

# Hamilton Township Zoning Code

Zoning Code Diagnosis  
and Annotated Outline

Zoning Commission Review Draft



November 1, 2011

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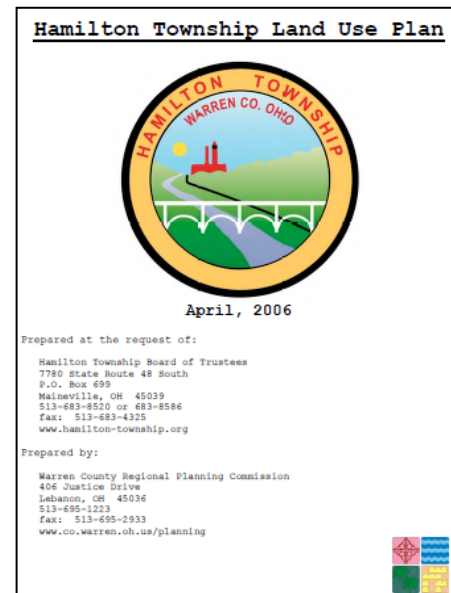
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# Introduction

The Hamilton Township Land Use Plan was adopted by the Hamilton Township Board of Trustees and the Warren County Regional Planning Commission in 2006. The primary policy thrust of the 2006 Land Use Plan is towards growth management. The underlying goal is the creation of an economically sustainable community. This is to be accomplished by encouraging the most intensive development in areas where infrastructure is available or projected to be available, increasing nonresidential uses in areas where services are available. At the same time, and in equal measure, the plan emphasizes the need for the township to seek balance in residential and nonresidential development, as well as balance between urban service area growth and protection of the rural character outside of the urban service areas. The emphasis on growth management is justified due to the high rate of growth that Hamilton Township experienced in the last decade. The population of Hamilton Township in 2005 when the Land Use Plan was being prepared was estimated to be over 19,000 residents. This represented a staggered 220% increase in population from 2000. The 2010 Census puts the township's population at 23,556.



Hamilton Township has controlled their own zoning since 1972, along with the Warren County Subdivision Regulations, the Hamilton Township Zoning Code is the primary tool used for control of development. Like most communities, Hamilton Township has adopted zoning text amendments periodically since 1972 to address various land use needs and development trends. This piecemeal approach is normal, but over time, can result in inconsistent terminology and sometimes conflicting regulations. Changes were made to the zoning code following the adoption of the 2006 Land Use Plan to incorporate recommendations for the plan. The zoning code was modified to reflect the recommendations of the urban service area policies, and to create alternative development types for residential uses, such as conservation design and cluster development options. The township also created the Road Corridor Overlay District to provide additional urban design controls for intensive development areas.

The recent national recession (officially December 2007 to June 2009) slowed growth in Hamilton Township, and is still having lingering impacts (i.e. slow job creation, tight financial markets, stagnant or decreasing housing values). This slow down, however, has provided an opportunity for Hamilton Township to evaluate current regulations, and to update the zoning code. The purpose of this document is to provide an analysis of the existing Hamilton Township Zoning Code based on the provisions of the Ohio Revised Code (ORC), the land use plan, modern best practices in zoning, and our experience with drafting resolutions for other townships in Ohio. The intent of the diagnosis is to summarize the strengths and weaknesses of the existing regulations in terms of usability, organization, and substantive standards, and to provide options for improvement. This document also includes an annotated outline for the zoning code update with a recommended approach that will result in a complete reorganization of the code.

This initial draft of the diagnosis and annotated outline is based on our ongoing discussions with township staff, elected officials, appointed officials, and input from stakeholder interviews (e.g., meetings with engineers, design professionals, and commercial and residential developers). We have reviewed the existing zoning code, the recommendations of the land use plan, and a list of comments from the township planning and zoning department staff. Based on those sources, we have prepared this diagnosis and outline for further discussion. Once the appropriate boards review this document, it can then serve as a guide for the update to the township's zoning code. This document is organized into three main sections as follows:

1. Part A: Major Themes for Improvement
2. Part B: Detailed Review of the Existing Zoning Code
3. Part C: Annotated Outline of the Updated Hamilton Township Zoning Code

It is important to keep in mind that this diagnosis does not necessarily identify every issue or individual problem with the existing code, but tries to focus on broader issues that will need direction prior to drafting the text amendments.

## Part A: Major Themes for Improvement

Several major themes, or goals, for the update process emerged after discussions with township staff, elected and appointed officials, and the stakeholder interviews. The intent of this part of the diagnosis is to provide an overview of each theme, with direction or options to address them to allow for a discussion about each issue before drafting the text of the code update. The major themes that should be addressed by the zoning code update include:

1. Reorganize and reformat the code to improve its user-friendliness and to eliminate inconsistent, conflicting and redundant regulations and procedures.
2. Streamline and clarify the review procedures (e.g., zoning certificates, zone changes, variances) and the roles that each board or staff member plays in those procedures.
3. Evaluate the zoning district structure and use regulations and provide new uses, and address ongoing issues with accessory uses.
4. Modernize the site development standards to enhance the quality of development, improve clarity and predictability, and provide incentives for flexible and desirable design.

Each of these items is discussed in more detail below.

### ***1. Reorganize and Reformat the Code***

The current zoning code encompasses typical regulations found within townships across Ohio. Many of these standards are located throughout the code without clear organization or flow, complicating use of the code by the average person. The township should consider the following changes to make it easier to find standards, procedures, and generally improve usability.

- I(a): Revise the code structure to present topics in a more organized and logical fashion,
- I(b): Improve referencing with aids such as a detailed table of contents, index, headers, and footers,
- I(c): Illustrate key concepts, standards, and processes with tables and graphics (e.g., how to measure building height or the orientation of parking on a site), and
- I(d): Eliminate submittal requirements from the code.

#### **1(a): Revise Code Structure**

In terms of user-friendliness and the ability to locate particular standards and review procedures, the current code is fairly well organized, but can be improved. Usability is improved when the chapters and sections are ordered based on functions such as administration, development review procedures, zoning districts, and development standards (e.g., parking, buffering, signs, etc.). For example, consolidation of the administrative responsibilities of the boards, commission and staff into one chapter clarifies the roles of staff and appointed and elected officials in one place. Similarly, creating a chapter that contains the use regulations – permitted, conditional, accessory, and temporary – for all of the zoning districts allows the code user to consult one chapter to determine the types of uses permitted in a specific district, or to determine which districts permit certain uses. Additionally, there are a number of general regulations in current Chapter 5 General Provisions and Chapter 27 Special Provisions that would be better located in other areas of the code.

The annotated outline in Part C of this document provides a structure for the new code that reorganizes the various regulations into a more user-friendly format as seen in the general outline of new chapters below.

Proposed Zoning Code Chapters	
Chapter 1	General Provisions
Chapter 2	Administrative Roles and Authority
Chapter 3	Development Review Procedures
Chapter 4	Zoning Districts and Use Regulations
Chapter 5	Planned Unit Development Regulations
Chapter 6	General Development Standards ( <i>lot size, width, setbacks and building height</i> )
Chapter 7	Parking, Loading and Mobility Standards
Chapter 8	Landscaping and Buffer Standards
Chapter 9	Sign Standards
Chapter 10	Nonconformities
Chapter 11	Enforcement and Penalties
Chapter 12	Definitions

To improve overall organization, we recommend using a hierarchy of chapters and sections, as well as a hierarchy of section headings and font types and sizes to illustrate the relationship of the procedural and substantive provisions. As discussed above, and outlined in detail in Part C of this document, we recommend dividing the code into 12 chapters, instead of the current 34 chapters in the existing zoning code. In addition, we recommend separate section and subsection headings be used to provide “guideposts” that distinguish provisions by topic and purpose.

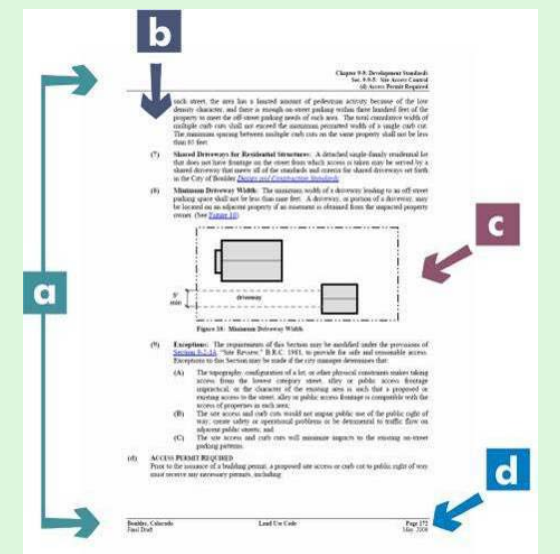
**1(b): Improve Referencing**

It is not easy to navigate the existing zoning code and to flip between various sections of the zoning code to compare regulations and processes. Referencing in the existing code is lacking, making it difficult for a user to understand and find cross references. The current code lacks a table of contents. We recommend creating a detailed table of contents and supplementing it with an index of key topics (located last in the document) that will be helpful in the daily use of the code. The final step in the code revision will be to review it for internal consistency and include more cross-references among sections that are descriptive where necessary. The document will be formatted so that the cross-references are active, allowing users to click on the reference and be taken to the referenced material.

