

CHAPTER 4. ZONING DISTRICTS AND USE REGULATIONS

4.1. PURPOSE

The purpose of this chapter is to establish zoning districts in order to:

- 4.1.1. Realize the general purpose set forth in [CHAPTER I General Provisions](#) of this zoning code;
- 4.1.2. Classify, regulate and restrict the location of industries, residences, recreation, trades, and other land uses and the location of building designated for specified uses;
- 4.1.3. Regulate the height, number of stories, and size of buildings and other structures hereafter erected or altered;
- 4.1.4. Regulate and limit the percentages of lot areas which may be occupied;
- 4.1.5. Establish building setback lines, sizes of yards, and other open spaces within and surrounding such buildings; and
- 4.1.6. Regulate the density of population within Hamilton Township to the fullest extent allowed by law.

4.2. GENERAL PROVISIONS RELATED TO USE REGULATIONS

4.2.1. Limitation on Principal Structures

In any residential district or on any lot used for residential purposes, unless otherwise provided, no more than one principal structure may be constructed per lot, except that more than one building may be constructed for educational institutions and religious places of worship permitted in residential districts.

4.2.2. Sale of Alcoholic Beverages

Nothing contained in this zoning code shall confer any power or prohibit the sale or use of alcoholic beverages in the areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

4.2.3. General Property Maintenance Requirements

A. Applicability

- (1) The standards of this section shall apply to buildings, structures, and lots in Hamilton Township.
- (2) Violation of these standards shall be considered a violation of this zoning code, punishable in accordance with [CHAPTER II Enforcement and Penalties](#).

B. Yards

- (1) All yards and lots shall be kept free of overgrown grasses, debris, junk, junk vehicles, and other materials that may cause a fire, health, or safety hazard, or general unsightliness.

- (2) No owner or person in control of a parcel, dwelling, business, building or premises shall allow grass, weeds, noxious weeds, brush or similar vegetation to remain on the premises at such a height and density as to constitute harborage, actual or potential, for rodents or vermin within 100 feet of any abutting property line or 100 feet from any right-of-way.
 - (a) For the purpose of this section, a height of 12 inches constitutes a potential hazard.
 - (b) The foregoing shall not apply to a premises or part thereof on which such growth may be reasonably demonstrated to be for agricultural, horticultural, or natural prairie or wooded areas.
- (3) All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plant material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.
- (4) Certain vegetative areas shall be exempt from this provision including, but not limited to, properly maintained and active bioswales, detention basins, and rain gardens.

C. Hazards

Hazards and unsanitary conditions shall be eliminated. The storage of inflammable or hazardous materials must conform to the Ohio State Fire Code and the requirements of the OEPA.

D. Inoperable or Unlicensed Vehicles

- (1) No junk, inoperable, unlicensed, or unregistered vehicle shall be located on any property, except when stored within a completely enclosed building or when such storage is permitted as a principal use in the applicable zoning district.
- (2) Except as permitted elsewhere in this code, no person shall use any property in any district for the purpose of parking, keeping, or storing any inoperable motor vehicle. As used in this section, parking, keeping, or storing of any inoperable motor vehicles means and includes storing, maintaining, collecting, depositing, reserving, allowing to stand, or permitting to remain, one or more inoperable motor vehicles at any place other than in a fully enclosed garage.

E. Outside Storage of Material in Residential District

No person shall store, collect, leave, deposit, maintain, reserve, put aside for future use, permit, allow in a yard area, in any district, the following, except in a completely enclosed building or structure or neatly stored against the house in the side or rear yard of the property:

- (1) Lumber or other building materials except those related to a project for which a current building permit has been issued and for firewood for the personal use of the resident;
- (2) Automotive parts, including tires;
- (3) Materials used in the construction trade;
- (4) Household appliances;
- (5) Furniture capable of harboring rodents; or
- (6) Junk, salvage or miscellaneous debris.

4.3. ESTABLISHMENT OF ZONING DISTRICTS

For the purposes stated above, the unincorporated territory of Hamilton Township is hereby divided into the zoning districts established in [Table 4-1: Zoning Districts](#). The regulations are uniform for each class or kind of building or structure or use throughout each district, except in the Planned Unit Development District.

TABLE 4-1: ZONING DISTRICTS

DISTRICT DESIGNATION	DISTRICT NAME
BASE ZONING DISTRICTS	
R-1	Rural Residence District
R-2	One and Two Family Residence District
R-3	Multi-Family Residence District
R-4	Urban Residence District
B-1	Neighborhood Business District
B-2	General Business District
M-1	Light Industry District
M-2	Heavy Industry District
M-H	Manufactured Home Park District
T-C	Travel Trailer Camp District
ZONING OVERLAY DISTRICTS	
PUD	See CHAPTER 5 Planned Unit Development Regulations

4.4. OFFICIAL ZONING MAP

4.4.1. The boundaries of the zoning districts are shown upon the official zoning map of the unincorporated areas of the township, which map and all notations thereon are incorporated herein and are made a part of this zoning code. The zoning map and all notations, references, and other matters shown thereon constitute a part of this zoning code and have the same force and effect as if fully described or illustrated herein. The official zoning map shall remain on file with the Hamilton Township Planning and Zoning Department.

4.4.2. Zoning District Boundary Interpretation

Where uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules apply:

- A.** Where the districts designated on the zoning map are bounded approximately by street or alley pavement edges or right-of-way lines, such lines shall be construed to be the boundary of the districts.
- B.** Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where the districts on the zoning map are bounded approximately by lot lines, such lines shall be construed to be the boundary of districts unless the boundaries are otherwise indicated on the zoning map.
- C.** In unsubdivided property, the district boundary lines on the zoning map shall be determined by dimensions or the use of the scale appearing on the zoning map.

- D.** The zoning inspector shall make the determination with respect to measuring district boundary lines. The decision of the zoning inspector may be appealed to the BZA.

4.4.3. Street Vacation

Whenever any street or public way is vacated in the manner authorized by law, and where no zoning exists for the vacated right-of-way, the board of township trustees, zoning commission, or property owner shall initiate a zoning map amendment (See [Section 3.7 Zoning Text and Map Amendments](#)) to establish a zoning district(s) for the vacated public way.

4.5. ZONING DISTRICT PURPOSE STATEMENTS

The following are the statements of purpose for each of the zoning districts established in this zoning code.

4.5.1. R-1 Rural Residence District

It is the purpose of the R-1 Rural Residence District to establish and maintain an area that allows residential development densities based on the urban service area boundary, with low density residential development outside the urban service area boundary, protecting rural character, natural areas and agriculture, and increased residential densities inside the urban service area.

4.5.2. R-2 One and Two Family Residence District

It is the purpose of the R-2 One and Two Family Residence District to establish and maintain an area within the urban service area for higher density single family detached dwellings and two family dwellings.

4.5.3. R-3 Multi-Family Residence District

It is the purpose of the R-3 Multi-Family Residence District to establish and maintain an area within the urban service area for multi-family residential development, as well as two family, single family attached and detached dwellings.

4.5.4. R-4 Urban Residence District

It is the purpose of the R-4 Urban Residence District to establish and maintain an area for single family attached and detached dwellings within the urban service area.

4.5.5. B-1 Neighborhood Business District

It is the purpose of the B-1 Neighborhood Business District to accommodate land areas for convenience goods and personal service establishments located in close proximity to the residential areas which they are intended to serve.

4.5.6. B-2 General Business District

It is the purpose of the B-2 General Business District to provide for the wide variety of needs for both convenience goods and the more common and often recurring shopping trips for goods, and personal and household services. The location and nature of commercial activity is intended to serve the greater community and/or region.

4.5.7. M-1 Light Industry District

It is the purpose of the M-1 Light Industry District to accommodate and encourage the development of light industry uses which are generally operate within enclosed structures and which are primarily clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke, glare or vibration.

4.5.8. M-2 Heavy Industry District

It is the purpose of the M-2 Heavy Industry District to provide for an area that allows development of more intensive industrial uses than those allowed within the M-1 District.

4.5.9. M-H Manufactured Home Park District

It is the purpose of the M-H Manufactured Home Park District to provide areas for mobile and non-permanently sited manufactured home parks.

4.5.10. T-C Travel Trailer Camp District

It is the purpose of the T-C Travel Trailer Camp District to provide areas for non-permanent overnight parking of travel trailers and specified recreational vehicles and camping.

4.5.11. PUD Planned Unit Development District

The PUD Planned Unit Development District is developed under the provisions of ORC Section 519.021 (Planned Unit Development Regulations) to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and design of development while also promoting the public health, safety, and morals. The PUD provisions are intended to provide permissive, voluntary, and alternative zoning procedures for well planned developments in harmony with the public health, safety, morals and general welfare in any zoning district provided for otherwise in this zoning code. These regulations are designed to provide flexibility to use sites efficiently, to encourage sustainable design, and to create innovative projects with many amenities. It is expected that PUD projects will demonstrate design excellence that cannot be achieved by the base zoning district. See [CHAPTER 5 Planned Unit Development Regulations](#)

4.6. PERMITTED USE TABLE

4.6.1. Principally Permitted Use Table

[Table 4-2: Permitted Use Table](#) sets forth the principally permitted uses within the zoning districts. The abbreviations used in the table are described as follows. Permitted uses within Planned Unit Development districts are identified in [CHAPTER 5 Planned Unit Development Regulations](#).

A. Permitted Use (P)

- (1) A “P” in a cell indicates that a use category is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations.
- (2) Uses permitted with conditions under this category are approved administratively by the zoning inspector pursuant to the zoning certificate review procedure or during site plan review, if applicable.

B. Permitted Use with Use-Specific Standards (PS)

- (1) A “PS” in a cell indicates that a use category is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with use-specific standards are subject to all other applicable regulations of this zoning code.
- (2) Uses permitted with use-specific standards under this category are approved administratively by the zoning inspector pursuant to the zoning certificate review procedure or during site plan review, if applicable.

C. Conditional Use (C)

A “C” in a cell indicates that a use category is allowed only if reviewed and approved as a conditional use by the BZA in accordance with [Section 3.8 Appeals, Variances, and Conditional Uses](#). Conditional uses are subject to all other applicable regulations of this zoning code including the use-specific standards referenced in the “Use-Specific Standards” column.

D. Prohibited Uses (Blank Cells)

A blank cell indicates that a use is prohibited in the respective zoning district. Additionally, any use that is not listed is considered prohibited unless the zoning inspector makes a determination that the use is similar to an existing use in accordance with [Section 4.7 Similar Use Determination](#).

E. Numerical References (Last Column)

The numbers contained in the “Additional Requirements” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Additional Requirements” column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

TABLE 4-2: PERMITTED USE TABLE

USE P = Permitted Use PS=Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS										ADDITIONAL REQUIREMENTS	
	R-1	R-2	R-3	R-4	M-H	T-C	B-1	B-2	M-1	M-2		
AGRICULTURAL USES												
Agriculture – Raising of Crops	P	P	P	P	P	P	P	P	P	P	P	
Agriculture – Raising of Livestock	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See 4.8.1
RESIDENTIAL USES												
Adult Family Home or Small Residential Facility	P	P	P	P								
Adult Group Home or Large Residential Facility			P									
Cluster Development, Single Family	PS											See 4.8.2.A
Conservation Design, Single Family	PS											See 4.8.2.B
Dwelling, Attached Single Family			P	PS								See 4.8.2.C
Dwelling, Multi-Family			P									See 4.8.2.D
Dwelling, Single Family	P	P	P	P								
Dwelling, Two Family		P	P									
Institutional Housing	PS	PS	PS	PS								See 4.8.2.E

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USE P = Permitted Use PS=Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS										ADDITIONAL REQUIREMENTS	
	R-1	R-2	R-3	R-4	M-H	T-C	B-1	B-2	M-1	M-2		
Non-Permanently Sited Manufactured Home Park					PS							See 4.8.2.F
Permanently Sited Manufactured Home	PS	PS	PS	PS								See 4.8.2.G
BUSINESS USES												
Animal Hospital or Veterinary Clinic						PS		PS	PS	PS		See 4.8.3.A
Automotive Fuel Sales							P	P	P	P		
Automotive Repair								PS	PS	PS		See 4.8.3.B
Automotive Sales or Rental								PS	PS	PS		See 4.8.3.C
Automotive Service							PS	PS	PS	PS		See 4.8.3.B
Automotive Washing Facility								P	P	P		
Bakery								P	P	P		
Bar or Tavern							PS	PS	PS	PS		See 4.8.3.D
Bed and Breakfast	C	C	C									See 4.8.3.E
Billiard Parlor								PS	PS	PS		See 4.8.3.D
Building Material Sales								P	P	P		
Building Trades								P	P	P		
Club, Lodge or Other Social Meeting Place	C	C	C	C				P	P	P	P	See 4.8.3.F
Commercial Greenhouse								P	P	P		
Conference Center, Assembly Hall, or Banquet Facility								P	P	P		
Day Care Center							P	P	P	P		See 4.8.3.G
Dry Cleaner							P	P	P	P		
Equipment Rental								C	P	P		
Family Day Care Home, Type-A	C	C	C	C	C							
Family Day Care Home, Type-B	P	P	P	P	P							
Financial Institution							P	P	P	P		
Funeral Home							P	P	P	P		
Garden or Landscape Supply Store								P	P	P		
Hotel or Motel								P	P	P		
Indoor Recreation or Entertainment Facility								P	P	P		
Internet Café							P	P	P	P		
Internet Sweepstakes Establishment										PS		
Kennel									P	P		See 4.8.3.H
Laundry or Laundromat							P	P	P	P		
Lumber Yard								P	P	P		
Medical and Dental Center or Outpatient Clinic							P	P	P	P		
Office							P	P	P	P		
Outdoor Commercial Recreation or Entertainment Facility								PS	PS	PS		See 4.8.3.I
Paint Shop								P	P	P		

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USE P = Permitted Use PS=Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS										ADDITIONAL REQUIREMENTS
	R-1	R-2	R-3	R-4	M-H	T-C	B-1	B-2	M-1	M-2	
Printing Shop								P	P	P	
Race Track or Course										P	
Restaurant							PS	PS	PS	PS	See 4.8.3.J
Retail and Service Commercial Use							P	P	P	P	
Self-Storage Facility or Mini-Warehouse								C			See 4.8.3.K
Sexually Oriented Business										PS	See 4.8.3.L
Sheet Metal Shop								P	P	P	
Stable, Public						C		C			
Tattoo/Piercing Parlor or Studio								P	P	P	
Travel Trailer Camp						PS					See 4.8.3.M
Travel Trailer Overnight Port						PS					See 4.8.3.N
Truck, Trailer, or Farm Implement Sales and Service								P	P	P	
Wholesale Business								P	P	P	
INDUSTRIAL AND WAREHOUSE USES											
Concrete Mixing									P	P	
Contractor Offices and Storage									P	PS	See 4.8.4.A
Crematory									PS	PS	See 4.8.4.B
Gravel or Sand Extraction									P	P	
Heavy Manufacturing										P	
Junkyard										PS	See 4.8.4.C
Light Manufacturing									P	P	
Office-Warehouse								C	P	P	
Research and Development Facility or Laboratory								C	P	P	
Sawmill									P	P	
Truck Terminal									P	P	
Warehousing, Distribution or Storage Facility								P	P	P	
PUBLIC AND INSTITUTIONAL USES											
Active Park or Recreation Facility	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See 4.8.5.A
Cemetery	PS	PS	PS	PS			PS	PS	PS	PS	See 4.8.5.B
Community Garden	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See 4.8.5.C
Cultural Institution	C	C	C	C			P	P	P	P	
Educational Institution	PS	PS	PS	PS			PS	PS	PS	PS	See 4.8.5.D
Hospital	PS	PS	PS	PS			P	P	P	P	See 4.8.5.E
Passive Park, Recreation Facility, or Open Space	P	P	P	P	P	P	P	P	P	P	
Public and Government Building or Use	PS	PS	PS	PS	P	P	P	P	P	P	See 4.8.5.F
Religious Place of Worship	PS	PS	PS	PS	PS	PS	P	P	P	P	See 4.8.5.G
Telecommunication Tower	C	C	C	C	C	P	P	P	P	P	See 4.8.5.H

4.7. SIMILAR USE DETERMINATION

- 4.7.1.** Where there is a proposed use that is not currently listed in the permitted use tables of this zoning code, the zoning inspector may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.
- 4.7.2.** The zoning inspector should consider the nature, operation, and function of the use in its determination of an appropriate district.
- 4.7.3.** The zoning inspector may find that the use is not compatible with any existing zoning district and not permit the use under the current zoning code or, as an alternative, the zoning inspector may make a recommendation to the zoning commission that a new district and/or new provisions be adopted, through the zoning text and map amendment procedure, pursuant to [Section 3.7 Zoning Text and Map Amendments](#).

