

HAMILTON

OHIO



ZONING ORDINANCE

PLANNING DEPARTMENT

ADOPTED JUNE 9, 1971

Revised Through: May 30, 2025

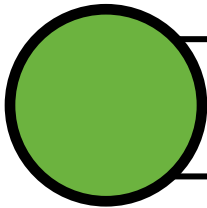


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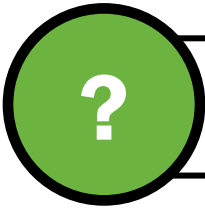
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How to use the City of Hamilton Zoning Ordinance

Zoning Map / What is the Zoning of a property?

To determine the zoning of a specific property, please search by address or parcel number using the interactive Zoning Map. [\[Interactive Zoning Map\]](#)

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The [table of contents](#) contains hyperlinks that can be clicked to reach a Section of the Zoning Ordinance.

Search for a Topic?

Use [“Ctrl” key and “F”] together (Ctrl + F) to open a search window and type the topic of your choice.

Hyperlinks

- Fonts that are blue in color and underlined are hyperlinks. [\[Example\]](#)
- When clicked they will take you to the appropriate section of the Zoning Ordinance.

For the Table of Contents and other Hyperlinks:

- To return to where you previously were in the Zoning Ordinance, press the [“Alt” key and “left arrow key”] together. (Alt + ←)

Zoning Use Chart

The land uses permitted within the respective zoning districts are governed by the [Use Chart](#). See [Section 1250](#) for the zoning districts, land uses, and additional details.

The Use Chart indicates uses in each Zoning District are that are either:

- Permitted (permitted by right) – Indicated with a “P”
- Conditional Uses (requiring Conditional Use review process and approval, see [Section 1300](#) Conditional Uses) – Indicated with a “C”.
- Accessory Uses (uses allowed when accessory to a main principal use, see [Section 1400](#) Accessory Uses) – Indicated with an “A”,

Blank spaces with no letter means that the use is not permitted within the zoning district in question.

Any term not listed in the Glossary shall be interpreted by language in the Merriam Webster’s dictionary.

Thank you for using the City of Hamilton Zoning Ordinance!

CITY OF HAMILTON OHIO: ZONING ORDINANCE

ORDINANCE NO. 7503

TO REGULATE, RESTRICT AND LIMIT, IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, CONVENIENCE, COMFORT, PROSPERITY AND GENERAL WELFARE, THE USES AND LOCATION OF BUILDINGS AND OTHER STRUCTURES AND OF PREMISES TO BE USED FOR TRADE, INDUSTRY, RESIDENCE OR OTHER SPECIFIED USES, THE HEIGHT, BULK AND LOCATION OF BUILDINGS AND OTHER STRUCTURES HEREAFTER ERECTED OR ALTERED, INCLUDING THE PERCENTAGE OF LOT OCCUPANCY, SETBACK BUILDING LINES, AND THE AREA OF YARDS, COURTS AND OTHER OPEN SPACES: AND FOR SAID PURPOSES TO DIVIDE THE CITY INTO ZONES OR DISTRICTS OF SUCH NUMBER, SHAPE AND AREA AS ARE DEEMED BEST SUITED TO CARRY OUT SAID PURPOSES; AND TO PROVIDE A METHOD OF ADMINISTRATION AND TO PRESCRIBE PENALTIES FOR THE VIOLATION OF THE WITHIN PROVISIONS, BY REPEALING THE EXISTING ZONING CODE BEING SECTIONS NO. 1101.01 TO 1190.20 INCLUSIVE OF THE CODIFIED ORDINANCES OF THE CITY OF HAMILTON OHIO, AND ALL AMENDMENTS THERETO OR SUPPLEMENTS THERETO AND BY ORDAINING SECTIONS 1100 TO 4520 INCLUSIVE CONSTITUTING THE ZONING ORDINANCE OF THE CITY OF HAMILTON, OHIO, UNDER THE HEADING "ZONING ORDINANCE OF THE CITY OF HAMILTON, OHIO".

Be it ordained by the Council of the City of Hamilton, Ohio:

SECTION I

That Sections 1110 to 4520 inclusive to constitute the Zoning Ordinance of the City of Hamilton, Ohio, are hereby ordained to be and read as follows:

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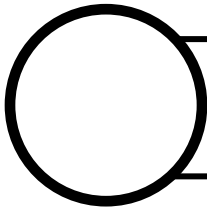
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General Provisions

1100 PREAMBLE

1110 An Ordinance establishing comprehensive zoning regulations for the City of Hamilton, Ohio, and providing for the administration, enforcement and amendment thereof, in accordance with the provisions of Chapter 713, Ohio Revised Code, and for the repeal of all Ordinances in conflict herewith:

WHEREAS the City Council deems it necessary for the purpose of promoting the health, safety, comfort, morals, economic viability, and general welfare of the City to enact such an Ordinance, and

WHEREAS the City Council, pursuant to the provisions of Chapter 713.01 through 713.05, inclusive, Ohio Revised Code and the Charter of the City of Hamilton, Ohio, has appointed a City Planning Commission, and

WHEREAS the City Planning Commission has given reasonable consideration to the plans and maps prepared as a part of the comprehensive planning process, and

WHEREAS the City Planning Commission, pursuant to the provisions of Chapter 713.06 through 713.15, inclusive, Ohio Revised Code and the Charter of the City of Hamilton, Ohio has framed and adopted a plan for dividing the municipal corporation or any portion thereof into zones or districts, representing the recommendations of the Commission, in the interest of public health, safety, convenience, comfort, prosperity or general welfare, for the limitations and regulation of the height, bulk and location, including percentage of lot occupancy, setback building lines, and area and dimensions of yards, courts and other open spaces, and the uses of buildings and other structures and of premises in such districts, and

WHEREAS the City Planning Commission has made a preliminary report and held public hearings thereof, and submitted its final report to the City Council, and

WHEREAS the City Council has given due public notice of hearings relating to zoning districts, regulations and restrictions, and has held such public hearings, and

WHEREAS all requirements of Chapter 713 of the Ohio Revised Code and the Charter of the City of Hamilton, Ohio with regard to the preparation of the report of the Planning Commission and the subsequent action of the City Council have been met;

NOW, THEREFORE, be it ordained by the Council of the City of Hamilton, Ohio:

1120 TITLE AND PURPOSE

1121 HAMILTON ZONING ORDINANCE: This Ordinance shall be known and may be cited and referred to as the "*Zoning Ordinance of the City of Hamilton, Ohio*".

1122 PURPOSE: The text of the Zoning Ordinance No.7503, the [Official Zoning Map](#) and the Official Wellhead Protection Area Map together with all amendments to said Ordinance No. 7503 and the aforesaid maps, shall constitute the Comprehensive Zoning Ordinance and regulations for the incorporated area of the City of Hamilton, Ohio, all of which are adopted to:

- (1) protect and promote the public health, safety, convenience, comfort, prosperity, or general welfare;
- (2) provide the economic and social advantages which result from an orderly, planned use of land resources. Such regulations are designed to achieve the following objectives:
 - a. To promote the achievement of the general plan for the City of Hamilton.
 - b. To advance the position of the City of Hamilton as a regional center of commerce, industry, recreation and culture.
 - c. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open space.
 - d. To protect residential, commercial, industrial and civic areas from the intrusions of incompatible uses, and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services.
 - e. To ensure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy.
 - f. To promote safe, fast and efficient movement of people and goods without sacrifice to the quality of Hamilton's environment, and to provide adequate off street parking.
 - g. To stabilize expectations regarding future development of Hamilton, thereby providing a basis for wise decisions with respect to such development.
 - h. To preserve and enhance the quality of Hamilton's environment.

- (A) The City is hereby divided into Use Districts as provided for herein and as shown on the Official Zoning Map. Subdistricts within the Use Districts for Historic Preservation and the Wellhead Protection Area may be established pursuant to the provisions herein, including any supplements or amendments to the Zoning Ordinance No. 7503. The Official Zoning Map and the Official Wellhead Protection Area Map, together with all data, references, explanatory material and notations thereon, are hereby adopted and are declared to be a part of Zoning Ordinance No. 7503. The following provisions shall apply to the Official Zoning Map, Airport Zoning Map, Historic District Overlays, Neighborhood Initiative Area Overlay (NIA), and the Wellhead Protection Area Map:
- (1) Each of the Official Zoning Map and the Official Wellhead Protection Area Map shall be identified by the signature of the Mayor, attested to by the Clerk of Council, and shall bear the seal of the City under the following words: *“This is to certify that this is the Official (Zoning or Wellhead Protection Area) Map referred to in Section 1130 of Zoning Ordinance No. 7503 of the City of Hamilton, Ohio.”* The date of the adoption of Ordinance No. 7503, together with all amendments thereto affecting the Official Zoning Map or the Wellhead Protection Area Map shall also be placed on the each of the aforesaid official Maps.
 - (2) If, in accordance with the provisions of the Zoning Ordinance No. 7503, and all amendments thereto, and Chapter 713, Ohio Revised Code, changes are made in Use District or Subdistrict boundaries or other matter portrayed on the Official Zoning Map or the Wellhead Protection Area Map, such changes shall be made thereon promptly after the amendment has been approved by the City Council, together with an entry on each Map as follows: “by Ordinance No. OR 98-10-102 adopted on October 14, 1998 by the City Council, the following change or changes were made in the Official (Zoning Map or Wellhead Protection Area) Map: (description of change)”, which entry shall be signed by the Mayor and attested by the City Clerk.
 - (3) Any unauthorized change of the Official Zoning Map or the Official Wellhead Protection Area Map of whatever kind by any person or persons shall be considered a violation of this Zoning Ordinance No. 7503 and punishable under Section [4007](#) herein.

1131 USE DISTRICTS AND SUBDISTRICTS: This Ordinance hereby establishes the following classes of Use Districts and Subdistricts:

1132 Use Districts

<u>AG</u>	Agricultural District
<u>R-1</u>	Single-Family Residence District
<u>R-2</u>	Single-Family Residence District
<u>R-2A</u>	Two Family Residence District
<u>R-3</u>	One to Four Family Residence District
<u>R-4</u>	Multi-Family Residence District
<u>RPD</u>	Residential Planned Development District
<u>R-O</u>	Multi-Family Residence and Office District
<u>OPD</u>	Office Planned Development District
<u>B-1</u>	Neighborhood Business District
<u>B-2</u>	Community Business District
<u>B-3</u>	Central Business District
<u>BPD</u>	Business Planned Development District
<u>I-1</u>	Limited Industrial District
<u>I-2</u>	Industrial District
<u>IPD</u>	Industrial Planned Development District
<u>MS-1</u>	Main Street Core District
<u>MS-2</u>	South B Street District
<u>MS-3</u>	Main Street Transition District
<u>DT-1</u>	Downtown High Street
<u>DT-2</u>	Downtown Support District
<u>DT-3</u>	Downtown East High Street District
<u>UCP-1</u>	University Commerce Park District-1
<u>UCP-2</u>	University Commerce Park District-2
<u>EM-UPD</u>	Entertainment Mixed-Use Planned Development District
<u>TN-1</u>	Traditional Neighborhood District-1
<u>TN-2</u>	Traditional Neighborhood District-2
<u>TN-3</u>	Traditional Neighborhood District-3
<u>TN-4</u>	Traditional Neighborhood District-4

1133 Subdistricts. The following Subdistricts may be established within the Use Districts set forth in 1103.51 by legislative action of the Council of the City of Hamilton: (OR 98-10-102)

1133.1 **Historic Preservation Subdistrict.** A Historic Preservation Subdistrict may be created in any Use District and shall be designated by the suffix “HD” added to the symbol of the parent Use District.

1133.2 **Wellhead Protection Area Subdistrict.** Specific areas shall be delineated on the Official Wellhead Protection Area Map for the protection of groundwater resources. Said areas shall encompass certain territory and shall be identified as one of the following three, separate time-of-travel zones. Each time-of-travel zone shall be specifically delineated on the Wellhead Protection Area Map and shall be designated by one of the suffixes listed below, which applicable suffix shall be added to the symbol of the parent Use District:

- | | |
|------------|-------------------------------|
| (a) TOT-1 | One-Year Time of Travel Zone |
| (b) TOT-5 | Five-Year Time of Travel Zone |
| (c) TOT-10 | Ten-Year Time of Travel Zone |

1133.3 **Neighborhood Initiative Area Conservation Overlay Subdistrict.** A Neighborhood Initiative Area Conservation Overlay Subdistrict is hereby created superimposed over the existing base Use District and is hereby designated by the suffix (NIA) added to the symbol of the underlying base Use District on the Official Zoning Map.

1140 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:

Where uncertainty exists as to the boundaries of Districts, as shown on the Official Zoning Map, the following rules shall apply:

1141 Boundaries indicated as approximately following the center lines or right-of-way lines of streets, highways or alleys shall be construed to follow such center lines;

1142 Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines;

1143 Boundaries indicated approximately following City limits shall be construed as following City limits;

1144 Boundaries indicated as following railroad lines shall be construed to be midway between the main tracts;

1145 Boundaries indicated as following rivers and streams should be construed to follow the approximate center line of such river or stream, and in the event of change in such river or stream, should be construed as moving with the actual center line;

1146 Boundaries indicated as parallel to, or extensions of, features indicated in Sections 1141 or 1145 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;

1147 Where the street or property layout existing on the ground is at variance with that shown on the Official Zoning Map, or in other circumstances not covered by Sections 1141 or 1146 above, the Board of Zoning Appeals shall interpret the District boundaries in accordance with Section [4203](#).

1150 APPLICATION OF DISTRICT REGULATIONS :

Except as hereinafter provided:

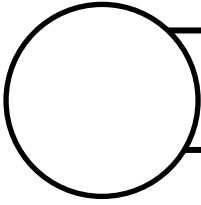
- 1151 No building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the District in which it is located, except that the Planning Director may administratively permit variances up to a maximum of 10% from the following requirements as they apply to each district.
- 1152 Administrative variances may be granted for the following in the case of unusual topography, where general conditions (similar to the request) exist within a three hundred foot radius, or odd shaped lots:
- (a) Height of a structure
 - (b) Lot coverage limits
 - (c) Rear yards, front yards, side yards, or other open spaces, if the minimum separation between structures, as required in the District regulations, is maintained.
- 1153 No part of a yard, or other space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building, except where permitted.
- 1154 No yard or lot existing at the time of passage of this Code shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Code.
- 1155 Within each District, the regulations set by this Code shall be minimum regulations and shall apply uniformly to each class or kind of structure or land.
- 1156 ZONING ANNEXED TERRITORY: Upon annexation of territory to the existing municipal corporation of Hamilton, the zoning regulations then in effect shall remain in full force, administered by the City Manager or Designee, until the legislative authority of the City of Hamilton shall either officially adopt the existing zoning regulations or enact new regulations for such territory.

1160 **PROVISIONS OF CODE DECLARED TO BE MINIMUM REQUIREMENTS :**

In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare. Wherever the requirements of the Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, deed restrictions or covenants, the most restrictive, or that imposing the higher standards, shall govern.

1170 SEVERABILITY CLAUSE :

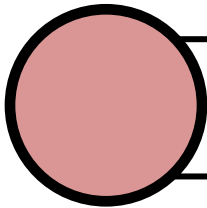
Should any Section, clause or provision of this Code be declared by the courts to be invalid, the same shall not affect the validity of the Code as a whole or any part thereof other than the part so declared to be invalid.



1200 ZONING MAP

The City of Hamilton Zoning Map is located on the Planning Department website:
<https://www.hamilton-oh.gov/planning>

The interactive Public Online Zoning Map shows the zoning district designations for property within the city:
[Interactive Public Zoning Map](#)



1250 Zoning Land Use Chart (Permitted Uses, Conditional Uses, Accessory Uses)

- 1251 Purpose: The purpose of the Zoning Land Use Chart is to consolidate and simplify the uses of the City of Hamilton Zoning District: uses that are principally permitted (permitted-by-right), uses that require conditional use approval (See Section [1300](#) Conditional Uses), and uses that are permitted as an accessory to a principal use.

The Zoning Land Use Chart (Zoning Permitted Use Chart; or Use Chart) provide regulations for all zoning districts in the City of Hamilton, providing a one-stop location to reference accommodate the various uses and use regulations in the city, The use chart is intended to provide easier use of the zoning ordinance and straightforward, usable format for determining permitted uses for the zoning districts.

Specific Land Uses & Categories

[A](#) [B](#) [C](#) [D](#) [E](#) [F](#) [G](#) [H](#) [I](#) [J](#) [K](#) [L](#) [M](#) [N](#) [O](#) [P](#) [Q](#) [R](#) [S](#) [T](#) [U](#) [V](#) [W](#) [X](#) [Y](#) [Z](#)

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Barns, Stables	19	Mobile Food Service	26	Daycare, Adult or Child (Preschool)	21
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Drive-in Theaters	22	Residential Facility, Small	28	Antennas including: TV, Satellite Antennas, Ham Radio Antennas	18
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Instant Bingo	25	Grocery Stores	24		
Night Clubs / Dance Clubs over 5,000 square feet	26	Laundry Processing Facilities, Dry Cleaning	25		
Parks / Public Parks	26	Medical Marijuana Cultivation, Processing, and Retail	25		
Private Clubs and Lodges, Fraternities	27	Pawn and Swap Shops	26		
Skating Rinks	28	Printing (Shirt Printing, Lithographing, Printing Works)	27		
Stadium / Commercial Venue (Arenas, Coliseums, Large Concert Venue)	29	Retail and Services	28		
Sweepstakes / Internet Cafe	29	Retail with Drive-In, Drive-Thru Services	28		
Swimming Pools (Commercial)	29				
Theaters / Cinema	29	Studios, Galleries, Gyms, Physical Activity			
		Art Galleries	18		
Religious and Other Places of Worship		Art Studios	18		
Religious and Cultural: Churches, Synagogues, Other Places of Worship	27	Commercial Gym / Exercise & Activity / Fitness Center / Martial Arts Facility	20		
		Commercial Music, Radio, Recording, or Television Studios	21		
Residential Accessory Uses		Dance Studios, Gymnastics Studios	21		
Apiary / Beekeeping	18	Museums	26		
Detached Garage, Outbuilding (Shed)	21	Photography Studios	27		
Garage or Yard Sales	24	Public Libraries	27		
Home Occupations	24				
Live-Work Unit	25				
Personal Motor Vehicle Sales (Maximum of Two Vehicles)	27				

Example

LEGEND	Residential Zoning							Commercial/ Business Zoning				Industrial Zoning				Form-Based Zoning (Design-Based Downtown, Mixed Use, University)								Traditional Neighborhood				ADDITIONAL REQUIREMENTS											
	USES P = Permitted Use C = Conditional Use A = Accessory Use S = Specific Approval ¹								Agricultural	Single Family		Two-Family	One to Four Family	Multi-Family	Residential Planned	Multi-Family Office	Office Planned	Neighborhood Business	Community Business	Central Business	Business Planned	Light Industrial	Industrial	Industrial Planned	(Neighborhood Initiative)	Main Street (100-300 Block)	South B (Residential)	Main & South B (Retail)	High Street	Downtown	East High	University Residential	University Mixed-Use	Entertainment Mixed-Use	Traditional Neighborhood 1	Traditional Neighborhood 2	Traditional Neighborhood 3	Traditional Neighborhood 4	(These are basic references of additional requirements for the use. Any conditions associated with the use or the zoning shall apply.) NOTE: Uses that are blank (not specifically listed) within a district are Prohibited ^{2,3}
	AG	R-1	R-2	R-2A	R-3	R-4	RPD	R-0	OPD	B-1	B-2	B-3	BPD	I-1	I-2	IPD	NIA	MS-1	MS-2	MS-3	DT-1	DT-2	DT-3	UCP-1	UCP-2	EM-UPD	TN-1	TN-2	TN-3	TN-4									
Land Use					C	C	S	P	S	P	P	P	S	P	P	S		C		C	C	C		C	S				C	C									
Example					C	C	S	P	S	P	P	P	S	P	P	S		C		C	C	C		C	S				C	C	See Conditional Use Section 1300								

¹ NOTE: Specific Use (“S”): in a “PD” zoning district (Planned Development zoned district), a Specific Use requires obtaining specific approval by the Hamilton Planning Commission. See [Section 2400](#) for general procedures, regulations, requirements, and appeals process information for a Planned Development.

² NOTE: Zoning Code provisions referenced in the “Additional Requirements” column may not represent an exhaustive list of all zoning requirements applicable to a particular use listed in Use Chart. There may be other provisions in the Zoning Code which apply to a particular but are not listed in the Additional Requirements column.

³ NOTE: Uses that are blank (not specifically listed) within a district are Prohibited. If a use is not listed within any district it may be brought to Planning Commission for review.

City of Hamilton, Ohio - Zoning Use Chart (version 04.26.2025)																																
LEGEND: P = Permitted Use, C = Conditional Use, A = Accessory Use, S = Specific Approval																																
Land Use Type	AG	R-1	R-2	R-2A	R-3	R-4	RPD	R-0	OPD	B-1	B-2	B-3	BPD	I-1	I-2	IPD	NIA	MS-1	MS-2	MS-3	DT-1	DT-2	DT-3	UCP-1	UCP-2	EM-UPD	TN-1	TN-2	TN-3	TN-4	ADDITIONAL REQUIREMENTS	
A																																
Accessory Dwelling Unit for on-site employees only	A	A	A	A	A	A	A	A									A											A	A	A	A	See 1360
Adult Businesses											C			C	C																See 1301	
Agricultural Sales, Booths, Stands	P	A	A	A	A	A		A		P	P	P	P	P*	P*	P*	P	P	P	P	P	P	P	P	P	P	A	A	A	A	For all, See: 1402 *Can be used temporarily on predevelopment land or as an accessory use	
Agricultural Structures (Hoop Houses / Greenhouses) Under 200 square feet	P	P	P	P	P	P		A		A	A	A	A	A	A	A	A		A	A		A	A				A	A	A	A	See 1402	
Animal Hospitals, Veterinary Clinics, Kennels , Animal Boarding	C										C	C	S				C														See 1302	
Antennas including: TV, Satellite Antennas, Ham Radio Antennas	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See 3200 (Antennas/Towers, Height Requirement)	
Apiary / Beekeeping	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Beekeeping permit required See 1404	
Appliance & Electronic Repair Shops										P	P	P	P	P	P	S*	P	P	P	P	P	P	P			P			C*	P	*See 1303	
Arcade, Pool Hall (Billiard Hall)										P*	P	P	S	P	P	S	P	P		P	P	P	P	P		P				C	*Serving Alcohol requires a Conditional Use C or * = See 1312	
Art Galleries							A			P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	A	A	C*	P	*See 1304	
Art Studios		P	P	P	P	P	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	A	A	C*	P	*See 1305	
Automobile and Other Vehicle Sales or Rentals											C	C	S	C	C	S	C														See 1308	

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Automotive Service & Repair (includes: Tire Repair, Car Paint Shop, Car Detailing, Installation of Automobile Accessories)											C	C	S	C	C	S	C			C		C									See 1309								
Automobile Washing Facilities (Car Wash). Private Accessory (non-public)											A		A	A	A	A															See 1406								
Automobile Washing Facilities (Car Wash). Public Standalone or Accessory Car Wash / Detail											C			C	C		C			C		C	C								See 1310								
B																																							
Bail Bond Agency											C																				See 1311								
Bakery							A		A	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P			C	P	See 1367								
Bar (Tavern, Brewpub)										C*	P		S*	C	C	S*	C*	P	C*	P	C*	P	C*	C*	C*	P				C*	*See 1312								
Barber Shops, Salons, Day Spas							A		A	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P			C	P	See 1368								
Barns , Stables	P	A																													See 1401								
Baseball Fields	P/C*	P/C*	P/C*	P/C*	P/C*	P/C*	S	P/C*	P	P/C*	P/C*	P/C*	P	P/C*	P/C*	S	P/C*					C				P	P/C*	P/C*	P/C*	P/C*	*Private Non-Commercial is Conditional (See 1358)								
Bed and Breakfasts			C	C	C	C	S	C	S	C	C	C	S	C	C		C	P	P	P	C	P	P	C			C	C	C	C	For all: See 1313 (Section notes Maximum amount of bedrooms)								
Boat Harbors and Marinas, and Launching	C*																									P					*See 1315								
Body Art (Tattoo and Piercing) as a Primary Use										C	C	C	S	C	C	S	C	C	C	C		C	C	C	C	C				C	See 1378								

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Body Art (Tattoo and Piercing) as an Accessory Use									C	C	C	C	S	C	C	S	C	C	C	C	C	C	C	C	C	C			C	C	See 1379								
Bowling Alleys											P	P	P	P	P	P	P	P	P		P	P	P			P													
Business Offices					C*	C*	A*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C*	P	*See 1316								
C																																							
Camps / Campgrounds	C																														See 1318								
Canning and Food Processing										A	A	A	A	P	P	P	A	A		A	A	A	A	A	A	A	A				A	See 1405							
Car Title Loan Business											C																					See 1319							
Cash Advance Business, Check Cashing Facility, Pay Day Lending Facility											C																					See 1319							
Cellular Communication Tower: New Freestanding										C	C	C	S	C	C	S																See 3200 See 1320							
Cellular Communication Tower: Wireless Antenna, Co-Location on Existing Wireless Structure										P	P	P		P	P	P			P	P	P	P	P	P	P	P						See 3203.3 , 3207							
Cemeteries	C	C	C	C	C	C		P		P	P	P					P															See 1321							
Charitable Bingo Games	A	A	A	A	A	A		A			C			C	C		C											A	A	A	A	See 1314							
Clinics, Large (Specialized Medical Treatment, Urgent Care)											C		S	C	C	S					C	C	C	C	C	S						See 1323							
Clinics, Small (Specialized Medical Treatment)					C*	C*	S	C*	S	C*	C*	C*	S*	P	P	P	C*	C*	C*	C*	C*	C*	C*	C*	C*	C*			C*	C*		*See 1324							
Colleges, Universities						C	C	C	S	C	C	C	S	C	C	S	C	C	C	C	C	C	C	C	C							*See 1326							
Commercial Dumpster	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		See 1409							
Commercial Gym / Exercise & Activity / Fitness Center / Martial Arts Facility										P	P	P	P	P	P	P	P	P		P		P	P		P	P				P									



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Commercial Music, Radio, Recording, or Television Studios								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C*	C*	*See 1356
Community Center / Recreational Facility (Non-Profit / Public)	P	P	P	P	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Concrete and Asphalt Batching Plants															C																See 1306
Contractor and Skilled Trades (with no Exterior Storage)										C*	P	P		P	P	P	C*													C*	*See 1327 Exterior Storage not permitted
Convenience Retail Store										C*	C*	C*	S*										C*		C*					C*	*See 1328
Country Clubs, Swim Clubs, and other private non-commercial recreation	P	P	P	P	P	P	S*	P	S	P	P	P	P	P	P	P	C*	A	A	A	A	A	A	A		P	C*	C*	C*	C*	*See 1325
D																															
Dance Studios Gymnastics Studios							A			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					
Daycare, Adult or Child / (Preschool)		C*	C*	C*	C*	P	A	P	P	P	P	P	P	A			P	P	P	P	P	P	P	P	P	P	A	A	A	P	*See 1330
Daycare, Child as an accessory to religious/church	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Church / Religion only.
Daycare, Child as an accessory use to residential (home daycare)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	"A" = See: 1412 Limit 5 children that are not part of the household.
Dead Storage																															
Detached Garage, Outbuilding (Shed)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Limit of One (1) of each type of Detached Accessory Building for Residential See 1800 and See 1401
Discount Retail Store											C*		S*																		*See 1331

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																															Any conditions associated with the use or the zoning shall apply.								
Distribution Center											C*		S*	P	P	P															*See 1332								
Drive-in Theaters											P	P	P	P	P	P																							
Drive-Through Establishment										C*	P	P	S*	C*	C*				C*	C*	C*	C*	P	P	P						*See 1333								
Dwelling, Single-Family	P	P	P	P	P	P	P*	P		C	C	C	S	C	C		P	See: Dwelling, Single-Family On the First Floor (Form-Based Only)								P**	P	P	P	P				*With overall approval of the subdivision in an RPD **Upper Floor Only Please see Approval Conditions and Deed Restrictions C = See 1363					
Dwelling, Two-Family				P	P	P	P*	P		C	C	C	S	C	C		P	See: Dwelling, Multi-Family On the First Floor (Form-Based Only)								P**	C	C	C	C				*With overall approval of the subdivision in an RPD **Upper Floor Only C = See 1363					
Dwelling, Multi-Family					P	P	P*	P		C	C	C	S	C	C		P	See: Dwelling, Multi-Family On the First Floor (Form-Based Only)								P			C**	C***	C****				*With overall approval of the subdivision in an RPD **Four-Family Maximum ***Six-Family Maximum ****Eight-Family Maximum C = See 1363				
Dwelling, Single-Family, On the First Floor (Form-Based & TN Only)	See: Dwelling, Single-Family																P	C*	P	C*		C*	C*										P	P	P	P		*See 1363	
Dwelling, Multi-Family, On the First Floor (Form-Based Only)	See: Dwelling, Single-Family; Dwelling, Two-Family; or Dwelling, Multi-Family																	C*	C*	C*	C*	C*	C*	P	C*	See: Dwelling, Single-Family; Dwelling, Two-Family; or Dwelling, Multi-Family					*See 1363								
Dwelling, Above the First Floor (Form-Based Only)	See: Dwelling, Single-Family; Dwelling, Two-Family; or Dwelling, Multi-Family																C* / P**	P	P	P	P	P	P	P	C*	P	C*	C*	C* / P**	C* / P**	*See 1363 **Permitted if above a first-floor commercial space								

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E																															Any conditions associated with the use or the zoning shall apply.								
Event Center										C*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C*	C*	*See 1336								
Exterior Storage Accessory to a Business (Parking of Contractor's Supplies and Equipment)											C			C	C	S															See 1337								
Exterior Storage as a Primary Use																																							
Extraction of Minerals, Natural Resources, Mining	C	C												C	C	S															See 1338								
F																																							
Farming with Livestock /Animals, Keeping of Farm Animals	P	C*																													*See 1339 Health Department may also have requirements.								
Farming, General Farming, Urban Farming, (Agricultural)	P	P	P	P	P	P	P*	P	P*	P	P	P	P	P*	P*	P*	P			P							P	P	P	P	Does Not Allow – Farm Animals, Poultry or Kennels *Can be used temporarily on predevelopment land or as an accessory use								
Financial Institution / Banks								P*	P	P	P	P	P	P	P	A	P	P	P	P	P*	P	P	P	P	P				P*	*Drive-thru is a conditional use (See 1332)								
Financial Institutions with Drive-In/Drive-Thru Service								C*	S*	C*	P	P	S*	P	P	A	P			C*	C*	C*	P		C*	S*					*See 1332								
Fishing Lakes for Pay	C																														See 1340								
Fleet Vehicles										A	A	A	A	A	A	A		A		A	A	A	A			A					See 1416								
Fueling Station (Gas Station)										C	C	C	S	C	C	S	C						C		C						See 1307								
Fueling Station, non-public (Accessory)											A		A	A	A	A															See 1405								
Fulfillment Center											C*		S*	P	P	P															*See 1341								

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Furniture Store, Appliance Store, Floor Coverings (Large Interior Household Items)										P/C*	P	P	P	P	P	S	P/C*	P/C*	P/C*	P/C*	P/C*	P/C*	P/C*							P/C*	*Store >10,000 sq. feet at ground level is a Conditional Use (See 1368)
G																															
Garage or Yard Sales	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See 1417 Accessory for Residential Use Only
Golf Driving Ranges											C*	P	S	P	P		C*									S*					*See 1358
Grocery Stores										P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C*	P	*See 1343
H																															
Handcraft Industries, Small-Scale Manufacturing											P	P	P	P	P	P	P	P	P	P	P	P	P			P			C*	P	*See 1344
Home Occupations	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	Accessory for Residential Use Only (See 1418)
Horseback Rental, Riding Academies and Commercial Stables	C																														See 1373
Hospitals						C*	S*	C*	S*	C*	C*	C*	S*	P	P	P	C*		C*	C*		C*	C*	C*	P						*See 1345
Hotels							S**	C*	S*	C*	P	P	P	P	P	S*	C*	P	P	P	P	P	P	C*	C*	P					**Five (5) acres minimum and must be buffered at least ten (10') feet from adjacent residential uses
I																															
Indoor Agriculture / Hydroponics / Aquaponics	P										P	P	P	P	P	P				P		P	P								
Industrial Uses, Limited (Limited Industrial Uses)												C		P	P	P															

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																															Any conditions associated with the use or the zoning shall apply.								
Inpatient Rehabilitation Facilities							C		S		C	C	S	C	C	S															*Accessory to Nursing Homes For all: See 1353								
Instant Bingo	A	A	A	A	A	A		A			C*			C*	C*																"A" Accessory to Church See 1408 "C" Conditional: *See 1349								
J																																							
Jails and Prisons									S					C	C							C									See 1350								
L																																							
Landfills, Solid Waste and Sanitary Landfill															C																								
Laundry Drop-Off Stations, Laundromat										P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P			C*	P	*See 1335								
Laundry Processing Facilities, Dry Cleaning														C	C	S															See 1335								
Live-Work Unit																														C*	P	*See 1351							
M																																							
Manufactured Home Park							S																								See 3600 and requires Planned Development Process								
Manufacturing, Assembly, Fabricating, Processing														P	P	P																							
Manufacturing, Refining, and Storage of Chemicals & Petroleum																C															See 1322								
Marijuana Cultivation, Medical Processing, and Processing																																							

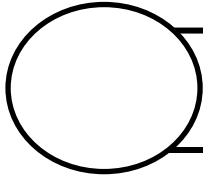
City of Hamilton, Ohio - Zoning Use Chart																														(version 04.26.2025)									
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																															Any conditions associated with the use or the zoning shall apply.								
Marijuana, Medical- Retail (Dispensary):																																							
Marijuana, Recreational- Cultivation and Processing:																																							
Marijuana, Recreational- Retail (Dispensary):																																							
Mobile Food Service							S	P	S	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P			C	P	See 3500								
Mortuaries with Crematory Services											C	C		C	C	S				C		C	C								See 1329								
Mortuaries, Funeral Homes						C*		P	P	P	P	P	P	P	P	P	P			P	P	P	P						C*	C*	*See 1352								
Museums	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
N																																							
Night Clubs / Dance Clubs over 5,000 square feet											C	C	S	C	C	S	C	C		C		C	C	C	C	C	S					See 1312							
Nursing Homes					C*	C*	S*	P	C*	S*	C*	C*	C*	C*	C*	S*	C*			C*		C*		C*					C*	C*	*See 1353								
O																																							
Outdoor Sales											A	A	A	A	A	A		A		A	A	A	A			A			A	A	See 1420								
P																																							
Parking Garages and Lots, Commercial (Off-Street Parking, Parking Lot)						C*	S*	P	P	P	P	P	P	P	P	P	P	C*		P	C*	P	P	P	P				C*	C*	*See 1354 See 1600 (Off Street Parking Regulations)								
Parking of Recreational Vehicles, Campers, Trailers, and Boats	A	A	A	A	A	A	A	A	C	A	C	C	A	C	C	C	A	C	A	C		C	C			C	A	A	A	A	See 1421								
Parks / Public Parks	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									
Pawn and Swap Shops											C																				See 1355								

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Permanent Makeup/Cosmetics							A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C*	P	*See 1368													
Personal Motor Vehicle Sales (Maximum of Two Vehicles)	A	A	A	A	A	A	A	A		A			A				A		A								A	A	A	A	See 1424													
Photography Studios								P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C*	P	*See 1356													
Plant Nurseries, Greenhouses, Orchards (Commercial) 200 square feet or larger	P									A	C*	C*	S*	C*	C*	S*	A		A	A		A	A								*See 1341													
Post Offices, Mailing and Shipping Services							S*	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C*	P	*See 1368													
Printing (Shirt Printing, Lithographing, Printing Works)										A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A			A	P	See 1423													
Private Clubs and Lodges, Fraternities			C*	C*	C*	C*	S*	P	P	P	P	P	P				P		P	P	P	P	P	P	C*	P			C*	P	*See 1325													
Public Facilities, Public Utility Stations and Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P														
Public Libraries	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P														
R																																												
Railroad Station															C	S															See 1357													
Recycling Center															C	S															See 1359													
Religious and Cultural: Churches, Synagogues, Other Places of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P			A	P	P	P	P														
Residential Facility, Large					C	C	S	C						C	C		C					C	C	C						C	C	as defined and regulated in Section 5123.19 of the ORC See 1361												

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Residential Facility, Small		C*	C*	P	P	P	S	P					P				P					P	C*	P	P		C*	C*	C*	C*	as defined and regulated in Section 5123.19 of the ORC *See 1362								
Restaurants Serving Alcohol							A*	C*	S*	C*	P	P	P	P	P	P	C*	P	C*	P	P	P	P	P	P	P			C*	C*	*See 1367								
Restaurants without Alcohol (Coffee Shop, Cafe, Diner, Eating Places, Ice Cream Parlor)							A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C*	P	*See 1367 Alcohol Serving/Sale is Conditional Use								
Restaurant, Carry-Out / Catering Kitchen (Food Preparation Kitchen)										A/C*	A/C*		A/S*	P	P	P	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*	A/C*					A/C*	*See 1364								
Restaurant, Drive-in										C*	P	C*	S*	C*	C*	S*	C*		C*	C*	C*	C*	C*	C*	C*						*See 1365								
Restaurant, Fast Food										P	P	P	P	C	C	S	P		P	P	C	P		P	P				C	C	Drive Thru or Drive-In is a Conditional Use (See 1363) C = See 1366								
Retail and Services							A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			C*	P	*See 1368								
Retail with Drive-In, Drive-Thru Services										C*	P	P	S*	P	P	S*	C*			C*		C*	P								*See 1333								
S																																							
Salvage Yard															C	S															See 1369								
Schools, Elementary and Secondary	C	C	C	C	C	C	C	C	S	C	C	C	C	C	C	S	C	C	C	C	C	C	C	C	C	C	C	C	C	C	See 1370								
Self-Storage Facility / Mini-Warehouse													S	C	C	S															See 1372								
Short Term Rental	Regulated through Licensing Process																													Regulated through License Process									
Skating Rinks											C*		S*	P	P	S*										P					*See 1358								

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Small Cell Facilities / Wireless Support Structures on private property								P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P						See 3305 , 3306
Solar Array																															Accessory to Residential Use Only (See 1427)
Stadium / Commercial Venue (Arenas, Coliseums, Large Concert Venue)											C*	P	S*	P	P	S*						C*				P					*See 1371
Stockyards, Meat Packing, Commercial Feed Lots															C*																*See 1374
Storage/Shipping Container / POD	A	A	A	A	A	A	A	A	A	A	A	A	A	C	C	S	A	A	A	A	A	A	A	A	A	A	A	A	A	A	*See 1428
Supportive Housing, large					C*	C*								C*	C*	S*															*See 1376
Supportive Housing, small					C*	C*																							C*	C*	*See 1377
Sweepstakes / Internet Cafe											C			C	C																See 1375
Swimming Pools (Commercial)											A	A	A	A	A	A		A	A	A	A	A	A	A		A					See 1429
T																															
Tent	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See 1430 Residential: not more than seven (7) days
Theaters / Cinema											P	P	P	P	P	P	P	P		P		P	P	P	P	P				C*	*See 1380
Tobacco, Nicotine, and Vaping Sales											C		S																		See 1381
V																															
Vehicle Impound Lots, Vehicle Holding Lots														C	C	S															See 1347

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Vocational, Industrial Trade and Technology Schools								C	C		C	C	S	C	C	C		C	C	C	C	C	C	C	C						See 1382			
W																																		
Warehousing (Primary Use), Interior Storage														C	C	S															See 1383			
Warehousing (Accessory Use)											C*		S*	P	P	P															*See 1431			
Wind Turbine	C													C	C	S															See 1384			



1300

Conditional Uses & Specific Uses

1300.1 Purpose

To ensure uses shall not adversely impact the public health, safety, and welfare, nor shall it be injurious to the public or property owners within the surrounding areas.

To protect residential, commercial, industrial and civic areas from the intrusions of possible incompatible uses.

To provide fair and consistent conditions that preserve and enhance the quality of Hamilton's environment.

1300.2 Conditional Uses:

1. The Planning Commission (PC) shall review and make a recommendation to City Council, in accordance with the provisions of this Ordinance for applications for Conditional Uses. The PC shall review the particular facts and circumstances of each proposed Conditional Use, and if recommending approval shall find by the preponderance of evidence that the proposed conditional use complies with the General Standards applicable to all Conditional Uses found in Sections [1300.4](#) "Conditional Use Application and Review" and [1300.10](#) "Standard Conditions by Use".
2. The Planning Commission has no obligation to recommend approval of a Conditional Use, and City Council has no obligation to approve a Conditional Use. The Hamilton Zoning Ordinance assumes that the uses listed as conditional are not outright appropriate unless an applicant demonstrates to the Planning Commission that the use will not be detrimental to the public health, safety, or general welfare of the City or the neighborhood in which the Conditional Use is proposed.
3. In considering an application for a Conditional Use, the Planning Commission and City Council shall give due regard to the nature and condition of all adjacent uses and structures and in recommending approval of a conditional use may impose such requirements and conditions, in addition to any expressly stipulated in this Ordinance, as the Planning Commission may deem necessary for the protection of adjacent properties and the public interest.
4. The individual conditional uses are subject to their respective prerequisite conditions, and any proposed conditional use shall comply with the prerequisites therein.