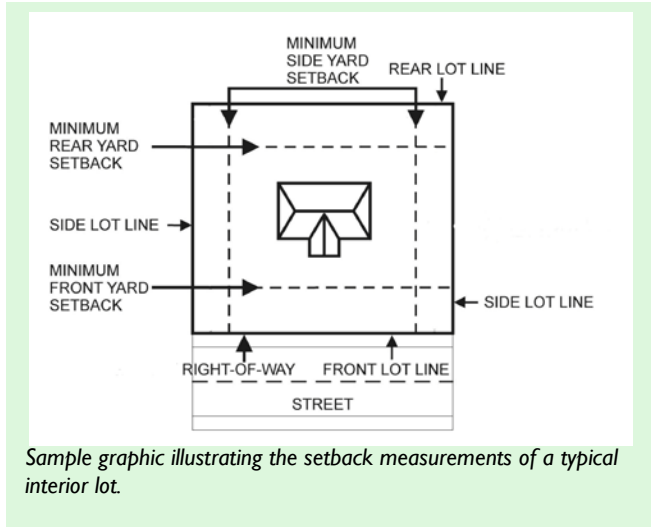
Another useful way to improve the overall user-friendliness of the new code and to make key information more prominent is to employ a variety of page formatting techniques that can more quickly alert a reader as to where they are in the document. More extensive use of headers, tabs, section headings, and a more creative use of font types and sizes will be utilized, all of which may be used to illustrate the hierarchy of topics in the code.

**1(c): Illustrate Key Concepts, Standards, and Processes**

Modern codes explain and summarize development standards, permitted uses, and procedures using tables, illustrations, and charts where possible. There are a number of regulations, such as signage and parking that will benefit from the inclusion of graphics. Illustrations and photos can often describe the required or desired relationships among development standards, adjacent uses, or dimensions much more quickly and simply than words alone. Tables also can convey a wealth of



Modern codes use a variety of techniques including (a) headers and footers, (b) legible text with headings and hierarchy, (c) illustrations, and (d) page numbers.



Sample graphic illustrating the setback measurements of a typical interior lot.

information about uses and dimensional requirements in a few pages, and vastly improve the readability of a code.

The updated code should judiciously use illustrations, graphics, photographs, and tables to explain complex concepts and to summarize detailed lists of information. Where appropriate, we recommend inserting additional tables, graphics, illustrations, and examples to help readers understand preferred forms of development. All graphics, illustrations, and photographs will be chosen or designed to allow for easy reproduction of the new code.

**1(d): Eliminate Submittal Requirements**

The current code lists the exact number of plans and information required as part of a particular development application. Not only does this add to the length of the code, it complicates matters when the township wants to amend the submittal requirements because the lists are part of the adopted zoning text and any change requires a zoning text amendment. We recommend removing the specific application submittal requirements from the code and maintaining these requirements as a checklist in an administrative manual or document outside

of the code. This makes the code less cumbersome, and ensures changes in application submittal requirements can be made easier, and without amendment to the code.

## **2. Clarification of Roles and Procedures**

An integral part of the zoning review process is the interaction and review of various types of zoning applications by the public, staff, and designated public review bodies. For example, public hearings, allowing for public comment and input, are required for zoning amendments (text and map), conditional use applications, planned unit development (PUD) projects, variances, and requests for appeals of a decision by the zoning inspector. These applications are reviewed by the board of township trustees, the township zoning commission, the township board of zoning appeals (BZA), or some combination of these bodies. For zoning amendments and PUDs, the Warren County Regional Planning Commission is also involved as a recommending body as mandated by state law.

The process of public review provides an important role on several levels. It provides a vehicle for notifying neighbors and the community at-large of proposed development or requests for variances from the zoning regulations. It also provides a forum for evaluating discretionary standards and for measuring anticipated community impact from a proposed project. As such, the public review process is necessary and vital. However, in some instances the public review process can be cumbersome, time consuming, and have the appearance of being a constraint on timely project review without the extra time necessarily resulting in a better development. One key step in the revision of the zoning code will be clarifying the review procedures, eliminating excess “red-tape” where possible, and creating efficient review procedures that will result in outcomes that are more predictable.

The township should consider the following improvements to the administrative component of the updated zoning code:

- 2(a): Clarify roles and procedures and consolidate into a single chapter,
- 2(b): Clarify review criteria,
- 2(c): Add “transitional regulations” to address applications that are under review at the time the new code becomes effective,
- 2(d): Establish a section on common review procedures, and
- 2(e): Include a “complete application” provision.

### **Public Meeting versus Public Hearing**

It is important to note that there are specific distinctions between a public meeting and a public hearing. For the purposes of zoning, whenever a review board meets, it is considered to be a **public meeting**. However, while there are certain notification requirements for a public meeting per Ohio’s sunshine laws, the review board does not have to provide for a period of public comment or input (although they can if they so choose). A **public hearing** is when the review board facilitates a process where applicants, staff, and the public have an opportunity to speak to the board and provide input. Public hearings are held during a public meeting.

### **2(a): Clarify Roles and Procedures and Consolidate into a Single Chapter**

The trend in zoning codes is to consolidate all procedural provisions into a single chapter of a zoning code. This enables the code user to locate, in one place, all procedures governing land

development review and the applicable review criteria (e.g., rezonings, PUDs, conditional uses, variances, etc.). In the current code, procedures and the applicable review criteria – if any – are found in five different chapters:

- ❖ Site plan review in Chapter 5,
- ❖ PUD procedures in Chapter 18,
- ❖ Zoning permit requirements in Chapter 22,
- ❖ General board of zoning appeals responsibilities, variances, appeals, and conditional use permits in Chapter 26, and
- ❖ A very brief reference to zoning amendment procedures in Chapter 29.

The consolidation of procedures improves user-friendliness by helping readers understand the relationships among different procedures and the applicable roles of staff, the zoning commission, the trustees, and BZA.

We recommend including an administrative section that details the specific roles of the relevant departments and the various boards involved in zoning and subdivision review. We also recommend creating a table that summarizes the review and decision-making responsibilities of all relevant entities.

<b>TABLE 2.02-A: SUMMARY TABLE OF REVIEW BODIES</b>					
<b>H = HEARING (PUBLIC HEARING REQUIRED) M = MEETING (PUBLIC MEETING REQUIRED) R = REVIEW AND/OR RECOMMENDATION</b>			<b>D = DECISION (RESPONSIBLE FOR FINAL DECISION) A = APPEAL (AUTHORITY TO HEAR/DECIDE APPEALS)</b>		
<b>PROCEDURE</b>	<b>SECTION</b>	<b>BOARD OF TOWNSHIP TRUSTEES</b>	<b>ZONING COMMISSION</b>	<b>BOARD OF ZONING APPEALS (BZA)</b>	<b>ZONING INSPECTOR</b>
Zoning Code Text or Map Amendment	Sec. 3.07	H-D	H-R		R
Planned Unit Development – Preliminary Development Plan	Sec. 5.05:B	H-D	H-R		R
Planned Unit Development – Final Development Plan	Sec. 5.05:B		H-D		R
Conditional Use	Sec. 3.08			H-D	R
Appeals	Sec. 3.08			H-D	[1]
Variance	Sec. 3.08			H-D	R
Zoning Permit	Sec. 3.05			A	R-D
Certificate of Occupancy	Sec. 3.06			A	R-D
NOTES:					
[1] Staff shall forward all records of their decision to the BZA including any staff report or summary that provides a history of actions and decisions made in relation to the appealed action.					

*Sample table from another community illustrating the roles of review bodies.*

## **2(b): Clarify Review Criteria**

As part of the process of updating and reorganizing the review procedures, we recommend focusing on updating and clarifying the specific review criteria for each of the procedures. In some instances, certain procedures do not seem to have any established criteria for reviewing

applications and making the related decisions. For example, Chapter 26 Board of Zoning Appeals establishes the authority of the BZA to review and authorize variances, appeals and conditional uses. General standards are provided, however, the chapter lacks clear explanation of criteria that should be used for each of these procedures. Similarly, Chapter 29 Amendments only contains a one sentence reference to compliance with the requirements of ORC 519.01-519.99. Review criteria should be added to guide review processes.

### **2(c): Add Transitional Regulations**

The current zoning code does not fully address what happens to applications that are under review at the time the amended zoning code is adopted. We recommend incorporating a new section called “transitional regulations” that will help resolve the status of properties with pending applications, recent approvals, and properties with outstanding violations at the time the new code or amendment is adopted. The section allows for applications, in general, to be processed under the rules in place at the time a complete application is submitted. The transitional regulations section will include language stating that violations prior to the enactment of the revised code shall remain violations after the effective date of the code. These provisions will also address what happens if a zoning certificate or PUD site plan expires and the new code is in effect.

### **2(d): Establish a Section on Common Review Procedures**

Whether outlined in the existing code or a common practice in the application process, there are several steps and requirements repeated for each individual procedure. We suggest that the zoning code include a new section that establishes a set of common review procedures. The common procedures section will address review requirements relevant to all development applications including establishing the rules that guide the applicant from the beginning of the development review process to the end of the process. The types of procedural requirements included in this common procedures section address:

- ❖ Who has authority to submit applications;
- ❖ Rules for submittal of application fees (e.g., no refunds) and schedules;
- ❖ Public notification and public hearing requirements;
- ❖ Deferral and withdrawal of applications;
- ❖ Review and approval (including the imposition of conditions on approval); and
- ❖ Notification of the applicant regarding the decision.

