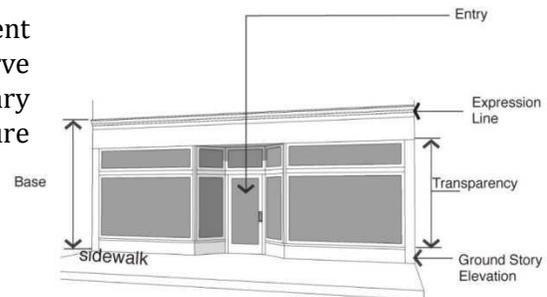
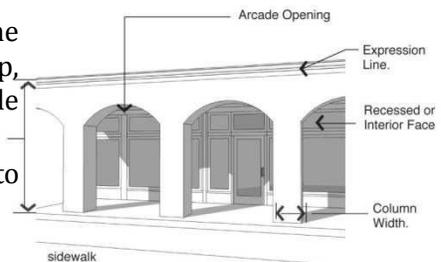


Figure 1129.44 (1). Storefront Base Type

- A. Recess shall be a minimum of three feet from the front lot line and a maximum of eight feet deep, measured from the portion of the front facade closest to the street.
- B. When the recess falls behind the front build-to zone, the recess shall be no wider than eight feet.



(3) Arcade Base Type

An Arcade base type is a covered pedestrian walkway within the recess of a ground story. Refer to Figure 1129.44 (2).

- (a) Arcade. An open-air public walkway is required from the face of the building recessed into the building a minimum of eight (8) and a maximum of fifteen (15) feet, except in the UCP-2.
- (b) Build-to-Zone. When the Arcade is used, the outside face of the Arcade shall be considered the front facade, located within the required build-to zone.

- (c) Recessed or Interior Facade. Storefront base type is required on the recessed ground story facade.
- (d) Column Spacing. Columns shall be spaced between ten (10) feet and twelve (12) feet on center, except in the UCP-2.
- (e) Column Width. Columns shall be a minimum of one (1) foot eight (8) inches and a maximum of two (2) feet four (4) inches in width, except in the UCP-2.
- (f) Arcade Opening. Opening shall not be flush with interior arcade ceiling and may be arched or straight.
- (g) Expression Line. Horizontally define the ground story facade from the upper stories.
- (h) Visible Basement. A visible basement is not permitted.

(4) Stoop Base Type

A stoop is an unroofed, open platform. Refer to Figure 1129.44 (3).

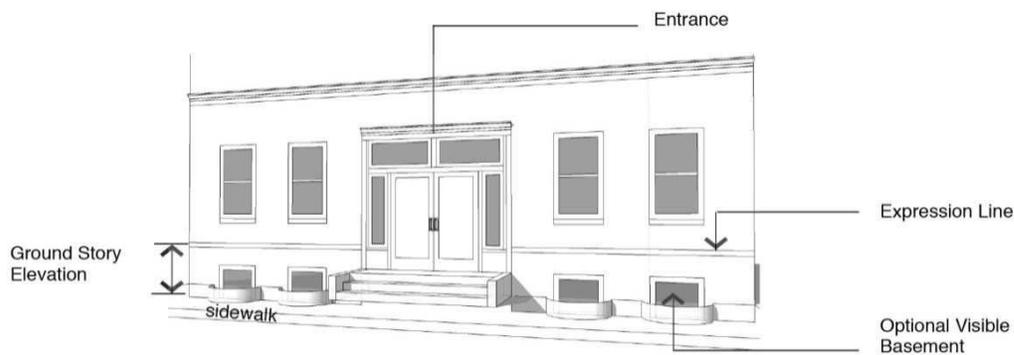


Figure 1129.44 (3). Stoop Base Type

- (a) Transparency. Minimum transparency is required per Building Type.
- (b) Stoop Size. Stoops shall be a minimum of three (3) feet deep and six (6) feet wide.
- (c) Elevation. Stoop elevation shall be located a maximum of two (2) feet six (6) inches above the sidewalk without visible basement and a maximum of four (4) feet six (6) inches above the sidewalk with a visible basement.
- (d) Visible Basement. A visible basement is permitted and shall be separated from the ground story by an expression line.
- (e) Entrance. The main entrance shall be located off a stoop.

(5) Porch Base Type

A porch is a raised, roofed platform with a minimum dimension of six feet by eight feet. Enclosure of porch walls is prohibited. Refer to Figure 1129.44 (4).

(a) Transparency

- A. Minimum transparency per Building Type is required.
- B. If enclosed, a minimum of forty (40) percent of the enclosed porch shall be comprised of highly transparent, low reflectance windows.

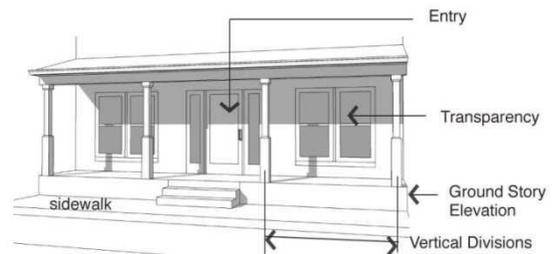


Figure 1129.44 (4). Porch Base Type

- (b) Porch Size. The porch shall be a minimum of five (5) feet deep and eight (8) feet wide.
- (c) Elevation. Porch elevation shall be located a maximum of two (2) feet six (6) inches above

the sidewalk without a visible basement and a maximum of four (4) feet six (6) inches above the sidewalk with a visible basement.

- (d) Visible Basement. A visible basement is permitted.
- (e) Height. Porch may be two stories to provide a balcony on the second floor.
- (f) Entrance. All entries shall be located off a porch.

1129.45 Cap Types

Cap Type standards apply to the roof and cap of all Building Types as defined in this section. Refer to the Building Type Table Requirements.

(1) General Provisions

The following provisions apply to all cap types.

- (a) Intent. To guide the design of the cap of all buildings.
- (b) Applicability. All buildings shall meet the requirements of one of the cap types permitted for the Building Type.
- (c) Measuring Height. Refer to Section 1129.42 Explanation of Building Type Table Requirements for information on measuring building height.
- (d) Other Cap Types. Other building caps not listed as a specific type may be approved by the Architectural Review Board with the following requirements:
 - A. The cap type shall not create additional occupiable space beyond that permitted by the Building Type.
 - B. The shape of the cap type shall be significantly different from the Parapet, Pitched/Gable, Pitched/Hip, Parallel Ridge, Tower, and Flat Cap types defined in this section 1129.45 Cap Types, (e.g. a dome, spire, or vault).
 - C. The building shall warrant a separate status within the community from the fabric of surrounding buildings, with a correspondence between the form of the cap type and the meaning of the building use.

(2) Parapet Cap Type

A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be used with a flat or low pitched roof and also serves to limit the view of roof-top mechanical systems from the street. Refer to Figure 1129.45 (1) Parapet Cap Type.

- (a) Parapet Height. Height is measured from the top of the upper story to the top of the parapet.
 - A. Minimum height is two (2) feet with a maximum height of six (6) feet.
 - B. The parapet shall be high enough to screen the roof and any roof appurtenances from view of the abutting street(s).

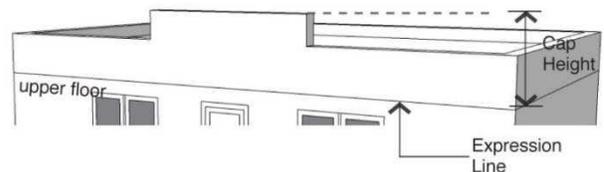


Figure 1129.45 (1). Parapet Cap Type.

Cap
Roof

- (b) The parapet may be vertical matching the façade materials, or sloped no less than 12:12 utilizing roof materials per 1129.46(1)(b), or a combination of vertical and sloped parapets meeting these standards.
- (c) Expression Lines. An expression line shall define the parapet from the upper stories of the building and shall also define the top of the cap.
- (d) Occupied Space. Occupied space shall not be incorporated behind this cap type.

(3) Pitched Cap Type

This cap type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run. Refer to Figure 1129.45 (2) Pitched Cap Type.

- (a) Pitch Measure. The roof may not be sloped less than a 4:12 (rise:run) or more than 16:12. Slopes less than 4:12 are permitted to occur on second story or higher roofs.

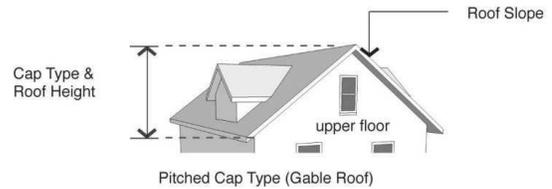


Figure 1129.45. (2) Pitched Cap Type

(b) Configurations.

- A. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
- B. Butterfly roofs (inverted gable roof) are permitted with a maximum height of eight feet, inclusive of overhang.
- C. Mansard roofs are permitted with the following standards:
 - 1. Mansard roof is permitted on only one story;
 - 2. Slope is no steeper than 16:12;
 - 3. Cap height is not taller than 10 feet; and
 - 4. One dormer per 15 horizontal feet of street frontage is required.
- D. Gambrel roofs are not permitted.

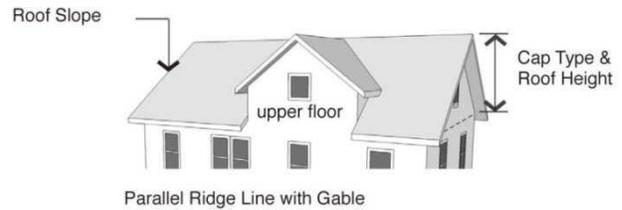


Figure 1129.45 (3). Parallel Ridge Line.

- (c) Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every one hundred (100) feet of roof when the ridge line runs parallel to the front lot line. Refer to Figure 1129.45 (3) Parallel Ridge Line.

- (d) Roof Height. Roofs without occupied space and/or dormers shall have a maximum height on street-facing facades equal to the maximum floor height permitted for the Building Type.

- (e) Occupied Space. Occupied space may be incorporated behind this cap type.

(4) Towers

A tower is a rectilinear or cylindrical, vertical element, that must be used with other cap types. Refer to Figure 1129.45 (4).

- (a) Quantity. All Building Types, with the

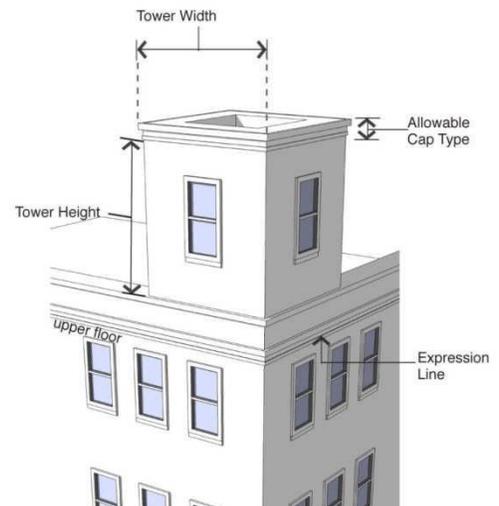


Figure 1129.45 (4). Tower.

exception of the Civic Building, are limited to one tower per building, unless otherwise indicated.

- (b) Tower Height. Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied.
- (c) Tower Width. Maximum width along all facades is one-third the width of the front facade or thirty (30) feet, whichever is less.
- (d) Horizontal Expression Lines. An expression line shall define the tower from the upper stories, except on single family or attached house residential Building Types.
- (e) Occupied Space. Towers may be occupied by the same uses allowed in upper stories of the Building Type to which it is applied.
- (f) Application. May be combined with all other cap types.
- (g) Tower Cap. The tower may be capped by the parapet, pitched, low pitched, or flat roof cap types, or the spire may cap the tower.

(5) Flat Cap Type

This cap type has a flat roof with overhanging eaves. Refer to Figure 1129.45 (5) Flat Cap Type.

- (a) Configuration. Roofs with no visible slope are acceptable. Eaves are required on all street facing facades.
- (b) Eave Depth. Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least fourteen (14) inches.

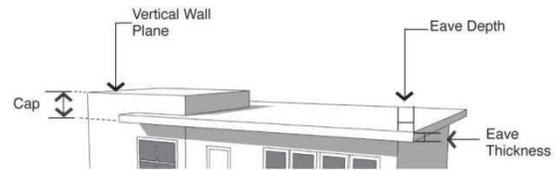


Figure 1129.45 (5). Flat Cap Type.

- (c) Eave Thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of eight (8) inches thick.
- (d) Interrupting Vertical Walls. Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
 - A. No more than one-half of the front facade may consist of an interrupting vertical wall.
 - B. Vertical walls shall extend no more than four (4) feet above the top of the eave.
- (e) Occupied Space. Occupied space shall not be incorporated behind this cap type.

1129.46 Additional Design Requirements

The following outlines additional design requirements applicable to all buildings in the MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, UCP-1 and UCP-2 Districts.

(1) Materials and Color

- (a) Primary Facade Materials. Eighty (80) percent of each facade shall be constructed of one or more primary materials. For facades over one hundred (100) feet in length, more than one material shall be used to meet the eighty (80) percent requirement. Permitted primary building materials include high quality, durable, natural materials, such as

stone; brick; wood lap siding; fiber cement board lapped, shingled, or panel siding; glass. Other high quality synthetic materials may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 1129.46 (1).



Primary Materials: Brick

Primary Materials: Stone



Roof Materials: Asphalt Composite Shingles



Primary Materials: Painted Wood



Roof Materials: Ceramic Tile

Figure 1129.46 (1). Primary Materials.

Figure 1129.46 (2). Roof Materials.

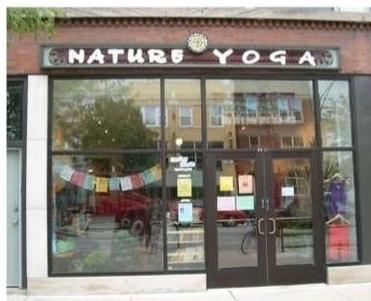
- (b) Secondary Facade Materials. Secondary materials are limited to details and accents and include all primary materials as well as gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim and ornamentation; and exterior architectural metal panels and cladding. Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.



Prohibited: Residential Grade Doors on Commercial Buildings.



Permitted Awnings: Metal



Permitted: Commercial Grade Doors & Windows on Commercial Buildings.



Permitted Awnings: Canvas



Prohibited Awnings: Plastic

Figure 1129.46 (3). Commercial Grade Doors & Windows.

- (c) Roof Materials. Acceptable roof materials include three hundred (300) pound or heavier, dimensional asphalt composite shingles, wood shingles and shakes, or standing seam, slate, and ceramic tile. “Engineered” wood or slate may be approved with an approved sample and examples of successful, high quality local installations. Refer to Figure 1129.46 (2).
- (d) Color. Main building colors shall use any historic palettes from any major paint manufacturer. Other colors may be used for details and accents, not to exceed a total area larger than ten (10) percent of the facade surface area.
- (e) Appropriate Grade of Materials. Commercial quality doors, windows, and hardware shall be used on all Building Types with the exception of the Row Building. Refer to Figure 1129.46 (3).

(2) Windows, Awnings, and Shutters.

- (a) Windows. All upper story windows on all residential and mixed use buildings shall be recessed a minimum of four (4) inches. Percent of transparency is required per Building Type.
- (b) Awnings. All awnings shall be canvas or metal. Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated. Refer to Figure 1129.46 (4). Minimum clear distance from back of curb is two feet with a minimum height of eight (8) feet. Protrusion into any right-of-way requires City approval.
- (c) Shutters. If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood, metal, or vinyl. “Engineered” wood may be approved with an approved sample and examples of successful, high quality local installations.

(3) Balconies

The following applies in all locations where balconies are incorporated into the facade design facing any street or parking lot. Refer to Figure 1129.46 (5).

- (a) Size. Balconies shall be a minimum size of four (4) feet in width and six (6) feet in length.
- (b) Connection to Building. Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.
- (c) Facade Coverage. A maximum of forty (40) percent of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

(4) Parking Lot Screening

Parking or vehicular areas fronting on any street shall provide a wall or fence with a minimum height of three (3) feet or a maximum height of four (4) feet, or landscaping with a minimum height of three (3) feet at time of planting, any of which shall have at least fifty (50) percent opacity screening the parking lot. The wall shall be setback a minimum of five (5) feet and a maximum of ten (10) feet from the



Figure 1129.46 (5). Balconies Integral to Facade.

sidewalk with landscaping in the setback. Within the UCP-2 zoning district all surface parking lots, including any required wall or fence, shall be set back a minimum of eight (8) feet from the property line abutting any primary street or match the building setback, whichever is greater. Parking Lots shall be setback at least five (5) feet from all side property lines.

(5) Drive-through Structures

Drive-through facilities are permitted only in those locations indicated in the Permitted Use Table in Section 1129.30. Refer to Figure 1129.46 (6) for one illustration of the following requirements.

- (a) Service Window/Canopy. Drive-through service windows or canopies shall be located on the rear facade of the building or in the rear of the lot behind the building, where permitted by use. The service window shall not face or front any Primary Street.
- (b) Stacking Lanes. Stacking lanes shall be located perpendicular to the Primary Street or behind the building.
- (c) The canopy and structure shall be constructed of the same materials used on the building.

(6) Landscaping and Fencing

- (a) All portions of front yard build to zones and corner yard areas not required to be occupied by a building shall be landscaped. The area required to be landscaped may include permeable patio pavement or access walkways across the area connecting the public walk to the building.
- (b) Fences shall be decorative as well as functional. Except as permitted by section 1129.46(4), no fence between the front façade off the building and any property line shall exceed forty-two (42) inches in height, and no fence located behind the front façade of the building shall exceed ninety-six (96) inches in height. No chain link or solid fences may be installed on any street frontage in any form-based district.
- (c) Landscaping shall be maintained in a viable condition at all times, and so as not to interfere with pedestrian walkways, building entrances, or business sign visibility.
- (d) Landscaping shall be designed as pedestrian scale and shall be open for use by the public where practicable.
- (e) Street furniture such as benches, planter boxes, fountains, sculpture, and other artwork shall be incorporated into landscaped areas where practicable.



Figure 1129.46 (6). Recommended Drive-Through Facility Layout.

leave blank

1130.00
SPECIAL PROVISIONS

1130.00 Special Provisions:

Special Provisions shall be set forth and are hereby adopted by reference and declared to be a part of this Ordinance.

1131.00 Miscellaneous Provisions

Within the boundaries of any form-based zone district listed in section 1129.00, in the event of any inconsistency between the miscellaneous provisions in this section 1131.00 and any provision of the form-based zone districts in section 1129.00, the provisions of section 1129.00 shall apply. (OR2013-2-22)

1131.10 Dwelling On Any Lot Of Record: In any District where residences are permitted, residences may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Ordinance, as amended, irrespective of the lot's area or width, provided the applicable yard dimensions, lot area, and other open space requirements of the District are complied with as nearly as possible, following Section 1131.12 hereof. Single family *95 dwellings shall only be permitted in single-family districts; a maximum of a two-family dwelling shall be permitted on substandard lots in other districts providing the lot area per dwelling unit complies with the requirements of the District in accordance with the following: (OR 86-4-24)

ZONING DISTRICT	MINIMUM LOT AREA FOR TWO DWELLING
R-3	5,000 SQ FT
R-4 and R-0	3,000 SQ FT
B-1	4,000 SQ FT
B-2	4,000 SQ FT
B-3	2,000 SQ FT

1131.11 Minimum Yards: In no case shall the sum of the least width of the side yards be less than eight (8) feet. On a corner lot, the width of the yard adjoining the side street lot line shall not be less than eight (8) feet. (OR 84-11-95)

1131.12 Side Yard Requirements for Narrow Lots: For lots of official record at the effective date of adoption or amendment of this Ordinance which are less than fifty-five (55) feet in width at the building line, the following minimum side yard requirements shall be permitted: (OR #7891 9/11/74)

Special Provisions - Narrow Lots

LOT WIDTH	SIDE YARDS Least Width	SIDE YARDS Sum Of Least Width
45 - 54 feet	4 feet	12 feet
36 - 44 feet	3 feet	11 feet
35 feet or LESS	3 feet	8 feet

* For exceptions for private garages on narrow lots, see Section 1131.14.

1131.12.1 Building Design Limitations: Eaves and other elements of the building shall not project beyond the side lot line. (OR # 7891 9/11/74)

1131.12.2 Secondary Front Yard Setback Requirements for Fences on Lots Less than Fifty-four (54) Feet Wide: For lots less than fifty-four (54) feet in width at the applicable primary front yard setback line, a zero setback on the secondary front street is allowed for fences to a maximum height of six (6) feet. Any such fence shall not be permitted to project beyond the front line of the primary building on the property. (OR #2005-6-56)

1131.13 Condition for Waiver of Side Yard Requirements: (Repealed by OR # 7891 9/11/74)

1131.14 Allowances for Private Garages on Narrow Lots: In any District where residential dwellings may be erected, or where residential dwellings exist, a private detached garage as an accessory use, which cannot meet the requirements of the existing District, may be erected under any one of the following conditions: (OR 82-12-70)

- A) **Lots Less Than Thirty (30) Feet In Width**: For existing lots less than thirty (30) feet in width, a single car detached garage may be erected or altered to a maximum of twenty-four (24) feet in length and twelve (12) feet in width provided that there are side yards of five (5) feet. Private garages shall not exceed a maximum height of fifteen (15) feet. The maximum lot coverage for the lot is altered to not exceed fifty (50) percent. Any such new garage structure shall be set back a minimum of eighteen (18) feet from the centerline of any existing alley.

- B) **Lots Less Than Fifty-Five (55) Feet In Width But Thirty (30) Or More Feet In Width**: For lots that have a width of thirty (30) feet or more but are less than fifty-five (55) feet in width, a double car detached garage may be erected or altered not to exceed twenty-four (24) feet in length and twenty (20) feet in width provided that there are minimum side yards of five (5) feet. Private garages shall not exceed a maximum height of fifteen (15) feet. The maximum lot coverage for the lot is altered to not exceed forty-five (45) percent. Any such new garage structure shall be set back a minimum of eighteen (18) feet from the centerline of any existing alley.

- C) **Lots Less Than Fifty-Five (55) Feet In Width**: For lots that are less than fifty-five (55) feet in width, a one story detached garage fifteen (15) feet or less in height may be erected or altered using the yard and coverage requirements for a 1 - 1-1/2 story building of the District in which the dwelling is located regardless of the height of the dwelling. Any such new garage structure shall be set back a minimum of eighteen (18) feet from the centerline of any existing alley.

