

The Board of Trustees of Hamilton Township, County of Warren, Ohio, met at a regular session at 6:00 p.m. on February 5, 2025, with the following Trustees present:

Joseph P. Rozzi – Trustee, *Chair*  
Darryl Cordrey – Trustee, *Vice Chair*  
Mark Sousa – Trustee

Mr. Rozzi introduced the following resolution and moved its adoption:

**HAMILTON TOWNSHIP, WARREN COUNTY, OHIO  
RESOLUTION NUMBER 25-0205A**

**RESOLUTION INITIATING CERTAIN TEXT AMENDMENTS  
TO THE OFFICIAL ZONING CODE  
OF HAMILTON TOWNSHIP, WARREN COUNTY, OHIO**

**WHEREAS**, the Hamilton Township Board of Trustees are empowered by Ohio Revised Code 519.12, and Sections 2.3.1 and 3.7.1 of the Hamilton Township Zoning Code (the “HTZC”), to initiate amendments to the HTZC text;

**WHEREAS**, the Board of Trustees has determined, in consultation with Township Zoning staff, that it is necessary and desirable to amend certain provisions of the HTZC;

**WHEREAS**, Township zoning staff have prepared a number of proposed HTZC text amendments, attached as Exhibit A to this Resolution, which the Board of Trustees finds are in the interests of the public health, safety, and general welfare; and

**WHEREAS**, the Board of Trustees hereby initiates certain amendments to the HTZC text pursuant to this Resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Hamilton Township, Warren County, State of Ohio, that:

**Section 1.** The Board of Trustees hereby initiates certain text amendments to the HTZC; which amendments shall include those set forth in the attached Exhibit A and any other amendments the Township Zoning Administrator and Zoning Commission may find are in the public interest during the HTZC amendment process.

**Section 2.** Within five days of the certification of this Resolution, the Township Zoning Administrator is hereby instructed to transmit a copy of the Resolution to the Warren County Regional Planning Commission for

review of the proposed text amendments and recommendation as to whether they should be modified and/or adopted by the Township.

**Section 3.** The Township Zoning Administrator is further instructed to certify a copy of this Resolution to Zoning Commission so that the Commission may set a date for a public hearing regarding the proposed text amendments. At the conclusion of such hearing, Zoning Commission shall issue to the Board of Trustees a recommendation as to whether the text amendments should be approved, approved with modifications, or denied.

**Section 4.** It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 5.** This Resolution shall be effective from the earliest date permitted by law.

Mr. Cordrey seconded the Resolution and the following being called upon the question of its adoption, the vote resulted as follows:

Joseph P. Rozzi –	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Mark Sousa –	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>
Darryl Cordrey –	Aye	<input checked="" type="checkbox"/>	Nay	<input type="checkbox"/>

Resolution adopted this 5th day of February, 2025.

Attest:

Leah Elliott  
Leah M. Elliott, *Fiscal Officer*

Approved as to form:

Benjamin J. Yoder  
Benjamin J. Yoder, *Law Director*

I, Leah M. Elliott, Fiscal Officer of Hamilton Township, Warren County, Ohio, hereby certify that this is a true and accurate copy of a Resolution duly adopted by the Board of Trustees of Hamilton Township, County of Warren, Ohio, at its regularly scheduled meeting on February 5, 2025.

Date: 2/5/25

Leah Elliott  
Leah M. Elliott, *Fiscal Officer*



## Text Amendments

### *Hamilton Township Zoning Code: Chapter 6 related to rear yard setbacks*

<b>Owner:</b>	Hamilton Township
<b>Applicant:</b>	Hamilton Township Trustees
<b>Spokesperson:</b>	Cathy Walton, Planning & Zoning Director
<b>Location:</b>	7780 S. State Route 48, Maineville, OH 45039
<b>Zoning:</b>	<i>Hamilton Township Zoning Code Chapter 6</i>
<b>Request:</b>	Initiate the Process for Text Amendments to <i>HTZC Table. 6.1 Site Development Standards for Residential Zoning Districts</i>
<b>History:</b>	Since the Hamilton Township Trustees did not officially initiate these text amendments, Zoning Commission is the appropriate entity to initiate the text amendment process per HTZC 3.7.1. Amendment Initiation. The next step in the process will be to receive any feedback from the Warren County Regional Planning Commission and then the Zoning Commission, at its next meeting, will review and provide a recommendation to the Township Trustees.