### **2(e): Include a “Complete Application” Provision**

Part of the overall improvement to the new code will be clarifying the steps and time frames in various review procedures. In order to ensure accountability and responsibility for moving applications forward for the township and applicant, the township should consider a “complete application” requirement. A complete application requirement explicitly authorizes the zoning inspector to review submitted applications and to make a determination that they are “complete” and should be formally accepted for further review and action. The provision, which would be applicable to all development applications, would state that no processing would

begin on an application until after a formal determination by staff that such application is “complete.” Applications are complete when they contain all the required exhibits, including reports, maps, and plans, and are accompanied by the required fee. Without such requirements, staff and decision-makers may waste time and effort reviewing incomplete applications only to have to re-review applications once any errors or omissions are corrected. Formally instituting this step can help prevent the township from processing incomplete applications, which is frustrating to staff, decision-makers, and the applicant. Generally, if the staff determines an application is “incomplete,” and therefore unacceptable for further processing, the staff is required to notify the applicant in writing of any deficiencies they find.

Typically, staff should have no more than three days to review and make a determination that an application is complete. An applicant, in turn, would have a prescribed period to remedy the deficiencies and resubmit, or risk rejection of the application.

### ***3. Reevaluate the District Structure and Use Regulations***

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One of the key purposes of this rewrite is to evaluate the existing district structure and make it easier to identify permitted uses and related use regulations (e.g., accessory uses, home occupations, etc.). As part of this purpose, it will be necessary to review the existing zoning district structure, the permitted uses within each district, and general regulations governing temporary, accessory, and similar uses.

In summary, to address issues related to zoning districts and use regulations, we recommend the township consider the following revisions:

- 3(a): Maintain the current district structure to the maximum extent possible,
- 3(b): Reorganize permitted and conditional uses for each zoning district,
- 3(c): Consolidate the existing use regulations into a single article, and
- 3(d): Clarify accessory and temporary use standards.

#### **3(a): Maintain the Current District Structure**

It is our understanding that, for the most part, the current zoning district structure (number and type of districts) works for the township. There has been no call to make major changes to the residential, business and industry districts. Generally, we recommend maintaining the existing zoning districts with revisions to consolidate the T-C Travel Trailer Camp and T-T Travel Overnight Port zones. The RCO Road Corridor Overlay District has not yet been applied to the township zoning map. We will work with the township staff and the zoning commission to evaluate how the RCO District should be integrated into the code update. Maintaining the existing district structure will help minimize the potential for new nonconforming uses or controversies related to the location of zoning boundaries that could hinder the adoption of the code update.

#### **3(b): Reorganize Permitted and Conditional Uses**

We recommend that the updated code include use tables to illustrate where and how uses are permitted within each zoning district. Utilizing tables to illustrate allowed uses (see sample below) within each district is an effective method of illustrating uses both in a single district and

in district-to-district comparisons. Principal permitted uses should be listed under general categories with subcategories that are inclusive enough to cover modern development needs. A comprehensive review will be conducted of the definitions for uses to ensure that clear, modern definitions are provided when needed. Those interviewed as part of this update process have identified the need to improve and clarify regulations for several uses, such as outside storage, outside display, mixed uses, home occupations, and internet sweepstakes cafes.

<b>TABLE 4.06-A: PERMITTED USE TABLE</b>													
<b>USE</b> P = Permitted Use PS = Permitted Use with Use-Specific Standards C = Conditional Use	<b>ZONING DISTRICTS</b>											<b>USE-SPECIFIC STANDARDS</b>	
	R-SF	R-TF	R-MF	R-TR	O	O-W	N-B	G-B	B-RD SUBAREA A	B-RD SUBAREA B	B-RD SUBAREA C	L-M	<b>SEE SUBSECTION:</b>
<b>RESIDENTIAL USES</b>													
Adult Family Home or Small Residential Facility	P	P	P	P									
Adult Group Home or Large Residential Facility			P	P									
Dwelling, Multi-Family			P					PS		PS			Section 4.08:B.1
Dwelling, Single-Family	P	P	P	P									
Dwelling, Two-Family		P	P	P									
Institutional Housing			PS	C	C		PS	PS	C	C	C		Section 4.08:B.2
Permanently Sited Manufactured Home	PS	PS	PS	PS									Section 4.08:B.5
<b>BUSINESS AND MIXED USES</b>													
Adult Entertainment Establishment								C				C	Section 4.08:C.1
Animal Hospital or Veterinary Clinic					C	C	C	PS		PS		PS	Section 4.08:C.2
Automotive Fuel Sales							C	PS	PS			C	Section 4.08:C.3
Automotive Repair								PS				C	Section 4.08:C.4
Automotive Sales or Rental								PS					Section 4.08:C.5
Automotive Service						C	C	P		p		C	Section 4.08:C.6
Automotive Washing Facility							C	P		P			
Bar or Tavern							PS	PS	C	PS	PS		Section 4.08:C.7
Bed and Breakfast Establishment	C	C	C	C									Section 4.08:C.8
Billiard Parlor								C					
Call Center					P	P		C				P	
Club, Lodge or Other Social Meeting Place	C	C	C		C	C	P	P			C		Section 4.08:C.9

Sample from another community illustrating a Permitted Use Table.

We recommend creating a new use classification of “permitted with use-specific standards” for those uses that should be permitted as-of-right but that have specific standards that should be enforced by the zoning inspector (i.e. car wash, day care, and kennels). We also recommend expanding the number of conditional uses in the code update. The conditional use process involves review and a public hearing by the BZA of certain specified uses to determine whether the specific use is suitable and appropriate for a specific location. The general theory is that there are uses that are appropriate within a zoning district under certain conditions. The current zoning code only identifies a limited range of signs – off-premise, advertising and bulletin board signs – as conditional uses.

We also recommend the creation of a defined “similar use” procedure, with specific review criteria, that will allow staff to make a determination on categorizing new uses that may be proposed that are not in the list.

### **3(c): Consolidate the Existing Use Regulations**

In addition to reorganizing the list of uses and the use regulations (i.e., use-specific standards for a particular use, conditional uses), we recommend consolidating all of the regulations related specifically to uses within the new *Chapter 4, Zoning Districts and Use Regulations*. This will help code users easily locate where a use is permitted and how it is regulated.

### **3(d): Clarify Accessory and Temporary Use Standards**

Changes are needed to the standards for accessory uses. Currently, accessory use standards are contained within each chapter for each zoning district, and very little guidance is provided except minimum setbacks from side and rear property lines. There are also regulations for swimming pools and amateur radio towers in Chapter 27 Special Provisions and for home occupations in Chapter 3 Definitions. Input received from staff and stakeholders identify the need to clarify the number, location, and type of accessory structures allowed in all districts, and to provide expanded standards. This should reduce the frequency of variance applications for accessory uses and structures. In addition, the current code does not adequately control the range of potential temporary uses. Standards for temporary special events, construction dumpsters and trailers, and storage in portable containers will be defined. We recommend including standards for accessory and temporary uses in the new *Chapter 4, Zoning Districts and Use Regulations*.

## ***4. Modernize the Development and Design Standards***

A priority of the zoning code update is to maintain and improve the quality of development while making standards easy to understand and relate to the purpose of the zoning code. This can be accomplished by upgrading the existing development standards within and integrating new standards as needed.

Specific recommendations to improve the existing design and development standards include:

- 4(a): Strengthen the existing development standards,
- 4(b): Create architectural standards for nonresidential uses,
- 4(c): Require sidewalk and pedestrian connections between uses,
- 4(d): Incorporate sustainable development practices into the code, and
- 4(e): Clarify rules of measurement.

### **4(a): Strengthen the Existing Development Standards**

Overall, the existing development standards in the zoning code provide a basic set of regulations that are typical of township and county zoning codes. The existing code contains parking and loading, landscaping and sign regulations. For larger projects, the township has generally relied on the use of PUD overlay zones to ensure high quality development and design, using the PUD process to supplement the minimum development standards of the parking, landscaping and sign chapter. While it is anticipated that PUD overlays will continue to be a primary tool for development in Hamilton Township, improvements can be made to the existing development standards to enhance the quality of development and, to some degree, reduce reliance on PUDs to control quality. We recommend that the code update consider adding or enhancing the following standards:

#### **Improved Parking Standards**

We identify recommended improvements to the existing parking and loading requirements in Part B of this document (i.e., move parking space size requirements from the definitions to the parking chapter). However, as with many standards, the township can be more progressive with regard to parking. The current regulations are typical of most communities with a minimum number of parking and loading spaces required. Some communities are beginning to establish requirements for maximum number of parking spaces. Communities are also adopting regulations so that only a certain percentage of parking (e.g., 50% to 60%) can be located between the street and building with the remaining parking in the side and rear yards. Other communities are moving so far as to limit parking between the street and building to two bays of parking (i.e., one parking space on each side of a single driveway) or mandating the use of pervious pavement and/or pavers to support better stormwater management. These types of provisions force a building to be located closer to a street to create an



*The above parking lot incorporates pervious pavement and depressed landscaping islands.*

improved street frontage. This potential range of options should be considered by the township when revising the off-street parking standards.