- 1131.20 HEIGHT LIMITATIONS NOT APPLICABLE: The height limitations stipulated in this Ordinance shall not apply to the following:
- 1131.21 Farm Buildings, Architectural Features, Etc.: Barns, silos or other farm buildings or structures on farms; church spires and towers, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio and television towers, masts and aerials; parapet walls extending not more than four (4) feet above the limiting height of the building.
- 1131.22 Places of Public Assembly: Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that they are located on the first floor of such buildings and provided that for each three (3) feet by which the height of such buildings exceed the maximum height otherwise permitted in the District, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the District.
- 1131.23 Elevator Penthouses, Etc.: Elevator penthouses, monitors and scenery lofts, provided no linear dimensions of any such structure exceeds fifty (50) percent of the corresponding street lot line frontage; or to other structures, where the manufacturing process requires a greater height.
- 1131.30 Yard And Frontage Limitations Not Applicable: The yard frontage limitations stipulated elsewhere in this Ordinance shall not apply to the following:
- 1131.31 Average Depth of Front Yards: In any District where front yards are required, the frontyard setback for any new residential building or addition in any zoning district will not differ more than 5-ft. from the average setback of the residences directly adjacent on the same street frontage.
- 1131.32 Steep Slopes – Front Yard Garage: In any R-District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Ordinance, such garage may be located within such front yard, but not in any case closer than twelve (12) feet to the street line.
- 1131.33 Double Frontage Lots: Buildings on lots having frontage on two non-intersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.
(See Figure 2.)
- 1131.34 Side Yard Increased: (Repealed by OR 85-1-6)

1131.35 Frontage Modification: In the case of curvilinear streets and culs-de-sac the Planning Commission may allow a reduction of the other specified frontage or lot width requirements in R-Districts along the front property line, provided that

- A) The lot width at the building setback line shall equal the frontage or lot width required in the district where located;
- B) Such reduction of frontage shall not result in a reduction of the required lot area.

1131.40 Projections Into Yards:

1131.41 Front, Rear and Side Street Yards: The following projections may be permitted into any front or rear yard, or any front yard adjoining a side street lot line: (OR 76- 11-70)

- A) Cornices, sills, belt courses, eaves and other ornamental features to a distance of not more than two (2) feet-six (6) inches.
- B) Fire escapes to a distance of not more than four (4) feet six (6) inches.
- C) Uncovered stairways and necessary landings to a distance of not more than four (4) feet six (6) inches, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not to exceed three (3) feet in height.
- D) Bay windows and chimneys to a distance of not more than three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) the length of the building wall on which they are located.
- E) Terraces and Uncovered Patios: (Repealed OR 85-4-33)
- F) Porte-cocheres or canopies to a distance of not more than two (2) feet six (6) inches.
- G) Balconies, in "R" Districts, to a distance of not more than three (3) feet into yards of less than twenty (20) feet and to a distance of not more than six (6) feet into yards of more than twenty (20) feet; provided that said balconies do not occupy more than one-third (1/3) the length of the building wall on which they are located.
- H) Fences in any required front, rear, or side yard limited to a height of forty-two (42) inches in the front yard in all residential and commercial district and the height of fences in rear or side yards limited to ninety-six (96") inches in all residential districts. The height limitation for fences in front yards for Industrial or Agricultural Districts shall not apply. This subsection is subject to provisions of Section 1131.50 hereof. (OR 96-12-134)

- 1131.42 Interior Side Yards: Subject to the limitations for features projecting into front yards and side yards adjoining side street lot lines, said features may also project into required yards adjoining interior side lot lines, provided that the distance shall not exceed one-fifth (1/5) of the required least width of such side yard and not more than three (3) feet in any case.
- 1131.50 Sight Clearance: On all corner lots and lots located at the intersection of alleys and streets in any District where front yards are required, there shall be provided sight clearance (hereinafter referred to as sight triangular area) across such lots in the following manner: (OR 76-11-70)
- A) On a corner lot, the sight triangular area shall be bounded by the intersecting street lot lines and by a line connecting points on said intersecting street lot lines twenty (20) feet distant from the intersection of said lines or their extensions. On lots at the intersection of a street and an alley, the sight triangular area shall be bounded by the intersecting lot lines and by a line connecting points on said intersecting lot lines ten (10) feet distant from the intersection of said lines or their extensions.
 - B) Within the sight triangular area and within the abutting street right-of-way, it shall be unlawful to install, to set out, or maintain or to allow the installation, setting out, or maintenance of any structure, tree, sign, hedge, shrubbery, natural growth, or any other obstructions to the view higher than forty-two (42) inches above a plane established by the adjacent street grades. It shall be unlawful to park any vehicles within this sight triangular area either on private property or on the abutting street right-of-way.
 - C) The erection of fences within the sight triangular area may be permitted above forty-two (42) inches in height above the grade plane of intersecting streets in Industrial Districts (I-1 and I-2), and under certain conditions in Agricultural and Commercial Districts (AG, B-1, B-2, and B-3). Fences permitted above forty-two (42) inches in height must be constructed of material and be maintained transparent enough to permit adequate visibility through the sight triangular area. Approval for erecting fences over forty-two (42) inches in height will be based on a determination of visibility and will be made by the City Traffic Engineer and enforced by the City Manager or Designee. The City Traffic Engineer will take the following factors in consideration in making his determination:
 - 1. Traffic control devices installed at the intersection;
 - 2. The distance buildings are set back from street pavement;
 - 3. Geometries of the intersection;
 - 4. Fence material;
 - 5. Other unusual factors affecting traffic safety;
 - 6. Use to be made of the sight triangular area.

The prohibitions listed above shall not apply to public utility poles, traffic signs, signals, and appurtenances, nor shall they apply retroactively to existing permanent buildings, to existing trees trimmed (to the trunk) to a line at least ten (10) feet above the grade plane described above, nor to existing places where the contour of the ground is such that there can be no cross visibility at the intersection. (See Figure 9.)

1131.60 Public Sanitary Facilities Not Available: In any "R" District where a public sanitary sewer is not accessible, the otherwise specified lot area and frontage requirements, if less than the following, shall be at least: lot area - twenty thousand (20,000) square feet; lot frontage at building line - one hundred (100) feet subject to approval or increase by the Director of Health.

1131.70 Landscaping Required: In all zoning districts, at the time that any new principal structure is erected there shall be provided required landscaping trees located on the subject property outside of the public right-of-way or easement area. (OR #2005-3-20)

1. Such landscaping trees shall be installed at a frequency of one tree per every 5,000 square feet of lot area and one additional tree shall be provided for every portion thereof.
2. There shall be a minimum of two (2) landscaping trees per parcel, regardless of minimum lot size.
3. Such landscaping trees shall be selected from the list of approved trees found in Chapter 915 of the City of Hamilton Codified Ordinances. Deciduous Trees shall have a minimum caliper size of at least two and one-half (2-1/2") inches conforming to acceptable nursery industry procedures at the time of planting. Evergreen trees shall be a minimum of six (6') feet in height at time of planting.
4. Within single-family residential subdivisions, a minimum of one (1) such tree shall be located within the front yard setback area, outside the public right-of-way or easement area.
5. Any trees that are preserved on site, including in the right-of-way, that meet the minimum size requirement above (2" at 4.5 feet above ground) may be counted toward the required number of trees.
6. Required landscaping trees shall be installed prior to the issuance of the Final Occupancy Permit. If weather conditions preclude tree planting or during the winter months from November 1st through April 1st of any calendar year, the developer or homebuilder shall deposit \$250.00 per required tree with the City of Hamilton.
7. The Planning Division shall notify the developer/homebuilder or property owner at the beginning of the planting season of the requirement to plant the necessary tree(s).
8. Upon successful installation of the tree(s) the developer/homebuilder or property owner may request that the \$250.00 per tree be returned. Such request shall be in writing and be made no later than six calendar months after the final occupancy certificate is issued.
9. The owner of the property shall be responsible for maintenance of all landscaping trees and shall keep all trees in a proper, neat and orderly appearance.
10. The landscaping requirements of this Chapter may be combined with any separate landscaping and screening requirements found under other sections of the Zoning Code and Subdivision Regulations.
11. Failure to comply with the provisions of section shall be deemed a violation of this zoning code and subject to penalty found in Section 1186.00 of this Zoning Code.

1131.80 Cluster Subdivisions, Row Houses and Condominiums: (Repealed OR 96-6-61)

1131.90 Special Building Setback Lines: There is hereby established the following setback lines in the City of Hamilton, Ohio, in the areas enumerated, and no building hereafter erected or structurally altered shall project beyond said building setback line so established, anything in the Zoning Ordinance to the contrary notwithstanding:

- A) **North Third Street:** Not less than ten (10) feet east of the east line of Third Street, from High Street to the south line of what was formerly known as Mill Street.
- B) **South Second Street:** Not less than ten (10) feet west of the west line of Second Street, from Court Street to Sycamore Street.
- C) **South "B" Street:** Not less than ten (10) feet from the east line of South "B" Street, and not less than ten (10) feet from the west line of South "B" Street south from Main Street to the corporation line of the City of Hamilton, Ohio.

1132.00 "PD" GENERAL PLANNED DEVELOPMENT
REGULATIONS
(Amended OR2008-1-2)

1132.10 Purpose

The Planned Development (PD) provisions of this chapter are intended to provide an alternative to standard zoning guidelines. In addition to the general purposes listed in Chapter 1102, the Planned Development provisions are intended to:

- A. Encourage superior and imaginative design and function in developments.
- B. Establish an alternative procedure for the development of land in order to allow for more efficient and economic development of property than customarily permitted by conventional zoning and subdivision regulations.
- C. Ensure orderly and thorough planning and review procedures that lead to higher quality design and development.
- D. Encourage the conservation of natural amenities of the landscape.
- E. Encourage the provision of usable common open space.
- F. Enable greater review of design characteristics to ensure that the development project is properly integrated into its surroundings and is compatible with adjacent development.

1132.20 Discretion of Planning Commission

In consideration of the aforementioned reasons, the prescribed yard and setback requirements, height and additional restrictions contained in other Chapters of the Zoning Ordinance may be waived or varied for Planned Developments in accordance with 1132.43. HOWEVER, it shall be the responsibility of the Planning Commission to determine the restrictions that shall apply to a particular Planned Development. Further, in exercising its review authority relative to PD's, the Planning Commission may impose provisions for buffers, open space, lighting, underground utilities, hours of operation, parking, signage, and/or other safeguards as a part of the approval of the Planned Development Plan. HOWEVER, for any RPD, the development must still meet the minimum number of points required under Section 1118.170.

1132.21 APPEALS (OR2015-2-9)

1. Any person, firm or corporation, or any officer, department, board or agency of the municipality who or which has been aggrieved or affected by any decision of the Planning Commission on a Planned Development may appeal such decision by filing a written intent to appeal within five (5) days of the decision of the decision of the Planning Commission unless the 5th day falls on a Saturday or Sunday in which case the written intent to appeal may be filed before 5:00 pm on the next business day.
2. A complete written appeal setting forth the facts, issues and arguments shall be filed by the Appellant within fifteen (15) calendar days of the decision of the Planning Commission or the complete written appeal shall become void unless the 15th day falls on a Saturday or Sunday in which case the complete written appeal may be filed before 5:00 pm on the next business day. The intent to appeal and the written appeal shall be filed with the Clerk of Council.
3. City Council shall hold a hearing on such appeal not later than thirty (30) working days after such appeal has been filed with the Clerk of Council. City Council, by an affirmative vote of the majority of its members, shall decide the matter and its decision shall be final.

1132.30 General Requirements.

PD Districts and development within PD Districts must comply with the following:

- A. Minimum Area. The minimum area for consideration for Residential Planned Development (RPD) District zoning is two (2) contiguous acres and one (1) acre for other PD districts. The Planning Commission may consider tracts of land containing less than the minimum provided that the Planning Commission, by a majority vote of its membership, finds that the proposal is in compliance with the goals and objectives of the City Comprehensive Plan.
- B. Ownership. Any transfer of land within the development resulting in ownership within the development by two or more parties shall not alter the applicability of the regulations contained herein. A Preliminary Plan and Final Plan and supporting material approved in accordance with these regulations shall be binding upon the owners, their successors and assigns and shall limit and control the issuance and validity of all building permits within the PD area.
- C. Subdivision. Any proposed PD development area that includes the subdivision of land shall also comply with the separate provisions of the City Subdivision Regulations Chapter 1189.

1132.40 Establishment Of Planned Development Districts

- A. A PD District may be established through the submission of an application for rezoning submitted by the owner(s) of property subject to the requirements of this chapter. The Preliminary Plan shall accompany the application for rezoning and be reviewed according to the procedure outlined in Section 1132.50. The Preliminary Plan and any supporting documentation shall be adopted at the time of rezoning.
- B. Pursuant to Chapter 1180.00, the Planning Commission or City Council may initiate a rezoning to PD, but only when substantiated by at least one of the following criteria:
 - 1. The property shall be under the ownership of the City of Hamilton.
 - 2. The property is characterized by unique environmental or physical features such as steep topography, heavy tree cover, creeks and streams, or wetlands.
 - 3. The property is characterized as having significant locational or historic importance.

1132.41 Types of Planned Development Districts.

- A. The following are Planned Development districts:
 - 1. RPD - Residential Planned Development
 - 2. OPD - Office Planned Development
 - 3. BPD - Business Planned Development
 - 4. IPD - Industrial Planned Development
- B. Permitted and conditional uses within each district shall be governed by the requirements specified for each respective district listed above.
- C. PD districts may be established, modified or removed from the zoning map and the regulations applicable to any specific PD District may be established, modified or deleted as an amendment to the City of Hamilton Zoning Ordinance.

1132.42 General Design Standards Applicable To All RPD Districts.

- A. Buffer Requirement. A buffer shall be provided along the entire perimeter of the development in accordance with the buffer requirements found in Section 1118.191 of the Hamilton Zoning Code. The buffer area may be counted toward any open space requirements provided it is common open space owned by a legally established homeowners association. The buffer area may not be subdivided and must remain under common ownership.
- B. Open Space and Recreational Amenity Requirement. All RPD developments shall meet the minimum open space and recreational amenity requirement in accordance with Section 1118.171 of the Hamilton Zoning Code. The required open space shall not include isolated or fragmented pieces of land that serve no useful purpose. No common open space shall be put to any use not specified in the Final PD, excepting amendments approved pursuant to Section 1132.100.
- C. Construction of Amenities and Improvements and Minimum Requirements. Amenities and improvements and minimum requirements associated with any PD shall be constructed as part of the first phase or section of the proposed development, or as otherwise approved by the Planning Commission as part of the PD.
- D. Residential Design Standards. All single family residential buildings within the RPD shall comply with the Residential Design Standards found in Section 1110.00 of the Zoning Code, or as otherwise approved by the Planning Commission as part of the PD. Multi-family residential buildings shall comply with 1110.70.B, of the Residential Design Standards.
- E. Waiver or Variance of General Design Standards. The Planning Commission, by a majority vote of its membership, in accordance with 1132.20, may waive or vary any minimum requirements or general standards at their discretion based upon its review and findings regarding any specific Preliminary or Final Plan subject to the criteria found in 1132.43.
- F. Sidewalk Requirement. Sidewalks shall be constructed on both sides of every road or street within an RPD being necessary to protect and ensure the safety of pedestrians. Where RPDs are designed with interior walkways, walks shall be fully constructed to adequately serve the area being developed.

1132.43 Standards for Waiver or Variance of General Design Standards.

In determining whether or not to waive or vary the General Design Standards found in any PD district, the Planning Commission shall consider and find that four (4) out of the five (5) following criteria apply to any specific PD:

- A. The proposed development is in conformance with the principles of the City Comprehensive Plan;
- B. The proposed development advances the general welfare of the city and immediate vicinity and will not impede the normal and orderly development and improvement of surrounding and abutting areas;
- C. Adequate utilities, access roads, drainage, retention/detention facilities are provided;
- D. The proposed development design, site arrangement, and/or anticipated benefits of the proposed development justify any deviation from the General Design Standards found herein;
- E. The proposed development design exceeds the quality of the building and site design in the immediate area.

1132.44 Utilities

Unless waived by the Planning Commission, in any PD development, all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground except in an IPD. In an IPD, only electric lines which are equal to or less than 13KV are required to be placed underground.

1132.50 Review Procedure For PD Applications

1132.51 Pre-application Conference

Prior to submitting a formal rezoning application, applicants are strongly encouraged to engage in consultation with the Department of Planning staff to discuss the PD plan. No statement or representation by city staff is binding on either the department or the City Planning Commission.

1132.52 Approval Process

- A. Submission of application to rezone property to a PD designation along with applicable fee. A Preliminary Plan consistent with the requirements set forth in Section 1132.55 shall accompany the Application.
- B. Information shall be submitted to the Planning Department, who will in turn distribute such information to various City Departments for review/comment.
- C. The Planning Commission shall hold a Public Hearing on the application for rezoning to PD. Notice of such hearing shall be mailed to property owners within 500 feet of the property to be rezoned within 10 calendar days of such hearing.
- D. The Planning Department shall compile information from various City Departments in form of a recommendation to the Planning Commission.
- E. The Planning Commission shall examine the Preliminary Plan and shall either approve, approve with modifications/conditions, or denial with written reasons thereto.
- F. The Planning Commission, in accordance with 1132.20, may waive any minimum requirements or standards at their discretion based upon its review and findings regarding any specific Preliminary Plan.
- G. The Planning Commission shall then forward a written recommendation to the City Council for consideration.
- H. The City Council shall consider the application for rezoning in accordance with provisions of Chapter 1180 of the Hamilton Zoning Ordinance and the City Charter.
- I. If approved by the City Council the Official Zoning Map shall be changed to reflect the new zoning of the property.
- J. The applicant shall then submit a Final Plan to the Planning Department within 12 calendar months of approval of the effective date of the rezoning.
- K. Approval of the Preliminary Plan shall lapse one (1) year from its date of approval unless a Final Development Plan is submitted. The property shall maintain its specific PD zoning designation.

- L. Submission of application for Final Plan approval along with applicable fee. A Final Plan consistent with the requirements set forth in Section 1132.56 shall accompany the Application.
- M. Information shall be submitted to the Planning Department, who will in turn distribute such information to various City Departments for review/comment.
- N. The Planning Commission shall hold a Public Hearing on the Final Plan. Notice of such hearing shall be mailed to property owners within 500 feet of the subject property within 10 calendar days of such hearing.
- O. The Planning Department shall compile information from various City Departments in form of a recommendation to the Planning Commission.
- P. The Planning Commission shall examine the Final Plan and shall either approve, approve with modifications/conditions, or denial with written reasons thereto.
- Q. The Planning Commission, in accordance with Section 1132.20, may waive any minimum requirements or standards at their discretion based upon its review and findings regarding any specific Final Plan.
- R. If approved by the Planning Commission, the Secretary of the Planning Commission shall endorse the approved Final Plan. No zoning or building permits shall be issued except in conformance with the approved Final Plan, excepting approved modifications approved pursuant to Section 1132.100.

1132.53 Review Procedure for Land Already Zoned PD District

Land that already has a PD zoning designation shall follow the same approval process as listed above in Section 1132.52 excluding steps G through I.

1132.54 Submission Requirements

1132.55 Preliminary Plan

The applicant shall submit ten (10) copies of the Preliminary Plan and one 11X17 reduction together with the applicable fee and any other additional information required by the application packet. The Preliminary Plan of the proposed development shall be prepared by a registered professional engineer or surveyor authorized to practice under the laws of the State of Ohio.

The Preliminary Plan shall include the following:

- A. A vicinity sketch at a scale of four hundred (400) feet or more to the inch shall be drawn on or shall accompany the Preliminary Plan. This shall show all existing developments and the street and tract lines or acreage parcels of land, together with the names of record owners of such parcels immediately adjoining the proposed subdivision and between it and the nearest existing highways or thoroughfares. It shall also show the streets and alleys in neighboring subdivisions or un-platted property to produce the most advantageous development of the entire area.
- B. The horizontal scale of the Preliminary Plan shall be one hundred (100) feet or less to the inch, and the vertical scale of street and sewer profiles twenty (20) feet or less to the inch, if required.
- C. The Preliminary Plan shall clearly show the following features and information:
 1. The proposed name of the development.
 2. The tract designation according to real estate records of the Recorder of Butler County.
 3. The names and addresses of the owner of record, the developer and the engineer or surveyor.
 4. The names of adjacent subdivisions and the names of record owners of adjacent parcels of un-platted land.
 5. The boundary lines, accurate in scale, of the tract to be subdivided.
 6. The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings, large trees (size), water courses, railroads, corporation lines, township lines, pipe lines, high tension lines, section lines, etc.
 7. Existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.
 8. Benchmark and contours, normally with intervals of two (2) feet referenced to U.S.G.S. Datum, or as required by the Planning Commission.
 9. The layout, proposed names and widths of proposed streets, alleys and easements; the layout, numbers and approximate dimensions of proposed lots.
 10. Existing zoning boundary lines, proposed uses of property and proposed set-back lines, open space requirements, and perimeter setbacks.

11. Calculations of net and gross density and required open space areas.
 12. All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition or limitations of such reservation indicated.
 13. Preliminary Project Phasing Map and Time Schedule of projected development, if the total site is to be developed in phases or sections.
 14. The total acreage of the project and acreage of each phase or section.
 15. North arrow, scale and date.
- D. Copies of any proposed private restrictions to be included in the deeds should be attached to the Preliminary Plan.
- E. A preliminary landscaping plan on a separate sheet that shows existing wooded areas to be maintained as open space and the method of protecting existing landscaping material during construction. The landscaping plan will also include all areas proposed to be landscaped, including a plant list with common names, scientific names, quantities, and sizes of proposed landscaping.
- F. Preliminary elevations of all facades of proposed buildings and structures, at an appropriate scale for representation. Such elevations shall detail the heights of buildings and structures, roofs and overhangs, exterior construction materials.
- G. A preliminary storm drainage plan on a separate sheet that provides adequate, complete and satisfactory drainage for the entire area being platted for all projected land uses. The storm drainage study and plan information submitted shall include watershed areas, overall design calculations and boundaries, contours at two (2) foot intervals or less and the location and size of all existing and the location of proposed storm sewers, underdrains, inlets, culverts, bridges, creeks, open ditches, swales, existing watercourses to be relocated or abandoned, drainage outlets and their adequacy, and other pertinent drainage facilities. The information submitted shall include adjacent areas, when deemed necessary for design and review purposes.
- H. All normal title and identifying information shall be shown on the plan along with a statement by the engineer or surveyor certifying that the plan submitted provides adequate and complete storm drainage service for the parts of the entire area being platted and comments on the impact, if any, that the proposed development will have on drainage of adjacent areas. Arrows shall be used to indicate the direction of flow of all drainage.
- I. A list of surrounding property owners within 500 feet of the plan area including tax mailing address on record with the Butler County Auditor at the time of submission. The applicant is responsible for accuracy of information.
- J. If requested by the City Engineer or the Planning Commission, a Traffic Study shall be required.

