

CHAPTER 5

GENERAL PROVISIONS

- 5.01 Except as hereinafter provided:
- 5.02 No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the regulations established by this Code for the zone in which the building or land is located.
- 5.03 In any residence zone placing a house trailer, travel trailer or boat trailer, shall be prohibited, except:
1. That one trailer and one boat on a trailer may either be parked on the property or stored in a garage or other accessory building or rear yard, provided that no occupancy for human habitation be maintained or business conducted therein while such trailer is so parked or stored;
 2. As provided in Section 5.12, 5.121, 5.122 or 5.123;
 3. Not more than one (1) trailer may be placed, parked or stored upon any lot, parcel or other tract of land whether such trailer is authorized by Subsection (1) or (2) above.
- 5.04 In any residence zone, the wheels of any similar transporting devices of any trailer shall not be removed. No trailer shall be connected to the ground or any structure except as provided in Section 5.12.
- 5.05 The minimum yards and other open space requirements and the density of population provisions contained in this Code for each and every building existing on the effective date of this Code, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or density of population requirements for any other buildings.
- 5.06 Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main residential building on a lot, except as specifically provided herein after. A plat of survey by a registered surveyor or registered engineer, showing stakes on lot corners and at building setback shall accompany a request for permission to erect or add to any structure.
- 5.061 Other Requirements and Provisions for Permitting:
- The following, as applicable and unless otherwise specified elsewhere in this Zoning Code or approved differently upon appropriate application made to and acted upon by the Hamilton Township Trustees or the Hamilton Township Board of Zoning Appeals, as applicable are requirements which must be satisfied in order for a permitted use of any zone to be issued a zoning permit.
1. No use shall be permitted without written certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public central sewer system or, in the absence thereof, by a private on-site sewage disposal or containment system approved by the Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District, as applicable.

2. No use shall be permitted without certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public or private central water supply system, or in the absence thereof, by a private on-site water supply well or other means approved by the Ohio Environmental Protection Agency (OEPA) and/or the Warren County Combined Health District, as applicable.
3. No use shall be permitted without written certification from the Hamilton Township Fire Department and/or other appropriate applicable authority of jurisdiction that the use shall comply with all applicable fire code requirements and not exceed emergency service capability of the applicable department.
4. In business and industrial zones (B-1, B-2, M-1 and M-2) with or without a PUD overlay), all new construction and major alterations of existing structures are required to incorporate the following fire/emergency service related equipment prior to occupancy:
 - a. A Knox Rapid Entry system which provides emergency personnel immediate interior structure access eliminating the need for forced entry damage.
 - b. A Fire Department Connection (FDC) located at the water meter pit incorporating a five (5) inch Stortz fitting and a fire hydrant located within twenty-five (25) feet of the water meter pit.

5.07 Outdoor advertising shall be classified as a business use and shall be permitted in all zones for industry, business, or lands actively used for agriculture.

5.08 Agriculture

- A. Except as otherwise provided in “division (B)” of this section, this zoning resolution, has no power on the township zoning commission, the board of trustees, or the board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture and no zoning certificate shall be required for any such building or structure.
- B. In any platted subdivision approved under section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under section 711.131 of the Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes of the land on which such buildings or structures are located are subject to the regulations set forth below:
 1. On lots of one (1) acre or less: Buildings and structures incidental to the use of land for agricultural purposes shall be at least eighty-five (85) feet from every property line, except that houses for not over two (2) adult dogs or cats or combination thereof may be kept anywhere on the premises.
 - a. The keeping of swine and poultry is prohibited.
 - b. Houses for more than two (2) adult dogs or cats or combination thereof are prohibited.

- c. Dairying and animal or poultry husbandry is prohibited.
- d. Stables, public or private and beasts for hire are prohibited.

2. On lots greater than one acre but not greater than five acres:

- a. Buildings and structures incident to the use of land for agricultural purposes shall be at least eighty-five (85) feet from every property line, except that houses for not over two (2) adult dogs or cats or combination thereof may be kept anywhere on the premises.
- b. Dairying, animal or poultry husbandry is prohibited when at least thirty-five (35) percent of the lots in the subdivision are developed with at least one building, structure or improvement that is subject to the real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the Revised Code. After thirty-five (35) percent of the lots are so developed, dairying, animal or poultry husbandry shall be considered non-conforming use of land and buildings or structures pursuant to Section 519.19 of the Revised Code.

3. This section confers no power on the township zoning commission, board of township trustees or board of zoning appeals to regulate agriculture, buildings or structures and dairying, animal or poultry husbandry on lots greater than five acres.

5.09 No plat for any subdivision of ground (see Section 3.48) in portions of Hamilton Township covered by this Code, shall be accepted or recorded until approved by the Warren County Regional Planning Commission.