### **Outdoor Storage, Sales, and Displays**

The current code has language related to the screening of outdoor storage. This is often a major issue with communities, especially when it comes to seasonal sales in parking areas or the sale of mulch at gas stations. We recommend the township adopt provisions for outdoor storage, seasonal outdoor sales, outdoor cafes, and similar uses.



*This image illustrates the haphazard storage and sale of mulch.*

### **Open Space Requirements**

Several of the existing land uses include provisions for protection of open space, particularly in new residential developments. The township should consider incorporating provisions to accomplish the goals for the preservation of natural areas and open space. This would include minimum stream corridor setbacks, minimum amounts of active recreation area, clear definition of what counts and does not count as open space in a project, and mechanisms for the protection of these areas (i.e., homeowners associations, conservation easements, etc.). Another issue to review is whether rain gardens and other innovative drainage designs can be credited for open space.

### **Landscaping and Buffer Standards**

We recommend updating the landscaping and buffer standards to clarify the regulations and improve usability. Illustrations may improve understanding of these provisions, and the standards will be updated to reflect modern standards. Existing screening requirements for trash enclosures, service areas, mechanical equipment, and other site features will be reviewed and updated as needed.

### **Sign Regulations**

Major deficiencies in the existing sign regulations have not been identified at this time, however, general modernization of standards and clarification is needed. Updates will be targeted to ensure that the standards are clear and consistent, and that modern sign types (e.g. electronic changeable copy signs, temporary signs) are addressed. Additionally, the sign regulations should be content-neutral, meaning that beyond reading a sign to determine if it is commercial or non-commercial (free speech) signs, and whether it is an on-premise or off-premise sign, staff should not have to read the sign to be able to regulate the sign. The regulations need to focus on the type of sign, number of signs, and the size, height and location of signs. The existing definitions will be reviewed and updated where needed.

## **4(b): Create Architectural Standards for Nonresidential Uses**

With recent changes to the ORC, townships may now include some architectural standards for residential and nonresidential buildings. Creation of architectural standards and guidelines for nonresidential development, particularly in the Hopkinsville area, is a primary goal of the zoning code update. While the regulations cannot regulate building materials, regulations can be designed so that there are little to no flat roofs, that long walls are broken up by recesses

and/or similar details, and that there are certain building details that improve the general appearance of larger scale buildings. Issues that will need to be addressed if architectural standards are to be applied across the township include building orientation, building transparency, roof styles, building themes and relationships, façade offsets, and multi-sided architecture. These standards can be accompanied by improvements to general site design standards.

#### **4(c): Require Sidewalk and Pedestrian Connections**

As the township continues to grow and mature there will be an increasing need to provide new sidewalks within all developments in the township. Future connections to retail, office and residential areas, as well as civic, government and institutional uses, will provide access alternatives. An expanded sidewalk system will also provide recreational and fitness alternatives for Hamilton Township residents, particularly if linked to recreational trails for bikes and pedestrians.

We recommend that the code require that sidewalks and paths be installed as part of all new residential and nonresidential developments, and as part of redevelopment or substantial expansion of existing developed property. The regulations should be updated to require pedestrian connections from sidewalks and/or paths along the road to building entrances.

#### **4(d): Incorporate Sustainable Development Practices**

Another important step towards modernizing the township's zoning code is to encourage sustainable development, reduce energy use, and potentially improve living conditions and overall quality of life for Hamilton Township residents and businesses. Achievement of some of these sustainable practices will require changes and clarification in the code to make them possible. We recommend the township consider the following issues related to sustainable development practices:

##### **Solar Energy**

The township should allow for the installation of photovoltaic (PV) solar panels to homes and businesses as an accessory use, either attached to roofs or possibly as stand-alone accessory structures in the rear yard. The current code does not currently address solar panels.

##### **Wind Energy**

Wind energy systems (turbines) often are cause for more discussion as compared to solar panels due to the higher visibility. The township should consider allowing reasonably scaled wind turbines for residential uses, as well as newer turbines (e.g., horizontal turbines or small-scale roof turbines) in other areas of the township to support this source of renewable energy.



*This picture illustrates a photovoltaic solar panel mounted on a roof of a dwelling.*

**LEED Design**

Encourage facilities, buildings, and neighborhood design that will meet Leadership in Energy and Environmental Design (LEED) certification, potentially through the development of incentives for certain uses or as a requirement for new PUD districts.

**Pedestrian and Nonvehicular Access**

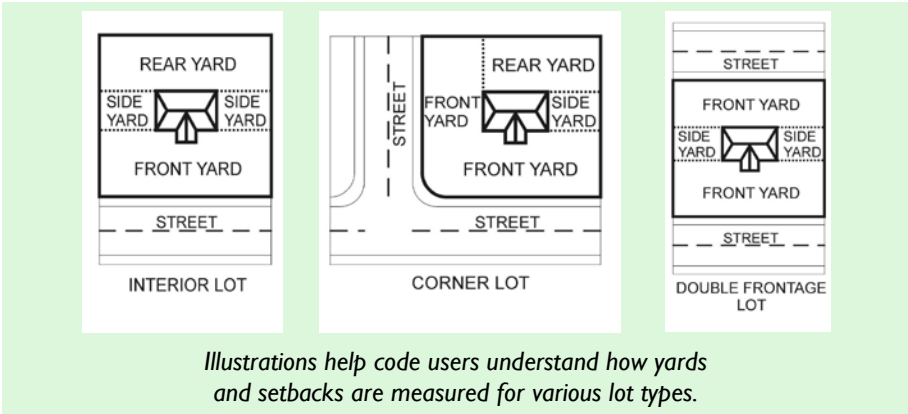
Increase pedestrian and bicycle accessibility in all types of developments through requirements for installation of sidewalks and design that is not as dependent on the automobile for access.

**Local Food Production and Sales**

Allow for the keeping of chickens and development of community gardens and farmers markets in certain districts to encourage local food production and sales.

**4(e): Clarify Rules of Measurement**

The revised code should clearly list all dimensional requirements in summary tables (e.g., density requirements, building heights, setbacks). In addition, the code should contain a section devoted to rules for measuring dimensions. Such rules should be explicit and exceptions and permitted encroachments should be clearly defined. Graphics will also be included, as appropriate, to ease interpretation.



## **Part B: Detailed Review of the Existing Zoning Code**

Part B of this document sets forth a section-by-section review of the current Hamilton Township Zoning Code and proposes changes in either organization or substance based on our assessment of the code and initial discussions with township officials and staff. The intent of this section is not to provide line-by-line edits, but to identify key issues that may need to be addressed in the zoning code update process. Where appropriate, comments on chapters with similar content (i.e., zoning districts) have been reviewed as a single grouping.

### ***Chapter 1: Purpose***

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This chapter sets forth the purpose statement for the Hamilton Township zoning code. It does not need to be a chapter on its own. This chapter will be moved to new *Chapter 1, General Provisions*. The current purpose statement does not reflect the purpose for township zoning as found in Section 519.02 of the Ohio Revised Code (ORC). The township should consider either cross-referencing the ORC section (in case of future changes to the ORC) or directly incorporate the language from the ORC.

### ***Chapter 2: Title***

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This chapter cites the title of the zoning code. It is recommended that this chapter be moved to new *Chapter 1, General Provisions*. It does not need to be a chapter on its own.

### ***Chapter 3: Definitions***

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This entire chapter will be updated after drafting the new language for the zoning code. Terms that are not used will be deleted while new terms will need to be defined and illustrations or graphics will be added as appropriate. The definitions chapter will be moved so that it is the last chapter in the zoning code – *Chapter 12, Definitions* similar to a glossary in other documents.

### ***Chapter 4: Zones and Boundaries Thereof***

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This chapter includes the general regulations for the establishment of zoning districts, adoption of the zoning map, district boundary interpretations, and other requirements that should be moved to new *Chapter 4, Zoning Districts and Use Regulations*. The list of zones will be updated to reflect the recommended consolidation of the T-C Travel Trailer Camp Zone and the T-T Travel Trailer Overnight Port Zone, the new RCO Road Corridor Overlay District, and any other changes to the district structure.

### ***Chapter 5: General Provisions***

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This chapter contains a variety of standards relative to general enforcement of the zoning code. Provisions in this chapter include rules for agriculture; requirements that construction, enlargement or changes to buildings and uses must comply with the zoning code; compliance with subdivision standards and recorded easements; and that uses must comply with the requirements of OEPA, Combined Health

District, and Fire Department. These will be moved to new *Chapter 1, General Provisions*. This chapter also contains regulations that a yard used for one building cannot be used for another building, and that only one residential building is permitted per lot, and will be moved to new *Chapter 6, General Development Standards*. Regulations for placement of house, travel and boat trailers in residence zones, as well as requirements for outdoor advertising as a business use; temporary construction trailers, housing, storage and sales offices; and accessory use setbacks will be moved to new *Chapter 4, Zoning Districts and Use Regulations*. Requirements for site plan review are also in existing Chapter 5. These provisions will be moved to new *Chapter 2, Administrative Roles and Authority* and new *Chapter 3, Development Review Procedures*.