1132.56 Final Plan

The applicant shall submit ten (10) copies of the Final Plan and one 11X17 reduction together with the applicable fee and any other additional information required by the application packet. The Final Plan of the proposed development shall be prepared by a registered professional engineer or surveyor authorized to practice under the laws of the State of Ohio.

The Final Plan shall include the following:

- A. A vicinity sketch at a scale of four hundred (400) feet or more to the inch shall be drawn on or shall accompany the Final Plan. This shall show all existing developments and the street and tract lines or acreage parcels of land, together with the names of record owners of such parcels immediately adjoining the proposed subdivision and between it and the nearest existing highways or thoroughfares. It shall also show the streets and alleys in neighboring subdivisions or un-platted property to produce the most advantageous development of the entire area.
- B. The horizontal scale of the Final Plan shall be one hundred (100) feet or less to the inch, and the vertical scale of street and sewer profiles twenty (20) feet or less to the inch, if required.
- C. The Final Plan shall clearly show the following features and information:
 1. The name of the development
 2. The tract designation according to real estate records of the Recorder of Butler County.
 3. The names and addresses of the owner of record, the developer and the engineer or surveyor.
 4. The names of adjacent subdivisions and the names of record owners of adjacent parcels of un-platted land.
 5. The boundary lines, accurate in scale, of the tract to be subdivided.
 6. The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings, large trees (size), water courses, railroads, corporation lines, township lines, pipe lines, high tension lines, section lines, etc.
 7. Existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.
 8. Benchmark and contours, normally with intervals of two (2) feet referenced to U.S.G.S. Datum, or as required by the Planning Commission.
 9. The layout, proposed names and widths of proposed streets alleys and easements; the layout, numbers and approximate dimensions of proposed lots.
 10. Existing zoning boundary lines, proposed building pads, set-back lines, open space requirements, and perimeter setbacks.
 11. Calculations of net and gross density and required open space areas.
 12. All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, condition or limitations of such reservation indicated.

13. Final Project Phasing Map and Time Schedule of projected development, if the total site is to be developed in phases or sections.
 14. The total acreage of the project and acreage of each phase or section.
 15. North arrow, scale and date.
 16. Copies of any private restrictions to be included in the deeds should be attached to the Final Plan.
- D. Proposed homeowners association documents or the like and accompanying regulations to implement the requirements of ownership and continued maintenance of common open space and drainage facilities.
 - E. A final landscaping plan on a separate sheet that shows existing wooded areas to be maintained as open space and the method of protecting existing landscaping material during construction. The landscaping plan will also include all areas proposed to be landscaped, including a plant list with common names, scientific names, quantities, and sizes of proposed landscaping.
 - F. Final elevations of all facades of proposed buildings and structures, at an appropriate scale for representation. Such elevations shall detail the heights of buildings and structures, roofs and overhangs, exterior construction materials and color scheme.
 - G. A final storm drainage plan on a separate sheet that provides adequate, complete and satisfactory drainage for the entire area being platted for all projected land uses. The storm drainage study and plan information submitted shall include watershed areas, overall design calculations and boundaries, contours at two (2) foot intervals or less and the location and size of all existing and the location of proposed storm sewers, underdrains, inlets, culverts, bridges, creeks, open ditches, swales, existing watercourses to be relocated or abandoned, drainage outlets and their adequacy, and other pertinent drainage facilities. The information submitted shall include adjacent areas, when deemed necessary for design and review purposes.
 - H. All normal title and identifying information shall be shown on the plan along with a statement by the engineer or surveyor certifying that the plan submitted provides adequate and complete storm drainage service for the parts of the entire area being platted and comments on the impact, if any, that the proposed development will have on drainage of adjacent areas. Arrows shall be used to indicate the direction of flow of all drainage.
 - I. A list of surrounding property owners within 500 feet of the plan area including tax mailing address on record with the Butler County Auditor. The applicant is responsible for accuracy of information.
 - J. If requested by the City Engineer or the Planning Commission, a Traffic Study shall be required.

1132.60 Compliance With Approved Final Plan

1132.61 Open Space and Recreational Amenities Maintenance

Open Space and Recreational Amenities shall be set aside as required in Section 1118.171 for the use of residents and users of the property subject to the Final RPD. A homeowners' association, condominium association, or in case of nonresidential development, an owners association or similar legal entity shall be created to ensure that continued maintenance, upkeep and control of such areas, including the required open space, private streets, storm water drainage facilities, and access drives. The applicant shall provide the City with copies of the Declaration, Articles of Incorporation and Code of Regulations for review. No Final PD shall be approved without approval by the City Law Department that a proposed homeowners association or the like and accompanying regulations are appropriate to implement the requirements of ownership and continued maintenance of facilities pursuant to the approved Final PD.

1132.62 Maintenance and Guarantee

The developer of the PD shall protect, maintain, replace, water, and treat the vegetation identified in the final landscaping plan, and maintain, repair, or replace any structures located within the open space areas until such time that these responsibilities are fully undertaken by future property owner, Homeowners or Property Owners Association.

1132.63 Expiration

In the event that a Final Plat for any phase or section of an approved Final PD is not recorded within 24 months of the approval date of the Final PD, the Final PD shall become null and void for the remaining undeveloped property where a Final Plat has not been submitted. The undeveloped property will maintain the specific PD zoning designation. If the Final PD is approved to be developed in phases or sections, final plats for each subsequent phase or section shall be filed within 24 months of the approval of the final plat for the immediately previous phase or section.

The Planning Commission may extend the approval of a Final PD, subject to a written request by the property owner or agent, for a period not to exceed twelve (12) consecutive months. In order to be eligible for consideration for an extension by the Planning Commission, such written request for an extension shall be filed with the Planning Department not less than 30 days prior to the expiration date of the approved Final PD.

1132.64 Phased Developments

For any PD that is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, utilities, and other necessary public improvements to serve the development. Each phase shall be capable of standing by itself, in the sequence of development proposed.

1132.65 Noncompliance

The applicant, their successors and assigns shall be bound by the approved Final PD. Any violation of an approved Final PD shall be deemed a violation of this zoning code and subject to penalty found in Section 1186.00 of this Zoning Code.

1132.70 Parking.

Parking shall comply with the standards found in Chapter 1137.00 (Off-Street Parking and Loading Regulations), or as otherwise approved by the Planning Commission as part of the PD.

1132.80 Signage

Signage shall comply with the design standards found in Chapter 1138.00 (Signs), or as otherwise approved by the Planning Commission as part of the PD.

1132.90 Illumination

The light projected from any light fixture installed within a PD shall be shaded, shielded, or directed so as to not adversely impact abutting properties.

1132.100 Final Development Plan Amendments

Final PDs may be amended as follows:

- A. Major Changes. Changes that alter the intent of the Final PD, including increases or decreases in area, increases in density, changes in the location of amount of non-residential land use, reductions of proposed open space, significant redesign of roadways, drainage, and housing type and distribution, shall be approved after review and approval by the Planning Commission. Major changes shall follow the procedure for review and approval found in Section 1132.42, as applicable.
- B. Moderate Changes. The Planning Director, after consultation with the City Engineer, may authorize structural dimensional changes such as lot lines provided that they do not increase density, changes in building heights by not more than ten (10) feet, and changes in building setbacks by not more than fifteen (15) feet, provided the perimeter setbacks, yards and buffers remain in compliance. Moderate changes do not require a Public Hearing or Planning Commission review and approval.
- C. Minor Changes. The Planning Director, after consultation with the City Engineer, may authorize minor adjustments in the final development plan that become necessary because of field conditions, detailed engineering data, topography or critical design criteria. The Planning Director, after consultation with the City Engineer, may approve these minor adjustments to revise size and location of drainage ways, sewers, roadways, retaining walls or similar features and to substitute landscape materials in light of technical or engineering considerations. Minor changes do not require a Public Hearing or Planning Commission review and approval.

Nothing in this section shall preclude any property owner to carry out routine maintenance and repair of facilities located within an approved Final PD, provided that such maintenance and repair do not violate the approved Final PD.

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1136.00 MOBILE HOMES AND MOBILE HOME PARKS

- 1136.10 Purpose: It is the purpose of this regulation to permit the development of mobile home parks in a manner that will promote and improve the general health, safety, convenience and welfare of the citizens by minimizing any adverse effects of such development.
- 1136.20 General Requirements: The sanitary regulations prescribed by the authority having jurisdiction, the regulations of the Building Code and as may be otherwise required by law - shall be complied with, in addition to the following regulations:
- 1136.21 Mobile Homes and Mobile Homes Parks-Permitted: Residence Districts "R-3", "R-4" and "R-0".
- 1136.22 Area and Yard Requirements: Mobile homes or trailer parks shall comply with all area and yard requirements prescribed for such uses in the District in which located and as modified in Section 1132.00.
- 1136.23 Lot Area Occupancy: The buildings, cabins and trailers in any mobile home park - together with any non-accessory buildings already on the lot - shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot.
- 1136.24 Parking: All areas used for automobile access and parking shall comply with the applicable provisions of this Ordinance.
- 1136.25 Landscaping - Unused Areas: All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten (10) feet in width, shall be established and maintained within the mobile home park along its exterior boundaries. This strip shall be developed with mature trees and evergreens.
- 1136.30 Enlargement - Permit: Any enlargement or extension to any existing trailer park or mobile home park shall require application to the City Manager or Designee for a permit as if it were a new establishment.
- 1136.31 Enlargement - Existing Facilities to Comply: No enlargements or extensions to any mobile home or trailer park shall be permitted unless the existing facility is made to conform substantially with all the requirements for new construction for such an establishment.

- 1136.40 Trailers Prohibited - Exceptions: Except as provided in Section 1136.41 below, no person shall park or occupy any mobile home or trailer on any premises in any District outside an approved mobile home park. The parking of an unoccupied trailer in an accessory private garage building, or in the rear of a building shall be permitted in any District, provided there shall be no occupancy thereof, or any business conducted in such trailer while so parked or stored. An unoccupied trailer may be parked in a side yard if the equipment is parked at least three (3) feet behind the front house line of the property.
- 1136.41 Emergency Parking - Twenty-Four Hours: Emergency or temporary stopping or parking of a mobile home or trailer shall be permitted on any street, alley or highway for not longer than twenty-four (24) hours, subject to any other and further prohibitions, regulations, or limitations imposed by the traffic and parking regulations or Ordinances for such street, alley or highway.
- 1136.42 Mobile Homes Not to Become Permanent: In any District, the wheels or any similar transporting devices of any mobile home, trailer or camp car shall not be removed except for repairs, nor shall any mobile home, trailer or camp car be otherwise permanently fixed to the ground in a manner that would prevent removal of said trailer, camp car or mobile home.
- 1136.50 Mobile Home Park - Submission Of Plans: An application for the establishment of a mobile home park shall be filed with the City Manager or Designee. Said application will be processed as a Planned Unit Development project as outlined in Section 1132.00. The application must be accompanied by a plat drawn to scale and certified by a registered land surveyor, civil engineer or architect. Such drawing shall contain the following information:
- A) Accurate dimensions of the proposed mobile home or trailer park.
 - B) All roads and approaches and the method of ingress and egress from public highways.
 - C) The complete location of any natural gas facilities to serve the park.
 - D) The complete electric service installation, wire service outlets and lighting facilities.
 - E) A complete layout showing the location of all mobile home spaces and the number of square feet therein, together with the dimensions thereof.
 - F) The location of electric power or gas distribution systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines leaching beds, fire protection stalls, and other buildings or structures contemplated to be used by such applicant in connection with said business.
 - G) A landscaping and recreation development plan for the total mobile home park.
 - H) Such additional information as needed for the City to study the proposal in their deliberations.

1136.60 Mobile Home Parks - Requirements: Mobile home parks shall be designed and maintained in accordance with the following requirements:

1136.61 Park Area: The minimum mobile home park area shall be ten (10) acres.

1136.62 Access: Each park shall abut upon a public street and each mobile home space shall have direct access to a private hard surface road.

1136.63 Interior Streets: The minimum roadway width of interior one-way streets with parking permitted on one side shall be twenty-one (21) feet. The minimum roadway width of two-way streets with parking permitted on one side shall be thirty (30) feet. The minimum width of two-way streets electric power or gas distribution systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities, washrooms, garbage disposal units, incinerators, sanitary sewers or septic tanks, sewer drain lines, leeching beds, fire protection stalls, and other buildings or structures contemplated to be used by such applicant in connection with said business.

1136.64 Walkways: Walkways of not less than three (3) feet in width shall be provided from each mobile home space to the service buildings and recreational area or areas, and from the mobile home to the access way. The access way may be considered as part of the walkway to the service building.

1136.65 Laundry Facilities: Adequate and properly equipped laundry facilities shall be provided for the use of the residents of the mobile home park.

1136.66 Utilities: Each mobile home space shall be equipped with one electric service. A municipal sanitary sewer and municipal water system shall be installed in accordance with City specifications: Each park shall abut upon a public street and each mobile home space shall have direct access to a private hard surface road.

1136.67 Recreation Areas: There shall be provided within each mobile home or trailer park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of two hundred (200) square feet for each mobile home space in said park. The recreation site shall be of appropriate design and provided with appropriate equipment.

1136.68 Length of Occupancy: No mobile home or trailer shall remain in a mobile home or trailer park for a period exceeding fifteen (15) days without connection to the permanent sanitary sewer system of the park.

- 1136.70 Mobile Home Space-Requirements: Mobile home spaces within mobile home parks shall be designed and maintained in accordance with the following requirements:
- 1136.71 Lot Area: The average lot area of a mobile home space in a mobile home park shall not be less than four thousand five hundred (4,500) square feet, and no space shall have a lot area of less than three thousand (3000) square feet.
- 1136.72 Lot Width: No mobile home space shall have a width of less than thirty-five (35) feet. Each mobile home space shall be clearly defined by a permanent marker in the ground.
- 1136.73 Distance Between Mobile Homes: The minimum distance between neighboring trailers or mobile homes shall be not less than twenty (20) feet.
- 1136.74 Concrete Slab: Each mobile home space shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of ten by fifty (10 x 50) feet and a minimum thickness of four (4) inches.
- 1136.75 Parking Requirements: There shall be at least one vehicle parking space at least eight by twenty (8 x 20) feet in size for each mobile home space, located within the mobile home space, and with clear and unobstructed access to an access way, not being a public street. Any parking in the access way shall not fulfill this requirement. Guest parking shall be provided on the mobile home park site at the rate of one (1) vehicle parking space for each four (4) mobile home spaces.

1137.00 OFF STREET PARKING AND LOADING REGULATIONS

1137.10 **Purpose:** It is the purpose of the Off Street Parking and Loading Regulations to reduce the congestion on streets due to excessive use for parking and loading of motor vehicles. Within the boundaries of any form-based zone district listed in section 1129.00, the provisions of this section 1137.00 shall apply unless the provisions 1129.00 do not permit off-street parking or loading spaces in the amounts or locations required by this section. The regulations in this section 1137.00 shall not be interpreted to require or allow the construction or installation of parking in any amounts or locations required to be occupied by a primary structure or other building or site feature under section 1129.00. (OR2013-2-22)

1137.20 **Off Street Parking Space**

1137.21 **General:**

- 1137.21.1 **When Required:** When any building or structure is erected, enlarged, or its use changed, off-street parking spaces for automobiles shall be provided in accordance with the requirements specified below. (OR 85-1-6)
- 1137.21.2 **Minimum Size:** Each off-street parking space shall contain an area of not less than 9-ft wide X 18-ft. long exclusive of access drives or aisles.
- 1137.21.3 **Access:** There shall be provided a minimum access drive of eight (8) feet in width.
- 1137.21.4 **Type:** Parking spaces for all types of uses may be provided either in garages or parking areas conforming to the provisions of this Ordinance, except as specified in Section 1137.28(A) 1. Structures of any type shall conform to the setback requirements of the zoning district in which they are located.
- 1137.21.5 **Driveways:** A driveway or parking space may count as both of the Off Street parking spaces required in Section 1137.28(A), provided, however, if such driveway or parking space is located within a required front yard then such driveway or parking space shall not exceed twenty-four (24) feet in width.

1137.22 **Location of Parking Facilities:** Except as otherwise provided, required Off Street parking facilities shall be located on the same lot as the principal building or on a lot within one hundred (100) feet for residential uses and for non-residential uses, within five hundred (500) feet thereof. The distance specified herein shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.

1137.23 Units of Measurement: For the purposes of determining OFF STREET parking requirements, the following units of measurement shall apply:

1137.23.1 **Floor Area**: In the case of uses where floor area is the unit for determining the required number of OFF STREET parking spaces, said unit shall mean the floor area used or intended to be used by occupants or for service to the public as patrons, patients, visitors, residents or persons in attendance, including displays and equipment, but, excluding the area used principally for, non-public purposes, such as storage and incidental repairs, for toilets or restrooms and for utility rooms.

1137.23.2 **Hospital Bassinets**: In hospitals, bassinets shall not be counted as beds.

1137.23.3 **Places of Public Assembly**:

Benches: In stadiums, sports arenas, churches and other places of public assembly, in which those in attendance occupy benches, pews or other similar seating facilities, each twenty-four (24) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining Off Street parking requirements under this Ordinance.

Fixed Seats and Assembly Area: In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

1137.23.4 **Fractions**: When units of measurement determining number of required parking spaces result in requirements of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.

1137.24 Change In Use, Additions and Enlargements: Whenever any change in use, enlargement of building or extension of land use results in an increase in the number of units used to measure required Off Street parking spaces, and such alteration or change creates a need for an increase of more than five (5) spaces in the number of required Off Street parking spaces, additional Off Street parking shall be provided on the basis of the increase in the number of such units of measurement.

1137.25 Mixed Occupancies and Uses Not Specified: In the case of mixed uses, the total requirements for Off Street parking facilities shall be the sum of the requirements for the various uses computed separately. Where a use is not specifically mentioned, the requirements for a use, which is so, mentioned, and to which said use is similar, shall apply.

1137.26 Collective Provision: Nothing in this Section shall be constructed to prevent provision of collective Off Street parking facilities for two (2) or more buildings or uses, exclusive of facilities required for dwelling units. In cases of collective use, the required total of such Off Street parking space supplied collectively shall be (a) not less than sixty percent (60%) of the sum of the requirements of the various uses computed separately and (b) not less than the largest amount required for any of the uses computed separately, provided further that the applicable District use regulations shall be complied with.

1137.27 A) Off-street parking shall be provided as specified in Section 1137.00 with credit being given for up to fifty (50) percent of the total required spaces where such credited space is available through public parking lots and parking garages within a distance of five hundred (500) feet of the building setback line of said commercial or business use.

Where metered on-street parking is located within three hundred (300) feet of a commercial or business use the total off-street parking requirements for that business as specified in Section 1137.00 shall be reduced by fifty (50) percent.

Whenever public parking garages or public parking lots are located within five hundred (500) feet of a commercial or business use and on-street metered parking is also located within three hundred (300) feet of the same use, all parking requirements as specified by Section 1137.00 may be waived by the Planning Director.

1137.28 Parking Spaces Required: The number of Off Street parking spaces required shall be no less than as set forth in the following:

A) RESIDENTIAL TYPES (OR 77-4-35)

USE	NUMBER OF PARKING SPACES REQUIRED
1. Dwelling, Single Family	Two (2) for EACH Dwelling Unit on a Single Lot. A Driveway or Parking Space may count as both of the two (2) required OFF STREET parking spaces, provided, however , if such driveway or parking space is located within a required Front Yard then such driveway or parking space shall not exceed twenty -four (24) feet in width.
2. Dwellings, Two-Family or Multi- Family	One and One-Half (1 ½) for EACH Dwelling Unit
3. Hotels, Motels, Rooming Houses or Bed and Breakfasts (OR93-3-26)	One (1) for EACH Guest Room

B) INSTITUTIONAL TYPES (Amended OR 2014-5-34) (Amended OR 2014-9-90)

USE	NUMBER OF PARKING SPACES REQUIRED
1. Hospitals, Schools of Nursing and Dormitories	Two (2) for each 3 Beds
2. Churches, Clubs, and Lodges	One (1) for each 6 Seats in the Principal Auditorium
3. Libraries, Museums, Art Galleries	One (1) for each 500 Square Feet of Gross Floor Area
4. Nursing Homes	One (1) for each 4 Beds
5. Elementary Schools	One (1) for each 6 Auditorium seats, OR Two (2) for each Classroom, whichever is the Greater
6. Vocational and Technical Schools High Schools, Colleges {See also (C)(8)(AA) below}	One (1) for each 5 Classroom Seats
7. Funeral Homes	One for each 30 sq feet of usable visitation and funeral service area plus 1 per each employee on largest shift plus 1 per each funeral vehicle.

C) COMMERCIAL TYPES

USE	NUMBER OF PARKING SPACES REQUIRED
1. Retail Establishments, (except as otherwise specified herein)	One (1) for each 500 Square Feet of First 20,000 Square Feet of Gross Floor Area and One (1) for each 1000 Square Feet of Gross Floor Area OVER the first 20,000 Square Feet
2. Barber and Beauty Shops	Three for each stylist/barber station or chair.
3. Bowling Alleys	Five (5) for each Bowling Lane
4. Retail Stores Handling Bulky Merchandise, Household Furniture, and Appliances	One (1) for each 1000 Square Feet of Gross Floor Area
5. Office Buildings, Business and Professional Offices	One (1) for each 500 Square Feet of Gross Floor Area
6. Medical and Dental Offices and Clinics	One (1) for each Examining Room Plus Two (2) for every 3 Staff Members
<p>7. Establishments or Enterprises of a Recreational or Entertainment Nature</p> <p>(AA) <u>Spectator Type</u> - e.g. Auditoriums, Theaters, Stadiums, Assembly Halls, Places of Public Assembly</p> <p>(BB) <u>Participating Type</u> - e.g. Skating Rinks, Dance Halls</p> <p>(CC) <u>Establishments for the Sale and Consumption ON THE PREMISES of Food and Beverages</u></p>	<p>One (1) for each 6 Seats</p> <p>One (1) for each 100 Square Feet of Gross Floor Area</p> <p>One (1) for each 150 Square Feet of Gross Floor Area</p>
8. Mini-Warehouses (OR 2000-1-2)	Four (4) parking spaces adjacent to the manager's office.