Many of the new residential developments have smaller lots and homes are built that just meet the required setbacks. When this is the case, the homeowner is not permitted to add a deck to the rear of the house without a variance from the Board of Zoning Appeals. In 2023 there were nine variance requests for decks in a rear yard setback made to the Board of Zoning Appeals. All were approved.

A search of several local Township jurisdictions shows that many allow for decks to encroach the rear yard setback from eight to sixteen feet. The nine variance requests heard by the Hamilton Township BZA averaged an encroachment of 9.67'. For this reason, an encroachment allowance of 10' is being proposed.

**Project Summary:** Hamilton Township Trustees seek approval for these text amendments to Chapter 6 of the *Hamilton Township Zoning Code*.

**RPC Recommendation –**

**Staff Recommendation –APPROVAL of the Text Amendments subject to the following conditions:**

- 1. Compliance with the Warren County Regional Planning Commission conditions**

### M. Porch or Deck

- (1) Porches or decks that are enclosed (with screening or other materials), have a roof, or that are physically attached to the principal structure shall meet the setback requirements for principal buildings in the applicable zoning district. See [Section 6.2 Site Development Standards](#).
- (2) Unenclosed porches and decks may encroach into required rear yard setbacks ~~in accordance with Section 6.2 Site Development Standards~~ by no more than ten feet.
- (3) Porches or decks that are under 18 inches in height do not require a zoning certificate.

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Text Amendments

***Hamilton Township Zoning Code: Chapter 6 and Chapter 12 related to street frontage***

- Owner:** Hamilton Township
- Applicant:** Hamilton Township Trustees
- Spokesperson:** Cathy Walton, Planning & Zoning Director
- Location:** 7780 S. State Route 48, Maineville, OH 45039
- Zoning:** *Hamilton Township Zoning Code Chapter 6*
- Request:** Initiate the Process for Text Amendments to *HTZC 6.1.5 Street Frontage and 12.2 Definitions*
- History:** If the Hamilton Township Trustees vote to initiate these text amendments, the next step in the process will be to receive any feedback from the Warren County Regional Planning Commission and then the Zoning Commission, at its next meeting, will review and provide a recommendation to the Township Trustees.
- Currently, all references to street frontage in the HTZC lists frontage as the property line along a right of way. However, the Warren County Regional Planning Commission Subdivision Regulations (which govern Hamilton Township) allow for private driveways, that do not have right of way, to serve no more than five single family detached dwellings.
- In order to standardize the regulations, a text amendment is necessary to update the HTZC.
- Project Summary:** Hamilton Township Trustees seek approval for these text amendments to Chapter 6 and Chapter 12 of the *Hamilton Township Zoning Code*.

**RPC Recommendation –**

**Staff Recommendation –APPROVAL of the Text Amendments subject to the following conditions:**

- 1. Compliance with the Warren County Regional Planning Commission conditions**





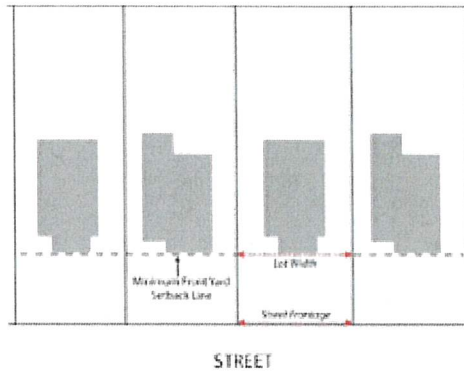


Figure 6-7: Measurement Location of Lot Width and Street Frontage

### 6.1.5. Street Frontage

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

#### FRONTAGE, STREET

The length of the property line of any one premises along a public right-of-way or access easement on which it borders. See [Figure 12-1](#) and [Figure 12-2](#).

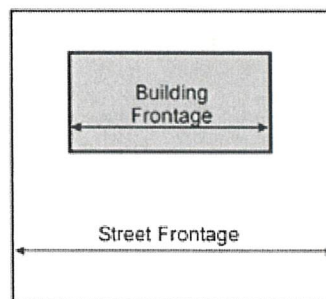


Figure 12-1: An illustration of street frontage and building frontage.