1300.3 Process

1. Submission of application for a Conditional Use along with applicable fee and plan consistent with the requirements set forth in Section [1300.4](#) shall accompany the Application.
2. Information shall be submitted to the Planning Department, who shall distribute such information for interdepartmental review.
3. The Planning Commission shall hold a Public Hearing on the Conditional Use application within a timely manner. Notice of such hearing shall be mailed to property owners within 500 feet of the subject property within 10 calendar days of such hearing.

4. Within 30 days of the Public Hearing, the Planning Commission shall recommend to City Council the approval, the approval with conditions or modifications, or the denial of the application for Conditional Use and shall clearly state in writing the findings upon which its recommendation is based.
5. In recommending approval, the Planning Commission may also recommend appropriate conditions and safeguards in conformance with the intent and purposes of this ordinance for the protection of nearby property and the public health, safety and general welfare.
6. The recommendation of the Planning Commission shall be forwarded to City Council for review in accordance with Section 3.09, Legislative Procedure, of the Charter of the City of Hamilton.
 - a) At a Caucus meeting, the City Council via a majority vote may accept the recommendation of the Planning Commission for approval or denial of the Conditional Use by accepting the Caucus Report, or
 - b) At a City Council meeting, the Council via a majority vote may accept the recommendation of the Planning Commission with modified conditions, reject the recommendation of the Planning Commission, or remand the matter to the Planning Commission for further consideration.

1300.4 Application and Review

The applicant shall submit an application to the Planning Department for a Conditional Use along with applicable fee. The applicant shall submit at least the following supporting information to be considered for a Conditional Use.

- A. A written description of the proposed Conditional Use including nature of the business and hours of operation. The written description of the proposed Conditional Use should further address the nine (9) Conditional Use Review Criteria below in Section [1300.4.C](#).
- B. Plans of the proposed site for the Conditional Use indicating the location of all existing and proposed buildings, parking, loading, and driveway areas, traffic access and circulation, open spaces, landscaping, refuse and service areas, utilities, signage, yards and setbacks, and such other information as the Planning Commission may require to determine of the effect of the proposed Conditional Use on the surrounding neighborhood.

C. **Conditional Use Review Criteria – General Standards**

In reviewing an application for a Conditional Use, the Planning Commission shall consider whether there is adequate evidence that the proposed Conditional Use is consistent with the following General Standards:

- (1) The proposed Conditional Use is to be located in a district wherein such use may be permitted, subject to the requirements of this Section and the Zoning Ordinance.
- (2) The proposed Conditional Use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
- (3) The proposed Conditional Use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
- (4) The proposed Conditional Use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed Conditional Use.
- (5) The proposed Conditional Use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets.

- (6) The proposed Conditional Use will comply with all applicable development standards, except as specifically altered in the approved Conditional Use.
- (7) The proposed Conditional Use will not be hazardous to or have a negative impact on existing or future neighboring uses.
- (8) The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor or other characteristic not comparable to the uses permitted in the base zoning district.
- (9) The proposed Conditional Use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

D. Conditional Use Review Criteria – Use Specific Standards and Variances

In reviewing an application for a Conditional Use, the Planning Commission (PC) may also consider any variance applicable or corresponding to a conditional use request, and determine whether there is by the preponderance of evidence that the proposed Conditional Use is consistent with the applicable use-specific standards. Any waiver, variance, or deviation from zoning regulations and standards will become part of the Planning Commission recommendation.

1. Variance-Findings of the Commission and Council: No variance to which this Ordinance is applicable shall be recommended for approval by the Planning Commission, or authorized by the City Council, unless the Commission and Council find, that practical difficulties exist to sufficiently warrant a variance. In making this determination the Board shall consider and weigh the following factors:
 - i. Will the property yield a reasonable return or can there be a beneficial use of the property without the Variance?
 - ii. Is the Variance substantial?
 - iii. Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause a substantial detriment to the adjoining properties?
 - iv. Would the Variance adversely affect the delivery of governmental services?
 - v. Did the property owners purchase the property with the knowledge of the zoning restriction?
 - vi. Could the problem be solved in some other manner other than the granting of the Variance?
 - vii. Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the variance?

1300.5 EFFECT OF CONDITIONAL USE APPROVAL

- (1) Conditional Use Approvals granted by City Council shall run with the land and shall not be affected by a change in ownership. The applicant, his or her successors and assigns shall be bound by Conditional Use approval.
- (2) Only the approved Conditional Use shall be permitted on the subject site. Any change or expansion in a Conditional Use shall require a new application and public hearing. Expansion includes but is not limited to expanding the Conditional Use onto another parcel and increasing the intensity of the Conditional Use activity on the existing site such as building additions. The Conditional Use shall be void if the said use is terminated for more than six(6) months or replaced by another use.
- (3) The breach by the applicant, successors or assigns of any condition, safeguard, or requirement expressed or referred to on the Conditional Use approval shall render the Conditional Use void and shall constitute a violation of this Ordinance and the Ordinance approving the Conditional Use.

1300.6 TIME LIMITS

- (1) The Conditional Use shall automatically expire if the Conditional Use ceases by discontinuance or abandonment for a period of more than six (6) months.
- (2) The applicant shall have six (6) months from the date of approval of the Conditional Use to receive approval through the Issuance of a Certificate of Occupancy or the Conditional Use shall be deemed null and void. An applicant may request two (2) extensions of six (6) months from the Planning Commission. Extensions will be considered on a case-by-case basis and will consider factors such as extenuating circumstance, scope of the project, and progress made since approval.

1300.7 REAPPLICATION

No application for a Conditional Use that is substantially similar to an application that has been denied, wholly or in part, shall be accepted for one year from the date denial. The Planning Department shall determine if a similar application differs enough to be considered a different application and not subject to this section. The Planning Department may consider factors such as the nature or size of a proposal, changes in the development or traffic patterns of the area, or newly discovered evidence pertinent to a decision on a previous application.

1300.8 APPEALS

Any person, firm or corporation, or any officer, department, board or agency of the municipality who or which has been aggrieved or affected by any decision of the City Council on a Conditional Use may appeal to the Butler County Court of Common Pleas pursuant to Chapter 2506 of the Ohio Revised Code.

1300.10 STANDARD CONDITIONS BY USE

The following uses shall be permitted only if specifically authorized by the City Council in accordance with the provisions in Sections [1300.4](#) "Conditional Use Application and Review" and [1300.10](#) "Standard Conditions by Use". and with these standard conditions as well as any additional conditions particular to the individual request:

1301 - Adult Business Regulations - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Owners, operators or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- B. Shall not be located within 500 feet of any residential use as measured from the property lines.
- C. Shall not be located within a radius of 500 feet of any licensed day-care facility as defined and regulated by R.C. Chapter 5104, nor any school or teaching facility, including home nursery schools, whether public or private, governmental or commercial, where the day-care, school or teaching facility is attended by persons under eighteen (18) years of age.
- D. Shall not be located within a radius of 500 feet of any other adult business.
- E. Shall only be open for public access between 12:00 pm and 1:00 am.
- F. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- G. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- H. Displays or other promotional material shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas, either public or semi-public.
- I. All building openings, entries, windows, etc. for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semi- public areas.
- J. No viewing screens, surface loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) or other adult business that can be seen or discerned by the public from public or semi-public areas.
- K. All displays, exhibits, materials, performances, entertainment, and activities at adult businesses, except for adult drive-in theaters, shall be conducted inside the structure located on the premises and shall not be visible from outside the premises. This prohibition shall not extend to advertising of the existence or location of such adult business.
- L. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet
- M. No outdoor storage of any material or waste shall be permitted on site.
- N. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1302 - Animal Hospitals, Veterinary Clinics, and Animal Boarding Kennels - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of two (2) acres required for facilities with kennels and pens.
- B. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- C. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- D. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two.

- E. Outdoor Kennels or Pens of any kind shall not be located within 500 feet from the facility property line to any residential use.
- F. Pens and exercise yards, shall be located at least one hundred (100) feet from any Residential District.
- G. Pens and exercise yards, shall be located at least thirty (30) feet from any property line.
- H. All pens or exercise runs shall be enclosed on four sides by an opaque fence or wall at least five (5) feet in height.
- I. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet
- J. No outdoor storage of any material (usable or waste) shall be permitted on site.
- K. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1303 - Appliance and Electronic Repair Shops - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. No outdoor storage or display of merchandise or parts.
- C. All inoperable, salvaged and discarded parts and appliances shall be placed in a dumpster that is enclosed by an opaque fence or wall a minimum of six (6) feet in height.
- D. Non-operating appliances shall not be kept for the purpose of salvaging parts.
- E. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet
- F. No outdoor storage of any material (usable or waste) shall be permitted on site.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1304 - Art Galleries - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Existing buildings used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
- B. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building,
- C. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- D. No outdoor storage of any material or waste shall be permitted on site.
- E. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- F. Off-street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two (2). (add screening, distance from residential)
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in in Section [4007](#) herein.

1305 - Art Studios - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Existing buildings used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
- B. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building,
- C. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- D. No outdoor storage of any material or waste shall be permitted on site.
- E. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- F. Off-street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two (2).
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1306 - Asphalt and Concrete Manufacturing or Recycling Plants - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot size two (2) acres required.
- B. Are not allowed on greenfields or previously undeveloped property.
- C. Shall not be located within 500 feet of any residential use as measured from the property lines.
- D. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.
- E. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- F. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- G. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- H. Shall be enclosed by an opaque fence or wall a minimum of six (6) feet in height.
- I. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- J. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1307 - Automobile and Other Motor Vehicle Fueling Stations (Retail) - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area 12,000 square feet required.
- B. Minimum lot area with accessory Car Wash 20,000 square feet. (Car wash is a separate Conditional or Specific Use, see Section [1310](#))
- C. Minimum lot width of 100 feet.
- D. Must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map.
- E. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- F. Facilities that are located on a corner lot shall have a minimum of 100 feet frontage on each street.
- G. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- H. There shall be a minimum five (5) feet landscaped setback area at the rear and side property lines.
- I. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- J. The location of access drives shall be placed as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- K. If any repair and services are offered a separate Conditional Use Approval for Motor Vehicle Repair is required.
- L. No junk, inoperative or unlicensed vehicles shall be permitted on site for more than 24 hours, unless the property has a conditional use approval for vehicle repair.
- M. No vehicles for sale shall be parked on the property.
- N. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) Commercial Design Standards.
- O. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- P. No other outdoor storage of any material or waste shall be permitted on site.
- Q. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1308 - Automobile and Other Vehicle Sales or Rentals including Boat, Trailer, Recreational Vehicles, Farm Machinery, Power Equipment and Other Motor Vehicles - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section 1900 herein.
- B. Minimum lot area of one (1) acre required.
- C. Minimum lot width 100 feet.
- D. Must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map
- E. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) Commercial Design Standards.
- F. If any repair and services are offered a separate Conditional Use Approval for Motor Vehicle Repair is required.
- G. Display of motor vehicles for sale, shall be located on a paved surface and shall be setback a minimum of ten (10) feet from any property lines along a street frontage
- H. The outdoor display area for vehicles shall be setback a minimum of five (5) feet from the side and rear property lines.
- I. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- J. No unlicensed vehicles except for the inventory of new or used motor vehicles for sale.
- K. Used or discarded vehicle parts, fluids, tires, batteries, or equipment shall be stored inside a building and disposed of in accordance with all state and federal standards.
- L. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- M. No other outdoor storage of any material or waste shall be permitted on site.
- N. There shall not be any openings, any rollup or other type of automobile sized access doors in side walls, rear walls or roofs within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- O. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- P. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1309 - Automotive and Other Vehicle Repair - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. In any zoning district in which this use is a Conditional Use, all these conditions shall apply.
- B. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- C. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- D. There shall be a minimum five (5) feet landscaped setback area at the rear and side property lines.
- E. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- F. Any space devoted to the storage of motor vehicles awaiting repair shall be located behind the principal structure and shall be enclosed by a six (6) feet high opaque fence so as to be screened from the view of any public right-of-way.
- G. All repairs or services shall be performed within an enclosed building except the dispensing of fuel, oil, air, and other common vehicular liquids and lubricants and minor repair such as fuse, light bulb, windshield wiper replacement, etc.
- H. No junk, inoperative or unlicensed vehicles, except for those awaiting repair, shall be permitted outside of any building. Vehicles awaiting repair may not be stored on the lot for more than 30 days.
- I. Used or discarded motor vehicle fluids, tires, batteries, parts or equipment, shall be stored inside a building and disposed of in accordance with state and federal regulations.
- J. No vehicles shall be kept on the property for the purpose of salvaging parts and equipment to repair other vehicles.
- K. Vehicular access drives shall be limited to no more than one (1) access drive per street frontage, unless otherwise approved by the City Traffic Engineer.
- L. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) Commercial Design Standards.
- M. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- N. No outdoor storage of any material or waste shall be permitted on site.
- O. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1310 - Automobile and Other Vehicle Washing Facilities / Car Wash - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Minimum lot area 20,000 square feet required.
- C. Minimum lot width 100 feet and must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map.
- D. No standalone automobile washing facilities (car washes) shall be located with 500 feet of any other standalone car wash.
- E. All automobile washing facilities (car washes) shall be staffed by at least one (1) employee while car wash is open to the public.
- F. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- G. There shall be a minimum five (5) feet landscaped setback area at the rear and side property lines.
- H. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- I. Motor vehicle washing structures shall be located at least fifty (50) feet from any adjoining residential property.
- J. A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate a motor vehicle washing facility from adjoining residential property.
- K. All automated motor vehicle washing facilities shall be located entirely within an enclosed building except that entrance and exit doors may be left open during the hours of operation.
- L. Vacuuming or steam cleaning equipment may be located outside a building, but shall not be placed closer than 50 feet to any adjoining residential property and at least 20 feet from a public right-of-way.
- M. Off-street parking and waiting space shall be provided for motor vehicle washing facilities as specified in Section 1609.C, Off-Street Parking and Loading Regulations. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
- N. Vehicular access shall be provided from a thoroughfare street and access shall be limited to no more than one (1) access drive per street frontage. The location of access drives shall be placed as far as possible from the intersection unless otherwise approved by the City Traffic Engineer.
- O. No vehicles for sale shall be parked on the property.
- P. Vehicle repair shall not be allowed on the property.
- Q. No junk, inoperative or unlicensed automobiles, or parts shall be permitted on the property.
- R. Building Openings. There may not be any openings inside walls or rear walls within 50 feet of a residential district, unless the openings are stationary windows or required fire exits.
- S. Proposed building, additions and the entire site shall comply with Section [1900](#) Commercial Design Standards.
- T. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- U. No outdoor storage of any material or waste shall be permitted on site.
- V. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1311 - Bail Bonds - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Owners, operators or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- D. Signs for Bail Bonds businesses cannot be placed on vacant buildings or buildings that do not house an occupied Bail Bonds Business.
- E. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- F. No other outdoor storage of any material or waste shall be permitted on site.
- G. No outdoor storage of any material or waste shall be permitted on site. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1312 - Bars, Brewpubs and Taverns - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Existing buildings used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
- B. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building
- C. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- D. Owners, operators, or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws and requirements, for this property or any other property they are associated with in the City of Hamilton.
- E. Where this use abuts a residential property, any outdoor dining or service area shall be enclosed by a fence that is a minimum of four (4) feet in height and the outdoor dining service shall be setback a minimum of five (5) feet from any property line.
- F. Landscaping shall be installed in the five (5) foot setback area landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- G. Off-street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- H. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- I. No outdoor storage of any material or waste shall be permitted on site.
- J. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1313 - Bed and Breakfast - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Maximum number of bedrooms permitted:
 1. R-2 & R-2A: two (2) bedrooms
 2. R-3: three (3) bedrooms
 3. R-4 & R-0: four (4) bedrooms
 4. TN-1 & TN-2: three (3) bedrooms
 5. TN-3: five (5) bedrooms
 6. TN-4: seven (7) bedrooms
 7. RPD, OPD, BPD: as per the approved planned development
- B. Minimum Lot Size for Operation: 4,000 square feet.
- C. Minimum Lot Size per Rentable Unit: 1,500 square feet.
- D. Off-street parking shall comply with the lighting, paving, and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On-street parking does not count towards this requirement.
- E. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- F. No outdoor storage of any material or waste shall be permitted on site.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1314 - Bingo - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Shall only be operated by bona fide charitable organizations permitted by Chapter 517 of the Codified Ordinances of the City of Hamilton which are also in compliance with Sections 2915.01 through 2915.12 of the Ohio Revised Code.
- C. Owners, operators, or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws and requirements, for this property or any other property they are associated with in the City of Hamilton.
- D. Operated as the primary use at the address.
- E. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. No outdoor storage of any material or waste shall be permitted on site.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1315 - Boat Harbors and Marinas Public Boat Landing and Launching Facilities - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- D. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- E. No outdoor storage of any material or waste shall be permitted on site.
- F. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1316 - Business Offices - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- C. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- D. No outdoor storage of any material or waste shall be permitted on site.
- E. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1317 - Business and Trade Schools - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- C. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- D. No outdoor storage of any material or waste shall be permitted on site.
- E. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1318 - Campgrounds - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot size of three (3) acres required.
- B. Shall not be located within 500 feet of any residential use as measured from the property lines.
- C. Manager/Owner and household shall be the only permanent residents.
- D. Campsites shall not be inhabited more than fourteen days in a 30 day period by the same occupants.
- E. No camper trailer, tents or recreational vehicles shall be permanently placed at campsites.
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. No outdoor storage of any material or waste shall be permitted on site.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1319 - Cash Advance Business, Check Cashing, Pay Day Lending Businesses - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Owners, operators or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- D. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- E. No outdoor storage of any material or waste shall be permitted on site.
- F. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1320 - Cellular Communication Towers - New Freestanding - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Shall not be located within 500 feet of any residential district as measured from the property lines.
- B. Enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- C. Towers shall be located behind the principal structure on the property.
- D. No outdoor storage of any material or waste shall be permitted on site.
- E. The area five (5) feet outside the fence shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree

- F. The applicant proposing to construct a new freestanding wireless and cellular telecommunications tower must prove that such use is necessary and essential at the particular location proposed for the proper rendition of the service.
- G. The applicant must show that the proposed height of the tower is necessary to render satisfactory service to all parts of the service area and to accommodate co-location.
- H. Telecommunications facilities are subject to airport land use compatibility criteria/policies and FAA regulations. Prior to approval of the wireless/cellular telecommunications facility, compliance with this Section [3200](#)
- I. No towers shall be located nearer to a residential district than 250 feet, or less than one-third (1/3) of the height of the proposed tower from any property lines, whichever is the greater.
- J. All telecommunications towers and equipment shall be enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- K. No barbed wire or razor wire shall be permitted where the site is situated within 500 feet of a residential use or district.
- L. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible. Telecommunications towers shall be a non-contrasting blue-gray or similar color that matches the typical sky color at that location designed to minimize the visibility of the facility
- M. The telecommunications tower/ facility owner/operator is responsible for maintaining the appearance of all structures and equipment in good condition, and all surfaces absent of flaking or peeling paint, and rust.
- N. All wireless and cellular telecommunications towers and facilities must comply with applicable provisions of the Ohio Basic Building Code.
- O. All towers must meet or exceed standards and regulations of the FAA, FCC, and any other agency of the federal government having the authority to regulate towers and antennas.
- P. Lights, beacons or strobes of any kind shall not be permitted on any tower antenna or associated equipment unless required by the Federal Aviation Administration. When lighting is required by the FAA, the requirements thereof must be presented to the City prior to City approval of the facility.
- Q. Lighting, when required, shall be oriented so as not to project any beam of light toward surrounding residential property.
- R. The maximum size of any accessory building, such as those used to shelter equipment shall not exceed 400 square feet per user of the telecommunications facility.
- S. All accessory buildings shall meet setback requirements as set forth in the appropriate zoning district.
- T. In instances where there are multiple users of a commercial or industrial lot, a minimum distance of twenty feet (20') between the Wireless/Cellular Telecommunication Facilities and other non-related buildings located on the same site structures shall be maintained.
- U. Telecommunications Facility shall be automated to the greatest extent possible to reduce traffic and congestion.
- V. Existing roads shall be used for access wherever possible, and be upgraded to the minimum amount necessary to meet standards specified by the Engineering Department.
- W. Existing parking areas shall, wherever possible be used. Any new parking areas constructed shall provide two (2) off street parking spaces as required by Section [3203.3 \(D\)](#) herein.
- X. Signage: No advertising is permitted anywhere on the wireless and cellular telecommunication tower or facility, with the exception that one identification sign, not to exceed five (5) square feet and no more than four "No Trespassing" signs, with a maximum of two (2) square feet each, may be posted around the facility.
- Y. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1321 - Cemeteries - Private and public cemeteries and mausoleums - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum of five (5) acres required.
- B. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- C. No outdoor storage of any material or waste shall be permitted on site.
- D. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1322 - Chemicals or Petroleum Products - Manufacturing, Refining, or Storage - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Shall not be located within 500 feet to any residential use as measured from the property lines.
- B. Are not allowed on greenfields or previously undeveloped property.
- C. All storage and manufacturing areas shall be enclosed by an opaque fence or wall a minimum of six (6) feet in height set back a minimum of five (5) from any property line.
- D. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two.
- E. The area five (5) feet outside the fence shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- F. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- G. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- H. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- I. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.
- J. At the property lines, the sound pressure level of noise radiated from the facility at night time shall not exceed forty (40) decibels. Between the hours of 6:00 a.m. and 8:00 p.m. the sound pressure level of noise radiated from a facility shall not exceed sixty-five (65) decibels at the property lines.
- K. No outdoor storage of any material or waste shall be permitted on site.
- L. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1323 - Clinics, High Intensity Including the Offices of Physicians, Surgeons, and Dentists - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- C. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- D. No outdoor storage of any material or waste shall be permitted on site.
- E. High Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or collector street, in accordance with the City of Hamilton Street Designation.
- F. A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate a high intensity clinic from adjoining residential property.
- G. Designated outdoor smoking areas shall be located to the rear of the principal building.
- H. High Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio, including but not limited to: a history of zoning, building, or health code violations.
- I. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1324 - Clinics, Low Intensity Including the Offices of Physicians, Surgeons, and Dentists - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- C. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- D. No outdoor storage of any material or waste shall be permitted on site.
- E. Low Intensity Clinics must be located along a street classified as a major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Street Designation.
- F. Designated outdoor smoking areas shall be located to the rear of the principal building and shall be screened from adjoining residential property with a solid wall, fence, or landscaping, a minimum of six (6) feet in height.
- G. Low Intensity Clinics shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1325 - Clubs, Fraternities, Lodges and Meeting Places For Other Private Organizations - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Existing structures used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
- B. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building,
- C. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- D. Where this use abuts a residential property, any outdoor dining or service area shall be enclosed by a fence that is a minimum of four (4) feet in height setback a minimum of five (5) feet from any property line.
- E. The area five (5) feet outside the fence shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. No outdoor storage of any material or waste shall be permitted on site.
- H. Off-street parking shall be per Section [1600](#) herein shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two.
- I. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1326 - Colleges and Universities - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property without Planning Commission approval, except related to construction work that requires an active building permit.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- D. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- E. No outdoor storage of any material or waste shall be permitted on site.
- F. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1327 - Contractors and Other Skilled Trades - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. No Exterior Storage (see Exterior Storage, Commercial Contractor, Conditions Section [1337](#))
- B. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two.
- D. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- E. No outdoor storage of any material (usable or waste) shall be permitted on site.
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1328 - Convenience Retail Store - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map.
- B. A signage plan shall be submitted that identifies the proposed locations and types of all signage, including temporary signage.
- C. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- D. There shall be a minimum five (5) feet landscaped setback area and a six (6) foot privacy fence at the rear and side property lines if it abuts a residential use.
- E. All required set back or landscape buffer areas shall be landscaped with a minimum of one (1) tree per every 30 linear feet or portion thereof. For every required tree, a corresponding number of bushes, flowering perennial plants or additional trees, will be required for each site plan. The applicant must select one of the following options:
 - a) 3 bushes per each required tree or
 - b) 6 Flowering Perennials Plants per each required tree or
 - c) 1 additional tree per each required tree.
- F. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- G. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- H. No outdoor display or storage of merchandise or equipment shall be permitted on site.
- I. No outdoor storage of any material or waste shall be permitted on site.
- J. Owners, operators, or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- K. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- L. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1329 - Crematoriums - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Shall be properly licensed and operate in compliance with Ohio Administrative Code Chapter 4717 – Board of Embalmers and Funeral Directors.
- B. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- C. Shall not be located within 500 feet to any residential use as measured for the property lines.
- D. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two.
- E. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.
- F. No outdoor storage of any material (usable or waste) shall be permitted on site.
- G. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1330 - Daycare, Adult or Child (Preschool) - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Any commercial daycare for adults or children (preschool) shall be licensed with the State of Ohio and shall comply with all City, County, and State regulations, laws, and requirements,
- B. In Residential zoning districts and Traditional Neighborhood Zoning Districts, the following conditions shall apply:
 - a. Existing structures used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
 - b. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building.
 - c. Structures that were originally built as single-family dwellings shall not be converted into or utilized as a commercial daycare (adult or child) or preschool.
- C. Must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map.
- D. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- E. Minimum lot size shall be either: 8,000 square feet or 500 square feet per child, whichever is greater.
- F. Any new Principal Structure shall not exceed 4,000 square feet.
- G. Any new Principal Structure shall be setback a minimum of 50 feet from any abutting residential lot line or residential zoning district
- H. In Traditional Neighborhood Zoning Districts:
 - a. For new principal structures, the front yard setback shall be a front yard setback that is within five (5) feet of the average front yard setback of the principal structures on the two (2) adjoining lots located on the same block face.
 - b. The contextual front yard setback shall not apply if there are no buildings located within 100 feet of the lot in which the Infill Development will be located.
- I. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property without Planning Commission approval, except related to construction work that requires an active building permit.
- J. Off-street parking shall comply with the lighting, paving, and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.

- K. When located adjacent to a residential use, parking, loading, and passenger pick-up/discharge areas shall be screened with an opaque fence with a minimum height of six (6) feet or a six (6) foot landscaped buffer area shall be created.
- L. All set back areas outside the fenced area shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- M. Outdoor Play Area: There shall be a minimum 100 square foot fenced outdoor play area provided per child.
- N. Outdoor Play Areas shall be located in the side yard and/or rear yard only, and shall be fully enclosed with the following:
 - a. A standard fence minimum five (5') feet in height, maximum six (6') feet in height. The fence shall only be: wood privacy, wood picket, decorative aluminum, or masonry/brick pillar, constructed of traditional fencing materials, or chain-link vinyl coated fence, black or green in color.
 - b. Any fence with gates proposed shall be locking gates for safety.
 - c. If abutting a residential property, the portions of play area that abut shall be either:
 - i. A 6 foot high solid opaque wood privacy fence or a brick/stone wall, or
 - ii. A 6 foot chain-link vinyl coated fence, black or green in color, with a continuous evergreen buffer screen – one (1) tree planted every 30 lineal feet, or
 - iii. A combination of the above sub clauses (i), (ii), thereof.
- O. Playground equipment, playhouses, basketball courts, basketball goals, soccer fields, soccer goals, playfields, and goal posts, shall be setback a minimum of five (5') feet from any property line.
- P. No outdoor storage of any material or waste shall be permitted on site.
- Q. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- R. The Planning Commission and City Council may require additional fencing, screening, landscaping, buffers, and/or other measures deemed necessary in order to protect the health, safety, and welfare of children and persons using daycares.
- S. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1331 – Discount Retail Store – In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. A minimum of 15 percent of the gross floor area shall be dedicated to the interior storage of good, products, and merchandise. Such area shall only be accessible to store employees. Product overstock shall not be stored in store area that is accessible to the public.
- B. A discount retail store shall not be located within one-quarter mile from any other discount retail store, measured in a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which another discount retail store is located.
- C. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- D. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- E. There shall be a minimum five (5) feet landscaped setback area and a six (6) foot privacy fence at the rear and side property lines if it abuts a residential use.
- F. All required set back or landscape buffer areas shall be landscaped with a minimum of one (1) tree per every 30 linear feet or portion thereof. For every required tree, a corresponding number of bushes, flowering perennial plants or additional trees, will be required for each site plan. The applicant must select one of the following options:

- a) 3 bushes per each required tree or
 - b) 6 Flowering Perennials Plants per each required tree or
 - c) 1 additional tree per each required tree.
- G. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- H. No outdoor display or storage of merchandise or equipment shall be permitted on site.
- I. No outdoor storage of any material or waste shall be permitted on site.
- J. Owners, operators, or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- K. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- L. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1332 – Distribution Center – In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be placed on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.
- C. Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.
- D. Fleet vehicle parking areas shall be screened by landscaping and or fencing along all sides visible from the public right of way and from adjoining residential property.
- E. No junk, inoperative or unlicensed automobiles, or parts shall be permitted on the property.
- F. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- G. All required set back or landscape buffer areas shall be landscaped with a minimum of one (1) tree per every 30 linear feet or portion thereof. For every required tree, a corresponding number of bushes, flowering perennial plants, or additional trees will be required for each site plan. The applicant must select one of the following options: a) 3 bushes per each required tree or b) 6 Flowering Perennials Plants per each required tree or c) 1 additional tree per each required tree.
- H. Off-street parking shall comply with the lighting, paving, and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- I. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- J. No outdoor storage of any material or waste shall be permitted on site.
- K. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1333 - Drive-Through Establishment - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map.
- C. Access and storage capacity shall be approved by the Director of Engineering
- D. In Form-Based Zoning districts, the proposal shall comply with Section [2300](#) herein.
- E. In Traditional Neighborhood zoning districts, the following conditionals shall apply:
 - a. Existing structures used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
 - b. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building.
- F. For new principal structures, the front yard setback shall be a front yard setback that is within five (5) feet of the average front yard setback of the principal structures on the two (2) adjoining lots located on the same block face.
 - a. The contextual front yard setback shall not apply if there are no buildings located within 100 feet of the lot in which the Infill Development will be located.
- G. Where this use abuts a residential property, any outdoor dining or service area shall be setback a minimum of five (5) feet from any property line and enclosed by a fence that is a minimum of four (4) feet in height. The five (5) feet setback area shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan: a) Bushes: 3 Per Required Tree b) Flowering Perennials Plants: 6 Per Required Tree c) Trees: 1 Per Required Tree
- H. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- I. No outdoor storage of any material or waste shall be permitted on site.
- J. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1334 - Dry Cleaners Shops without Processing on Site - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- C. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- D. No outdoor storage of any material or waste shall be permitted on site.
- E. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1335 - Dry Cleaning and Laundry Processing Facilities - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Are not allowed on greenfields or previously undeveloped property.
- B. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- D. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.
- E. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- F. No outdoor storage of any material or waste shall be permitted on site.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1336 - Event Center - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Existing structures used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
- B. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building.
- C. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- D. Where this use abuts a residential property, any outdoor dining or service area shall be enclosed by a fence that is a minimum of four (4) feet in height setback a minimum of five (5) feet from any property line.
- E. The area five (5) feet outside the fence shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. No outdoor storage of any material or waste shall be permitted on site.
- H. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- I. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1337 - Exterior Storage and/or Parking of Contractor's Supplies, Equipment and Commercial Vehicles as an accessory use only - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. All areas for the parking of vehicles shall be paved with asphalt or concrete surfaces.
- B. Parking areas shall have a minimum setback of ten (10) feet from any street right-of-way line and five (5) feet from any other property line.
- C. Landscaping shall be planted and maintained within all setbacks from a street right-of-way line.
- D. Shall be enclosed by an opaque fence a minimum of six (6) feet in height installed behind the required landscaped setback.
- E. The area five (5) feet outside the fence shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- F. Storage shall only be in the rear yard area of the site.
- G. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1338 - Extraction of Minerals including soil, sand and gravel pits - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Minimum lot area of two (2) acres required.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- D. Shall not be located within 500 feet to any residential use as measured for the property lines.
- E. Distance From Property Lines: No quarry operations shall be carried on, nor any stock pile placed closer than twenty-five (25) feet from any property line or public right-of-way line.
- F. Operations: All operations on the site shall be conducted in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in a dust-free condition.
- G. Processing: Crushing, washing and refining or other similar processing may be authorized by the Commission as an accessory use.
- H. Rehabilitation: Mined-out areas shall be restored, rehabilitated or reclaimed as specified by the Commission according to the following:
 - 1. Water areas: Where excavation has been made to water-producing depth, such excavation shall be continued to a minimum of five (5) feet below the low water mark; or shall be graded or backfilled with non-noxious, non-inflammable and non-combustible solids to prevent the collection of stagnant water.
 - 2. Land areas: Land surface areas shall be rehabilitated with a four (4) inch layer of loam soils and appropriate grasses to re-establish and maintain the vegetation level and to control erosion.
 - 3. Slopes: All excavations shall be graded to a maximum slope of three feet horizontal to one-foot vertical and suitable ground cover, or grasses, shall be maintained to control erosion.
- I. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.

- J. All storage and manufacturing areas shall be enclosed by an opaque fence or wall a minimum of six (6) feet in height set back a minimum of five (5) feet from any property line.
- K. The area five (5) feet outside the fence shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required
- L. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- M. No outdoor storage of any waste, trash or garbage shall be permitted on site.
- N. At the property lines, the sound pressure level of noise radiated from the facility at night time shall not exceed forty (40) decibels. Between the hours of 6:00 a.m. and 8:00 p.m. the sound pressure level of noise radiated from a facility shall not exceed sixty-five (65) decibels.
- O. No vibration shall be permitted which is discernible without instruments at the points of measurement specified in Section [3006](#).
- P. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1339 - Farm Animals; Keeping of - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of five (5) acres required.
- B. Two (2) animal units, as defined in Section [3900](#) hereof, shall be permitted to occupy a five (5) acre tract of land. One (1) additional animal unit is permitted for each additional two and one-half (2-1/2) acres of land contained as part of the same tract of land. Young animals born on the premises from permitted animals shall not be counted as an animal unit or any part of an animal unit until they have reached one (1) year of age.
- C. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.
- D. Any structure used to shelter large farm animals must be located a minimum of one hundred fifty (150) feet from any property line.
- E. The size and height of a structure used to house large farm animals shall be regulated as defined in Section [1506](#) hereof regarding accessory buildings.
- F. The area used to keep large farm animals must be entirely fenced to a minimum height of four (4) feet. Said fenced area shall not be located less than fifty (50) feet from any lot used for any residential purpose.
- G. Outdoor storage or composting of animal waste shall be located a minimum of 50-ft from any property line.
- H. No other outdoor storage of any material or waste shall be permitted on site.
- I. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1340 - Fishing Pay Lakes - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of five (5) acres required.
- B. No manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- C. No outdoor storage of any material or waste shall be permitted on site.
- D. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- E. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in in Section [4007](#) herein.

1341 - Fulfillment Center - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be placed on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.
- C. Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.
- D. Fleet vehicle parking areas shall be screened by landscaping along all sides visible from the public right of way and from adjoining residential property.
- E. No junk, inoperative or unlicensed automobiles, or parts shall be permitted on the property.
- F. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- G. All required set back or landscape buffer areas shall be landscaped with a minimum of one (1) tree per every 30 linear feet or portion thereof. For every required tree, a corresponding number of bushes, flowering perennial plants, or additional trees will be required for each site plan. The applicant must select one of the following options: a) 3 bushes per each required tree or b) 6 Flowering Perennials Plants per each required tree or c) 1 additional tree per each required tree.
- H. Off-street parking shall comply with the lighting paving and screening requirements of Section 1600 herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- I. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- J. No outdoor storage of any material or waste shall be permitted on site.
- K. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1342 - Greenhouses, Nurseries, Orchards (Commercial) - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of two (2) acres required.
- B. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- C. No outdoor storage of any material or waste shall be permitted on site.
- D. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- E. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1343 - Grocery Store - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. In Traditional Neighborhood zoning districts, the following conditions shall apply:
 - a. Existing structures used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
 - b. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building.
- C. For new principal structures, the front yard setback shall be a front yard setback that is within five (5) feet of the average front yard setback of the principal structures on the two (2) adjoining lots located on the same block face.
 - a. The contextual front yard setback shall not apply if there are no buildings located within 100 feet of the lot in which the Infill Development will be located.
- D. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- E. No outdoor storage of any material or waste shall be permitted on site.
- F. Loading and Unloading zones shall be in the rear yard.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1344 - Handcrafted, Artisan Manufacturing - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. No outdoor storage of any material or waste shall be permitted on site. At the property lines, the sound pressure level of noise radiated from the facility at night time shall not exceed forty (40) decibels. Between the hours of 6:00 a.m. and 8:00 p.m. the sound pressure level of noise radiated from a facility shall not exceed sixty-five (65) decibels.
- C. At the property lines, the sound pressure level of noise radiated from the facility at night time shall not exceed forty (40) decibels. Between the hours of 6:00 a.m. and 8:00 p.m. the sound pressure level of noise radiated from a facility shall not exceed sixty-five (65) decibels.
- D. No vibration shall be permitted which is discernible without instruments at the property line.

- E. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.
- F. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two.
- G. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1345 - Hospitals - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of two (2) acres required.
- B. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) Commercial Design Standards.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- D. No outdoor storage of any material or waste shall be permitted on site.
- E. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1346 - Hotels - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of two (2) acres required.
- B. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) Commercial Design Standards.
- C. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- D. Any outdoor dining, service or entertainment area shall be enclosed by a fence that is a minimum of four (4) feet in height.
- E. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- F. No outdoor storage of any material or waste shall be permitted on site.
- G. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in in Section [4007](#) herein.

1347 - Impound and Vehicle Holding Lots - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Are not allowed on greenfields or previously undeveloped property.
- B. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- C. Minimum lot area of two (2) acres required.
- D. Shall not be located within 500 feet of any residential use as measured from the property lines.
- E. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- F. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- G. All areas for the parking of vehicles shall be paved with asphalt or concrete surfaces.
- H. Parking areas shall have a minimum setback of ten (10) feet from any street right-of-way line and five (5) feet from any other property line.
- I. All storage and impound and holding areas for vehicles shall be enclosed by an opaque fence or wall a minimum of six (6) feet in height set back a minimum of five (5) feet from any property line.
- J. All required setbacks and the area five (5) feet outside the fence and ten (10) feet setback from any street frontage shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- K. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- L. No outdoor storage of any material or waste shall be permitted on site.
- M. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1348 - Inpatient Rehabilitation Facilities - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Owners, operators or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- D. A solid wall, fence, or landscaping, a minimum of six (6) feet in height shall separate an inpatient rehabilitation facility from adjoining residential property.
- E. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1349 - Instant Bingo - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Shall only be operated by bone fide charitable organizations permitted by Chapter 517 of the Codified Ordinances of the City of Hamilton which are also in compliance with Sections 2915.01 through 2915.12 of the Ohio Revised Code.
- C. Owners, operators or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- D. The property shall be kept free of all litter and garbage at all times.
- E. Off-street parking shall comply with the lighting paving and screening requirements of Section 1600 herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- F. No outdoor storage of any material or waste shall be permitted on site.
- G. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1350 - Jails and Prisons - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of two (2) acres required.
- B. Are not allowed on greenfields or previously undeveloped property.
- C. Shall not be located within 500 feet of any residential use as measured from the property lines.
- D. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- E. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- F. Any outdoor exercise areas will be enclosed by a minimum eight (8) feet high opaque fence or wall setback a minimum of 50 feet from any property line.
- G. The ten (10) feet setback from any street frontage shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- H. No trailer, camper, manufactured housing unit, modular office trailer tent or industrialized units shall be used on the property for any purpose.
- I. No outdoor storage of any material or waste shall be permitted on site.
- J. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- K. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1351 – Live-Work Unit - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Not more than one (1) employee who is not a resident of the dwelling is working in the office of studio at any one time.
- B. The use shall not generate pedestrian or vehicular traffic significantly beyond that which is reasonable or normal to the Zoning District and the surrounding areas.
- C. Off-street parking shall be provided as indicated in the approved plan. Applicants shall demonstrate the ability to provide parking for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two.
- D. No outdoor storage of any material (usable or waste) shall be permitted in conjunction with a live-work unit. Outdoor storage that is not visible from the public right-of way may be permitted if it is approved in the plan through the Conditional Use Process set forth in this Zoning Ordinance.
- E. No lighting shall be permitted in association with a Live-Work Unit which would produce a glare on any street or into any adjacent property beyond that which is reasonable or normal to the Zoning District and within surrounding areas.
- F. No use shall create hazardous, offensive or objectionable odor, dust, cinders, fumes, noise, vibration, radiation, or refuse matter.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1352 – Mortuary or Funeral Home - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Shall be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map
- B. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- D. Minimum Lot Size: 25,000 square feet required
- E. Shall not include crematories (requires a separate conditional use application)
- F. No outdoor storage of any material or waste shall be permitted on site.
- G. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1353 – Nursing homes - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- B. In order to keep such uses peaceful and serene for the residents; it shall be buffered by a minimum setback of ten (10) feet from any street frontage and five (5) feet from any other property line.