5.10 In every zone, any structure erected or structure altered or any permitted use, shall be located on a lot or tract having frontage required by this Code, on a dedicated, improved street or road.

5.11 The required side and rear yard for accessory buildings shall be a minimum of five (5) feet unless otherwise provided in the regulations of the zone in which the building is located.

5.12 Temporary housing during construction.

A. In every zone a permit shall be issued for a mobile home on the lot on which a building is being erected provided:

- 1. A building permit shall have been issued for construction of a residence on the same lot or tract of ground, and that actual construction has commenced before the mobile home is placed on the property.
- 2. The mobile home shall be located behind the residence site.
- 3. Before occupying the mobile home it shall be connected to the sewage disposal system required for the residence under construction.
- 4. The electrical service for the mobile home shall meet the requirements of the Revised Building Code of Warren County, Ohio.
- 5. The mobile home shall be securely anchored by deadmen or screw type anchors.

- 6. A safe and substantial set of entrance steps of steel, wood or concrete shall be installed.
- 7. A deposit of \$250.00 is made with the Hamilton Township Trustees.
- B. The mobile home may be occupied for a period of six (6) months and an additional six (6) months period if the Warren County Building Inspector and the Hamilton Township Zoning Inspector are satisfied that work is progressing and additional time is required for completion of the residence. Occupancy of the mobile home will not be permitted for longer than one (1) year.
- C. The mobile home must be vacated and its sewer and electrical connection removed within thirty (30) days after the residence is approved for occupancy or at the end of one (1) year, whichever occurs first.
- D. After the above requirement (C) has been met, the mobile home shall either be removed from the premises, or parked on the premises in accordance with Section 5.03.
- E. After removal or proper parking of the mobile home in accordance with C and D of this section, the \$250.00 deposit will be returned. Otherwise, the deposit may be used by the Hamilton Township Trustees to defray cost of removing the mobile home.

5.12.A

Temporary Storage During Construction. In every residential zone, one (1) trailer which is used for temporary storage of tools and materials used for construction is permitted on the lot on which the building is being constructed provided:

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

- 5.12.B Temporary Construction Office. In every residential zone, one (1) trailer used as a temporary construction office within a subdivision which is being developed is permitted provided:
- A. The subdivision shall be at least five (5) acres.
 - B. A Zoning Certificate has been issued for the placement of the trailer within the subdivision.
 - C. The trailer is incidental to and located within the subdivision that is subject to development. In no case shall the trailer be located in the public-right-of-way or in proposed or completed roadways.
 - D. The placement of the trailer shall conform to all setback requirements for the zone in which it is located.
 - E. Only one such trailer shall be permitted for each phase of development of the subdivision.
 - F. The trailer shall have a parking area with a minimum of one (1) parking space and one additional parking space for each employee within the trailer.
 - G. The parking area will be surfaced with gravel and the entrance/exit to the parking area shall be paved. This requirement may be waived by the Hamilton Township Zoning Inspector for good cause shown.
 - H. All doors and entries to the trailer shall be secured and lighted as required by the Hamilton Township Zoning Inspector.
 - I. Sales activity shall not be conducted at or within the trailer but only such activities as may be related to the development of the subdivision shall be permitted.
 - J. A sketch plan is submitted to the Hamilton Township Zoning Inspector showing the dimensions of the lot or other land within the subdivision upon which the trailer is located and showing compliance with Items 4, 6, 7 and 8 above.
 - K. The trailer shall be removed when seventy-five (75) percent of the lots within the phase of development have been developed.
 - L. A deposit is made with Hamilton Township in an amount set forth upon the Hamilton Township fee schedule. The deposit shall be returned when the trailer is permanently removed. Should the trailer not be removed within the period set forth in Item K. above, then Hamilton Township may apply the deposit to defray the cost of removing the trailer.
- 5.12.C Temporary Sales Office in a Residential Zone. In a residential zone, one (1) trailer which is used as a temporary sales office is permitted provided:
- A. The subdivision shall consist of at least five (5) acres.
 - B. A Zoning Certificate has been issued for the placement of the trailer within the subdivision.
 - C. The trailer is incidental to and located within the subdivision subject to development. In no case shall the trailer be located in the public-right-of-way, or in proposed or completed roadways.
 - D. The trailer may not be placed within the subdivision until an application for construction of a model home within the subdivision has been issued.