4.8. USE-SPECIFIC REGULATIONS

The following section contains additional standards that shall be met by an applicant for uses that are permitted either with use-specific standards or as conditional uses. In addition to meeting the following standards, all applicants for conditional uses shall be required to comply with any and all other applicable provisions of this zoning code.

4.8.1. Agricultural Uses

A. Agriculture – Raising of Livestock

- (1) The raising of livestock shall be prohibited on lots of less than one acre in lot area – see [Section 3.2 Agricultural Exemption](#) – with the exception of the accessory keeping of chickens as regulated in [Section 4.9.5.J Keeping of Chickens](#).
- (2) Lots that are larger than one acre in area shall be subject to the provisions of [Section 3.2 Agricultural Exemption](#).

4.8.2. Residential Uses

A. Cluster Development

(1) Purpose

- (a) Cluster developments are permitted in designated residential districts within the urban service area in order to preserve rural landscape character, natural resource areas, farmland, and other large areas of open land, while permitting residential development at low, rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings.
- (b) Cluster development option is intended for building sites within the urban service area as specified in the Hamilton Township Land Use Plan and that are connected to a central sanitary sewage system.
- (c) Cluster developments are subject to site plan review in accordance with [Section 3.6 Site Plan Review](#).

(2) Specific Objectives

The specific objectives of cluster developments are as follows:

- (a) To maintain and protect the township's rural character by preserving important landscape elements, including those areas containing unique and environmentally sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, prairies, ridge tops, steep slopes, critical species habitat, and natural areas by setting them aside from development. Such areas contained in primary environmental corridors, such as the Little Miami River, are of particular significance for conservation;
 - (b) To preserve scenic views and to minimize views of new development from existing streets;
 - (c) To provide for the unified and planned development of parcels 10 acres or larger for clustered, single family, low density residential uses, incorporating large areas of permanently protected common open space;
 - (d) To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard zoning regulations in order to minimize the disturbance of rural landscape elements, scenic quality and overall aesthetic value of the landscape;
 - (e) To increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements and the amount of paving required for residential development where possible;
 - (f) To create groups of dwellings with direct visual and physical access to common open space;
 - (g) To permit active and passive recreational use of common open space by residents of a cluster development or the public;
 - (h) To reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes;
 - (i) To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses; and
 - (j) To permit various means for owning common open space and for protecting it from development in perpetuity.
- (3) Minimum Project Area**
- The gross area of a tract of land proposed for development according to the cluster development option shall be a minimum of 10 acres, but shall not include area within any existing public street rights-of-way.
- (4) Use**
- (a) Single family detached dwellings are the only principal uses permitted in a cluster development.
 - (b) Uses accessory to single family detached dwellings are also permitted.
- (5) Maximum Density and Required Open Space**
- (a) Land must be within the urban service area as specified by the Hamilton Township Land Use Plan in order to be developed using the cluster development option.

- (b) The maximum density and open space shall be in accordance with [Table 4-3: Maximum Density and Open Space](#) below:

TABLE 4-3: MAXIMUM DENSITY AND OPEN SPACE

DWELLING UNITS PER ACRE	REQUIRED OPEN SPACE
More than 2.2 to 2.3	42%
More than 2.1 to 2.2	38%
More than 2.0 to 2.1	34%
2.0 and under	30%

(6) Other Development Standards

- (a) Each lot shall have an average width at the building line of 65 feet or more, with a minimum lot width of 50 feet. The average width shall be calculated by adding together the building line for all residential lots within the development and then dividing by the total number of residential lots.
- (b) All lots shall have a minimum of 25 feet of frontage along a dedicated public right-of-way and have a minimum lot area of 7,000 square feet.
- (c) All front yards shall have an average minimum depth of 40 feet, with a minimum front yard depth of 35 feet. The average front yard depth shall be calculated by adding together the front yard depth for all residential lots within the development and then dividing by the total number of residential lots.
- (d) The minimum side yard setback shall be seven feet, and the combined total of both side yards shall be a minimum of 14 feet. All lots with more than one front yard shall have minimum side yard setbacks of seven feet with no rear yard setback requirement.
- (e) There shall be a minimum rear yard setback of 30 feet. Lots with rear yards adjacent to common open space interior to the cluster development and not adjacent to the perimeter of the subdivision may reduce the rear yard setback to 20 feet.
- (f) The maximum height limitation shall be 35 feet.
- (g) Any dwelling shall have a minimum area of 1,200 square feet of living space measured in accordance with [Section 6.1.6 Minimum Dwelling Size](#).

(7) Regulations for Required Open Space

Required open space shall comply with the following:

(a) Active Open Space

- (i) Active open space shall be designed with the goal to encourage active recreational use for the residents of the development. Active open space may include, but may not be limited to, the following uses:

- (A) Pedestrian walkways;

- (B) Mowed parkland;

- (C) Picnic groves;

- (D) Maintained ball fields;
 - (E) Maintained open areas;
 - (F) Horse trails;
 - (G) Swimming pools;
 - (H) Clubhouses;
 - (I) Tennis courts;
 - (J) Golf courses; or
 - (K) Fishing and boating.
- (ii) Active open space amenities shall be constructed and completed before 75 percent of the dwellings within the cluster development have been issued an occupancy certificate by the Warren County Building Department or other applicable authority.
- (b) Passive open space shall be designed with the goal to preserve the significant natural environmental features of the site, features primarily of undisturbed or unimproved character.
- (c) No more than 20 percent of the open space may consist of the following:
- (i) Isolated or fragmented pieces of land that are less than 10,000 square feet in area or less than 15 feet in width (excluding maintained pocket parks);
 - (ii) Perimeter or interior buffers required under [CHAPTER 8 Landscaping Regulations](#);
 - (iii) Land that is unusable or presents maintenance difficulties including, but not limited to, steep slopes over 40 percent grade, wetlands (as defined by the State of Ohio or the federal government), retention/detention ponds primarily used for stormwater management, areas within the 100-year flood plain, and other areas deemed unusable by the board of township trustees.
- (d) Off-street parking areas or sidewalks required by the Warren County Subdivision Regulations or land within public rights-of way may not be included in any open space calculation(s).
- (8) Pedestrian Circulation System**
- (a) The cluster development shall have a pedestrian circulation system and shall be designed to ensure that pedestrians can safely and easily walk throughout the development.
 - (b) The pedestrian system shall provide connections between properties and activities or special features within the common open space system and need not always be located along streets.
 - (c) Alternative pedestrian walkways in lieu of required sidewalks shall require approval by the board of township trustees.

(9) Open Space Ownership

- (a) Open space shall be prohibited from further subdivision or development by conservation easement or other agreement in a form acceptable to the Hamilton Township law director and duly recorded in the office of the Warren County Recorder.
- (b) Open space in a cluster development shall be located on dedicated common parcels owned by an association, the township, county or state, or may remain in private ownership in accordance with the restriction set forth above.

(10) Neighborhood Facilities

- (a) In order to encourage the development of neighborhood facilities within a cluster development and make those facilities accessible to residents by pedestrian walkways, the developer may sell up to 25 percent of the total open space within the cluster development for the following nonresidential uses:
 - (i) Educational facilities;
 - (ii) Religious places of worship; or
 - (iii) Public and governmental buildings or uses.
- (b) The buildings for the neighborhood facilities listed above shall be located on a parcel of ground no less than five acres in size, be located a minimum of 100 feet from any property line, and occupy no more than 10 percent of the total site area.
- (c) In no case may a commercial or industrial use be permitted within a cluster development.

(11) Review of Cluster Developments

- (a) Review of a cluster development shall be in accordance with the procedures of [Section 3.6 Site Plan Review](#).
- (b) Once the application and cluster development plan has been approved, the applicant may then submit a preliminary subdivision plat to the Warren County Regional Planning Commission.

B. Conservation Design

(I) Purpose

- (a) Conservation design developments are permitted in designated residential districts outside the urban service area in order to preserve rural landscape character, natural resource areas, farmland, and other large areas of open land, while permitting residential development at low, rural densities, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings.
- (b) Conservation design is intended for building sites outside of the urban service area as defined by the Hamilton Township Land Use Plan that are not connected to a central sanitary sewage system and are otherwise approved by the Warren County Combined Health District and/or the Ohio Environmental Protection Agency for individual on-site wastewater disposal system.

- (c) Conservation design developments are subject to site plan review in accordance with [Section 3.6 Site Plan Review](#).

(2) Specific Objectives

The specific objectives of conservation design developments are as follows:

- (a) To maintain and protect the township's rural character by preserving important landscape elements, including those areas containing unique and environmentally-sensitive natural features such as woodlands, hedgerows, stream corridors, wetlands, floodplains, prairies, ridge tops, steep slopes, critical species habitat, and natural areas by setting them aside from development. Such areas contained in primary environmental corridors, such as the Little Miami River, are of particular significance for conservation;
- (b) To preserve scenic views and to minimize views of new development from existing streets;
- (c) To provide for the unified and planned development of parcels 10 acres or larger for clustered, single family, low density residential uses, incorporating large areas of permanently protected common open space;
- (d) To provide for greater design flexibility in the siting of dwellings and other development features than would be permitted by the application of standard zoning regulations in order to minimize the disturbance of rural landscape elements, scenic quality and overall aesthetic value of the landscape;
- (e) To increase flexibility and efficiency in the siting of services and infrastructure by reducing street length, utility requirements and the amount of paving required for residential development where possible;
- (f) To create groups of dwellings with direct visual and physical access to common open space;
- (g) To permit active and passive recreational use of common open space by residents of a conservation development or the public;
- (h) To reduce erosion and sedimentation by retaining existing vegetation and minimizing development on steep slopes;
- (i) To allow for the continuation of agricultural uses in those areas best suited for such activities and when such activities are compatible with adjoining residential uses; and
- (j) To permit various means for owning common open space and for protecting it from development in perpetuity.

(3) Minimum Project Area

The gross area of a tract of land proposed for development according to the conservation design option shall be a minimum of 10 acres, but shall not include area within any existing public street rights-of-way.

(4) Use

- (a) Single family detached dwellings are the only principal uses permitted in a conservation design development.
- (b) Uses accessory to single family detached dwellings are also permitted.

(5) Maximum Density and Required Open Space

- (a) Land must be outside the urban service area as specified by the Hamilton Township Land Use Plan in order to be developed using the conservation design development option.
- (b) For land without the availability of sanitary sewer, the maximum density and open space shall be in accordance with [Table 4-4: Maximum Density and Open Space](#) below:

TABLE 4-4: MAXIMUM DENSITY AND OPEN SPACE

DWELLING UNITS PER ACRE	MINIMUM OPEN SPACE
0.50 up to 0.53	0%
More than 0.53 up to 0.56	5%
More than 0.56 up to 0.59	10%
More than 0.59 up to 0.63	15%
More than 0.63 up to 0.67	20%
More than 0.67 up to 0.71	25%
More than 0.71 up to 0.77	30%
More than 0.77 up to 0.80	35%
0.80 and greater	38%

- (c) The gross project density may not exceed 0.50 dwelling units per acre. Gross density is determined by dividing the total size of the project area in acres by the total number of proposed dwelling units.
- (d) Lot size may not be lower than 1.25 acres per dwelling.
- (e) The sliding scale in [Table 4-4: Maximum Density and Open Space](#) is intended to show that all acreage within a conservation design development that is not used for the traditional zoning minimum of two acres per lot, must be incorporated into open space and roadways.

(6) Other Development Standards

- (a) Each lot shall have an average width at the building line of 120 feet or more, with a minimum lot width of 100 feet. The average width shall be calculated by adding together the building line for all residential lots within the development and then dividing by the total number of residential lots.
- (b) All lots shall have a minimum of 50 feet of frontage along a dedicated public right-of-way and have a minimum lot area of 54,450 square feet (1.25 acres). Lots larger than the minimum may be required by the Warren County Combined Health District, or other applicable authority, contingent on the suitability of soils present on the lot.
- (c) All front yards shall have an average minimum depth of 45 feet.
- (d) The minimum side yard setback shall be 10 feet, and the combined total of both side yards shall be a minimum of 35 feet. All lots with more than one front yard shall have minimum side yard setbacks of 10 feet with no rear yard setback requirement.
- (e) There shall be a minimum rear yard setback of 35 feet.

- (f) The maximum height limitation shall be 35 feet.
- (g) Any dwelling shall have a minimum area of 1,200 square feet of living space measured in accordance with [Section 6.1.6 Minimum Dwelling Size](#).

(7) Regulations for Required Open Space

Required Open Space shall comply with the following:

(a) Active Open Space

- (i) Active open space shall be designed with the goal to encourage active recreational use for the residents of the development. Active open space may include, but may not be limited to, the following uses:
 - (A) Pedestrian walkways;
 - (B) Mowed parkland;
 - (C) Picnic groves;
 - (D) Maintained ball fields;
 - (E) Maintained open areas;
 - (F) Horse trails;
 - (G) Swimming pools;
 - (H) Clubhouses;
 - (I) Tennis courts;
 - (J) Golf courses; or
 - (K) Fishing and boating.
- (ii) Active open space amenities shall be constructed and completed before 75 percent of the dwellings within the conservation design development have been issued an occupancy certificate by the Warren County Building Department or other applicable authority.