D) INDUSTRIAL TYPES

USE	NUMBER OF PARKING SPACES REQUIRED
1. Except as specifically mentioned herein - Industrial Uses Listed as Permitted in the "I" Districts: ("I-1", "I-2") (OR 96-12-134)	One (1) for every 3 employees on the Maximum Shift
2. Wholesale and Storage Operations	One (1) for each 20,000 Square Feet of Gross Floor Area
3. Machinery or Equipment Sales, Automobile Agencies, Service Garages	One (1) for each 500 Square Feet of Gross Showroom Floor Area.

1137.29 Reduction of Parking: The parking requirement for any commercial/business use may be reduced by two spaces if bicycle-parking racks are installed.

1137.30 Parking Requirements for Uses Not Specified: The parking space requirements for buildings and uses not set forth herein shall be determined by the designated City Official, and such determination shall be based upon the requirements for the most comparable building or use specified herein. The decision of the designated City Official may be appealed to the Board of Zoning Appeals.

1137.31 Development And Maintenance Of Parking Areas: Every parcel of land hereinafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

1137.32 Screening: Off-street parking areas for more than ten (10) vehicles shall be effectively screened by a wall or screen fence on each side which adjoins or faces and is within ten (10) feet of any lot situated in any residence District unless said lot is developed with a non-residential use or a residential use requiring or having off-street parking facilities for ten (10) or more vehicles. Such wall screen fence shall be not less than three (3) feet or more than six (6) feet in height and shall be maintained in good condition.

1137.33 Surfacing: Any off-street parking area whether for residential, business or commercial use and access drives thereto shall be surfaced with an asphaltic, concrete, cement binder, or approved pervious paving products so as to provide a dustless surface, and shall be graded and drained per the Director of Public Works approval. (OR 2015-10-83)

1137.34 Lighting: Any lighting used to illuminate any off-street parking area shall be arranged so as to reflect light away from adjoining premises in any Residence District.

- 1137.35 Reservoir Storage: Commercial parking garages and lots shall be designed to provide reservoir space of at least two (2) spaces but not less than two percent (2%) of its capacity for automobiles awaiting parking accommodations.
- 1137.36 Vacant Property: Vacant business lots not approved as a principal use as a commercial parking lot will have appropriate gates, cable fence or concrete barrier erected around the perimeter of the lot to prevent vehicle access to the lot.
- 1137.37 Landscaping and Buffering: Surface parking lots will have a minimum frontyard setback of 10-ft. which will be landscaped with screening material as listed in Section 1111.00. Parking Blocks or curbs will be installed to prevent vehicles from encroaching into landscaping, public or private pedestrian walkways or across lot lines.

For every four rows of parking spaces a five ft. wide landscaped area shall be provided the length of the parking row. This landscaping "island shall be protected by raised curb or curb blocks to prevent any vehicle from encroaching into the landscaped area.

New adjoining lots (regardless of ownership) used for parking shall be separated by a 30-inch wide landscaped area next to the property line. This landscaping "island shall be protected by raised curb and curb blocks to prevent any vehicle from encroaching into the landscaped area.

1137.38 Parking in Form-Based Zone Districts

Off-Street Parking within the MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, UCP-1 & UCP-2 Zoning Districts (Amended OR 2014-5-34)

- A) For any permitted or conditional land use within the MS-1, MS-2, MS-3, DT-3 & UCP-1 zoning districts the required amount of off-street parking may be reduced by up to one-hundred (100%) percent by the Department of Community Development, or designee in consultation with the Public Works Department/City Traffic Engineer and taking into consideration parking factors to include, but not limited to:
1. Availability of on-street parking;
 2. Pedestrian traffic and accessibility;
 3. Availability of transit service;
 4. Availability of public parking;
 5. Elimination of arterial curb cuts;
 6. Hours of operation;
 7. Availability of shared parking through written agreement; and/or
 8. Mixed uses
 9. Availability of Auto Sharing Services
- B) Shared parking: When two or more land uses, whether in the same lot or building structure, or on sites within 500 feet from each other have distinctly different hours of operation, such uses may qualify for a “shared parking credit” if there is a written agreement between the property owners that clearly agree to share parking and that states the terms of any joint maintenance, access and hours of use.

1137.40 OFF-STREET LOADING SPACE

- 1137.41 When Required: In connection with every building or part thereof, hereafter erected, except dwellings, there shall be provided on the same lot with such building, in any District, and having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods, display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry-cleaning, other uses similarly requiring receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained at least one (1) off-street loading space plus one (1) additional such loading space for each twenty thousand (20,000) square feet or major fraction thereof of gross floor area so used in excess of twenty thousand (20,000) square feet.
- 1137.42 Dimensions: Each off-street loading space shall be not less than ten (10) feet in width, forty-five (45) feet in length and fourteen (14) feet in height, unless waived by the City Manager or Designee for just reason.
- 1137.43 Mixed Occupancies and Uses Not Specified: In the case of mixed uses, the total requirements for off-street loading facilities shall be the sum of the various uses computed separately. Where a use is not specifically mentioned, the requirements for a use so mentioned, and to which said use is similar, shall apply. Off-street loading facilities for one (1) use can not be considered as providing requirements for any other use, except as hereinafter specified for collective use.
- 1137.44 Collective Use: Nothing in this Section shall be construed to prevent provisions of off-street loading facilities for two (2) or more buildings or uses, provided that the total of such off-street loading spaces shall not be less than seventy-five percent (75%) of the sum of the requirements for the various uses computed separately.

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1138.00 SIGNS

1138.10 Purpose And Scope: The purpose and scope of this section is to:

- A) Foster a positive business atmosphere by permitting every business to efficiently and effectively communicate with the public through sound signing practices without subjecting adjacent businesses, property owners, or the community to excessive, conflicting, and confusing sign displays,
- B) Promote aesthetically pleasing signage that is compatible with surrounding land use and consistent with the goals of the Hamilton community as expressed in its comprehensive plan;
- C) Promote the public health, safety, and general welfare of Hamilton citizens and visitors by reducing hazards to motorists and pedestrians and protecting property values;
- D) Provide for consistent and fair application and enforcement of the regulations pertaining to signs without regard to content.

1138.20 Temporary Signs

1138.21 Non-Residential Uses in All Zoning Districts – One (1) temporary sign larger than eight (8) square feet but no larger than thirty-two (32) square feet and may be erected for a total of ninety (90) days per lot per calendar year. The temporary sign shall not be illuminated and must be maintained in good repair without holes, properly secured against wind loads, setback a minimum of twenty-five (25) feet from any other temporary sign on the same property, and outside the required five (5) foot setback to any property line. Must be located outside of sight distance triangle in accordance with Section 1131.50 of the City of Hamilton Zoning Ordinance.

1138.22 Temporary Sign Registration Requirements: All Temporary Signs as defined in Section 1108.00 and described in Section 1138.21 must be registered with the City of Hamilton Community Development Department.

1138.30 Exempt Signs: The following signs are not a part of the total signage allotted for a particular use on any property in the City of Hamilton but must comply with other provisions in this section including those relating to construction, maintenance, illumination, safety, area, height, setbacks, number, and other noted requirements. Exempt signs may be free-standing or attached to the principal structure but shall not be attached to any accessory structures i.e. fences, light poles, benches or other permitted signs.

- A) Building Markers, Historic Site or Dedication Sign no larger than 6 square feet in area.
- B) Directional signs not exceeding 6 square feet in area, or 4 feet in height. Such signs may contain business identification not to exceed 25% of the sign area, but shall not contain advertising for any service or product.
- C) Free expression/political signs, which express an opinion or promote a candidate or issue related to an election but do not advertise a product, service, event, or commodity and includes temporary signs. Such signs may be 6 square feet in area on residential uses or 32 square feet in area on non-residential uses, no more than 5 feet in height and are not limited in number.
- D) Flags of government, public, or non-commercial agencies.
- E) Holiday lights and decorations that contain no commercial message.
- F) Portable A-Frame, Sandwich Board Signs: Single or Double-Sided freestanding A-Frame not exceeding 8 square feet per face nor 5 feet in height. One such sign display is allowed per business frontage in all districts. Portable A-Frame Sandwich Board signs may only be displayed during hours of business operation. Portable A frame, Sandwich Board signs must be secured so as not to be a hazard and placed out of the public right of way so as not create a hazard. When an existing or proposed building has no front yard setback the Director of Public Works may authorize the placement of such signs on public sidewalks in B-1, B-2, B-3, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, UCP-1, UCP-2, BPD, I-1, I-2, and IPD districts provided the sign is sized and placed so as to maintain a minimum 5-foot wide zone for pedestrian traffic, and the sign does not otherwise create a hazard for pedestrians. (OR2013-2-22; REVISED OR2014-11-102)
- G) Public necessity or regulatory signs that warn or inform as required by law and other signs erected by, or on behalf of public agencies. Also includes temporary signs, flags, or temporary displays of a public or governmental entity, any public educational institution, or religious institution or organization. (REVISED OR2014-11-102)
- H) Signs on recreation areas provided the sign does not face, or is setback at least 200 feet, from adjacent residential uses and public right of ways. Such signs require Parks Dept. or property owner approval.

- I) Exempt Signs (OR2012-8-68; REVISED OR2014-11-102)
 - A. Residential Districts – One (1) sign no larger than six (6) square feet in area, shall not exceed four (4) feet in height, shall not be illuminated and must be maintained in good repair, properly secured against wind loads, and outside the required five (5) foot setback to any property line.
 - B. Non Residential Uses in Residential Districts – One (1) sign no larger than 16 square feet in area. Such signs are limited to one (1) per street frontage or two (2) per 300 feet of each lot frontage or portion thereof, setback a minimum of 25 feet from any other exempt or temporary sign, shall not exceed four (4) feet in height, shall not be illuminated and must be maintained in good repair, properly secured against wind loads, and outside the required five (5) foot setback to any property line.
 - C. Non Residential Uses in Non-Residential Districts – One (1) sign no larger than eight (8) square feet in area. Such signs are limited to one (1) per street frontage or two (2) per 300 feet of each lot frontage or portion thereof, setback a minimum of 25 feet from any other exempt or temporary sign, shall not exceed four (4) feet in height, shall not be illuminated and must be maintained in good repair, properly secured against wind loads, and outside the required five (5) foot setback to any property line.
 - D. All exempt signs must be located outside of sight distance triangle in accordance with Section 1131.50 of the City of Hamilton Zoning Ordinance.
- J) Signs not legible from 3 feet beyond the property line if visible with 20/20 vision from a public right of way.
- K) Signs on a Property Under Construction, Renovation, Development or Redevelopment: One sign per 300 feet of lot frontage or portion thereof, at the entry of a subdivision under development or on the site of a major construction or renovation project; after approval and recording of a final subdivision plat or building permit is issued. Such signs shall be no larger than 64 square feet, displayed only during the time of active construction and while valid building permits are in force.
- L) Window signs provided that no more than 25 percent of the total window area on each building façade is covered.
- M) Works of art - Drawings, pictures, symbols, paintings, decorative architectural features, and sculptures, which do not contain the name, logo or commercial message of any product, service, or business.

1138.40 Prohibited Signs And Sign Characteristics: All signs not specifically permitted by or exempted from these regulations are prohibited and must be removed. Such signs include but are not limited to:

- A) Animated signs or devices with parts that move or revolve including pennants, streamers, spinners, or which have flashing or intermittent lights, but not including signs with scrolling messages, changeable copy signs, or signs with video screens, except Iconic Signs within the Route 4 Iconic Signage District. (OR2012-8-68)
- B) Bench signs painted on or affixed to benches in the public right of way or on private property.
- C) Roof mounted signs.
- D) Sound emitting devices audible beyond the property line at a level of 75 decibels or more.
- E) Signs that mimic or hide traffic control devices.
- F) Signs placed in or above the public right of way, or on property owned by a governmental agency, not erected or authorized by the Director of Public Works.
- G) Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located when it is adjacent to or abutting residential property.
- H) Signs that convey or depict pornographic information.
- I) Signs erected or placed within the clear sight triangle as defined Section 1131.50 herein.
- J) Vehicle signs mounted on, or affixed to, a vehicle or a trailer parked on private property solely for the purpose of attracting public attention or directing the public to a use, business, event, product, or service, but not including vehicles used in the normal conduct of business.
- K) Signs that are supported, held, or affixed, permanently or temporarily, to a mannequin or other similar attention getting device designed to attract the attention to a product, service, business or event produced provided, conducted, sold offered, or performed on the premises.
- L) Any sign structure comprised of a mannequin or other similar attention getting device designed to attract the attention to a product, service, business or event produced, provided, conducted, sold, offered, or performed on the premises.

1138.50 General Requirements: The following requirements apply to all signs.

1138.51 Sign Maintenance: All signs whether requiring a permit or not under this ordinance must be properly secured and anchored, and maintained in a safe and sound structural condition at all times, including replacement of defective parts and torn or faded fabric, painting, cleaning, landscaping, and other acts required for the maintenance of a safe sign and to fulfill all requirements of this ordinance. Any sign in a dangerous or defective condition shall be repaired or removed upon receipt of written notice to the property owner.

1138.52 Dangerous or defective sign: The city may immediately remove or cause to be removed at the expense of the property owner and/or the person in control of the property any dangerous or defective sign that creates an immediate or potential danger to persons or property due to structural deficiencies, inadequate maintenance, or unapproved location (defective wiring, structural failure, broken or missing panels, etc.).

1138.53 Abandoned signs: Signs, which advertise occupancy, product or service, which has been discontinued for more than 30 days, must be replaced with a blank face or entire sign structure removed. Any abandoned sign which does not conform to this ordinance in regard to size and placement and which is not put back into use within 24 months of the actual discontinuance, in accordance with a lawful sign permit, must be totally removed and surrounding surfaces restored.

1138.60 Permanent Sign Permit Requirements: Zoning approval and a building permit shall be required prior to the construction, reconstruction, location, relocation, alteration, and/or modification of all permanent signs, unless exempted by this ordinance.

1138.61 Zoning Approval. Zoning approval is necessary for all permanent signs and shall be requested by submitting an application which contains the following to the Planning Department through the Division of Construction Services:

A) Site plan drawn to scale showing: the location of all proposed and existing signage on site, existing and planned buildings, dimensions of all property lines and buildings as well as setbacks from property lines and other site features affecting sign placement such as streets, sidewalks, landscaped and parking areas, and driveways.

B) Elevation plans drawn to scale showing height, clearance above the surrounding grade, sign dimensions, copy or graphics, colors and materials.

C) Historic Preservation Districts. Plans for signs located in designated Historic Preservation Districts, in addition to meeting the requirements of this ordinance, must be approved by the Architectural and Historic Design Review Board prior to the issuance of a sign permit. Signs located in Historic Districts should be compatible in terms of materials, colors, and construction, with the architecture and theme of the district in which the sign is located.

D) Signs Erected Without Required Zoning Approval: Signs erected without zoning approval and which do not comply with the height, area, number or setback requirements of this ordinance are not eligible for variances to these requirements.

1138.62 Permit Fees: Zoning permit fees in accordance with 1190.00 of the Hamilton Zoning Ordinance shall be paid for all signs requiring zoning review and approval prior to issuance of a permit.

1138.70 Permanent Signs: The following are the different types of permanent signs allowed:

1138.71 Freestanding Signs include both pole signs and monument signs:

- A) Pole signs include all signs, which are mounted on exposed poles or uprights with an open area beneath the face of the sign of 50% or more of the total height of the sign.



Pole Sign



Monument Sign

- B) Monument signs include all signs, which are mounted on a base or structure with the open area below the sign face less than 50% of the total height of the sign.
- C) Setbacks: The minimum setback for all freestanding signs is 5 feet from all property lines. If due to the location of buildings, the front yard setback of 5 feet cannot be met; a projecting wall sign may be used in lieu of a freestanding sign in accordance with section 1138.26.4. All freestanding signs shall be placed outside of the sight clearance triangle as defined here in.

D) Zoning District Limitations: The table below shows the allowable heights, area, setback and frontage for freestanding signs by type of use and zoning district. (OR2013-2-22) (REVISED: OR2014-8-70)

Zoning District	Use	Pole		Monument		Minimum Setback	Minimum Frontage
		Area	Max. Height	Area	Max. Height		
AG	Non-residential	.1 X lot frontage 20 Sq.ft. Max	8 feet	.15 X lot frontage 30 Sq.ft. Max	6 feet	5 feet	
R-1, R-2, R2-A	Individual freestanding business	.1 X lot frontage 8 Sq.ft. Max	8 feet	.15 x lot frontage 16 Sq.ft. Max	6 feet	5 feet	
	Subdivision entrances & dwelling groups 20 units or more	Not permitted	Not permitted	50 Sq.ft.	6 feet	5 feet	
	Civic, institutional, religious	Not permitted	Not permitted	.25 x lot frontage 50 sq.ft	6 feet	5 feet	
R-3, R-4, R-O, RPD, OPD, MS-2	Individual freestanding business	.1 X lot frontage 8 Sq.ft. Max	8 feet	.15 X lot frontage 20 Sq.ft. Max	6 feet	5 feet	
	Business groups 3 or more units	Not permitted	Not permitted	.25 X lot frontage 64 Sq.ft. Max.	6 feet	5 feet	
	Subdivision entrances & dwelling groups 20 units or more	Not permitted	Not permitted	50 Sq.ft.	6 feet	5 feet	
	Civic, institutional, religious	Not permitted	Not permitted	.25 X lot frontage 50 Sq.ft. Max.	6 feet	5 feet	
B-1, MS-1	Individual freestanding non-residential	.25 X lot frontage 32 Sq.ft. Max	20 feet	.25 X lot frontage 50 Sq.ft. Max.	8 feet	5 feet	
	Business groups 3 or more units	.25 X lot frontage 60 Sq.ft. Max	20 feet	.25 X lot frontage 120 Sq.ft. Max.	8 feet	5 feet	
B-2, B-3, BPD, I-1, I-2, IPD, MS-3, DT-1, DT-2,	Individual freestanding non-residential	.5 X lot frontage 60 Sq.ft. Max.	20 feet	.75 X lot frontage 150 Sq.ft. Max.	8 feet	5 feet	
	Business groups 3 or more units	.5 X lot frontage 100 Sq.ft. Max.	20 feet	.75 X lot frontage 120 Sq.ft. Max.	10 feet	5 feet	
DT-3	Individual Freestanding Non-Residential			.75 X lot frontage 150 Sq.ft. Max.	8 feet	5 feet	
	Business Groups 3 or More Units			.75 X lot frontage 120 Sq.ft. Max.	10 feet	5 feet	
UCP-1	Any Permitted	Not Permitted	Not Permitted	.15 x lot frontage 30 Sqft. Max	6 feet	5 feet	5 feet
UCP-2	Any Permitted	Not Permitted	Not Permitted	.15 x lot frontage 30 Sqft. Max	6 feet	5 feet	75 feet
Historic Overlay Districts *	Any Permitted	Not Permitted	Not Permitted	.25 x lot frontage 120 sq.ft. Max.	8 feet	5 feet	

* As defined in Section 1126.30 Architectural Conservation / Historic Districts and Structures – Local Register

- E) Density: Only one freestanding sign may be placed on each lot frontage of 300 feet or less. One additional freestanding sign may be placed on each additional 300 feet of frontage or part thereof on lots having 600 feet or more of frontage.
- F) Separation: A minimum separation of 150 feet shall be maintained between all freestanding signs on the same development.
- G) Design: Freestanding signs shall be located in a non-paved landscaped area or planter box equal in size to the area of the sign face. Curbing shall surround the freestanding signs located in landscaped areas within parking lots. All wiring including electric service wiring shall be concealed.
- H) Construction: Freestanding signs shall be constructed of low maintenance materials specified for exterior use by the manufacturer.
- I) Illumination: Freestanding signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located when it is adjacent to or abutting residential property are prohibited.

1138.72 Wall Signs are signs that are mounted on a wall and include changeable message, projecting, and flush mounted signs as well as mounted on roofs, canopies, awnings, building façades and marquees.

- A) Zoning District Limitations: Wall signs may be used on permitted non-residential uses in all districts and on multifamily residential uses with 4 units or more in residential districts.
- B) Area: The maximum permitted sign area for residential zoning districts shall not exceed 20 square feet in area. In all other districts, the maximum allowable total area of wall signs, including awning and marquee signs, shall not exceed 1.5 square feet per lineal foot of building frontage for ground floor businesses. Any building or business with additional frontage onto an open parking area of two or more acres shall be allotted 1.5 additional square feet of signage per that lineal frontage. Wall signs shall not project above a roofline or parapet wall. (OR2012-8-68)
- C) Density: One wall sign may be displayed on a single building street frontage for residential uses. Any number of wall signs may be displayed on a single frontage in all other districts. The area allocation based on building frontage may be distributed on more than one façade, provided that no façade shall contain more than 1.5 square feet of sign area per lineal foot of that façade's width.
- D) Construction: Wall signs shall be constructed of low maintenance materials specified for exterior use by the manufacturer. Wall signs must be mounted parallel with the face of the wall, and be not more than 15 inches in depth.
- E) Illumination: Wall signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located when it is adjacent to or abutting residential property are prohibited.

1138.73 Awning signs are signs that are constructed of lightweight fabric, which contains copy and/or graphics, stretched over a framework that is mounted to a building, pylon, canopy or other permanent structure. The fabric may be translucent. Awnings used strictly as protective structures for windows and doors containing no sign copy or logos are not signs. Awning signs are categorized as wall signs.

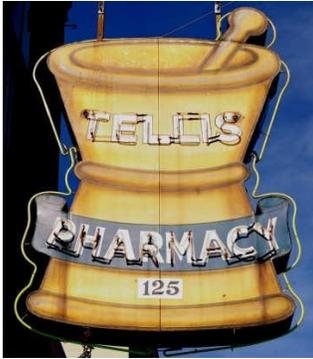
- A) Clearance: Awning signs must be mounted with minimum ground clearance of 8 feet.
- B) Illumination: Awning signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located when it is adjacent to or abutting residential property are prohibited.