- C. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- D. For multi-use buildings the screening will extend five (5) feet beyond the adjoining wall dividing this use from an adjoining use.
- E. No outdoor storage of any material or waste shall be permitted on site.
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1354 - Parking Lots and Garages - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Are not allowed on greenfields or previously undeveloped property.
- B. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- C. Off-Street Parking and Interior Driveways: Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-five (25) feet wide when cubicles open onto one side of the lane and at least thirty (30) feet wide when cubicles open onto both sides of the lane. Parking shall be provided as required by Section [1609](#)(c).
- D. Access: One point of ingress and egress shall be provided off an arterial road with a minimum width of twenty-eight (28) feet and with enough stacking depth for two (2) vehicles or from the interior of an adjacent property via a common access easement.
- E. Parking areas shall have a minimum setback of ten (10) feet from any street right-of-way line and five (5) feet from any other property line.
- F. Shall be enclosed by an opaque wall or fence a minimum of six (6) feet high and setback a minimum of ten (10) feet from any street frontage and five (5) feet from any other property line.
- G. The setback areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required
- H. All outdoor lights may be of sufficient intensity to discourage vandalism and theft as well as follow the requirements as written in Section [3010](#) H
- I. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- J. No outdoor storage of any material or waste shall be permitted on site.
- K. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- L. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in in Section [4007](#) herein.

1355 - Pawn Shops - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- C. No outdoor display or storage of merchandise or equipment shall be permitted on site.
- D. No outdoor storage of any material or waste shall be permitted on site.
- E. Owners, operators or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1356 - Radio, Television, and Recording Studios - Commercial - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. At the property lines, the sound pressure level of noise radiated from the facility at night time shall not exceed forty (40) decibels. Between the hours of 6:00 a.m. and 8:00 p.m. the sound pressure level of noise radiated from a facility shall not exceed sixty-five (65) decibels.
- C. Shall not be located within 500 feet to any residential district as measured for the property lines.
- D. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- E. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- F. No outdoor storage of any material or waste shall be permitted on site.
- G. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1357 - Railroad Stations - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- B. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- C. Shall not be located within 500 feet of any residential use as measured from the property lines.
- D. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two.
- E. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- F. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.
- G. No vibration shall be permitted which is discernible without instruments at the property lines.
- H. At the property lines, the sound pressure level of noise radiated from the facility at night time shall not exceed forty (40) decibels. Between the hours of 6:00 a.m. and 8:00 p.m. the sound pressure level of noise radiated from a facility shall not exceed sixty-five (65) decibels at the property lines.
- I. Shall be enclosed by an opaque wall or fence a minimum of six (6) feet high and setback a minimum of ten (10) feet from any street frontage and five (5) feet from any other property line.
- J. All set back areas shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- K. No outdoor storage of any material or waste shall be permitted on site.
- L. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- M. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1358 - Recreation Facilities, Commercial - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of two (2) acres required.
- B. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- C. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- D. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- E. No outdoor storage of any material or waste shall be permitted on site.
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1359 - Recycling Centers - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of two (2) acres required.
- B. Are not allowed on greenfields or previously undeveloped property.
- C. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- D. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- E. No vibration shall be permitted which is discernible without instruments at the property lines.
- F. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.
- G. At the property lines, the sound pressure level of noise radiated from the facility at night time shall not exceed forty (40) decibels. Between the hours of 6:00 a.m. and 8:00 p.m. the sound pressure level of noise radiated from a facility shall not exceed sixty-five (65) decibels at the property lines.
- H. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- I. Shall be enclosed by an opaque fence a minimum of six (6) feet in height setback a minimum of ten (10) feet from any street frontage and five (5) feet from all other property lines,
- J. All set back areas outside the fenced area shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- K. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1360 - Residential Accessory Dwelling Unit - In the Agricultural, R-1, R-2 & R-2A zoning districts:

- A. Separate living quarters of persons employed on the premises or for a family member and not rented or otherwise used as a separate dwelling.
- B. Separate living quarters within the primary residence without a separate kitchen.

1361 - Residential Facility, Large - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. No more than one Large Residential Facility within a 500 foot radius of another such facility.
- B. Proposed new buildings, additions, and the entire site shall comply with the Residential Design Requirements of Section [1800](#) herein.
- C. Owners, operators or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- D. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- E. No outdoor storage of any material or waste shall be permitted on site.
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1362 - Residential Facility, Small - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. No outdoor storage of any material or waste shall be permitted on site.
- B. Proposed new buildings, additions, and the entire site shall comply with the Residential Design Requirements of Section [1800](#) herein.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- D. Owners, operators or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- E. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- F. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1363 - Residential Single and Multi-Family Dwelling Units - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

1. TN-1 Multi-family residential dwellings (up to two (2) units): No more than two (2) dwelling units shall be located on one (1) individual lot.
 2. TN-2:Multi-family residential dwellings (up to four (4) units): No more than four (4) dwelling units shall be located on one (1) individual lot.
 3. TN-3:Multi-family residential dwellings (up to six (6) units): No more than six (6) dwelling units shall be located on one (1) individual lot.
 4. TN-4: Multi-family residential dwellings, (up to eight (8) units): No more than eight (8) dwelling units shall be located on one (1) individual lot.
- A. The submitted plan shall mitigate adverse impacts on the surrounding areas associated with the increase in density and intensity. Considerations include, but are not limited to, overcrowding, noise, trash, off-street parking, and screening or buffering.
 - B. The density created by the number of units on the site should be consistent and compatible with the surrounding areas.
 - C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
 - D. No exterior storage of materials, tools, auto parts, lawn equipment or indoor furniture shall be allowed on site.
 - E. No parking or storage of class four business vehicles or equipment shall be allowed on site.
 - F. Trash/Recycling containers shall be kept inside an opaque fence with a minimum height of six (6) feet and shall be screened from view of the right-of-way.
 - G. Structures that were originally built as single-family dwellings are not intended to be converted into multi-family dwellings. However, an increase in density on the site may be considered if two (2) or more of the following conditions are present:
 - a) The existing single-family dwelling to be converted is larger in size than what typically exists within the surrounding areas.
 - b) The lot size of the site is larger in size than what typically exists in a traditional or urban neighborhood or within the surrounding areas.
 - c) The principal structure on the site was originally constructed as a multi-family dwelling.
 - H. No outdoor storage of any material or waste shall be permitted on site.
 - I. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
 - J. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1364 – Restaurant, Carry-Out / Catering Kitchen (Food Preparation Kitchen) - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. No building designed as a restaurant with indoor dining shall be converted into a carry-out restaurant/catering kitchen.
- C. Shall not be located at a street intersection/in a corner building.
- D. Loading and Unloading areas shall be located in the rear yard.
- E. Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.
- F. Fleet vehicle parking areas shall be screened by landscaping along all sides visible from the public right of way and from adjoining residential property.
- G. No outdoor storage of any material or waste shall be permitted on site.
- H. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- I. All required set back or landscape buffer areas shall be landscaped with a minimum of one (1) tree per every 30 linear feet or portion thereof. For every required tree, a corresponding number of bushes, flowering perennial plants, or additional trees will be required for each site plan. The applicant must select one of the following options: a) 3 bushes per each required tree or b) 6 Flowering Perennials Plants per each required tree or c) 1 additional tree per each required tree.
- J. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- K. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1365 – Restaurant, Drive-In - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. Must be located along a street classified as major arterial, minor arterial, or a collector street, in accordance with the City of Hamilton Roadway Functional Classification Map.
- C. Access and storage capacity shall be approved by the Director of Engineering
- D. In Form-Based Zoning districts, the proposal shall comply with Section [2300](#) herein.
- E. In Traditional Neighborhood zoning districts, the following conditionals shall apply:
 - a. Existing structures used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
 - b. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building.
- F. For new principal structures, the front yard setback shall be a front yard setback that is within five (5) feet of the average front yard setback of the principal structures on the two (2) adjoining lots located on the same block face.
 - a. The contextual front yard setback shall not apply if there are no buildings located within 100 feet of the lot in which the Infill Development will be located.

- G. Where this use abuts a residential property, any outdoor dining or service area shall be setback a minimum of five (5) feet from any property line and enclosed by a fence that is a minimum of four (4) feet in height. The five (5) feet setback area shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan: a) Bushes: 3 Per Required Tree b) Flowering Perennials Plants: 6 Per Required Tree c) Trees: 1 Per Required Tree
- H. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- I. No outdoor storage of any material or waste shall be permitted on site.
- J. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1366 – Restaurant, Fast Food - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. In Form-Based Zoning districts, the proposal shall comply with Section [2300](#) herein.
- C. In Traditional Neighborhood zoning districts, the following conditionals shall apply:
 - a. Existing structures used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
 - b. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building.
- D. For new principal structures, the front yard setback shall be a front yard setback that is within five (5) feet of the average front yard setback of the principal structures on the two (2) adjoining lots located on the same block face.
 - a. The contextual front yard setback shall not apply if there are no buildings located within 100 feet of the lot in which the Infill Development will be located.
- E. Where this use abuts a residential property, any outdoor dining or service area shall be enclosed by a fence that is a minimum of four (4) feet in height.
- F. Where this use abuts a residential property, any outdoor dining or service area shall be setback a minimum of five (5) feet from any property line and enclosed by a fence that is a minimum of four (4) feet in height. The five (5) feet setback area shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan: a) Bushes: 3 Per Required Tree b) Flowering Perennials Plants: 6 Per Required Tree c) Trees: 1 Per Required Tree
- G. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- H. No outdoor storage of any material or waste shall be permitted on site.
- I. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1367 - Restaurant, Not Serving Alcohol or Restaurant, Serving Alcohol (Bars, Taverns, Brewpubs) - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Existing structures used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
- B. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building,
- C. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- D. Where this use abuts a residential property, any outdoor dining or service area shall be setback a minimum of five (5) feet from any property line and enclosed by a fence that is a minimum of four (4) feet in height. The five (5) feet setback area shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan: a) Bushes: 3 Per Required Tree b) Flowering Perennials Plants: 6 Per Required Tree c) Trees: 1 Per Required Tree
- E. Landscaping shall be installed in the five (5) foot setback area with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. No outdoor storage of any material or waste shall be permitted on site.
- H. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- I. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1368 - Retail Stores - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Existing structures used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
- B. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building,
- C. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- D. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- E. No outdoor storage of any material or waste shall be permitted on site.
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1369 - Salvage Yards - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Are not allowed on greenfields or previously undeveloped property.
- B. Minimum lot area of five (5) acres required.
- C. Shall not be located within 500 feet to any residential use as measured for the property lines.
- D. No vibration shall be permitted which is discernible without instruments at the property lines.
- E. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.
- F. At the property lines, the sound pressure level of noise radiated from the facility at night time shall not exceed forty (40) decibels. Between the hours of 6:00 a.m. and 8:00 p.m. the sound pressure level of noise radiated from a facility shall not exceed sixty-five (65) decibels at the property lines.
- G. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- H. Landscaping shall be planted and maintained within all setbacks from a street right-of-way line.
- I. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) Commercial Design Standards.
- J. Shall be enclosed by an opaque fence a minimum of six (6) feet in height setback a minimum of ten (10) feet from any street frontage and five (5) feet from all other property lines.
- K. All set back areas outside the fenced area shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - a) Bushes: 3 Per Required Tree
 - b) Flowering Perennials Plants: 6 Per Required Tree
 - c) Trees: 1 Per Required Tree
- L. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- M. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1370 Schools, Elementary and Secondary - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property without Planning Commission approval, except related to construction work that requires an active building permit.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- D. When located adjacent to a residential use, parking, loading, and passenger pick-up/discharge areas shall be screened with an opaque fence with a minimum height of six (6) feet and a six (6) foot landscaped buffer area shall be created.
- E. Minimum lot size for new construction shall be two (2) acres.
- F. No outdoor storage of any material or waste shall be permitted on site.
- G. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1371 - Stadiums, Auditoriums, and Arenas - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of five (5) acres required.
- B. Off-street parking shall be per Section [1600](#) herein shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement
- C. No outdoor storage of any material or waste shall be permitted on site.
- D. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- E. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- F. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1372 - Self-Storage Facility - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of two (2) acres.
- B. Are not allowed on greenfields or previously undeveloped property.
- C. Maximum lot coverage with buildings 60%.
- D. Parking shall be provided by parking/driving lanes adjacent to the buildings. These lanes shall be at least twenty-five (25) feet wide when cubicles open onto one side of the lane and at least thirty (30) feet wide when cubicles open onto both sides of the lane.
- E. One point of ingress and egress shall be provided off an arterial road with a maximum width of 30) feet and with enough stacking depth for two (2) vehicles. Egress can also be provided from an adjacent property via a common access easement.
- F. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- G. No manufactured housing unit, modular office trailer or industrialized unit shall be used on the property for any purpose.
- H. No activities other than rental of storage units and pick-up and deposit of dead storage shall be allowed on the premises.
- I. Radioactive materials, explosives and flammable or hazardous chemicals shall be prohibited.
- J. Exterior storage may be permitted, subject to the following restrictions:
 - a) It shall not be visible from the public right-of-way.
 - b) It shall be located in the rear yard to the greatest extent possible.
 - c) All vehicles associated with the self-storage facility will be stored in the rear of the facility and not visible from any right-of-way.
- K. A live-in manager is allowed. The manager's quarters may include or be separate from the leasing office. The manager shall be responsible for security and together with the owner, responsible for conformance with the provisions of this ordinance.
- L. Shall be enclosed by an opaque fence a minimum of six (6) feet in height setback a minimum of ten (10) feet from any street frontage and five (5) feet from all other property lines
- M. The fence shall not exceed eight (8) feet in height, unless unusual topography or similar situations may permit a fence not exceeding ten (10) feet in height.

- N. All set back areas outside the fenced area shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof. For every required tree a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:
 - d) Bushes: 3 Per Required Tree
 - e) Flowering Perennials Plants: 6 Per Required Tree
 - f) Trees: 1 Per Required Tree
- O. Self-storage facilities shall be limited to dead storage use only.
- P. Nothing in this section shall preclude any property owner from carrying out routine maintenance and repair of facilities.
- Q. Trash/Recycling containers shall be kept behind the principal structure, inside an opaque fence with a minimum height of six (6) feet.
- R. No outdoor storage of any material or waste shall be permitted on site.
- S. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1373 - Stables (Commercial) and Riding Academies - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of five (5) acres required.
- B. Any buildings used to house animals shall be a minimum of 100-feet from any property line
- C. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- D. Fences enclosing the facility will be set back a minimum of ten (10) feet from any property line. The area used to keep large farm animals must be entirely fenced to a minimum height of four (4) feet. Said fenced area shall not be located less than fifty (50) feet from any lot used for any residential purpose.
- E. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.
- F. Outdoor storage or composting of animal waste shall be located a minimum of 50-ft from any property line.
- G. No other outdoor storage of any material or waste shall be permitted on site.
- H. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- I. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1374 - Stockyards and Meat Packing and Processing - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Minimum lot area of five (5) acres required.
- B. Shall not be located within 500 feet to any residential district as measured for the property lines.
- C. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- D. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- E. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.

- F. Any structure used to shelter animals must be located a minimum of one hundred fifty (150) feet from any property line.
- G. The size and height of a structure used to house animals shall be regulated as defined in Section [1506](#) hereof regarding accessory buildings.
- H. The area used to keep animals must be entirely fenced to a minimum height of four (4) feet. Said fenced area shall not be located less than fifty (50) feet from any lot used for any residential purpose.
- I. Outdoor storage or composting of animal waste shall be located a minimum of 50-ft from any property line.
- J. No other outdoor storage of any material or waste shall be permitted on site.
- K. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- L. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1375 - Sweepstakes/Internet Cafe - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- C. No sweepstakes/internet cafe shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it a school, public library, public playground, church, or religious institution.
- D. Owners, operators or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- E. No sweepstakes/internet cafe shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it any establishment that has been issued a liquor permit by the State of Ohio.
- F. No sweepstakes/internet cafe shall be located within five hundred (500) feet from the boundaries of a parcel of real estate having situated on it another sweepstakes/internet cafe.
- G. A sweepstakes/internet cafe must be registered with and licensed by the City of Hamilton in accordance with Chapter 756 of the Codified Ordinances of the City of Hamilton. If at any time said license should lapse for any reason the conditional use will be immediately revoked and will require another hearing before the Planning Commission before it may be reinstated.
- H. If in the future the State of Ohio deems sweepstakes/internet cafes illegal or regulates them in a different manner the conditional use may be invalidated and revoked. The property shall be kept free of all litter and garbage at all times.
- I. No outdoor storage of any material or waste shall be permitted on site.
- J. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- K. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1376 - Supportive Housing, Large - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. No outdoor storage of any material or waste shall be permitted on site.
- B. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- C. In order to prevent the excessive concentration of Supportive Housing Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Supportive Housing Facility within the same block or within a five hundred (500) foot radius of another Supportive Housing Facility.
- D. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- E. Organizations that operate and/or own large Supportive Housing Facilities shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building or health code violations.
- F. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1377 - Supportive Housing, Small: In any zoning district in which this use is a Conditional Use, all these conditions shall apply.

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1800](#) herein.
- B. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose.
- C. No outdoor storage of any material or waste shall be permitted on site.
- D. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- E. Owners, operators or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- F. In order to prevent the excessive concentration of Supportive Housing Facilities and to avoid impacting a residential block or neighborhood, the City shall not grant a conditional use which would permit more than one Supportive Housing Facility within the same block or within a five hundred (500) foot radius of another Supportive Housing Facility.
- G. Organizations that operate and/or own a small Supportive Housing Facility shall not have a history of being in bad standing with the City of Hamilton, Butler County, or the State of Ohio including but not limited to a history of zoning, building, or health code violations.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1378 – Body Art (Tattoo & Piercing) As a Primary Use - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section 1900 herein.
- B. Owners, operators, managers, and any existing businesses associated with the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with.
- C. Owners, operators, managers, and any existing businesses associated with the proposed use shall have a history of complying with all pertinent Health Code regulations including not having a history of issues with the safety and sanitation standards of the Body Art Establishment license program. Issues include safety and sanitation standards that had to be corrected during the inspection or required a follow-up visit to approve the license.
- D. Owners, operators, managers, and any existing businesses associated with the proposed use shall not have a history of public safety issues for this property or any other property they are associated with in the city of Hamilton.
- E. No outdoor storage of any material or waste shall be permitted on site.
- F. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1379 – Body Art (Tattoo & Piercing) As an Accessory Use – In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section 1900 herein.
- B. The accessory Body Art activity shall be located in the rear of the primary business operations area.
- C. No more than two rooms shall be utilized for Body Art.
- D. Owners, operators, managers, and any existing businesses associated with the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with.
- E. Owners, operators, managers, and any existing businesses associated with the proposed use shall have a history of complying with all pertinent Health Code regulations including not having a history of issues with the safety and sanitation standards of the Body Art Establishment license program. Issues include safety and sanitation standards that had to be corrected during the inspection or required a follow-up visit to approve the license.
- F. Owners, operators, managers, and any existing businesses associated with the proposed use shall not have a history of public safety issues for this property or any other property they are associated with in the city of Hamilton.
- G. No outdoor storage of any material or waste shall be permitted on site.
- H. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- I. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1380 - Theaters and Cinemas - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Existing structures used for this purpose shall be located at a corner intersection, next to an existing commercial use building, or in a building that was originally built as a commercial building as is evident from its architecture or history.
- B. New proposed structures on vacant land shall be located at a corner intersection or next to an existing commercial use building.
- C. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- D. The five (5) foot setback outside the fence shall be landscaped with a minimum of one (1) tree every 30 linear feet or portion thereof along with a corresponding number of shrubs or perennials as listed in Section [1902](#) herein.
- E. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- F. No outdoor storage of any material or waste shall be permitted on site.
- G. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1381 - Tobacco, Nicotine and Vaping Sales - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Shall not be located within 1,000 feet of a primary or secondary school, a youth center, a licensed-child care facility or preschool, or tobacco retail establishment as measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which a primary or secondary school, a youth center, a licensed-child care facility or preschool, or existing tobacco retail establishment located.
- B. Shall not be located within 500 feet of a park or library as measured by a straight line from the nearest point of the property line of the parcel on which the applicant's business is located to the nearest point of the property line of the parcel on which a park or library is located.
- C. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- D. Outdoor storage or display of merchandise shall not be permitted.
- E. All required set back or landscape buffer areas shall be landscaped with a minimum of one (1) tree per every 30 linear feet or portion thereof. For every required tree, a corresponding number of bushes, flowering perennial plants or additional trees, will be required for each site plan. The applicant must select one of the following options: a) 3 bushes per each required tree or b) 6 Flowering Perennials Plants per each required tree or c) 1 additional tree per each required tree.
- F. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- G. Ingress and egress shall be limited to arterial and collector streets.
- H. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.

- I. Owners, operators or managers of the proposed use shall have a record of continued compliance with all City, County, and State regulations, laws, and requirements, for this property or any other property they are associated with in the city of Hamilton.
- J. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1382 – Vocational and Industrial Trade Schools - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Proposed new buildings, additions, and the entire site shall comply with Section [1900](#) herein.
- B. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property except related to construction work that requires an active building permit without Planning Commission approval.
- C. Off-street parking shall comply with the lighting paving and screening requirements of Section [1600](#) herein. Off-Street parking shall be provided for employees and customers on site or through the use of public facilities located within 500 feet of the site, or with a combination of the two. On street parking does not count towards this requirement.
- D. When located adjacent to a residential use, parking, loading, and passenger pick-up/discharge areas shall be screened with an opaque fence with a minimum height of six (6) feet and a six (6) foot landscaped buffer area shall be created.
- E. Minimum lot size for new construction shall be two (2) acres.
- F. Schools that focus on occupations that create noise or odor or operate industrial machinery shall not be located adjacent to a residential district or use without a plan to mitigate the impact on adjacent properties.
- G. Schools that require outdoor training areas shall be located in the rear yard and include a buffering and screening plan appropriate to the intensity of the proposed use and context of the surrounding uses.
- H. No outdoor storage of any material or waste shall be permitted on site.
- I. Trash/Recycling containers shall be kept behind the principal structure, enclosed by an opaque fence or wall with a minimum height of six (6) feet.
- J. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1383 – Warehousing as an Primary Use - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Warehousing is not permitted on a previously undeveloped property.
- B. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be placed on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.
- C. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- D. There shall be a minimum ten (10) feet landscaped setback area along any street frontage.
- E. All required set back or landscape buffer areas shall be landscaped with a minimum of one (1) tree per every 30 linear feet or portion thereof. For every required tree, a corresponding number of bushes, flowering perennial plants, or additional trees will be required for each site plan. The applicant must select one of the following options: a) 3 bushes per each required tree or b) 6 Flowering Perennials Plants per each required tree or c) 1 additional tree per each required tree.
- F. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 14 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1384 – Wind Turbine - In any zoning district in which this use is a Conditional or Specific Use, all these conditions shall apply:

- A. Permitted as Conditional Use for commercial and industrial properties only.
- B. The tower structure shall be a monopole design without the use of guy wires. Wood poles are not permitted.
- C. The structure is designed and maintained in a manner that does not detract from the aesthetics of the surrounding area, free of rust, mold, cracks, missing pieces, or other signs of disrepair. The tower shall maintain a manufacturer's provided finish in a neutral color so as to reduce visual obtrusiveness.
- D. The placement of wind turbines is not permitted on lots or parcels of less than one acre in size.
- E. Wind turbines shall not exceed a height of forty-two (42) feet as measured from the adjacent ground to the tip of the blade at its highest vertical point above the ground.
- F. All wind turbines shall have setbacks, which are at least equal to the height of the windmill.
- G. All wind turbines must be an accessory to a principal use and placed behind the principal structure. In the case of corner lots, the wind turbine may not be placed in front of the setback established by the principal structure.
- H. Parking shall meet the requirements of Section [1610](#), Off-Street Parking and Loading Standards, for the principal structure. A minimum of two paved parking spaces and driveway are required at the base of the pole.
- I. No signs shall be allowed on the wind turbine, except for required or appropriate warning signs located not more than six (6) feet above ground level.
- J. Buildings and support equipment associated with the tower shall be maintained as defined by the Building Department.
- K. Any wind turbine which is determined to be nonoperational or unsafe must be removed within thirty (30) days.
- L. All wind turbines require review and permit approval from the Building Department and the Infrastructure Department Field Services Division.
- M. Net metering is not offered for City of Hamilton electric system customers. Please refer to the Interconnection Standard or contact the Infrastructure Department Field Services Division for additional information.

1400 ACCESSORY USES

Accessory use, building or structure customarily incident to a principal permitted use or conditionally permitted use, or specifically approved use located on the same lot.

1401 Accessory Buildings (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. No more than one (1) of each type of accessory structure shall be permitted on a lot that is less than two (2) acres in size or less. Lots greater than two (2) acres in area are permitted to have two (2) accessory structures of each type.
- B. All accessory structures shall be located in the side or rear yard area of a lot and meet required setbacks per the Zoning District the parcel is located in. Accessory structures shall be permitted to be located in the front yard of lots in which the principal structure is setback greater than 300 feet from the front property line. Accessory structures located in the front yard shall be setback a minimum of 200 feet from the edge of public right of way.
- C. Accessory buildings shall not include tent structures. (See Section [1430](#) for regulation of tents)
- D. Accessory buildings shall have a maximum first floor area of one thousand (1,000) square feet. Total amount of accessory structure(s) square footage cannot exceed the square footage of the primary residence footprint.
- E. Lots containing an area larger than two (2) acres are permitted to have accessory structures that have a maximum first floor area of two-thousand (2,000) square feet.
- F. Height: maximum of fifteen (15) feet. Lots containing an area larger than two (2) acres are permitted to have accessory structures that have a height of twenty-five (25) feet.
 - a. Sheds 200 square feet or less shall have a maximum height of twelve (12) feet.
- G. Minimum setbacks for accessory buildings in all zoning districts shall be 5-ft. from rear and side property lines. Accessory structures permitted in the front yard area shall meet the minimum required front yard setback.
- H. Detached garages larger than 200-sq.ft. shall be setback a minimum of 10-ft from the edge of any alley in order to allow vehicles the space to enter and exit the building without encroaching onto someone else's property.
- I. No accessory building shall encroach into any easement of record.
- J. Accessory Structures shall not be occupied or operational before the principal building or use has been established.
- K. Accessory Structures shall not be converted to or used as dwelling units or as any type of residential use.
- L. The Planning Director may administratively permit variances of up to 10%; for cases of unusual topography, where general conditions (similar to the request) exist within a three hundred foot radius, or for an odd shaped lot. The 10% variance is applicable for the following items:
 - Lot coverage limits
 - Rear yards, front yards, side yards, or other open spaces, if the minimum separation between structures, as required in the District regulations, is maintained.
 - Height of a structure.
- M. All accessory structures over 200 square feet must also comply with Sections [1812 9](#) (Residential Accessory Buildings) and Section [1813 3](#) (Roof continuity) requirements to ensure architectural compatibility to primary structure.
- N. Design standards for accessory structures/buildings for different use types apply and can be found in [Section 1800](#) Residential Design Standards, [Section 1900](#) Commercial Design Standards, and [Section 1925](#) Industrial Design Standards.

1402 [Agricultural Retail Display Stands/Farmers Market](#) (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. Stands for the display and sale of primarily those products raised upon the same premises provided it does not exceed an area of two hundred (200) square feet.
- B. Space necessary for parking of vehicles of customers of agricultural display stands shall be provided off the public highway and not counted in the use area limitations.
- C. A temporary farm stand, not to exceed 200 square feet, may be erected on a vacant lot, with written permission from the property owner, from May 1st through October 31st and hours of operation shall be limited to sunrise to sunset.
- D. A farm stand shall meet the building setbacks of the zoning district where it is located and shall not exceed 15 feet in height.

1403 [Agricultural Structures](#) (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. Greenhouses, hoop houses, tool sheds – no more than two such urban farm structures shall be permitted on the same property provided they do not exceed more than 200 square feet combined. Any such farm structure shall be limited in height to a maximum of 15 feet and shall be setback a minimum of 50 percent of the depth of the lot from the front property line and a minimum of 10 feet from any side or rear property line.
- B. On any vacant lot, existing structures shall first be utilized for urban farm structures associated with an urban farm (i.e. tool sheds, etc.) before additional structures shall be allowed.
- C. Any Farm Stand, Greenhouse, or other urban farm structure located in a designated historic district shall make an application for review by the Architectural Design Review Board and the \$25 fee for Certificate of Appropriateness shall be waived.
- D. Administrative variances may be granted for the following in the case of unusual topography, or in the case of greenhouses for adequate sunlight.
- E. These structures shall be maintained in good order; i.e. unpainted wood, peeling paint, broken windows, torn coverings, exposed rust, etc. shall not be allowed.
- F. A temporary farm stand, not to exceed 200 square feet, may be erected on a vacant lot from May 1st through October 31st and hours of operation shall be limited to sunrise to sunset. A farm stand shall meet the building setbacks of the zoning district where it is located and shall not exceed 15 feet in height.
- G. If the garden site is abandoned, any accessory structure shall be removed within 14 days of abandonment.
- H. Fences used to enclose a garden or orchard on a vacant lot shall not be constructed of plastic snow fence or erosion control cloth, and shall meet all other City requirements in regards to setbacks, height, construction and maintenance of fences, (see subsection [1413](#), [1414](#), and [1415](#) herein).

1404 Apiary/Beekeeping (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. The keeping of honeybees; of the species *Apis mellifera*, only, and associated beehives, shall be an accessory use to any principal permitted use in any zoning district, provided a beekeeping permit is obtained from the City of Hamilton Planning Department and the bees and beehives are maintained as set forth herein.
- B. Beekeeping permits will be subject to approval only after a 45 day waiting period to allow for notification of all property owners and tenants within 100-ft of the property on which the bees will be kept. Any property owner or tenant notified who can provide documentation from an allergist for a serious medical reaction to honey bee stings may file an objection to the issuance of a permit, with the City of Hamilton Planning Department within 30 days the date on the notification letter.
- C. The Planning Director or his/her appointee shall review any objections and determine if it constitutes a legitimate reason for refusal and render an appropriate decision.
- D. Appeals to decisions of the Planning Department regarding the approval or denial of a beekeeping permit will be heard by the City of Hamilton Board of Zoning Appeals (BZA) after the appropriate appeal and fees are submitted.
- E. In addition to the requirements herein, each beehive shall be registered and maintained as required with the Ohio State Department of Agriculture, as set forth in the Ohio Revised Code
- F. Beehive to land ratio: No beehive shall be kept on any property less than 2,500 square feet in area. One (1) beehive may be maintained on a lot of 2,500 sq-ft and one additional beehive for every additional 2,000 sq-ft of lot area to a maximum of five (5) beehives per property.
- G. Location and setbacks: No beehive shall be kept closer than ten (10) feet to any lot line. No beehive shall be placed within twenty (20) feet of any public sidewalk, alley or roadway. Rooftop beehives shall be set back six (6) feet from the edge of a roof.
- H. Signage: A minimum of one (1) sign minimum size of 1 sq. ft., but no larger than 4-sqft., shall be placed near the gate in any fence enclosing the area where the beehives will be placed or, if no fence, in a prominent location where it will be seen by anyone entering the property.
- I. A "flyway barrier", extending at least two feet above the beehive entrance shall be placed along the side of the beehive that contains the entrance to the beehive, and shall be located within six (6) feet of the beehive and shall extend at least two (2) feet on either side of the beehive. No such flyway barrier shall be required if the lot area where the beehives are located is enclosed by a solid fence at least six (6) feet in height.
- J. Colonies shall be maintained in movable frame beehives with adequate space maintained in the beehives to prevent overcrowding and swarming. If beehives are not maintained in good repair and in accordance with the plans submitted and approved per the beekeeping permit will result in the revocation of said permit without remuneration or refund of permitting fees.
- K. No Africanized bees may be kept in the City of Hamilton.
- L. Fees: There shall be a fee of \$20.00 submitted with any beekeeping permit application. If, at any time after the initial permit is issued, additional beehives are added to the property a new application and fee will be required.
- M. Beekeeping permits shall be for a particular property. If a beehive or beehives are relocated to another property within the City of Hamilton, a new permit is required for the new property.
- N. Must maintain proof of current registration with the State of Ohio Agricultural Department. Any abandoned beehives will be considered a public nuisance and removed.
- O. Plans required with application for Apiary permit:
 1. Site plan of the subject property to include the following information:
 2. North orientation arrow and drawing scale information
 3. Property/lot lines and dimensions drawn to scale
 4. Street locations and names
 5. All building, fencing, locations including setback dimensions to all property lines
 6. Location and number of beehives and water source (if applicable) and the distance they are located from property lines and buildings on adjoining properties.
 7. Description, photos or other material showing type and dimensions of beehives, and any "flyway barrier".
 8. Proof of current registration with the State of Ohio Agricultural District.

1405 [Automobile and Other Motor Vehicle Fueling Station as an Accessory Use](#) – In any zoning district in which this use is an Accessory Use, all these conditions shall apply:

- A. No more than 5,000 gallons total capacity on site.
- B. Shall be located behind the principal building on the property or otherwise screened from view from the public right of way. If the fueling station is proposed within a commercial business area, the screening material shall abide by the Commercial Design Standards.
- C. All tanks shall be double walled.
- D. Storage and fueling areas shall be paved with impervious materials to prevent spills from infiltrating the ground.
- E. Adequate secondary containment for oil or petroleum product storage and transfer areas to contain any releases shall be provided by utilizing impervious dikes, berms or retaining walls, curbing, culverts, gutters or other drainage systems approved by City staff.
- F. A written plan and procedures to stop, contain and clean up any released materials, including procedures for managing collected rain water, shall be required.
- G. No junk, inoperative or unlicensed vehicles shall be permitted on site for more than 24 hours, unless the property has a conditional use approval for vehicle repair.
- H. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in Section [4400](#) herein.

1406 [Automobile Washing Facilities \(Car Wash\), Private Accessory \(non-public\) as an Accessory Use](#) – In any zoning district in which this use is an Accessory Use, all these conditions shall apply:

- A. Shall be located behind the principal building on the property or otherwise screened from view from the public right of way. If the car wash/automobile washing facility is proposed within a commercial business area, the screening material shall abide by the Commercial Design Standards.
- B. Shall also be screened from view where abutting residential properties (single-family or multi-family). Screening shall be a 6 foot tall opaque fence made of traditional fencing materials and types: wood, privacy, or vinyl.
- C. Use of the accessory automobile washing / car wash shall be limited to the hours of the primary business operation only.
- D. Storage and washing areas shall be paved with impervious materials to prevent spills from infiltrating the ground.
- E. Adequate plans for containment of rinse, or other runoff, soaps, oils, liquids, chemicals, or washing products related to the non-public car wash shall be provided to prevent and contain any releases or discharges into the environment or other sensitive facilities by utilizing storage, remediation, and/or drainage systems.
- F. No junk, inoperative or unlicensed vehicles shall be permitted on site for more than 24 hours, unless the property has a conditional use approval for vehicle repair.
- G. If at any time these and any other conditions of approval are not maintained in compliance a notice of violation will be sent to the applicant of record providing 30 days to achieve compliance or be subject to the Penalties listed in Section [4007](#) herein.

1407 [Canning and Food Processing](#) (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. No outdoor storage of any material or waste shall be permitted on site.
- B. At the property lines, the sound pressure level of noise radiated from the facility at night time shall not exceed forty (40) decibels. Between the hours of 6:00 a.m. and 8:00 p.m. the sound pressure level of noise radiated from a facility shall not exceed sixty-five (65) decibels.
- C. No vibration shall be permitted which is discernible without instruments at the property line.
- D. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.

1408 [Charitable Bingo Games](#) (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. Allowed at Churches, synagogues and other places of worship, provided however, that they comply with all of the provisions of Sections [2915.01](#) through [2915.12](#) of the Ohio Revised Code and Chapter [517](#) of Hamilton's Codified Ordinances.
- B. Allowed at bona fide charitable, non-profit and Veteran's organizations to conduct traditional bingo games as defined in Section [517.01](#)(s) of the Codified Ordinances of the City of Hamilton, provided however, that they comply with all of the provisions of Sections [2915.01](#) through [2915.12](#) of the Ohio Revised Code and Chapter [517](#) of Hamilton's Codified Ordinances.
- C. The sale, distribution, or transfer and opening of any instant bingo ticket shall only be ancillary to and held in conjunction with a traditional bingo game and may only occur on the premises of the event/activity being operated by eligible organizations.

1409 [Commercial Dumpster](#) (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. For uses incidental to active construction or demolition work while there is an active current building permit.
- B. For no more than 30 days in a twelve month period when there is not an active building permit; a building permit is not required.
- C. If the dumpster is located in the public right-of-way, it shall require a permit from the Public Works Department.

1410 [Children's Playground Equipment, Playhouses, Basketball Goals, Soccer Goals](#)(allowed when an accessory to a principally permitted, conditional, or specifically permitted use)

- A. Required to be setback a minimum of five (5) feet from any property line.

1411 [Country Clubs, Swim Clubs, and other private non-commercial recreation](#) (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. Must comply with City Noise Ordinances.
- B. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.

1412 Daycare, Adult or Child (Preschool) (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. No more than five (5) children not a member of the household.
- B. Properties 8,000 square feet or less shall have a rear yard enclosed with a fence as an outdoor play area. The fence shall be a minimum of four (4') feet in height and constructed of traditional fence materials.
- C. Play equipment, toys, materials, and other related items shall not be stored outside in a haphazard or junk style. All such items shall be removed from the front yard and any other yard visible from a street or alley when the daycare is closed.
- D. The daycare shall not generate pedestrian or vehicular traffic beyond that reasonable or normal to the Zoning District in which it is located.

1413 Fences: (Residential Use)

- A. No electrified fences are allowed on residential properties.
- B. Fences are limited to a height of forty-two (42) inches in the front yard in all residential districts except for in the Highland Park Fence Overlay District, in which no front yard fencing is permitted ([Section 3700](#)).
- C. The height of fences in rear or side yards is limited to six (6) feet in all residential districts.
- D. Fences shall be picket, privacy, split rail, or Kentucky Board fence constructed of traditional fencing materials, such as wood, aluminum, vinyl, and vinyl-coated chain link. Brick or stone can be used as pillars or a fence base up to 24 inches tall.
- E. Wire and plastic mesh are only permitted when combined with a fence made of traditional fencing material, such as wood. Mesh is not permitted as a standalone fencing material between fence posts.
- F. Sheet metal, doors, pallets, pipes, u-channel posts, concrete, CMU, and other recycled materials are prohibited from use as a fence.
- G. Chain link fencing-in front yards is only permitted on street blocks where front yard chain link fencing currently exists and has traditionally existed.-Chain link fencing in rear and side yards is only permitted on street blocks where rear and side yard chain link fencing currently and has traditionally existed. Only vinyl coated chain link fencing, if chain link fence is used, is allowed.
- H. Fences taller than 42 inches on a corner lot may only extend to the secondary frontage equal to half (1/2) of the front yard setback of the secondary frontage property line provided that such fence does not exceed the front edge of the house on the primary frontage.
 - a. Examples:
 - i. A corner property, that is not a narrow lot, in an R-1 zoning district would allow for a fence taller than 42 inches in the secondary frontage. Such fence shall be setback at least 15 feet from the secondary frontage property line.
 - ii. A corner property, that is not a narrow lot, in an R-2, R-2A, R-3, R-4, or R-O zoning district would allow for a fence taller than 42 inches in height in the secondary frontage. Such fence shall be setback at least 7.5 feet from the secondary frontage property line.
- I. Lots 55 feet or less in width and located on a street corner can have a zero foot setback on the secondary front street for fences taller than 42 inches. Such fence shall not be permitted to project beyond the front line of the primary building on the property.
- J. Fences at properties regulated by the Architectural Design Review Board require a Certificate of Appropriateness ([Section 2600](#)). Fences regulated by the Architectural Design Review Board that are a different material than what is described in Section 1413 shall be reviewed on a case-by-case basis by the Architectural Design Review Board.
- K. Fences (height, placement, material, & restrictions) at properties regulated by the Highland Park Fence Overlay District shall be regulated by [Section 3700](#).

1414 Fences: (Commercial Use)

- A. Maximum height six (6) feet in the rear and side yards.
- B. Fences taller than six (6) feet in height require a building permit through the City's Building Department
- C. Barbed wire and razor wire are not permitted.
- D. Electrified fences are not permitted.
- E. Fences shall be picket, privacy, split rail, or Kentucky Board fence constructed of traditional fencing materials, such as wood, aluminum, vinyl, and vinyl-coated chain link.
- F. Wire and plastic mesh are only permitted when combined with a fence made of traditional residential fencing material, such as wood. Mesh is not permitted as a standalone fencing material between fence posts.
- G. In any required front yard setback, fences shall not exceed 42-inches. Chain link fencing is not permitted in the front yard. Fences in the front yard shall meet the following conditions:
 - 1. Fence shall be set back a minimum of five (5) feet from the property line.
 - 2. A landscape buffer shall be installed in front of the fence.
- H. Sheet metal, doors, pallets, pipes, u-channel posts, concrete, CMU, and other recycled materials are prohibited from use as a fence.
- I. For properties with multiple frontages, fences are limited to a height of forty-eight inches (4 feet) on secondary frontages provided that they meet the sight clearance regulations of Section [1530](#) and is not located in the primary front yard setback.
- J. Fences at properties regulated by the Architectural Design Review Board require a Certificate of Appropriateness ([Section 2600](#)).