(b) Passive Open Space

- (i) Passive open space shall be designed with the goal to preserve the significant natural environmental features of the site, features primarily of undisturbed or unimproved character. Passive open space is intended to exhibit and/or consist of, but not be limited to, one or all of the following:
 - (A) Environmentally sensitive areas: land containing important natural corridors and ecosystems such as steep slopes, riparian areas, wetlands, streams, lakes, rocky outcrops, floodplains which provide habitats for wildlife;
 - (B) Forest: areas containing mature trees, in providing value as visual and noise buffers between development and neighboring properties or the public rights-of-way, erosion control, wildlife habitat, shade and energy conservation; or
 - (C) Scenic views: which contain visible features, as scenery, that contribute to the character and aesthetic value of the community, such as trees or

other outstanding natural elements or man-made features that are local landmarks.

(D) Agriculture: such as working farms that use areas for crop fields, pasture meadows and/or animal husbandry, in providing scenic as well as economic value to the community.

(c) No more than 20 percent of the open space may consist of the following:

- (i)** Isolated or fragmented pieces of land that are less than 10,000 square feet in area or less than 15 feet in width (excluding maintained pocket parks);
- (ii)** Perimeter or interior buffers required under [CHAPTER 8 Landscaping Regulations](#);
- (iii)** Land that is unusable or presents maintenance difficulties including, but not limited to, steep slopes over 40 percent grade, wetlands (as defined by the State of Ohio or the federal government), retention/detention ponds primarily used for stormwater management, areas within the 100-year flood plain and other areas deemed unusable by the board of township trustees.
- (iv)** Off-street parking areas or sidewalks required by the Warren County Subdivision Regulations or land within public rights-of way may not be included in any open space calculation(s).

(8) Pedestrian Circulation System

- (a)** The conservation design development shall have a pedestrian circulation system and shall be designed to ensure that pedestrians can safely and easily walk throughout the development.
- (b)** The pedestrian system shall provide connections between properties and activities or special features within the common open space system and need not always be located along streets.
- (c)** Alternative pedestrian walkways in lieu of required sidewalks shall require approval by the board of township trustees.

(9) Open Space Ownership

- (a)** Open space shall be prohibited from further subdivision or development by conservation easement or other agreement in a form acceptable to the Hamilton Township law director and duly recorded in the office of the Warren County Recorder.
- (b)** Open space in a conservation design development shall be located on dedicated common parcels owned by an association, the township, county or state, or may remain in private ownership in accordance with the restriction set forth above.

(10) Neighborhood Facilities

- (a)** In order to encourage the development of neighborhood facilities within a conservation design development and make those facilities accessible to residents by pedestrian walkways, the developer may sell up to 25 percent of the total open space within the conservation design development for the following nonresidential uses:

- (i) Educational facilities;
 - (ii) Religious places of worship; or
 - (iii) Public and governmental buildings or uses.
- (b) The buildings for the neighborhood facilities listed above shall be located on a parcel of ground no less than five acres in size, be located a minimum of 100 feet from any property line, and occupy no more than 10 percent of the total site area.
- (c) In no case may a commercial or industrial use be permitted within a conservation design development.

(11) Review of Conservation Design Developments

- (a) Review of a conservation design development shall be in accordance with the procedures of [Section 3.6 Site Plan Review](#).
- (b) Once the application and conservation design development plan has been approved by the zoning inspector, the applicant may then submit a preliminary subdivision plat to the Warren County Regional Planning Commission.

C. Dwelling, Attached Single Family

The following standards shall apply to attached single family dwellings in the R-3 and R-4 Districts:

- (1) There shall be a minimum total project area of one acre.
- (2) The project area shall have a minimum of 100 feet of frontage on an improved public right-of-way.
- (3) The maximum project density shall be six units per acre excluding public right-of-way.
- (4) Each unit shall be setback 30 feet from the project boundary.
- (5) The maximum height of all buildings shall be 35 feet.
- (6) At least two off-street parking spaces shall be located within a fully enclosed attached structure and at least two unenclosed, paved surface parking spaces shall be provided for each unit.
- (7) Any single family attached structure in the R-4 District shall be setback at least 75 feet from any R-1 District.
- (8) The minimum front yard building setback shall be as follows:
 - (a) From an arterial or collector street shall be 50 feet.
 - (b) From a local or private street 35 feet from the edge of pavement.
- (9) There shall be a minimum of 25 feet between buildings.

D. Dwellings, Multi-Family

There shall be adequate fire extinguishing facilities as approved by the Hamilton Township Fire and Rescue Department appropriate for the height of multi-family dwellings in the R-3 District.

E. Institutional Housing

- (1) Institutional housing shall have direct ingress and egress from an arterial or collector street as defined in the Warren County Official Thoroughfare Plan and shall not use a local residential street as the principal access route.
- (2) All of these uses shall have a minimum lot area of five acres.

F. Non-Permanently Sited Manufactured Home Park

- (1) No zoning certificate shall be issued unless a site plan for the use has first been approved in accordance with the Ohio Public Health Council rules so regarding, as administered and enforced by the Ohio Department of Health, or as otherwise delegated thereby for permitting through the Warren County Combined Health District, and licensed by and in accordance with applicable rules of the State of Ohio.
- (2) A manufactured home park shall only contain the following:
 - (a) Single family residential use of rented or leased spaces accessed by private streets and driveways as individual sites for temporary placement of mobile homes or other types of non-permanently sited manufactured homes, or
 - (b) Accessory buildings and uses for the manufactured home park including, but not limited to, clubhouse, administrative office, laundry and swimming pool, and other similar on-site facilities for the exclusive use of the park residents and their guests.
- (3) **Minimum District Size, Configuration, Frontage, Setback and Buffering**

A manufactured home park shall comply with all of the following minimum site and development requirements:

 - (a) The site shall be at least five acres in size, not including the minimum required setback specified in [Section 4.8.2.F\(3\)\(d\)](#) below.
 - (b) The site configuration shall not exceed a one-to-five (1:5) ratio of width-to-depth.
 - (c) At least 100 feet frontage on a public road is required.
 - (d) A setback of at least 100 feet is required from any residential district or property.
 - (e) A buffer not less than six feet in height consisting of evergreen or solid landscaping, or solid board fencing, shall be provided in the required setback distance in [Section 4.8.2.F\(3\)\(d\)](#) above. The buffer is to screen the view from any existing or future residence located within 500 feet surrounding the site.
- (4) No individual home site in a manufactured home park shall be subdivided from or sold as ownable or buildable lots independent of the overall homes park property that they are part of as a rentable or leasable space.
- (5) Sanitary sewer, water supply and trash disposal provisions shall be designed, installed, operated and maintained in accordance with the Ohio Public Health Council rules adopted so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.
- (6) The location and design of any required private driveway entrance from and/or exit to a public road shall be to the satisfaction of the Warren County Engineer or the Ohio Department of Transportation (ODOT), as applicable.

- (7) Stormwater drainage for a manufactured home park must be controlled to the satisfaction of the Warren County Engineer.
- (8) All aspects of development internal to a site in a manufactured home park are subject to plan approval and subsequent licensing of the developed use, in accordance with the Ohio Public Health Council rules so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.
- (9) The design of a manufactured home park is subject to the review satisfaction of the local fire and emergency service provider, as to all applicable aspects of site development and use complying with related accessibility requirements and any other concern to such regard.
- (10) The intensity of any exterior lighting relative to adjacent off-site residential use or district shall not exceed 0.2 footcandles at the border of a manufactured home park, unless otherwise a lower threshold is specified by the Ohio Department of Health.

G. Permanently Sited Manufactured Home

Permanently sited manufactured homes shall meet the following requirements:

- (1) The structure shall be affixed to a permanent foundation and be connected to appropriate facilities.
- (2) The structure, excluding any addition, shall have a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 960 square feet.
- (3) The structure shall have a minimum 3:12 residential roof pitch, conventional residential siding, and a six inch minimum eave overhang, including appropriate guttering.
- (4) The structure shall be manufactured after January 1, 1995.
- (5) The title, if applicable, must be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure as a mobile home shall be surrendered to the county auditor when such is permitted for attachment onto its permanent foundation and such surrender shall be notice to the auditor to tax the structure as real property from that day forward.
- (6) The indicia of mobility (i.e. temporary axles, trailer tongue, running lights) shall be removed upon placement upon the foundation.
- (7) The structure shall not be located in a manufactured home park as defined in ORC Section 3733.01.

4.8.3. Business Uses

A. Animal Hospital/Veterinary Clinics

- (1) All soundproofed structures shall be set back a minimum of 50 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (2) All non-soundproofed structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.

- (3) If the animal hospital or veterinary clinic includes a kennel use for the temporary boarding of animals for purposes other than medical or dental treatment, such use shall also be subject to the standards set out in [4.8.3.H Kennel](#).

B. Automotive Repair and Automotive Service

- (1) Automotive service or automotive repair shall be performed and conducted inside of the building.
- (2) All vehicles or parts shall be kept inside a building or screened from view of persons on contiguous property or persons using public rights-of-way.

C. Automotive Sales and Rental

Automotive sales or rental uses are subject to the following standards:

- (1) There shall be a minimum lot area of two acres.
- (2) A principal structure shall be located on the lot.
- (3) Landscaping shall be provided as specified in [Table 8-7: Vehicular Use Area Perimeter Landscaping Requirements](#) for Automotive Sales or Rental uses.
- (4) Landscaping required by [CHAPTER 8 Landscaping Regulations](#) shall only be required for the parking spaces necessary to meet the minimum off-street parking standards of [Section 7.4 Off-Street Parking Regulations](#). Vehicular use area landscaping shall comply with the requirements of [Section 8.5.4 Interior Vehicular Use Area Landscape Requirements](#), except as modified below:
 - (a) The township may approve the substitution of shrubs for required trees at a ratio of five shrubs per required tree.
 - (b) The township may approve the placement of required vehicular use area landscaping and landscape islands in alternate locations on the site.
- (5) In addition, landscape areas representing a minimum of five percent of the outdoor sales or rental display area shall be provided on the site to reduce impervious surface area and to decrease the appearance of a single expanse of pavement. Such landscape areas are not required to comply with the planting requirements of [CHAPTER 8 Landscaping Regulations](#), however, are required to have a combination of shrubs and ground cover.
- (6) No auctions shall be permitted on the lot.
- (7) No outdoor speaker systems shall be permitted for uses that abut or are across the street from residential districts.
- (8) Delivery and loading shall not be permitted on a public street.
- (9) All structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (10) No storage or display of vehicles shall be permitted in any required landscape area, unless approved by the township.
- (11) Automotive service or repair, if permitted, shall be performed and conducted inside of a building.

- (12) One additional freestanding sign shall be permitted if multiple vehicle brand dealerships share the lot, with a maximum of two signs. Each sign shall not exceed the sign area permitted per [Section 9.8.3 Signs in Nonresidential Zoning Districts](#).

D. Bars, Taverns, and Billiard Parlors

- (1) Bars, taverns and billiard parlors shall have direct ingress and egress from an arterial or collector street as defined in the Warren County Official Thoroughfare Plan.
- (2) All structures shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.

E. Bed and Breakfast Establishments

Bed and breakfast establishments are subject to the following standards:

- (1) The owner shall reside on the property.
- (2) All such uses shall be located in a single family dwelling consistent in character (e.g., height, scale, setbacks, massing, etc.) with the surrounding residential uses, and shall not include facilities for receptions, weddings, or other events.
- (3) Parking areas shall be located behind the bed and breakfast establishment.
- (4) Parking areas shall be screened from adjacent residential uses by landscaping and/or fencing as determined by the BZA.
- (5) The establishment shall conform to state health and building code requirements and shall show proof of inspection or proof of proper operating licenses by the state and/or county.
- (6) Only overnight guests shall be served unless otherwise authorized as part of the conditional use approval.
- (7) The facility shall be limited to no more than four guestrooms with a maximum guest capacity as determined by fire and building regulations.
- (8) No external vending machines shall be allowed.

F. Clubs, Lodges, or Other Social Meeting Place

- (1) Clubs, lodges, and other social meeting places shall have direct ingress and egress from an arterial or collector street as defined in the Warren County Official Thoroughfare Plan.
- (2) All structures shall be set back a minimum of 50 feet and any parking areas a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (3) There shall be a minimum lot area requirement of two acres.

G. Day Care Center

- (1) All structures shall be set back a minimum of 50 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (2) All exterior activity areas and play lots shall be fenced and screened with appropriate landscape materials.
- (3) Picking up and dropping off of children shall not create unsafe conditions. Loading and unloading of children from vehicles shall only be allowed in the driveway or in an approved parking area.

- (4) A day care center shall only be permitted in the M-1 and M-2 Districts when it is accessory to a principally permitted use in the M-1 and M-2 Districts and located within the same building as such principal use.

H. Kennel

- (1) All structures and activities related to the subject kennel use shall be set back a minimum of 100 feet from side and rear lot lines, except that when located adjacent to a residential district, the following additional restrictions shall apply:
 - (a) All non-soundproofed structures or areas where animals are confined shall be set back a minimum of 500 feet from any residential district.
 - (b) Soundproofed, air-conditioned buildings shall be set back a minimum of 100 feet from any residential district.
- (2) All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall a minimum of six feet in height located within 50 feet of the proposed structure.
- (3) Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
- (4) There shall be no burial or incineration of animals on the premises.

I. Outdoor Commercial Recreation or Entertainment Facility

Buildings, pools and any other enclosures shall be a minimum of 100 feet from any residential district.

J. Restaurants

- (1) A restaurant with drive-in and/or drive-through service, and restaurants that provide dancing or entertainment shall be set a minimum of 100 feet from any residential district.
- (2) All audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 300 feet of any residential dwelling unit.
- (3) A restaurant that provides dancing or live entertainment is not permitted in the B-1 District.

K. Self-Storage Facility or Mini-Warehouse

- (1) There shall be a minimum lot area requirement of two acres.
- (2) There shall be a minimum setback of 150 feet between all residential property lines and all buildings related to the use.
- (3) The only commercial uses permitted on-site shall be the rental of storage space and the pick-up and/or deposit of goods on the property in storage. Storage spaces, including outdoor storage areas, shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment, or to conduct similar activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on-site.
- (4) A commercial accessory dwelling unit may be permitted in connection with office/watchman purposes.

- (5) A wall shall be required around the perimeter of the storage area. All storage units with access from the exterior of the building shall be located behind the screen wall unless otherwise approved by the township. However, ornamental gates may be used for ingress and egress.
- (6) Outdoor storage is permitted with the exception of inoperative vehicles.
- (7) All required landscaping shall be located outside of any fencing area.