1138.74 Changeable copy signs: Signs, permanently affixed to a wall or the ground, which are designed to have the copy changed manually, by replacing lettering, panels, posters, banners or photos or with an electronic message.

- A) Zoning: Changeable copy signs are allowed only on permitted multi-family uses and non-residential uses in AG, R-1, R-2, R-3, R-4, R-O districts and on all uses in the, B1, B2, B3, BPD, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, I-1, I-2, UCP-1, UCP-2 and, IPD districts. (OR2013-2-22)
- B) Area Bonus: Business and commercial uses that incorporate a changeable copy sign into a freestanding sign may increase the overall maximum area for freestanding signs by 25%. Business and commercial uses that incorporate changeable copy sign or signs as wall signs may increase the overall maximum area for wall signs by 25%.
- C) Illumination: Changeable copy signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located when it is adjacent to or abutting residential property are prohibited.

1138.75 Iconic Signs: An iconic sign is a sign that visually depicts the nature of the business, goods or services that the business provides through unique shape and any combination of color, lighting, movement or history. (OR2012-4-32) However, Iconic Signs that incorporate movement (as defined in 1138.40.A) are only permitted within the Route 4 Iconic Signage District. (OR2012-8-68)



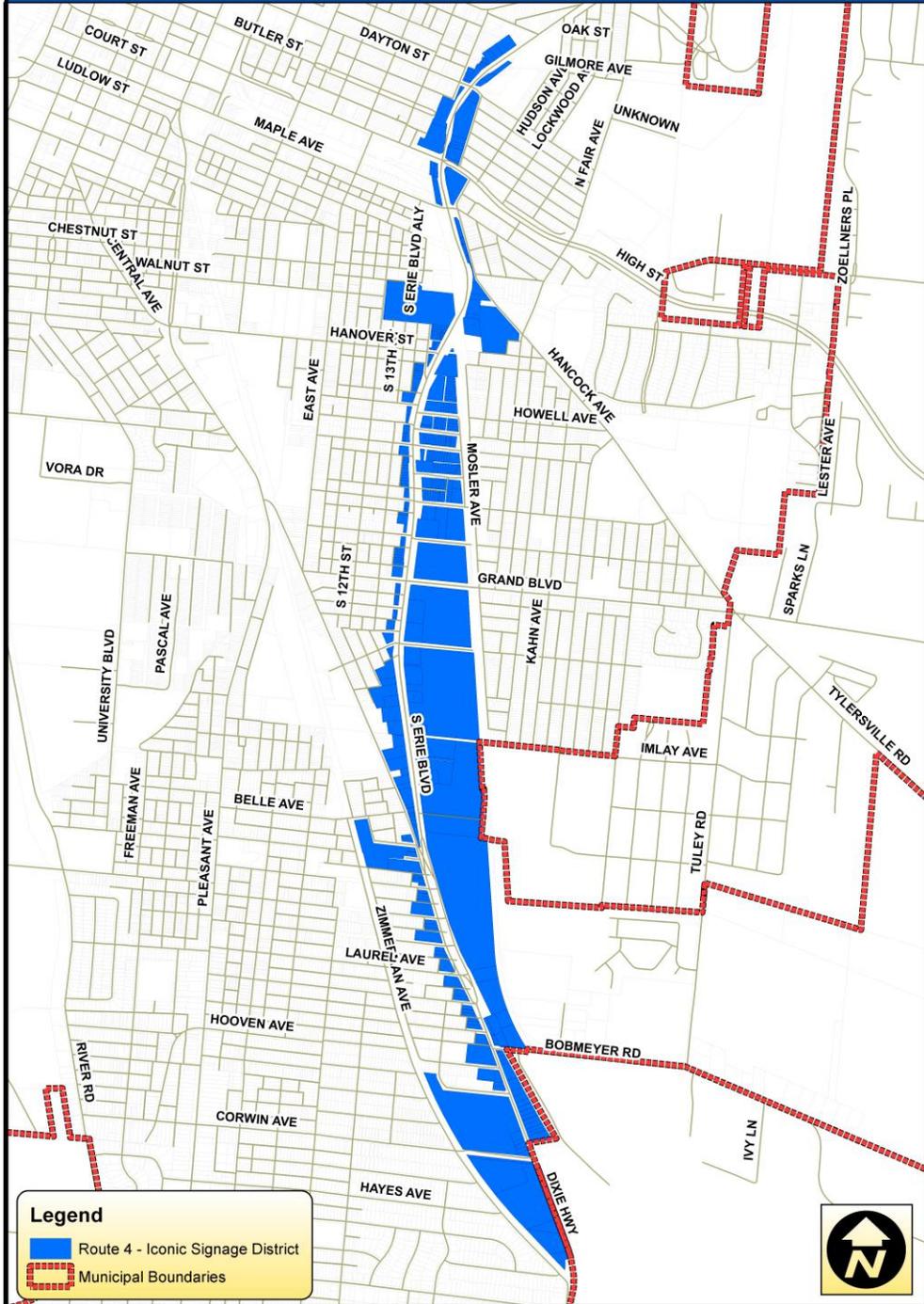


A) Zoning: Iconic signs are allowed only on permitted multi-family uses and non-residential uses in AG, R-1, R-2, R-3, R-4, R-O districts and on all uses in the B1, B2, B3, BPD, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, I-1, I-2, and IPD districts. (OR2013-2-22)

B) Area Bonus: Business and commercial uses within the defined iconic sign district (See Map) that incorporate an iconic sign into a freestanding sign may increase the overall maximum area for freestanding signs by 50%. Business and commercial uses within the defined Iconic sign district (See Map) that incorporate iconic sign or signs as wall signs may increase the overall maximum area for wall signs by 50%. Signs utilizing this bonus cannot also utilize the changeable copy bonus. (OR2012-4-32)

C) Illumination: Iconic Signs may be illuminated externally, internally, or with neon in the B1, B2, B3, BPD, MS-1, MS-3, DT-1, DT-2, DT-3, I-1, I-2, and IPD districts. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located when it is adjacent to or abutting residential property are prohibited. (OR2013-2-22)

ROUTE 4 - ICONIC SIGNAGE INCENTIVE DISTRICT



Legend

- Route 4 - Iconic Signage District
- Municipal Boundaries



City of Hamilton, Butler County, Ohio
 DEPARTMENT OF COMMUNITY DEVELOPMENT
 EUGENE SCHARF, DIRECTOR
 PREPARED BY: EWIII DATE: JULY 13, 2012

NOTES:

Feet

0 1,000 2,000



1138.76 Projecting Signs include all signs, which are mounted on and perpendicular to a building facade.



- A) Zoning: One projecting sign is allowed on permitted non-residential uses in the R-O, B1, B2, B3, BPD, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, I-1, I-2, and, IPD zoning districts where a freestanding sign is permitted but practical difficulties exist that deprive an owner the reasonable placement of a freestanding sign. The area of such projecting signs shall not exceed .5 square feet of sign area per linear foot of building frontage. Within any UCP-1 or UCP-2 zoning district projecting signs are permitted and must be attached to building facades that have a public entrance and must maintain a minimum clearance of eight feet above the public right-of-way or private sidewalk area. One projecting sign is allowed per tenant space. Projecting signs may have a maximum area of six square feet and may be illuminated externally, internally, or with neon. (OR2013-2-22) (OR 2014-1-22)
- B) Setbacks: The inside edge of projecting signs shall be mounted no more than 6 inches from the face of a building. The outside edge shall not project closer than 2 feet of the curb or edge of roadway. Projecting signs must set back at least 5 feet from side property lines. Projecting signs over a right of way shall have a minimum ground clearance of 8 feet and will require joint approval from the Departments of Planning and Public Works.
- C) Illumination: Projecting signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located

1138.77 Suspended signs are signs suspended from any structure overhanging pedestrian walkways.

- A) Zoning: Suspended signs are permitted only on permitted nonresidential uses in AG, R-3, R-4, R-O districts and in the, B1, B2, B3, BPD, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, UCP-1, UCP-2, I-1, I-2, and, IPD districts. (OR2013-2-22)
- B) Area: Such signs shall have a minimum clearance of 8 feet.
- C) Illumination: Suspended signs may be illuminated externally, internally, or with neon. Signs utilizing illumination that radiates a glare or light greater than one half foot-candle at the property line on which the sign is located.

1138.99 LEGAL NON-CONFORMING SIGNS: See Section 1109.44 HZO

1138.100 APPEALS: Other sections of the Zoning Ordinance notwithstanding, the following will govern all appeals with regard to signs.

1138.101 Administrative Appeals: In cases where due to the unique location or situation of a piece of property the strict enforcement of the provisions of this ordinance would create, a practical difficulty with regard to the visibility or function of a sign not intended by this ordinance, the Planning Director is hereby authorized to make administrative adjustments of up to 25% of any dimensional restriction contained herein. The Planning Director may also waive a restriction in cases where an undue burden is unintentionally created on a specific property due to conflicting or contradictory requirements. Relief may include adjustments to setbacks, area, height, location, or interpretations of these regulations as they are applied to specific cases. The relief provided by the Director may not exceed that which is necessary to relieve the practical difficulty and approval may be conditioned upon comparable reductions in the size or changes in the location and design of other signage on site.

Appeals of a decision by the Planning Director with regard to a request for administrative relief, or appeals seeking relief greater than that, which can be granted by the Director, shall be made to Board of Zoning Appeals per Section 1170.60. Drawings, photos or other illustrations of all signage on site and a complete description of the relief being sought by the applicant must accompany appeal. Fees per Section 1190.00 of this ordinance shall accompany all requests for variances to the requirements of this section of the Zoning Ordinance.

leave blank

1139.00 PERFORMANCE STANDARDS

- 1139.10 Compliance Required: No land or building in any District shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards, including possible potential hazards; noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold, dampness, electrical or other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises, provided that any use permitted or not expressly prohibited by this Ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.
- 1139.20 Performance Standards' Procedure: All Principal Permitted Uses and Conditional Uses as specified in Sections 1122.00 through 1125.00 shall comply with the Performance Standards' Procedure in applying for a Zoning Clearance Permit (Section 1170.81). In addition, the City Manager or Designee may, at his discretion, require any other use not specifically listed to comply with the Performance Standards' Procedure if such use is likely to violate the standards of Section 1139.00.
- 1139.30 Standards Applicable To All Uses: Compliance with Performance Standards' Procedure shall be required of every use, which is now or may hereafter be authorized by this Ordinance.
- 1139.40 City Health Department-Enforcement: The Board of Zoning Appeals may direct the City Health Department to assist the City Manager or Designee in the enforcement of the provisions of this Section or in any investigation hereunder, and said Department shall render such assistance as may be necessary and authorized by law.
- 1139.50 Non-Conforming Uses: Certain uses established before the effective date of this Ordinance and non-conforming as to Performance Standards shall be given a reasonable time in which to conform therewith as provided in Section 1109.80.

- 1139.60 Locations Where Determinations Are To Be Made For The Enforcement Of Performance Standards: The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent (herein referred to as "at any point"); provided, however, that the measurements necessary for enforcement of Performance Standards set forth in this Section shall be taken at different points in different Zoning Districts in relation to the establishment or use creating the element being measured (herein referred to as "point of measurement") as follows:
- 1139.61 In Any "R" District and "B-1" and "B-2" Districts: twenty-five (25) feet from the establishment or use, or at the lot line of the use if closer to the establishment or use.
- 1139.62 In Any Other District: At the boundary or boundaries of the District, or at any point within any "R" District.
- 1139.70 Performance Standard Regulations: The following provisions, standards and specifications shall apply:
- 1139.71 Fire and Explosion Hazards: All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be provided. Burning of waste materials in open fires shall be prohibited at any point unless authorized by Fire Department Permit, subject to such conditions as may be prescribed by the Fire Department in each case. The relevant provisions of state and local laws and regulations shall also apply.
- 1139.72 Radioactivity or Electric Disturbance: No activities shall be permitted which violate the requirements and standards of the radiation protection regulations of the Ohio State Department of Health, and no electrical disturbance shall be tolerated which affects adversely the operation at any point of any equipment other than that of the creator of such disturbance.
- 1139.73 Noise: At the point of measurement specified in Section 1139.60, the sound pressure level of noise radiated from the facility at night time shall not exceed forty (40) decibels (sound pressure level-decibels are 0.0002 Dynes/cm²) or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above three hundred (300) cycles per second. Between the hours of 6:00 a.m. and 8:00 p.m. the sound pressure level of noise radiated from a facility shall not exceed sixty-five (65) decibels in "R" Districts and ninety-five (95) decibels in all other Districts or ten (10) decibels above the average sound level of the existing background noise in the locality of the noise generator, whichever is the higher, in an octave band of a frequency above three hundred (300) cycles per second.

The sound pressure level shall be measured with a sound level meter¹, and an octave-band analyzer² that conform to the specifications published by the American Standards Association. Noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, beat frequency, impulsive character (hammering, etc.), periodic character (humming, screeching, etc.), or shrillness. Sirens, whistles, bells, etc., which are maintained and utilized solely to serve a public purpose (such as fire, ambulance, police and air raid warning sirens) shall be excluded from the above regulations. Below three hundred (300) cycles per second maximum sound pressure shall conform to the following table:

NOISE	
Octave Band (in cycles per second)	Decibels
0 - 75	70
75 - 150	60
150 - 300	50
300 and UP	40

¹ AMERICAN STANDARD SOUND LEVEL METERS FOR MEASUREMENT OF NOISE AND OTHER SOUNDS, 224.3 - 1944, American Standards Association, Inc., New York.

² AMERICAN STANDARD SPECIFICATION FOR AN OCTAVE-BAND FILTER SET FOR THE ANALYSIS OF NOISE AND OTHER SOUNDS, 224.10- 1953, American Standards Association Inc., NY.

- 1139.74 **Vibration**: No vibration shall be permitted which is discernible without instruments at the points of measurement specified in Section 1139.60.
- 1139.75 **Smoke**: No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the **Power's Microringle-Menn Chart**, published by McGraw-Hill Publishing Company, Inc., and copyrighted 1954 (being a direct facsimile reproduction of the Standard Ringlemenn Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on said chart may be emitted for four (4) minutes in any thirty (30) minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent capacity.
- 1139.76 **Odor**: No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the points of measurement specified in Section 1139.60. There is hereby established as a guide in determining such quantities of offensive odors Table iii. "**Odor Thresholds**", in Chapter 5, "Air Pollution Abatement Manual", copyright 1951 by Manufacturing Chemists Assn., Inc., Washington, D.C.
- 1139.77 **Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution**: No emission shall be permitted which can cause any damage to health, to animals, vegetation or other forms of property, or which can cause any excessive soiling, at any point. It is hereby established as a guide in determining the detrimental concentration for any dust, fume, mist, gas or vapor Chapter 5, "Air Pollution Abatement Manual", copyright 1951, by the Manufacturing Chemists Association, Inc., Washington, D.C. The fly ash or other particulate matter resulting from the burning of combustible materials shall not exceed a loading in the stack of vent gases of eighty-five one hundredths (0.85) pounds per one thousand (1,000) pounds of conveying gas (twenty-five one hundred

(0.25) grains per cubic foot measured at 500 degrees F and fifty (50) percent excess air).

1139.78 Glare: No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be objectionable to the points of measurement specified in Section 1139.60. This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance or other regulation.

1139.79 Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, except in accord with standards approved by the City Health Department or the Ohio State Department of Health, as the case may be, or standards equivalent to those approved by said authorities for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with the orderly operation of public sewage collection and treatment systems, or otherwise cause the emission of dangerous or offensive elements.

1140.00 FLOOD DAMAGE REDUCTION

1140.10 Statement Of Purpose

It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

1140.11 Methods Of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.

1140.12 Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Hamilton, Ohio as identified in Section 1.6, including any additional areas of special flood hazard annexed by the City of Hamilton, Ohio.

1140.13 Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and / or maps are adopted:

- A. Flood Insurance Study Butler County, Ohio and Incorporated Areas and Flood Insurance Rate Map Butler County, Ohio and Incorporated Areas both effective December 17, 2010.
- B. Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard that have been accepted and approved by the Federal Emergency Management Agency.
- C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Hamilton, Ohio as required by Section 4.3 Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Planning Department Office, 345 High St. City of Hamilton, Ohio

1140.14 Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

1140.15 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

1140.16 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage.

These regulations shall not create liability on the part of the City of Hamilton, Ohio, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made hereunder.

1140.17 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1140.20 Definitions

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure - any structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal - a request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood - the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE) - the water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

Basement - any area of the building having its floor subgrade (below ground level) on all sides.

Development - any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor - see "Lowest Floor."

Executive Order 11988 (Floodplain Management) - issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA) - the agency with the overall responsibility for administering the National Flood Insurance Program.

Fill – a deposit of earth material placed by artificial means.

Flood or Flooding – a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) - usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM) - an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones - zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A - Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

Zones A1-30 and Zone AE - Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

Zone AO - Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH - Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99 - Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone Band Zone X (shaded) - Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded) - Areas determined to be outside the 500-year floodplain.

Flood Insurance Study(FIS) - the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Flood Protection Elevation - the Flood Protection Elevation, or FPE, is the base flood elevation plus 1 foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway – a floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard – a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic structure - any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
4. Individually listed on the inventory of historic places maintained by the City of Hamilton, Ohio's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis - an analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Letter of Map Change (LOMC) - a Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA) - a revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR) - a revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR) - a formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest floor - the lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 3733 of the Ohio Revised Code.

Manufactured home park - as specified in the Ohio Administrative Code 3701-27-01, a manufactured home park means any tract of land upon which three or more manufactured 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. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

National Flood Insurance Program (NFIP) - the NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New construction - structures for which the "start of construction" commenced on or after the initial effective date of the City of Hamilton, Ohio Flood Insurance Rate Map, July 15, 1977, and includes any subsequent improvements to such structures.

Person – includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section 111.15 as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not

include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle - a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect - a person registered to engage in the practice of architecture under the provisions of sections 4703.01 to 4703.19 of the Revised Code.

Registered Professional Engineer - a person registered as a professional engineer under Chapter 4733 of the Revised Code.

Registered Professional Surveyor - a person registered as a professional surveyor under Chapter 4733 of the Revised Code.

Special Flood Hazard Area - also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure - a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the of the current market value base upon the County Auditor's valuation or other conventional means of establishing the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the of the current market value base upon the County Auditor's valuation or other conventional means of establishing the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

1. Any improvement to a structure that is considered "new construction,"
2. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
3. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance - a grant of relief from the standards of these regulations consistent with the variance conditions herein.

Violation - the failure of a structure or other development to be fully compliant with these regulations.

1140.30 Administration

1140.31 Designation of the Floodplain Administrator

The City Manager's designee is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

1140.32 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

1140.33 Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section 1.6, until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

1140.34 Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 1. Floodproofing certification for non-residential floodproofed structure as required in Section 4.5.
 2. Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section 4.4(E) are designed to automatically equalize hydrostatic flood forces.
 3. Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section 4.9(C).
 4. A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section 4.9(B).
 5. A hydrologic and hydraulic engineering analysis showing impact of any

development on flood heights in an identified floodway as required by Section 4.9(A).

6. Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section 4.3.

- F. A floodplain development permit application fee of \$100.00 as required by Section 1190.00 of the City of Hamilton Zoning Ordinance.

1140.35 Review and Approval of a Floodplain Development Permit Application

A. Review

1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section 3.4 has been received by the Floodplain Administrator.
2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Ohio Environmental Protection Agency under Section 401 of the Clean Water Act.

B. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity ceases for a period of 180 days at which time the permit shall expire.

1140.36 Inspections

For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor when forms are set for foundation walls, pilings or basement/crawl space walls, prior to any further construction to certify that top of foundations are in compliance with permit conditions. The Floodplain Administrator shall also make periodic inspections at appropriate time throughout the period of construction in order to monitor compliance with permit conditions

1140.37 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a Federal Emergency Management Agency Elevation Certificate completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- B. For all development activities subject to the standards of Section 3.10(A), a Letter of Map Revision.

1140.38 Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Board of Zoning Appeals in accordance with Section 5 of these regulations.

1140.39 Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for:

- A. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- B. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code Section 3701.
- C. Major utility facilities permitted by the Ohio Power Siting Board under Section 4906 of the Ohio Revised Code.
- D. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under Section 3734 of the Ohio Revised Code.
- E. Development activities undertaken by a federal agency and which are subject to Federal Executive Order 11988 – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

1140.40 Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that The City of Hamilton's flood maps, studies and other data identified in Section 1.6 accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- A. Requirement to Submit New Technical Data
 - 1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information

becomes available. These development proposals include:

- a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with Section 4.3.
2. It is the responsibility of the applicant to have technical data, required in accordance with Section 3.10(A), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
 3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation.
 - b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
 4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section 3.10(A)(1).

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of the City of Hamilton, and may be submitted at any time.

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Hamilton, Ohio have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Hamilton, Ohio's Flood Insurance Rate Map accurately represent the City of Hamilton, Ohio's boundaries, include within such notification a copy of a map of the City of Hamilton, Ohio suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Hamilton, Ohio has assumed or relinquished floodplain management regulatory authority.

1140.41 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.
- C. When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:
 1. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
- D. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 5.0, Appeals and Variances.
- E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

1140.42 Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;

- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas;
- C. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

1140.50 Use And Development Standards For Flood Hazard Reduction

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section 1.6 or 3.11(A):

1140.51 Use Regulations (Amended OR 2014-9-90)

A. Permitted Uses

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Hamilton, Ohio are allowed provided they meet the provisions of these regulations.

B. Prohibited Uses

1. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under Section 3701 of the Ohio Revised Code.
2. Infectious waste treatment facilities in all special flood hazard areas, permitted under Section 3734 of the Ohio Revised Code.
3. Critical services providers to include police and fire administrative offices and storage facilities; hospitals; and federal, state, and municipal government buildings and storage facilities.
4. Nursing Homes, daycares, or any others facilities that would require special assistance in the case of a need for evacuation.

1140.52 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

1140.53 Subdivisions and Large Developments

- A. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section 3.10(A)(1)(d) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section 4.3(D).

1140.54 Residential Structures

- A. Placement of new residential construction or new or used manufactured housing within delineated special flood hazard areas is prohibited in the City of Hamilton, Ohio.
- B. Substantial improvements to existing residential structures shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring (4.4(A)) and construction materials resistant to flood damage (4.4(B)) are satisfied.
- C. Substantial improvements to existing residential structures shall be constructed with methods and materials resistant to flood damage.
- D. Substantial improvements to existing residential structures shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from

- entering or accumulating within the components during conditions of flooding.
- E. Substantial improvements to existing residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
 - F. Substantial improvements to existing residential structures, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage;
 - 2. Are designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - 3. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - G. Existing manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - H. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section 4.4.