## Text Amendments

### *Hamilton Township Zoning Code: Chapter 5 modifications*

**Owner:** Hamilton Township

**Applicant:** Hamilton Township Trustees

**Spokesperson:** Cathy Walton, Planning & Zoning Director

**Location:** 7780 S. State Route 48, Maineville, OH 45039

**Zoning:** *Hamilton Township Zoning Code*

**Request:** Initiate the Process for Text Amendments to *the Hamilton Township Zoning Code*

**History:** If the Hamilton Township Trustees vote to initiate these text amendments, the next step in the process will be to receive any feedback from the Warren County Regional Planning Commission and then the Zoning Commission, at its next meeting, will review and provide a recommendation to the Township Trustees.

Section 5.5.8 regulates the process for PUD modification requests and grants the Board of Township Trustees the authority to determine whether the request is a major or minor modification. This section also gives specific criteria as to what constitutes a major or minor modification.

Because the code is specific about the criteria, there is not a need for Trustee review. Any modification that is considered major under the review criteria, will be referred to the Township Zoning Commission for review. Any request deemed minor under the review criteria, and meets all zoning requirements, will be reviewed by staff.

Because the criteria is specific and the code gives staff the authority to submit any review requests to the Zoning Commission, the recommendation is to remove the requirement for the Township Trustees to make the determination if a request is considered major or minor.

**Project Summary:** Hamilton Township Trustees seek approval for these text amendments to Chapter 5 of the *Hamilton Township Zoning Code*.

**RPC Recommendation –**

**Staff Recommendation –APPROVAL of the Text Amendments subject to the following conditions:**

- 1. Compliance with the Warren County Regional Planning Commission conditions**



### 5.5.8. Modifications

- A. Major modifications to an approved PUD sketch plan shall be processed in accordance with the procedures in [Section 5.5.4 Stage 1 – PUD Sketch Plan and Zone Map Amendment](#).
- B. Modifications to an approved PUD preliminary site plan or PUD final site plan shall be considered in accordance with this section.
- C. A request for a modification shall be submitted to the zoning inspector.
- ~~D. The board of trustees shall have the authority to determine if the proposed modification is a major modification or minor modification in accordance with this section. Such decision may be appealed to the BZA.~~

#### E. Major Modifications

- (1) Major modifications to an approved PUD preliminary site plan or PUD final site plan shall include but not be limited to:
  - (a) An increase in residential density;
  - (b) An expansion in nonresidential floor area that exceeds 10 percent of the total floor area that was previously approved;
  - (c) Changes to the PUD boundaries;
  - (d) Changes in the amount (percentage of the total development) or location of different land uses; or
  - (e) Changes to internal street patterns that alter the intersection points with existing streets.
- (2) Major modifications shall be reviewed in accordance with the entire procedure set forth in [Section 5.5.5 Stage 2 – PUD Preliminary Site Plan](#).

#### F. Minor Modifications

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



## Text Amendments

### *Hamilton Township Zoning Code: Chapter 3 related site plan review*

<b>Owner:</b>	Hamilton Township
<b>Applicant:</b>	Hamilton Township Trustees
<b>Spokesperson:</b>	Cathy Walton, Planning & Zoning Director
<b>Location:</b>	7780 S. State Route 48, Maineville, OH 45039
<b>Zoning:</b>	<i>Hamilton Township Zoning Code</i>
<b>Request:</b>	Initiate the Process for Text Amendments to <i>the Hamilton Township Zoning Code</i>
<b>History:</b>	If the Hamilton Township Trustees vote to initiate these text amendments, the next step in the process will be to receive any feedback from the Warren County Regional Planning Commission and then the Zoning Commission, at its next meeting, will review and provide a recommendation to the Township Trustees.

Section 3.6.2 regulates the Site Plan Review Procedure. It states that the Board of Township Trustees shall act as the review board and all eligible site plan applications shall be reviewed and approved by the review board, or their designee. The regulations also prohibit the review board from granting any variances, waiving, or altering requirements of the zoning code.

Because the Board is prohibited from issuing variances, waivers, or alterations, all requests are heard by either the Board of Zoning Appeals or the Zoning Commission and decided prior to the Site Plan Review Procedure.

For these reasons, the recommendation is to remove the Site Plan Review Procedure from the Zoning Code. All requests that meet the zoning requirements will be approved at a staff level, all requests for a relief from code requirements will be heard before the appropriate body and a final decision made.

Both the Board of Zoning Appeals and the Zoning Commission have an appeals process for all decisions rendered.