## ***Chapters 6 through 17: Zone Districts***

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Chapters 6 through 17 represent the individual zoning districts as established in existing Chapter 4 of the current code. In general, we recommend consolidating these chapters into new *Chapter 4, Zoning Districts and Use Regulations* that will contain a new permitted use table to summarize how each use is allowed (e.g., permitted use, permitted with specific standards, or a conditional use) or prohibited in each of the districts instead of using the repetitive list of uses in the current chapters (see Part A of this document related to reformatting and restructuring the report). The recommended structure of the chapter is described further in Part C of this report.

We also recommend moving the various development standards – minimum lot size, lot width, yard setbacks, intensity of use, minimum dwelling size, and building heights – to new *Chapter 6, General Development Standards*. The standards will be presented in tables to allow quick reference and comparison to other zones.

The township should consider the following issues and recommendations:

- For all zones, unless there have been specific issues with the use terminology, we generally recommend maintaining the same uses unless otherwise noted or as may be discussed during the drafting of the use table.
- **Chapter 6: R-I Rural Residence Zone**
  - Consider classifying “conservation design” and “cluster development” as uses permitted with specific standards. The existing design standards will be retained, and improvements will be made to simplify and clarify the requirements where possible.
  - Reference to new open space standards in new *Chapter 6, General Development Standards* will be made to clarify the types of open space that are appropriate within conservation design uses, including description for passive and active open spaces, and standards for ownership.
  - The differences in allowable lot sizes based on location within or outside of the urban service area boundary will be clarified.
  - The existing section in the R-I Zone regarding nonresidential uses that are allowed is confusing. This will be clarified in new *Chapter 4, Zoning Districts and Use Regulations*.
  - The township should consider allowing additional accessory dwelling uses, such as mother-in-law suites, property manager quarters, and other types of accessory dwellings.

- **Chapter 7: R-2 Residence Zone and Chapter 8: R-3 Residence Zone**
  - The existing sections in these zones regarding nonresidential uses do not list the other types of uses that are allowed. This will be clarified in new *Chapter 4, Zoning Districts and Use Regulations*.
- **Chapter 9: B-1 Neighborhood Business Zone**
  - The new permitted use table in new *Chapter 4, Zoning Districts and Use Regulations* will clearly indicate that any nonresidential use permitted in the residence zones are also permitted in the B-1 Zone.
  - A comprehensive evaluation will be conducted of the uses permitted in the B-1 Zone, with consideration of whether additional uses should be added, perhaps as conditional uses, as well as whether the list of uses should be contracted.
- **Chapter 10: B-2 General Business Zone**
  - Pyramidal reference to uses permitted in other zones will no longer be needed. The new permitted use table in new *Chapter 4, Zoning Districts and Use Regulations* will allow uses to be easily cross-referenced.
  - As in the B-1 Zone, a comprehensive evaluation will be conducted of the uses permitted in the B-2 Zone, to determine if uses need to be added or removed from the list of permitted, conditional and prohibited uses.
  - It is anticipated that several uses that are currently permitted in the B-2 Zone will be classified as “permitted with use-specific standards”.
- **Chapter 11: M-1 Light Industry Zone and Chapter 12: M-2 Heavy Industry Zone**
  - Pyramidal reference to uses permitted in other zones will no longer be needed. The new permitted use table in new *Chapter 4, Zoning Districts and Use Regulations* will allow uses to be easily cross-referenced.
  - No specific changes are anticipated for these two districts. However, as mentioned for other zones, a comprehensive review will be conducted of the uses and development standards to ensure consistency.
- **Chapter 13: R-4 Urban Residence Zone**
  - No specific changes are anticipated for this district.
- **Chapter 14: H Resort Zone**
  - No specific changes are anticipated for this district.
- **Chapter 15: M-H Mobile and Non-Permanently Sited Manufactured Home Park Zone**
  - This chapter will be reviewed to ensure compliance with current state regulations.
- **Chapter 16: T-C Travel Trailer Camp Zone and Chapter 17: Travel Trailer Overnight Port Zone**
  - We recommend combining the T-C Zone and the T-T Zone into one zone.

## ***Chapter 18: Planned Unit Development PUD Regulations***

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No major changes are recommended to the PUD process and standards. Minor modifications to the PUD chapter will include reference to open space provisions that will be moved to new *Chapter 6, General Development Standards*. Adjustments may be needed to provide more clear explanation of the PUD process, including the various roles and procedures of each review body for each PUD stage. This chapter will become the new *Chapter 5, Planned Unit Development Regulations*.

## ***Chapter 19: Nonconforming Uses***

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This chapter establishes the regulations for uses, buildings, structures, and lots that were legally established prior to the adoption of the original zoning code but, upon adoption of the code, no longer meet the use, dimensional, or development standard regulations of the new code. This chapter is vital to any zoning code, however, the language can be a little confusing because there is minimal distinction between a **nonconforming use** (e.g., a legally established restaurant that exists in a residential district where restaurants are no longer permitted), a **nonconforming structure** (e.g., a house that does not meet a setback requirement or a commercial business that does not comply with the parking requirements), or a **nonconforming lot** (e.g., a vacant lot does not meet the minimum lot area or lot width requirements).

These regulations will be moved to new *Chapter 10, Nonconformities* and will be expanded to individually address nonconforming uses, nonconforming lots, and nonconforming structures regarding how they may be expanded, redeveloped, altered, or rebuilt after damage.

## ***Chapter 20: Parking and Loading Regulations***

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The current Chapter 20 will be carried forward into the new *Chapter 7, Parking, Loading and Mobility Standards*, incorporating some of the following proposed revisions:

- This entire chapter would benefit from the use of graphics. For example, an illustration could be used to demonstrate the difference between the parking angles and the related aisle widths.
- A comprehensive evaluation will be conducted of the parking standards to ensure that modern standards are being used. In general, determination of required parking spaces based on the number of employees should be avoided wherever possible because such numbers can fluctuate and are difficult to determine prior to the development. We will work with the township staff to evaluate standards that might be too high or too low, and to add or remove uses as determined necessary.
- The list of parking standards will be coordinated with the list of permitted uses so that the lists will be consistent.
- The township maintains a basic list of uses, smaller than most other communities. We recommend including language that allows the zoning inspector to consult other sources (e.g., the Urban Land Institute or American Planning Association's documents on parking standards) for uses not listed.
- The township should consider adding a maximum amount of parking permitted to keep uses from creating too much parking. For example, many communities prohibit the provision of parking spaces in excess of 125% of the minimum required number of spaces unless there is an increase in landscape area, the excess parking is comprised of pervious pavement, or other improvements are

made, to offset this additional parking. We will work with the township staff to determine the appropriate incentive/deterrent to extensive parking lots.

- Joint use and off-site parking requirements are standard provisions in most communities. However, the township should also consider the option of permitting shadow parking, sometimes referred to as land-bank parking, and other provisions to allow alternative parking plans to be approved. Provisions will also be added to address mixed uses.
- The surfacing provisions of this chapter should be updated to allow modern pavement and design options including pervious pavement and depressed landscaping islands or rain gardens.
- The township should consider adopting bicycle parking requirements for larger parking uses.
- The township should consider allowing the staff to approve a reduction in required parking (i.e. up to 15% fewer spaces) if certain desirable development patterns are achieved, such as parking to the side or rear of the building, provision of public spaces, higher quality pedestrian access, and provision of bicycle facilities.
- No specific changes are recommended to the off-street loading requirements. We will review these standards and coordinate with the township staff to determine if any existing issues need to be addressed, and to confirm that the current requirements meet modern standards.

## ***Chapter 21: Signs***

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No major changes were identified for the sign regulations. In general, the sign chapter can be improved with better formatting and organization, and will become new *Chapter 9, Sign Standards*. One issue we identified is the content neutrality of the regulations. Much of the regulations appear to be content-neutral with the exception of references to real estate and political signs. Based on other work, it is our understanding that townships, and even cities, can regulate whether a sign is an on-premise sign or an off-premise sign and whether or not it has commercial text or non-commercial text (free speech related). We recommend facilitating a detailed discussion with the township's legal counsel regarding whether the regulations should be revised to address temporary signage, which would include political, real estate, and other similar signs, in a more content-neutral manner. We will review and update the regulations for the control of electronic changeable copy signs.

## ***Chapter 22: Fees and Permits***

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The current Chapter 22 includes provisions regarding the need for zoning permits prior to start of construction, and the expiration timing for permits. The terms "zoning permit" and "zoning certificate" are used interchangeably in the existing code. The code update will use the term zoning certificate. This chapter contains provisions for zoning certificates of occupancy in Hamilton Township. Reference is given to the establishment of fees by the board of trustees for zoning processes and certificates. These regulations will be moved to new *Chapter 3, Development Review Procedures*.

## ***Chapter 23: Enforcement***

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Current Chapter 23 is one sentence and states that the zoning inspector is to enforce the zoning code. The roles and responsibilities of the zoning inspector will be expanded in new *Chapter 2, Administrative Roles and Authority*. Enforcement provisions will be contained in new *Chapter 11, Enforcement and Penalties*.

## ***Chapter 24: Violations and Penalties***

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The provisions in current Chapter 24 will be carried forward and expanded in new *Chapter 11, Enforcement and Penalties*.

## ***Chapter 25: Flood Plain Regulations***

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No major changes are anticipated to the flood plain regulations contained in existing Chapter 25. The existing regulations will be carried forward into new *Chapter 6, General Development Standards*.