1140.55 Nonresidential Structures

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

- 1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
- 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- 3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 4.5(1) and (2).

1140.56 Accessory Structures

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section 4.4(E)(3).

1140.57 Recreational Vehicles

Recreational vehicles must meet the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days per calendar year, and
- B. They must be fully licensed and ready for highway use.

1140.58 Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks located in a delineated special flood hazard area shall be elevated at least one foot above the base flood elevation. In addition all tanks whether above or in-ground located within a special flood hazard area shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

1140.59 Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

- A. Development in Floodways
 - 1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
 - 2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section 3.10(A);
 - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are

- not feasible;
- c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
- d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
- e. Concurrence of the City Manager of Hamilton, Ohio and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided an evaluation of alternatives which would not result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible is completed by the applicant.

C. Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the "bankfull stage." The field determination of "bankfull stage" shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Hamilton specifying

the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.

4. The applicant shall meet the requirements to submit technical data in Section 3.10(A) (1) (c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

1140.60 APPEALS AND VARIANCES

1140.61 Appeals Board Established

- A. The City of Hamilton Board of Zoning Appeals is hereby appointed to serve as the Appeals Board for these regulations as established by the City of Hamilton Zoning Ordinances Section 1160.00.
- B. Records of the Appeals Board shall be kept and filed in the Planning Department Offices at 345 High St. Hamilton, Ohio.

1140.62 Powers and Duties

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section 5.4 of these regulations.

1140.63 Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board as established by the Hamilton Zoning Ordinance. provided that such person shall file, within sixty (60) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

1140.64 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, due to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A. Application for a Variance

1. Any owner or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the application shall transmit it to the Appeals Board.
2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; reason for the variance request, and the required fee.

B. Notice for Public Hearing

The Appeals Board shall schedule and hold a public hearing within thirty (30) days after the receipt of an application for a variance from the Floodplain Administrator. Prior to the hearing, a notice of such hearing shall be given in one (1) or more newspapers of general circulation in the community at least ten (10) days before the date of the hearing.

C. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant facts, and standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

Variations shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in

exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.

3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Upon consideration of the above factors and the purposes of these regulations, the Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

D. Other Conditions for Variances

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section 5.4(C)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

1140.65 Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented and a verbatim record of the testimony of all witnesses.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter

issued in writing or the decision may be issued in writing within a reasonable time after the hearing.

1140.61 Appeal to the Court

Those aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Butler County Court of Common Pleas, as provided in Chapter 2506 of the Ohio Revised Code.

1140.70 Enforcement

1140.71 Compliance Required

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in Section 3.9.
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with Section 6.3.
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with Section 6.3.

1140.72 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, he shall give notice of such violation to the person responsible therefore and order compliance with these regulations as hereinafter provided. Such notice and order shall:

- A. Be put in writing on an appropriate form;
- B. Include a list of violations, referring to the section or sections of these regulations that have been violated, and order remedial action, which, if taken, will effect compliance with the provisions of these regulations;
- C. Specify a reasonable time for performance;
- D. Advise the owner, operator, or occupant of the right to appeal;
- E. Be served on the owner, occupant, or agent in person. However, this notice and order shall be deemed to be properly served upon the owner, occupant, or agent if a copy thereof is sent by registered or certified mail to the person's last known mailing address, residence, or place of business, and/or a copy is posted in a conspicuous place in or on the dwelling affected.

1141.00 EXTRACTION OF MINERALS

- 1141.10 Purpose: It is the purpose of this regulation to minimize the adverse effects that mining operations may have on adjacent properties, to effect certain safety measures during operations, and to effect necessary restoration measures before such areas are abandoned.
- 1141.20 General Requirements: Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any district, may file with the zoning board of appeals an application for authorization to mine minerals therefrom, provided, however, that he shall comply with all requirements of the District in which said property is located and with the following additional requirements:
- 1141.21 Distance From Property Lines: No quarry operations shall be carried on, nor any stock pile placed closer than twenty-five (25) feet from any property line or public right-of-way line.
- 1141.22 Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the Board, such fencing is necessary for the protection of the public safety and shall be of a type specified by the Board.
- 1141.23 Operations: All operations on the site shall be conducted in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in a dust-free condition.
- 1141.24 Processing: Crushing, washing and refining or other similar processing may be authorized by the Board as an accessory use.
- 1141.30 REHABILITATION: Mined-out areas shall be restored, rehabilitated or reclaimed as specified by the Board according to the following:
- 1141.31 Water areas: Where excavation has been made to water-producing depth, such excavation shall be continued to a minimum of five (5) feet below the low water mark; or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids to prevent the collection of stagnant water.
- 1141.32 Land areas: Land surface areas shall be rehabilitated with a four (4) inch layer of loam soils and appropriate grasses to re-establish and maintain the vegetation level and to control erosion.
- 1141.33 Slopes: All excavations shall be graded to a maximum slope of three feet horizontal to one-foot vertical and suitable ground cover, or grasses, shall be maintained to control erosion.

1141.40 ADMINISTRATIVE CONTROL: The Board of Zoning Appeals shall receive and review an application for such operation and, upon determination that said application is descriptive of the contemplated operation and the Board is satisfied with the proposed plan for restoration, reclamation and rehabilitation of such land, shall set the matter for public hearing according to the provisions of Section 1160.00.

1141.41 Performance Bond: To guarantee that such plan for restoration, reclamation and rehabilitation shall be carried out within a reasonable time and to the satisfaction of the Board, the applicant shall furnish a performance bond running to the City of Hamilton, in an amount to be established by the Board of Zoning Appeals, such amount to be not less than one thousand (\$1,000.00) Dollars.

1142.00 Wireless and Cellular Telecommunications Structures and Facilities

(Originally, Chapter 1142.00 referred to Planned Development Procedures, this was repealed by OR 96-6-61; with EOR 97-90105, Wireless and Cellular Telecommunications Structures and Facilities was adopted as Chapter 1142.00)

1142.10 Purpose: It is the purpose of this Section to regulate the placement, construction, and modification of Wireless and Cellular Telecommunications Towers and Facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless and cellular telecommunications marketplace in the City of Hamilton. Specifically the purposes of these regulations are:

- A) To regulate the location of Wireless and Cellular Telecommunications Towers and Facilities within the City;
- B) To protect residential areas and land uses from potential adverse impacts of Wireless and Cellular Telecommunications Towers and Facilities;
- C) To minimize adverse visual impacts of Wireless and Cellular Telecommunications Towers and Facilities through careful design, siting, landscaping, and innovative camouflaging techniques and a reduction of the need for new Towers;
- D) To promote and encourage shared use/co-location of Wireless and Cellular Telecommunication Facilities as a primary option rather than encouraging the construction of additional single-use towers;
- E) To avoid potential damage to adjacent properties caused by Wireless and Cellular Telecommunications Towers and Facilities by ensuring such structures are soundly and carefully designed, constructed, screened, modified, maintained, and removed;
- F) To the greatest extent feasible, ensure that Wireless and Cellular Telecommunications Towers and Facilities are compatible with surrounding land uses;
- G) To the greatest extent feasible, ensure that proposed Wireless and Cellular Telecommunications Towers and Facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

1142.20 Applicability: All Wireless and Cellular Telecommunications Towers and Facilities, any portion of which are located within the City of Hamilton, are subject to these regulations.

1142.21 Non-Conforming Telecommunications Facilities: Except as provided in this Chapter, any use being made of an existing Tower or Antenna Support Structure on the effective date of the Zoning Ordinance and Amendments thereto (herein known as "Non-Conforming Structures") shall be allowed to continue, even if in conflict with these regulations. Any Tower site that has received City approval in the form of a building permit, but which has not yet been constructed, shall be considered a Non-conforming Structure so long as such approval is current and has not expired. However, the owner/service provider must still comply with any registration requirements as set forth in this Chapter. Furthermore, the co-location of equipment on a non-conforming facility or changes to any associated equipment must comply with the requirements of this Chapter.

1142.22 Exempt Telecommunication Facilities: Wireless and Cellular Tele-communications Facilities which are exempt from the regulations of this Chapter include, but are not limited to, the following - unless located within a Historic District. However, locational requirements still apply. Satellite earth stations and other antennas may not be located in front of a structure. They are to be located only in a yard to the rear of the principal building and outside of any required side or rear yard setbacks. Where a corner lot has no rear yard, the station or antenna may be located in a non-required interior side yard. If any aspect of the below listed provisions (for items A through G) is exceeded, the telecommunication facility will no longer be deemed exempt from the provisions of this Chapter and will become subject to all requirements as listed herein.

Exemption from the requirements of this Chapter does not exempt the below listed facilities from applicable requirements of the Building, Health or Fire Codes. A building permit is required for all such facilities where the support structure, to which an antenna is to be affixed or mounted, exceeds (12) feet in height.

Exemptions

- A) A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the occupant of a residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five feet (25');
- B) A ground or building mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed twenty-five feet (25');
- C) A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, subject to the locational requirements of this Section, unless the applicant for an amateur radio tower/antenna can demonstrate that an alternative location is technically necessary to successfully engage in amateur radio communications.
- D) A ground or building receive-only radio or television satellite earth station (satellite dish) which does not exceed one meter (39.37 inches) in diameter,

for the sole use of the resident or establishment occupying the parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridge line of the principal structure on said parcel;

- E) Mobile Services providing public information coverage of a news event of a temporary nature;
- F) Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless phones, garage door openers and similar devices as determined by the Planning Director;
- G) Government owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems and similar uses, with heights not exceeding thirty-five feet (35').

1142.30 General Requirements:

1142.31 Zoning Districts Where Permitted:

- A) Satellite Earth Stations Satellite Earth Stations having a diameter in excess of one meter (39.37") but less than 3.6 meters (144") in diameter are permitted as an accessory structure to any principally permitted use of any Zoning District provided they meet all of the conditions as listed in Section 1142.50
- B) New Tower Construction New construction of Wireless and Cellular Telecommunications Towers [not including towers used for amateur radio operations as exempted in Section 1142.22], and their associated antennas and equipment buildings are permitted in B-1, B-2, B-3, I-1, I-2 and IPD zoning districts only as a Conditional Use; approval of such is required by the City Council. Notice of the Planning Commission meeting to review the Conditional Use shall be mailed to all property owners within 500 feet of the subject property within 10 calendar days of such meeting. Where the City Council denies such a request for Conditional Use it shall furnish written notice to the applicant setting forth the reasons why it denied the application.
- C) Existing Facilities Wireless and cellular telecommunications antennas and associated facilities, which are proposed to be attached to existing structure located in the B-1, B-2, B-3, I-1, I-2, MS-2, MS-3, DT-1, DT-2, DT-3, UCP-1, and UCP-2 Districts are Principally Permitted provided they meet all the requirements listed in Section 1142.70. (OR2013-2-22)
- D) Facilities located on Publicly Owned Property The City of Hamilton and other public entities may lease publicly owned property for Wireless and Cellular Telecommunications antennas, towers and associated facilities. Publicly owned property available for lease, may be located within any zoning district in the City, provided that all requirements, as set forth in Section 1142.80 are met.

1142.32 Registration of Telecommunications Owners and Service Providers - Requirement and Purpose: All Wireless/Cellular Telecommunications Owners and service providers that offer or provide any telecommunications services for a fee directly to the public, either within the City of Hamilton, or outside the corporate limits from telecommunications facilities located within the City, shall be required to register with the City of Hamilton Planning Department. It is the purpose of registration under this Section to:

- 1) Provide the City with accurate and current information concerning the telecommunication owners and service providers who offer or provide telecommunications carriers within the City, or that own or operate telecommunications facilities with the City;
- 2) Assist the City in the enforcement of this Chapter;
- 3) Assist the City in monitoring compliance with local, State and Federal laws.

A) Information/Permit Required The City of Hamilton Planning Department shall provide registration forms. Said registration/permit must be renewed bi-annually, at the beginning of each even-numbered year regardless of when the facility was originally permitted. The owner/service provider must submit the permit registration/application to the Planning Department of the City of Hamilton between January 1 and February 1 of the applicable year. The registration form must be accompanied by the following information:

- 1) A description of the telecommunications services that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the City.
- 2) Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission (FCC) to provide telecommunications services or facilities within the City.
- 3) For any telecommunication facilities which are co-located: provide information as to the names of other service providers located on the tower, and the expiration date of the lease for co-location.
- 4) Signed Indemnification/Liability Agreement and/or Facility Maintenance/Removal Agreement.

B) Registration Fee: Each application for registration as a telecommunications owner or service provider shall be accompanied by a fee as set forth by the City Council.

- C) Amendment: Each telecommunications registrant (owner\service provider) shall inform the City, within sixty (60) days, of any change of the information required on the registration form. With regard to a telecommunications tower, the owner of tower shall be responsible for notifying the City of any changes in ownership or operation of the tower itself. Any service providers which co-locate on a tower are responsible for notifying the City when its lease expires and when it no longer actually co-locates on the tower.

1142.33 Shared Usage and Co-Location: The owner\service provider must prove that the requested wireless and cellular telecommunication use is necessary and essential at the particular location proposed for the proper rendition of the service. Shared usage of towers and transmission facilities is encouraged and towers should be designed to accommodate such uses including municipal telecommunication needs. The following guidelines shall be met by the telecommunications registrant (owner\service provider):

- A) Co-Location: Telecommunication Owners/Service Providers must co-locate except where they can demonstrate by clear and convincing evidence that their tower antennas cannot be located on any other existing communications tower, building, or structure in the geographic area to be served, and that all reasonable means have been taken to avoid any undue impact caused by “clustering” of more than two facilities within an area.

Notice: Telecommunications Owners\Service Providers must send, by certified mail, an announcement to all other existing tower users in the geographic area to be served stating their siting needs and/or sharing capabilities. In determining whether a tower antenna can or cannot be located on another communication tower, building, or structure, the City shall consider the space available on the existing structure, the technological practicability of the co-location, and other factors deemed appropriate by the City. A copy of the communication and all responses thereto must be provided to the City.

- B) Capacity: If a new wireless/cellular telecommunications tower is constructed, it shall be designed to have three to four times the capacity of the intended use in order that secondary users could lease the balance of the tower capacity at a reasonable rate. Subsequent telecommunications service providers cannot be denied space on a tower unless mechanical, structural or regulatory factors prevent co-location.
- C) Parking: Appropriate shared parking and access must be provided for co-located facilities on one tower.

1142.34 Liability and Insurance

- A) Liability: The Wireless/Cellular Telecommunications Facility owner/service provider shall be liable for any and all damages, injury to persons or property or pollution which may result from the construction or operation of said facility within the City. The owner/service provider will hold harmless the City of Hamilton, or any of its boards, commissions, agents, officers and employees against all claims, demands, suits, causes of action and judgment due to any damage caused by the operation or construction of Wireless and Cellular Telecommunications Facilities.

- B) Insurance: The owner\service provider shall maintain in force insurance in an amount adequate to protect the applicant, its agents and employees from all liability in connection with the use operation or maintenance of the Wireless/Cellular Telecommunications Facility.

1142.40 Application Requirements: Owners\Service Providers of telecommunication Facilities proposing to locate or operate within the City must make application to the Hamilton City Planning Commission for permission to do so. Said applicant may wish to submit a preliminary development plan to the Planning Director in order to receive guidance and direction prior to submitting the formal application. An Application Form is required and shall be accompanied by the following information:

1142.41 Required Information:

- A) General: Type and size of the proposed facility, the location, method of attachment, height and diameter of proposed facility, the maximum output power (wattage) of the facility, security considerations, anti-climbing measures, fencing and screening;
- B) Proof of Approval: Written proof that the telecommunications proposal has been approved by all agencies and governmental entities with jurisdiction, including, but not limited to, the Ohio Department of Transportation (ODOT) Federal Aviation Administration (FAA), the Butler County Regional Airport Authority, the Federal Communications Commission (FCC) , including successors to their respective functions.
- C) Accessory Equipment: The type of accessory equipment and/or equipment building located at each Telecommunications tower site.
- D) Service Area: The service area or ground network maps served by each tower. A “master plan” for all related facilities within the City limits of Hamilton and within one-quarter mile of the corporate limits showing all existing sites or candidate sites under consideration.
- E) Address Listing When a new wireless and cellular telecommunications tower is proposed pursuant to 1142.31.B, the applicant shall provide a list of surrounding property owners within 500 feet of the property including the tax mailing address on record with the Butler County Auditor for use in notifying property owners within 500 feet of the proposed Conditional Use.

1142.42 Plan Requirements: For each proposed tower facility being applied for, there must be the following:

- A) A fully scaled and dimensioned site plan showing the parcel on which the proposed tower and any equipment building(s) is to be located. The site plan shall also include points of access into the site, proximity to adjacent property lines, parking facilities, and any other site specific issues relative to the granting of this application. Aerial photos and/or renderings may augment the plot plan.
- B) Detailed drawing of a screening plan and related design standards.
- C) Type and size of the tower at each location.
- D) The type of accessory equipment and/or equipment building located or proposed on each tower.
- E) Type, size and location of any equipment buildings to be used by the tower for which the application is being submitted.
- F) The space available on the tower for additional equipment, detailing the number additional users who may use the tower.
- G) The ground network, if any, served by the tower.

1142.43 Notification Copies of all certified mail announcements to other tower users must be attached to the application, see Section 1142.33(B) herein.

1142.50 Design Standards For Satellite Earth Stations

1142.51 Location: Satellite earth stations may only be located in a yard to the rear of the principal building and outside of any required side or rear yard setbacks. Where a corner lot has no rear yard, the station may be located in a non-required interior side yard. It may not be attached to the roof of the principal building unless the applicant can prove that such location is necessary and essential for proper reception.

1142.52 Height: No portion of a satellite earth station shall exceed a height of thirteen (13') feet from the grade at the building line of the lot on which it is located or, if a roof location is proven to be necessary as outlined in Section 1142.51, from the roof line of the principal building.

1142.53 Maximum Number of Satellite Earth Stations Per Lot: One (1), except for multi-family residential structures where one Satellite Earth Station per principal structure shall be permitted.

1142.60 Design Standards For Free-Standing Towers

- 1142.61 Location: As set forth in Section 1142.31C; in addition, as set forth in Section 1142.43 (Shared Usage and Co-Location), the applicant proposing to construct a new free-standing wireless and cellular telecommunications tower must prove that such use is necessary and essential at the particular location proposed for the proper rendition of the service. Telecommunications facilities are subject to airport land use compatibility criteria/policies and FAA regulations. Prior to approval of the wireless/cellular telecommunications facility, compliance with this Section shall be presented to the City.
- 1142.62 Minimum Lot Size: The minimum size of any tower site shall be two (2) acres of which only one tower may be permitted on the site.
- 1142.63 Setbacks and Yard Requirements: No towers shall be located nearer to a residential district than 250 feet, or less than one-third (1/3) of the height of the proposed tower from any property lines, whichever is the greater.
- 1142.64 Fencing and Screening: Wireless/cellular telecommunications towers and associated facilities shall be enclosed by security fencing appropriately screened. All telecommunications towers and equipment shall be enclosed with a minimum six foot (6') height solid and opaque fence or, if an open (chain-link) type fence is utilized, it must be combined with screening through the use of a continuous evergreen hedge at least forty-eight inches (48") high at planting and capable of growing to at least fifty-four inch (54") in height within 18 months; all such screening shall be located behind the specified setback lines. No barbed wire or razor wire shall be permitted where the site is situated within 500 feet of a residential use or district. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible. The applicant is responsible to install and maintain such security fencing and screening in good condition.
- 1142.65 Aesthetics and Design: The Telecommunications Facility must be aesthetically and architecturally compatible with the surrounding environment. All Telecommunications towers shall be a non-contrasting blue-gray or similar color that matches the typical sky color at that location designed to minimize the visibility of the facility to the greatest extent possible, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). The telecommunications tower/ facility owner/operator is responsible for maintaining the appearance of all structures and equipment in good condition, and all surfaces absent of flaking or peeling paint, and rust.
- 1142.66 Structural Requirements: All wireless and cellular telecommunications towers and facilities must comply with applicable provisions of the Ohio Basic Building Code. In addition, all towers must meet or exceed standards and regulations of the FAA, FCC, and any other agency of the federal government having the authority to regulate towers and antennas.
- 1142.67 Lighting: Lights, beacons or strobes of any kind shall not be permitted on any tower antenna or associated equipment unless required by the Federal Aviation Administration. When lighting is required by the FAA, the requirements thereof must be presented to the City prior to City approval of the facility. Lighting, when required, shall be oriented so as not to project any beam of light toward surrounding residential property.

- 1142.68 Height: The applicant must show that the proposed height of the tower is reasonably necessary to render satisfactory service to all parts of the service area and to accommodate co-location.
- 1142.69 Accessory Buildings: The maximum size of any accessory building, such as those used to shelter equipment shall not exceed 400 square feet per user of the telecommunications facility. In addition, all accessory buildings shall meet setback requirements as set forth in the appropriate district regulations. In instances where there are multiple users of a commercial or industrial lot, a minimum distance of twenty feet (20') between the Wireless/Cellular Telecommunication Facilities and other non-related buildings located on the same site structures shall be maintained.
- 1142.69.1 Parking Facilities Equipment at a Wireless/Cellular Telecommunications Facility shall be automated to the greatest extent possible to reduce traffic and congestion. Existing roads shall be used for access wherever possible, and be upgraded to the minimum amount necessary to meet standards specified by the Engineering Department. Existing parking areas shall, wherever possible be used. Any new parking areas constructed shall provide an area equal to 320 square feet (2 spaces).
- 1142.69.2 Signage No advertising is permitted anywhere on the wireless and cellular telecommunication tower or facility, with the exception that one identification sign, not to exceed five (5) square feet shall be permitted. In addition, no more than four "No Trespassing" signs, with a maximum of two (2) square feet each, may be posted around the facility; these are to include the telephone number of who to contact in the event of an emergency.
- 1142.70 Design Standards For Antennas And Telecommunication Equipment On Existing Structure Approval of applications for Wireless and Cellular Telecommunications Antennas and Equipment, which are proposed to be located on an existing structure will require the review and approval of the Planning Commission; a plan showing the locations of existing and future facilities as well as a detailed drawing of the proposed facilities is required with the application submission. Note that Planning Commission approval does not constitute a waiver of any requirements relative to a building permit. Other design standards set forth in Section 1142.60 shall apply except as hereafter modified
- 1142.71 Location Wireless and Cellular Telecommunication antennas and equipment, to be located on existing structures as set forth in Section 1142.31D, are subject to meeting setback requirements and the standards of this Section. Existing structures may include, but is not limited to, the following: billboards, telephone poles, lighting standards or other structures.
- 1142.72 Aesthetics and Design Antennas and telecommunication equipment on existing structures must be aesthetically and architecturally compatible with the surrounding environment (i.e. match the color and/or materials as the structure to which it is attached). Aesthetic and architectural compatibility shall be subject to review by Planning Commission.