- E. Placement of the trailer shall conform to all the set back requirements for the zone, which it is located.
- F. Only one such trailer shall be permitted in a subdivision.
- G. The trailer shall have a parking area with a minimum of four (4) parking spaces and one (1) additional parking space for each employee who works within the trailer.
- H. The entrance to the parking area shall be from an interior street within the subdivision.
- I. The parking area will be surfaced with gravel and the entrance/exit to the parking area shall be paved. This requirement may be waived by the Hamilton Township Zoning Inspector for good cause shown.
- J. All doors and entries to the trailer shall be secured and lighted as required by the Hamilton Township Zoning Inspector.
- K. Only one (1) wall sign which is attached to the trailer shall be permitted. The sign shall indicate only the name of the builder/developer and that the trailer is being used as a sales office. The sign shall not exceed 32 square feet in size.
- L. A sketch plan is submitted to the Hamilton Township Zoning Inspector setting forth the dimensions of the lot or other land within the subdivision upon which the trailer is placed and in compliance with Items 5, 7, 8, 9 and 10 above.
- M. The trailer shall be removed within a period of one (1) year after issuance of the Zoning Certificate referred to in Item 2 above or when the model home within the subdivision is offered for sale, whichever is later.
- N. A deposit is made with Hamilton Township in an amount set forth upon the Hamilton Township fee schedule. The deposit shall be returned when the trailer is permanently removed. Should the trailer not be removed within the period set forth in Item 13 above, then Hamilton Township may apply the deposit to defray the cost of removing the trailer.

5.13 In any zone where permitted uses involve the storage of inflammable or hazardous materials must conform to the Ohio State Fire Code and the requirements of the Ohio Environmental Protection Agency.

5.14 Site Plan Review:

A. Site Plan Requirements:

- 1. No person shall commence any use or construct or alter any structure without first obtaining approval of a site plan except as provided for in Sec. 5.14 (F) Exemptions from Site Plan Requirements.
- 2. A site plan for development shall be approved prior to the issuance of zoning, building or occupancy permits.
- 3. No use shall be carried on, no structure shall be constructed or altered, and no other improvement or construction undertaken except as shown on an approved site plan.
- 4. This section shall apply to all zones which specifically require an approved site plan, except where a Planned Unit Development is required or undertaken in accordance with Chapter 18 of the Zoning Code.

B. Site Plan Submission:

1. Prior to the submission of a site plan any owner, builder or developer shall first consult with the Zoning Inspector.
2. All site plans shall be submitted to the Hamilton Township Zoning Inspector.
3. The submission of a site plan shall occur at least fifteen (15) working days prior to the meeting where approval is sought. The site plan may be reviewed at an earlier meeting. The site plan shall be complete and be accompanied by a completed application form, all required fees and data.
4. Eleven (11) identical copies of the site plan shall be submitted. Additional copies may be requested by the Zoning Inspector.
5. All site plans shall be drawn at a scale of not more than fifty (50) feet to the inch.
6. Site plans shall be on one or more sheets which are clearly and legibly drawn.
7. A filing fee shall be established by the Hamilton Township Trustees. This fee shall be paid upon the submission of a site plan.

C. Site Plan Contents:

1. Every site plan application shall be signed by the owner(s) of the land to which the site plan applies; if a corporation, by a duly authorized officer of the corporation; or by an authorized agent on behalf of the owner(s) or corporate officer.
2. Every site plan shall include the following:
 - (a) The names, addresses and telephone numbers and email addresses of the owner, developer and designers.
 - (b) Location of the property by Military Survey Number or by Section, Town, Range, Township, County and State.
 - (c) A vicinity map showing the boundary lines of the property including bearings and dimensions and the surrounding roadway system.
 - (d) The scale of the site plan, a north point and a date and a title.
 - (e) The zoning classification of the property included in the site plan and all adjoining properties.
 - (g) The names of all subdivisions and property owners and the location of all property lines

within two hundred (200) feet of the property included in the site plan.

- (h) Locations, widths and names of all existing streets, railroad rights-of-way, easements, permanent buildings, and corporation, township and county lines within two-hundred (200) feet of the property included in the site plan.
- (i) Existing grades, drainage systems and structures with topographic contours at intervals not exceeding two (2) feet for 6% to 18% slopes within fifty (50) feet of the site.
- (j) Proposed grades, drainage systems and structures with topographic contours at intervals not exceeding two (2) feet for 6% to 18% slopes within fifty (50) feet of the site.
- (k) Natural features such as wooded lots, streams, lakes, ponds, marshes, wetlands and an indication as to whether they are to be retained, removed or altered.
- (l) The types of soils found on the site.
- (m) All flood prone areas using the Federal Emergency Management Agency (FEMA) one-hundred (100) and five-hundred (500) year flood plain as a standard.
- (n) The existing and proposed uses of the property and all structures thereon.
- (o) The shape, size, location, height and floor area of all proposed structures on the property with their final ground floor elevations and an indication as to whether a structure is to be retained, removed or altered.
- (p) Front, side and rear elevations of all proposed or altered structures.
- (q) The location and associated dimensions of all proposed streets, driveways, parking areas and sidewalks with directional indications for one-way streets and driveways.
- (r) The location and size of all existing and proposed public and private utilities such as sewer, water, cable, gas and electric facilities with an indication as to whether they will be retained, removed or altered.
- (s) The locations, dimensions and other relevant data

for all proposed landscaping, fences, walls or similar structures.