L. Sexually Oriented Businesses

(1) Establishment and Classification of Businesses

- (a) No person shall cause or permit the establishment of any sexually oriented business on any parcel of land, any portion of which is within 500 feet of the right-of-way of an interstate highway. In no case shall signage for a sexually oriented business be visible from an interstate highway.
- (b) Sexually oriented businesses shall be permitted only in areas zoned in the M-2 District provided all other requirements of the zoning code are met.
- (c) No sexually oriented business shall be established within 500 feet of another such business, or within 500 feet of a protected use.
- (d) In no case shall a sexually oriented business engage in the outdoor exhibition of specified anatomical areas or specified sexual activities.

(2) Measurement of Distance

The distance between any two sexually oriented businesses shall be measured from the closest exterior structural wall of each business. The distance between any sexually oriented business and any protected use shall be measured from the closest exterior structural wall of the sexually oriented business and the nearest property line of the protected use.

(3) Nonconformity

A sexually oriented business lawfully operating as a conforming use is not rendered nonconforming by the subsequent location of a protected use within 500 feet of the sexually oriented business.

(4) Permit Required

- (a) No sexually oriented business may operate without a valid sexually oriented business permit issued by the zoning inspector.
- (b) The zoning inspector is responsible for granting, denying, revoking, renewing, suspending and/or canceling permits for existing or proposed sexually oriented businesses. To be approved, applicants must comply with all applicable requirements of the regulations of the zoning code, the Warren County Building Code, Hamilton Township Police Department, Hamilton Township Fire and Rescue Department, and the Warren County Combined Health District.
- (c) The Hamilton Township Police Department is responsible for obtaining information on whether an applicant has been convicted of a specified criminal act, within the time period set forth.

- (d) Applications must be made on a form provided by the township. Applicants must provide one original and all necessary copies of a sworn application, which shall contain the following information and attached documentation.
 - (i) If the applicant is:
 - (A) An individual, the legal name, all aliases and proof that applicant is at least 18 years of age;
 - (B) A partnership, the complete name, all partners' legal names and aliases, proof that each partner is at least 18 years of age and a copy of any partnership agreement;
 - (C) A corporation, its complete name, date of incorporation, legal names of all officers, directors and stockholders, proof that all officers, directors and stockholders are at least 18 years of age, legal name and address of its registered agent, a copy of chapters of incorporation and evidence of good standing under state law.
 - (ii) The proposed name of the sexually oriented business, as well as any registration documentation.
 - (iii) Whether the applicant, or any other individual listed in the application, has been convicted of a specified criminal act or a sexually oriented act within either two years for misdemeanor offenses, or five years for felony offenses or two or more misdemeanor offenses, immediately preceding the application date and if so, the criminal act involved, date and place of the conviction(s).
 - (iv) Whether the applicant, a person with whom the applicant is residing, or any individual listed in the application, has had a sexually oriented business permit revoked, suspended, canceled or denied, and, if so, the name of the business, the jurisdiction and the date of revocation, suspension, cancellation or denial.
 - (v) Whether the applicant, the spouse of the applicant, or any individual listed in the application, holds any other sexually oriented business permits, as well as the names and locations of all such other businesses and whether the aforementioned are overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to a sexually oriented business.
 - (vi) The proposed location of the business, including a legal description of the property, street address and telephone numbers.
 - (vii) The applicant's business and residential address and telephone numbers.
 - (viii) The applicant's drivers license number, social security number, tax identification number and recent photograph.
 - (ix) A sketch or diagram showing the configuration and total floor space of the premises upon which the sexually oriented business will be conducted. The sketch need not be professional, but must be drawn to scale and accurate to within six inches.
 - (x) A current certificate and straight line drawing, prepared within 30 days prior to application by a registered land surveyor, depicting property lines, structures and the property lines of any existing protected use and other

sexually oriented businesses within 1,000 feet of the proposed sexually oriented business. A protected use shall be considered established if it is in existence at the time the application is submitted.

- (xi) The application must be signed:
 - (A) By the individual applicant if the applicant is an individual;
 - (B) By all partners if the applicant is a partnership;
 - (C) By an authorized officer and all shareholders if the applicant is a corporation; and
 - (D) In addition to (A), (B) and (C) above, all persons having any ownership interest in the sexually oriented business.

- (e) Applicants are under a continuing duty to promptly update their application information. Failure to do so within 30 days of the date of a change in application information shall be grounds for permit suspension.
- (f) If the zoning inspector determines that an applicant has provided incomplete or inaccurate information, or improperly completed the permit application, the applicant shall be notified and allowed 10 days for corrections to be made. The time period for application review shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
- (g) A non-refundable application fee, as determined by the board of township trustees, is due at the time the applicant files an application. Applications will not be accepted without the required filing fee.
- (h) The applicant must be qualified according to all provisions of these regulations and the premises must be inspected and found to be in compliance with all applicable health, fire, zoning, and building codes and laws.
- (i) The possession of other types of permits, including a liquor license, does not exempt an applicant from the requirement of obtaining a sexually oriented business permit.
- (j) By making application for a sexually oriented business permit, an applicant shall be deemed to have consented to the provisions of the zoning code and to the appropriate investigation of said application.
- (k) The applicant is required to provide the zoning inspector with the names (including aliases) of all employees required to be licensed under the zoning code, before they commence employment. This obligation continues even after a permit is granted or renewed. Failure to comply with this requirement shall be grounds for permit suspension. No employee may work in a sexually oriented business without a valid sexually oriented business employee license.

(5) Application Investigation

- (a) Upon receipt of a completed application and the required non-refundable application fee, the zoning inspector shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to any agencies responsible for the enforcement of health, zoning, fire, law enforcement and building codes or laws. Each agency shall promptly investigate the application in accordance with its responsibilities under law and as set forth within the zoning code. All

investigations shall be completed within such time as to allow the zoning inspector to approve or deny a permit within 45 days of the zoning inspector's receipt of the completed application.

- (b) At the conclusion of its investigation, each agency shall indicate on the photocopy of the application its approval or disapproval of the application, with date and signature and in the event of disapproval, state the reasons therefore. An agency shall disapprove any application which reveals that the proposed sexually oriented business will be in violation of any provision of any statute, code, regulation, or other law in effect in Warren County. After its indication of approval or disapproval, each agency shall immediately return the photocopy of the application to the zoning inspector.

(6) Approval or Denial of Permit

- (a) A sexually oriented business permit shall be approved or denied by the zoning inspector within 45 days of the receipt of a complete application.
- (b) The permit, if granted, shall state on its face the name of the person(s) to whom it is granted, the name of the business, the address of the business and the permit expiration date. The permit shall be posted in a conspicuous interior location, at or near the entrance to the sexually oriented business, such that it may be easily read at any time.
- (c) A permit application shall be approved, unless one or more of the following criteria is found to exist, in which case it shall be denied:
 - (i) An applicant, partner of a partnership applicant, or officer, director or shareholder of a corporate applicant, is under 18 years of age;
 - (ii) An applicant, or, if the applicant is an individual, an applicant's spouse, is overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to a sexually oriented business;
 - (iii) An applicant, if the applicant is an individual, is residing with a person to whom a permit to operate a sexually oriented business has been denied or revoked within the preceding 12 months;
 - (iv) An applicant, after the notice provided in [Section 4.8.3.L\(4\)\(f\)](#), has failed to provide required information in the application, or has supplied false information;
 - (v) The premises to be used are not in compliance with applicable health, zoning, fire, and building codes, as determined by the agencies responsible for determining such compliance;
 - (vi) The non-refundable permit application fee has not been paid;
 - (vii) An applicant is in violation of, or not in compliance with, any of the provisions of the zoning code;
 - (viii) The issuance of the permit would violate a statute, resolution, or court order;
 - (ix) The applicant held a sexually oriented business permit under the provisions of the zoning code which was subsequently revoked;

(x) The applicant has been convicted of a specified criminal act within the time limits specified in [Section 4.8.3.L\(4\)\(d\)\(iii\)](#) of the zoning code;

(xi) An applicant knowingly has in his/her employ an employee without a valid sexually oriented business employee license, as required within the zoning code;

(d) No person may make application for a permit for a sexually oriented business at a particular location if such person has had an application for a sexually oriented business at the same location denied within 12 months of the time application is made.

(7) Annual Permit Fee

The annual fee for a sexually oriented business permit, as determined by the board of township trustees, shall be payable upon the date of first permit issuance and upon each anniversary thereof, assuming renewal is granted by the zoning inspector.

(8) Inspection

An applicant or permittee shall permit representatives of the Warren County Building Department, Hamilton Township Planning and Zoning Department, Warren County Combined Health District, and the applicable fire department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with their respective regulations, at the time it is occupied or open for business.

(9) Expiration and Renewal of Permit

No sexually oriented business shall operate without a valid sexually oriented business permit. Each sexually oriented business permit shall expire one year from date of issuance and may be renewed prior to expiration, subject to the following requirements.

(a) The permit holder shall request renewal in writing to the zoning inspector at least 60 days prior to permit expiration, accompanied by a non-refundable fee, as determined by the board of township trustees.

(b) Renewal shall be subject to a finding that the permit holder remains in conformance with all applicable permit requirements. Making application less than 60 days before permit expiration shall not affect the current expiration date.

(c) An expired permit is not eligible for renewal, however reapplication may be made.

(10) Suspension of Permit

(a) A permit to operate a sexually oriented business shall be suspended by the zoning inspector for 30 days, until the violation has been corrected. If it is determined that a permittee, or the employee of a permittee, has:

(i) Violated, or is not in compliance with, any portion of the zoning code;

(ii) Been under the influence of alcoholic beverages or controlled substance while working on the sexually oriented business premises;

(iii) Refused to allow an inspection of the premises, as authorized by the zoning code;

(iv) Knowingly permitted gambling by any person on the premises;

- (v) Failed to correct a violation of a building, zoning, fire or health code within seven days of the notification of such violation;
- (vi) Engaged in permit transfer in violation of the applicable provisions of the zoning code; or
- (vii) Knowingly employed a person without a valid license, as required by the zoning code.

(11) Revocation of Permit

- (a) A permit to operate a sexually oriented business shall be revoked by the zoning inspector upon a determination that either a permit is to be suspended for a second time within a 12 month period, or that a permittee or employee of a permittee has:
 - (i) Given false or misleading information in material submitted during the application or renewal process that tended to enhance the opportunity for obtaining such permit or renewal;
 - (ii) Knowingly allowed the possession, use or sale of controlled substances on the permit premises;
 - (iii) Knowingly allowed prostitution on the premises;
 - (iv) Knowingly operated the sexually oriented business while under permit suspension;
 - (v) Been convicted of a specified criminal act for which the time period specified in [Section 4.8.3.L\(4\)\(d\)\(iii\)](#) of the zoning code has not elapsed;
 - (vi) Been convicted of tax violations for taxes or fees related to a sexually oriented business;
 - (vii) Knowingly allowed any specified sexual activities between patrons or between patrons and employees to occur in or on the permitted premises or surrounding properties; or
 - (viii) Operate more than one sexually oriented business under a single roof.
- (b) Permit revocation is effective for one year. The permittee shall not be granted any other permits for any other sexually oriented business during the effective revocation period.

(12) Transfer of Permit

- (a) A permittee shall not operate a sexually oriented business at any location other than the address designated in the application for permit.
- (b) A permittee shall not transfer a sexually oriented business permit unless and until such other person satisfies the following requirements:
 - (i) Obtains an amendment to the permit from the zoning inspector, upon satisfactory completion of all permit application requirements; and
 - (ii) Pays a transfer fee of 50 percent of the annual permit fee.

- (c) A permit shall not be transferred in the event that the permittee has been notified that suspension or revocation proceedings have been or are being brought against the permittee.
- (d) A permit shall not be transferred to another location.
- (e) Any attempt to transfer a permit in violation of these provisions is void and the subject permit shall be revoked by the zoning inspector.

(13) Sexually Oriented Business Employee License

- (a) All prospective employees of a sexually oriented business shall obtain a sexually oriented business employee license. Each applicant shall pay a license fee, as determined by the board of township trustees, to cover reasonable administrative cost. No application shall be accepted without the required fee.
- (b) On a form provided by Hamilton Township, the applicant must provide one original and two copies of a sworn application, which shall contain the following information and attached documentation:
 - (i) Name, inclusive of stage names or aliases;
 - (ii) Age, birth date and birthplace;
 - (iii) Height, weight, hair and eye color;
 - (iv) Current residence and business address and phone numbers;
 - (v) State driver's license or state identification and social security number;
 - (vi) Acceptable written proof that the individual is at least 18 years of age;
 - (vii) A color photograph of the applicant, clearly showing the applicant's face. The applicant's fingerprints on a form provided by the Hamilton Township Police Department. Any fees for photos and fingerprints are the responsibility of the applicant;
 - (viii) A statement detailing the sexually oriented business license or permit history of the applicant for the previous five years, including information whether a permit or license had been denied, revoked or suspended, the applicable reasons and dates for such actions, as well as the jurisdiction in which such actions occurred, as applicable; and
 - (ix) Information as to whether the applicant has been convicted of a specified criminal act as well as the date, place, jurisdiction and nature of each conviction.
- (c) By making application for a sexually oriented business employee license, an applicant shall be deemed to have consented to the provisions of the zoning code and to the appropriate investigation of said application.
- (d) The zoning inspector shall refer a photocopy of the sexually oriented business employee license application to the Hamilton Township Police Department for investigation. The chief of police or his designee shall report findings of the investigation on the photocopy, with date and signature and immediately return the photocopy of the application to the zoning inspector.

- (e) The initial application review shall be completed within 14 days from the date a completed application is filed. A conditional license shall be issued upon the completion of the initial application review unless the investigation of the applicant finds one or more of the following:
 - (i) That the applicant knowingly made any false, misleading, or fraudulent statement of a material fact;
 - (ii) That the applicant is under 18 years of age;
 - (iii) That the license is to be used for employment in a business prohibited by these regulations, or other local or state laws; or
 - (iv) The applicant has had such license revoked within two years of the date of the current application.

The conditional permit shall be valid for a period commencing on its issuance and ending on the date a final license is issued or the date license application is denied, whichever first occurs. A final license shall be issued to the applicant within 60 days of the application being filed unless it is found that the applicant has been convicted of a specified criminal act for which the time period set forth in [Section 4.8.3.L\(4\)\(d\)\(iii\)](#) has not elapsed.

- (f) Each sexually oriented business employee license shall expire one year from date of issuance and may be renewed prior to expiration, subject to the following requirements. The licensee shall request renewal in writing to the zoning inspector at least 60 days prior to license expiration, accompanied by a non-refundable license renewal fee, as determined by the board of township trustees. Renewal shall be subject to a finding that the licensee remains in conformance with all applicable requirements. Failure to make application less than 60 days before license expiration shall not affect expiration and no employee shall work in a sexually oriented business without a valid license. An expired license is not eligible for renewal, however re-application may be made, subject to all applicable requirements.