- 1142.73 Height The maximum height of such communication equipment shall not exceed the lesser of 25 feet or 25% of the height of the structure on which it is located and must be set back from the edge of the building a distance equal to the height of the equipment. Any equipment which will not extend more than 10 feet above the height of the building is exempt from the setback requirement in this paragraph.
- 1142.80 Design Standards For Wireless And Cellular Telecommunications Towers, Antennas And Equipment On Publicly Owned Property. The City encourages the location of wireless and cellular telecommunications facilities on publicly owned property, thereby reducing the visual impact of such facilities. Although this use is Principally Permitted, review and approval by the Planning Commission is required. The City shall undertake an identification of publicly owned properties that the City determines are suitable for such use and shall regularly update such identification and make the results of such identification available to the public. Persons locating such facilities upon such identified publicly-owned properties shall be exempted from the requirement to present proof that co-location of facilities on towers or structures owned by other persons or in other locations is not available. Said facilities are subject to the following standards:
- 1142.81 Existing Structures Antennas/Facilities attached to an existing structure are subject to the requirements and design standards, as set forth in Section 1142.70, shall apply except as hereafter modified.
- A) Location: Wireless and Cellular Telecommunication antennas and equipment on existing identified publicly-owned structures may include, but is not limited to, the following: public safety telecommunications towers, water towers, the roof of government buildings or schools, utility poles, and similar locations. There is no minimum lot size required, provided all setbacks can be met.
- 1142.82 New Construction of Freestanding Towers Requirements and Design Standards for Wireless/Cellular Telecommunications equipment on freestanding towers constructed on publicly owned property as set forth in Section 1142.60 shall apply.
- 1142.90 Maintenance Of Wireless/Cellular Telecommunication Facilities, Facility Removal, And Abandonment As a part of the Wireless/Cellular Telecommunication facility Registration the applicant shall agree that the applicant/service provider/owner and successors-in-interest, must properly maintain the Wireless/Cellular Telecommunications Facility and to ultimately remove such facility as required by this Chapter
- 1142.91 Maintenance: Neither the owner(s) of the property on which the Wireless/Cellular Telecommunications Facilities are located, nor the service provider in charge of the facility shall permit such property/facilities to fall into a state of disrepair. All towers, antennas, equipment and related structures shall be maintained in accordance with the requirements of the Zoning Ordinance and other ordinances or regulations as may be applicable. In addition, it shall be the responsibility of the owner/service provider to ensure that the site, on which the Telecommunications Facility is located, is kept free of weeds and trash.

The applicant shall submit a certified inspection report at least once every five years to ensure the continuing structural integrity of the tower and accessory structures. If the report recommends that repairs are required, then a letter shall be submitted to the City to verify to the City that such repairs have been completed.

- 1142.100 Removal Of Wireless/Cellular Telecommunications Towers And Facilities And Abandonment Each Wireless/Cellular Telecommunication Facility owner/service provider shall furnish the City's Department of Planning a copy of the most recent FCC license for each such facility located within the City Limits. The submission shall be made on a bi-annual basis in conjunction with the required bi-annual Registration. All service providers utilizing towers shall present a report to the Planning Director, or his designee, notifying the City of any tower facility located in the City whose use will be discontinued and the date this use will cease. It shall be the responsibility of the property owner and/or service provider to remove the tower, antennas, buildings and any equipment associated therewith within 6 months of discontinuing the telecommunications operations.
- 1142.101 Declaration of Abandonment If at any time the use of said towers and facilities for Wireless/Cellular Telecommunications has ceased for the 6 month period but has not been removed by the owner/service provider during this time, the City may declare said facility abandoned and a public nuisance (this excludes any dormancy period between construction and the initial use of the facility). The facility's owner/service provider will receive written notice from the City, and be instructed to either reactivate the facility's use within 30 days, or dismantle and remove the facility.
- 1142.102 Public Hearing: The City shall provide the tower owner/service provider with the right to a public hearing before the Planning Commission; request for said hearing must be made to the Planning Director within fourteen (14) days of the City's written notice (required in Section 1142.91). All interested parties shall be allowed an opportunity to be heard at the public hearing.
- 1142.103 Demolition If reactivation or dismantling of said facility does not occur within the 30-day reactivation/removal period specified in Section 1142.92, the Planning Commission may order the demolition of the tower and related facilities. The City may employ all legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower and facilities, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the facilities, including court costs and reasonable attorney fees.
- 1142.110 FEES: Fees related to Wireless/Cellular Telecommunication Facilities, are as set forth in Section 1190.00 (Fee Schedule) of this Ordinance.

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1143.00 HAMILTON-BUTLER COUNTY REGIONAL AIRPORT* REGULATIONS
(*aka Hamilton-Fairfield Regional Airport) (EOR 00-10-116)

- 1143.10 Purpose: It is the purpose of Chapter 1143.00 of the Hamilton Zoning Ordinance No. 7503, inclusive, to regulate land uses within the Airport Safety Area of the Hamilton-Butler County Regional Airport, aka Hamilton-Fairfield Regional Airport, in order to minimize injury, loss of life, and hazards to the safety of persons or to the security of property within such zones, and to assist in the implementation of policies and recommendations of the Hamilton, Fairfield and Butler County Comprehensive Plan, the Airport Master Plan, the OKI Managing Mobility: Year 2010 Regional Transportation Plan, and the State of Ohio's Multi-Modal Transportation Plan.
- 1114.20 Interpretation: In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. In the event of conflict between the requirements of this Chapter and any other requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions applicable to the same area, the most restrictive limitations or requirements best calculated to insure safety, or that imposing higher standards, shall govern.
- 1143.30 Separability: Should any section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- 1143.40 Adoption: The Council of the City of Hamilton, Ohio, hereby adopts the provisions set forth in this Chapter specifying permitted land uses within each zone of the Airport Safety Area within its corporate limits.
- 1143.50 Airport Zoning Districts: The Airport Zoning Districts set forth in Sections 1143.51 through 1143.54 are hereby established as the Hamilton-Butler County Regional Airport Overlay Zoning for all property in the Airport Safety Area within the corporate limits of the City, and such Airport Safety Area shall be governed by the regulations set forth below for each Zoning District.
- 1143.51 Airport Zoning District One (AZD-1)
- (1) AZD-1 encompasses land lying within the runway primary surface
 - (2) Permitted uses within AZD-1 include open space and permitted airport uses.

1143.52 Airport Zoning District Two (AZD-2)

- (1) AZD-2 encompasses land underlying the inner approach, the middle approach and the inner transitional surface.
- (2) Permitted uses within AZD-2 include open space, agriculture and airport related uses, and those uses permitted by the local zoning of jurisdiction, unless prohibited herein.
- (3) Those uses specifically prohibited include landfills, transfer stations, sewage ponds, sludge disposal, water reservoir, feed lots, slaughter houses, water fowl production, wildlife refuge/sanctuary, fish processing. Lakes or ponds intended to attract or harbor water fowl are prohibited, unless it is an integral part of the site's storm drainage system which is required by the local jurisdiction.
- (4) Those uses specifically prohibited from the "Approach Surface" area in AZD-2 include those areas in Section 1143.52(3), residential uses, nursing care facilities, hospitals, and schools.

1143.53 Airport Zoning District Three (AZD-3)

- (1) AZD-3 encompasses land underlying the outer approach surface and the middle transitional surface.
- (2) Permitted uses within AZD-3 include open space, agriculture, airport related uses, and those permitted by the local jurisdiction, unless prohibited herein.
- (3) Those prohibited uses include landfills, transfer stations, sewage ponds, sludge disposal, water reservoir, feed lots, slaughter houses, water fowl production, wildlife refuge/sanctuary, fish processing. Lakes or ponds intended to attract or harbor water fowl are prohibited, unless it is an integral part of the site's storm drainage system which is required by the local jurisdiction. For the purposes of this section, prohibited uses shall not include existing public or private wastewater treatment facilities. These facilities shall not be considered non-conforming and shall not be limited or constrained as to the future use, operation, maintenance, expansion, and/or upgrading of the facility.
- (4) Residential development occurring within the "Approach Surface" or "Transitional Surface" in AZD-3 shall include deed covenants and restrictions notifying the occupants that they reside within the "Airport Safety Area" of the airport and acknowledge the continued use of the airport for its current purposes. The note shall read "This plat/parcel(s) is within the Airport Safety Area for the Hamilton-Butler County Regional Airport" Platted subdivisions shall include this note on the final plat.

1143.54 Airport Zoning District Four (AZD-4)

- (1) AZD-4 encompasses land underlying the horizontal surface, conical surface, and the outer transitional surface.
- (2) Permitted uses within AZD-4 include open space, agricultural, airport related uses, and those permitted by the local zoning of jurisdiction, unless prohibited herein.
- (3) Those prohibited uses include landfills, transfer stations, sewage ponds, sludge disposal, water reservoir, feed lots, slaughter houses, water fowl production, wildlife refuge/sanctuary, fish processing. Lakes or ponds intended to attract or harbor water fowl are prohibited, unless it is an integral part of the site's storm drainage system which is required by the local jurisdiction. For the purposes of this section, prohibited uses shall not include existing public or private wastewater treatment facilities. These facilities shall not be considered non-conforming and shall not be limited or constrained as to the future use, operation, maintenance, expansion, and/or upgrading of the facility.
- (4) Residential development occurring within the "Approach Surface" of AZD-4 extending from the AZD-3 "Approach Surface" to the outer limits of the approach surface, or to the "Outer Marker", whichever is greater, shall include deed covenants and restrictions notifying the occupants that they reside within the "Airport Safety Area" of the airport and acknowledge the continued use of the airport for its current purposes. The note shall read "This plat/parcel(s) is within the Airport Safety Area for the Hamilton-Butler County Regional Airport" Platted subdivisions shall include this note on the final plat.

Notwithstanding any other provision of Sections 1143.50 through 1143.54, no use may be made of land within any zone established by said Sections in such a manner as to create electrical interference with radio communication between the airport and aircraft, to make it difficult for pilots to distinguish between airport lights and other lights, to create glare in the eyes of pilots using the airport, to impair visibility in the vicinity of the airport or to otherwise endanger the landing, taking off, or maneuvering of aircraft.

Notwithstanding any other provision of Sections 1143.50 through 1143.54, no use may be made of and no installation may be placed on land within any airport zone that will produce smoke, fumes, gases, or odors that would interfere with the safe use by aircraft of the airport. Notwithstanding any other provisions of said Sections 1143.50 through 1143.54, no use may be made of, and no installation may be placed on, land within any airport zone for rifle ranges, public or private, or private aircraft landing fields, which would interfere with the safe use by aircraft of the airport.

1143.60 Zoning Map: The districts established in Sections 1143.50 through 1143.54 shall be included and shown on the City's Official Zoning Map provided by Section 1103.00 hereof, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Chapter and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

The Zoning Map for the aforesaid districts shall indicate the maximum elevations for buildings and structures within each district. The height of any building, structure or aperture shall not exceed the elevations indicated on the map except as provided by a "Blanket Approval" from the FAA and described in Section 1143.100 of the Chapter.

1143.70 Non-Conforming Uses: Where, at that time of adoption of this Chapter, lawful uses of land exist which would not be permitted by the regulations imposed herein, the uses may be continued so long as they remain otherwise lawful, provided:

- (1) No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of the Chapter;
- (2) No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such used at the lot or parcel other than that occupied by such used at the effective date of adoption of this Chapter;
- (3) If any such non-conforming uses of land are disconnected or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located, and the non-conforming use may not thereafter be resumed;
- (4) No additional use non-conforming to the requirements of this Chapter shall be commenced in connection with such non-conforming use of land.

1143.80 Amendments: Amendments to any provision of the Chapter shall be made pursuant to Sections 1180.00 and 1180.10 of the Hamilton Zoning Ordinance No. 7503.

1143.90 Appeals: Any person desiring to use property in any manner in conflict with the provisions set forth in the Chapter shall first apply to the City's Board of Zoning Board Appeals for a variance from the zoning regulations in question. The City's Board of Zoning Appeals Board may subject any variance to any reasonable conditions that it deems necessary. The provisions of Sections 1160.00 through 1160.40 and Sections through 1170.85 shall be applicable and followed for all appeals.

Any person aggrieved by any decision of the City's Board of Zoning Appeals made in its administration of the provisions set forth in this Chapter may appeal to the Butler County Airport Zoning Board of Appeals as follows:

- (a) All appeals shall be filed with the Butler County Department of Development within twenty (20) days after receiving written refusal of Zoning Certificate from its Airport Zoning Inspector, and shall specify the grounds of such appeal. Subsequently, after an appeal is filed with the Butler County Development Director and with the Butler County Airport Zoning Board of Appeals, the Development Department shall transmit to the said Airport Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- (b) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Butler County Development Department certifies to the Butler County Airport Zoning Board of Appeals that a stay would cause imminent peril to life or property.
- (c) The Butler County Airport Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time.
- (d) The Butler County Airport Zoning Board of Appeals may reverse, affirm wholly or partly, or modify the order, requirement, decision, or determination appealed from.
- (e) Any person aggrieved or any taxpayer, or any legislative authority, or any Airport Zoning Board affected by any order of the Airport Zoning Board of Appeals may appeal within thirty (30) days to the court of common pleas of Butler County, and upon appeal thereof a trial de novo shall be had.

1143.100 Administration: Any parcel of land located within any City Airport Zoning District is subject to the administration and policies set forth herein. Any persons or person seeking to modify in any way the land or the use of any parcel of land within the aforementioned zones shall comply with the following steps:

- (a) Any person or persons who seeks to modify in any way, any parcel of land or the use of any parcel of land, except for owner transfers and/or lot line reorganization, must first apply for a zoning certificate from the City's Department of Planning.
- (b) Concurrent to local zoning certificate application, FAA Form 7460-1 (5-94) must be submitted to the Ohio Department of Transportation, Office of Aviation, thirty (30) days prior to construction. The application must include two (2) copies of FAA Form 7460-1 and two (2) copies of a 7.5 minute quadrangle topographic map with "X" marking the proposed modification site. The originals must be sent to the FAA Great Lakes Region. This shall apply to all construction on property within the Airport Zoning Districts except for property within "Blanket Approval" area determined by the FAA. Towers or facilities which would transmit signals via a device regulated by the FCC or FAA still require specific ODOT and FAA approval regardless of "Blanket Approval" status.
- (c) Once approval of FAA Form 7460-1 (5-94) is granted, the applicants must apply to the Construction Services Division of the Department of Planning through the procedures outlined herein.
- (d) After approval by the Department of Planning and Division of Construction Services, building permits shall be issued only after approval of FAA Form 7460-1 (5-94).

1143.110 Enforcement: Enforcement of the provisions of this Chapter shall be in accordance with Section 1150.00 of the Hamilton Zoning Ordinance No. 7503.

1143.120 Filing Plans: Every application for a Zoning Certificate shall be accompanied by plans in duplicate, drawn to scale, in black line or blueprint, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size, and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof; and, when no buildings or structures are involved, the location of present use and proposed use to be made of the lot; and such other information with regard to the lot and neighborhood lots as may be necessary to determine applicable standards and provide for the enforcement of this Chapter. One copy of such plans shall be returned to the owner when such plans have been approved by the Inspectors, together with such Zoning Certificate as may be granted.

1143.130 Zoning Certificate: It shall be unlawful for any owner, lessee, or tenant to begin any excavation, or the construction, reconstruction, extension, conversion, or structural alteration of any building or structure, or any part thereof, without first obtaining a Zoning Certificate as provided in Sections 1155.00, et seq. of the Hamilton Zoning Ordinance No. 7503.

Inspectors shall act upon an application for a Zoning Certificate within five (5) business days after the application is filed in compliance with this Chapter. The Inspectors shall either issue a Zoning Certificate within those five (5) days or shall notify the applicant in writing of his refusal to issue a certificate and the reasons therefor.

1143.140 Institution Of Legal Action: The City may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this Chapter. The courts shall adjudge to the plaintiff such relief, by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts of and circumstances of the case, in order fully to effectuate the purposes of the regulations adopted through this Chapter and orders and rulings made pursuant thereto.

1143.150 Effective Date: This Chapter shall become effective from and after the date of its approval and adoption as provided by law. (Adopted October 25, 2000)

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ADMINISTRATION

1150.00 ADMINISTRATION AND ENFORCEMENT

- 1150.10 Administration And Enforcement: The City Manager or Designee shall administer and enforce this Ordinance. He may be provided with the assistance of such other persons as the City Council may direct. If the City Manager or Designee shall find that any of the provisions of this Ordinance are being violated, he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings or structural changes thereto; discontinuance of any illegal work being done; or shall take other action authorized by this Ordinance to insure compliance with or to prevent violation of its provisions.
- 1150.20 Building Permit Required: No buildings or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the City of Hamilton. (Amended by OR 2001-9-93)
- 1150.30 Application For Certificate Of Zoning Compliance: All applications for Certificate of Zoning Compliance shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the City Manager or Designee, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.

One copy of the plans shall be returned to the applicant by the City Manager or Designee after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the City Manager or Designee.

- 1150.40 Certificates Of Zoning Compliance: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued therefore by the City Manager or Designee stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The may be issued in conjunction with a building permit.

No non-conforming structure or use shall be maintained, renewed, changed or extended until a Certificate of Zoning Compliance shall have been issued by the City Manager or Designee. The Certificate of Zoning Compliance shall state specifically

wherein the non-conforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of non-conforming uses of structures shall have twelve (12) months to apply for Certificates of Zoning Compliance. Failure to make such application within twelve (12) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance. No permit for erection, alteration, moving or repair of any new building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the Certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A Temporary Certificate of Zoning Compliance may be issued by the City Manager or Designee for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such Temporary Certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

City Manager or Designee shall maintain a record of all Certificates of Zoning Compliance, and copies shall be furnished upon request to any person for a fee.

Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance and punishable under Section 1186.00, violation and penalty, of this Ordinance.

- 1150.50 Expiration Of Certificate Of Zoning Compliance: Special Certificate of Zoning: If the work described in any Certificate of Zoning Compliance has not begun within 180 days from the date of issuance thereof, said certificate shall expire and be canceled by the City Manager or Designee, and written notice thereof shall be given to the persons affected. If the work described in any Certificate of Zoning Compliance has not been substantially completed within one year of the date of issuance thereof, said certificate shall expire and be canceled by the Building Commissioner, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a Special Certificate of Zoning Compliance has been obtained.

At the discretion of the City Manager or Designee, such special certificate may be based on the original application or he may require submission of a new application. The Special Certificate may include limitations on time allowed for substantial completion of the work, and provisions for a reasonable performance bond to insure completion within the time limit set.

ADMINISTRATION

1155.00 CONDITIONAL USES
(OR 2014-9-90)

1155.10 - Conditional Uses:

1. The Planning Commission (PC) shall review and make a recommendation to City Council, in accordance with the provisions of this Ordinance for applications for Conditional Uses. The PC shall review the particular facts and circumstances of each proposed Conditional Use, and if recommending approval shall find adequate evidence that the proposed conditional use complies with the General Standards applicable to all Conditional Uses found in 1155.30. (REVISED OR2015-9-80)
2. The PC has no obligation to recommend approval of a Conditional Use, and City Council has no obligation to approve a Conditional Use. The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the PC that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed. (REVISED OR2015-9-80)
3. In considering an application for a Conditional Use, the PC and City Council shall give due regard to the nature and condition of all adjacent uses and structures and in recommending approval of a conditional use may impose such requirements and conditions, in addition to any expressly stipulated in this Ordinance, as the PC may deem necessary for the protection of adjacent properties and the public interest. (REVISED OR2015-9-80)

1155.20 - Process

1. Submission of application for a Conditional Use along with applicable fee and plan consistent with the requirements set forth in Section 1155.30 shall accompany the Application.
2. Information shall be submitted to the Department of Community Development, who may distribute such information to various City Departments for review/comment.
3. Within 30 days of receipt, the PC shall hold a Public Hearing on the Conditional Use application. Notice of such hearing shall be mailed to property owners within 500 feet of the subject property within 10 calendar days of such hearing. (REVISED OR2015-9-80)
4. Within 30 days of the Public Hearing, the PC shall recommend to City Council the approval, the approval with conditions or modifications, or the denial of the application for Conditional Use and shall clearly state in writing the findings upon which its recommendation is based. (REVISED OR2015-9-80)
5. In recommending approval, the PC may also recommend appropriate conditions and safeguards in conformance with the intent and purposes of this ordinance for the protection of nearby property and the public health, safety and general welfare. (REVISED OR2015-9-80)

6. The recommendation of the PC shall be forwarded to City Council for review in accordance with Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton. The City Council via a majority vote may accept the recommendation of the PC, reject the recommendation of the PC, or remand the matter to the PC for further consideration. (REVISED OR2015-9-80)

1155.30 – Application and Review

The applicant shall submit an application to the Department of Community Development for a Conditional Use along with applicable fee. The applicant shall submit at least the following supporting information to be considered for a Conditional Use.

- A. A written description of the proposed Conditional Use including nature of the business and hours of operation. The written description of the proposed Conditional Use should further address the nine (9) Conditional Use Review Criteria below in Section 1155.30.C.
- B. Plans of the proposed site for the Conditional Use indicating the location of all existing and proposed buildings, parking, loading, and driveway areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signage, yards and setbacks, and such other information as the PC may require to determine of the effect of the proposed Conditional Use on the surrounding neighborhood. (REVISED OR2015-9-80)
- C. Conditional Use Review Criteria – General Standards

In reviewing an application for a Conditional Use, the PC shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with the following General Standards:

- (1) The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.
- (2) The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
- (3) The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
- (4) The proposed Conditional Use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed Conditional Use.
- (5) The proposed Conditional Use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets.
- (6) The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.
- (7) The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.