1415 Fences: (Industrial Use)

- A. Maximum height of eight (8) feet in side and rear yards. Six (6) feet where the property line abuts a residential property.
- B. Fences taller than six (6) feet in height require a building permit through the City's Building Department
- C. Barbed wire is permitted only on industrial properties on fences of six (6) feet or higher in the rear and side yards. Barbed wire is not permitted where a fence abuts a residential property.
- D. Razor wire is not permitted.
- E. In any required front yard setback fences shall not exceed six (6) feet. Fences in the front yard shall meet the following conditions:
 - 1. Fence shall be set back a minimum of five (5) feet from the property line.
 - 2. A landscape buffer shall be installed in front of the fence.
- F. Electrified fences permitted on Industrial properties only and shall have warning signs attached to the fence at 20-ft maximum separation around the entire fenced area.
- G. Wire and plastic mesh are only permitted when combined with a fence made of traditional fencing material, such as wood. Mesh is not permitted as a standalone fencing material between fence posts.
- H. Sheet metal, doors, pallets, pipes, u-channel posts, concrete, CMU, and other recycled materials are prohibited from use as a fence.
- I. For properties with multiple frontages, fences are limited to a height of forty-eight inches (4 feet) on secondary frontages provided that they meet the sight clearance regulations of Section [1530](#) and is not located in the primary front yard setback.
- J. Fences at properties regulated by the Architectural Design Review Board require a Certificate of Appropriateness ([Section 2600](#)).

1416 Fleet Vehicles associated with a commercial use (not industrial uses) (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. Only vehicles associated with the existing on-site use may be sold or displayed
- B. All such vehicles shall be located in the rear yard area. If the rear yard area is not available, an interior side yard area may be used.
- C. Such areas shall be enclosed with a solid fence or wall to screen views from public right-of-way.
- D. All off-street parking areas shall be paved in accordance with the applicable section of this Zoning Ordinance.
- E. Vehicles identified as Class 4 and above by the Federal Highway Administration Vehicle Classification system are allowed as Specific Uses or conditional use requiring approval from the Planning Commission and City Council.

1417 Garage or Yard Sales (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. Shall not exceed two per year per location.
- B. Duration of the sale shall not exceed five days. The time of sale shall be limited to daylight hours.
- C. Items cannot be purchased for the purpose of resale at any yard or garage sale.
- D. The person responsible for the sale shall not permit noise or conduct on or about the premises in such a manner as to disturb the peace and quiet of the surrounding neighborhood.
- E. Operation of the sale may be by more than one resident of the immediate neighborhood.

1418 Home Occupations (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. No unreasonable use of material or mechanical equipment not recognized as being part of and compatible with normal household use.
- B. No exterior storage of any materials.
- C. The use shall not generate pedestrian or vehicular traffic beyond that reasonable or normal to the Zoning District in which it is located.
- D. Does not receive delivery of materials or goods in Class 7 trucking vehicles or larger.
- E. It shall not involve the use of signs other than one non-illuminated sign, not over one (1) square foot in area, and attached flat against the principal building; and there shall be no public display of goods.
- F. No accessory building or space outside of the principal building shall be used for such purposes, except for minor storage.
- G. No special space within the principal building shall be designed or arranged for such use nor shall it require any internal or external alterations or involve construction features not customary to dwellings (either by color, materials or construction, lighting, sound or noise, vibration, or electrical interference, etc.).
- H. There shall be no use of utilities or community facilities beyond that reasonable to the use of the property for residential purposes.
- I. There shall be no sale of products or services not produced on the premises.
- J. No more than one work vehicle at the property at a time.
- K. Planning Department application and approval required from Director or designee before home occupation is established.
- L. Customary home occupations (such as handicrafts, art or music lessons, dressmaking, millinery, laundry, preserving and home cooking) shall not use more than one-fourth (1/4) of the area of one floor of said residence.
- M. No employees and no additional staff shall work at the home occupation.

1419 Laundry Drop-Off Stations, Laundromat (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. Shall be operated from a commercial space.
- B. Must be in compliance with all applicable code requirements. The facility must be staffed during the hours of operation.
- C. The facility must be staffed during the hours of operation.

1420 [Outdoor Sales, Commercial](#) (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. Only those goods and materials associated with the existing commercial use on the site may be sold or displayed.
- B. Areas for outdoor display are not intended to be used for the storage of products.
- C. Outdoor display shall be located as follows:
 - 1. Display areas shall be located in the side and rear yards.
 - 2. Within the front yard areas, display areas shall be permitted to extend fifteen (15) feet from the front façade of the principal structure on the property.
 - 3. An outdoor display located within a front yard area that is more than fifteen (15) feet from the front façade of the principal structure on the property is allowed as a Conditional Use requiring approval from the Planning Commission & City Council.
- D. Display areas shall not be located within any required setback in the corresponding zoning district on which it is located.
- E. Except as otherwise approved in conjunction with development permits, the area used for permanent outdoor sales and display of materials shall not exceed twenty (20) percent of the gross floor area of the principal commercial structure on the property.
- F. Outdoor sales and display areas larger than 7,500 square feet in size shall be enclosed within an opaque fence or wall to screen such areas from view.
- G. Outdoor display uses shall not be located within any public right-of-way, nor shall they adversely impact designated parking areas or vehicle circulation areas, or be located or within required landscape areas.
- H. All merchandise shall be maintained in an orderly, clean, and professional manner. No open packages, unassembled merchandise, or items in deteriorated condition shall be permitted. All outdoor sales areas shall be maintained free of garbage and other debris. Additional trash receptacles may be required.
- I. Off-street parking shall be provided for all outdoor display areas in accordance with the regulations set forth in Section [1600](#) of the Zoning Ordinance.

1421 Parking of Trailers, Recreational Vehicles, Campers and Watercraft - No person shall park or keep a trailer, travel trailer, trailer coach, house trailer, mobile home, camper, watercraft or watercraft trailer (all of which are hereinafter referred to as “equipment”) not in transit, on a residential lot or in a residential district of the City except:

- A. In a duly licensed mobile home park;
- B. In a private enclosed garage;
- C. Upon the premises of the owner thereof, provided the following conditions are met:
 - 1. Equipment, including its tongue attachment, is less than thirty-one feet in length; any equipment larger in length shall only be permitted within a private enclosed garage;
 - 2. The equipment shall not be inhabited on residential property and no business shall be conducted in the equipment while on residential property;
 - 3. Not more than one piece of such equipment is lawfully parked upon the premises at any one time;
 - 4. The equipment is at least three feet behind the front house line (the front house line is the front wall of the main building) of the property;
 - 5. Parking space must meet Section [1615](#) paving requirements and be located a minimum of five (5) feet from all property lines;
 - 6. The equipment has no fixed connections to electric, water, gas, or sewer facilities;
 - 7. The equipment is kept in good repair and carries a current year’s license and/or registration; and
 - 8. The equipment is being loaded or unloaded, in which case it may be parked in the driveway for a period of not more than forty-eight (48) hours, and shall not encroach upon any public sidewalk.
- D. No person shall park or keep an inhabited mobile home in any other zoning district of the City except in a duly licensed mobile home park.

1422 Parking Lots and Garages (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. Each off-street parking space shall contain an area of not less than 9-ft wide X 18-ft. long exclusive of access drives or aisles.
- B. There shall be provided a minimum access drive of eight (8) feet in width.
- C. Off-street parking areas for more than ten (10) vehicles shall be effectively screened by a wall or screen fence on each side which adjoins or faces and is within five (5) feet of any residential property.
- D. Such a wall, screen or fence shall be a minimum of four (4) feet in height and shall be maintained in good condition.
- E. Parking area whether for residential, business or commercial use and access drives thereto for the parking of any motor vehicle, camper, boat, or trailer shall be surfaced with an asphaltic, concrete, cement binder, or approved pervious paving products so as to provide a dustless, mud-free surface, free of standing water that shall be graded and drained per the Director of Public Works approval.
- F. Surface parking lots will have a minimum front yard setback of 10-ft. which will be landscaped with screening material as listed in Section [1900](#).
- G. Parking Blocks or curbs will be installed to prevent vehicles from encroaching or overhanging into landscaping, public or private pedestrian walkways or across lot lines.
- H. For every four rows of parking spaces a five ft. wide landscaped area shall be provided the length of the parking row. This landscaping island shall be protected by raised curb or curb blocks to prevent any vehicle from encroaching into the landscaped area.
- I. New adjoining lots (regardless of ownership) used for parking shall be separated by a 30-inch wide landscaped area next to the property line. This landscaping “island shall be protected by raised curb and curb blocks to prevent any vehicle from encroaching into the landscaped setback area.

1423 Printing, Shirt Printing, Lithographing, Printing Works (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. No outdoor storage of any material or waste shall be permitted on site.
- B. At the property lines, the sound pressure level of noise radiated from the facility at night time shall not exceed forty (40) decibels. Between the hours of 6:00 a.m. and 8:00 p.m. the sound pressure level of noise radiated from a facility shall not exceed sixty-five (65) decibels.
- C. No vibration shall be permitted which is discernible without instruments at the property line.
- D. No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the property line.

1424 [Personal Motor Vehicle Sales](#) (allowed when an accessory to residential property only):

- A. Automobiles and other vehicles owned by a resident of the property, may be sold as an accessory use to any residential use.
- B. No more than a total of two vehicles may be placed for sale on a residential lot in any calendar year. This is to include automobiles, pick-up trucks, motorcycles, recreational motor vehicles, boats, watercraft, campers and trailers.
- C. Commercial vehicles of any type are not permitted for sale in residential zoning districts.
- D. Vehicles displayed for sale shall be parked on a paved surface on private property.

1425 Satellite Earth Stations / TV Satellite (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. Shall not be located in any required front yard setback unless required in order to receive a signal.
- B. Shall not be attached to any street façade of a building unless required in order to receive a signal.
- C. A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the occupant of a residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five feet (25'). A ground or building mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed twenty-five feet (25').
- D. A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, subject to the locational requirements of this Section, unless the applicant for an amateur radio tower/antenna can demonstrate that an alternative location is technically necessary to successfully engage in amateur radio communications.
- E. A ground or building receive-only radio or television satellite earth station (satellite dish) which does not exceed one meter (39.37 inches) in diameter, for the sole use of the resident or establishment occupying the parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridge line of the principal structure on said parcel.
- F. Government owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems and similar uses, with heights not exceeding thirty-five feet (35').

1426 Signs: (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. As specifically stipulated and regulated in Section [1700](#) through [1709](#).

1427 Solar Array: (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. Permitted as an accessory use in residential properties only.
- B. A solar array affixed to the home (roof mounted or wall mounted) does not need to be screened.-
- C. A ground mounted solar array is considered an accessory structure, which is exempt from architectural compatibility and screening regulations as outlined in Section [1401](#) and Section [1816](#).
- D. Ground mounted solar arrays shall be setback at least five (5') feet from the rear and side property lines.
- E. Front setback: Ground mounted solar arrays shall be setback a minimum 10 feet behind the front edge of the principal structure.
- F. Only one ground mounted solar array is permitted on parcels smaller than 2 acres and must abide by maximum lot area coverage for the zoning district.
- G. Two (2) ground mounted solar arrays are permitted on parcels 2 acres and above but must abide by maximum lot area coverage for the zoning district.
- H. Roof and wall mounted solar arrays proposed on historic structures and homes in historic districts require ADRB (Architectural Design Review Board) approval. Ground mounted solar arrays in a historic district or historic inventory property may be eligible for decrease setback requirements to encourage ground mounted solar over building mounted units. The Planning Director or designee shall determine whether a decrease in setback is merited on a case-by-case basis.
- I. All solar arrays require review and permit approval from the Building Department and the Infrastructure Department Field Services Division.
- J. Net metering is not offered for City of Hamilton electric system customers. Please refer to the Solar Interconnection Standard or contact the Infrastructure Department Field Services Division for additional information.

1428 Storage/Shipping Container / POD (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. For residential uses, no more than 30 days in a twelve-month period
- B. For uses incidental to active construction or demolition work while there is an active current building permit:
 - 1. For no more than 30 days in a twelve-month period without an active building permit; or when a building permit is not required.
 - 2. If the container is located in the public right-of-way, it shall require a permit from Public Works

1429 Swimming Pools (Commercial) (allowed when an accessory to a principally permitted, conditional, or specifically permitted use):

- A. Pool and all related accessory structures, to include decks, shall not be located within 50 feet of any property line.
- B. The swimming pool or applicable yard area shall be surrounded by a minimum five (5) foot wall or fence. Such wall or fence shall be maintained in good condition and properly secured to prevent uncontrolled access.
- C. Surrounding area shall be paved with a city approved paving surface, gravel is not an approved paving surface.
- D. Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
- E. The construction and operation of a pool shall meet all other applicable City regulations.

1430 [Tents](#)

“Tent” means a structure of a temporary nature, having a roof and/or walls comprised of fabric, plastic or other flexible material. Tents in any district, less than 200 square feet, are permitted for a temporary period of not more than seven (7) days in any 180 day period.

For commercial and institutional uses, the use of any tent exceeding 200 square feet or any tent exceeding the permitted temporary period may be permitted by the Planning Director upon submission of an application form that includes:

- A. Inside dimensions of the tent.
- B. Location of tent to property lines, buildings, other tents & canopies, and parked vehicles. When feasible, tent will be located in the rear or side yard of property. Tented areas for business activity will contribute to parking requirements and parking minimum requirements shall be maintained.
- C. Proposed length of time the tent will be up (not to exceed 180 days).

Commercial and institutional uses with tents that are included as part of an approved special event permit by the City of Hamilton or approved by the Hamilton Parks Conservancy are exempt to the above.

Tents shall remain in good condition, properly secured, free of tears and fraying.

1431 [Warehousing as an Accessory Use](#) – In any zoning district in which this use is allowed as an Accessory Use, either as a Permitted or Conditional Use, all these conditions shall apply:

- A. Are allowed as an accessory to retail, manufacturing, or industrial uses on the same property.
- B. All exterior lighting shall be directed to shine only on the property and shall not exceed one foot-candle when measured at the property line.
- C. Landscaping shall be planted and maintained within all setbacks from a street right-of-way line.
- D. Where it is a Conditional Use, proposed new buildings, additions, and the entire site shall comply with Section [1900](#) Commercial Design Standards.
- E. No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.

1500

LAND AREA, SETBACK AND DENSITY STANDARDS

1501 Purpose: It is the purpose of the Land Area, Setback and Density Standards to manage minimum lot sizes within the Zoning Districts of the City of Hamilton, and prescribe regulations to manage density and distancing of principal structures and accessory structures within the city’s zoning districts.

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1502 All Districts, Lot Areas, and Setbacks (Yards)⁴

ZONING DISTRICT	MINIMUM LOT AREA FOR NEW PARCEL	MINIMUM LOT AREA PER DWELLING UNIT	MINIMUM NEW LOT WIDTH	MAXIMUM LOT AREA COVERAGE	FOR PRINCIPLE STRUCTURES					
					MAXIMUM BUILDING HEIGHT	MINIMUM FRONT YARD	MAXIMUM FRONT YARD	MINIMUM REAR YARD	SIDE YARDS LEAST WIDTH	SIDE YARDS SUM OF LEAST WIDTH
AG	5 Acres	5 Acres	300 feet	35%	35 feet	100 feet	N/A	50 feet	50 feet	100 feet
R-1	12,000 square feet	12,000 square feet	100 feet	35%	30 feet	30 feet	N/A	30 feet	5 feet	15 feet
R-2	7,500 square feet	7,500 square feet	70 feet ⁵	45%	30 feet	15 feet	30 feet	10 feet	5 feet	15 feet
R-2A	7,000 square feet	3,500 square feet (Max 2 dwelling units)	55 feet ⁵	45%	30 feet	15 feet	30 feet	10 feet	5 feet	15 feet
R-3	5,000 square feet	3,500 square feet	55 feet ⁵	40%	30 feet	15 feet	30 feet	15 feet	5 feet	15 feet
R-4	5,000 square feet	3,500 square feet	55 feet ⁵	40%	50 feet	15 feet	30 feet	15 feet	10 feet	20 feet
R-0	5,000 square feet	3,500 square feet	55 feet ⁵	45%	50 feet	15 feet	30 feet	15 feet	10 feet	20 feet
B-1	5,000 square feet (residential only)	3,500 square feet (residential only)	55 feet	N/A	35 feet	25 feet	N/A	25 feet	8 feet, 20 feet residential ⁶	N/A
B-2	5,000 square feet (residential only)	3,500 square feet (residential only)	55 feet	N/A	35 feet	25 feet	N/A	25 feet	8 feet, 20 feet residential ⁶	N/A
B-3	5,000 square feet (residential only)	3,500 square feet (residential only)	55 feet	N/A	60 feet ⁷	0 feet	N/A	0 feet	0 feet	0 feet
I-1 & I-2	5,000 square feet (residential only)	3,500 square feet (residential only)	55 feet	N/A	60 feet	25 feet	N/A	25 feet	5 feet 10 feet ⁸	10 feet 20 feet ⁹
TN-1	4,000 square feet ¹⁰	4,000 square feet	30 feet (residential) ¹¹	45%	Up to 3 stories or 30 feet maximum	Within 5 Feet of adjacent lots	Within 5 Feet of adjacent lots	20 feet	3 feet	8 feet
TN-2	4,000 square feet ¹⁰	4,000 square feet	30 feet (residential) ¹¹	45%	Up to 3 stories or 30 feet maximum	Within 5 Feet of adjacent lots	Within 5 Feet of adjacent lots	20 feet	3 feet	8 feet
TN-3	4,000 square feet ¹⁰	3,500 square feet	30 feet (residential) ¹¹	45%	Up to 3 stories or 30 feet maximum	Within 5 Feet of adjacent lots	Within 5 Feet of adjacent lots	20 feet	3 feet	8 feet
TN-4	4,000 square feet ¹⁰	3,500 square feet	30 feet (residential) ¹¹	45%	Up to 3 stories or 30 feet maximum	Within 5 Feet of adjacent lots	Within 5 Feet of adjacent lots	20 feet	3 feet	8 feet

⁴ These charts set forth generally applicable lot/setback regulations. Regulations may vary depending on the specific land use and site or property.

⁵ Minimum lot width may be decreased at the discretion of the Planning Commission after consideration of the typical widths of lots in the immediate vicinity within a 300 foot radius.

⁶ None except when the side yard adjoins a Residence, in which case a minimum side yard of eight (8) feet is required for buildings fifty (50) feet or less in length. The side yard shall be increased one (1) foot for each additional ten (10) feet of building length along the side yard to a maximum of twenty (20) feet.

⁷ B-3 Maximum Building Height: sixty (60) feet for residential uses; All other uses have no building height limit

⁸ I-1 Side Yards: five (5) feet minimum side yard and ten (10) feet minimum sum of both side yards

⁹ I-2 Side Yards: twelve (12) feet on one side yard AND either zero (0) feet or a minimum of four (4) feet on the other side yard

¹⁰ Or within five percent (5%) of the average lot size of all lots on the same block (and same zoning designation)

¹¹ TN Zoning, Lot Widths: thirty (30) feet minimum residential; fifty (50) feet minimum for non-residential uses

1503

Planned Development (PD), Lot Areas and Setbacks for Principal Structures:
These are base points. Lot and Project Area requirements shall be subject to approval through the Final Development Plan or Plan Amendment process by Planning Commission.

PD Zoning Type:	MINIMUM AREA REQUIRED FOR THE DEVELOPMENT	MINIMUM LOT AREA PER UNIT OR PER USE	MINIMUM LOT WIDTH	MAXIMUM BUILDING HEIGHT	MINIMUM FRONT YARD SETBACK	MINIMUM REAR YARD SETBACK	SIDE YARDS LEAST WIDTH	SIDE YARDS SUM OF LEAST WIDTH	MAXIMUM LOT AREA COVERAGE
RPD (Single-Family) (Two-Family)	5 Acres for a new RPD development	12,000 square feet	60 feet	30 feet	25 feet	10 feet	5 feet	10 feet	40%
RPD (Multi-Family)	2 Acres for a new RPD development	4,000 square feet	60 feet	30 feet	25 feet	10 feet	7.5 feet	15 feet	40%
OPD	1 Acre for a new OPD development	0.5 Acre	60 feet	50 feet	15 feet	20 feet	10 feet	20 feet	N/A
BPD	1 Acre for a new BPD development	0.5 Acre	60 feet	50 feet	10 feet	10 feet	10 feet	20 feet	N/A
IPD	2 Acres for a new IPD development	1 Acre	60 feet	60 feet	10 feet	10 feet	10 feet	10 feet	N/A
EM-UPD	1 Acres for a new EM-UPD development	0.5 Acre	60 feet	70 feet	5 feet	5 feet	5 feet	10 feet	N/A

NIA (Neighborhood Initiative Area Conservation Overlay), See Section [2700](#)
Properties within the NIA Overlay District (see Zoning Map)

Size of Residential Lot:	MINIMUM LOT AREA	BUILDING HEIGHT	MINIMUM FRONT YARD SETBACK	MAXIMUM FRONT YARD SETBACK	SIDE YARDS LEAST WIDTH	SIDE YARDS SUM OF LEAST WIDTH
Residential Lot is 35 feet in width or less	None	35 feet	Average of existing structures on block Or, 5 feet	Average of existing structures on block Or, 10 feet	3 feet	6 feet
Residential Lot is between 36-44 in width	None	35 feet	Same as Above	Same as Above	3 feet	11 feet
Residential Lot is between 45-54 feet in width	None	35 feet	Same as Above	Same as Above	4 feet	12 feet
Residential Lot is 55 feet or more in width	None	35 feet	Same as Above	Same as Above	See underlying zoning district	See underlying zoning district
Mixed Use and Non-Residential	None	10 feet in height for every 8 feet in front building width Maximum 45 Feet	Same as Above	Same as Above	5 feet if abutting residential district or use	N/A

1504

Side Yards and Lot Coverage - Narrow Lot Provisions

Special Setback Provisions for lots with a width of 55 feet or less.

LOT WIDTHS: (Narrow Lots)	Side Yards Least Width on a Narrow Lot	Side Yards Sum Of Least Width on a Narrow Lot	Size of a Detached Garage on a Narrow Lot
Lots 45-54 feet wide	4 feet	12 feet	See Accessory Building chart
Lots 36-44 feet wide	3 feet	11 feet	24 feet length 20 feet width
Lots 35 feet wide or less	3 feet	8 feet	24 feet length 15 feet width

1505

Small Lot Provisions

- If an existing lot is 50% or less in size than of the minimum lot area for a new parcel in that zoning district, the maximum lot coverage shall be increased by 5%
 - (i.e., if maximum lot coverage for the zoning district is 35%, maximum lot coverage for the existing lot that is 50% or less of the minimum lot area is 40%).
- See Section [1152](#) for information on administrative variances for lot coverage limits.

1506 [Accessory Structures](#)

Sheds, Detached Garages, Barns, etc. ^{12, 13}

ZONING DISTRICT	Maximum Size Of An Accessory Structure ^{14, 15}	Number of Accessory Structures Allowed On a Property	Accessory Building Maximum Height	Minimum Front Yard ^{16, 17}	Rear Yard (Detached Garage)	Rear Yard Setback, Without An Alley	Side Yard
AG	N/A	N/A	N/A	100 Feet	N/A	N/A	50 feet
R-1, R-2, R-2A, R-3, R-4, R-0, RPD, OPD DT-2 & MS-2 (Residential)	1,000 Square Feet	1 (One) Only one of each type of accessory structure is permitted. Lots greater than two (2) acres are allowed two (2) of each type of accessory structure.	15 Feet	Accessory buildings shall be setback a minimum of five (5') feet behind the front edge of the house.	10 feet from the alley edge	5 feet	5 feet
B-1, B-2, B-3			12 feet for sheds 200 square feet or less.				
I-1, I-2	1,000 Square Feet		Shall not exceed the height of the principal structure				
TN-1, TN-2, TN-3, TN-4	1,000 Square Feet						
Narrow Lots less than 30 feet in width	Can be up to 1,000 Square Feet						
Narrow Lots 30 feet to 54 feet in width	Can be up to 1,000 Square Feet	Property would have to meet lot coverage, setbacks, and building materials.	15 Feet				
Narrow Lot 55 feet in width	Can be up to 1,000 Square Feet		12 feet for sheds 200 square feet or less.				
Form-Based Zoning (DT-1, DT-2, DT-3) (MS-1, MS-2, MS-3) (UCP-1, UCP-2)	1,000 Square Feet		Shall not exceed the height of the principal structure 12 feet for sheds 200 square feet or less.				
BPD	Per approved Plan						
IPD	Per approved Plan						
EM-UPD	Per approved Plan						

¹² Accessory Structure Height is measured from the midpoint of the gable

¹³ Subject to Residential Design Standards, See Section [1401](#) and Section [1820.9](#)

¹⁴ Lots larger than two (2) acres are permitted to have accessory structures with a maximum floor area of 2,000 square feet.

¹⁵ All Lot Coverage regulations shall still apply.

¹⁶ All accessory structures shall be located in the side or rear yard area of a lot and meet required setbacks. Accessory structures are permitted in the front yard on properties where the principal structure (house) is setback greater than two hundred (200) feet from the front property line. In such cases, the accessory structure must be setback a minimum of one hundred (100) feet away from the edge of the public right-of-way.

¹⁷ Detached garages shall be setback a minimum of five (5) feet from the front edge of the house.

1507 Form-Based Zoning: Lot, Setback, & Dimension Requirements

ZONING DISTRICT:	Minimum New Lot Area	Minimum Lot Width	Minimum Front Yard Setback	Maximum Front Yard Setback	Minimum Rear Yard Setback	Minimum Any Side Yard	Maximum Any Side Yard	Maximum New Lot Area Coverage ¹⁸
DT-1 (High Street)	3,000 square feet	30'	0'	5'	5'	0'	5'	100%
DT-2 (Downtown Support)			0'	10'	5'	0'	5'	100%
DT-3 (East High Street)			0'	30'	5'; 25' if adjacent to residential	5'	N/A	90%
MS-1 (Main Street)			0'	5'	25'	0'	5'	100%
MS-2 (South B Street)			0'	20'	35'	0'	5'	65%
MS-3 (Main Street & South B Street Transitional)			0'	10'	25'	5'	5'	100%
UCP-1 (University Commerce Park, Residential)	5,000 square feet	100'	5'	15'	25'	5'	N/A	90%
UCP-2 (University Commerce Park, Commercial)	5,000 square feet	100'	8'	15'	25'	5'	N/A	90%

1508 Form-Based Zoning: New Building Requirements

ZONING DISTRICT:	Minimum New Building Height	Maximum New Building Height	Minimum Ground Story Height	Occupiable Floor Space Required	Minimum Ground Story Front Façade Transparency	Minimum Transparency on Upper Floors	Blank Wall Limitations ¹⁹	Building Types ²⁰ (See next page)
DT-1 (High Street)	40'	150'	24'	30' deep from Front Façade	65%	20%	Required per floor on front façades No rectangular area greater than 30% of a story's façade, as measured from floor to floor, may be windowless; no horizontal segment of a story's façade greater than fifteen (15) feet in width may be windowless	1., & 4.
DT-2 (Downtown Support)	30'	120'	24'		60%			1., 2., 4., 5., & 6.(Secondary Street Only)
DT-3 (East High Street)	15'	40'	24'		50%			1., 2., 3., & 4.
MS-1 (Main Street)	30'	50'	18'		65%			1., & 3.
MS-2 (South B Street)	20'	30'	12'		45%			2., 3.(Corner Only), 4., & 5
MS-3 (Main Street & South B Street Transitional)	30'	50'	18'		60%			1., 2., 3., & 4.
UCP-1 (University Commerce Park, Residential)	30'	50'	18'		65%			1., 2., 5., & 6.
UCP-2 (University Commerce Park, Commercial)	20'	40'	24'		45%			1., 2., & 6.

¹⁸ The number in parenthesis is additional "Semi-Pervious Coverage" allowed for the lot. Lot coverage can be increased by using semi-pervious materials as approved by the Planning Department up to an additional twenty-five percent (25%) maximum.

¹⁹ Within the UCP-2 zoning district no rectangular area greater than thirty percent (30%) of a story's façade, as measured from floor to floor, may be featureless; and no horizontal segment of a story's façade greater than fifteen (15) feet in width may be featureless. For the purposes of this section, features include but are not limited to windows, vertical and horizontal building façade divisions and offsets, and diversity of building materials (i.e. masonry, concrete texturing, cement or plaster) to produce effects of texture and relief that provide architectural interest.

²⁰ Building Types legend: (1. Storefront; 2. General Stoop; 3. Cottage Commercial; 4. Civic Building; 5. Row Building; 6. Parking Structure)

1509

Form-Based Zoning, Building Types

These are simple descriptions of the permitted building types within the Form-Based Districts.

Building Type	Description
1. Storefront Building	Mixed-use building built close to front and corner property lines with large amounts of transparency/windows, and pedestrian activity at the ground floor
2. General Stoop Building	An office or multi-family residential type building built close to front and corner property lines
3. Cottage Commercial Building	A lower scale building with moderate transparency/windows and a pedestrian-friendly design, featuring smaller retail, service, or office uses
4. Civic Building	A building type intended for civic or institutional uses
5. Row Building	A building comprising multiple vertical units, typically townhouses or rowhouses
6. Parking Structure	A structure for the parking of vehicles visiting the building or area

1510 Miscellaneous Provisions

1511 Within the boundaries of any form-based zone district listed in Section 1129.00, in the event of any inconsistency between the miscellaneous provisions in this Section 1131.00 and any provision of the form-based zone districts in Section 1129.00, the provisions of Section 1129.00 shall apply.

1512 Dwelling On Any Lot Of Record: In any District where residences are permitted, residences may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Ordinance, as amended, irrespective of lot's or width, and area, provided that the development complies with the applicable requirements of the Zoning District and Residential Design Standards.

1513 Only single-family dwellings shall be a principal permitted use in single-family zoned districts (R-1, R-2) and in Traditional Neighborhood Zoning Districts.

1514 Minimum Yards: On a corner lot, the width of the yard adjoining the side street lot line shall not be less than eight (8) feet.

1515 Building Design Limitations: Eaves and other elements of the building shall not project beyond the side lot line.

1516 HEIGHT LIMITATIONS NOT APPLICABLE: The height limitations stipulated in this Ordinance shall not apply to the following:

- A. Farm Buildings, Architectural Features, Etc.: Barns, silos or other farm buildings or structures on farms; church spires and towers, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag poles, radio and television towers, masts and aerials; parapet walls extending not more than four (4) feet above the limiting height of the building.
- B. Places of Public Assembly: Places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that assembly activities are located on the first floor of such buildings and provided that for each three (3) feet by which the height of such buildings exceed the maximum height otherwise permitted in the District, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the District.
- C. Elevator Penthouses, Etc.: Elevator penthouses, monitors and scenery lofts, provided no linear dimensions of any such structure exceeds fifty percent (50%) of the corresponding street lot line frontage; or to other structures, where the manufacturing process requires a greater height.

1517 Yard And Frontage Limitations Not Applicable: The yard frontage limitations stipulated elsewhere in this Ordinance shall not apply to the following:

- A. Average Depth of Front Yards: In any District where front yards are required, the front yard setback for any new residential building or addition will not differ more than five (5) feet from the average setback of the residences directly adjacent on the same street frontage.
- B. Steep Slopes – Front Yard Garage: In any Residential District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree or percent of slope that it is not practicable to provide a driveway with a grade of twelve percent (12%) or less to a private garage conforming to the requirements of this Ordinance, such garage may be located within such front yard, but not in any case closer than twelve (12) feet to the street line.
- C. Double Frontage Lots: Buildings on lots having frontage on two (2) non-intersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.

1518 Frontage Modification: In the case of curvilinear streets and culs-de-sac the Planning Commission may allow a reduction of the other specified frontage or lot width requirements in Residential Districts along the front property line, provided that

- A. The lot width at the building setback line shall equal the frontage or lot width required in the district where located;
- B. Such reduction of frontage shall not result in a reduction of the required lot area.

1520 Projections Into Yards: The following projections may be permitted into any front or rear yard, or any front yard adjoining a side street lot line:

1521 Front, Rear and Side Street Yards:

- A. Cornices, sills, belt courses, eaves and other ornamental features to a distance of not more than two and a half (2 1/2) feet.
- B. Fire escapes to a distance of not more than four and a half (4 1/2) feet.
- C. Uncovered stairways and necessary landings to a distance of not more than four and a half feet (4 1/2) provided such stairways and landings shall not extend above the entrance floor of the building except for a railing not to exceed three (3) feet in height.
- D. Bay windows and chimneys to a distance of not more than three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) the length of the building wall on which they are located.
- E. Terraces and Uncovered Patios.
- F. Porte-cocheres or canopies to a distance of not more than two and a half (2 1/2) feet.
- G. Balconies, in Residential Districts, to a distance of not more than three (3) feet into yards of less than twenty (20) feet and to a distance of not more than six (6) feet into yards of more than twenty (20) feet; provided that said balconies do not occupy more than one-third (1/3) the length of the building wall on which they are located.

1530 Sight Clearance: On all corner lots and lots located at the intersection of alleys and streets in any District where front yards are required, there shall be provided sight clearance (hereinafter referred to as sight triangular area) across such lots in the following manner:

- A. On a corner lot, the sight triangular area shall be bounded by the intersecting street lot lines and by a line connecting points on said intersecting street lot lines twenty (20) feet distant from the intersection of said lines or their extensions. On lots at the intersection of a street and an alley, the sight triangular area shall be bounded by the intersecting lot lines and by a line connecting points on said intersecting lot lines ten (10) feet distant from the intersection of said lines or their extensions.
- B. Within the sight triangular area and within the abutting street right-of-way, it shall be unlawful to install, to set out, or maintain, or to allow the installation, setting out, or maintenance of any structure, tree, sign, hedge, shrubbery, natural growth, or any other obstructions to the view higher than forty-two (42) inches above a plane established by the adjacent street grades. It shall be unlawful to park any vehicles within this sight triangular area either on private property or on the abutting street right-of-way.
- C. The erection of fences within the sight triangular area may be permitted above forty-two (42) inches in height above the grade plane of intersecting streets in Industrial Districts ([I-1](#) and [I-2](#)), and under certain conditions in Agricultural and Commercial Districts ([AG](#), [B-1](#), [B-2](#), and [B-3](#)). Fences permitted above forty-two (42) inches in height must be constructed of material and be maintained transparent enough to permit adequate visibility through the sight triangular area. Approval for erecting fences over forty-two (42) inches in height will be based on a determination of visibility and will be made by the City Traffic Engineer and enforced by the City Manager or Designee. The City Traffic Engineer will take the following factors in consideration in making his determination:
 1. Traffic control devices installed at the intersection;
 2. The distance buildings are set back from street pavement;
 3. Geometries of the intersection;
 4. Fence material;
 5. Other unusual factors affecting traffic safety; and
 6. Use to be made of the sight triangular area.

The prohibitions listed above shall not apply to public utility poles, traffic signs, signals, and appurtenances, nor shall they apply retroactively to existing permanent buildings, to existing trees trimmed (to the trunk) to a line at least ten (10) feet above the grade plane described above, or to existing places where the contour of the ground is such that there can be no cross visibility at the intersection.

1540 Public Sanitary Facilities Not Available: In any Residential District where a public sanitary sewer is not accessible, the otherwise specified lot area and frontage requirements, if less than the following, shall be at least: lot area - twenty thousand (20,000) square feet; lot frontage at building line - one hundred (100) feet subject to approval or increase by the Director of Health.

1550 Special Building Setback Lines: There is hereby established the following setback lines in the City of Hamilton, Ohio, in the areas enumerated, and no building hereafter erected or structurally altered shall project beyond said building setback line so established, anything in the Zoning Ordinance to the contrary notwithstanding:

- A) **North Third Street**: Not less than ten (10) feet in the area east of the east line of Third Street, from High Street to the south line of what was formerly known as Mill Street.
- B) **South Second Street**: Not less than ten (10) feet in the area west of the west line of Second Street, from Court Street to Sycamore Street.
- C) **South "B" Street**: Not less than ten (10) feet in the area from the east line of South "B" Street, and not less than ten (10) feet in the area from the west line of South "B" Street south from Main Street to the corporation line of the City of Hamilton, Ohio

1560 Storefront Exceptions: Residential uses are not permitted in the front half, first floor of storefront buildings. Only non-residential uses are permitted to utilize the front half, first floor storefront area. Residential uses may locate in the rear half of the first floor, and in the entirety of the second story or any additional stories, of storefront buildings.

1600 OFF STREET PARKING AND LOADING REGULATIONS

1601 Purpose: It is the purpose of the Off Street [Parking](#) and Loading Regulations to reduce the congestion on streets due to excessive use for parking and loading of motor vehicles. Within the boundaries of any form-based zone district listed in section [2300](#), the provisions of this section [1600](#) shall apply unless the provisions of [2300](#) do not permit off-street parking or loading spaces in the amounts or locations required by this section. The regulations in this section [1600](#) shall not be interpreted to require or allow the construction or installation of parking in any amounts or locations required to be occupied by a primary structure or other building or site feature under Section [2300](#).

1602 Off Street Parking Space

1603 General:

1603.1 When Required: When any building or structure is erected, enlarged, or its use changed, off-street parking spaces for automobiles shall be provided in accordance with the requirements specified below.

1603.2 Minimum Size: Each off-street parking space shall contain an area of not less than 9-ft wide X 18-ft. long exclusive of access drives or aisles.

1603.3 Access: There shall be provided a minimum access drive of eight (8) feet in width. The final access drive width shall be as determined by the Department of Engineering.

1603.3.1 Vehicular access for all motor vehicles to a driveway or parking space shall be via an approved paved surface. There shall be no driving on grass, dirt, or mud to access a driveway or parking space.

1603.4 Type: Parking spaces for all types of uses may be provided either in garages or parking areas conforming to the provisions of this Ordinance, except as specified in Section [1610](#). Structures and paved surfaces of any type shall conform to the setback requirements of the zoning district in which they are located.

1603.5 Driveways: A driveway or parking space may count as both of the Off Street parking spaces required in Section [1610](#), provided, however, if such driveway or parking space is located within a required front yard then such driveway or parking space shall not exceed the lesser of thirty (30) feet or 1/3 of the width of the lot frontage and setback of a minimum of five (5') feet from the side property lines.

1603.5.1 The Planning Director may grant an administrative approval for a driveway that is setback less than five (5') feet from a side property line based on cases of unusual topography or if conditions within one hundred feet (100') are such that existing driveways are less than five (5') off property lines.

- 1604** Location of Parking Facilities: Except as otherwise provided, required Off Street parking facilities shall be located on the same lot as the principal building or on a lot within one hundred (100) feet for residential uses and for non-residential uses, within five hundred (500) feet thereof. The distance specified herein shall be measured from the nearest point of the parking facility to the nearest point of the lot occupied by the building or use that such facility is required to serve.
- 1605** Units of Measurement: For the purposes of determining OFF STREET parking requirements, the following units of measurement shall apply:
- 1605.1 Floor Area**: In the case of uses where floor area is the unit for determining the required number of OFF STREET parking spaces, said unit shall mean the floor area used or intended to be used by occupants or for service to the public as patrons, patients, visitors, residents or persons in attendance, including displays and equipment, but, excluding the area used principally for, non-public purposes, such as storage and incidental repairs, for toilets or restrooms and for utility rooms.
 - 1605.2 Places of Public Assembly**:
 - 1605.3 Benches**: In stadiums, sports arenas, churches and other places of public assembly, in which those in attendance occupy benches, pews or other similar seating facilities, each twenty-four (24) inches of such seating facilities shall be counted as one (1) seat for the purpose of determining Off Street parking requirements under this Ordinance.
 - 1605.4 Fixed Seats and Assembly Area**: In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.
 - 1605.5 Fractions**: When units of measurement determining number of required parking spaces result in requirements of a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one (1) parking space.
- 1606** Change In Use, Additions and Enlargements: Whenever any change in use, enlargement of building or extension of land use (including the addition of new uses) results in an increase in the number of units used to measure required Off Street parking spaces, and such alteration or change creates a need for an increase of six (6) spaces or more, parking spaces shall be provided to bring all relevant uses into compliance with the off-street parking requirements.
- 1607** Mixed Occupancies and Uses Not Specified: In the case of mixed uses, the total requirements for Off Street parking facilities shall be the sum of the requirements for the various uses computed separately. Where a use is not specifically mentioned and assigned a required number of Off-Street parking spaces, the requirements for a use, which is specifically mentioned herein, and to which the subject use is similar, shall apply.

1608 Collective Provision: Nothing in this Section shall be construed to prevent provision of collective Off Street parking facilities for two (2) or more buildings or uses, exclusive of facilities required for dwelling units. In cases of collective use, the required total of such Off Street parking space supplied collectively shall be (a) not less than sixty percent (60%) of the sum of the requirements of the various uses computed separately and (b) not less than the largest amount required for any of the uses computed separately, provided further that the applicable District use regulations shall be complied with.

A) Off-street parking shall be provided as specified in Section [1600](#) with credit being given for up to fifty (50) percent of the total required spaces where such credited space is available through public parking lots and parking garages within a distance of five hundred (500) feet of the building setback line of said commercial or business use.