(14) Hearing; Revocation, License Denial, Suspension; Appeal

- (a) If the zoning inspector determines that probable grounds exist for denial, non-renewal, suspension, or revocation of a sexually oriented business permit or sexually oriented business employee license (hereinafter permit and license respectively) under this section, the zoning inspector shall notify the applicant or licensee (respondent) in writing of the intent to deny, non-renew, suspend or revoke the permit or license, including the grounds therefore, by personal delivery, or by certified mail. The notification shall be directed to the most current business address on file with the zoning inspector.
- (b) Within 10 working days of receipt of such notice, the respondent may provide to the board of township trustees in writing a response which shall include a statement of reasons why the license or permit should not be denied, non-renewed, suspended, or revoked.
- (c) Within 10 working days of the receipt of such written response, the board of township trustees shall conduct a hearing at which respondent shall have the opportunity to present evidence and witnesses on his or her behalf. The board of township trustees shall notify the respondent in writing of the hearing date within

three days of the receipt of such written response. The board of township trustees, based upon the standards for permit/license denial, non-renewal, suspension or revocation contained herein shall determine whether to deny, non-renew, suspend or revoke the permit/license. If a response is not received by the board of township trustees in the time stated, or, if after the hearing the board of township trustees finds that grounds exist for denial, non-renewal, suspension, or revocation, then such action shall become final and notice of such final action sent to the applicant or licensee. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction. If the board of township trustees finds that no grounds exist for denial, non-renewal, suspension, or revocation of a permit or license, then the zoning inspector shall withdraw the intent to deny, non-renew, suspend or revoke the permit or license and shall so notify the respondent in writing by delivery, or by certified mail of such action.

- (d) When a decision to deny, non-renew, suspend or revoke a permit or license becomes final, the applicant or licensee whose permit or license has been denied, non-renewed, suspended, or revoked shall have the right to appeal such action to a court of competent jurisdiction pursuant to ORC Section 2506. Any suspension, non-renewal or revocation of a permit or license for a sexually oriented business does not take effect until a final decision is rendered in an appeal taken pursuant to this section.
- (e) Upon the filing of an appeal pursuant to this section by an applicant for a permit or license, said applicant shall be granted a temporary permit or license to operate said sexually oriented business or be an employee of such sexually oriented business pending a final decision on said appeal. Such temporary permit or license shall be subject to all provisions of this section.

(15) Regulation of Sexually Explicit Films or Videos

A person that operates or causes to be operated a sexually oriented business, other than a sexually oriented hotel/motel and regardless of whether or not a sexually oriented business permit has been issued to said business, which exhibits on the premises in a viewing room, computer software, compact discs, a film, video cassette or other video reproduction, which depicts specified sexual activities or specified anatomical areas shall comply with the following requirements:

- (a) Upon application for a sexually oriented business permit, the application shall be accompanied by a sketch or diagram of the entire premises with a plan thereof, specifying the location of manager's stations, if any, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted access. A professionally prepared drawing is not necessary, however each diagram shall be oriented to north and the closest street(s) and be drawn to scale, with marked dimensions sufficient to show the internal features of all areas of the premises to an accuracy of plus or minus six inches. The zoning inspector may waive the foregoing diagram during permit renewal if the applicant certifies that the configuration of the premises has not been altered since the previous diagram was prepared.
- (b) No alteration in the configuration of the premises as set forth in the sketch or diagram of the premises may be made prior to the approval of the zoning inspector.

- (c) It is the duty of the owners and operator of the premises to ensure that such number of employees is on duty and so situated that all patrons present inside the premises are subject to observation by an employee or employees.
- (d) The interior of the premises shall be configured in such a manner that every area of the premises to which any patron is permitted access for any purpose, including the interior of individual viewing booths, excluding restrooms, is subject to an unobstructed view by the employer or employees on duty. Restrooms shall not be equipped with video display equipment.
- (e) It is the duty of the owners, operator and employees present on the premises to ensure that the aforementioned unobstructed view shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area designated for no access by patrons in the application of record.
- (f) No viewing room may be occupied by more than one person at any given time. No peep holes, viewing holes or other holes which are or may be used by occupants of a viewing room for sexual gratification shall be permitted in the walls, floors, ceilings or partitions separating each viewing room from an adjoining viewing room or restroom. Viewing rooms shall not be enclosed by doors, curtains or a maze of wall structures. No signs, lights, or other communicative devices shall be employed to create an expectation of privacy on the part of any patron at any location of the premises.
- (g) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination level of not less than 2.0 footcandles, as measured at floor level. Said level of illumination shall be maintained at all times any patron is present on the premises.

(16) Regulation of Adult Cabarets

Performers in adult cabarets must be located on stage, no less than 18 inches in height and at least six feet from all patrons. There shall be absolutely no physical contact, tipping, or exchange of gratuities between patrons and performers.

(17) Advertising and Lighting Regulations

No sexually oriented business may be operated and:

- (a) Advertise the presentation of any activity prohibited by the zoning code, or other local or state regulation;
- (b) Display or exhibit the materials and performances in advertising which is visible outside the premises, except advertising the existence or location of a sexually oriented business;
- (c) Allow any portion of the interior premises to be visible from outside the establishment; or
- (d) Fail to illuminate the entries and off-street parking areas of the premises, from dusk until closing, with a lighting system which provides an average maintained horizontal illumination of 1.0 footcandle on the parking surface and walkways. Said level of illumination is established in order to provide sufficient lighting for the personal

safety of patrons and employees, to reduce potential vandalism and criminal conduct and shall be shown on required permit application documentation.

(18) Minors Prohibited

- (a) No person under 18 years of age may be admitted, remain, or purchase goods at a sexually oriented business.
- (b) No person under 18 years of age may be employed at a sexually oriented business.

(19) Violation

- (a) It shall be unlawful, punishable per [CHAPTER 11 Enforcement and Penalties](#) if:
 - (i) A sexually oriented business is operated without a currently valid sexually oriented business permit, or the business operates in violation of the terms of its permit or this chapter or has a permit which is under suspension, has been revoked, or has expired;
 - (ii) There is a failure to allow the inspection of a sexually oriented business by the Warren County Building Department and the zoning inspector, Warren County Combined Health District, Hamilton Township Police Department, or the applicable fire department;
 - (iii) Any person having a duty under [Section 4.8.3.L\(15\) Regulation of Sexually Explicit Films or Videos](#), knowingly fails to fulfill said duty;
 - (iv) A person operates, or causes to be operated, a sexually oriented business in violation of the [Section 4.8.3.L\(17\) Advertising and Lighting Regulations](#);
 - (v) A person operates, causes to be operated, a sexually oriented business, regardless of whether or not a permit has been issued for said business and knowingly, or with reasonable cause to know, permits, suffers, or allows the violation of [Section 4.8.3.L\(18\) Minors Prohibited](#); or
 - (vi) Any person willfully falsifies any material fact on any required application, or documentation attached thereto.
- (b) Nothing contained herein shall prevent or restrict the township from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
- (c) All remedies and penalties provided for in this section shall be cumulative and independently available to the township, which shall be authorized to pursue any and all remedies set forth to the full extent allowed by law.

(20) Exemptions

It is a defense to prosecution for alleged violation or sexually oriented business provisions of the zoning code, that:

- (a) A person appearing in a state of nudity did so in a modeling class operated:
 - (i) By a college, junior college or university supported in whole or part by taxation;

(ii) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

(iii) In a structure:

(A) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;

(B) Where in order to participate in a class, a student must enroll at least three days in advance of the class; and

(C) Where no more than one nude model is on the premises at any one time.

(b) A person appearing in a state of nudity did so in a bona fide theatrical production.

(c) An employee of a sexually oriented business exposed any specified anatomical area during the bona fide use of a restroom or dressing room accessible only to employees.

(2I) Immunity from Prosecution

All Hamilton Township officers, agents and employees charged with enforcement with state and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a sexually oriented business while acting within the scope of authority conferred by this section.

M. Travel Trailer Camp

(1) No zoning certificate shall be issued unless a site plan for the use has first been approved in accordance with the Ohio Public Health Council rules so regarding, as administered and enforced by the Ohio Department of Health, or as otherwise delegated thereby for permitting through the Warren County Combined Health District.

(2) A travel trailer camp shall only contain the following:

(a) Recreation parks, recreation camps, recreational vehicle park, and temporary park camps, wherein one or more travel trailers, motor homes, truck campers or other types of dependent or self-contained recreational vehicles or otherwise portable camping units, such as tents, can be placed on leased or otherwise contracted spaces for recreation, vacation or business purposes, all as defined in [CHAPTER 12 Definitions](#).

(b) Accessory buildings and uses customarily incidental to any of the above uses, including the sale of food and refreshments are permitted, provided such accessory facilities are only for exclusive use by the principal permitted use occupants and their guests.

(3) Minimum District Size, Configuration, Frontage, Setback and Buffering

A travel trailer camp shall comply with all of the following minimum site and development requirements:

(a) The site shall be at least five acres in size, not including the minimum required setback specified in [Section 4.8.3.M\(3\)\(d\)](#) below.

(b) The site configuration shall not exceed a one-to-five (1:5) ratio of width-to-depth.

- (c) At least 100 feet frontage on a public road is required.
 - (d) A setback of at least 100 feet is required from any residential district or property.
 - (e) A buffer not less than six feet in height consisting of evergreen or solid landscaping, or solid board fencing, shall be provided in the required setback distance in [Section 4.8.3.M\(3\)\(d\)](#) above. The buffer is to screen the view from any existing or future residence located within 500 feet surrounding the site.
- (4) Duration of Placement or Occupancy**
- (a) No placement of a recreational vehicle or portable camping unit, nor occupancy thereof by the same tenant(s) shall exceed 120 days in any 12 month period following the beginning of placement or occupancy, unless otherwise specified by the Ohio Department of Health.
 - (b) Otherwise permanent occupancy of such a single family residence is prohibited, except by the managing operator and the immediate family members legally dependent thereon.
- (5)** The owner or operator of a permitted travel trailer camp shall maintain a constant record of each tenant or visitor, noting their name, date of stay, home address and the make, model year and license number of their vehicles, which shall be available for inspection by the zoning inspector or other law enforcement agencies.
- (6)** No individual camping sites shall be subdivided from or sold as ownable or buildable lots independent of the overall recreation park, camp or combined park-camp property that they are part of as rentable or leasable spaces.
- (7)** Sanitary sewer, water supply and trash disposal provisions shall be designed, installed, operated and maintained in accordance with the Ohio Public Health Council rules adopted so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.
- (8)** The location and design of any required private driveway entrance from and/or exit to a public road shall be to the satisfaction of the Warren County Engineer or ODOT, as applicable.
- (9)** Stormwater drainage for a travel trailer camp must be controlled to the satisfaction of the Warren County Engineer.
- (10)** All aspects of development internal to a site in a travel trailer camp are subject to plan approval and subsequent licensing of the developed use, in accordance with the Ohio Public Health Council rules so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.
- (11)** The design of a travel trailer camp is subject to the review satisfaction of the local fire and emergency service provider, as to all applicable aspects of site development and use complying with related accessibility requirements and any other concern to such regard.
- (12)** The intensity of any exterior lighting relative to adjacent off-site residential use or district shall not exceed 0.2 footcandles at the border of a travel trailer camp, unless otherwise a lower threshold is specified by the Ohio Department of Health.

N. Travel Trailer Overnight Port

- (1) No zoning certificate shall be issued unless a site plan for the use has first been approved in accordance with the Ohio Public Health Council rules so regarding, as administered and enforced by the Ohio Department of Health, or as otherwise delegated thereby for permitting through the Warren County Combined Health District.
- (2) A travel trailer overnight port shall only contain the following:
 - (a) A travel trailer overnight port shall be operated for sole use as a parking area in which only self-contained recreational vehicles as defined in [CHAPTER 12 Definitions](#) for the purpose of providing vacationing travelers or other motoring transients a place for temporary occupancy, for a fee or free.
 - (b) Accessory buildings and uses such as clubhouses, laundry, swimming pool and other similar on-site support facilities are for exclusive use by the principal occupants and their guests.
- (3) **Minimum District Size, Configuration, Frontage, Setback and Buffering**

A travel trailer overnight port shall comply with all of the following minimum site and development requirements:

 - (a) The site shall be at least five acres in size, not including the minimum required setback specified in [Section 4.8.3.N\(3\)\(d\)](#) below.
 - (b) The site configuration shall not exceed a one-to-five (1:5) ratio of width-to-depth.
 - (c) At least 100 feet frontage on a public road is required.
 - (d) A setback of at least 100 feet is required from any residential district or property.
 - (e) A buffer not less than six feet in height consisting of evergreen or solid landscaping, or solid board fencing, shall be provided in the required setback distance in [Section 4.8.3.N\(3\)\(d\)](#) above. The buffer is to screen the view from any existing or future residence located within 500 feet surrounding the site.
- (4) No placement of a recreational vehicle or portable camping unit, nor occupancy thereof by the same tenant shall exceed 48 hours, except in the event of a bona-fide emergency due to illness or injury of the occupant or mechanical failure of their vehicle, and excluding three-day weekends that include either a Friday or Monday that is a nationally observed holiday.
- (5) **Sanitary Facilities**
 - (a) A travel trailer overnight port shall provide for containment or conveyance of sewage waste from trailer holding tanks, in accordance with the specifications of the Ohio Public Health Council rules so regarding, subject to approval of the Ohio Department of Health.
 - (b) Approval of the plan for the design, installation, operation and maintenance of a sewage disposal containment and/or treatment facility is subject to approval by the Warren County Combined Health District, Warren County Sanitary Engineer and/or the Ohio Public Health Council, as applicable, and shall comply with regulations HE 27.01-27.61, inclusive, of the Ohio Sanitary Code.

- (6) The location and design of any required private driveway entrance from and/or exit to a public road shall be to the satisfaction of the Warren County Engineer or ODOT, as applicable.
- (7) Stormwater drainage for a travel trailer camp must be controlled to the satisfaction of the Warren County Engineer.
- (8) All aspects of development internal to a site in a travel trailer overnight port are subject to plan approval and subsequent licensing of the developed use, in accordance with the Ohio Public Health Council rules so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Warren County Combined Health District.
- (9) The design of a travel trailer overnight port is subject to the review satisfaction of the local fire and emergency service provider, as to all applicable aspects of site development and use complying with related accessibility requirements and any other concern to such regard.
- (10) The intensity of any exterior lighting relative to adjacent off-site residential use or district shall not exceed 0.2 footcandles at the border of a travel trailer overnight port, unless otherwise a lower threshold is specified by the Ohio Department of Health.

4.8.4. Industrial and Warehouse Uses

A. Contractor Offices and Storage

All outdoor storage of equipment, supplies, and materials shall be subject to the outdoor storage requirements of [Section 4.9 Accessory Use and Structure Regulations](#).

B. Crematory

A crematory shall be located a minimum of 200 feet from any residential district.

C. Junkyard

A junkyard shall be screened along the property boundary, including any boundary with a street or other public right-of-way, in accordance with the requirements of [Section 8.5.2 Site Perimeter Landscape Buffer Requirements](#).