## ***Chapter 26: Board of Zoning Appeals***

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Chapter 26 contains procedural provisions for appeals, variances, conditional uses, nonconforming uses and other actions by the board of zoning appeals. The roles and responsibilities of the BZA will be moved to new *Chapter 2, Administrative Roles and Authority*. The procedural provisions will be moved to new *Chapter 3, Development Review Procedures*. The review criteria will be evaluated and updated to ensure compliance with modern standards. For example, the variance section does not include strong standards for the issuance of a variance. We recommend that the township incorporate the “Seven Duncan” factors as part of the review criteria for variances. These factors stem from the *Duncan v. Middlefield* court case and are commonly used by communities in Ohio to help guide decisions on variances.

## ***Chapter 27: Special Provisions***

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This chapter contains regulations related to a variety of topics, including private swimming pools, inoperable motor vehicles, parking of commercial vehicles, outside storage of certain materials, noxious weeds, antique shops, and telecommunications towers. Most of these regulations will be updated and moved to new *Chapter 4, Zoning Districts and Use Regulations*, as use-specific standards. We will coordinate with the township legal counsel to determine if changes are needed to the telecommunications tower regulations. This chapter also contains several definitions that will be relocated to new *Chapter 12, Definitions*.

## ***Chapter 28: Civil Proceedings and Constitutionality***

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This chapter addresses the constitutionality of the zoning code and civil proceedings that may be necessary to enforce the zoning code. These provisions will be moved to the new *Chapter 11, Enforcement and Penalties*. This also contains provisions related to the severability of each chapter, and will be moved to the new *Chapter 1, General Provisions*.

## ***Chapter 29: Amendments***

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This chapter addresses the procedure for zoning map and text amendments. Currently the chapter simply cross-references Section 519.12 of the ORC. We recommend incorporating this procedure into new *Chapter 3, Development Review Procedures*, but expanding the language to outline the review procedure, authority to initiate amendments, and appropriate review criteria that will include references to the land use plan.

### ***Chapter 30: When Effective***

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Chapter 30 establishes that the zoning code becomes effective after adoption and that previous zoning regulations are void and of no effect. These provisions will be moved to new *Chapter 1, General Provisions*.

### ***Chapter 31: Election***

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This chapter explains that the plan of zoning for the township was originally adopted by the township on May 2, 1972 pursuant to ORC 519. This reference will be included in new *Chapter 1, General Provisions*.

### ***Chapter 32: Landscaping Regulations***

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The landscaping and buffer standards are contained in Chapter 32. The primary issue with this chapter is that it is difficult to understand and interpret. In general, significant changes are not anticipated to the actual landscape and buffer requirements, unless specifically identified by township staff or during the detailed text update. It is recommended that the chapter be reformatted to be more user-friendly and easier to understand, with improvements to the graphics that are used to illustrate landscaping requirements. The regulations of Chapter 32 will be carried forward into the new *Chapter 8, Landscaping and Buffer Standards*, incorporating some of the following proposed revisions:

- The difference between single family residences and a residential subdivision should be clarified.
- The submittal requirements should be moved to the Common Review Requirements section of new *Chapter 3, Development Review Procedures*.
- Tree protection regulations will be reviewed and updated as needed.
- The planting requirements adjacent to a public right-of-way for commercial and industrial uses will be evaluated and updated.
- Procedures for appeals and variances to the landscape regulations will be relocated to new *Chapter 3, Development Review Procedures*.
- The township should create an option for an alternative landscape plan. This option would allow the zoning inspector to approve landscape plans that deviate from the landscaping requirements based on specific criteria and conditions, such as interference with public facilities, specific nature of the site, the size of the site, or adjustments related to upgrading a site that does not currently conform to the planting standards.
- We recommend maintaining plant lists outside of the code to allow for easier updates without requiring text amendments.

### ***Chapter 33: Regulations of Sexually Oriented Businesses***

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No specific issues or changes were identified for this chapter. We recommend moving the standards for sexually oriented businesses to new *Chapter 4, Zoning District and Use Regulations* and making them use-specific standards. We will work closely with the township's legal counsel to determine if revisions are needed for these standards.

### ***Chapter 34: RCO Road Corridor Overlay District***

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This chapter contains the procedures and regulations that apply to the RCO Overlay District. The chapter explains how an urban design plan for the overlay can be created and gives development standards for the overlay. We recommend moving this chapter to be part of new *Chapter 4, Zoning District and Use Regulations* and *Chapter 6, General Development Standards*. As described in Part A, the RCO Road Corridor Overlay District has not yet been applied to the township zoning map. We will work with the township staff and the zoning commission to evaluate whether changes or adjustments are needed to the RCO District.

### ***Chapter 35: Exterior Lighting Standards***

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This chapter sets forth the regulations controlling exterior lighting. These regulations will be reviewed and updated as needed to reflect modern standards. These standards will be moved to new *Chapter 6, General Development Standards*. The terms that are defined in the existing chapter will be updated and moved to new *Chapter 12, Definitions*. Graphics and illustrations will be added where appropriate to improve usability and understanding of the regulations.

# Part C: Annotated Outline of the Updated Hamilton Township Zoning Code

The following is an annotated outline of the updated Hamilton Township Zoning Code that reflects the reorganization and major substantive changes discussed in the preceding sections. For reference purposes only, the table below sets forth the proposed structure of chapters in the revised zoning code.

Proposed Zoning Code Chapters
Chapter 1: General Provisions
Chapter 2: Administrative Roles and Authority
Chapter 3: Development Review Procedures
Chapter 4: Zoning Districts and Use Regulations
Chapter 5: Planned Unit Development Regulations
Chapter 6: General Development Standards
Chapter 7: Parking, Loading and Mobility Standards
Chapter 8: Landscaping and Buffer Standards
Chapter 9: Sign Standards
Chapter 10: Nonconformities
Chapter 11: Enforcement and Penalties
Chapter 12: Definitions

General descriptions of each chapter are provided on the following pages, along with an outline of the major sections we anticipate being located within each chapter. Where necessary, we have provided comments related to specific sections.

## ***Chapter 1: General Provisions***

This chapter will include basic provisions including the purpose and intent of the zoning code, severability regulations, and transitional regulations. This chapter is not intended to include any development standards or substantive regulations but will specify that compliance with the code is required.

### **I.01: Purpose**

This section will identify the overall purpose of the zoning code as established by state law and the ORC, referencing or restating the purpose for township zoning from the ORC.

### **I.02: Title**

The code will be cited and referenced as the “Hamilton Township Zoning Code.” Reference will be made to the original version adopted in 1972 and as subsequently amended.

**I.03: Applicability**

This section will state that zoning authority is granted under ORC Section 519, and that the regulations shall be enforced according to state law.

**I.04: Jurisdiction**

This section will state that the regulations apply to all land, land development, use of structures and land within unincorporated Hamilton Township.

**I.05: Interpretation and Conflicts**

This section will state that the regulations of the code are the minimum requirements as permitted by the ORC. This section will indicate that when the zoning regulations are inconsistent with one another, the more restrictive shall govern, and that the zoning regulations shall apply if they are more restrictive than other laws, rules or regulations.

**I.06: Relationship with Private-Party Agreements**

This section will clarify that the zoning code is not intended to interfere with easements, covenants, or other agreements between private parties (unless the township is one of the parties involved), noting that the zoning code shall apply where more restrictive. It will also state that the township is not responsible for administering and enforcing any such third-party agreements unless otherwise established.

**I.07: Zoning Certificate Required**

This section will indicate that a zoning certificate is required for use or change to any structure, building, or land to signify compliance with the zoning code.

**I.08: Severability**

This section will clarify that if one part of the zoning code is determined to be invalid by court that such determination does not invalidate the entire code.

**I.09: Transitional Rules**

This section will clarify the status of properties with pending applications, recent approvals, or outstanding violations at the time the new code is adopted (see Part A of this document).

**I.10: Restoration of Unsafe Buildings**

This section will state that the code should not be construed as preventing compliance to strengthen or restore an unsafe building when such action is ordered by the Warren County Building Department.

**I.11: Repeal**

This section will indicate that the code can be repealed in accordance with ORC 519.12.

**I.12: Use of Graphics, Illustrations, Figures, and Cross-References**

This section will state that graphics, illustrations, and figures are for illustrative purposes only and are not regulations.

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***Chapter 2: Administrative Roles and Authority***

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This chapter will consolidate all of the existing sections that identify the roles and responsibilities of the zoning inspector, zoning commission, BZA, and township trustees as it relates to zoning decisions. We

will include a summary table that illustrates which person or board has the role of reviewing applications, making recommendations, and making decisions, as well as who hears appeals.

**2.01: Purpose**

This section will state the purpose to identify the roles and responsibilities of various elected and appointed boards, and the duties of the township staff in administration of the zoning code.

**2.02: Summary Table of Review Bodies**

This is a useful table that will identify the roles of the various bodies for each type of procedure. An example of this table (from another community) is provided in Part B of this report, page 8.

**2.03: Board of Township Trustees**

This section will identify the roles of the trustees, which primarily involves initiating, reviewing, and deciding zoning text and map amendments, and action on site plan review and PUDs.

**2.04: Zoning Commission**

This section will define the roles of the zoning commission in zoning text and map amendments, PUDs, and other tasks as assigned by the township and the ORC. This section will also explain how the zoning commission will be appointed and organized, describes the process for appointing alternate zoning commission members, and establishes that the zoning commission can adopt rules for its own governance. Methods for running meetings and quorum of the commission will be included in this section.