B) Where metered on-street parking is located within three hundred (300) feet of a civic, institutional, non-residential, commercial or business use the total off-street parking requirements for that business as specified in Section [1600](#) shall be reduced by fifty percent (50%). On-street parking with posted signage indicating a parking time limit shall also count as metered on-street parking.

C) Whenever public parking garages or public parking lots are located within five hundred (500) feet of a commercial or business use and on-street metered parking is also located within three hundred (300) feet of the same use, all parking requirements as specified by Section [1600](#) may be waived by the Planning Director.

D) Whenever a commercial or business use is located on a street with on-street public parking (non-metered, metered, or posted time limit) the total off-street parking requirements for that business as specified in Section [1600](#) shall be reduced by fifty percent (50%). This credit shall only apply in the following situations:

- i. Properties located on the following streets or in the following districts:
 - a. **Central Avenue:** from Second Street to South Martin Luther King Jr. Boulevard,
 - b. **East Avenue:** from 1000 Maple Avenue to Grand Boulevard
 - c. **Grand Boulevard:** from East Avenue/Dixie Hwy to Route 4 / South Erie Blvd
 - d. **Heaton Street:** from North Fifth Street to Greenwood Avenue
 - e. **Maple Avenue:** from South Martin Luther King Jr. Boulevard to East Avenue
 - f. **North Third Street:** from Hensel Place to Dayton Street
 - g. **Pleasant Avenue:** from Belle Avenue to Forest Avenue
 - h. **South B Street:** from Franklin Street to Arch Street

1609 Parking Spaces Required: The number of Off Street parking spaces required shall be no less than as set forth in the following [Off Street Parking Standards Chart](#):

Zoning: Off Street Parking Standards Chart

1610 Off Street Parking and Loading Standards²¹

Residential and Institutional Uses

Residential Types		Institutional Types	
Type of Use	Number of Parking Spaces Required	Type of Use	Number of Parking Spaces Required
Single-Family Dwelling	Two (2) for EACH Dwelling Unit on a Single Lot. A Driveway or Parking Space may count as both of the two (2) required OFF STREET parking spaces, provided, however, if such driveway or parking space is located within a required front yard then such driveway or parking space shall not exceed the lesser of thirty (30) feet or one third (1/3) of the width of the lot frontage.	Hospitals , In-Patient Rehabilitation	Two (2) for each 3 Beds
		Nursing Homes	One (1) for each 4 Beds
		Medical Clinics	One (1) for each Examination Room, Plus two (2) spaces for every 3 Staff Members
		Churches	One (1) for each 6 Seats in the Principal Auditorium
		Libraries , Museums , Art Galleries	One (1) for each 500 Square Feet of Gross Floor Area
		Elementary Schools , Middle Schools , Preschools and Daycares	One (1) for each 6 Auditorium seats, OR two (2) for each Classroom, whichever is the Greater
		Vocational and Trade Schools , High Schools (Secondary Schools), Colleges , and Universities	One (1) for each 5 Classroom Seats plus One (1) per Employee
		Funeral Homes	One (1) for each 30 square feet of usable visitation and funeral service area plus 1 per each employee on the longest shift at any particular time plus 1 per each funeral vehicle.
Residential Types in a Historic District (See Section 2600)			
Type of Use	Number of Parking Spaces Required	Requirements	
Single-Family Dwelling Two-Family or Multi-Family	Two (2) for EACH Dwelling Unit on a Single Lot. A Driveway or Parking Space may count as both of the two (2) required OFF STREET parking spaces, provided, however, if such driveway or parking space is located within a required front yard then such driveway or parking space shall not exceed the lesser of thirty (30) feet or one third (1/3) of the width of the lot frontage.	<ul style="list-style-type: none">Each Off Street Parking Space shall have a minimum of 9’ x 18’ in areaOff Street Parking Spaces shall be surfaced with an asphaltic, concrete, cement binder, brick concrete paver, or other approved pervious paving product so as to provide a dustless surface and shall be graded and drained per Director of Engineering.A minimum of 20% of all Off Street Parking Areas shall be suitably screened and landscaped so as to provide a visual barrier between all Off Street Parking Areas and adjacent properties.Any proposed fencing, wall, or landscaping associated with Off Street Parking Areas shall be reviewed and approved by the Architectural Design Review Board.	

²¹ These charts set forth generally applicable lot/setback regulations. Regulations may vary depending on the specific land use and site or property.

Off Street Parking and Loading Standards

Business Uses & Industrial Uses

Commercial & Business Types	
Type of Use	Number of Parking Spaces Required
Retail Establishments , (except as otherwise specified herein) Commercial Gym (Gym Studio) Banks , Financial Institutions	One (1) for each 500 Square Feet of First 20,000 Square Feet of Gross Floor Area <ul style="list-style-type: none">and One (1) for each 1,000 Square Feet of Gross Floor Area OVER the first 20,000 Square Feet
Hotels , or Bed and Breakfasts	One (1) for EACH Guest Room
Barber and Beauty Shops	Two (2) for each stylist/barber station or chair.
Bowling Alleys	Five (5) for each Bowling Lane
Retail Stores Handling Bulky Merchandise, Household Furniture, and Appliances	One (1) for each 1,000 Square Feet of Gross Floor Area
Office Buildings , Business and Professional Offices	One (1) for each 500 Square Feet of Gross Floor Area
Establishments or Enterprises of a Recreational or Entertainment Nature	
1. Spectator Type – e.g. Auditoriums , Theaters , Stadiums , Concert Venue , Assembly Halls, Places of Public Assembly	One (1) for each 6 Auditorium seats
2. Participating Type – e.g. Skating Rinks , Dance Halls	One (1) for each 100 Square Feet of Gross Floor Area
3. Event Centers – e.g. Wedding Venues, Convention Centers, Clubs , Lodges	One (1) for each 3 guests allowed on-site
Establishments for the Sale and Consumption ON THE PREMISES of Food and Beverages - (Restaurants , Taverns , and Similar Uses)	One (1) for each 250 Square Feet of Gross Floor Area including outdoor dining, outdoor patios & decks, outdoor common areas, and similar spaces. <ul style="list-style-type: none">The above count shall be exclusive of drive-up take out spaces or online ordering pick-up spaces. Such spaces shall be provided separately from the required parking spaces count.
Mini-Warehouses	Four (4) parking spaces adjacent to the manager's office.
Vehicle Repair , Vehicle Sales and Rentals	One (1) for each 500 Square Feet of Gross Showroom, Service Bay, and Office Floor Area

Industrial Types	
Type of Use	Number of Parking Spaces Required
Except as specifically mentioned herein - Industrial Uses Listed as Permitted in the "I" Districts: (" I-1 ", " I-2 ")	One (1) for every 3 employees on the Maximum Shift
Wholesale and Storage Operations	One (1) for each 20,000 Square Feet of Gross Floor Area
Machinery or Equipment Sales	One (1) for each 500 Square Feet of Gross Showroom, Service Bay, and Office Floor Area

Form-Based Zoning -
Parking Lot Location Requirements

ZONING DISTRICT	Parking & Loading Location	Vehicular Access	Parking Within Building
DT-1 (High Street)	Rear Yard	Alley preferred, Side Street secondary	Permitted fully in any basement and in the rear of upper floors
DT-2 (Downtown Support)			
DT-3 (East High Street)	Rear Yard & Interior Side Yard		
MS-1 (Main Street)	Rear Yard		
MS-2 (South B Street)		Alley	
MS-3 (Main Street & South B Street Transitional)		Alley preferred, Side Street secondary,	
UCP-1 (University Commerce Park, Residential)		Side Street preferred, Primary Street secondary	
UCP-2 (University Commerce Park, Commercial)			

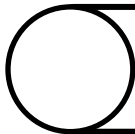
1611 Reduction of Parking: For any commercial, business, or industrial use the required amount of parking spaces can be reduced in accordance with the following clauses:

- A. Bike rack installation allows a reduction of two (2) required parking spaces, per installed rack, up to a maximum of two (2) racks. Each bike rack must be able to accommodate a minimum of five (5) bikes. This applies to properties in the following zoning districts: [DT-1](#), [DT-2](#), [DT-3](#), [MS-1](#), [MS-2](#), [MS-3](#), [UCP-1](#), [UCP-2](#), [EM-UPD](#), [TN-3](#), and [TN-4](#)
- B. In all other districts, bike rack installation allows a reduction of two (2) required parking spaces.
- C. Mixed-Use Multi-Family Developments featuring fifty (50) dwelling units or more, and first-floor commercial storefront uses, are allowed a ten (10%) percent reduction of the required parking spaces for residential uses. This only applies to properties in the following zoning districts: [DT-2](#), [MS-1](#), [MS-3](#), [UCP-1](#), and [UCP-2](#).
- D. Commercial Uses that allocate on-site parking spaces for pickup, take out, online pickup, or drive-thru, are allowed a ten (10%) percent reduction of required parking spaces.
- E. Installation of one (1) Electric Vehicle Charging Stations. Such proposals are allowed a twenty (20%) percent reduction of the required parking spaces.
- F. Installation of Make-Ready (Future) Electric Vehicle Charging Station infrastructure for ten (10%) percent or more of the required parking spaces for the use. Such proposals are allowed a fifteen (15%) percent reduction of the required parking spaces.
- G. Commercial Uses that reactivate a commercial, industrial, or non-residential building that has been vacant for more than 24 months in a Historic District, Central Building Inventory building, or Local Historic Inventory building as defined in Section [2600](#). Such proposals are allowed a reduction of the required parking spaces by twenty-five (25%) percent.

1612 Parking Requirements for Uses Not Specified: The parking space requirements for buildings and uses not set forth herein shall be determined by the designated City Official, and such determination shall be based upon the requirements for the most comparable building or use specified herein. The decision of the designated City Official may be appealed to the Board of Zoning Appeals.

1613 Development And Maintenance Of Parking Areas: Every parcel of land hereinafter used as a public or private parking area shall be developed and maintained in accordance with the following requirements:

1614 Screening: Off-street parking areas for more than ten (10) vehicles shall be effectively screened by a wall or screen fence on each side which adjoins or faces and is within ten (10) feet of any lot situated in any residential district unless said lot is developed with a non-residential use or a residential use requiring or having off-street parking facilities for ten (10) or more vehicles. Such wall screen fence shall be not less than three (3) feet or more than six (6) feet in height and shall be maintained in good condition.



1615 Surfacing: Any off-street parking area whether for residential, business or commercial use and access drives thereto for the parking of any motor vehicle, camper, boat, or trailer shall be surfaced with an asphaltic, concrete, cement binder, or approved pervious paving products so as to provide a dustless, mud-free surface, free of standing water that shall be graded and drained per the Director of Engineering approval.

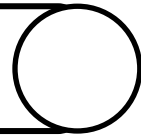
A. Gravel Parking:

1. Residential.

- a. Any residential off-street parking area in a rear yard, for no more than two (2) motor vehicles, accessed from a gravel alley may be surfaced with a minimum of four (4) inches of gravel and shall be maintained mud and weed free so long as it is not visible from a public street (not alley). Such parking area can be permitted as follows:
 - i. Maximum area of eighteen feet by eighteen feet (18' x 18') Properties with existing gravel parking areas, which exceed the size limitations of this regulation shall not be granted additional gravel parking space, per [Section 4300](#), Non-Conforming Uses of the zoning ordinance.
 - ii. The parking area shall be setback at least five (5') feet from side property lines.
 - iii. Shall not be located in the front yard or side yard of a property.
 - iv. Gravel shall be kept out any public right-of-way and shall be kept off adjacent and neighboring properties.
- b. A residential property may only have one (1) gravel parking location.

2. Non-Residential Uses

- a. Gravel parking areas, surfaced with a minimum of four (4) inches of gravel, properly compacted and approved by the Planning Department and Engineering Department can be permitted as follows:
 - i. The total square footage of all gravel parking areas located on the property shall not exceed:
 1. Commercial, and Institutional / Religious: 2,000 square feet total.
 2. Industrial Uses (including Exterior Storage as an Accessory Use, Contractor with Exterior Storage as an Accessory Use): 5,000 square feet total.
 - ii. The curb cut and drive apron within the public right-of-way shall be concrete according to the City of Hamilton standards and shall require a right-of-way permit from the Department of Engineering. The vehicular access between the drive apron and gravel parking shall be concrete, asphalt, or approved pavers for the first ten (10') feet outside of the public right-of-way.
 - iii. The gravel utilized shall be Ohio Department of Transportation 411 or other approved material from the Director of Engineering.
 - iv. The parking area shall be setback at least five (5') feet from side property lines.
 - v. The gravel parking area shall not be located in the front yard or side yard and shall not be visible from a public street (not alley). A screen, such as fencing or

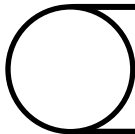


landscaping, shall be required if the rear yard gravel parking area is visible from a public street. Fencing must abide by the regulations set forth in [Section 1400](#).

- vi. A gravel parking lot shall abide by the remaining sections of [Section 1600](#), including but not limited to the Screening and Landscaping and Buffering regulations.
- vii. Gravel shall be kept out of any public street, private street, sidewalk, alley, or any other public right-of-way and shall be kept off of adjacent and neighboring properties.
- viii. The gravel parking area shall be maintained free of vegetation, weeds, and cannot show exposed dirt, mud, or earth of any kind.
- ix. No junk, inoperable, or unlicensed vehicles, vehicle parts, trash, or debris shall be stored on the gravel parking area. Vehicles shall be moved every 72 hours.
- x. Properties with existing gravel parking areas, which exceed the size limitations of this regulation shall not be granted additional gravel parking space, per Section 4300, Non-Conforming Uses of the zoning ordinance.
- xi. Planning Director or Designee may authorize an increase of the gravel area by up to 10% provided that the property incorporates additional site improvements, which enhance the quality of the development. In doing so, Planning staff shall determine that the owner or applicant has sufficiently met one (1) of the following provisions:
 1. Provision of new landscaping on the site that exceeds the required landscaping for the site per [Section 1902](#) of the zoning ordinance, by at least 25% or more.
 2. Provision of one (1) tree per 30 feet of lineal frontage along the front setback for the property, and the provision of either:
 - a. 1 tree, or 3 bushes, or 6 perennial flowering plants, in addition to each lineal tree.
 3. Replacing existing fences along street frontage with wooden fence, decorative metal fence, or decorative masonry pillar fence (brick or stone).
 4. Installation of missing or incomplete sidewalks along the frontage of the property. The sidewalks shall be a minimum of five (5') feet in width per [Section 1911](#) and designed and built to meet the City of Hamilton's sidewalk and design regulations, and shall be approved by the Planning Department and Engineering Department.
 5. Installation of a honeycomb base or similar system for the gravel parking area. System shall be approved by the Director of Engineering.

3. Vacant property or green space

- a. Gravel and Gravel Parking areas are only permitted as accessory to a principal use on the same parcel.



- 1616** Lighting: Any lighting used to illuminate any off-street parking area shall be arranged so as to reflect light away from adjoining premises in any Residence District or residential use.
- 1617** Reservoir Storage: Commercial parking garages and lots shall be designed to provide reservoir space of at least two (2) spaces but not less than two percent (2%) of its capacity for automobiles awaiting parking accommodations.
- 1618** Vacant Property: Vacant business lots not approved as a principal use as a commercial parking lot will have appropriate gates, cable fence or concrete barrier erected around the perimeter of the lot to prevent vehicle access to the lot.
- 1619** Landscaping and Buffering: Surface parking lots will have a minimum front yard setback of ten (10) feet, which will be landscaped with screening material as listed in Section [1900](#). Parking Blocks or curbs will be installed to prevent vehicles from encroaching into landscaping, public or private pedestrian walkways or across lot lines.

For every four (4) rows of parking spaces a five (5) feet wide landscaped area shall be provided the length of the parking row. This landscaping “island shall be protected by raised curb or curb blocks to prevent any vehicle from encroaching into the landscaped area.

Every two (2) landscaping islands shall include at least one (1) tree in addition to landscaping.

New adjoining lots (regardless of ownership) used for parking shall be separated by a thirty (30) inch wide landscaped area next to the property line. This landscaping “island shall be protected by raised curb and curb blocks to prevent any vehicle from encroaching into the landscaped area.

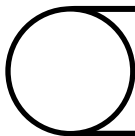
1620 Parking in Form-Based Zone Districts

Off-Street Parking within the [MS-1](#), [MS-2](#), [MS-3](#), [DT-1](#), [DT-2](#), [DT-3](#), [UCP-1](#) & [UCP-2](#) Zoning Districts

- A) For any permitted or conditional land use within the [MS-1](#), [MS-2](#), [MS-3](#), [DT-3](#) & [UCP-1](#) zoning districts the required amount of off-street parking may be reduced by up to one hundred percent (100%) by Planning Department, or designee in consultation with the Engineering Department/City Traffic Engineer and taking into consideration parking factors to include, but not be limited to:
1. Availability of on-street parking;
 2. Pedestrian traffic and accessibility;
 3. Availability of transit service;
 4. Availability of public parking;
 5. Elimination of arterial curb cuts;
 6. Hours of operation;
 7. Availability of shared parking through written agreement;
 8. Mixed uses; and
 9. Availability of Auto Sharing Services.
- B) Shared parking: When two (2) or more land uses, whether in the same lot or building structure, or on sites within five hundred (500) feet from each other have distinctly different hours of operation, such uses may qualify for a “shared parking credit” if there is a written agreement between the property owners that clearly agree to share parking and that states the terms of any joint maintenance, access and hours of use.

1630 OFF-STREET LOADING SPACE

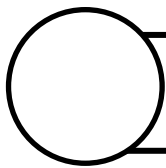
- 1631** When Required: In connection with every building or part thereof, hereafter erected, except dwellings, there shall be provided on the same lot with such building, in any District, and having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods, display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry-cleaning, or other uses similarly requiring receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained at least one (1) off-street loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or major fraction of gross floor area so used in excess of twenty thousand (20,000) square feet.
- 1632** Dimensions: Each off-street loading space shall be not less than ten (10) feet in width, forty-five (45) feet in length and fourteen (14) feet in height, unless waived by the City Manager or Designee for just reason.
- 1633** Mixed Occupancies and Uses Not Specified: In the case of mixed uses, the total requirements for off-street loading facilities shall be the sum of the various uses computed separately. Where a use is not specifically mentioned and assigned a required number of Off Street parking spaces, the requirements for a use which is specifically mentioned herein, and to which the subject use is similar, shall apply. Off-street loading facilities for one (1) use cannot be considered as providing requirements for any other use, except as hereinafter specified for collective use.
- 1634** Collective Use: Nothing in this Section shall be construed to prevent provisions of off-street loading facilities for two (2) or more buildings or uses, provided that the total of such off-street loading spaces shall not be less than seventy-five percent (75%) of the sum of the requirements for the various uses computed separately.

**1640** Electric Vehicle Charging Stations / Charging Stations

- A) **Provision of electric vehicle charging stations shall be required for any commercial, business, or, industrial development that is a new construction, or a change of the property by more than fifty percent (50%). This provision applies to:**
1. A new construction or development, or,
 2. A change of the building by more than 50%, or
 3. A change of development area by more than 50% or
 4. A reoccupation of the land uses contained herein.
- B) **The provision of charging stations and provision of electrical capacity necessary to accommodate the future installation of charging stations shall also adhere to the following standards per land use:**
1. When determinations for the number of charging stations results in a fractional number, any fraction less than one-half ($\frac{1}{2}$) shall be disregarded and fractions one-half ($\frac{1}{2}$) or greater shall require one (1) charging station.
 2. In the event of a conflict of regulations, the more stringent calculation shall apply.

Electric Vehicle Charging Stations (EV) (Applies to New Developments, or Redevelopment/Reconstruction of more than 50%)	
Land Use Type	Required EV Stations
Hotels, Grocery Stores, Retail Stores Handling Bulky Merchandise, Fueling Stations (Gas Station)	1 Charging Station
Commercial Stand-Alone Parking Lots	1 Charging Station
Commercial Parking Garages	2 Charging Stations, or 5% of proposed number of Parking Spaces (Whichever is greater)
Any use that requires more than forty (40) parking spaces	1 Charging Station, or 2.5% of proposed number of New Parking Spaces (Whichever is greater)

- C) **New Residential: Each New Detached Single-Family, Two-Family, and Multi-Family shall include the necessary electric infrastructure (e.g., panels, outlets and conduits) capable of allowing for the installation of at least one (1) Level 2 electric vehicle (EV) home charging station per required parking spot.**



1700 SIGNS

1701 Purpose and Scope

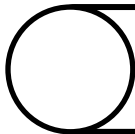
1701.1 The purpose and scope of this section is to:

- A) Foster a positive business atmosphere by permitting businesses to communicate with the public efficiently and effectively through sound signage practices without subjecting adjacent businesses, property owners, or the community to excessive, conflicting, and confusing sign displays;
- B) Promote aesthetically pleasing signage that is compatible with surrounding land use and consistent with the goals of the Hamilton community as expressed in its comprehensive plan;
- C) Promote the public health, safety, and general welfare of Hamilton citizens and visitors by reducing hazards to motorists and pedestrians and protecting property values;
- D) Provide for consistent and fair application and enforcement of the regulations pertaining to signs without regard to content; and
- E) Require professionally designed, constructed, and installed signage to ensure the safety and prosperity of the community.

1702 General Requirements

1702.1 [Sign Measurement](#)

- A) The display surface area of a sign shall be considered as the total area of the sign used to convey significant visual information including background but excluding all materials, which do not convey significant information and primarily function as structural support for the sign, or as architectural elements or architectural decoration on a building.
- B) Only one side of a double-faced sign (covering the same subject) will be used when calculating area if the sign faces are parallel and no more than 2 feet apart. For irregular signs or signs that do not have defined display areas (such as letters placed against a window or a wall), the area shall be calculated on the smallest rectangle, polygon, or circle that will frame the copy area of the sign
- C) Street addresses which are made an integral part of the sign, and which do not exceed nine square feet in area, shall not be considered part of the sign display area.
- D) For multi-occupant buildings and structures, the portion of a building or structure that is owned or leased by a single occupant shall be considered a tenant space. The building frontage for a tenant shall be measured from the centerline of the party walls defining the tenant space.
- E) The building frontage is the length of an outside building wall which fronts a dedicated street right-of-way or access drive or fronts a parking lot that is 2 acres or more.



1702.2 Sign Maintenance. All signs, whether requiring a permit or not under this ordinance, must be properly secured, anchored, and maintained in a safe and sound structural condition at all times. This includes replacing defective parts and torn or faded fabric, painting, cleaning, landscaping, and other acts required for the maintenance of a safe sign and to fulfill all requirements of this ordinance. Fabric type materials shall be stretched taut over a framework and/or secured so as not to sag or flap in the wind.

1702.3 Dangerous or Defective Signs

- A) Any sign in a dangerous or defective condition (defective wiring, structural failure, broken or missing panels, etc.) shall be repaired or removed upon receipt of a written notice to the property owner.
- B) If the dangerous or defective sign is not removed, the city may immediately remove or cause to be removed, at the expense of the property owner and/or the person in control of the property, any dangerous or defective sign that creates an immediate or potential danger to persons or property due to structural deficiencies or inadequate maintenance.

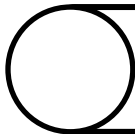
1702.4 Abandoned Signs. Signs, which advertise occupancy, a product, or service, which has been discontinued for more than 6 months, must be replaced with a blank face, or have the entire sign structure removed. Any abandoned sign which does not conform to this ordinance in regard to size and placement and which is not put back into use within 24 months of the actual discontinuance, in accordance with a lawful sign permit, must be totally removed and surrounding surfaces restored.

1703 Exempt Signs

1703.1 The following signs are not a part of the total signage allotted for a particular use on any property in the City of Hamilton but must comply with other provisions in this section including those relating to construction, maintenance, illumination, safety, area, height, setbacks, number, and other noted requirements. Exempt signs may be freestanding or attached to the principal structure. Such signs shall not be attached to any accessory structures (i.e., fences, light poles, benches, or other permitted signs).

- A) Non-illuminated signs smaller than six square feet in size located on a building in a way that is intended to identify the structure.
- B) Accessory signs that are strategically located on non-residential or multi-family properties for the purpose of directing on-site traffic and that do not exceed six square feet in size or four (4') feet in height.
- C) Flags:
 - 1) Residential Property Use – Maximum size 40 square feet per flag, no more than two (2) flags total, one (1) flagpole permitted with a maximum height of 25 feet
 - 2) Commercial Property Use – Maximum size 60 square feet per flag, no more than three (3) flags total, two (2) flagpoles permitted with a maximum height of 35 feet
 - 3) Industrial Property Use - Maximum size 150 square feet per flag, no more than three (3) flags total, three (3) flagpoles permitted with a maximum height of 50 feet
 - 4) All flagpoles 20 feet or taller shall be located 10 feet from any structure and 10 feet from any property line and shall be anchored into concrete

- D) Holiday lights and decorations.
- E) Portable A-Frame/Sandwich Board Signs
 - 1) Single or double-sided freestanding A-Frame signs that do not exceed eight square feet per face nor five (5') feet in height.
 - 2) One such sign display is allowed per business frontage in all districts.
 - 3) Portable A-Frame/Sandwich Board signs may only be displayed during hours of business operation.
 - 4) Portable A-Frame/Sandwich Board signs must be secured so as not to be a hazard and placed out of the public right-of-way so as not create a hazard. When an existing or proposed building has no front yard setback the Director of Public Works may authorize the placement of such signs on public sidewalks in B-1, B-2, B-3, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, UCP-1, UCP-2, BPD, OPD, EM-UPD, I-1, I-2, and IPD districts provided the sign is sized and placed so as to maintain a minimum five (5') foot wide zone for pedestrian traffic, and the sign does not otherwise create a hazard for pedestrians.
- F) Public necessity or regulatory signs that warn or inform as required by law and other signs erected by, or on behalf of public agencies. Also includes temporary signs, flags, or temporary displays of a public or governmental entity, any public educational institution, or religious institution or organization.
- G) Signs on recreation areas provided the sign does not face, or are setback at least 200 feet, from adjacent residential uses and public right of ways. Such signs require Hamilton Parks Conservancy or property owner approval.
- H) Signs not legible with 20/20 vision from three feet beyond the property line if visible from a public right-of-way.
- I) Signs on a Property Under Construction, Renovation, Development or Redevelopment
 - 1) One sign per 300 feet of lot frontage or portion thereof, is permitted at the entry of a subdivision under development or on the site of a major construction or renovation project; after approval and recording of a final subdivision plat or building permit is issued.
 - 2) Such signs shall be no larger than 64 square feet and displayed only during the time of active construction and while valid building permits are in force.
- J) Window signs provided that no more than 25 percent of the total tenant's window area on each building façade is covered.
- K) Works of art including drawings, pictures, symbols, paintings, decorative architectural features, and sculptures that are created with the purpose to not advertise any product, service, or business.

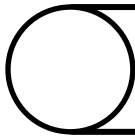


1704 Prohibited Signs and Sign Characteristics

- 1704.1 All signs not specifically permitted by, or exempted by these regulations, are prohibited, and shall be removed. Such signs include but are not limited to:
- A) Animated signs or devices with parts that move or revolve including pennants, streamers, spinners, or which have flashing or intermittent lights, but not including signs with scrolling messages, changeable copy signs, or signs with video screens, except Iconic Signs within the Route 4 Iconic Signage District. Barber poles are exempt from this regulation.
 - B) Bench signs painted on or affixed to benches in the public right-of-way or on private property.
 - C) Pole Signs.
 - D) Roof mounted signs.
 - E) Sound emitting devices.
 - F) Signs that mimic or hide traffic control devices.
 - G) Signs placed in or above the public right-of-way, or on property owned by a governmental agency, not erected or authorized by the Director of Public Works, or specifically exempted herein.
 - H) Signs utilizing illumination that radiates a glare or light greater than one-half foot-candle at the property line on which the sign is located when the sign is located adjacent to or is facing a residential property.
 - I) Signs that convey or depict pornographic or vulgar or obscene information or graphics.
 - J) Signs erected or placed within the clear sight triangle as defined in Section 1530 herein.
 - K) Vehicle signs mounted on, or affixed to, a vehicle or a trailer parked on private property solely for the purpose of attracting public attention or directing the public to a use, business, event, product, or service, but not including vehicles used in the normal conduct of business.
 - L) Signs that are supported, held, or affixed, permanently or temporarily, to a mannequin or other similar attention getting device designed to attract the attention to a product, service, business, or event produced, provided, conducted, sold, offered, or performed on the premises.
 - M) Banners used as permanent signage.

1705 [Temporary Signs](#)

- 1705.1 Registration of Temporary Signs. All Temporary Signs, as defined in Section 3900 and described in Section 1705 and larger than four (4) square feet in size, must be registered with the City of Hamilton Planning Department.
- 1705.2 Temporary Signs in Non-Residential Districts. The total sign area permitted is no larger than 32 square feet and is subject to the following:
- A) Temporary signs are permitted for 180 calendar days per lot per calendar year;
 - B) The temporary sign shall not be illuminated;
 - C) The temporary sign must be maintained in good repair without holes and properly secured against wind loads;
 - D) The temporary sign shall be setback a minimum of 25 feet from any other temporary sign on the same property, and shall be a minimum of five (5') feet from any property line;
 - E) The temporary sign must be located outside of the sight distance triangle in accordance with Section [1530](#) of the City of Hamilton Zoning Ordinance.
 - F) Temporary signs shall be limited to a maximum height of six (6') feet.
 - G) No temporary signs shall be mounted or affixed to fences, utility poles, bollards, benches, or similar types of structures.
 - H) No temporary sign can be placed or erected longer than 90 consecutive days.
- 1705.3 Temporary Signs in Residential Districts.
- A) Five (5) temporary signs are permitted. The total sign area permitted is no larger than ten (10) square feet in area and signs shall not exceed four feet in height. Such sign shall not be illuminated and must be maintained in good repair, properly secured against wind loads, and setback a minimum of five (5') feet from all property lines.
 - B) Non-residential uses in residential districts are permitted up to 16 square feet of signage in area in total and signage shall not exceed four (4') feet in height. Such signs are limited to one per street frontage or two (2) per 300 feet of each lot frontage or portion thereof. Signs shall be setback a minimum of 25 feet from any other exempt or temporary sign. Signs shall not be illuminated and must be maintained in good repair, property secured against wind loads, and setback a minimum of five (5') feet from all property lines.
 - C) No temporary sign can be placed or erected for a period longer than 90 consecutive days.



1706 Sign Approvals

- 1706.1 Approval Required. Zoning approval and a building permit shall be required prior to the construction, reconstruction, location, relocation, alteration, and/or modification of all permanent signs, unless exempted by this ordinance.
- 1706.2 Approval Process. Zoning approval is necessary for all permanent signs and shall be requested by submitting an application, which contains the following, to the Planning Department through the Building Department:
- A) A site plan, drawn to scale, that shows the location of all proposed and existing signage on site, existing and planned buildings, dimensions of all property lines and buildings as well as setbacks from property lines and other site features affecting sign placement such as streets, sidewalks, landscaped and parking areas, and driveways.
 - B) Elevation plans, drawn to scale, showing height, clearance above the surrounding grade, sign dimensions, copy or graphics, colors, and materials.
 - C) Historic Preservation Districts. Plans for signs located in designated Historic Preservation Districts, in addition to meeting the requirements of this ordinance, must be approved by the Architectural Design Review Board prior to the issuance of a sign permit. Signs located in Historic Districts should be compatible in terms of materials, colors, and construction, with the architecture and theme of the district in which the sign is located.
 - D) Fees. Zoning permit fees in accordance with Section [4500](#) of this ordinance shall be paid for all signs requiring zoning review and approval prior to issuance of a permit.

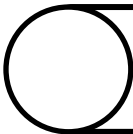
1707 Permanent Sign Regulations

1707.1 [Monument Signs](#)

- A) Applicability. Monument signs may be used on permitted non-residential uses in all districts and for residential purposes as stipulated below in Subsection (G).

Examples of Monument Signs	
Single Tenant Signs	Multiple Tenant Signs
	
	
	

- B) Sign Setbacks. The minimum setback for all monument signs is five (5') feet from all property lines. If due to the location of buildings, the front yard setback of five feet cannot be met; a projecting wall sign may be used in lieu of a monument sign in accordance with Section [1707.3](#). All monument signs shall be placed outside of the sight clearance triangle as defined herein.
- C) Sign Quantity. Only one monument sign may be placed on each lot frontage of 300 feet or less. One additional monument sign may be placed on each additional 300 feet of frontage, or part thereof, on lots having 600 feet or more of frontage.
- D) Sign Separation. A minimum of 150 feet shall be maintained between all monument signs on the same development.



- E) Sign Design
- 1)

Monument signs shall be located in a non-paved landscaped area or planter box, equal in size to the area of the sign face. Curbing shall surround the monument signs located in landscaped areas within parking lots.
- 2)

All wiring including electric service wiring shall be concealed.
- 3)

Signs shall be constructed of quality and durable materials specified for exterior use by the manufacturer.
- 4)

The base of all monument signs shall be constructed of brick, stone, or concrete which is formed to have a masonry unit or brick appearance. The materials and color used for the base shall be consistent and complementary to the primary structure on the lot which the sign is placed. If the primary structure’s materials contain brick, stone, or concrete which is formed to have a masonry unit or brick appearance, the base of the monument sign shall match the primary structure’s brick, stone, or concrete which is formed to have a masonry unit or brick appearance. If the primary structure has a combination of brick, stone, or concrete which is formed to have a masonry unit or brick appearance, the base of the monument shall be brick or stone.
- F) Illumination. Monument signs may be illuminated externally, internally, or with neon.

- G) Zoning District Regulations. The table below shows the allowable heights, area, setbacks, and frontage for monument signs by type of use and zoning district.

Zoning District	Use	Monument Sign Regulations		Minimum Setback	Minimum Frontage
		Area	Max. Height		
AG	Non-residential	0.15 X lot frontage 30 sq. ft. max	6 feet	5 feet	N/A
R-1, R-2, R-2A TN-1, TN-2	Individual freestanding business	0.15 x lot frontage 16 sq. ft. max	6 feet	5 feet	N/A
	Subdivision entrances dwelling groups 20 units or more	50 sq. ft. max	6 feet	5 feet	N/A
	Civic, institutional, religious	0.25 x lot frontage 50 sq. ft. max	6 feet	5 feet	N/A
R-3, R-4, R-O, RPD, OPD, MS-2, TN-3	Individual freestanding business	0.15 X lot frontage 20 sq. ft. max	6 feet	5 feet	N/A
	Business groups 3 or more units	0.25 X lot frontage 64 sq. ft. max	6 feet	5 feet	N/A
	Subdivision entrances & dwelling groups with 20 units or more	50 sq. ft. max	6 feet	5 feet	N/A
	Civic, institutional, religious	0.25 X lot frontage 50 sq. ft. max	6 feet	5 feet	N/A
B-1, MS-1 TN-4	Individual freestanding non-residential	0.25 X lot frontage 50 sq. ft. max	8 feet	5 feet	N/A
	Business groups 3 or more units	0.25 X lot frontage 120 sq. ft. max	8 feet	5 feet	N/A
B-2, B-3, BPD, I-1, I-2, IPD,	Individual freestanding non-residential	0.75 X lot frontage 120 sq. ft. max	8 feet	5 feet	N/A
	Business groups 3 or more units	0.75 X lot frontage 150 sq. ft. max	15 feet	5 feet	N/A
EM-UPD, MS-3, DT-1, DT-2, DT-3	Individual freestanding non-residential	0.75 X lot frontage 120 sq. ft. max	8 feet	5 feet	N/A
	Business groups 3 or more units	0.75 X lot frontage 150 sq. ft. max	10 feet	5 feet	N/A
UCP-1	Any Permitted	0.15 x lot frontage 30 sq. ft. max	6 feet	5 feet	5 feet
UCP-2	Any Permitted	0.15 x lot frontage 30 sq. ft. max	6 feet	5 feet	75 feet
Historic Overlay Districts*	Underlying zoning regulations apply. See Section 2600 for additional information.				

*As defined in Section [2603](#) Architectural Conservation/Historic Districts and Structures – Local Register

1707.2

[Ground Signs](#)

- A) Applicability. Ground signs are permitted in Form-Based Zoning Districts, Planned Development Zoning Districts, and in Architectural Conservation/Historic Districts.

Examples of Ground Signs

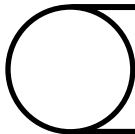


- B) Sign Setbacks. The minimum setback for all ground signs is five (5') feet from all property lines. If due to the location of buildings, the front yard setback of five feet cannot be met; a projecting wall sign may be used in lieu of a monument sign in accordance with Section [1707.3](#). All ground signs shall be placed outside of the sight clearance triangle as defined herein.
- C) Sign Quantity. One ground sign is permitted per frontage.
- D) Sign Area. Ground signs are limited to 32 square feet in area and a maximum of five (5) tall, unless the property is located in an Architectural Conservation/Historic District, where the maximum height is four (4) feet tall.
- E) Sign Design
- 1) Ground signs shall be located in a non-paved landscaped area or planter box, equal in size to the area of the sign face, unless if due to the location of the proposed sign this is not possible. Curbing shall surround the ground signs located in landscaped areas within parking lots.
 - 2) Signs shall be constructed of quality and durable materials specified for exterior use by the manufacturer.
- F) Illumination. Ground signs may be illuminated externally.

1707.3

[Wall Signs](#)

- A) Applicability. Wall signs may be used on permitted non-residential uses in all districts and on multi-family residential uses with four or more units in residential districts.
- B) Sign Area
- 1) The maximum permitted sign area for residential zoning districts shall not exceed 20 square feet in area.
 - 2) In all other zoning districts, the maximum allowable total area of wall signs, including awning and marquee signs, shall not exceed 1.5 square feet per lineal foot of building frontage for ground floor businesses.
 - 3) Any building or business with additional frontage onto an open parking area of two or more acres shall be allotted 1.5 additional square feet of signage per that lineal frontage.
 - 4) Wall signs shall not project above a roofline or parapet wall.
- C) Sign Quantity
- 1) One wall sign may be displayed on a single building street frontage for residential uses.
 - 2) Any number of wall signs may be displayed on a single frontage in non-residential districts.
 - 3) The area allocation based on building frontage may be distributed on more than one façade, provided that no façade shall contain more than 1.5 square feet of sign area per lineal foot of that façade's width.
- D) Sign Design
- 1) Wall signs shall be constructed of low maintenance materials specified for exterior use by the manufacturer.
 - 2) Wall signs must be mounted parallel with the face of the wall and be not more than 15" in depth from which the surface that it is mounted.
 - 3) Wall signs shall not project above a roofline or parapet wall.
- E) Illumination. Wall signs may be illuminated internally, externally, or with neon.
- F) Awning Signs. Awning signs are categorized as wall signs. Awning signs must be mounted with a minimum ground clearance of eight feet and shall be subject to the wall sign regulations contained herein.

**1707.3.1 Upper-Floor Signs**

These regulations shall only apply to multi-story buildings 35 feet or taller: such as commercial buildings, mixed-use buildings, hotels, and multi-family residential properties.

A. Sign Permitted:

1. Permitted in the DT-1, DT-2, DT-3, MS-1, MS-3, UCP-1, UCP-2, OPD, BPD, IPD, and EM-UPD zoning districts for lots having a street frontage of 50 feet or greater; signage must meet all sign requirements

- B. Upper-Floor signage shall be calculated separately from Wall Sign regulations unless otherwise stated. Wall sign regulations as outlined in Section [1707.3](#) are intended for the first floor only or one-story building only.

C. Upper-Floor signage includes:

1. Projecting Signs that are mounted above the first floor.
2. Any wall sign mounted above the first floor of a principal structure.

D. Sign Placement:

1. Upper-Floor signage shall only be placed above the first floor of a building, not to exceed the roof line or parapet line.
2. An upper-floor wall sign and an upper-floor projecting sign may be located on the same façade but shall meet requirements of section [G](#).

E. Sign Quantity:

1. The area allocation based on building frontage may be distributed on more than one upper-floor façade, provided that no upper-floor façade shall contain more than 0.75 square feet of sign area per lineal foot of that façade's width.
 - a. This calculation is increased to 1 square feet of sign area per lineal foot if all of the following criteria are present:
 - i. Building is 50 feet in height or taller.
 - ii. Subject wall is 200 feet in length or greater.