**Project Summary:** Hamilton Township Trustees seek approval for these text amendments to Chapter 3 of the *Hamilton Township Zoning Code*.

**RPC Recommendation –**

**Staff Recommendation –APPROVAL of the Text Amendments subject to the following conditions:**

- 1. Compliance with the Warren County Regional Planning Commission conditions**





### **3.6.2. Site Plan Review Procedure**

#### **A. Preapplication Meeting**

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

#### **Step 1 – Application**

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

- ~~(1) Site plan review application and applicable forms available from the township offices or township web site;~~
- ~~(2) All such forms, maps, and information as may be prescribed for that purpose by the Hamilton Township Planning and Zoning Department to assure the fullest practicable presentation of the facts for the permanent record; and~~
- ~~(3) All required fees as established in the Hamilton Township fee schedule.~~
- ~~(4) The zoning inspector may modify or eliminate any or all of the submission requirements if the information is deemed by the zoning inspector not necessary for site plan review for the property. Any such alteration of requirements shall be noted in the staff report prepared by the zoning inspector.~~

#### **Step 2 – Review by the Review Board**

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



### **Step 3—Decision**

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

### **3.6.3. Review Criteria**

- A. ~~All applications for a site plan review shall demonstrate conformity with the provisions of this zoning code. The review board does not have the authority to grant variances or to waive or alter requirements of the zoning code, except that the review board may grant up to a 15 percent reduction in the number of required off-street parking spaces in accordance with Section 7.4.2 Required Number of Parking Spaces if a parking demand study is presented supporting the reduction in parking, and the review board determines that the reduction will not result in negative impacts on surrounding uses or neighborhood.~~
- B. ~~Review comments on a site plan application may be solicited from local, state, and federal agencies, including but not limited to the Warren County Engineer's Office, Ohio Department of Transportation, Ohio Department of Natural Resources, Warren County Water and Soil Conservation District, Warren County Regional Planning Commission, Warren County Water and Sewer Department, Warren County Combined Health District, and other applicable agencies.~~
- C. ~~Where applications for site plan review indicate that the development and/or use proposed therein, or the manner in which they are proposed to be conducted, do not meet the standards and requirements of this code and could not practically and reasonably be made to do so by the attachment of reasonable conditions and safeguards, such applications shall be denied.~~
- D. ~~No person shall commence any use, construct or alter any structure, or make other improvement that requires approval of this section without first obtaining site plan approval.~~
- E. ~~No zoning certificate shall be issued in cases where site plan review is required unless a site plan has been approved by the review board and the applicant has supplied revised plans illustrating the approved conditions.~~

### **Amendments or Modifications**

- A. ~~Insignificant changes from an approved site plan are permissible and the zoning inspector may grant changes, provided such change has no discernible impact on neighboring properties or the general~~

public. Amendments or modifications to an approved zoning certificate may require the payment of a fee as established in the Hamilton Township fee schedule.

- B. All other requests for changes will be processed as a new application, which require the resubmittal of a new fee.
- C. An applicant or property owner requesting changes shall submit a written request to the zoning inspector, itemizing the proposed changes.

### **Expiration**

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

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## Text Amendments

### *Hamilton Township Zoning Code: Chapter 1 General Provisions*

- Owner:** Hamilton Township
- Applicant:** Hamilton Township Trustees
- Spokesperson:** Cathy Walton, Planning & Zoning Director
- Location:** 7780 S. State Route 48, Maineville, OH 45039
- Zoning:** *Hamilton Township Zoning Code*
- Request:** Initiate the Process for Text Amendments to *the Hamilton Township Zoning Code*
- History:** If the Hamilton Township Trustees vote to initiate these text amendments, the next step in the process will be to receive any feedback from the Warren County Regional Planning Commission and then the Zoning Commission, at its next meeting, will review and provide a recommendation to the Township Trustees.
- Section 519 of the Ohio Revised Code grants Townships in Ohio the ability to adopt local zoning regulations through a Zoning Resolution. Currently, the Township regulations are titled as a Code, rather than a Resolution.
- The request is to remove all references to a Zoning Code and replace them with Zoning Resolution.
- Project Summary:** Hamilton Township Trustees seek approval for these text amendments to Chapter 3 of the *Hamilton Township Zoning Code*.

**RPC Recommendation –**

**Staff Recommendation –APPROVAL of the Text Amendments subject to the following conditions:**

- 1. Compliance with the Warren County Regional Planning Commission conditions**