**2.05: Board of Zoning Appeals**

This section will define the roles of the BZA in hearing and deciding requests for variances, conditional uses, appeals of action by the zoning inspector, interpretations of the zoning text and map, and other tasks as assigned by the township and the ORC. This section also will explain how the BZA will be appointed and organized, describes the process for appointing alternate members, and establishes that the BZA can adopt rules for its own governance. Methods for running meetings and quorum of the BZA will be included in this section.

**2.06: Zoning Inspector**

This section will define the role of the zoning inspector, including enforcement and interpretation of the code, review and issuance of zoning certificates, keeping of records, and issuing citations for violations. This section also states that decisions of the zoning inspector may be appealed to the BZA.

## ***Chapter 3: Development Review Procedures***

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This chapter will summarize all of the review procedures in a step-by-step method. This chapter will include procedures for zoning certificates, text and map amendments, PUD review, site plan review, variances, appeals, and conditional uses. This chapter will also include a section that identifies common requirements such as fees, complete applications, notices, and similar common procedural requirements.

**3.01: Purpose**

The purpose of this chapter will identify the development review procedures used in the administration of the code.

**3.02: Agricultural Exemption**

This section will define exemptions for certain agricultural uses in accordance with the ORC. This section also will explain how agricultural activity is regulated in platted subdivisions.

**3.03: Exemptions for Public Utilities and Railroads**

Specific reference will be made to ORC 519.211 on this topic.

**3.04: Common Review Requirements**

The current structure of the code has the development review procedures in multiple locations. This section is intended to consolidate these items and to define such things as who is authorized to submit applications, application content requirements and fees, notice requirements, etc.

**3.05: Zoning Certificate**

The activities that require a zoning certificate will be described in this section. The review procedure for a zoning certificate – application, review, and decision – will be given, as well as the requirement that zoning certificates shall demonstrate compliance with the provisions of the zoning code, and how zoning certificates expire.

**3.06: Zoning Text and Map Amendments**

This section will explain the process of initiating a zoning text or map amendment, and the review procedures for evaluating such requests. These procedures are in accordance with the ORC, and include explanation of procedures for application, hearings, and notice. Included in this section will be review criteria, explanation of the effective date of an amendment if approved, and referendum procedures. As described in Part B of this report, more details will be given than the one sentence currently in existing Chapter 29.

**3.07: Appeals, Variances, and Conditional Uses**

This section will incorporate the updated standards and procedures for each of these types of reviews. While the review criteria for each of these procedures is different, the general public hearing process remains the same with the BZA having the final decision. As such, these three procedures are grouped together in a single section.

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***Chapter 4: Zoning Districts and Use Regulations***

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This chapter will identify what and how (by-right, with special standards, or conditionally) uses are permitted in each of the zoning districts. The chapter will also include all of the use-specific regulations that apply to certain permitted uses and conditional uses, where applicable. There will also be special sections that address accessory uses and structures (including home occupations), as well as temporary uses.

**4.01: Purpose**

The purpose statement for this chapter will be in this section of the code.

**4.02: General Provisions Related to Use Regulations**

This section will contain various regulations related to the number of principal structures permitted on a parcel and sale of alcoholic beverages. The section will also contain general property maintenance requirements, such as control of noxious weeds, junk, and inoperable vehicles.

**4.03: Establishment of Zoning Districts**

This section will identify that the township is divided into zoning districts and list the districts.

**4.04: Official Zoning Map**

This section will indicate that there is an official zoning map that is adopted as part of the zoning code, and that the official map shall be on file in the office of the zoning inspector. This section will also describe how the boundaries on the zoning map are interpreted.

**4.05: Zoning District Purpose Statements**

The purpose statement for each of the zones will be in this section.

**4.06: Permitted Use Table**

A consolidated table of principally permitted uses will be created. This should make for easier comparison of the types of uses permitted in each district, and clear understanding where each use is allowed (and not allowed). We have found this to be an effective way of improving the format of township zoning codes. A sample table is provided pages 12 to 13 of Part A of this report.

**4.07: Similar Use Determination**

Similar use provisions will be included in this section, to allow the zoning inspector to determine whether a specific use not listed in the table of uses is similar in character to other uses and is appropriate for the district. The zoning inspector may refer the determination to the zoning commission for examination of whether a text amendment is needed to appropriately define and list the use in question.

**4.08: Use-Specific Regulations**

This section will contain many of the current regulations in Chapter 27 Special Provisions, as well as other common requirements for uses.

**4.09: Accessory Use and Structure Regulations**

This section will contain the general provisions for regulating accessory uses, such as setbacks, location requirements, and height restrictions. A table will be created to identify the types of accessory uses that are permitted or conditionally permitted in each district.

**4.10: Temporary Use Regulations**

This section will identify what type, where and for how long temporary uses are permitted in each district.

***Chapter 5: Planned Unit Development Regulations***

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Due to the unique nature and structure of the PUD as compared to other zoning districts, a separate chapter – new *Chapter 5, Planned Unit Development Regulations* – is appropriate. The following is a

generalized outline of the sections within this chapter that may be subject to change based on further discussions related to the revised PUD district.

**5.01: Purpose**

The current purpose statement will be used as a starting point for this chapter. We will work with the township to determine if the purpose statement needs to be modified.

**5.02: Type of PUD Districts**

This section will explain the different types of PUDs – residential, business, and industrial.

**5.03: PUDs Approved Prior to the Effective Date of this Code**

This section will clarify that PUDs approved prior to adoption of the new code shall continue in accordance with the approved plans, but that modifications, amendments, and expansions shall be in accordance with the new chapter.

**5.04: Compliance with Plans**

This section will state that PUDs approved after the effective date of the code shall conform with the Hamilton Township Land Use Plan.

**5.05: Permitted Uses**

This section will identify the types of uses that are allowed within a PUD.

**5.06: Review Procedures for PUD Districts**

This section will describe the public review process for Stage 1 Sketch Plan/Zone Change, Stage 2 Preliminary Site Plan, and Stage 3 Final Site Plan.

**5.07: Open Space Standards**

This section will contain minimum open space requirements for PUDs, and will reference Section 6.04 Open Space Standards (see outline for Chapter 6).

**5.08: Development Standards**

This section will include any specific site design requirements, such as perimeter setbacks, minimum project area sizes, and other requirements.

## ***Chapter 6: General Development Standards***

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This chapter will include the site development standards for each of the districts, including lot area requirements, setbacks, and height restrictions. This chapter will consolidate some of the generally applicable development standards such as how dimensional standards are measured, and regulations for outdoor lighting, open space, and architectural review.

**6.01: Measurements, Computations, and Exceptions**

This section will also include regulations on how dimensions are measured and calculated (i.e., where setbacks and yards are measured from), how setbacks are determined on specific lot types (i.e., corner lots), and how building height is determined. Graphics will be used where appropriate to illustrate these provisions.

**6.02: Site Development Standards**

The dimensional standards of each zoning district are, in and of themselves, a type of development standard. This section will include tables identifying the various dimensional standards (e.g., setbacks, lot area, lot width requirements) for each district.

**6.03: Outdoor Lighting**

This section will carry forward the regulations from existing Chapter 35 and may include some additional lighting regulations and controls based on a more detailed analysis.

**6.04: Open Space Standards**

This section will identify requirements and standards for open spaces, explaining preferred areas for open space preservation (i.e., stream corridors), and the desire for establishing a balance between active and passive areas. Because open spaces are included in PUDs as well as other types of uses – e.g. conservation design and cluster developments – standards will be defined in this section instead being repeated in multiple sections.

**6.05: Architectural Design Standards**

Design standards for control of architecture of designated nonresidential uses will be in this section. It is anticipated that the standards will incorporate such elements as building and entrance orientation, transparency, roof styles, and façade offsets.

**6.06: Flood Plain Regulations**

The flood plain regulations from existing Chapter 25 will be moved to this section of the code.

**6.07: Traffic Safety Visibility Triangle**

The requirements for providing clear visibility at street and driveway intersections will be moved to this section of the code.

***Chapter 7: Parking, Loading and Mobility Standards***

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This chapter will address off-street parking and loading that will be, in part, carried forward from existing Chapter 20. Proposed modifications are described in Part B of this report.

**7.01: Purpose**

This section will indicate the purpose of these regulations to relieve congestion on streets by providing adequate off-street parking and loading, promote safety and convenience for access to property that requires parking, and provide proper screening of vehicular use areas.

**7.02: Applicability**

This section will explain how the provisions of this chapter will apply to new, expanded, and existing uses.

**7.03: General Standards Applicable to all Vehicular Use Areas**

This section will contain requirements that apply to all vehicular use areas, such as maintenance, striping, fire codes, drainage, and surfacing.

**7.04: Off-Street Parking Regulations**

The minimum parking requirements for each use will be in this section, and how required parking is to be calculated. We will also integrate provisions for maximum parking and additional requirements for design if the maximums are exceeded. Bicycle parking standards will be added to this section. This section will include updated standards that may be created to regulate parking placement (e.g., to the side or rear of buildings, limited amounts in front yards) and pervious pavement.

**7.05: Alternative Parking Options**

This section will include shared parking, shadow parking, and off-site parking regulations.