F. Illumination:

1. Wall signs may be non-illuminated, illuminated internally, externally, or with neon.

- G. **Sign Area, Upper-Floor Wall Signs:** The table below shows the allowable area, height, size, and total signage allotment area for upper-floor wall signs:

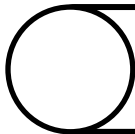
Sign Area: Upper Floor Wall Signage			
Land Use / Building Type	Upper-Floor Wall Total Sign Area Allowed	Maximum Size (individual signs)	Maximum Number for the building
1.) Dwelling, Multi-Family	0.25 square feet per lineal foot of building frontage	50 sq. feet	Four (4) signs Limit: one (1) per facade
2.) Hotel	0.5 square feet per lineal foot of building frontage	75 sq. feet	Four (4) signs, plus one (1) per building story from the fourth floor and above. Limit: two (2) per façade
3.) Parking garage	0.25 square feet per lineal foot of building frontage	50 sq. feet	Four (4) signs. Limit: two (2) per facade
4.) Commercial Building or Mixed-Use Building.	0.5 square feet per lineal foot of subject upper floor tenant space	75 sq. feet	N/A

- H. **Sign Area, Upper-Floor Projecting Signs:** The table below shows the allowable area, height, size, and total signage allotment area restrictions for upper-floor projecting signs:

Sign Area: Upper Floor Projecting Signage			
Land Use / Building Type	Upper-Floor Projecting Total Sign Area Allowed	Maximum Size (individual signs)	Maximum Number for the building
1) Non-Corner Lot Buildings	0.25 square feet per lineal foot of building frontage	25 sq. feet	One (1) sign per façade
2) Corner Lot Buildings	0.25 square feet per lineal foot of building frontage A corner lot projecting sign may combine the facades for the calculation – not to exceed the maximum individual sign size.	35 sq. feet	One (1) sign per façade Limit: two (2) on a single corner

I. **Prohibited upper-floor sign types, placement, and characteristics:**

1. Changeable copy-signs are prohibited as upper floor signs. This includes, but is not limited to, physical letter/character type changeable copy-signs and electronic changeable copy-signs.
2. Upper-floor signage shall not be installed to block or cover any windows, doors, or architectural features (arches, balusters, corbels, columns, cornices, dentils, window lentils, window sills, etc) of the existing structure.



1707.4

[Changeable Copy](#)

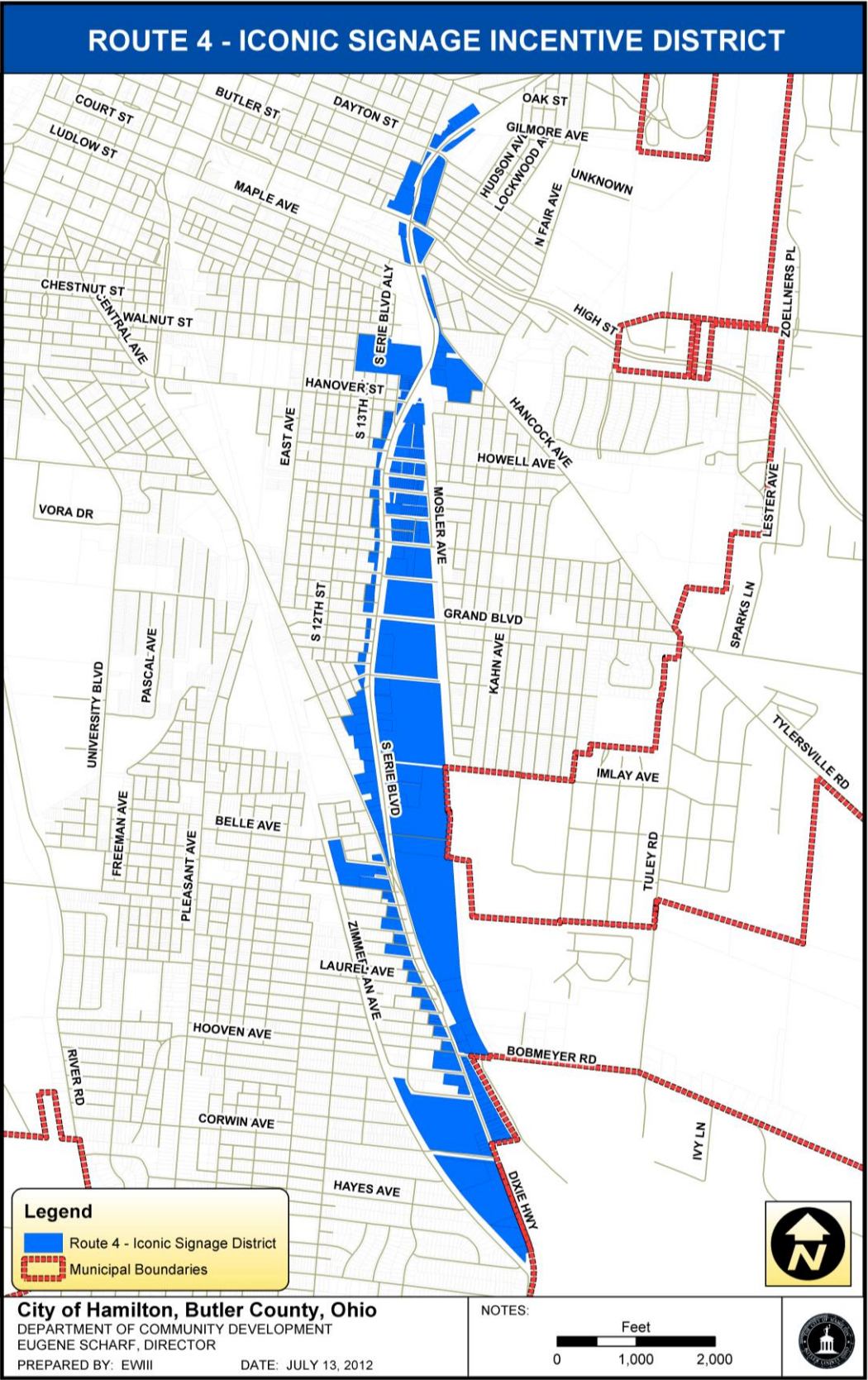
- A) Applicability
- 1) Changeable copy signs are only allowed on permitted multi-family uses and non-residential uses in the AG, R-1, R-2, R-3, R-4, and R-O districts and on all uses in the B-1, B-2, B-3, BPD, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, EM-UPD, I-1, I-2, UCP-1, UCP-2, and IPD districts.
 - 2) Changeable copy is considered part of the permitted display area of the sign.
- B) Sign Design
- 1) For electronic messages, each separate message must be displayed a minimum of 10 seconds before changing.
 - 2) Each electronic message shall contain a default mechanism that will freeze the sign in one position or make the screen go black whenever the aggregate area, or any part of the electronic sign display, is unlit or malfunctions to the extent that it exceeds five (5%) percent of the total electronic sign area.
 - 3) Electronic messages shall have an automatic dimming capability that adjusts the brightness to the ambient light at all times of day and night.
 - 4) Each electronic message shall be static and may not display animated, scrolling, moving, or flashing messages, or video which simulates such. Each static message shall change instantaneous, without fading, flashing, or animation of the message or image.
 - 5) Electronic messages shall use full-color LED technology.
- C) Illumination. Changeable copy signs may be illuminated externally, internally, or with neon.

1707.5 [Iconic Signs](#)A) [Applicability](#)

- 1) Iconic signs are allowed only on permitted multi-family uses and non-residential uses in the AG, R-1, R-2, R-3, R-4, and R-O districts and on all uses in the B-1, B-2, B-3, BPD, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, EM-UPD, I-1, I-2, UCP-1, UCP-2, and IPD districts.
- 2) Iconic signs that incorporate movement (as defined in Section [1704.1 A](#)) are only permitted within the Route 4 Iconic Signage District.



- B) [Illumination](#). Iconic signs may be illuminated externally, internally, or with neon.
- C) [Sign Area](#). Business and commercial uses within the defined Route 4 Iconic Signage District (see map) that incorporate an iconic sign into a freestanding sign or wall sign may increase the overall maximum area for the sign by 50%.



1707.6 [Projecting Signs](#)A) [Applicability](#)

- 1) One projecting sign is allowed on permitted non-residential uses in the R-O, B-1, B-2, B-3, BPD, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, EM-UPD, I-1, I-2, and IPD zoning districts where a freestanding sign is permitted but practical difficulties exist that deprive an owner the reasonable placement of a freestanding sign. The area of such projecting signs shall not exceed 0.5 square feet of sign area per linear foot of tenant frontage.
- 2) Within any UCP-1 or UCP-2 zoning district projecting signs are permitted and must be attached to building facades that have a public entrance and must maintain a minimum clearance of eight feet above the public right-of-way or private sidewalk area. One projecting sign is allowed per tenant space.

Examples of Projecting Signs

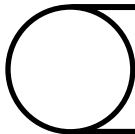
B) [Setbacks and Location Requirements](#)

- 1) The inside edge of projecting signs shall be mounted no more than six inches from the face of a building.
- 2) The outside edge shall not project closer than two (2') feet of the curb or edge of roadway.
- 3) Projecting signs must setback at least five (5') feet from side property lines.
- 4) Projecting signs over a right of way shall have a minimum ground clearance of eight feet and will require joint approval from the Departments of Planning and Engineering.

C) [Sign Area.](#) Projecting signs have a maximum sign area as follows:

- 1) Projecting signs may have a maximum area of 0.5 square feet per lineal foot of tenant frontage, maximum of 25 square feet. Regardless of tenant lineal footage, a tenant may have one projecting sign up to 6 square feet.
- 2) One projecting sign per commercial tenant frontage is permitted. In the event of a multi-story, multi-tenant building, in addition to one projecting sign per commercial tenant space on the first floor, the building is permitted an additional projecting sign, maximum size of 0.5 square feet per lineal foot of building frontage, maximum of 25 square feet.

D) [Illumination.](#) Projecting signs may be illuminated externally, internally, or with neon.



1707.7

Suspended Signs

- A) Applicability. Suspended signs are permitted only on permitted non-residential uses in AG, R-3, R-4, R-O districts and in the, B-1, B-2, B-3, BPD, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, UCP-1, UCP-2, EM-UPD, I-1, I-2, and IPD districts.

Examples of Suspended Signs

- B) Setbacks and Location Requirements. Suspended signs shall have a minimum ground clearance of eight feet.
- C) Sign Area. Suspended signs may have a maximum area of six square feet
- D) Illumination. Suspended signs may be illuminated externally, internally, or with neon.

1708 Administrative Adjustment

1708.1

Applicability

- A) In cases where due to the unique location or situation of a piece of property the strict enforcement of the provisions of this ordinance would create, a practical difficulty with regard to the visibility or function of a sign not intended by this ordinance, the Planning Director is hereby authorized to make administrative adjustments of up to 10% of any dimensional restriction contained herein.
- B) The Planning Director may also waive a restriction in cases where an undue burden is unintentionally created on a specific property due to conflicting or contradictory requirements. Relief may include adjustments to setbacks, area, height, location, or interpretations of these regulations as they are applied to specific cases.
- C) The relief provided by the Director may not exceed that which is necessary to relieve the practical difficulty and approval may be conditioned upon comparable reductions in the size or changes in the location and design of other signage on site.
- D) Appeals of a decision by the Planning Director, with regard to a request for administrative relief, or appeals seeking relief greater than that, which can be granted by the Director, shall be made to Board of Zoning Appeals per Section [4200](#). Drawings, photos, or other illustrations of all signage on site, and a complete description of the relief being sought by the applicant, must accompany the adjustment request.

1709 Legal Non-Conforming Signs (See Section 4303 [E](#))

1800 RESIDENTIAL DESIGN STANDARDS

- 1801 Purpose: to establish design standards that encourage neighborhood diversity and high-quality construction in order to protect property values, maintain the character of the community, and allow for the use of a variety of building materials and design options while continuing to provide a wide range of housing opportunities.

Exterior facades provide the impression of the quality of residential construction as well as establish the character of the neighborhood. Establishing standards for the quality of materials while allowing for design creativity and diversity increases the value of the city's housing stock and the image of the community. The ability to require a variety of building materials and housing styles within a development strengthens visual interest and value over the typical tract home subdivision.

These standards will apply to all new developments in which housing is being constructed and will be effective on the date of the adoption of this section of the ordinance. Accessory buildings, additions, and substantial alterations obtained after the date of adoption will comply with the design requirements herein established. Substantial alterations mean that 50% or more of the exterior is being altered, but does not include routine maintenance such as painting and material repair. For property zoned Residential Planned Development with an approved Planned Development Plan that has not expired, in the event of any inconsistency between the approved plan and Section 1800, the approved plan prevails over the regulations set forth in this Section. If the approved Planned Development Plan does not address an issue found in Section 1800, then Section 1800 applies.

Within the boundaries of any form-based zone district listed in [Section 2300](#) and the Architectural Conservation/Historic Districts as defined in [Section 2600](#), in the event of any inconsistency between the residential design standards in [Section 1800](#) and any provisions in Sections 2300 and 2600, the provisions of Sections 2300 and 2600 shall prevail.

1802 Housing Types: All housing types must meet the requirements set forth in the General Residential Design Standards, Section [1810](#), as well as any Supplementary Requirements stated in Sections [1820-1850](#) and the Design Scorecard in Section [1870](#).



1. Dwelling, Single Family, Detached



2. Dwelling, Two Family, Attached



3. Dwelling, Multi-family



4. Development, Mixed-use



5. Development, Infill



6. Subdivision (six or more dwelling units)

1. A dwelling, single family (detached) is a building designed or arranged for use by a single family consisting of one dwelling unit only on one individual lot, separated from other dwelling units by open space.
2. A dwelling, two family (attached) consists of two separate dwelling units, sharing at least one wall with another dwelling unit.
3. A dwelling, multi-family is one or more buildings, or portion of buildings, that contains three or more individual dwelling units, where each unit is occupied by one family and provided with an individual entrance to the outdoors or to a common hallway. This will include triplexes, townhomes, apartments, and condominiums consisting of three or more dwelling units.
4. A development, mixed-use is a building, tract of land, or structure that contains a mixture of residential and commercial uses. Such uses may be mixed within one building (either horizontally or vertically) or within an overall development. Supplemental requirements in Section 1800 will only apply to mixed-use developments that include at least one residential unit.
5. A development, infill is a building constructed on street blocks that are 50 percent or more developed with existing structures. Supplemental requirements in Section 1800 will only apply to infill developments that include at least one residential unit. In addition to the primary Housing Type identified (options #1-4), if this definition applies to a development, the Infill Supplementary regulations apply.
6. A subdivision is a collection of individual lots that have been split from one or more larger lots for the purpose of constructing six (6) or more residential dwelling units. Subdivisions can consist of a single type of residential dwelling or a combination of multiple types of residential dwellings. Both of these examples would be considered a subdivision: a subdivision may contain six (6) detached single family residences or it may contain a combination of two (2) detached single family residences and four (4) attached two family residences, totaling four (4) buildings and six (6) dwelling units. In addition to the primary Housing Type identified (options #1-4), if this definition applies to a development, the Subdivision Supplementary regulations apply.
7. Any other undefined use not specifically addressed in this section is subject to the regulations of the most similar use outlined in Section 1800.

1810 General Residential Requirements: All housing types must meet the requirements outlined in Sections [1811-1816](#). These sections are intended to ensure that all new housing types constructed in the City of Hamilton meet a high-quality standard and enhance the existing character of its surroundings while maintaining its consistency.

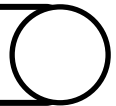
1811 Landscape Requirements: All new principal structures must provide the required landscaping trees located on the subject property and outside of the public right-of-way or easement area.

1. For new construction of residential subdivisions, single-family detached, and two-family detached development:
 - a. Landscaping trees shall be installed at a frequency of one (1) tree per every 5,000-sq.ft. of lot area and one (1) additional tree shall be provided for every portion thereof. For example, if the lot is 11,000 square feet, three (3) trees are required.
 - b. There shall be a minimum of two (2) landscaping trees per parcel, regardless of minimum lot size.
 - c. There shall be a minimum of one (1) tree in the front curb lawn per lot:
 - i. Where existing site conditions preclude/prohibit the inclusion of trees in the front curb lawn, a minimum of one (1) additional tree shall be planted on the property, outside of any easement area.
2. For new construction of multi-family and mixed-use development:
 - a. Landscaping trees shall be installed at a frequency of one (1) tree per every 3,500-sq.ft. of lot area and one (1) additional tree shall be provided for every portion thereof. In addition to trees, there shall be a planting of a) three (3) bushes and b) six (6) perennials per required tree.
 - b. There shall be a minimum of four (4) landscaping trees per building for a multi-family project, regardless of minimum lot size.
 - c. Front Yard Trees:
 - i. Thirty (30%) percent of the required trees must be located within the front yard setback area, outside the public right-of-way or easement area. This requirement shall not apply if the building is set back five (5) feet or less from the right-of-way.
 - ii. There shall be one (1) tree for every 30 lineal feet of frontage, planted in the front curb lawn. Regardless of frontage length, at minimum there shall be of two (2) trees in the front curb lawn. Where existing site conditions precludes/prohibits the inclusion of trees in the front curb lawn, a minimum of one (1) additional tree shall be planted on the property, outside of any easement area.
 - d. For properties with a front setback less than five (5') feet, and properties with a front curb lawn unable to accommodate trees, the following alternate planting options are permitted:
 - i. Provision of the required amount of on-property landscaping trees relocated to the side yard and rear yard. Trees relocated to the side yard shall be as close to the frontage as possible and located to maximize visibility from the frontage right-of-way.
 - ii. Properties with a combined side yard of eight (8') feet or less may relocate the required trees to the rear yard.

- iii. Regardless of tree relocation, there shall be provision of at minimum three (3) bushes and six (6) perennials per 30 feet of lot frontage, to be planted in the front yard setback.
- iv. If the site cannot facilitate the planting of any portion of required trees or relocation of trees as prescribed by this sub-section and as noted in the entirety of Section 1800, a variance or waiver is required. In addition, for each tree waived via variance an off-site mitigation fee, Tree Bank fee, shall be assessed. Tree Bank mitigation fee shall be \$500.00 per required tree not planted on the site.

3. For all residential projects and residential properties:

- a. Landscaping trees shall be approved by the City of Hamilton Municipal Arborist. Deciduous Trees shall have a minimum caliper size of at least 2.5 inches conforming to acceptable nursery industry procedures at the time of planting. Evergreen trees shall be a minimum of six feet in height at time of planting.
- b. Any trees that are preserved on site, including in the right-of-way, that meet the minimum size requirement above (minimum of two-inch caliper at 4.5 feet above ground) may be counted toward the required number of trees, except for trees deemed Prohibited Trees in Codified Ordinance 915.
- c. Required landscaping trees shall be installed prior to the issuance of the Final Occupancy Permit. If weather conditions preclude tree planting or the Permit is issued during the winter months from November 1st through April 1st of any calendar year, the developer or homebuilder shall deposit \$500.00 per required tree with the City of Hamilton.
- d. The Planning Department or Municipal Arborist shall notify the developer/homebuilder or property owner at the beginning of the planting season of the requirement to plant the necessary tree(s) on private property.
- e. The City of Hamilton via the Municipal Arborist will schedule the tree planting for trees planted in the public right-of-way (ex. curb lawn).
- f. For trees to be planted in the front curb lawn, the developer or home builder shall deposit \$500.00 per required tree to the City Arborist.
- g. The owner of the property shall be responsible for maintenance, including watering, pruning, removal, and stump grinding, of all landscaping trees and shall keep all trees in a proper, neat, and orderly appearance. If the City of Hamilton Municipal Arborist determines that a tree is dead or dying within 24 months of receiving the Final Occupancy Permit, the owner shall be responsible for replacing the tree with a tree that meets the criteria of Section [1811](#).
- h. The landscaping requirements of this Chapter may be combined with any separate landscaping and screening requirements found under other sections of the Zoning Code and Subdivision Regulations.
- i. Please refer to the Municipal Arborist's list of approved plant types and prohibited plant types for reference, per Codified Ordinance 915.



1812 Exterior Wall Finish Materials Requirements: Residential structures shall be constructed out of high-quality exterior wall finish materials that complement and enhance the area in which they are located.

1. Exterior Wall Finish Materials: All building exterior finishes shall include a minimum of 50 percent brick, brick veneer, stone, cultured stone, stucco, wood, engineered wood, or fiber cement board on all facades. All building exterior finishes may include a maximum of 50 percent vinyl siding on all facades. These percentages are calculated by first subtracting the area of transparent glazing from the overall façade area and then calculating the area for the respective finish material. For example, for a two-story building, at minimum one story shall be brick, brick veneer, stone, cultured stone, stucco, wood, engineered wood, or fiber cement board, regardless of square footage of windows, doors, and similar treatments.

While each building shall meet the minimum exterior wall finish requirement, the requirement can be met different ways on each façade. For example, the front façade can utilize the exterior wall finish material vertically for articulation purposes and the side and rear facades can incorporate horizontal placement.

Vinyl siding shall have a minimum thickness of 0.044 inches and shall meet all other requirements of ASTM D3679. If the vinyl siding is a composite solid siding product with a minimum thickness of 0.20 inches, it can be used for a maximum of 75 percent of all facades. The remaining 25 percent shall be brick, brick veneer, stone, cultured stone, stucco, wood, engineered wood, or fiber cement board.

- a. Single Family and Two-Family Residence approved wall finish materials: brick, brick veneer, stone, cultured stone, stucco, wood, cement board, hardy plank, or vinyl.
 - b. Multi-family and Mixed-Use approved wall finish materials: brick, brick veneer, stone, cultured stone, stucco, wood, cement board, hardy plank, vinyl, or EIFS.
 - c. Infill: On a block face in which all existing residential structures are 100 percent vinyl or metal siding, vinyl siding can be used for up to 75 percent of all facades. If the vinyl siding is a composite solid siding product with a minimum thickness of 0.20 inches, it can be used for 100 percent of all facades.
2. Prohibited Exterior Wall Finish Materials: CMU (concrete which is formed to have a masonry unit or brick appearance) and metal siding are prohibited wall finish materials. No materials manufactured to be an underlayment or materials not expressly designed and manufactured as an exterior finish material shall be exposed for a period exceeding 120 days.
 3. Material Consistency with Surroundings: The exterior wall finish materials of any new primary residential structure located within 400 feet of an adjacent existing development shall include, at a minimum, the same percentage of primary exterior wall finish materials as existing structures on the same block if the primary residential building material on existing structures is brick, stone, cultured stone, stucco, wood, cement board, or hardy plank. For example, if the existing residential structures are brick, then the new residential structure shall be brick, stone would require stone, etc.

If there is a variation within 400 feet between these primary exterior finishes, the new infill residential structure shall use one of the two most common primary building materials and meet the Anti-Monotony Requirements in Section [1816](#). New infill residential structures also must meet the material requirements included in Section [1812](#).
 4. Rear and Side Elevations: The primary material used on the front facade of the residential building will be utilized as the primary finish material for the sides and rear of the building.

5. Exterior Wall Articulation: Each façade of the residential structure shall include a minimum of either two exterior wall finish materials or two different colors of the same exterior wall finish material that is designed in a cohesive manner. Each primary façade shall also include a minimum of one projection or recession, which could include a porch, bay window, inset front door, balconies, or other similar features that create a change in the depth of the façade. Wall articulations and facades will not exceed four different wall finish materials or colors on a single building.
6. Sheathing: Oriented-Strand Board (OSB), zip system, or plywood shall be the exclusive building sheathing materials.
7. Foundations: No more than 40 inches of poured concrete foundation wall may be exposed on any side of the building. On facades where topography is sloped the siding material will be stair-stepped along grade to cover as much of the concrete foundation as possible.
8. Building Additions: Additions of any size to a primary residential structure will have the same ratio of finish materials as the existing residential structure with a 50 percent margin of variance. If the primary structure is made of non-conforming façade materials, the addition is exempt from the ratio of finish material requirement and shall use a primary or secondary wall finish material identified in Section [1812\(1\)](#). Any attached patios or decks primarily made of wood or similar composite material are exempt from finish material ratio.
9. Accessory Buildings:
 - A. Up to 200 square feet – Accessory structures up to 200 square feet shall be made of a material expressly designed as an exterior building finish material.
 - B. 201 to 400 square feet - Shall have the approximate color of primary structure and be made of brick, stone, cultured stone, stucco, wood, cement board, hardy plank, vinyl siding, or other material expressly designed as an exterior building finish material. Metal is a prohibited siding material.
 - C. 401 or greater - Shall have the same exterior finish material on all sides as the primary material and approximate color as the front of the existing primary building. If the primary building façade is 50% or more brick or stone and the structure is visible from a public street, 100% of the front façade of the accessory building and 25% of facades visible from the street (not alley) shall match the primary building material. If the accessory structure is located fully behind the primary structure and is not visible from the street, matching brick or stone is not required. It shall be made of brick, stone, cultured stone, stucco, wood, cement board, hardy plank, or vinyl siding. Metal is a prohibited siding material.
 - D. Regardless of size, if the accessory structure is located on a lot two acres or more in size and the structure is set back at least 200 feet from a public street, it shall match the color of the primary structure but does not need to match the primary structure material. It shall be made of brick, stone, cultured stone, stucco, wood, cement board, hardy plank, vinyl siding, metal or other material expressly designed as an exterior building finish material. If the accessory structure is metal, a row of bushes shall be installed along all facades visible from a public street except for in front of accessory structure access points.
 - E. See Section [1401](#) for general regulations on Accessory Buildings.

1813 Roof Requirements: Roofing material can be wooden shake, slate, concrete tile, rubber tile, metal, fiberglass, asphalt shingles, or rolled roof.

1. Roof Pitch: Roof pitch and compatible style shall be consistent on all roof surfaces of the primary building and on any accessory building over 200-sq. ft. in area.
2. Roll Roofing: No exposed rolled roof will be visible from ground level.
3. Continuity: The same style, type, and color of roof material shall be used on all roof surfaces of the primary building, additions, covered patios and decks, and on any accessory buildings over 200-sq. ft. in area. If matching material is no longer reasonably available the material and color may be an approximate match. Exceptions may be made for feature or accent windows, such as bay, rosette, or palladium windows, as well as for sunrooms with transparent roofing.
4. Prohibited Roofing Materials: Fabric, plastic, vinyl, or other materials not expressly designed and manufactured as a component of a permanent roofing system may be used as a temporary measure for a period not to exceed 120 days.

1814 Window Requirements:

1. All windows in an elevation will be of a consistent size, design, and type with the same width of trim and reveal and the same style of muntins. Exceptions will be made for feature or accent windows such as bay, rosette, or palladium windows.
2. A minimum of 10 percent of the area of the front elevations must be transparent.
3. A minimum of 5 percent of the area of the rear elevations must be transparent.
4. A minimum of one first or second floor window is required for side elevations. There must be a minimum of twelve (12) square feet of transparency total combined for both sides. For example, one side elevation may not have any window transparency but the other side must have twelve (12) square feet total.
5. Transparency requirements may be met with the installation of glass doors (sliding, French, and/or half light), garage doors with transparent inserts, and basement windows (below or above grade).
6. Transparency requirements may be met with opaque or frosted panes on any facade. Transparency requirements may be met with glass blocks on the side and rear facades only.

1815 Building Design:

1. Wall Mounted Utility Equipment: Wall mounted mechanical equipment, electrical equipment, communication equipment, and other building-mounted utility fixtures shall be installed on the rear or side façade when possible. If the equipment is on the front façade, it shall be painted and maintained to match the building on which they are located or be screened from view.
2. Pavements: Sustainable pavement materials are encouraged for private driveways and walkways, which include semi-pervious paving materials, such as permeable pavers, porous asphalt, or porous concrete. Parking and driving surfaces must abide by Section [1615](#). Gravel is not a permitted semi-pervious pavement material. Off-street parking and loading facilities shall be provided as specified in [Section 1600](#).

1816 Anti-Monotony Requirements: The residential design standards of this section are intended to ensure that residential construction in the City of Hamilton is varied and interesting in character and that they provide a variety of housing choices. The following standards shall apply to all single-family dwellings or buildings containing more than one dwelling unit in order to prevent monotony of design for residential uses.

1. Buildings on adjoining lots or on opposing lots will not have a similar appearance. Therefore, no single model or floor plan using the same exterior elevations shall be built on the first two lots on either side of the subject house or on the three opposing lots directly across the street, that are the closest to the lot lines of the property in question (Figure 1). However, the same model may be built within the restricted area provided a minimum of three of the following options are incorporated in the exterior design (Figure 2), at least one of which must be from items a or b. :
 - a) Building orientation is rotated a minimum of ninety degrees. (see Figure 2)
 - b) Roof configuration is rotated ninety degrees, or a different roof pitch is utilized. (see Figure 4)
 - c) Different exterior wall materials are used. A mix of materials may be used if the materials meet the Primary Exterior Wall Finish Materials in Section [1812.1](#). (see Figure 3)
 - d) Different color scheme. (see Figure 3)
 - e) Different orientation for garage entry. (see Figure 4)
 - f) Difference in architectural feature, for example window and door size and style, addition of porch and porch size, addition of balconies, or garage style. (see Figure 4)

Building elevation drawings or photographs of the surrounding structures will be submitted for purposes of plan review.

2. Buildings having more than one dwelling unit shall include different floor plans, staggered alignments with the street, roofline variation, architectural features, or rotated building orientation in order to achieve variety and visual interest in the buildings.

Figure 1: Applicable Surrounding Lots


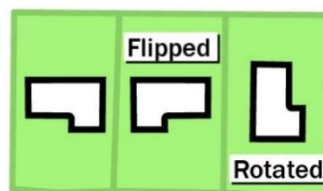
 Lots prohibited from having the same house



Figure 2: Building Orientation

Acceptable



Unacceptable

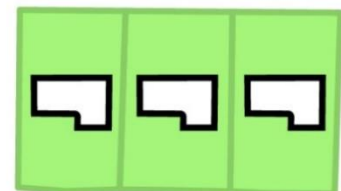
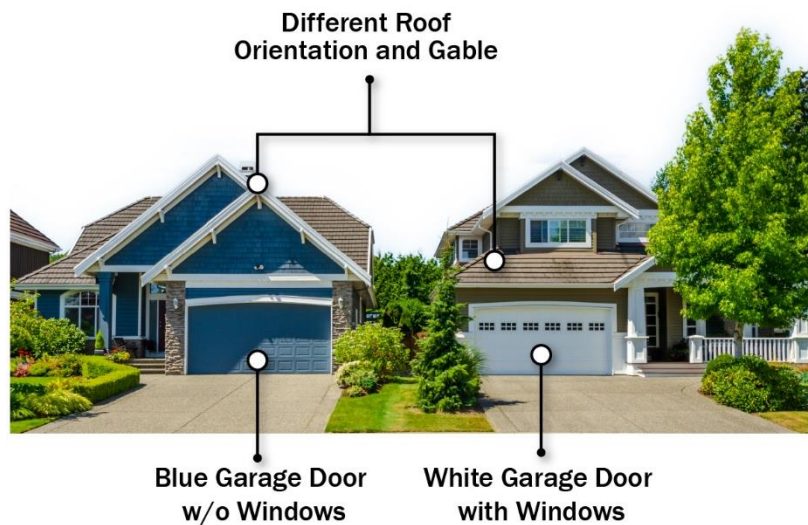


Figure 3:
Building Materials



Figure 4: Building Roof and architectural features



1820 Dwelling, Single-family and Two-family Supplementary Requirements: All new single-family and two-family housing units must meet the requirements outlined in Section 1820.

1. Primary Entry: The residence shall face the primary street frontage. The primary entrance may face a side property line provided it opens onto a porch or deck that fronts on the primary street along a minimum of 40 percent of its open perimeter.
2. Stoops and Steps: Dwelling units without a front deck or porch will have a stone, masonry, or concrete stoop or landing at the primary entrance with minimum dimensions of four feet wide by three feet deep.
3. Enclosure Prohibited: Front Porches shall not be enclosed beyond 50 percent of the exterior perimeter of said porch other than with approved mesh screening.
4. Open Space Beneath Porch Decks: Open areas beneath a front porch will be enclosed with the materials compatible to the exterior of the house.

5. Side Entry Garages: Where utilized, side entry garage entrances will be placed at a minimum angle of 45 degrees from the primary street (see Figure 5).

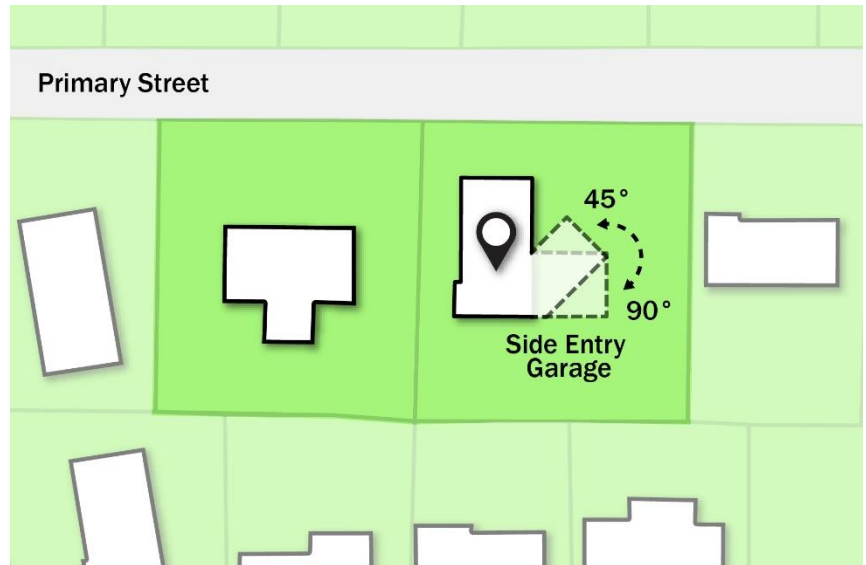


Figure 5:
Side Entry Garage

6. Garage Frontage: Attached garage entrances facing the primary street will not exceed 50 percent of the first-floor building frontage unless the garage is setback a minimum of two feet behind the forward edge of the house (not the forward edge of the porch).
7. Garage Protrusion: Allowable first-floor entries for attached garages that face the primary street at an angle less than 45 degrees will not protrude more than twelve feet beyond the forward most edge of the house or porch (see Figure 6).



Figure 6: Side Entry
Garage Protrusion

8. Three Bay Garage Entry: Three bay or larger attached garages will not face the primary street at an angle of less than 45 percent, unless the third bay is setback a minimum of two feet behind the first two bays of the garage (see Figure 7).

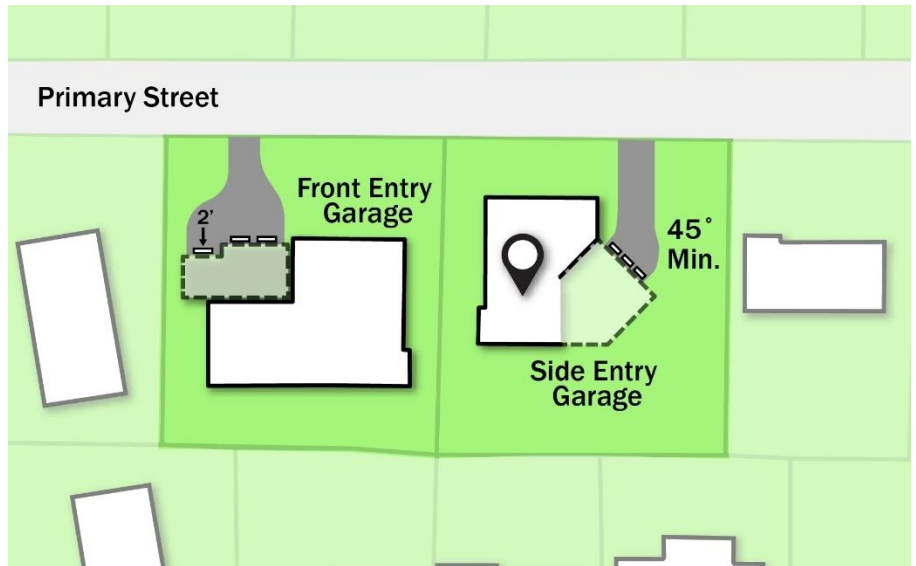


Figure 7:
Three Bay
Garage Entry

9. Detached Garages: Detached Garages will be setback a minimum of five feet behind the front edge of the primary building.
10. Alley Access: Where alleys exist or are proposed, garage access will be from the alley.
11. Rear Garage Access: The front yard setback changes from a minimum to a maximum for single-family attached units with garage access in the rear. (see Figure 8)

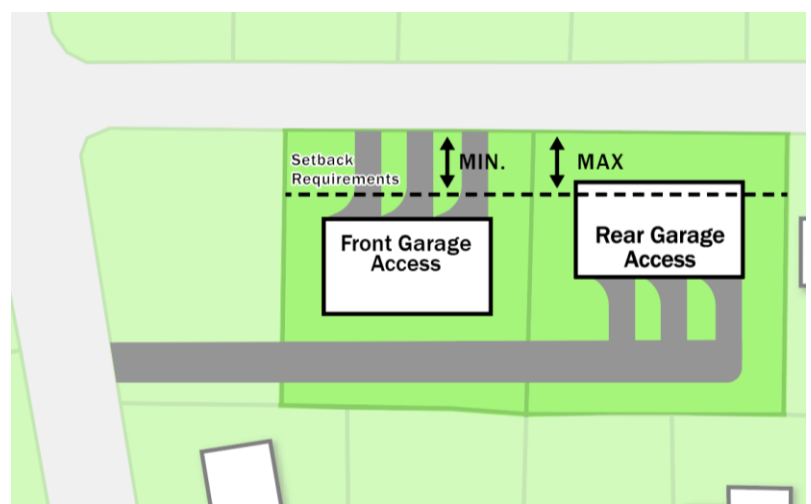
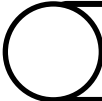


Figure 8: Rear Garage Access



- 12. Driveway Width: That part of residential driveways within the required front yard setback will not exceed the lesser of 30ft. in width or 1/3 of the lot frontage on the street they access.
- 13. Curb Cuts: Only one curb cut for a driveway will be allowed per property street frontage unless otherwise authorized by the Engineering Department.
- 14. Driveways: Any new driveway or parking space or addition thereto will be setback a minimum of 5-ft. from any side property line. Driveways for side entry garages may be setback a minimum of 3-ft. from the side property line for the width of the garage.
- 15. Basement: All new single-family detached and attached dwellings shall require a basement that is a minimum of 80 inches tall and complies with the Ohio Building Code unless the Director of Engineering determines an exemption is warranted due to the existing site conditions or the Director of Building waives the basement requirement upon determining that the dwelling also includes all of the following: a first floor bedroom: a "No Step Entrance;" and a bathroom that is usable for a wheelchair user, as those elements are defined by Section [1870](#).
- 16. Outdoor Living Area: All new single-family and two-family residences will contain a designated private outdoor living area. Outdoor living areas may be located in the front or rear yard, outside all required setbacks. Front yard living areas will consist of a front porch affixed to the house only. Outdoor living areas in the rear yard may consist of a designated area for a deck, patio, gazebo, etc. The total area of the outdoor living area must be a minimum of five percent of the first floor living area.

1830 Dwelling, Multi-family Supplementary Requirements: All new multi-family developments with three or more dwelling units must meet the requirements outlined in Section 1830.

1. Height Variation: Roof heights and styles shall vary among units in order to break up the overall mass of the building. Dynamic and asymmetrical roof forms are encouraged.
2. Architectural Treatments: All sides of buildings shall include a variety of architectural treatments, which shall include both vertical and horizontal features that break up façade walls including building projections, recesses, cornices, pilasters, contrasting horizontal or vertical bands, awnings, canopies, varying colors, or colonnades.
3. Façade: Each building shall include a clearly defined primary façade, that includes an assortment of architectural treatments, a variety of materials, and a clear distinction between the building base, body, and cap.
4. Balconies: Balconies shall be provided for 50 percent or more of all units above the first floor. Balconies shall not be enclosed above the railing beyond 50 percent of the exterior perimeter of said balcony other than with approved mesh screening. The minimum size of the balcony must be four feet in width and six feet in length.
5. Entry: Buildings along existing streets shall have entrances with a clear, well-defined sense of access.
6. Pedestrian Circulation: The developments shall be designed with a coordinated and contiguous pedestrian system (sidewalks and/or pedestrian paths) that provides access to the primary entrances to buildings, parking, and development amenities, and to public pedestrian facilities.
7. Parking: To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas shall be located behind buildings or screened from the public right-of-way.
8. Garages: A minimum of 20 percent of the required parking shall be enclosed garages.
9. Open Space: A minimum 20 percent of the gross site area shall provide designated and permanently reserved open space. Required stormwater and drainage ponds are excluded from open space calculation unless recreational amenities such as trails, benches, picnic tables, etc are installed and maintained around the stormwater and drainage facility. This regulation shall not apply in form-based zoning districts.
10. Multiple Buildings: If a multi-family development includes multiple buildings, there shall be a consistent architectural design across all buildings. Variations in color and details are encouraged to reduce a monotonous feel to the development. Accessory buildings such as parking garages or clubhouses shall continue to have the same architectural design, style, and quality of materials as the primary buildings. Parking shall be located to the interior of the site, if possible.
11. Refuse Enclosures/Dumpster: Refuse (dumpster) or service enclosures shall be screened by a durable material that matches the façade material and façade color of the primary structures, or shall be constructed of brick, masonry, or architectural concrete masonry units (CMU) block that matches the façade color of the primary structure. Refuse enclosures and service enclosures shall be secured when not in use. All refuse, trash, debris, and recyclable materials shall be stored within the refuse storage area and not visible from all adjacent rights-of-way.

1840 Development, Infill Supplementary Requirements: All new infill developments must meet the requirements outlined in Section 1840. For infill development in Traditional Neighborhood Zoning Districts, please review the Infill Design Standards in Section 2010. Within the boundaries of any Traditional Neighborhood zone district, in the event of any inconsistency between the residential design standards in this Section 1800 and any provision of in Section 2010, the provisions of Section 2010 shall apply.