- (8) The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- (9) The proposed Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

D. Conditional Use Review Criteria – Use Specific Standards and Variances

In reviewing an application for a Conditional Use, the PC shall also consider certain use-specific standards, applicable to certain Conditional Uses, and determine whether there is adequate evidence that the proposed Conditional Use is consistent with the applicable use-specific standards. Any waiver or deviation from the use-specific standards will become part of the PC recommendation. (REVISED OR2015-9-80)

1155.40 – EFFECT OF CONDITIONAL USE APPROVAL

- (1) Conditional Use Approvals granted by City Council shall run with the land and shall not be affected by a change in ownership. The applicant, his or her successors and assigns shall be bound by Conditional Use approval. (REVISED OR2015-9-80)
- (2) Only the approved Conditional Use shall be permitted on the subject site. Any change in a Conditional Use shall require a new application and review. The Conditional Use shall be void If the Conditional Use is terminated and replaced by a Permitted Use pursuant to this ordinance
- (3) The breach by the applicant, successors or assigns of any condition, safeguard, or requirement expressed or referred to on the Conditional Use approval shall render the Conditional Use void and shall constitute a violation of this Ordinance and the Ordinance approving the Conditional Use.

1155.50 – TIME LIMITS

- (1) The Conditional Use shall automatically expire if the Conditional Use ceases by discontinuance or abandonment for a period of more than six (6) months.
- (2) The applicant shall have six (6) months from the date of approval of the Conditional Use to receive approval through the Issuance of a Certificate of Occupancy or the Conditional Use shall be deemed null and void. An applicant may request one (1) extension of six (6) months from the PC. (REVISED OR2015-9-80)

1155.60 - REAPPLICATION

No application for a Conditional Use that is substantially similar to an application that has been denied, wholly or in part, shall be accepted for one year from the date denial. The Community Development Department shall determine if a similar application differs enough to be considered a different application and not subject to this section. The Community Development Department may consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application.

1155.70 - APPEALS

1. Any person, firm or corporation, or any officer, department, board or agency of the municipality who or which has been aggrieved or affected by any decision of the City Council on a Conditional Use may appeal to the Butler County Court of Common Pleas pursuant to Chapter 2506 of the Ohio Revised Code. (REVISED OR2015-9-80)

ADMINISTRATION

1160.00 BOARD OF ZONING APPEALS

The Board of Zoning Appeals, as presently constituted, shall continue in Office.

1160.10 Board Of Zoning Appeals Established: An Administrative Board is hereby established to be known as the "Board of Zoning Appeals". The word "Board" when used in this article shall be construed to mean the Board of Zoning appeals. The Board shall consist of five members, appointed by the City Manager for terms of five years, provided however, that the members of the first Board shall be appointed for terms of one, two, three, four and five years respectively. At least one member of the Board of Zoning Appeals shall be a member of the City Planning Commission of the City of Hamilton. In the event his membership on the Planning Commission is terminated his membership on the Board of Zoning Appeals shall terminate simultaneously. Members of the Board shall serve without compensation, and shall be citizens of the City.

1160.20 Proceedings Of Board Of Zoning Appeals: Meetings of the Board shall be held at the call of the Chairman and at such other times as the board may determine. Such Chairman or, in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. The presence of at least three (3) members of the Board shall be necessary to constitute a quorum.

The Board shall adopt its own rules of procedure and shall keep a record of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of fact and the reasons for the action taken shall be included in the minutes of each case.

All records of proceedings, findings, determinations, and actions of the Board shall be filed immediately in the office of the Board and shall be a public record. All meetings of the Board shall be open to the public.

1160.30 Hearings, Appeals; Notices. (OR 98-10-102)

- (A) General: Appeals to the Board may be taken by any person aggrieved by any Officer, Department, Board or Bureau of the City of Hamilton affected by a decision of the Building and Zoning Administrator or the Historic Design Review Board, but in the latter case only in connection with its issuance or refusal to issue a Certificate of Appropriateness. Such appeal shall be taken within such time as shall be prescribed by the Board by general rule, by filing with the Building and Zoning Administrator and with the Board of Zoning Appeals a Notice of Appeal, specifying the grounds thereof. The Building and Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action was taken.
- (B) Wellhead Protection: All issues pertaining to decisions by the Building and Zoning Administrator regarding zoning regulations/requirements for Wellhead Protection Area shall remain under the jurisdiction the Board of Zoning Appeals (BZA) as provided for in this Chapter except that, in addition, the following shall apply:
 - (1) Recommendation from the Wellhead Protection Appeals Advisory Board. Before the BZA grants any variance or appeal relative to a Wellhead Protection Area, the variance or appeal request shall first be reviewed by the Wellhead Protection Appeals Advisory Board (WHPAAB) to ensure that the request, if granted, will not present a contamination threat to groundwater. The WHPAAB, as established under Chapter 940 of the Hamilton Codified Ordinances, shall provide a recommendation on the variance or appeal request to the Board of Zoning Appeals. In doing so, the WHPAAB may include with the recommendation any such alternatives or modifications to the request as necessary to minimize the potential for groundwater contamination. The WHPAAB shall have thirty (30) days from receiving a variance or appeal request to make a recommendation to the Board of Zoning Appeals. The thirty-day period shall be inclusive within, and not in addition to, the allowed time frame for Board of Zoning Appeals review.

1160.40 Stay Of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City Manager or Designee certifies to the Board after the Notice of Appeal has been filed with him that, by reasons of facts stated in the Certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order granted by the Board, or by a court of record, on application or notice to the City Manager or Designee on due cause shown.

The Board shall fix a reasonable time and place for the hearing of the appeal, shall give due notice thereof to the parties in interest, and shall render a decision within a reasonable time. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

ADMINISTRATION

1170.00 BOARD OF ZONING APPEALS; POWER AND DUTIES

The Board of Zoning Appeals shall have the power and duties to hear and decide, in accordance with the provisions of this Ordinance, the following:

- 1170.10 Administrative Review: The Board shall have the power to hear and decide appeals, filed as hereinbefore provided, where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, grant or refusal made by the City Manager or Designee in the enforcement and interpretation of the provisions of this Ordinance.
- 1170.20 Temporary Structures And Uses: The Board may authorize the temporary use of a structure or premise in any District prescribed elsewhere in this Ordinance for the District in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- 1170.30 Interpretation Of Zoning Ordinance And Map: Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. In case of any question as to the location of any boundary line between Zoning Districts or where there is uncertainty as to the meaning and intent of a textual provision of the Ordinance, a request for interpretation of the Zoning Map or the textual provision in question may be made to the Board and a determination shall be made by said Board.
- 1170.40 Deleted (OR 2014-9-90)
- 1170.50 Deleted (OR 2014-9-90)

1170.60 Variances: The Board shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the terms, provisions or requirements of this Ordinance as will not be contrary to the public interest; provided, however, that such variances shall be granted only in such cases where, owing to special and unusual conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Ordinance would result in practical difficulty or undue hardship, so that the spirit of the Ordinance shall be upheld, public safety and welfare secured, the substantial justice done.

1170.61 Use Variance: Except as herein provided under conditional uses in accordance with Section 1155.00, **no use variance** from the District Regulations of this Ordinance will be permitted. (REVISED OR2015-9-80)

1170.62 Variance - Conditions Prevailing: Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulty or would cause unnecessary hardship (unnecessary to carry out the spirit and purpose of this Ordinance) the Board shall have power to authorize a variance from the terms of this Ordinance, so as to relieve such hardship. In authorizing a variance, the Board may attach thereto such condition regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Ordinance and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary to enforce compliance with the conditions attached.

- 1170.63 Variance-Findings of the Board: No such variance of the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all of the following facts and conditions exist.
- 1170.63.1 Exceptional Circumstances: That there are exceptional or extraordinary circumstances or conditions applying to the property in question that do not apply generally to other properties in the same Zoning District.
- 1170.63.2 Preservation of Property Rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same Zoning District and in the same vicinity.
- 1170.63.3 Absence of Detriment: That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Ordinance of the public interest.
- 1170.63.4 Not of General Nature: No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property for which variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.
- 1170.70 Change Of Non-Conforming Uses: The Board shall hear and decide, in accordance with the provisions of this Ordinance, proposed changes of use from one non-conforming use to another non-conforming use to determine if the proposed use is equally appropriate, more appropriate, or less appropriate to the District than the existing non-conforming use. The Board may by general rule, after study, categorize certain changes of use.

1170.80 Decision Of Board Of Zoning Appeals: In exercising the above enumerated powers, the Board may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from to the extent and manner that the Board may decide to be fitting and proper on the premises, and to that end the Board shall have all the powers of the City Manager or Designee from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or Designee or to decide in favor of the applicant on any matter upon which it is authorized by this Ordinance to render a decision.

No order of the Board permitting the erection or alteration of a building or the use of a building or premises shall be valid for a period longer than six (6) months unless a building permit for such erection or alteration is obtained and the work is started within such period or, where no erection or alteration is necessary, the permitted use is established within such period.

1170.81 Performance Standards - Procedure: The Board shall have the power to authorize, upon application in specific cases, filed as hereinafter provided, issuance of a Zoning Clearance Permit for uses that are subject to Performance Standards' procedure under the Ordinance, as provided in the following:

1170.82 Application: An application for a Zoning Clearance Permit for a use subject to Performance Standards' procedure shall be submitted in duplicate on a form prescribed by the Board. The applicant shall also submit in duplicate a plan of the proposed construction or development - including a description of the proposed machinery, processes and products, and specification for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in the Ordinance - in accordance with the rules prescribed by the Board specifying the type of information required in such plans and specifications. The fee for such application shall include the cost of the special reports that may be required to process it.

1170.83 Report By Specialists: If in its opinion, the proposed use may cause the emission of dangerous or objectionable elements, the Board may refer the application, at its discretion, to the City Health Department or to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable Performance Standards specified in the Ordinance for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

- 1170.84 Review By Board: Within thirty (30) days after the Board has received the aforesaid application, or the aforesaid report, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable Performance Standards, and on such basis shall authorize or refuse to authorize issuance of a Zoning Clearance Permit, or require a modification of the proposed plan of construction, specifications, proposed equipment or operation. Any Zoning Clearance Permit, so authorized and issued shall be conditioned upon, among other things, the following:
- A) That the applicant's buildings and installations when completed will conform in operation to the applicable performance standards; and
 - B) That the applicant will pay the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board to advise the Board as to whether or not the applicant's completed buildings and installations in operation will meet said applicable Performance Standards.
- 1170.85 Continued Enforcement: City Manager or Designee shall investigate any purported violation of Performance Standards and, if there is reasonable grounds for the same, shall notify the Board of the occurrence or existence of a probable violation thereof. The Board shall investigate the alleged violation, and for such investigation shall employ qualified experts. The services of any qualified specialist employed by the Board to advise in establishing a violation shall be paid by the violator if said violation is established; otherwise by the City.

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ADMINISTRATION

1180.00 AMENDMENTS

The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least thirty (30) days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City.

1180.10 Procedure.

- (A) Procedure for proposals respecting changes in zoning district designation or for designating a parcel(s) as being a Historic District or a Flood Zone. The City Council may, from time to time, on it's own motion, by a recommendation of the Planning Commission, or by public request to City Council, after public notice and hearings, as provided by law and after report by the City Planning Commission, to be made within sixty (60) days after the certification of it by the Clerk of Council, amend, supplement, or change the District boundaries or regulations herein or subsequently established. In case the proposed amendment, supplement, or change be disapproved by the Planning Commission, such amendment shall not take effect unless passed by not less than three-fourths (3/4) of the full membership of the Council. Regardless of the recommendation of the Planning Commission, the presentation of a written protest to the amendment, duly signed by the owners of fifty-one (51%) percent or more of the lots or parcels included in the proposed change, or of the lots or parcels immediately adjacent thereto, in the rear thereof or directly opposite thereto, but in no case less than the owners of two such lots, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of the full membership of Council. Failure of the City Planning Commission to report to Council within the sixty (60) days aforesaid shall be deemed to be an approval of such amendment. (OR 96-6-61)
- (B) Procedure for proposals respecting changes/redelineation of WHPA Designation: Any change in the boundary of a WHPA resulting from redelineation of a WHPA shall be effective after approval of the redelineation by means of a Zoning Amendment as provided for in Chapter 1180.00 herein. Public notice of the change shall be provided in accordance with requirements for the City of Hamilton but shall include no less than notification through publication of the change for one (1) day in at least one (1) newspaper with general circulation in the community; and notification via first class mail to those regulated facility operators in the pre-existing WHPA whose location in a TOT zone has changed as a result of the redelineation and any non-residential property owners in the newly delineated portions of the updated WHP. Said notification shall be mailed, via first class mail, no less than thirty (30) days prior to the public hearing date and the notification shall be in the form of a letter stating the results of the redelineation and any subsequent change in the facility's regulatory status. (OR 98-10-102)

- (1) Where an existing facility required to comply with the provisions set forth herein is no longer located in a WHPA as a result of the redelineation, the facility is no longer subject to compliance with Chapter 940 and Chapter 1128 of the Hamilton Codified Ordinances.
 - (2) Any facility previously located outside the boundary of the WHPA that is located inside the boundary of the WHPA as a result of the redelineation must be registered in accordance with Chapter 940 of the Hamilton Codified Ordinances and must comply with all provisions required of existing facilities for the TOT zone in which the facility is located as applicable and in accordance with the time frames specified for those applicable provisions.
 - (3) Any registered facility whose classification within a TOT zone is changed to a different TOT zone as a result of the redelineation must submit an amended facility registration to the Building and Zoning Administrator or his designee in accordance with Chapter 940 of the Hamilton Codified Ordinances and must comply with those provisions required of existing facilities as applicable for the new TOT zone in which that facility is now located in accordance with the time frames specified for those applicable provisions.
- (C) Procedure for Proposals Respecting Designation as or Removal of a Designation as a Historic Preservation District: The following procedures shall be used by Council when considering a recommendation(s) made as a result of an application to designate property as or to remove the designation of property as a Historic Preservation District.(OR 93-9-100)
- (1) When Council receives a Historic Design Review Board recommendation upon an application to designate property as or to remove the designation of property as a Historic Preservation District, which application does not include or require a zoning district change, upon receipt of the Historic Design Review Board's recommendation Council shall schedule and conduct a public hearing in accordance with 1180.00. Following the public hearing, Council may approve, disapprove, or amend the Historic Design Review Board's recommendation. If the Historic Design Review Board's recommendation was opposed to granting the application, the application in its original or as amended by Council shall not take effect against the recommendation of the Historic Design Review Board unless it is approved by not less than three-fourths (3/4) of the full membership of Council. Regardless of the recommendation of the Historic Design Review Board, if a written protest to the application, which is signed by the owners of fifty (50) percent or more of the lots or parcels included within or immediately adjacent to the affected property, (but in any case never less than the owners of two affected lots) is presented to Council, then the application shall not take effect unless it is approved by not less than three-fourths (3/4) of the full membership of Council.

- (2) When an application to designate property as or to remove the designation of property as a Historic Preservation District also includes or requires a zoning district change, upon receipt by Council of the Historic Design Review Board and Planning Commission's recommendations Council shall schedule and conduct a public hearing in accordance with Section 1180.00. Such hearing may combine both the Historic District and Zoning District aspects of the application or they may be separately considered. Following the public hearing(s), Council shall separately consider and approve, disapprove or amend the Historic Design Review Board and Planning Commission's recommendations. The Planning Commission's recommendation shall be considered and approved or disapproved in the manner provided by Section 1180.10(A). The Historic Design Review Board's recommendation shall be considered and approved, disapproved, or amended in the manner provided by subsection 1180.10(B)(1) above.

1180.11 Pre-Application Conference: There shall be a pre-application conference between the Planning Director, or Staff designated by him, and the party desiring a rezoning of property. The matter may be submitted to the Planning Commission upon payment of fees.

1182.00 Schedule Of Fees, Charges And Expenses

The City Council shall establish a schedule of fees, charges and expenses, and a collection procedure for Certificates of Zoning Compliance, appeals, and other matters pertaining to this Ordinance. This schedule of fees shall be posted in the office of the City Manager or Designee, and may be altered or amended only by the City Council.

No certificate, conditional permit, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid **in full**, nor shall any action be taken on proceedings before the Board of Zoning Appeals unless or until preliminary charges and fees have been paid in full.

1184.00 Complaints Regarding Violation:

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with an Administrative Official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

1186.00 Violation And Penalty:

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of the Zoning Ordinance No. 7503, and all amendments thereto, shall be guilty of an unclassified misdemeanor and shall be fined not less than \$250.00 or more than five hundred (\$500.00) dollars for each offense. Each day that a violation is permitted to exist shall constitute a separate offense. (OR 2007-7-70)

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- 1190.01 Certificate of Zoning Compliance. The following nonrefundable fees shall be paid at the time of application to the City of Hamilton for a review for Zoning Compliance as follows:
- (1) One hundred and fifty (\$150.00) dollars for a new residential building plus \$25.00 per each dwelling unit more than a single-family;
 - (2) Thirty Dollars (\$30.00) for an addition or alteration to a residential building or construction of an accessory building.
 - (3) Certificates of Zoning Compliance
 - a. Fifty Dollars (\$50.00) for an existing building with a new use;
 - b. Twenty Five Dollars (\$25.00) for an existing building with a new commercial use in a City designated special purpose district.(OR2012-4-25)
 - (4) Two hundred (\$200.00) for any new building that is regulated by the Ohio Building Code plus \$10.00 for each additional 10,000-sq.ft. or portion thereof over 20,000-sq.ft.
 - (5) One hundred (\$100.00) for alterations or additions to a building regulated by the Ohio Building Code.
 - (6) Sign Permits
 - a. Fifty Dollars (\$50.00) for any permanent sign application.
 - b. Twenty Five (\$25.00) for any permanent sign in a City designated special purpose district. (OR2012-4-25)
 - c. No zoning fee is charged for an iconic sign in the designated Iconic Signage Incentive District. (OR2012-4-32)
 - (7) Thirty Dollars (\$30.00) for any temporary sign application.
 - (8) Thirty Dollars (\$30.00) for any temporary tent, shelter or trailer.
 - (9) Fifty Dollars (\$50.00) for a Home Occupation Approval.

- 1190.02 Appeal to Board of Zoning Appeals. A nonrefundable fee of Two Hundred Dollars (\$200.00) shall be paid to the City of Hamilton by an appellant when an appeal is filed with the Board of Zoning Appeals, except when an appeal is filed with the Board of Zoning Appeals for an Iconic Sign, as defined as a sign that visually depicts the nature of the business, goods or services that the business provides through unique shape and any combination of color, lighting, movement or history, then a nonrefundable fee of Fifty Dollars (\$50.00) shall be paid to the City of Hamilton by an appellant. (OR2012-1-6)
- 1190.03 Conditional Use Certificate. A nonrefundable fee of Two Hundred Dollars (\$200.00) shall be paid to the City of Hamilton by an applicant when an application is filed for a conditional use certificate.
- 1190.04 Rezoning Request. A nonrefundable fee of Three Hundred Dollars (\$300.00) shall be paid to the City of Hamilton by an applicant when an application for a rezoning is filed.
- 1190.05 Sketch Plan Review. A nonrefundable fee of One Hundred Dollars (\$100.00) shall be paid to the City of Hamilton by an applicant when an application for a Sketch Plan Review is filed.
- 1190.06 Preliminary Plat Approval. A nonrefundable fee of Three Hundred Dollars (\$300.00) shall be paid to the City of Hamilton by an applicant when an application for a Preliminary Subdivision Plat Approval is filed.
- 1190.07 Final Plat Approval. A nonrefundable fee of Five Hundred Dollars (\$500.00) shall be paid to the City of Hamilton by an applicant when an application for a Final Subdivision Plat Approval is filed.
- 1190.08 Preliminary Planned Unit Development Approval. A nonrefundable fee of Three Hundred Dollars (\$300.00) shall be paid to the City of Hamilton by an applicant when an application for a Preliminary Planned Unit Development Plan is filed.
- 1190.09 Final Planned Unit Development Approval. A nonrefundable fee of Five Hundred Dollars (\$500.00) shall be paid to the City of Hamilton by an applicant when an application for a Final Planned Unit Development Plan is filed.
- 1190.10 Revision to Final Planned Unit Development Plan. (OR 2015-2-9)
- a) A nonrefundable fee of Five Hundred Dollars (\$500.00) shall be paid to the City of Hamilton by an applicant when a Major Revision to any Planned Unit Development is filed.
 - b) A nonrefundable fee of Two Hundred and Fifty Dollars (\$250.00) shall be paid to the City of Hamilton by an applicant when a Moderate Revision to any Planned Unit Development Plan is filed.
 - c) A nonrefundable fee of One Hundred and Fifty Dollars (\$150.00) shall be paid to the City of Hamilton by an applicant when a Minor Revision to any Planned Unit Development Plan is filed.

- 1190.11 Approval of Right of Way Dedication Plat A nonrefundable fee of Three Hundred Dollars (\$300.00) shall be paid to the City of Hamilton by an applicant when an application for a Right of Way Dedication Plat Approval is filed.
- 1190.12 Certificate of Appropriateness. A nonrefundable fee of Fifty Dollars (\$50.00) on a commercial property, Twenty Five Dollars (\$25.00) on a residential property for a Certificate of Appropriateness will be required for any work on a property in an Architectural Conservation/Historic District or a property listed on the State of Ohio Historic Inventory that is not considered like for like (Section 1126.20, Subsection 11) or is a return to original historic materials (Section 1126.50). (OR2012-4-25)
- 1190.13 Addition or Removal from Architectural Conservation / Historical District. A nonrefundable fee of Three Hundred Dollars \$300.00 dollars shall be paid to the City of Hamilton upon the filing of an application to designate property as or remove the designation of property as a Historic Preservation District.
- 1190.14 Request for Vacation of Public Right of Way. A nonrefundable fee of One Hundred Dollars (\$100.00) shall be paid to the City of Hamilton by an applicant when an application for a Vacation of Public Right of Way is filed.
- 1190.15 Request for Lot Split or Combination A nonrefundable fee of One Hundred Dollars (\$100.00) shall be paid to the City of Hamilton by an applicant when an application for a lot split or lot combination is filed.
- 1190.16 Telecommunications Registration Fee. A nonrefundable fee of Three Hundred (\$300.00) dollars shall be paid to the City of Hamilton when an application for installation of a new telecommunications tower or new telecommunications antenna on an existing tower or other structure is filed.

APPENDIX
DIAGRAMS AND FIGURES