4.8.5. Public and Institutional Uses

A. Active Park or Recreation Facility

- (1) All structures, public swimming pools, and ball fields shall be set back a minimum of 50 feet and all parking areas shall be set back a minimum of 100 feet from any abutting residential lot line, residential district, or recorded subdivision. This standard shall not apply to fences associated with this use. Areas devoted to a golf course including tee areas and greens shall not be subject to this setback.
- (2) Private recreation facilities within residential districts shall be a minimum of 30 acres and shall be fenced on all sides.
- (3) Active parks and recreational facilities in residential districts shall have primary access along an arterial or collector street as defined in the Warren County Official Thoroughfare Plan.

B. Cemetery

- (1) All structures, except for grave markers, shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.
- (2) In residential districts, the cemetery shall be a minimum of 20 acres.
- (3) Cemeteries shall have primary access on an arterial or collector street as defined in the Warren County Official Thoroughfare Plan.

C. Community Garden

- (1) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- (2) The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file with the zoning inspector.
- (3) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- (4) There shall be no retail sales on site, except for produce grown on the site.
- (5) No building or structures shall be permitted on the site unless the community garden is accessory to a use (See [Section 4.9 Accessory Use and Structure Regulations](#)) in which case, the buildings and structures shall be considered as accessory to the principal use of the lot.
- (6) Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, rain barrel systems, children's play areas and similar equipment may be permitted.
- (7) Fences and walls shall be subject to the provisions of [Section 8.4 Landscaping Materials and Standards](#).

D. Higher Educational Facility and Educational Institution

- (1) Both educational institutions and higher educational facilities shall be located on a site with a minimum lot area of five acres.
- (2) All structures shall be set back a minimum of 200 feet from any abutting residential lot line, residential district, or recorded subdivision.

E. Hospital

In residential districts, hospitals shall be located on a minimum of five acres.

F. Public and Government Building or Use

The following standards shall apply to fire stations:

- (1) Front yard, side yard and rear yard requirements for the district are met.
- (2) Main building shall be at least minimum residential size.
- (3) Enough area shall be set aside for future parking spaces, for a minimum of 40 vehicles, with a parking space provided at any given time for each member of the fire company. If

an assembly hall is included in the building, additional parking spaces shall be provided in accordance with [Section 7.4 Off-Street Parking Regulations](#).

G. Religious Place of Worship

- (1) In residential districts, buildings shall be set back a minimum of 100 feet from the side and rear lot line.
- (2) In residential districts, buildings shall be no less than the minimum dwelling size specified for the district in which the building is located.

H. Telecommunication Tower

(1) Purpose

The purpose of this section is to regulate the placement, construction, and modification of telecommunication facilities and their support structures in order to protect the public health, safety, welfare, and morals, while at the same time not unreasonably interfering with the competitiveness in the wireless telecommunications industry in the region.

(2) Applicability

This section shall only apply to the review of wireless telecommunication facilities in residential zoning districts pursuant to ORC Section 519.211.

(3) Procedure for Telecommunication Towers in Residential Zoning Districts

- (a) Any person who plans to construct a telecommunications tower in a residential zoning district shall provide written notice in accordance to ORC Section 519.211.
- (b) If the board of township trustees receives notice from a property owner in accordance with ORC Section 519.211 or if a board member makes an objection to the proposed location of the telecommunications tower within 15 days after the date of mailing of the notice sent under ORC Section 519.211, the board of township trustees shall request that the township fiscal officer send the person proposing to construct the facility written notice that the tower is subject to the power conferred by and in accordance with ORC. The notice shall be sent no later than five days after the earlier of the date the board of township trustees first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, ORC Sections 519.02 to 519.25 shall apply to the facility. Such tower or facility shall be subject to a conditional use review pursuant to [Section 3.8 Appeals, Variances, and Conditional Uses](#).
- (c) If the board of township trustees receives no notice under ORC Section 519.211 within the time prescribed by that division or no board member has an objection as provided under ORC Section 519.211 within the time prescribed by that division, the tower shall be permitted as-of-right pursuant to the applicable sections of this zoning code.

(4) Review Standards for Conditional Use Towers

The BZA shall approve a telecommunications tower as a conditional use if the BZA finds that the applicant has satisfied all of the following standards:

- (a) The proposed site meets the minimum site development standards for the applicable zoning district.
- (b) The maximum height of the tower shall be 200 feet.
- (c) **Lot Size, Setback and Clear Falling Zone**
 - (i) The lot on which the tower is to be located shall be owned or leased by the telecommunications tower company, and the parcel shall be of sufficient size to allow the minimum setback from this parcel's lot line to the base of the telecommunication tower.
 - (ii) The minimum setback shall be a 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet of distance from the tower base to the nearest lot line and/or closest unrelated structure).
 - (iii) Towers less than 100 feet in height that cannot satisfy this setback requirement may be approved, provided that the applicant presents certification that the tower meets requirements of the American National Standards Institute, Electronic Industry Association and the Telecommunication Industry Association 222-F, that the tower will withstand wind up to 100 miles per hour.
 - (iv) The equipment shelter shall comply with minimum setback requirements for the established zoning district. New structures not related to the telecommunication facility cannot be added within the area of the tower's parcel. If the parcel on which the tower is located has road frontage, the tower must be located 300 feet from the right-of-way.
- (d) The application shall comply with the general standards for a conditional use as established in [Section 3.8 Appeals, Variances, and Conditional Uses](#).
- (e) Proof shall be provided by the applicant in a form satisfactory to the BZA that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to the Ohio Department of Transportation, the Federal Aviation Administration (FAA), the Federal Communications Commission (FCC), or the successors to their respective functions.
- (f) In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing towers. This shall include, but not be limited to, a certified mail announcement to all other tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on a tower, unless available space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of co-location versus new construction and any FCC limitations on tower sharing preclude co-location.
- (g) The BZA shall require a bond to cover tower removal and full site restoration after discontinued use.
- (h) The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Monopole installations are recommended.

- (i) No telecommunication facility shall be located within a "wetland" as defined by federal law.
- (j) A telecommunication facility shall not be located upon a property listed on a federal, state, or local historic register, or be mounted on a building or structure listed on a federal, state, or local historic register.
- (k) A balloon test, if requested by the BZA, shall be conducted at the height of the application request. Photographs shall be taken up to one-half mile away from the site from a minimum of four opposing directions.
- (l) No advertising sign(s) shall be permitted anywhere on a telecommunication tower, equipment building, and appurtenances or on the site.
- (m) There shall be no outdoor storage of equipment or other items on the site except during the facility construction period or to supply emergency power to the facility only during a power outage.
- (n) The owner/operator of the telecommunication facility shall, by January 15th of every year from the date of issuance of the zoning certificate, file a declaration with the zoning inspector, including verification that the radio frequency (electromagnetic) emissions are in compliance with the current FCC regulations. The appropriate fee(s) will be included to permit the continuing operation of every facility, which is subject to these regulations.
- (o) The maximum cumulative total size of all equipment buildings accessory to a telecommunication tower or antenna on a parcel shall be 800 square feet. All telecommunication equipment shelters shall be configured to appear as one building on any one parcel.
- (p) The applicant shall demonstrate to the township that it is licensed by the FCC, and shall notify the township of any special conditions conveyed by the license.
- (q) Screening and Landscaping**
 - (i) Existing on-site vegetation shall be maintained to the greatest extent possible.
 - (ii) In addition, at a minimum, the perimeter of the site shall be planted with at least one row of evergreen shrubs capable of forming a continuous hedge at least five feet in height within two years of planting, spaced not more than five feet on center.
 - (iii) For towers 100 feet or greater in height, in addition to the above, at least one row of deciduous trees, not less than one and one-half (1½) inches in diameter measured three feet above grade at time of planting, spaced not more than 20 feet on center, shall be planted within 25 feet of the perimeter of the site.
 - (iv) Additional landscaping and alternate means of screening the base of the tower and any equipment buildings or off-street parking may also be required by the BZA.
 - (v) Towers shall be painted green below the prevailing treetop level.
- (r) Telecommunication towers shall not be artificially lighted unless required by the FAA or other applicable federal or state authority. When so required, it shall be oriented

inward, so as not to project onto surrounding residential properties. In any case, overall site illumination shall be such that measurements along the perimeter of the site shall not exceed 0.20 footcandles.

- (s) The applicant (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give notice of such ceasing of operation to the BZA. Facilities shall be removed from the site within 12 months of ceasing operations. Resale or renting of facilities is permissible only to other cellular communications systems subject to obtaining a zoning certificate.
- (t) Vehicular access to the equipment shelter shall be via the existing road circulation system and subject to [CHAPTER 7 Parking, Loading and Circulation](#).
- (u) An antenna for a telecommunication facility may be attached to an existing residential building two and one-half (2½) stories in height or to an existing nonresidential structure, excluding residential accessory structures, subject to the following conditions:
 - (i) The antenna shall not extend more than 10 feet above the roof of the existing building or top of the existing structure.
 - (ii) If the applicant proposes to locate the telecommunications equipment in a separate telecommunications equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district.

4.9. ACCESSORY USE AND STRUCTURE REGULATIONS

4.9.1. Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

4.9.2. General Provisions

The following general provisions apply to all accessory uses or structures.

- A.** The structure or use shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
- B.** The structure or use shall be located on the same lot as the principal use for which it serves.
- C.** Unless otherwise stated in this section, a zoning certificate shall be required prior to construction or establishment of an accessory use or structure.
- D.** An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of this zoning code.
- E.** Unless permitted by the zoning commission or board of township trustees as part of a PUD approval, accessory uses and structures shall be prohibited in any open space area dedicated as part of a PUD, except buildings for the storage of equipment or maintenance items for the open space.

- F.** Accessory structures on properties with a lot area of five acres or more and used for agricultural purposes shall be exempt from these regulations. To be exempt, the building should be one which is necessary for, or customarily used in conjunction with, the specific agricultural use that is active on the property. Such structures include, but are not limited to, barns, greenhouses, and other buildings that are specifically designed for agricultural uses. Although such a structure may have some incidental use for other than agricultural activities, the principal use of the structure must be agricultural.

4.9.3. Permitted Accessory Uses

[Table 4-5: Permitted Accessory Uses](#) lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in [Table 4-5: Permitted Accessory Uses](#).

A. Permitted Use (P)

A “P” in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted accessory uses and structures are subject to all other applicable regulations of this zoning code, including the additional standards set forth in this section.

B. Permitted Use with Use-Specific Standards (PS)

- (1)** A “PS” in a cell indicates that an accessory use or structure is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections in the last column of [Table 4-5: Permitted Accessory Uses](#). Permitted uses and structures with use-specific standards are subject to all other applicable regulations of this section and zoning code.
- (2)** Accessory uses and structures permitted with use-specific standards under this category are approved administratively by the zoning inspector pursuant to the zoning certificate review procedure (where required).

C. Conditional Use (C)

A “C” in a cell indicates that, in the respective zoning district, an accessory use or structure is permitted if reviewed and approved as a conditional use pursuant to [Section 3.8 Appeals, Variances, and Conditional Uses](#). Conditional uses are subject to all other applicable regulations of this zoning code, including the additional standards set forth in this section.

D. Prohibited Uses (Blank Cells)

A blank cell indicates that the listed accessory use or structure is prohibited in the applicable zoning district.

E. Zoning Certificate Required

The “Zoning Certificate Required” column identifies if a zoning certificate is required for the applicable accessory use or structure.

F. Yards Permitted

The “Yards Permitted” column identifies in which yards the applicable accessory use or structure is permitted. See also [Section 4.9.4 Setback, Yard Coverage and Height Requirements](#).

G. Numerical References (Last Column)

The numbers contained in the “Additional Requirements” column are referenced to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the “Additional Requirements” column apply in all zoning districts unless otherwise expressly

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stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

TABLE 4-5: PERMITTED ACCESSORY USES

USE OR STRUCTURE	ZONING DISTRICTS						ZONING CERTIFICATE REQUIRED	YARDS PERMITTED F = FRONT S = SIDE R = REAR [1]	ADDITIONAL REQUIREMENTS
	R-1, R-2, R-4	R-3	M-H	T-C	B-1, B-2	M-1, M-2			
Accessory Apartment	PS						Yes	S or R	See 4.9.5.A
Accessory Retail Sales					P	P	Yes	Inside principal building	See 4.9.5.B
Amateur Radio Transmitter or Antenna	PS	PS	PS				Yes	S or R	See 4.9.5.C
Automated Teller Machine (ATM)					P	P	Yes [2]	F, S or R	
Beekeeping	PS	PS	PS				No	S or R	See 4.9.5.D
Caretaker Dwelling				P	P	P	Yes	S or R	
Community Garden	PS	PS	PS	PS	PS	PS	Yes	F, S, or R	See 4.9.5.E
Detached Accessory Building	P	P	P	P	P	P	Yes	R	
Drive-Through Facility					PS	PS	Yes [2]	S or R	See 4.9.5.F
Drop-Off Box					PS	PS	No	S or R	See 4.9.5.G
Dumpster or Refuse Container		PS	PS	PS	PS	PS	No	S or R	See 4.9.5.H
Home Occupation	PS	PS	PS				Yes	Inside principal building	See 4.9.5.I
Keeping of Chickens	PS						No	S or R	See 4.9.5.J
Outdoor Dining Area					PS	PS	Yes	F, S or R	See 4.9.5.K
Outdoor Wood Furnace	PS						Yes	S or R	See 4.9.5.K
Porch or Deck	PS	PS	PS	PS	PS	PS	Yes	F, S, or R	See 4.9.5.M
Private or Public Swimming Pool	PS	PS	PS	PS			Yes	S or R	See 4.9.5.N
Roadside Stand	PS	PS	PS	PS	PS	PS	Yes	F, S, or R	See 4.9.5.O
Satellite Dish	PS	PS	PS	PS	PS	PS	Yes [3]	F, S, or R	See 4.9.5.P
Small Wind Energy Conservation System	PS	PS	PS	PS	PS	PS	Yes	R	See 4.9.5.Q
Solar Panels	PS	PS	PS	PS	PS	PS	See Section 4.9.5.R	On roof of structure or rear yard	See 4.9.5.R
Stable, Private	PS						Yes	S or R	See 4.9.5.S
Tennis Court or Other Game Court	PS	PS	PS	PS	PS	PS	Yes	S or R	See 4.9.5.T
Tree House, Play Set, or Trampoline	P	P	P	P			No	R	
Unenclosed Patio	P	P	P	P	P	P	No	R	
Other Accessory Uses	C	C	C	PS	PS	PS	See Section 4.9.5.U		

NOTES:

- [1] For the purposes of the placement of accessory uses or structures on a corner lot, the side yard located opposite of the front door of the structure shall be considered the rear yard; and for through lots, the front yard located to the rear of the structure shall be considered the rear yard.
[2] ATMs and drive-through facilities shall be permitted in the stated zoning district when they are accessory to the building containing the principal use. The zoning certificate approval may be part of the zoning certificate application for the principal use.
[3] Satellite dishes should be located in the side or rear yard to the maximum extent feasible. However, these regulations shall not prohibit the location of a satellite dish in the front yard.