**7.06: Design Standards for Parking Areas**

This section will include the regulations on parking space sizes, striping, and other drive aisle dimensions. This section will also include updated standards that may be created to regulate parking placement (e.g., to the side or rear of buildings, limited amounts in front yards) and pervious pavement.

**7.07: Other Uses within Required Parking Areas**

This section clarifies that parking areas can only be used for parking.

**7.08: Mobility and Sidewalks**

This section will explain the requirements for construction of sidewalks and other pedestrian and non-vehicular connections between and within properties.

**7.09: Off-Street Loading Regulations**

This section will define the off-street loading requirements, defining location, access, and dimensional requirements for loading spaces.

**7.10: Parking of Recreational and Commercial Vehicles**

The regulations from Chapter 5 and Chapter 27 of the existing code will be moved to this section and updated as needed.

***Chapter 8: Landscaping and Buffer Standards***

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This chapter will address landscaping and buffer standards and will draw upon some of the requirements from existing Chapter 32, as well as best practices from other communities.

**8.01: Purpose**

The purpose of this chapter will be defined in this section, including the public's interest in providing buffering between non-compatible land uses; the benefit of landscaping in attracting residents, visitors and businesses; benefits to stormwater controls and energy conservation; impacts on property values; and the ability of landscaping to reduce noise, air and visual pollution.

**8.02: Applicability**

This section will explain when the provisions of this chapter will apply to a project, and the types of projects that are not subject to this chapter.

**8.03: Landscaping Materials and Standards**

This section will explain the person responsible for installation of required landscape material. This section will also explain the types of existing material that can be credited towards planting requirements. Other information included in this section will address the need for consent to plant within easements, the use of walls and fences in landscape areas, and plant species diversity requirements. Standards related to various types of plant material (i.e., deciduous, evergreen, ornamental and understory trees; shrubs; and grasses) and earth mounds will be in this section.

**8.04: Landscape Buffering Requirements**

The landscape buffer requirements between various types of land uses will be defined in this section. Landscaping requirements adjacent to buildings will be added.

**8.05: Perimeter Landscape Requirements**

The landscaping requirements along property perimeters will be defined in this section.

**8.06: Screening Requirements**

This section will define the screening requirements for such uses as large waste receptacles, loading and service areas, outdoor storage, and mechanical and utility equipment.

**8.07: Interior Landscaping Requirements for Vehicular Use Areas**

The interior landscaping requirements from Chapter 32 will be moved to this section, and will be supplemented based on modern practices. We will include changes to allow rain gardens and depressed landscape islands as discussed in Parts A and B of this report.

**8.08: Maintenance**

This section will indicate that all landscaping material shall be maintained, and that the owner of the property shall be responsible for maintenance. This section will state that unhealthy and dead required plant material shall be replaced.

## ***Chapter 9: Sign Standards***

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Chapter 9 will address updated signage regulations from existing Chapter 21. While we do not recommend significant substantive changes to the current dimensional standards (sign area and height) for signs, the updated regulations will focus on clarifying the types of signage allowed, location, and appearance. The updated regulations will also take into account the need for signs to be content-neutral. We will work closely with the township's legal counsel to ensure protection of first amendment free speech.

**9.01: Purpose**

This section will identify the purpose of the sign regulations, using the current purpose statement from existing Chapter 21, unless the need for changes are identified.

**9.02: Applicability**

This section will state that the sign regulations apply to all signs and all zoning districts, and that, unless specified, a zoning certificate is required for all signs.

**9.03: Compliance Required**

This section will state that it is unlawful to erect, place or maintain a sign that does not comply with this chapter, and that all signs shall be in accord with applicable electrical and building codes.

**9.04: Sign Computations**

The method used to calculate sign area and height will be in this section.

**9.05: Prohibited Signs**

Those signs that are prohibited in the township will be specified in this section.

**9.06: Signs Not Requiring a Certificate**

This section will explain the types of signs for which a zoning certificate is not required.

**9.07: General Sign Standards**

This section will contain regulations for landscaping at sign bases and removal of dangerous or damaged signs. Provisions for the control of electronic and manual changeable copy signs will be included in this section.

**9.08: Permanent Signs Permitted in Residential Zoning Districts**

Similar to existing Section 21.08 B., this section will identify the types of signs permitted in the residential districts.

**9.09: Permanent Signs Permitted in Nonresidential Zoning Districts**

This section will contain regulations for signs in nonresidential districts.

**9.10: Temporary Signs**

The regulation of temporary signs will be consolidated into this section.

**9.11: Off-Premise/Outdoor Advertising Signs**

This section will contain the regulations for off-premise/outdoor advertising signs. The current provisions will be reviewed with the township's legal counsel to determine if modifications or updates are needed.

**9.12: Nonconforming Signs**

This section will define how nonconforming signs will be regulated.

**9.13: Maintenance**

This section will state that all signs and sign structures shall be maintained in a safe manner and properly illuminated. This section will also state the conditions under which a sign must be removed due to damage, non-functionality, or abandonment.

## ***Chapter 10: Nonconformities***

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This chapter will incorporate language from existing Chapter 19 Nonconforming Uses. As discussed in Part B of this document, we recommend expanding this section to make a clear distinction between nonconforming uses, nonconforming structures, and nonconforming lots.

**10.01: Purpose**

This section will establish the purpose behind the creation of nonconformity regulations.

**10.02: General Provisions**

This section will include basic provisions allowing for the various nonconformities to continue and ordinary repair and maintenance. It will also define the status of a nonconformity if variances are granted to address the nonconformity.

**10.03: Nonconformities and Variances**

This section will define the status of a nonconformity if variances are granted to address the nonconformity.

**10.04: Nonconforming Uses**

This section will specifically address those uses that were legally established before the adopted code but that are no longer permitted under the new code. This section will also address issues related to damage to the structure where the use is located, changing from one nonconforming use to another use, and expansion of nonconforming uses.

**10.05: Nonconforming Structures**

This section will address nonconforming structures, which are structures where the use is permitted (e.g., a nonconforming single family home in a single family residential district), but the structure itself does not meet one of the dimensional or development standards of the new code. Many communities want to allow the expansion of such structures as long as the nonconformity is not increased. For example, allowing the expansion of the home into the rear yard if the nonconformity is that the structure does not meet the front yard setback.

**10.06: Nonconforming Lots**

This section will address nonconforming lots, which are vacant lots that do not meet the minimum lot width or lot area requirements of the applicable zoning district.

**10.07: Burden of Proof**

This section will explain that the applicant for any procedure that involves a nonconformity shall have the burden of proof in demonstrating the existence of a legal nonconformity.

## ***Chapter 11: Enforcement and Penalties***

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This chapter will include the provisions for enforcement of the code including violations, penalties, and remedies.

**11.01: Enforcing Officer**

This section will explain that the zoning inspector has the duty and authority to enforce the zoning code, and may be assisted by other township personnel.

**11.02: Remedies**

This section will state that violations may be issued by the township for actions that do not comply with the zoning code.

**11.03: Notice of Violation**

This section will explain the process for issuing notices of violation by the zoning inspector.

**11.04: Penalties**

This section will state that fines may be charged for each zoning violation or failure to obey any lawful order of the zoning inspector.

**11.05: Affected Parties**

This section will state that the owner or tenant of a building, structure or premises, and other responsible parties who commit, assist or maintain a violation may be guilty of offenses and suffer penalty.

**11.06: Other Action**

This section will state that other lawful actions necessary to prevent or remedy violations of the zoning code may be taken by the township.

***Chapter 12: Definitions***

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The final chapter will be the revised and updated chapter that consolidates all of the definitions from the entire zoning code and incorporates any general rules of construction or interpretation that apply to the code.

**12.01: Rules of Construction and Interpretation**

This section will cover the basic methods for interpretation such as any singular word shall also mean the plural and that reference to the zoning inspector shall also mean their designee.

**12.02: Definitions**

This section will list the defined terms and definitions in alphabetical order.

## Appendix A: Writing Style Guide

The purpose of this appendix is to identify the writing style we propose to use in the zoning code text. We have incorporated this guide into this document to allow the township to provide feedback on basic rules of writing and grammar style. Having an agreed upon writing style helps ensure consistency throughout the document and minimizes large-scale formatting changes at the end of the writing process. Generally, we will follow rules established in The Chicago Manual of Style unless otherwise directed by the township. The following highlights some of the rules that we will follow and that we would like to have agreement on before proceeding with drafting the new zoning code.

### Capitalization

Per The Chicago Manual of Style, we will not capitalize words such as “zoning commission,” “township,” or “board of trustees,” unless preceded or followed by a proper noun (e.g., “the Hamilton Township Zoning Commission” as compared to “the zoning commission”).

When referencing the code itself or generally identifying “this chapter,” or “this section,” we will not capitalize the words “code,” “chapter,” or “division.”

We will not capitalize the names of processes or permits.

### Numbers

To minimize the potential for inconsistencies, we will only write out or use a number once (see next bullet). We will not write out the number and then place the number in parentheses (e.g., eleven (11), twelve (12)).

We will write out all single-digit numbers (e.g., zero, one, two, three, etc.) and use numerals for all other numbers (e.g., 10, 11, 12, etc.).

### Lists

When using vertical lists of related statements, we will use commas to separate the listed items with a period on the last item. If the listed items are independent of one another, we will use the appropriate punctuation for each item.