1. Contextual Front Yard Setback: For new principal structures, the contextual front yard setback shall be a front yard setback that is within five feet of the average front yard setback of the principal structures on the two adjoining lots located on the same block face. (see Figure 9)

The contextual front yard setback shall not apply if there are no buildings located within 100 feet of the lot in which the Infill Development will be located. (see Figure 10)

Figure 9: Contextual Front Yard Setback

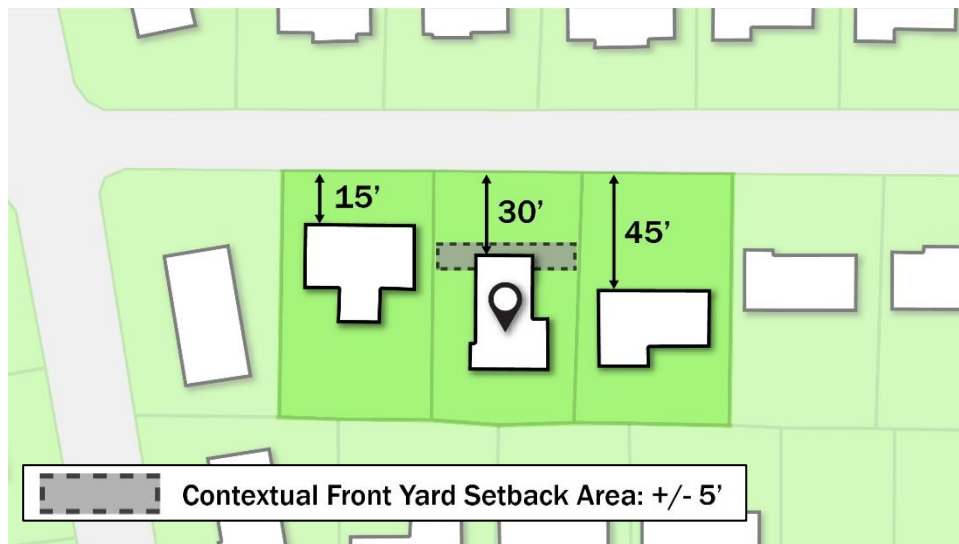
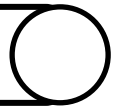


Figure 10: Parcels Not Required to Apply Contextual Front Yard Setbacks





1850 **Development, Mixed-use Supplementary Requirements:** All new mixed-use developments must meet the requirements outlined in Sections [1820](#), [1830](#), or [1840](#), whichever is most applicable, in addition to the requirements of Section 1850.

1. **Separate Entry Points:** Residential and non-residential uses must have individual and separate entrance to the outdoors, with residential entrances preferably located on the side or rear of the building.
2. **First Floor Window Treatment:** First floor elevations that are visible from the public right-of-way or front a pedestrian walkway, shall maximize window openings. The first 10 feet of the building in all commercial areas, as measured from building grade up, must provide a minimum of 60 percent transparency with the use of clear, glass windows. Reflective or tinted glass shall not be used. An expression line shall be used to differentiate the commercial area from the second floor residential area (See Figure [2330.1](#) Storefront Base Type).
3. **Balconies:** Shall be provided for 50 percent or more of all units above the first floor. Balconies shall not be enclosed above the railing beyond 50 percent of the exterior perimeter of said balcony other than with approved mesh screening. The minimum size of the balcony must be four feet in width and six feet in length.
4. **Refuse Enclosures/Dumpster:** Refuse (dumpster) or service enclosures shall be screened by a durable material that matches the façade material and façade color of the primary structures, or shall be constructed of brick, masonry, or architectural concrete masonry units (CMU) block that matches the façade color of the primary structure. Refuse enclosures and service enclosures shall be secured when not in use. All refuse, trash, debris, and recyclable materials shall be stored within the refuse storage area and not visible from all adjacent rights-of-way.

1860 **Buffer Requirements:** All new subdivision developments must choose at least one (1) of the following per rear and side yard boundary area: A combination of buffer requirements may be utilized, but only one (1) complete buffer type is allowed per yard boundary area. If a development includes a corner lot, the secondary frontage side yard shall not need a buffer. The Buffer Requirements shall not apply in Form-Based Zoning Districts.

1. Three (3) foot high berm with a thirty percent (30%) opaque landscaping with a minimum height of five (5) feet at planting.
2. Five (5) foot wide buffer with a fifty percent (50%) opaque landscaping with a minimum height of five (5) feet at planting.
3. Fifteen (15) foot wide buffer with a thirty percent (30%) opaque landscaping with a minimum height of five (5) feet at planting.
4. A six (6) foot tall opaque fence plus one tree planted every 30 lineal feet.

1870 Design Scorecard: All new residential developments that include six or more new dwelling units must have a total combined score as outlined below from the following list.

- a. AG, R-1, R-4, B-1, B-2, I-1, I-2 – 12 points
- b. R-2, R-2A, R-O, B-3, R-3, MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, TN-1, TN-2, TN-3, TN-4, UCP-1, UCP-2 – 10 Points
- c. NIA- utilize requirements as outlined in [Section 2700](#)
- d. RPD, OPD, BPD, IPD, EM-UPD- utilize scorecard requirement in [Section 2400](#).

1. Five points (5 points).

- a) Active Park- An active park may be considered for multi-family developments that consist of recreational activities and constructed facilities that are generally characterized by tennis, swimming, soccer, golf, basketball, baseball, playgrounds, and similar activities. Playgrounds shall have at least five (5) distinct pieces of above ground playground equipment (playsets, slides, swing sets, carousels, etc.).

“Similar activities”, and other undefined active parks shall have at least five (5) distinct amenities that promote user activity and participation.

- 1. Five points shall be granted for an active park consisting of no less than ten (10%) percent of the total development’s acreage.
- 2. Three points shall be granted for an active park consisting of no less than five (5%) percent of the total development’s acreage.

b) Clubhouse Space –

- 1. Five points shall be granted for any residential development utilizing a clubhouse space with at least 2,000 square feet of indoor space. At least 1,000 square feet of the clubhouse shall be dedicated to spaces for the primary use by the development’s residents (such as gathering areas & social spaces, dining areas, event spaces, health & activity, spaces, game rooms, religious spaces, and personal services [salon, barber, etc.])
- 2. Three points shall be granted for a clubhouse space with at least 1,500 square feet of indoor space, and the majority (50% or greater) of the floor area dedicated to spaces for the primary use by the development’s residents.
- 3. Two points shall be granted for a clubhouse space with at least 1,000 square feet of indoor space.

c) Structured/Covered Parking for Multi-Family and Mixed-Use Development.

1. Five points shall be granted that utilize a parking garage for at least 75 percent of the required parking on-site.
2. For developments without individual garage parking directly attached to individual dwelling units, five points shall be granted for covered parking for at least 75 percent of the required parking on-site.
3. Two points shall be granted for covered parking for 50 percent of the required parking on-site.

d) Side and Rear Entry Garages/Parking.

1. Five points shall be granted for any subdivision developments with attached garage entries not facing the primary street frontage on more than 50 percent of the dwelling units in each phase of the subdivision. Garage entrances will be placed at a minimum angle of 90 degrees from the primary street.
2. Three points shall be granted if all parking is located in the rear yard behind the dwelling units.

e) Exceeding Lot Size Requirements.

1. Five points shall be granted if all lots within the development exceed the minimum lot size requirement by 3,000 square feet per dwelling unit.
2. Two points shall be granted if all lots within the development exceed the minimum lot size requirement by 1,000 square feet per dwelling unit.

f) Façade Materials.

1. Five points shall be granted for any subdivision, multi-family, or mixed-use development proposing 100 percent of all structures which have a complete masonry (brick, stone, fiber cement board or similar masonry product) wrap around the entire building.
2. Three points shall be granted for any residential development proposing 75 percent of all structures which have a complete masonry wrap around the entire building.

g) Mixed-Use: When incorporating mixed-use space into a residential development it should complement the general nature of the surrounding residential area and be conducive to a live, play, work environment. Uses include but are not limited to the following:

- A mixture of single family and multi-family housing products.
- Mixed-use buildings, such as retail on the first floor and dwelling units on the upper floor(s).
- Retail commercial uses (bakery, restaurant, coffee shop, personal services, bank, small medical clinic, etc.).
- Office uses.
- Hotel uses.
- Active park space.

1. Five points shall be granted if one of the following applies:

- a) The development features four (4) of the six (6) different land uses scenarios identified in G.
- b) The development features at least three (3) of the six (6) different land use scenarios and each use takes up at least 10% of the overall proposed square footage of the building.

2. Three points shall be granted if one of the following applies:

- a) The overall development features 50% of buildings with a traditional mixed-use orientation with commercial neighborhood-oriented space occupying the entire first floor and residential space on the upper floor(s).

3. Two points shall be granted if one of the following applies:

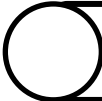
- a) The development features at least two (2) traditional mixed-use buildings with commercial neighborhood-oriented space occupying the entire first floor and residential or office space on the upper floor(s).
- b) The development features at least two (2) of the six (6) different land use scenarios identified in G and each use takes up at least 10% of the overall proposed square feet of building.

4. One point shall be granted if one of the following applies:

- a) The development features a mixed-use building with commercial space occupying the entire first floor or at least two (2) traditional mixed-use buildings with commercial space occupying at least 50% of the first floor.
- b) The development features at least two (2) of the six (6) different land use scenarios identified in G.

2. Three Points (3 points):

- a) **Passive Park-** A passive park may be considered for all residential developments that consist of recreational activities and facilities that are characterized by picnicking, walking, jogging, hiking, biking, Frisbee, playgrounds, and similar activities. Playgrounds for a passive park shall have at least three (3) distinct pieces of playground equipment. “Similar activities”, and other undefined passive parks shall have at least three (3) distinct park amenities.
 - 1. Three points shall be granted for a passive park consisting of no less than ten (10%) percent of the total development’s acreage.
 - 2. Two points shall be granted for a passive park consisting of no less than five (5%) percent of the total development’s acreage.
- b) **Conservation -** Three points shall be granted for any residential development protecting existing environmental features including maintaining at least 50 percent of the current trees with a six inch or larger base. Maintaining the existing stream(s), contours and slopes of the property will also be considered. Trees must be a minimum of two per 5,000 square feet of area, per development, to qualify for these points. A tree inventory shall be required to verify compliance with this regulation. The inventory must designate which trees meet these criteria, denote which trees will remain and show the above-required calculations.
- c) **Multi-modal Path.**
 - 1. Three points shall be granted for any residential development proposing a minimum eight-foot-wide paved multi-modal path that traverses, within 200 feet of at least 50 percent of all dwelling units and is provided in addition to the required sidewalks along public rights-of-way.
 - 2. Two points shall be granted for any residential development proposing a minimum five-foot-wide path that is within 400 ft of at least 50 percent of all dwelling units.
- d) **Semi-pervious pavers –** Three points shall be granted for any residential development proposing a minimum of 50 percent of all new streets, sidewalks, and driveways that include semi-pervious paving materials, such as permeable pavers, porous asphalt, or porous concrete. (Paving material must meet requirements noted in Section 1600-Surfacing)
- e) **LEED –** Three points shall be granted for any residential development if all structures meet the criteria to be LEED (Leadership Energy and Environment Design) Certified for housing by the United States Green Build Council. All third-party certifications must be presented in order to obtain this point option.



- f) Balconies - Three points shall be granted for all multi-family, mixed-use, and infill developments that provide balconies for all dwelling units above the first floor.

- g) Transparency - Three points shall be granted for transparency that is double the minimum required on the front of all primary structures. Two points shall be granted for transparency that is double the minimum required on the side facades of all primary structures.

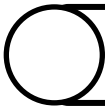
- h) Accessibility - Three points shall be granted for any residential development installing one bathroom that is usable for a wheelchair user with or without assistance per dwelling unit in 100% of the development’s dwelling units. The first-floor bathroom accessible by a visitable path shall have a clear floor space of at least thirty inches by forty-eight inches (30” by 48”). The door to the bathroom shall be a minimum of thirty-two inches (32”) wide and shall be a pocket or barn-style sliding door.
 - 1. Two points shall be granted for any residential development with 20 dwelling units or more that achieves this design in at least 50% of the units.
 - 2. One point shall be granted for any residential development with 20 dwelling units or more that achieves this design in at least 25% of the units.

- i) First-floor retail - Three points for mixed-use buildings that include retail space along the entire first floor front façade. One point if the retail space is at least fifty percent (50%) of the linear feet of the first floor front façade.

- j) Street grid – Three points shall be granted for any subdivision development that includes the construction of a traditional street grid layout (this includes frequent intersections, typically at right-angles, no cul-de-sac streets, block lengths no greater than 500 linear feet, and multiple points of entry and routes).

3. Two Points (2 points):

- a) Electric Vehicle Facilities - Two points shall be granted for any residential development installing the necessary electric infrastructure (e.g., panels, outlets and conduits) capable of allowing for the installation of at least one (1) Level 2 electric vehicle (EV) home charging station per required parking spot for each dwelling unit.
 - 1. One point shall be granted if electric infrastructure is installed for half of the required parking spots for each dwelling unit.
- b) Trees - Two points shall be granted for any residential development having a total of four trees per dwelling unit with two trees located in the front yard on a minimum of 75 percent of the lots within the development.
- c) Sustainable Design - Two points shall be granted for any residential development incorporating sustainable design elements on at least 20 percent of the overall subdivision, including private and public infrastructure. Such elements could include, but are not limited to, bioswales, rain gardens, stormwater medians, permeable pavement, and green roofs. If another option not identified on this list is proposed, the Department of Engineering will determine if the point requirement is met.
- d) Green buildings - Two points shall be granted for any residential development if all structures meet green building certification standards other than LEED certification. All third-party certifications must be presented in order to obtain this point option. Some examples include Energy Star, WELL, Green Globes, and BREEAM.
- e) Accessibility - Two points shall be granted for any residential development proposing one “no step entrance” for all first-floor dwelling units from the front door or garage. No Step” means no greater than a one-half inch elevation change unless access is provided using a code compliant ramp. The door of the No Step Entrance Shall be a minimum of thirty-two inches (32”). The no-step entrance and 36-inch-wide minimum accessible path must provide access to all first-floor dwelling units.
 - 1. One point shall be granted if the “no step entrance” and accessible path provides access to 50 percent of first-floor dwelling units.
- f) Screening - Two points shall be granted if the placement and screening of the utility equipment meets the following: Mechanical, electrical, and communication equipment shall not be located in the front yard or mechanical, electrical, and communication equipment shall be screened from view from adjacent public rights-of-way and from all property zoned or used for residential purposes. Screening elements, including landscaping, mounds, parapets, or enclosures shall be compatible with the architecture, materials, and colors used on the majority of the principal structure or as otherwise approved.



4. One Point (1 point):

- a) Focal point feature - One point shall be granted for any residential development proposing a significant design feature that is located prominently in the development, and which may be a fountain, public art installation, or water feature (this does not include landscaping or signage). This is limited to one per development.
- b) Bike parking - One point shall be granted for any residential development providing dedicated bike parking at a rate of one (1) bike parking space per every eight (8) dwelling units.
- c) Landscaping - One point shall be granted for exceeding the landscaping requirements by 20%.
- d) Fencing – One point shall be granted for any residential development proposing a decorative aluminum fence and/or a decorative wrought iron fencing for the perimeter of the development.
- e) River engagement - One point shall be granted for the development engaging the river either through active or passive park uses, buildings, and/or situating interactive uses at the riverfront adjacent property line. The engagement of the riverfront must occupy at least 50% of the riverfront adjacent property line, minimum of 100 feet length of the riverfront adjacent property line.

1900 COMMERCIAL DESIGN STANDARDS

1901 Purpose: The purpose is to establish architectural, landscaping, design, building and site development regulations that encourage higher quality development and function in order to protect property values, provide safe and efficient access for the pedestrian and automobile, and protect real estate from impairment or destruction of value. These architectural, landscaping, design, building and site development criteria can encourage quality development through the use of a variety of design and site techniques while continuing to provide for a wide range of economic development.

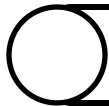
- a. These standards will apply to all new commercial, office and retail building(s) and development(s) that are permitted in any zoning category, as a permitted use or conditional use, and that have not been submitted for review before the effective date of the adoption of this ordinance: **2017 (OR2017-12-131)**
- b. These regulations will also apply to all existing commercial, office and retail building(s) and development(s) that increase the building square footage and/or expands the property area square footage by more than fifty (50) percent in which the existing commercial, office, and retail buildings(s) and developments(s) were submitted for review before the effective date of the adoption of this ordinance. Accessory structures are included in these calculations.
- c. These standards will also apply to all additions for commercial, office, and retail buildings (s) and development(s) that were submitted for review after the effective date of the adoption of this ordinance.
- d. These standards apply to all accessory structures over 200 square feet associated with all commercial, office, and retail building(s) and development(s).
- e. Section [1900](#) will apply to properties or buildings located within the Neighborhood Initiative Conservation Overlay Zoning District (Section [2700](#)) or those projects covered by Section [2600](#) unless there is an inconsistency. In the event of conflicting regulations, the requirements of Section 2700 and Section 2600 shall apply respectively.

Within the boundaries of any form-based zone district listed in section [2300](#):

- (a) The landscaping provisions of Section [1902](#) (including the requirements of Section [1902.2](#)) shall apply, except that no landscaping shall be required in an area of the lot or parcel required to be occupied by a building pursuant to Section [2300](#); and
- (b) The architectural design provisions of Section [1902](#) shall not apply; provided that in the event of any inconsistency between the regulations in this Section [1902](#) and any provision of the form-based zone districts in Section [2300](#), the provisions of Section [2300](#) shall apply.

1901.1 Deviations and Waivers from Section [1900](#):

The Planning Commission shall be authorized to approve waivers or deviations from the requirements set forth in this section of the Zoning Ordinance.

**1902 Landscaping:**

1902.1 **Landscaping Required:** In all zoning districts, at the time that any new principal structure is erected there shall be provided required landscaping trees located on the subject property outside of the public right-of-way or easement area.

1. Such landscaping trees shall be installed at a frequency of one (1) tree per every 5,000 square feet of lot area and one (1) additional tree shall be provided for every portion thereof.
2. There shall be a minimum of two (2) landscaping trees per parcel, regardless of minimum lot size.
3. Such landscaping trees shall be selected from the list of approved trees found in Chapter 915 of the City of Hamilton Codified Ordinances. Deciduous Trees shall have a minimum caliper size of at least two and one-half (2-1/2") inches conforming to acceptable nursery industry procedures at the time of planting. Evergreen trees shall be a minimum of six (6') feet in height at time of planting.
4. For a new development or infill development, a minimum of two (2) trees shall be located within the front yard setback area, outside the public right-of-way or easement area.
5. For a new development or infill development, there shall be a minimum of one (1) tree for every 30 lineal feet, and every portion thereof, within the front curb lawn.
 - a. Where existing site conditions precludes/prohibits the inclusion of trees in the front curb lawn, the above total lineal footage trees shall be planted on the property, outside of any easement area.
6. Any trees that are preserved on site, including in the right-of-way, that meet the minimum size requirement above (2" at 4.5 feet above ground) may be counted toward the required number of trees, with the exception of trees deemed Prohibited Trees in Codified Ordinance [915](#).
7. Required landscaping trees shall be installed prior to the issuance of the Final Occupancy Permit. If weather conditions preclude tree planting or during the winter months from November 1st through April 1st of any calendar year, the developer or homebuilder shall deposit \$500.00 per required tree with the City of Hamilton.
8. The Planning Department or Municipal Arborist shall notify the developer/homebuilder or property owner at the beginning of the planting season of the requirement to plant the necessary tree(s).
9. The City of Hamilton will schedule the tree planting for subdivisions, and new and infill developments. This would only be for trees planted in the public right-of-way.
10. The owner of the property shall be responsible for maintenance, including watering, pruning, removal, and stump grinding, of all landscaping trees and shall keep all trees in a proper, neat and orderly appearance.
11. The landscaping requirements of this Chapter may be combined with any separate landscaping and screening requirements found under other sections of the Zoning Code and Subdivision Regulations.
12. Please refer to the Municipal Arborist's list of approved plant types and prohibited plant types for reference, per Codified Ordinance [915](#).

1902.2 All non-residential construction shall adhere to the following landscaping requirements. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site, with all required items from Section [1902.1](#) and Section [1902.3](#) being clearly labeled. The landscaping plan shall also be reviewed by the City Traffic Engineer for sight distance issues for plantings located in the public right-of-way.

1902.3 The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of tree(s) required in Section [1902.1](#). All bush plants must be a minimum of one (1) foot tall at planting and all flowering perennial plants and other plantings must be a minimum of one (1) foot at planting. The City of Hamilton's Planning Director may approve other types of appropriate plantings and determine their equitable quantity, as required per tree. For every required tree from [1902.1](#) a corresponding number of plantings or trees, from either a, b, or c, will be required for each site plan:

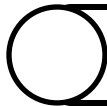
- a) Bushes: 3 Per Required Tree
- b) Flowering Perennials Plants: 6 Per Required Tree
- c) Trees: 1 Per Required Tree

1902.3.1 If weather conditions preclude tree planting or during the winter months from November 1st through April 1st of any calendar year, the developer shall deposit amounts for the required plantings as determined by the City of Hamilton Municipal Arborist or in his absence a Zoning Official.

If a project's main building front is located within five (5) feet of a sidewalk next to a public roadway, that project can reduce its tree requirement as specified in Section [1902.1](#) by fifty (50) percent.

If a structure or development can demonstrate its ability to receive a LEED (Leadership in Energy and Environmental Design) 'Silver' or 'Gold' certification from the U.S. Green Build Council (USGBC) within twelve (12) months of the issuance of occupancy, this project can reduce its landscaping requirement in Section [1902.1](#) and Section [1902.3](#) by seventy-five (75) percent. However, a bond will be required for the total cost of complying with the City of Hamilton's landscaping requirements without any landscaping reductions. If a development, once completed, is unable to receive a 'Silver' or 'Gold' rating from the USGBC, that development will be required to meet the full landscaping requirements in Section [1902](#) within four (4) months from the notification of failure to receive 'Silver' or 'Gold' rating from USGBC. If the development fails to complete the landscaping requirements with the four (4) month time frame, the City of Hamilton will use the bond to complete the landscaping requirements within one (1) year of the failure to receive 'Silver' or 'Gold' rating from USGBC.

1903 Additional Plan Requirements: All new commercial construction shall adhere to the following architectural and design regulations. A Colored Elevation Plan will be required for all site plans showing the proposed architectural design and color for all sides of the structure(s) and with all required items from Section [1904](#) being clearly labeled and percentage calculations noted.

**1904** Exterior Materials**A.** Principal Building Materials

These types of materials may be used for the principal building material of the exterior wall surface area. Permitted primary materials include the following materials; brick, wood “clapboard” type siding, wood composite “clapboard” type siding or cement board “clapboard” type siding, stone, tile, glass or concrete which is formed to have a masonry unit or brick appearance may be used.

If wood “clapboard” type siding, wood composite “clapboard” type siding or cement board “clapboard” type siding, or concrete which is formed to have a masonry unit or brick appearance is used for up to 65% of the exterior of the structure, the remaining 35% of the building shall be required to utilize brick or stone.

B. Supplementary Building Materials

These types of materials may be used for trim, detailing, and incidental or secondary wall areas. These secondary materials may not exceed 25% of the exterior wall surface area. Permitted secondary materials include; architectural grade metals, EIFS/stucco, glass block, and precast concrete. Only architectural grade materials shall be used.

Planning staff may authorize the use of secondary building materials on more than 25% of the structure provided the applicant incorporate additional building improvements and site amenities which enhance the quality of the development. In doing so, planning staff shall determine that the applicant has sufficiently met two (2) of the following three (3) provisions:

- a) The primary facade of the proposed building most visible to pedestrians and the right of way include the following:
 - i. Provision of transparency at least 25% greater than the requirements of the zoning ordinance.
 - ii. Provision of building articulation in excess of the requirements of the zoning ordinance by at least 25% or more.
 - iii. Provision of architectural and design elements that enhance the aesthetic value of the public experience on the site.
- b) Provision of landscaping on the site at least 50% greater than the requirements of the zoning ordinance.
- c) Provision of at least one (1) of the following public amenities:
 - i. Public green space equal or greater than 5% of the total project area. The area shall be accessible to the public and shall include specific site features to illustrate the area as a public gathering green space (landscaping, benches, public art, sculptures, walking/biking/multi-modal path, water fountain feature, etc.)
 - 1. This does not count: private yards, required setbacks between the project boundary lines and buildings, drainage areas, detention areas, retention ponds, or isolated or fragmented pieces of land that serve no useful purpose.
 - 2. This does not count: general landscape planting areas and free standing signage.
 - ii. Recreation space equal or greater than 10% of the total project area. The area shall

be accessible to the public and shall include specific site features to illustrate the area as a recreation space (playground equipment, benches, landscaping, physically interactive components, etc.)

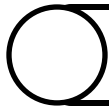
- iii. Social Interaction space equal or greater than 10% of the total project area. The area shall be accessible to the public and shall include specific site features to illustrate the area as a social interaction space (defined brick, stone, or designed plaza area; benches; aesthetic seating; multi-purpose platforms and areas; etc.)

C. Prohibited Building Materials

Such materials may not be utilized at all. These prohibited materials include; plexi-glass, flimsy or synthetic appearing exterior wall materials which include, but are not limited to, materials such as ribbed or industrial style metal siding, ribbed or patched metal siding, and ribbed or sheet metal materials, exposed fastener metal wall panels, vinyl siding, T1-11 or other hard board type materials that are manufactured in sheets. Plain/smooth faced CMU is also a prohibited material on front facades or side elevations that face a public roadway or which are highly visible from the right of way.

D. Building Material Variations Required

On structures larger than 5,000 square feet, more than one type of permitted building material is required to be provided on the principal façade of the structure.

**1905** Required Building Features:**A. Building Entrance(s)**

- 1) Articulation: Entrances to buildings, including individual tenant spaces within a building, are required to provide three dimensional recessions or extrusions from the primary building façade.
- 2) Materials: Building entrances shall incorporate a different building material than the primary building material used on the primary façade of the structure.

Front Façade / Principal Façade

On the principal façade (front façade) of a structure, the following design features are required:

1. Three (3) or more types of permitted primary building materials.
2. Three (3) or more types of three-dimensional architectural features throughout the facade (extrusions and/or recessions) which can include but is not limited to features such as:
 - awnings,
 - accent lights,
 - canopies,
 - cornices,
 - corbels,
 - columns,
 - expression lines,
 - extruded walls,
 - towers,
 - turrets,
 - trusses,
 - wainscoting
3. Wainscoting or similar lower horizontal expression line, minimum of two (2') feet in height, (using primary or secondary material) along the façade length.
4. On a front façade 50 feet or longer there shall be provision of design and/or architectural elements to avoid a blank wall space length of 30 feet or greater.
 - This is for the entirety of the façade (at pedestrian level and above pedestrian level).
 - Signage shall not be considered for meeting this requirement.

B. Transparency Requirements:

- 1) **Facade Transparency:** The elevation of a building shall provide at least thirty-five (35) percent transparency at the pedestrian level. Side elevations that face a public roadway or which are highly visible from the right of way shall provide at least thirty (30) percent window or transparency at the pedestrian level. Transparency is measured in lineal fashion. (For example, a one-hundred-foot long building elevation shall have at least thirty-five (35) percent transparency in length.) The installed height of transparency shall be a minimum height of six (6) feet. Dark tinted glass beyond 35% darkening or glass manufactured to reflect light shall not be permitted.

Planning staff may authorize a reduction from the minimum required transparency threshold on the façade of a building provided the applicant incorporate building improvements and site amenities which enhance the quality of the development. In doing, so planning staff shall determine that the applicant has sufficiently met two (2) of the following three (3) provisions:

- a) The primary facade of the proposed building most visible to pedestrians and the right of way include the following:
 - i. Provision of transparency at least 25% greater than the requirements of the zoning ordinance.
 - ii. Provision of building articulation in excess of the requirements of the zoning ordinance by at least 25% or more.
 - iii. Provision of architectural and design elements that enhance the aesthetic value of the public experience on the site.
- b) Provision of landscaping on the site at least 50% greater than the requirements of the zoning ordinance.
- c) Provision of at least one (1) of the following public amenities:
 - i. Public green space equal or greater than 5% of the total project area. The area shall be accessible to the public and shall include specific site features to illustrate the area as a public gathering green space (landscaping, benches, public art, sculptures, walking/biking/multi-modal path, water fountain feature, etc.)
 1. This does not count: private yards, required setbacks between the project boundary lines and buildings, drainage areas, detention areas, retention ponds, or isolated or fragmented pieces of land that serve no useful purpose.
 2. This does not count: general landscape planting areas and free standing signage.
 - ii. Recreation space equal or greater than 10% of the total project area. The area shall be accessible to the public and shall include specific site features to illustrate the area as a recreation space (playground equipment, benches, landscaping, physically interactive components, etc.)
 - iii. Social Interaction space equal or greater than 10% of the total project area. The area shall be accessible to the public and shall include specific site features to illustrate the area as a social interaction space (defined brick, stone, or designed plaza area; benches; aesthetic seating; multi-purpose platforms and areas; etc.)

- 2) Articulation of Transparency: Window transparency on building facades that are longer than 40 feet are required to be separated into individual installations with intervals occurring at a minimum of one installation for every 20 linear feet of said façade.
- 3) Exterior Wall Elevations: There shall be no uninterrupted lengths of blank wall longer than fifty (50) feet. Walls shall be differentiated with recesses, off sets, building height, variations in rooflines, windows, awnings, and materials. This does not apply to the service side of the building.
- 4) Rooftop Equipment: All rooftop equipment shall be screened from view on all sides visible to the general public, by building parapet walls or other building elements that appear as integral elements of the overall building.
- 5) Prohibited Roofing Materials: Fabric, plastic, vinyl or other materials not expressly designed and manufactured as a component of a permanent roofing system may be used as a temporary measure for a period not to exceed 120 days.

1906 Sign Materials:

A. Construction

Signs shall be constructed of low maintenance, quality, and durable materials specified for exterior use by the manufacturer. The materials used on a sign shall be appropriate to the setting in which the sign placed.

B. Commercial Signs

The base of all monument signs associated with a commercial retail / service use or a commercial office use shall be constructed of brick, stone, or concrete which is formed to have a masonry unit or brick appearance. If the primary building features brick, stone, or concrete which is formed to have a masonry unit or brick appearance, the material used on the base of the sign shall match or be complimentary to the building material used on the primary structure. EIFS shall not be permitted to be used on more than 30% of the total façade a monument.

1907 Service Station (Gasoline) Canopies and Columns:

Canopies, such as those associated with convenience stores with gasoline sales, must have the same predominate color as the main building. Columns must be clad in brick, stone, or concrete which is formed to have a masonry unit or brick appearance. If the primary building features brick, stone, or concrete which is formed to have a masonry unit or brick appearance, the material used on the columns shall match the building material used on the primary structure.

1908 Required Site Features

Accessory Structures, Design Standards – Accessory structures for commercial type uses shall be regulated as follows:

A. Accessory Building Materials

Accessory buildings over 200-sq. ft. in area must have the same exterior finish material on all sides as the primary material and approximate color as the front of the existing primary building. See Section [1401](#) for more information.

- B. Accessory Building, Front Facade: The front façade of accessory structures, except refuse enclosures, shall include one of the following items where applicable:

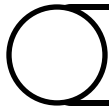
- An architectural design or variation that approximates the front façade of the principal structure
- An architectural design or variation that approximates the prominent design elements of the principal structure.

Building Additions – Building additions for commercial type uses shall be regulated as follows:

- A. Façade Consistency: Any addition to the side façade or front façade shall ensure that the primary building material and transparency (window) requirements of the principal structure are maintained or improved.

Refuse Storage Areas -The purpose of these regulations is to ensure the provision of adequate, convenient and accessible locations for the collection and storage of refuse and/or recyclable materials within containers and enclosures that are compatible with surrounding land uses and structures. Refuse and/or recycling containers shall be required for all residential dwelling units of three or more dwellings and all non-residential developments in accordance with this Section.

- A. Location: Refuse storage containers shall be located in interior side yards or rear yards, and must comply with setback requirements for accessory structures.
- B. Accessory Structure Limitation: A refuse storage area developed under these regulations on a residential property is exempt from the limit of one (1) accessory structure for zoning purposes.
- C. Enclosure: All refuse storage containers for three or more dwelling units and all non-residential developments must be enclosed or screened so as not be visible from the public right-of-way or publically accessible area. The refuse storage area enclosure must be enclosed on all sides, one of which includes a gate or door that can be secured.
- D. Access: Driveways and aisles providing vehicular access between the refuse storage areas and the public right of way shall be hard surfaced of concrete, asphalt, or concrete/brick pavers.
- E. Enclosure Materials: The enclosure surrounding the refuse storage area will match the exterior finish of the principal building (If the building is primarily masonry, the enclosure shall be a matching masonry, etc.). The access gate may consist of solid wood, architectural grade metal gates (opaque and/or designed for screening), or masonry .
- F. Enclosure Height: The minimum height of the refuse storage area enclosure shall be one-foot taller than the container and no taller than eight (8') feet.
- G. Landscaping: The exterior perimeter of the refuse storage area enclosure visible from the public right-of-way must be landscaped with the exception of the access point.
- H. Maintenance: Enclosures and landscaping must be maintained in a manner that protects adjacent properties as well as tenants located on the property from adverse environmental, health and safety impacts such as noise, odors and attraction of rodents or other pests. The refuse storage area and surrounding area will be maintained as initially approved.
- I. All refuse, trash, debris, and recyclable material shall be stored within the refuse storage area so as to not be visible. No exterior storage of refuse and recyclable material is permitted.



1909 Fencing: Fences in any front yard area are limited to a height of forty-two (42) inches. Fences in any side and rear yard areas are limited to a height of ninety-six (96") inches. Permitted fence types include: Wood privacy, decorative metal, wood non-privacy. Fencing requirements are also subject to sight distance requirements for public right of ways.

A. Refer to Section [1414](#) for Commercial Fence Standards.

1910 Loading / Unloading Areas: Loading and Unloading areas shall be located in the rear of the primary structure. Such areas shall not be visible from the right of way. They shall be screened using a combination of fencing or walls in addition to landscaping and plantings. In the event that walls are used for screening they shall utilize a building material that is the same or complementary to the primary building material on the primary structure.

Planning staff may authorize a location other than the rear of the building provided the applicant incorporate building improvements and site amenities which enhance the quality of the development. In doing, so planning staff shall determine that the applicant has sufficiently met two of the following three provisions:

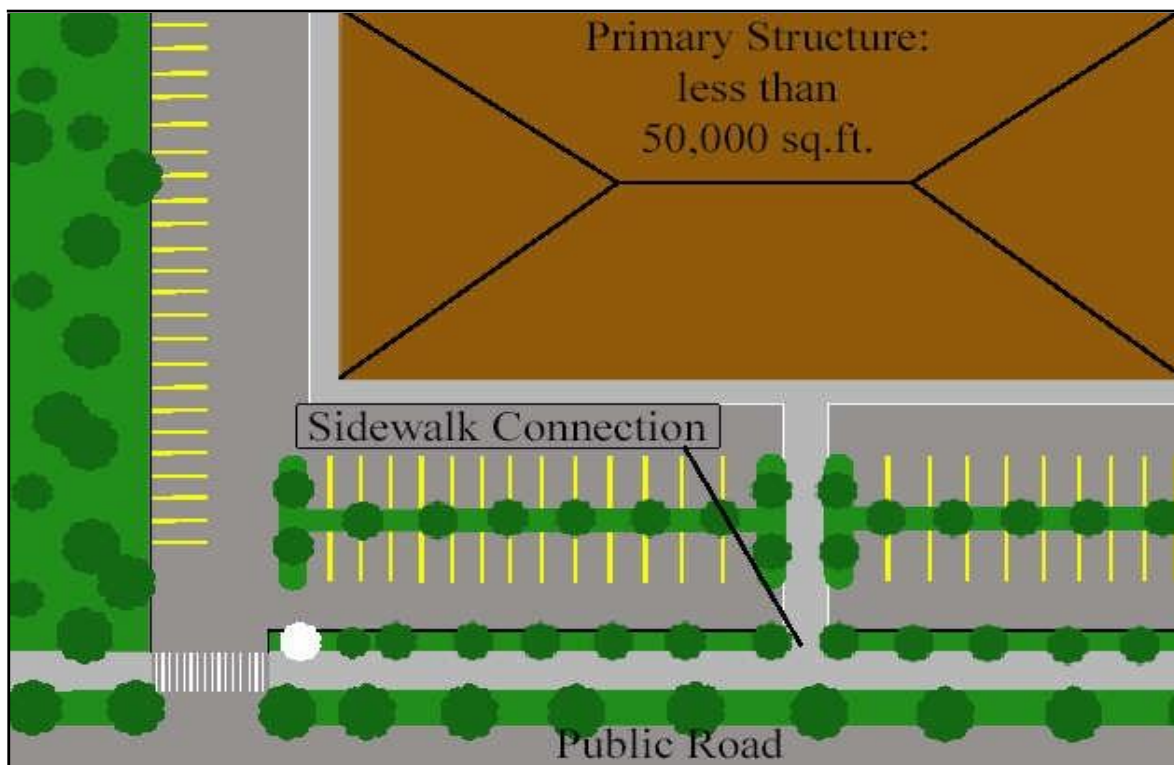
- a) The primary facade of the proposed building most visible to pedestrians and the right of way include the following:
 - i. Provision of transparency greater than the requirements of the zoning ordinance.
 - ii. Provision of building articulation in excess of the requirements of the zoning ordinance.
 - iii. Provision of architectural and design elements that enhance the aesthetic value of the public experience on the site.
- b) Provision of landscaping on the site greater than the requirements of the zoning ordinance.
- c) Provision of public amenities such as green space, recreation space, and space set aside and specifically designed for the purpose of social interaction and gathering.

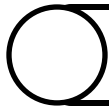
1911 Sidewalk Requirements: All sidewalks must be designed and built to meet the City of Hamilton's sidewalk construction and design regulations and be a minimum of five (5) feet in width.

1912 Total Building Square Footage for a development less than fifty thousand (50,000) square feet:

All non-residential construction that totals less than fifty thousand (50,000) square feet per development will be required to have a minimum of one (1) sidewalk connection from a sidewalk located along a public roadway to the entrance of the primary structure. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadways within the existing or proposed public right-of-way. The sidewalk(s) adjacent to the public roadway(s) shall be setback one (1) foot from the public right-of-way line. There shall be a minimum five (5) foot grass strip between the sidewalk and roadway. If on- street parking is provided along seventy five (75) percent of the roadway the grass strip and the one (1) foot sidewalk setback requirement will be waived (Sidewalk may be constructed to the curb). – See Figure 1

Figure 1 Graphic for Section 1912





1913 Total Building Square Footage for a development greater than fifty thousand (50,000) square feet:

All non-residential construction that totals more than fifty thousand (50,000) square feet per development will be required to have a minimum of one (1) sidewalk connection from all sidewalk(s) located along a public roadway to the entrance of the primary structure. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If only one public roadway is located adjacent to the development a minimum of two (2) sidewalk connections shall be required to the entrance of the primary structure. If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadways within the existing or proposed public right-of-way. The sidewalk(s) adjacent to the public roadway(s) shall be setback one (1) foot from the public right-of-way line. There shall be a minimum five (5) foot grass strip between the sidewalk and roadway. If on-street parking is provided along seventy five (75) percent of the roadway the grass strip and the one (1) foot sidewalk setback requirement will be waived (Sidewalk may be constructed to the curb) – See Figure 2a and 2b.