4.9.4. Setback, Yard Coverage and Height Requirements

- A.** An accessory structure may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or other similar structure.
- B.** An accessory structure may be detached from the principal building.
- C.** Accessory structures that are structurally connected to the principal structure, either as an extension of the principal use or through a breezeway, shall meet the setback requirements of the applicable zoning district. Such requirements shall not apply to unenclosed patios.
- D.** Accessory uses or structures shall be set back a minimum of five feet from any lot line unless otherwise specified.
- E.** [Table 4-5: Permitted Accessory Uses](#) identifies the yards in which accessory uses are permitted to be located as it relates to a standard interior lot. See [Section 6.1 Measurements, Computations, and Exceptions](#) for standards related to corner lots and double frontage lots.

4.9.5. Use-Specific Standards

A. Accessory Apartment

Accessory apartments shall comply with the following standards:

- (1)** Accessory apartments are allowed as accessory uses only to single family detached dwellings, and are not allowed as accessory uses to two family dwellings, townhouse dwellings, multi-family dwellings, or manufactured homes.
- (2)** The principal dwelling shall be occupied by its owner.
- (3)** Not more than one accessory apartment shall be allowed per single family dwelling.
- (4)** An accessory apartment may be within or attached to the principal dwelling (e.g., a downstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse).
- (5)** An accessory apartment attached to the principal dwelling shall have an operative interconnecting door with the principal dwelling, and shall have a principal access only from the side or rear yard of the principal dwelling.
- (6)** The gross floor area devoted to an accessory apartment shall not exceed 35 percent of the total gross floor area of the principal dwelling to which it is accessory. The floor area of an accessory apartment shall not be included as part of the floor area of the principal dwelling for calculation purposes of applying limits on home occupations or similar limits imposed by this code.
- (7)** The use of a manufactured home, recreational vehicle, or a similar vehicle as an accessory apartment unit is prohibited.
- (8)** At least one, but no more than two, off-street parking spaces shall be provided for an accessory apartment in addition to off-street parking required for the principal dwelling.
- (9)** The addition of an accessory apartment to a single family detached dwelling shall not change the status of the dwelling as a single family detached dwelling or the lot as the site of a single family dwelling for purposes of applying intensity and dimensional standards.

B. Accessory Retail Sales

Principal uses in the applicable zoning district may include some retail sales provided:

- (1) The floor area dedicated to retail sales is less than 10 percent of the total building floor area;
- (2) The retail sales take place in the principal building; and
- (3) The retail sales are related to the services rendered, products stored, or products produced as part of the principal use.

C. Amateur Radio Transmitter or Antenna

Noncommercial amateur radio antenna structures for use by amateur radio operators licensed by the FCC shall be authorized for use by licensed amateur radio operators in all residential districts, provided that:

- (1) The plans for all new and altered amateur radio towers shall be prepared by a certified professional engineer or in accordance with the tower manufacturer's guidelines for installation. The applicant must show evidence that the proposed facility will have sufficient structural strength to support the radio tower and related equipment.
- (2) Amateur radio towers 35 feet and under shall be set back a minimum distance of five feet from the rear and side property lines, but may not project into any front yard of the residence.
- (3) In order to make reasonable accommodations for amateur radio towers, there shall be a height limit of 35 feet in all residential areas.
 - (a) An additional height limit up to 70 feet for amateur radio towers may be granted when the tower setback meets a ratio of one foot from the base of the tower to all adjoining property boundaries for every one foot of tower height up to 70 feet.
 - (b) Height measurements shall be taken from the top of the tower or the highest antenna to the finished grade.
- (4) Amateur radio towers shall not be artificially lighted unless required by the FAA or other applicable federal or state authorities. When so required, lighting shall be oriented upwards, so as to not project onto surrounding residential properties. In any case, overall site illumination shall not exceed 0.20 footcandles along the perimeter of the site.
- (5) Permission for the amateur radio tower resides with the applicant for the specific property and does not transfer to a different site or to new owners of the property. New owners may apply to the township for permission to retain the tower for amateur radio antenna under this provision. The applicant (or its successors) shall within 30 days of ceasing operation of the amateur radio or tower, provide written notice of abandonment to the zoning inspector. An amateur radio tower may not stand longer than 12 months following abandonment.

D. Beekeeping

Beekeeping is permitted provided that:

- (1) The principal use is a single family dwelling.
- (2) No more than two hives is permitted on lots less than one acre.

- (3) A beehive shall be kept no closer than 10 feet to any lot line and no closer than 25 feet to any residential structure on an adjacent lot, or shall comply with the setbacks of the applicable zoning district, whichever is greater.
- (4) The front of any beehive shall face away from the property line of the adjoining residential property closest to the beehive.
- (5) A solid fence or dense hedge, known as a flyaway barrier, at least five feet in height shall be placed around the beehive. A boundary fence or hedge at least five feet in height may be used to meet this requirement. No such flyaway barrier shall be required if all beehives are located at least 25 feet from all property lines and for beehives that are located on porches or balconies at least 10 feet above grade, except if such porch or balcony is located less than five feet from a property line.
- (6) No Africanized bees may be kept on a property.
- (7) A supply of fresh water shall be maintained in a location readily accessible to all beehives on the property.
- (8) These regulations do not apply to agricultural uses exempted in accordance with [Section 3.2 Agricultural Exemption](#).

E. Community Garden

- (1) Community gardens may be allowed as an accessory use when associated with public or institutional principal use (e.g., religious institution or educational facility).
- (2) Community gardens shall be subject to the provisions of [Section 4.8.5.C](#).

F. Drive-Through Facility

The following standards shall apply to businesses that contain a drive-through facility, regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

(1) General Standards

- (a) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 300 feet of any residential dwelling unit.
- (b) All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area, shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- (c) An opaque fence or screen between four and six feet in height shall be constructed along any property line abutting a residential district.

(2) Stacking Space and Lane Requirements

- (a) The number of required stacking spaces shall be as provided for in [Table 4-6 Stacking Space Requirements](#). See [Figure 4-1: Location of Stacking Spaces and Lanes](#) for illustration of stacking spaces. Stacking spaces do not count towards the parking spaces required in accordance with [Section 7.4 Off-Street Parking Regulations](#).

TABLE 4-6 STACKING SPACE REQUIREMENTS

ACTIVITY	MINIMUM STACKING SPACES (PER LANE)	MEASURED FROM
Financial Institution or Automated Teller Machine (ATM)	5	Teller or Window
Fuel or Gasoline Pump Island	2	Pump Island
Full Service Automotive Washing Establishment	6	Outside of Washing Bay
Restaurant	6	Pick-Up Window
Self-Service or Automotive Washing Establishment	2	Outside of Washing Bay
Other	As determined by the zoning inspector	

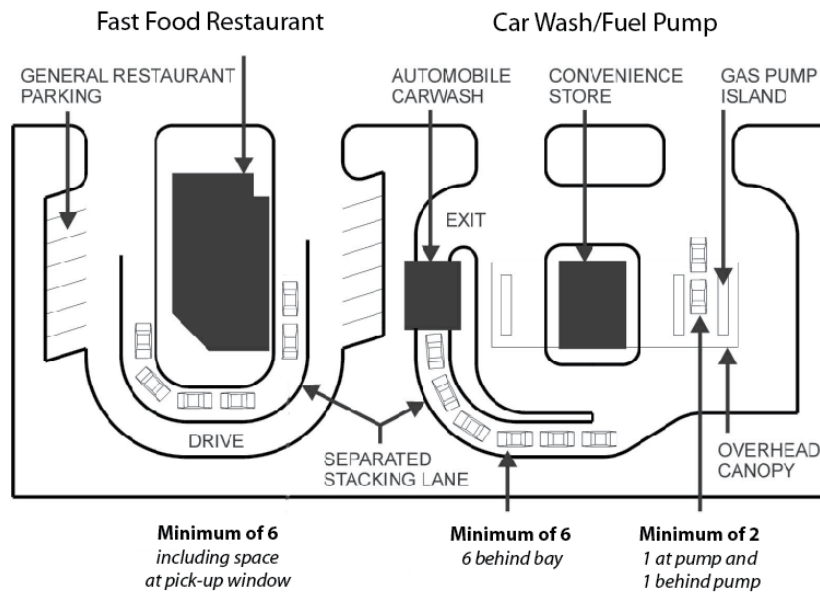


Figure 4-1: Location of Stacking Spaces and Lanes

Note that the stacking lanes are oriented toward the side and rear yards rather than the front yard.

- (b)** Stacking lanes shall be provided for any use having a drive-through facility and shall comply with the following standards:
 - (i)** Drive-through stacking lanes shall have a minimum width of 10 feet.
 - (ii)** Stacking lanes shall be set back 25 feet from rights-of-way.
 - (iii)** Stacking spaces shall be a minimum of nine feet by 18 feet in size.

(3) Menu Board Signs

- (a)** One menu board sign for each stacking lane shall be allowed provided it does not exceed 35 square feet in sign area. Any additional attachments such as pictures or photographs of food and other items shall be included within the maximum signage area.

- (4) Menu board signage shall not be included in the total calculated allowed signage for a property under [Section 9.8.3 Signs in Nonresidential Zoning Districts](#).
 - (a) No menu board sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.
 - (b) Illuminated menu board signs shall be internally illuminated.
 - (c) Menu boards shall be reviewed and approved as part of the zoning certificate for the drive-through facility or, when a menu board is to be added, as part of a separate zoning certificate application.

G. Drop-Off Box

Drop-off boxes and dumpster style recycling collection containers for public use are permitted in accordance with the following standards:

- (1) A drop-off box may be located in any yard area, but shall not be located in any area that is required to be landscaped.
- (2) Drop-off boxes must be placed on a hard paved surface and located outside of driveways and parking spaces required in conformance with [Section 7.4 Off-Street Parking Regulations](#).
- (3) Drop-off boxes must either be enclosed per the requirements of [Section 8.5.5 Service Area and Structure Screening Requirements](#) or kept in a clean, new appearing condition. Drop-off boxes which are not kept within an enclosure shall not have dents, any deformation to the outside painted surface, any dirt or residue on the outside surface, graffiti, etc.
- (4) If two or three drop-off boxes are kept on a site, all boxes shall be kept within a common enclosure in conformance with [Section 8.5.5 Service Area and Structure Screening Requirements](#). The common enclosure for multiple boxes shall not be located in any area that is required to be landscaped, nor shall it be located in front yard or corner side yard areas. No more than three boxes may be kept on a single site.
- (5) Each drop-off box shall be limited in size to 10 cubic yards and shall have a lid.
- (6) Recycling collection containers for private, on-site use only are considered trash and/or garbage collection areas and are subject to the provisions [Section 4.9.5.H](#).

H. Dumpster

The dumpster shall be screened on a minimum on three sides to a height that fully screens the use in conformance with [Section 8.5.5 Service Area and Structure Screening Requirements](#) unless otherwise required in this zoning code.

I. Home Occupation

Home occupations shall be subject to the following conditions in addition to any other applicable use standards of the applicable zoning district:

- (1) A person whose principal employment is outside of the home but who temporarily works out of a home office shall not be considered as operating a home occupation subject to these standards.
- (2) Home occupations shall be clearly incidental and subordinate to the use of the property for residential purposes and shall be completely conducted within the dwelling.

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- (3)** The external appearance and/or use of the structure or lot in which the home occupation is conducted shall not be altered to indicate the presence of the home occupation.
- (4)** There shall be no outside storage of any kind related to the home occupation and only commodities made on the premises may be sold on the premises. No display of the products shall be visible from the street.
- (5)** No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupation, shall be created.
- (6)** No equipment, process, materials, or chemicals which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances shall be utilized in the home occupation.
- (7)** Not person who is not a resident of the premises may participate in the home occupation as an employee.
- (8)** No more than one home occupation shall be permitted within any single dwelling unit.
- (9)** Delivery of any materials necessary for a home occupation shall be limited to automobiles, light duty trucks (e.g., typical FedEx or UPS home delivery vans and trucks) or vans.
- (10)** No building or structure shall be used to operate a business, store equipment used for a business, or serve as a location where multiple employees meet or park prior to going to work off-site.
- (11)** Hours of operation for a home occupation that entails client visits or incoming deliveries is restricted to no earlier than 8:00 a.m. and no later than 8:00 p.m. each day of the week.
- (12)** No sign, other than one non-illuminated nameplate, two square feet in area and mounted flat on the front face of the dwelling or on a driveway lamppost, shall be erected or maintained on the premises.
- (13)** In those instances when the zoning inspector denies an application, or if the zoning inspector is uncertain of the appropriateness of a proposed home occupation, the matter may be appealed or taken to the BZA for interpretation.
- (14)** The following are examples of permitted home occupations:
 - (a)** Clerical and other similar business services;
 - (b)** Instruction in music, dance or other type of teaching that does not require an expansion in parking;
 - (c)** The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office oriented occupations;
 - (d)** Artists, sculptors, photographers, and other providers of home crafts;
 - (e)** Barber shop/beauty salon with a maximum of one chair;
 - (f)** A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
 - (g)** Any similar use as determined by the zoning inspector.

J. Keeping of Chickens

The keeping of up to four chickens is permitted provided that:

- (1) The principal use is a single family dwelling.
- (2) No person shall keep any rooster.
- (3) No person shall slaughter any chickens for commercial sales.
- (4) The chickens shall be provided with a covered enclosure for protection from the elements.
- (5) Chickens must always be confined within a fenced area of the yard at all times.
- (6) A covered enclosure or fenced area shall be located no closer than 25 feet to any residential structure on an adjacent lot, or shall comply with the setbacks of the applicable zoning district, whichever is greater.

K. Outdoor Dining Area

- (1) Outdoor dining areas in a public right-of-way shall be prohibited.
- (2) Outdoor dining areas on a private property shall be regulated as follows:
 - (a) An outdoor dining area may be allowed as an accessory use to a restaurant with an indoor eating area on the same site; provided the outdoor dining area shall not replace any off-street parking, loading, or landscaping areas as may be required by this code.
 - (b) If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to an area that is closed to vehicular traffic, no railing or fencing shall be required.
 - (c) Umbrellas, or other protective elements, that shelter diners from the elements shall be secured so as not to create a hazard.
 - (d) Enclosing an outdoor dining area either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a zoning certificate.
 - (e) There shall be no use of electronics (e.g., televisions, radios, or speakers) in the outdoor dining areas that generate noise.
- (3) The location of outdoor dining areas is subject to review by the township to ensure that access to the building and pedestrian walkways are not obstructed.

L. Outdoor Wood Furnaces

Outdoor wood furnaces shall only be permitted as an accessory use on lots with a minimum lot area of five acres.

(1) Setbacks

Outdoor wood furnaces shall be set back:

- (a) A minimum of 100 feet from all lot lines;
- (b) A minimum of 200 feet from the boundaries of all recorded subdivisions with lots less than five acres in size; and

- (c) A minimum of 200 feet from all residential dwellings not located on the property where the outdoor wood furnace will be situated.