- (t) The location, dimensions, lighting and description of all signs.
- (u) The location, intensity (in footcandles) and orientation of all exterior lighting including cut sheets.
- (v) A plan which illustrates the manner in which surface drainage will be accommodated. This plan shall include any temporary erosion and sediment control measures to be employed during on-site construction. All drainage areas influencing or influenced by the site shall be identified.
- (w) A general time schedule which indicates the anticipated starting and completion dates for construction. If the development is to be staged, indication shall be made as to how the staging is to proceed.
- (x) Any additional information that may be deemed necessary for proper and complete review when a proposed development presents difficult or unusual problems.
- (y) A Traffic Impact Study (TIS) shall be required for all uses creating more than ten (10) vehicular traffic trips during the peak traffic hour. Additional information including a sight distance analysis may be required by Hamilton Township or Warren County Engineer's Office as warranted.

D. Modification of Requirements.

1. The Zoning Inspector may modify or eliminate any or all of the requirements of Sec. 5.14 (C.2) if the information is deemed not necessary for the property site plan review.
2. Any requirement of Sec. 5.14 (C.2) as altered shall be noted in the staff report prepared by the Zoning Inspector.

E. Site Plan Review:

1. The Hamilton Township Trustees shall act as the Review Board and all eligible site plans shall be reviewed and approved by the Review Board or their designee(s).
2. Review comments concerning any site plan may be solicited from local, state and federal agencies including but not limited to the Warren County Engineer, Hamilton Township Zoning Inspector, Ohio Department of Transportation, Ohio Department of Natural

Resources, the Water and Soil Conservation Service, the Warren County Regional Planning Commission, Warren county Sanitary Engineer, Warren County Health Department or other applicable agency.

3. All site plans shall be reviewed for their impact upon the health, safety, morals and general welfare of both the general public and the occupants of nearby properties. Among the factors to be considered include:
 - (a) The adequacy and arrangement of vehicular and pedestrian circulation facilities and traffic impacts.
 - (b) The adequacy, location and arrangement of parking and loading facilities.
 - (c) The location, arrangement, size and placement of all buildings, lighting facilities and signs.
 - (d) The arrangement of landscaping, fences and walls.
 - (e) The adequacy and design of storm water drainage facilities, addressing both stormwater quantity and quality.
 - (f) The treatment of environmentally sensitive areas such as woodlands, steep slopes (those greater than twenty percent (20%), areas with highly erodible soils and aquifer recharge areas.
 - (g) Any other factors necessary for a complete review by the Review Board.
4. The Site Plan Review Board may grant approval of a site plan subject to conditions which it shall specify. Upon the satisfaction of said conditions as determined by the Zoning Inspector, approval shall be complete.
5. Upon approval of a site plan, the Zoning Inspector shall endorse two (2) copies, one (1) to be retained by the Hamilton Township Zoning Inspector, and one (1) to be returned to the applicant.
6. Minor modifications (as defined by the Zoning Inspector) to an approved site plan may be approved by the Zoning Inspector. All other modifications shall be approved by the Review Board. A change in the building, where a site plan has been previously approved may, at the discretion of the Zoning Inspector, be considered a minor modification.
7. An approved site plan shall expire within eighteen (18) months after the date of its approval unless substantial construction of the project has started. Otherwise, an approved site plan shall run with the land.

8. An approved site plan shall run with the land and shall not expire due to change in land ownership.
9. All appeals to the determination of the Review Board shall be made within 30 days to the Hamilton Township Board of Zoning Appeals.

F. Exemptions from Site Plan Requirements:

1. The lawful construction, removal or alteration of a single family or two (2) family dwelling and any associated structures shall be exempt from the site plan requirements of Sec. 5.14.
2. Any lawful use, construction, removal or alteration on land used for agricultural purposes shall be exempt from the site plan requirements of Sec. 5.14.
3. Any alteration to a building, when confined to the interior of the structure, shall be exempt from the site plan requirements of Sec. 5.14. However, when a building changes its use, the applicant shall still demonstrate compliance with Chapter 20 "Parking and Loading Regulations".
4. The painting of any structure shall not require the preparation or approval of a site plan.
5. Any change to a more intense use or alteration of any structure upon less than twenty-five percent (25%) of its exterior surface area, and less than twenty-five (25%) of its building area (square footage) as measured against the exact condition of an existing structure as of the effective date of this section, shall be exempt from the site plan requirements of Sec. 5.14.

5.15 This Zoning Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Zoning Code and another regulation, easement, covenant, or deed restriction conflict or overlap, whichever imposes the most stringent restriction shall prevail.

