

CHAPTER I. GENERAL PROVISIONS

I.1. TITLE

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

I.2. PURPOSE

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

- I.2.1.** To promote public health, safety, morals, comfort, prosperity and general welfare;
- I.2.2.** To conserve and protect property and values;
- I.2.3.** To secure the most appropriate use of land;
- I.2.4.** To allow freedom of speech and expression in accordance with the laws of the state and the nation;
- I.2.5.** To facilitate adequate and economical provisions for public improvement; and
- I.2.6.** To provide a method of administration and prescribing penalties for the violations hereafter described.

I.3. APPLICABILITY

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

I.4. JURISDICTION

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

I.5. ZONING OF ANNEXED LAND

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

I.6. INTERPRETATION AND CONFLICTS

- I.6.1.** For purposes of interpretation and application, the provisions of this zoning code shall be held to be the minimum requirements required to promote the purpose of this zoning code.
- I.6.2.** When provisions of this zoning code are inconsistent with one another or with the provisions found in another adopted zoning code, the more restrictive provisions shall govern.
- I.6.3.** Where this zoning code imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations, or resolutions, the provisions of this zoning code shall control provided it complies with the ORC.

I.7. RELATIONSHIP WITH PRIVATE-PARTY AGREEMENTS

- I.7.1.** This zoning code is not intended to interfere with or abrogate any third party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this zoning code proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third party private agreements, the provisions of this zoning code shall govern.
- I.7.2.** In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

I.8. ZONING CERTIFICATE REQUIRED

- I.8.1.** Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used or changed in use, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in compliance with the regulations herein specified for the applicable zoning district.
- I.8.2.** No land, building, structure, or premises shall be occupied or change occupancy, and no building or part thereof, or other structure, hereafter located, erected, moved, reconstructed, extended, enlarged or altered shall be occupied or used in part or any work be started until a zoning compliance inspection is conducted by the zoning inspector stating that the building, structure, premises or use is in compliance with the provisions of the zoning code.
- I.8.3.** Any building or structure to be located, erected, moved, reconstructed, extended, enlarged or altered shall have frontage as required by this code on a dedicated, improved street or road.
- I.8.4.** A zoning certificate shall not be issued for construction, use, or change in occupancy on land within any subdivision until such subdivision has been approved by the Warren County Regional Planning Commission, or other county agency with approval authority, and recorded with the appropriate county authority.
- I.8.5.** Unless specifically exempted, it shall be unlawful for a property owner to use or to permit the use of any structure, building, or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning certificate is issued by the zoning inspector in accordance with [Section 3.5 Zoning Certificate](#).
- I.8.6.** Uses, lots, buildings, and structures that do not comply with this zoning code will be subject to the provisions of [CHAPTER 10 Nonconformities](#).

I.9. BURDEN OF PROOF

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

I.10. SEVERABILITY

- I.10.1.** If any court of competent jurisdiction invalidates any provision of this zoning code, then such judgment shall not affect the validity and continued enforcement of any other provision of this zoning code.

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

1.11. TRANSITIONAL RULES

1.11.1. Effective Date

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

1.11.2. Violations Continue

Any violation that existed at the time this amendment became effective shall continue to be a violation under this zoning code and is subject to penalties and enforcement under [CHAPTER 11 Enforcement and Penalties](#), unless the use, development, construction, or other activity complies with the provisions of this zoning code.

1.11.3. Nonconformities Continue

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

1.11.4. Approved Projects

- A.** Any building, structure, or development for which a zoning certificate was issued prior to the effective date of this zoning code may, at the applicant's option, be completed in conformance with the issued certificate and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this zoning code. If such building, structure, or development does not comply fully with this zoning code at the time of completion, it shall be considered a legal nonconformity upon the issuance of a certificate of occupancy from the Warren County Building Department or final zoning compliance inspection by Hamilton Township.

- B.** If the building, structure, or development is not completed within the time allowed under the original zoning certificate or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this zoning code.
- C.** Any application for a project where the zoning certificate has expired shall meet the standards in effect at the time the application is resubmitted.

I.11.5. Vested Rights

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

I.12. RESTORATION OF UNSAFE BUILDINGS

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

I.13. REPEAL

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

I.14. USE OF GRAPHICS, ILLUSTRATIONS, FIGURES, AND CROSS-REFERENCES

- I.14.1.** Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- I.14.2.** In some instances, cross-references between chapters, sections, and subsections are provided that include the chapter, section, or subsection number along with the name of the referenced chapter, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.