(2) Permitted and Prohibited Fuels

- (a) Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.
- (b) The following fuels are strictly prohibited in new or existing outdoor wood furnaces:
 - (i) Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - (ii) Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - (iii) Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - (iv) Rubber, including tires or other synthetic rubber-like products.
 - (v) Any other items not specifically allowed by the manufacturer or this section.

(3) Nonconforming Use

Outdoor wood furnaces that were installed prior to the effective date of this amendment shall be permitted to continue. However, if the existing outdoor wood furnace does not meet the standards of this section, the outdoor wood furnace shall be considered a nonconforming use subject to the nonconforming use provisions of this zoning code (See [CHAPTER 10 Nonconformities](#)).

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 setbacks in accordance with [Section 6.2 Site Development Standards](#).
- (3) Porches or decks that are under 18 inches in height do not require a zoning certificate.

N. Private Swimming Pool or Public Swimming Pool

- (1) The swimming pool shall be set back a minimum of 20 feet from any property line. This setback shall be measured from the edge of the pool water.
- (2) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four feet in height and maintained in good condition with a self-closing, self-latching gate that can be locked. Above grade pool walls may be counted toward the height of the required fence.

- (3) Any swimming pool for the use of occupants of multi-family dwellings containing over three dwellings or those that are accessory to a nonresidential use shall meet the structural and sanitary requirements of the Ohio Department of Health.
- (4) The swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

O. Roadside Stand

- (1) A roadside stand shall only be permitted where at least 50 percent of the total value sold from the stand is derived from produce raised on farms owned or operated by the stand operator in a normal crop year.
- (2) Off-street parking shall be provided as required in [Section 7.4 Off-Street Parking Regulations](#).
- (3) One ground-mounted sign may be permitted provided it does not exceed 12 square feet in sign area, six feet in height, and only external illumination is used.

P. Satellite Dish

- (1) Satellite dishes that are one meter in diameter or less shall be subject to the following standards:
 - (a) To the maximum extent feasible, such dishes should be located to the side or rear of a structure. However, the township shall not have the authority to prevent the location of these smaller satellite dishes in the front yard.
 - (b) Such dishes shall not require a zoning certificate.
- (2) Satellite dishes that exceed one meter in diameter shall be subject to the following standards:
 - (a) Satellite dishes may be erected or installed on the ground of any property.
 - (b) Roof mounting of dishes is only permitted in the B-1, B-2, M-1, and M-2 Districts.
 - (c) Ground-mounted satellite dishes shall be set back a minimum five feet from all lot lines.
 - (d) Satellite dishes shall be prohibited in the front yards of any property on which it is located.
 - (e) Installation of a these satellite dishes shall require a zoning certificate.
 - (f) The maximum height of the satellite dish shall be 15 feet as measured from the average grade.
 - (g) The maximum diameter of the satellite dish shall be 12 feet.
 - (h) Screening shall be provided as required by [Section 8.5.5.D\(12\)](#).

Q. Small Wind Energy System

- (1) Small wind energy systems that are attached to a roof or structure are permitted provided that the measurement from the average grade to the tip of the blade of the system does not exceed the maximum height of buildings permitted in the applicable zoning district.

- (2) Stand-alone small wind energy systems may be permitted on lots with a minimum lot area of one acre. The pole or supporting structure shall be set back a minimum of 50 feet from any lot line.
- (3) The maximum height shall be 75 feet measured from the average grade to the highest point on the blade.
- (4) The height and location of a stand-alone small wind energy system shall be such that if the system were to collapse it would fall within the boundaries of the subject lot.

R. Solar Panels

- (1) Roof-mounted solar panels that are visible from a public right-of-way shall be flush-mounted to the roof or may be elevated on one side of the panel to a distance that does not exceed six inches as measured from the roof surface to the top of the panel.
- (2) Roof-mounted solar panels that are not visible from a public right-of-way shall not be elevated from the roof surface more than two feet.
- (3) Roof-mounted solar panels shall not count toward the maximum number of accessory structures permitted on the property and shall not require a zoning certificate.
- (4) Freestanding solar panels shall be limited to a maximum height of five feet and shall be located in the rear yard. Such freestanding solar panels shall count toward the maximum number of accessory structures permitted on the property and shall require a zoning certificate.

S. Stable, Private

A private riding stable shall only be permitted as an accessory use on lots with a minimum area of five acres.

T. Tennis Court or Other Game Court

Tennis courts or other game courts shall be set back five feet from all lot lines.

U. Other Accessory Uses

- (1) Other accessory uses in a residential zoning district shall be subject to a conditional use review (See [Section 3.8 Appeals, Variances, and Conditional Uses](#)).
- (2) Other accessory uses in a nonresidential zoning district may be permitted by the zoning inspector if they are customarily found in conjunction with and required for the full utilization and economic viability of the principal business use. The zoning inspector shall have the authority to determine that a proposed accessory use (not otherwise defined in [Table 4-5: Permitted Accessory Uses](#)) shall be subject to conditional use review (See [Section 3.8 Appeals, Variances, and Conditional Uses](#)).

4.10. TEMPORARY USE REGULATIONS

4.10.1. Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

4.10.2. Permitted Temporary Uses and Structures

Table 4-7: [Temporary Uses and Structures](#) summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

TABLE 4-7: TEMPORARY USES AND STRUCTURES

TEMPORARY USE OR STRUCTURE	ALLOWABLE DURATION (PER SITE)	ZONING CERTIFICATE REQUIRED	ADDITIONAL REQUIREMENTS
Construction Dumpster	For construction use – Until issuance of a certificate of occupancy by the building department. For use during temporary cleaning, clearing, or renovations - 60 days per calendar year	No	See 4.10.3.B
Construction Office or Trailer	Until issuance of a certificate of occupancy by the building department	Yes	See 4.10.3.C
Gravel Surface Parking Lots	Until issuance of a certificate of occupancy by the building department	No	
Real Estate Sales/Model Homes	While lots are for sale	Yes	See 4.10.3.D
Seasonal Agricultural Sales	120 days per calendar year	Yes	See 4.10.3.E
Temporary Housing During Construction	See 4.10.3.F	Yes	See 4.10.3.F
Temporary Special Events	See 4.10.3.G	Yes	See 4.10.3.G
Temporary Storage During Construction	See 4.10.3.H	Yes	See 4.10.3.H
Temporary Storage in a Portable Container	Maximum of 14 consecutive days	Yes	See 4.10.3.I
Temporary Structure for Public or Institutional Uses	3 years	Yes	See 4.10.3.J

4.10.3. Temporary Use and Structure Standards

A. General Standards

- (1) All temporary uses or structures shall be reviewed in accordance with this section and all other applicable sections of this zoning code.
- (2) All temporary uses or structures shall:
 - (a) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
 - (b) Be compatible with the principal uses taking place on the site;
 - (c) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
 - (d) Not include permanent alterations to the site;

- (e) Not maintain temporary signs associated with the use or structure after the activity ends;
- (f) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (g) Not interfere with the normal operations of any permanent use located on the property; and
- (h) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.

B. Construction Dumpsters

Temporary trash receptacles or dumpsters shall be located outside public rights-of-way and shall comply with the following standards:

- (1) Not be located within a floodplain or otherwise obstruct drainage flow; and
- (2) Not be placed within five feet of a fire hydrant or within a required landscaping area that has already been constructed.

C. Construction Office or Trailer

One trailer used as a temporary construction office within a subdivision or nonresidential development which is being developed provided:

- (1) The subdivision shall be at least five acres. No minimum is established for nonresidential construction sites.
- (2) A zoning certificate has been issued for the placement of the trailer within the subdivision or development site.
- (3) The trailer is incidental to and located within the subdivision or site that is subject to development.
- (4) The placement of the trailer shall conform to all setback requirements for the district in which it is located. In no case shall the trailer be located in the public right-of-way or in proposed or completed roadways.
- (5) Only one such trailer shall be permitted for each phase of development of the subdivision or nonresidential development.
- (6) The trailer shall have a parking area with a minimum of one parking space and one additional parking space for each employee within the trailer.
- (7) 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 zoning inspector for good cause shown.
- (8) All doors and entries to the trailer shall be secured and lighted as required by the zoning inspector.
- (9) 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 or nonresidential site shall be permitted.

- (10) A sketch plan shall be submitted to the zoning inspector showing the dimensions of the lot or other land upon which the trailer is located and showing compliance with other location requirements of this subsection.
- (11) The trailer shall be removed when 75 percent of the lots within the phase of development have been developed.
- (12) A deposit is made with Hamilton Township in an amount set forth upon the 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, then the township may apply the deposit to defray the cost of removing the trailer.

D. Real Estate Sales Office

One temporary sales office or trailer is permitted in a residential district provided:

- (1) The subdivision shall consist of at least five acres.
- (2) A zoning certificate has been issued for the placement of the trailer within the subdivision.
- (3) The trailer is incidental to and located within the subdivision subject to development.
- (4) The trailer may not be placed within the subdivision until an application for construction of a model home within the subdivision has been issued. In no case shall the trailer be located in the public right-of-way, or in proposed or completed roadways. The trailer shall be removed upon completion of the model home.
- (5) Placement of the trailer shall conform to all the setback requirements for the district, which it is located.
- (6) Only one such trailer shall be permitted in a subdivision.
- (7) The trailer shall have a parking area with a minimum of four parking spaces and one additional parking space for each employee who works within the trailer.
- (8) The entrance to the parking area shall be from an interior street within the subdivision.
- (9) 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 zoning inspector for good cause shown.
- (10) All doors and entries to the trailer shall be secured and lighted as required by the zoning inspector.
- (11) Only one wall sign which is attached to the trailer shall be permitted. The sign shall not exceed 32 square feet in size.
- (12) A sketch plan is submitted to the 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 the location requirements of this subsection.
- (13) A deposit is made with Hamilton Township in an amount set forth upon the 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, then the township may apply the deposit to defray the cost of removing the trailer.

E. Seasonal Agricultural Sales

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

(1) Location

- (a)** The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking space availability.
- (b)** The display or storage of goods for sale shall not occur within the public right-of-way, or within 200 feet of a dwelling.

(2) Range of Goods Limited

The range of goods or products available for sale shall be limited to non-processed products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, and firewood; bees and beekeeping products; seafood; and dairy products.

(3) Hours of Operation

The hours of operation of the seasonal sale of agricultural products shall be from 7:30 a.m. to 10:00 p.m., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

F. Temporary Housing During Construction

A zoning certificate shall be issued for temporary housing on the lot on which a building is being erected provided:

- (1)** A building permit has been issued for construction of a residence on the same lot or tract of ground, and that actual construction has commenced before the temporary housing is placed on the property.
- (2)** The temporary housing shall be located behind the residence site.
- (3)** Before occupying the temporary housing it shall be connected to the sewage disposal system required for the residence under construction.
- (4)** The electrical service for the temporary housing shall meet the requirements of the applicable building codes.
- (5)** The temporary housing shall be securely anchored to the ground.
- (6)** A safe and substantial set of entrance steps of steel, wood or concrete shall be installed.
- (7)** A deposit is made with Hamilton Township in an amount set forth upon the township fee schedule. The deposit shall be returned when the temporary housing is permanently removed. Should the temporary housing not be removed within the period set forth, then the township may apply the deposit to defray the cost of removing the trailer.
- (8)** The temporary housing may be occupied for a period of six months and an additional six month period if the zoning inspector and the Warren County building inspector are

satisfied that work is progressing and additional time is required for completion of the residence. Occupancy of the temporary housing will not be permitted for longer than one year.

- (9) The temporary housing must be vacated and its sewer and electrical connection removed within 30 days after the residence is approved for occupancy or at the end of one year, whichever occurs first, at which time the temporary housing shall either be removed from the premises, or located on the premises in accordance with [Section 7.9 Parking of Recreational and Commercial Vehicles](#).

G. Temporary Special Events

- (1) A zoning certificate for temporary special events such as festivals, circuses, concerts, and similar uses shall only be required if tents or structures are required on the applicable lot where the event will occur.
- (2) The zoning certificate shall be valid for no more than two weeks provided the event meets the following conditions:
 - (a) For a lot that is zoned residentially or that is within 500 feet of a residential zoning district, there shall be a limit of two temporary special events per lot, per calendar year.
 - (b) The applicant receives other applicable permits from the Warren County Building Department and the Hamilton Township Fire and Rescue Department.
 - (c) The plans receive approval by the Hamilton Township Police Department for the purposes of protecting the public safety.
- (3) Temporary tents for outdoor sales may be permitted for a 14-day period once every 90 days.
- (4) Buildings and structures for circuses, carnivals, or similar transient enterprises shall be located a minimum of 500 feet from any residential district.

H. Temporary Storage During Construction

One trailer used as a temporary storage of tools and materials used for construction is permitted on a lot on which a building is being constructed provided:

- (1) A building permit has been issued for the construction of a residence on the same lot or tract of land upon which the trailer is situated and actual construction has commenced.
- (2) A zoning certificate has been issued for the placement of the trailer on the lot or other tract of ground.
- (3) The placement of the trailer shall comply with the front and side yard setback requirements for the district within which it is placed.
- (4) A sketch plan is submitted to the zoning inspector showing the dimensions of the property upon which the trailer is to be placed with front, side and rear lot dimensions and showing compliance with the location requirements of this subsection.
- (5) The trailer may remain for a period of one year from the date of issuance of the zoning certificate. Upon application to the zoning inspector, the trailer may remain an additional period of six months provided that the construction of the residence is progressing and additional time is required for completion of the residence.

- (6) 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 required time period set, then the township may apply the deposit to defray the cost of removing the trailer.

I. Temporary Storage in a Portable Shipping Container

Storage containers that are loaded with materials and placed on a property for the purpose of temporarily storing materials are permitted with the following regulations:

- (1) Portable storage containers shall be kept in the driveway of the property at the furthest accessible point from the street. The location of the portable storage container on a driveway shall not obstruct visibility nor block the sidewalk. If no driveway is present, approval from the zoning inspector for the placement of the portable storage container prior to its delivery is required.
- (2) Only one portable storage container shall be placed at any residential property at one time.
- (3) The zoning inspector, upon good cause shown, may approve a one-time extension of the zoning certificate for an additional 14 days. Portable storage containers shall not be located on any parcel for a period exceeding 28 days per calendar year.

J. Temporary Structures for Public or Institutional Uses

Temporary structures serving public or institutional uses shall comply with the following standards:

(1) Location

- (a) The use shall be located to the side or rear of the principal structure(s) and at least five feet from any other structure.
- (b) The use shall not be permitted within required off-street parking spaces, required open space areas, or required landscaping areas.

(2) Standards

- (a) Under skirting or other materials shall be used to prevent unauthorized access underneath the structure.
- (b) Parking shall be provided for the temporary structure in conformance with [Section 7.4 Off-Street Parking Regulations](#).

(3) Approval and Duration

This use is permitted if approved by the zoning inspector, and may remain on the site for no more than three years. This period may be renewed for two additional years, for good cause shown, upon approval of a written request, submitted to the zoning inspector at least 30 days prior to the expiration of the zoning certificate. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than five years.