Figure 2a Graphic for Section 1900.13

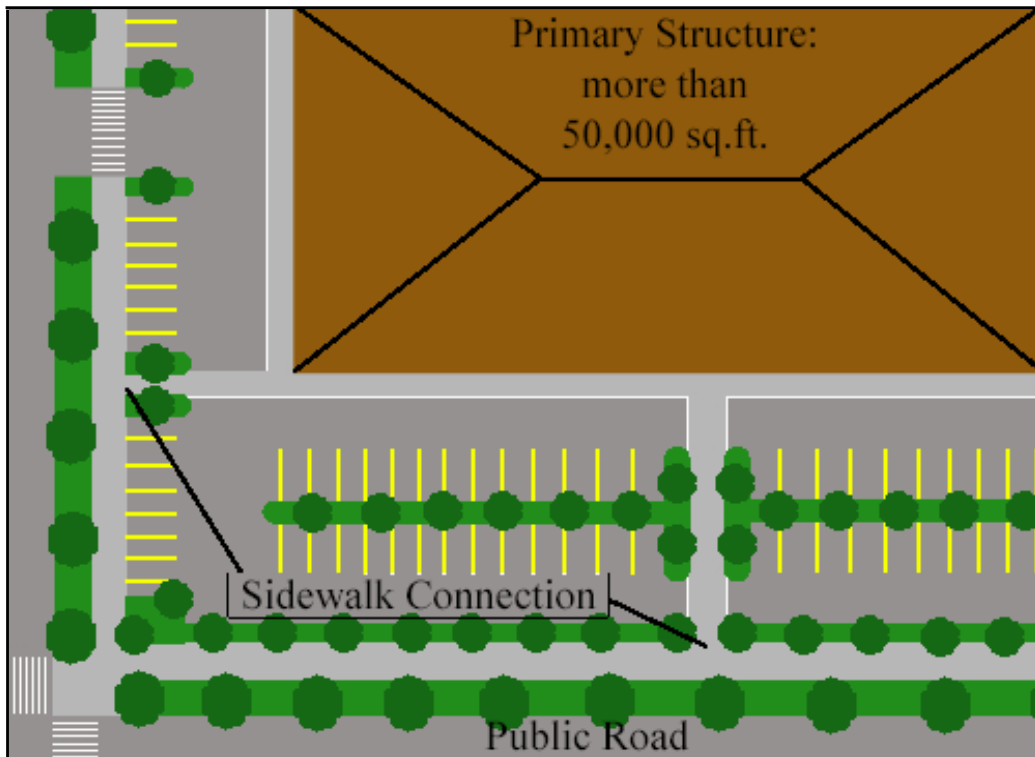
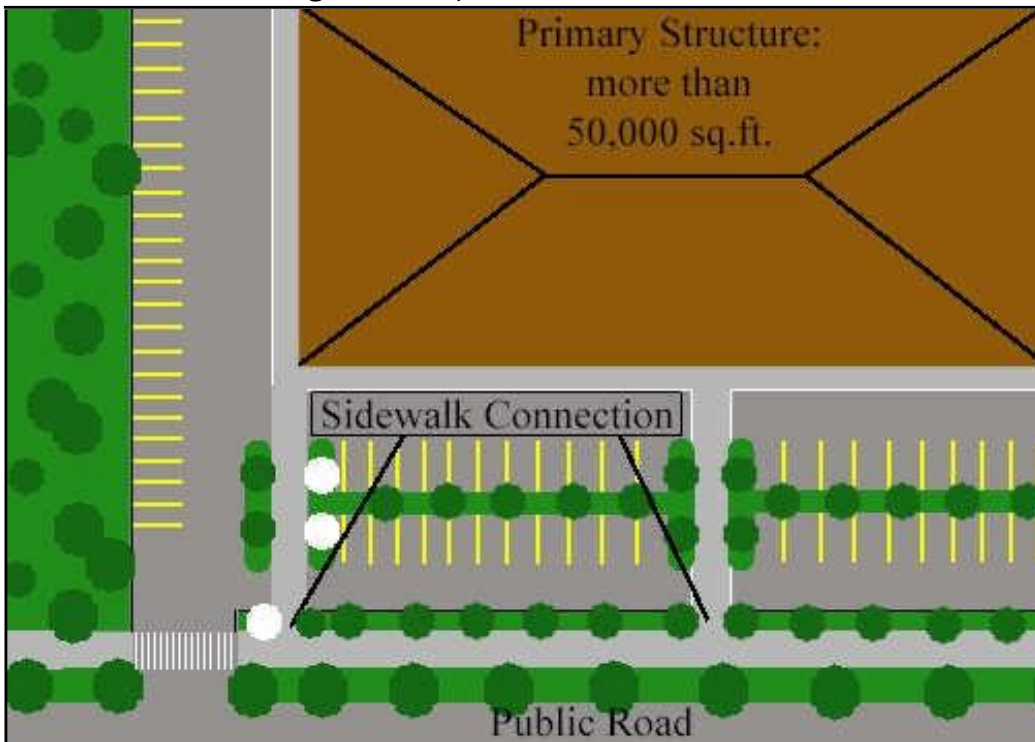
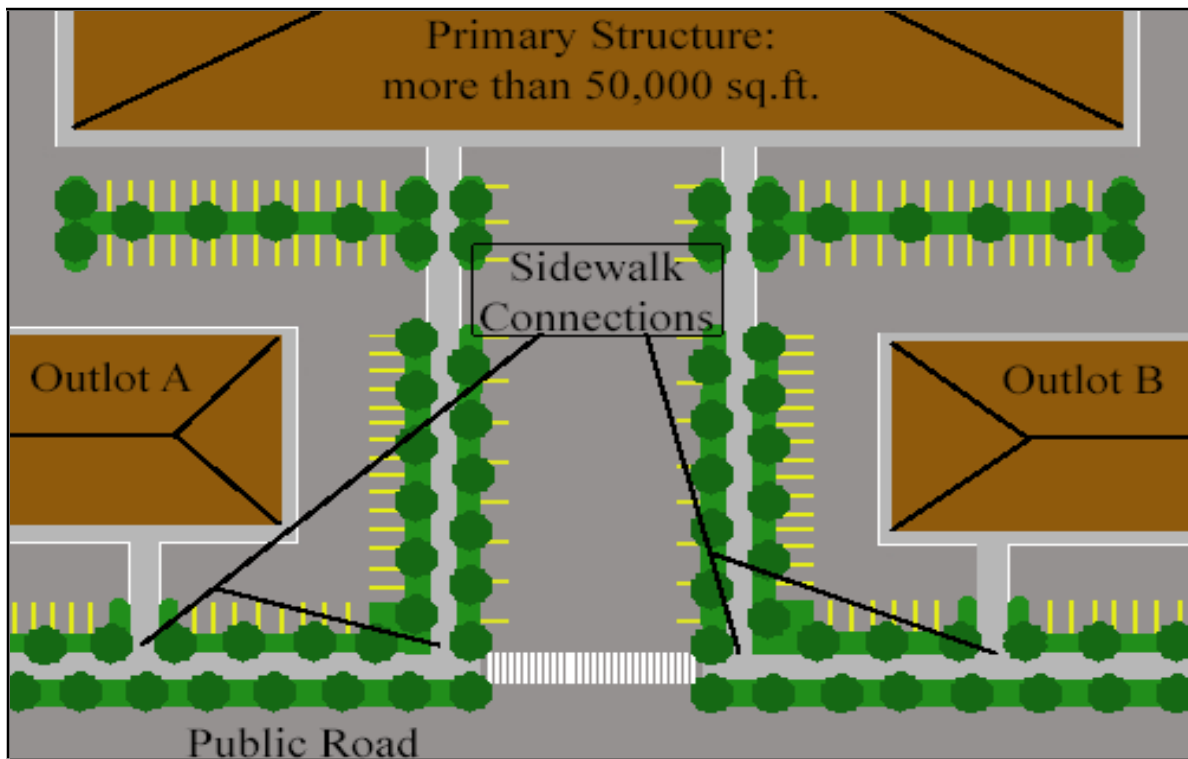


Figure 2b Graphic for Section 1900.13



- 1914** Out Parcels and Separate Buildings for Developments: All out parcels and separate primary buildings will be required to have a least one (1) sidewalk connection from its primary entrance to a sidewalk located along a public roadway. (A painted crosswalk may only be used for sidewalk crossing within drive aisles.) If no sidewalk exists along the public roadway(s) the development must also construct sidewalk(s) along the full length of the site's property line(s) abutting public roadways within the existing or proposed public right-of-way. The sidewalk(s) adjacent to the public roadway(s) shall be setback one (1) foot from the public right-of-way line. There shall be a minimum five (5) foot grass strip between the sidewalk and roadway. If on street parking is provided along seventy five (75) percent of the roadway the grass strip and the one (1) foot sidewalk setback requirement will be waived (Sidewalk may be constructed to the curb). This requirement doesn't supersede the requirements in Section [1912](#) and [1913](#). – See Figure 3

Figure 3 Graphic for Section 1900.14



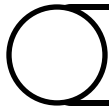
1925 INDUSTRIAL DESIGN STANDARDS

A. Purpose

1. The purpose of the Industrial Design Standards is to establish architectural, landscaping, design, building and site development regulations that encourage higher quality development and function for new and existing industrial buildings and projects.
2. The Industrial Design Standards shall encourage quality development and function through the use of a variety of design and site techniques while continuing to provide for a diverse range of industrial uses and developments.
3. These standards will apply to all new industrial building(s) and development(s) that are permitted in any zoning category, as a permitted use or conditional use, and that have not been submitted for review before the effective date of the adoption of this ordinance.
4. These design standards will also apply to all existing industrial buildings and properties that increase or replace the building square footage and/or the developed area by more than fifty (50%) percent.
5. Within the boundaries of any form-based zoning district listed in section [2300](#):
 - a. The landscaping provisions of Section 1925 [E](#) (including the requirements of Section E2 & E2) shall apply, except that no landscaping shall be required in an area of the lot or parcel required to be occupied by a building pursuant to Section [2300](#); and
 - b. In the event of any inconsistency between the regulations in this Section 1925 and any provision of the form-based zone districts in Section [2300](#), the provisions of Section [2300](#) shall apply.

B. Building & Site Design Standards.

1. New buildings and new facades shall be organized around a consistent architectural theme in terms of architectural style, materials, texture, color, and scale of all buildings.
2. Primary Building Materials: All primary structures shall utilize primary façade materials which include: brick, stone, masonry, composite wood siding, architectural concrete masonry units (CMU) block, glass, architectural metal panels, and precast concrete panels for a minimum of twenty-five (25%) percent of the front façade.
 - a. The front entrance of the structure shall be constructed of primary building materials and include architectural treatments (articulation).
3. Metal siding is prohibited on any façade that faces a right-of-way or a residential zoning district or residential use,
4. Each primary structure shall include at least two different façade materials apart from windows.



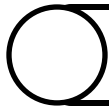
5. Blank Wall Treatments:
 - a. All facades of each primary structure visible from right-of-way shall include a variety of architectural treatments, which may include vertical and horizontal features that break up façade walls including building projections, recesses, pilasters, contrasting bands, awnings, canopies, varying materials or colors, or colonnades, reopening bricked-in or blocked up windows and doors.
 - b. On the front façade and facades visible from right-of-way or residential districts or residential uses, there shall be no uninterrupted lengths of blank wall longer than sixty (60) feet.
 - c. For elevated single-story industrial buildings (16 feet building height or greater): blank walls on visible facades that are above the pedestrian level can be addressed by architectural treatments and/or adding transparency (light or dark).
6. Accessory Structures: Accessory structures, including detached garages, sheds, or warehouses shall adhere to Section [1401](#), Accessory Structures, of the zoning ordinance.
7. Refuse Enclosures/Dumpster: Refuse (dumpster) or service enclosures shall be screened by a durable material that matches the façade material and façade color of the primary structures, or shall be constructed of brick, masonry, or architectural concrete masonry units (CMU) block. Refuse enclosures and service enclosures shall be secured when not in use. All refuse, trash, debris, and recyclable materials shall be stored within the refuse storage area and not visible from all adjacent rights-of-way and residential zoning districts or residential uses (single-family, two-family, multi-family, etc.)
8. Outdoor storage of materials, tools, and equipment is considered Exterior Storage and is a Conditional Use as noted in Section [1337](#) of the Zoning Ordinance.
9. Overhead Service Doors, Loading/Unloading: Overhead service doors shall not face toward adjacent rights-of-way.
 - a. Proposals may feature service doors on a secondary or side façade if at least two (2) of the following items are provided in the project:
 - i. Provide at least 125% of the required trees and 125% of the required additional landscaping.
 - ii. Provide trees and/or shrubs that are adjacent on both sides of the proposed service doors. At least two (2) plants on each side of the service door, minimum.
 - iii. Provide at least 50% Primary Building Materials on all building facades.
 - iv. Provide at least 25% transparency on the front façade and 20% on the secondary/side elevations visible from right-of-way.
10. Rooftop Equipment: All rooftop equipment shall be screened from view on all sides visible from public right-of-way, residential districts, and residential uses. Screening shall be provided through parapets, walls, or other building elements that appear as elements integral to the overall building.
11. Fences: fences shall be regulated by [Section 1400](#), Accessory Uses. See Section [1415](#), Fences (Industrial).

C. Transparency Requirements (Windows & Doors).

1. Front Elevation: the front elevation of a building shall provide at least twenty-five (25%) percent transparency at the pedestrian level for all office and entrance areas. This shall not apply to areas of the building dedicated to storage, manufacturing, processing, or other similar activities.
2. All elevations that are facing a right-of-way or are visible from right-of-way shall have at least twenty (20) percent transparency. In storage, manufacturing, processing, and similar areas, the transparency is not required to be at the pedestrian level.
3. Transparency is measured in lineal fashion. (For example, a one-hundred-foot long building elevation shall have at least twenty-five (25') feet transparency in length.)
4. Transparency includes windows and glass designed to allow light to enter the structure and allow two-way visibility. Glass can only be tinted up to thirty-five (35%) percent darkening.
5. Dark tinted glass greater than thirty-five (35%) percent darkening, glass block, or glass manufactured to reflect light can be provided however such glass or materials will not count towards meeting the required transparency for a building elevation.
6. Transparency (via windows & doors, etc.) shall measure three (3') feet in height minimum.

D. Landscaping Regulations:

1. All proposed landscaping for an industrial uses not subject to Planned Development regulations, shall, at a minimum, adhere to the entirety of the landscaping regulations set forth herein.
2. The landscaping requirements of this Chapter may be combined with any separate landscaping and screening requirements found under other sections of the Zoning Code.
3. Any trees that are preserved on site, including in the right-of-way, that meet the minimum size requirement above (2" at 4.5 feet above ground) may be counted toward the required number of trees, with the exception of trees deemed Prohibited Trees in Codified Ordinance 915.
4. Please refer to the Municipal Arborist's list of approved plant types and prohibited plant types for reference, per Codified Ordinance [915](#).
 - i. Deciduous Trees shall have a minimum caliper size of at least two and one-half (2-1/2") inches conforming to acceptable nursery industry procedures at the time of planting.
 - ii. Evergreen trees shall be a minimum of six (6') feet in height at time of planting.

**E. Trees & Landscaping Required:**

1. **Landscaping Required:** In all zoning districts, at the time that any new principal structure is erected and for all existing industrial buildings and properties that increase or replace the building square footage and/or the developed area by more than fifty (50%) percent, there shall be provided required landscaping trees located on the subject property outside of the public right-of-way or easement area.
 - a. **Required Trees:** such landscaping trees shall be installed at a frequency of one tree per every 10,000 square feet of lot area and one (1) additional tree shall be provided for every portion thereof.
 - b. For new developments and redevelopments (reconstruction of a property more than fifty (50%) percent), there shall be a minimum of two (2) landscaping trees per parcel, regardless of minimum lot size.
2. **Additional Landscaping per required tree:**
 - a. For industrial properties one (1) acre or larger, the following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of tree(s) required in [Section 1925 E 1](#). All bush plants must be a minimum of one (1) foot tall at planting and all flowering perennial plants and other plantings must be a minimum of one (1) foot at planting. The City of Hamilton's Planning Director or designee may approve other types of appropriate plantings and determine their equitable quantity, as required per tree. For every required tree from [Section 1925 E 1](#) a corresponding number of bushes, flowering perennial plants, or additional trees will be required for each site plan. The applicant must select one of the following options:
 - i. Bushes: 2 Per Required Tree
 - ii. Flowering Perennials Plants: 4 Per Required Tree
 - iii. Trees: 1 Per Required Tree
3. **Setback Landscaping requirements:**

In addition to the landscaping requirements of Section 1925 E1 & E2, there shall be provision of landscaping in the following setback areas:

 - a. **Front Yard:** There shall be a minimum five (5) feet landscaped setback area along any street frontage.
 - b. The front yard setback shall be landscaped with either:
 - i. A minimum of two (2) bushes for every 30 linear feet or portion thereof, or
 - ii. A minimum of four (4) perennials for every 30 linear feet or portion thereof, or
 - iii. A minimum of one (1) tree for every 30 linear feet or portion thereof or
 - iv. A combination of the three items above.
4. If a project's main building front facade is located within five (5) feet of a sidewalk next to a public roadway, that project can reduce its overall landscaping requirement as specified in Section 1925 E by fifty (50%) percent.

F. Buffering:

1. **New Development (Properties equal to or greater than 0.5 acres):** Where an Industrial District or Use is located adjacent to a residential zoning district or use, a new development on property larger than 0.5 acres shall provide a minimum 20 feet wide buffer along the property lines abutting the residential districts and uses. Such buffer shall be:
 - a. Planted with one evergreen tree per 20 lineal feet, or fraction thereof, planted in a staggered line, or
 - b. A continuous six (6') foot high opaque screen constructed out of: plantings, a hedge, wall, fence, earth mound, or
 - c. A combination of the two above items.
2. **New Development (Properties less than 0.5 acres):** Where an Industrial District or Use is located adjacent to a residential zoning district or use, a new development on property less than 0.5 acres shall provide a buffer along the property lines abutting the residential districts and uses. Such buffer shall be:
 - a. A continuous six (6') foot high opaque fence, or
 - b. Planted with one evergreen tree per 20 lineal feet, or fraction thereof, planted in a staggered line, or
 - c. A continuous six (6') foot high opaque screen constructed out of: plantings, a hedge, wall, fence, earth mound, or
 - d. A combination of the three above items.
3. The landscape buffer may also be satisfied through the retention of existing trees on the site. The number and density of retained trees shall provide sufficient visibility screening for adjacent residential zoning districts or uses.

G. Landscaping Planting and Maintenance Requirements:

1. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site, with all required items from the Industrial Design Standard landscaping regulations being clearly labeled. The landscaping plan shall also be reviewed by the City Traffic Engineer for sight distance issues for plantings located in the public right-of-way.
2. Landscaping on the site shall be maintained, watered, pruned, and replaced as necessary in a proper, neat, and orderly appearance, to remain in accordance with the approved landscape plan and compliant with the requirements of the Industrial Design Standards.
3. Landscaping shall be planned and designed to enhance each element of the development including the buildings, vehicular and pedestrian connections, street network, and public spaces. Landscaping and plantings should be cohesive in placement and design throughout the development, in locations to maximize their visual and aesthetic impact. Such areas include but are not limited to: areas along rights-of-way, entrance drives, along the primary building façade, etc.
4. Required landscaping trees shall be installed prior to the issuance of the Final Occupancy Permit.
5. If weather conditions preclude tree planting or during the winter months from November 1st through April 1st of any calendar year, the developer shall deposit amounts for the required plantings as determined by the City of Hamilton Municipal Arborist or in the Arborist's absence a Planning/Zoning Official.
6. The Planning Department shall notify the developer/builder or property owner at the beginning of the planting season of the requirement to plant the necessary trees and landscaping.

1950 GREEN BUILDING DEVELOPMENT INCENTIVE REGULATIONS (LEED)

1951 Purpose: The purpose of this Chapter is to establish incentive based green build development regulations that encourage higher quality development and function in order to protect property values, protect real estate from impairment or destruction of value and improve the sustainability of the built environment. This incentive based green build criteria can encourage environmentally sensitive development through the use of a variety of design and site techniques while continuing to provide for a wide range of economic development. These standards are applicable all new commercial, office, retail, residential, mixed-use, and industrial building(s) and development(s) that are permitted in any zoning category, as a permitted use or conditional use, and that have not been submitted for review before the effective date of the adoption of this ordinance, except where otherwise indicated. These regulations will also be applicable to all existing commercial, office, retail, residential, mixed-use, and industrial building(s) and development(s).

Within the boundaries of any form-based zone district listed in section [2300](#), the provisions of this Section 1950 shall apply unless the provisions [2300](#) do not permit the building, landscaping, or site feature that is the subject of the incentive. The green building development incentive regulations in this Section 1950 shall not be interpreted to allow the construction or installation of any building, landscaping, or site feature not permitted under section [2300](#).

1952 Green Building: Green Building is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from siting to design, construction, operation, maintenance, renovation and deconstruction.²²

1953 Waste Reduction And Recycling: Any project that takes advantage of any incentive offered below shall also facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills by providing an easily accessible area that serves the entire building and is dedicated to the collection and storage of non- hazardous materials for recycling, such as paper, corrugated cardboard, glass, plastics and metals²³, depending upon the nature of solid waste generated on site.

1954 Leadership In Energy And Environmental Design (LEED) Certification Registration Fee Reimbursement And Building Permit Fee Reimbursement Incentive: Once a project has received its LEED Certification as defined below from the U.S. Green Build Council (USGBC) the City of Hamilton will reimburse the USGBC Project Registration Fee to the developer after receiving official notification of LEED certification.

Projects that receive LEED Silver certification will receive a 20% reimbursement of the building permit fee, 25% reimbursement for LEED Gold, 30% reimbursement for LEED Platinum. The reimbursement will be awarded after the building has been certified by the USGBC.

²² US Environmental Protection Agency, www.epa.gov/greenbuilding/pubs/about.htm#1

²³ (LEED for New Construction and Major Renovations, 2005)

1955 Parking Reduction For Landscaping Incentive: All non-residential developments that adhere to the following landscaping requirements will receive a forty (40%) percent reduction in the parking requirement otherwise set forth in Section [1600](#) of the Hamilton Zoning Code. A Landscaping Plan will be required with all site plans, showing the proposed landscaping for the site with all items clearly labeled. The landscaping plan shall also be reviewed by the City Traffic Engineer for sight distance issues for plantings located in the public right-of-way.

1955.1 The following landscaping provisions include a ratio relationship between the number of plantings required, based upon the number of tree(s) required in Section [1902.3](#) multiplied by two (2). The development should make all efforts to preserve the current healthy tree population on the project site. All bush plants must be a minimum of one (1) foot tall at planting and all flowering perennial plants and other plantings must be a minimum of one (1) foot at planting. The City of Hamilton's Planning Director may approve other types of appropriate plantings and determine their equitable quantity, as required per tree. For every required tree a corresponding number of plantings or trees, from either a, b, or c, or combination thereof, will be required for each site plan:

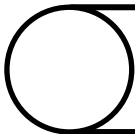
- a) Bushes: 9 Per Required Tree
- b) Flowering Perennial Plants: 18 Per Required Tree
- c) Trees: 2 Per Required Tree

If weather conditions preclude tree planting or during the winter months from November 1st through April 1st of any calendar year, the developer shall deposit \$250.00 per required tree, \$30.00 per required bush, and \$10.00 per required perennial with the City of Hamilton as a security to assure that the provisions of this Chapter are complied with.

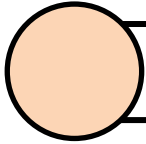
1956 Architectural Design "LEED" Silver Or Greater Incentive: If a structure or development can demonstrate and receive a LEED Silver or greater designation, the project can reduce its parking requirements otherwise set forth in Section [1600](#) of the Hamilton Zoning Code by fifty (50%) percent and will receive an expedited plan review of the project (See Section [1960](#)). If a project can demonstrate and receive a LEED 'Silver' rating or higher, the Planning Director may waive the Architectural Design requirements in Section [1903](#) of the Hamilton Zoning Code as to that structure or development.

1957 Parking Reduction For Green Roofs Incentive: If the project has fifty (50%) percent green roof coverage (as defined below) the development can reduce its parking requirement by fifteen (15%) percent. At a minimum the green roof coverage shall be at least 1,500 square feet and may or may not be contiguous.

1957.1 Green Roof Definition: The National Roofing Contractors' Association (NRCA) defines a green roof system as plantings and/or landscaping installed above a waterproofed substrate at any building level that is separated from the ground beneath it by a man-made structure. A green roof system consists of a waterproofing system and its associated components, such as a protection course, a root barrier, a drainage layer, thermal insulation and an aeration layer, and an overburden of growth medium and plantings.



- 1958** Parking Reduction For Permeable Parking Lot Construction Incentive: Parking lots may be constructed of permeable surfaces but must first be approved by the City of Hamilton Public Works. Projects that include approved permeable parking lots of all sizes may reduce the parking requirement otherwise set forth in Section [1600](#) of the Hamilton Zoning Code by twenty (20%) percent.
- 1959** Stormwater Fee Reduction Incentive: A development, not including single, two and three family homes, may have its stormwater fees reduced in relation to a reduction in stormwater runoff, pursuant to the approval of the Public Works Department. Upon review and approval by the Public Works Department, stormwater fees may be reduced commensurate to the reduction in stormwater runoff if a project demonstrates to the satisfaction of the Public Works Department that incentives utilized in this ordinance result in a reduction of stormwater runoff that produces a benefit for the stormwater utility.
- 1960** Expedited Building Permit Review: Any project submitted to the City of Hamilton that takes advantage of and fully complies with all of the requirements for any of the above incentives will receive an expedited building permit review of the project. Expedited plan reviews shall be reviewed as soon as possible by Building Department, in the order received, prior to other building plans already received but not yet under review by the department.

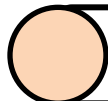


2000 DISTRICT PURPOSE STATEMENTS

2000.1

Schedule Of District Regulations Adopted:

District Regulations shall be as set forth in the schedule of District Regulations, hereby adopted by reference and declared to be a part of this Code, and in Section [1800](#) "Residential Design Standards" and Section [2500](#) of the Code, "Special Provisions" with permitted land uses regulated in Section [1250](#), "Zoning Use Chart"



2000.2

Zoning District Abbreviation	District Name	Section
Agricultural Districts		
AG	Agricultural	2000.5
Residential Districts		
R-1	Single-Family Residence	2001
R-2	Single-Family Residence	2002
R-2A	Two Family Residence	2002.2
R-3	One to Four Family Residence	2003
R-4	Multi-Family Residence	2004
R-0	Multi-Family Residence/Office	2005
Traditional Neighborhood Districts		
TN-1	Traditional Neighborhood - 1	2011
TN-2	Traditional Neighborhood - 2	2012
TN-3	Traditional Neighborhood - 3	2013
TN-4	Traditional Neighborhood - 4	2014
Business Districts		
B-1	Neighborhood Business	2101
B-2	Community Business	2102
B-3	Central Business	2103
Industrial Districts		
I-1	Limited Industrial	2201
I-2	Industrial	2202
Form-Based / Downtown Districts		
MS-1	Main Street Core District	2304
MS-2	South B Street District	2305
MS-3	Main Street Transition District	2306
DT-1	Downtown High Street District	2307
DT-2	Downtown Support District	2308
DT-3	Downtown East High Street District	2309
UCP-1	University Commerce Park – 1	2310
UCP-2	University Commerce Park – 2	2311

2000.2

Zoning District Abbreviation	District Name	Section
Planned Development (PD) Districts		
RPD	Residential Planned Development	2404
OPD	Office Planned Development	2405
BPD	Business Planned Development	2406
IPD	Industrial Planned Development	2407
EM-UPD	Entertainment Mixed Use Planned Development	2408

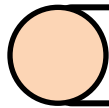
2000.3 City of Hamilton Zoning Use Chart

The City of Hamilton Zoning Use Chart (See Section [1250](#)) lists the Permitted Uses, Conditional Uses (See Section [1300](#)), Accessory Uses (See Section [1400](#)), and Specific Approval Uses allowed within the respective Zoning Districts as listed in Section [2000.2](#).

All uses within a zoning district shall adhere to the review and approval requirements therein, and any additional conditions for approval.

2000.5 AG (Agricultural District)

- 2000.5.1 Purpose: It is the purpose of the "AG" Agricultural District to permit the preservation of relatively intensive agriculture operation within the City of Hamilton. Such District and the uses permitted (see [Use Chart](#)) shall provide a transition between "urban" and "rural" types of development.



2001 R-1 (Single Family Residence)

- 2001.1 **Purpose:** It is the purpose of the "R-1" District to encourage the establishment and the preservation of residential neighborhoods characterized by single-family buildings on medium and larger than medium sized lots and to preserve undeveloped lands for similar types of residential development by permitting a minimum of auxiliary non-residential uses. See [Use Chart](#).

2002 R-2 (Single-Family Residence)

- 2002.1 **Purpose:** It is the purpose of the "R-2" District to encourage the establishment and preservation of residential neighborhoods characterized by single family buildings on medium and smaller than medium sized lots. Non-residential uses permitted in this District are those that will provide auxiliary service and/or will contribute to the stability and long-term value of the area for residential purposes. See [Use Chart](#).

2002.2 R-2A (Two-Family Residence)

- 2002.2.1 **Purpose:** It is the purpose of the "R-2A" District to provide for certain medium density two family residential areas in the City while preserving existing and future residential neighborhoods. The District will be characterized by two family buildings on smaller than medium size lots. Non-residential uses permitted in this District are those that will provide auxiliary service and/or will contribute to the stability and long-term value of the District and to other surrounding Residential Districts for residential purposes. See [Use Chart](#).

2003 R-3 (One-to-Four Family Residential)

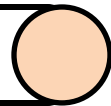
- 2003.1 **Purpose:** It is the purpose of the "R-3" District to encourage the establishment and preservation of medium-high density residential neighborhoods characterized by one, two, or three and four family buildings, for owner and/or rental occupancy. Non-residential uses permitted in this District will provide auxiliary service and/or will contribute to the stability and long-term value of the area for residential purposes. See [Use Chart](#).

2004 R-4 (Multi-Family Residential)

- 2004.1 **Purpose:** It is the purpose of the "R-4" District to assist in the maintenance and development of desirable residential neighborhoods, characterized by high density development, appropriate levels of service and varied dwelling types. Non-residential uses permitted in this District shall be limited to those uses and buildings that will provide stability and dignity to the area as a residential neighborhood. See [Use Chart](#).

2005 R-0 (Multi-Family Residential - Office)

- 2005.1 **Purpose:** It is the purpose of the "R-0" District to restore economic value to developed sections of the City where old, large estate properties are no longer practical for single family residency, where residential properties along major thoroughfares can be removed and replaced by modern residential and office buildings and generally areas near the center of the City where a wider choice of land uses is desirable while still maintaining a non-commercial environment. See [Use Chart](#).



2010 DISTRICT PURPOSE STATEMENTS (TN Districts)
Traditional Neighborhood (TN) Districts:

A. Purpose of the Traditional Neighborhood (TN) Districts:

The traditional and urban neighborhoods of the City of Hamilton are unique areas within the City. The built-up character in these areas is diverse, ranging from areas dominated by single-family homes to moderate or high density areas featuring a mixture of land uses including commercial, multi-family residential, and public / semi-public. See [Use Chart](#).

The TN (Traditional Neighborhood) Districts recognize the similarities of development patterns that exist within traditional and urban neighborhoods and provide regulations to accommodate the buildings and structures within these areas. The purpose of TN Districts is to create, maintain, and enhance the buildings and structures within urban and traditional neighborhoods through the following:

- Regulations to promote and protect the unique character and form of built-up areas within urban and traditional neighborhoods.
- Infill development standards to ensure new development is consistent and compatible with the size, scale, character and form of the surrounding areas.
- Regulations to prevent the conversion of structures originally intended for use as single-family dwellings into multi-family dwellings in areas which are not suitable for such a change in density and intensity of the use.
- Flexibility in zoning regulations, along with the proper oversight, to allow for an array of land uses and increased density where appropriate conditions for the same exist.
- Encourage adaptive reuse of older structures while retaining their historic integrity.

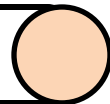
TN Districts are intended to be applied in already built-up areas with a full range of access to city facilities, cultural amenities, and services.

In no instance shall any use create or generate pedestrian or vehicular traffic, noise, or a demand for public services beyond what would be considered reasonable or normal to the District in which such use is located.

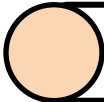
B. Infill Development Standards: Infill Development standards of this Section apply to the construction of all new structures located within a TN Zoning District.

- i. Contextual Front Yard Setback: All Infill Development shall comply with the contextual front yard standards established as follows:
 1. For new principal structures, the contextual front yard setback shall be a front yard setback that is within five (5) feet of the average front yard setback of the principal structures on the two (2) adjoining lots located on the same block face.
 2. The contextual front yard setback shall not apply if there are no buildings located within 100 feet of the lot in which the Infill Development will be located.

- C. Architecture: The architectural style, massing, and scale of all structures and uses shall be consistent with what typically would exist in a traditional neighborhood as well as within the Zoning District in which such structure or use is located.
- D. Building Materials: All exterior building materials shall be quality materials that produce aesthetics that are consistent or compatible with typical construction materials used in traditional and urban neighborhoods. Examples include brick, wood “clapboard” type siding, wood composite “clapboard” type siding or cement board “clapboard” type siding, stone, concrete, and other materials which are formed to have a stone, wood, shake, or brick appearance. Vinyl may be used as an accessory material in the following instances:
 - i. The style of the vinyl material appropriately mimics typical construction materials used in traditional and urban neighborhoods and meets the Residential Design Standards in [Section 1800](#).
 - ii. The portion of the exterior where vinyl is utilized on the front facade if vinyl is not a material used on the principal structures on the two (2) adjoining lots located on the same block face.
- E. Entry Feature: All entrances to principal residential and commercial buildings must be emphasized through architectural features that are consistent or compatible with surrounding residential and commercial buildings. Such features may include, but are not limited to, a porch, stoop, patio, recessed entry, extruded entry or awning.
- F. Entry Feature Location: At least one building entrance must face the street and be directly accessible from the sidewalk.
- G. Façade Transparency: Transparency is measured in lineal fashion. For example, a one-hundred-foot long building elevation shall have at least thirty-five percent (35%) transparency in length. The installed height of transparency shall be a minimum height of six (6) feet. Dark tinted glass beyond thirty-five percent (35%) darkening or glass manufactured to reflect light shall not be permitted.
 - i. Residential Uses: The elevation of a residential building or use shall contain a minimum transparency of fifteen percent (15%) at the pedestrian level.
 - ii. Commercial Uses: The elevation of a commercial building or use shall provide at least thirty-five percent (35%) transparency at the pedestrian level. Side elevations that face a public roadway or which are highly visible from the right of way shall provide at least twenty-five percent (25%) transparency at the pedestrian level.
- H. Articulation of Transparency: Transparency installations shall be separated into individual installations for door and windows.
- I. Street Facing Garages: Street-facing garage doors may comprise no more than thirty percent (30%) of the width of the front facade of the building. All street-facing garage doors must be recessed at least five (5) feet from the front façade of the building.



- J. Off-Street Parking Location: To the greatest extent possible, lots with access to an improved alley should use the alley for vehicle access and off-street parking.
- K. Off-Street Parking: Off-street parking shall be provided as specified in [Section 1600](#).
- L. Refuse Storage Area Location: To the greatest extent possible, refuse storage areas shall be located in interior side yards or rear yards, and must comply with setback requirements for accessory structures.
- M. Rooftop Equipment: To the greatest extent possible all rooftop equipment shall be screened from view on all sides visible to the general public.
- N. Relief Granted: Planning staff may authorize a reduction from the minimum required thresholds for the Infill Development standards established in Section 2010, B, provided the applicant incorporates building improvements and site amenities which enhance the quality of the development. In authorizing any such reduction, Planning staff shall determine that the applicant has sufficiently met two (2) of the following three (3) provisions:
 - i. The primary facade of the proposed building most visible to pedestrians and the right of way include the following:
 - 1. Provision of transparency at least twenty-five percent (25%) greater than the requirements of this Zoning Ordinance.
 - 2. Provision of building articulation at least twenty-five percent (25%) greater than the requirements of this Zoning Ordinance.
 - 3. Provision of architectural and design elements that enhance the aesthetic value of the public experience on the site.
 - ii. Provision of landscaping on the site greater than the requirements of this Zoning Ordinance.
 - iii. Provision of public amenities such as green space, recreation space, and space set aside and specifically designed for the purpose of social interaction and gathering.



2011 TN-1 (Traditional Neighborhood – One) District

Purpose of the TN-1 (Traditional Neighborhood – One) District: The TN-1 District is primarily intended to accommodate detached single-family residential dwellings at a lower density than that in other TN Districts. Where appropriate conditions exist, the TN-1 District also allows for low density multi-family dwellings (up to two (2) units) and public / or semi-public uses. All infill development within this Zoning District shall be of a size and scale that is compatible with the uses and structures located within the surrounding areas. See [Use Chart](#).

2012 TN-2 (Traditional Neighborhood – Two) District

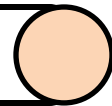
Purpose of the TN-2 (Traditional Neighborhood – Two) District: The TN-2 District is primarily intended to accommodate detached single-family residential dwellings at low to moderate densities. Where appropriate conditions exist, the TN-2 District also permits low density and intensity multi-family dwellings (up to four (4) units) and public / or semi-public uses. The size and scale of all uses and structures should be consistent and compatible with the uses and structures located within the surrounding areas. See [Use Chart](#).

2013 TN-3 (Traditional Neighborhood – Three) District

Purpose of the TN-3 (Traditional Neighborhood – Three) District: The TN-3 District is intended to accommodate an array of land uses. Single-family dwellings, attached or detached, can occur at a moderate density. Where appropriate conditions exist, the TN-3 District also permits moderate density and intensity multi-family dwellings (up to six (6) units), limited commercial uses, as well as public / or semi-public uses. The size and scale of all uses and structures should be consistent and compatible with the uses and structures located within the surrounding areas. See [Use Chart](#).

2014 TN-4 (Traditional Neighborhood – Four) District

Purpose of the TN-4 (Traditional Neighborhood – Four) District: The purpose of the TN-4 District is to accommodate an array of land uses. Single-family dwellings, attached or detached, can occur at a moderate to high density. Where appropriate conditions exist, the TN-4 District also permits moderate to high density and intensity multi-family dwellings (up to eight (8) units), a diverse range of commercial uses, as well as public / or semi-public uses. The size and scale of all uses and structures should be consistent and compatible with the uses and structures located within the surrounding areas. See [Use Chart](#).



2101 B-1 (Neighborhood Business)

Purpose: It is the purpose of the "B-1" Neighborhood Business District to permit and to encourage the establishment of small convenience goods and personal service centers not to exceed three (3) acres in size, located in close proximity to residences. Such Districts shall be so arranged and designed as to be a functional and harmonious part of a residential neighborhood. The location of these districts and the nature of their limited commercial activity avoid undue traffic congestion and provide limited commercial services. Uses creating high traffic volume and/or having a potential for being out of harmony with adjacent residential uses shall be examined as conditional uses. See [Use Chart](#).

2102 B-2 (Community Business)

Purpose: It is the purpose of the "B-2" District to permit and to encourage the establishment of commercial shopping centers which offer a wide variety of consumer goods and services. It is intended that the Community Business District serve a larger population and larger area than the "B-1" District and, where located along major highways and thoroughfares, accommodate primarily automotive-oriented establishments. See [Use Chart](#).

2103 B-3 (Central Business)

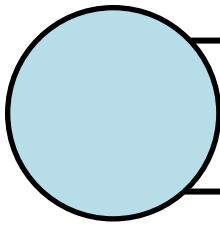
Purpose: It is the purpose of the "B-3" District to permit and to encourage the establishment of a wide variety of shopping goods and services in the Central Business District in such a way as to attract consumers from a large trade area. Only those uses, which will materially interfere with the overall function of the Central Business District, will be excluded. See [Use Chart](#).

2201 I-1 (Limited Industrial)

Purpose: It is the purpose of the "I-1" (Limited Industrial) District to create areas that allow manufacturing, warehousing, distribution, office and technology business within the City. Such uses are necessary to provide employment and a sustainable tax base to enable the City to prosper. Only uses which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare shall be permitted. It is also the purpose of this ordinance to provide the proper regulations and conditions attached to uses to ensure that they do not adversely impact the public health safety and welfare. See [Use Chart](#).

2202 I-2 (Industrial)

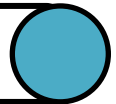
Purpose: The "I-2" (Industrial District) is intended to allow for manufacturing, warehousing, office activities, general industrial uses, and storage activities. Development may be organized in a planned business or industrial park. It may also be in individual buildings on individual lots in older parts of the City. The principal land uses are heavy commercial and industrial uses. It is also the purpose of this ordinance to provide the proper regulation and conditions attached to uses to ensure that they properly integrate with the character and form of the surrounding areas and that they do not adversely impact the public health, safety, and welfare. See [Use Chart](#).



2300 Form-Based Zoning Districts

2301 General Requirements

- (1) Six new districts are hereby created for use along High Street, Main Street, and the areas surrounding them. Sections [2304](#) through [2309](#) below contain brief descriptions of each of these form-based zoning districts. Two new districts are hereby created for use within the University Commerce Park.
- (2) Within the boundaries of the eight districts listed in this Section [2300](#), the provisions of Section [2600](#) (Architectural Conservation/Historic District) remain in effect for those properties located within the designated historic districts except as specifically modified by subsection (3) below.
- (3) Within the boundaries of the eight districts listed in this Section [2300](#), the requirements of this Section [2300](#) apply to all properties not listed on the Central Area Building Inventory as follows:
 - When a building is replaced or a new building is constructed on a vacant lot, all of the requirements in this Section [2300](#) apply.
 - When a gross floor area of a building is increased by 50% or more and, the requirements of this Section [2300](#) applicable to the building location and facades shall apply to the building addition.
 - Regardless of the size of any building addition, when any street facing building façade within the build to zone is altered, or when any street facing building façade originally located outside the build to zone is altered so as to bring it within the build to zone, the requirements of this Section [2300](#) applicable to exterior facades shall apply to that façade, provided, however, that façade alterations involving only the following activities shall not require compliance with the façade requirements of this Section [2300](#):
 - Routine maintenance;
 - Repainting;
 - Replacement of existing façade materials with the same materials;
 - Replacement of lighting fixtures;
 - Replacement of doors and windows that do not modify the size or shape of building openings; or
 - Replacement of existing signage.

**2302** District Descriptions and Intent**2303** Establishment of Districts and Street Hierarchy

The following districts have been established for use in the Downtown and Main Street areas of the City.

"MS-1" Main Street Core District
Zoning Map Example [\[Here\]](#)



"MS-2" South B Street District
Zoning Map Example [\[Here\]](#)



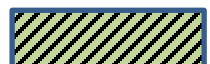
"MS-3" Main Street Transition District
Zoning Map Example [\[Here\]](#)



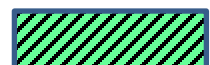
"DT-1" Downtown High Street District
Zoning Map Example [\[Here\]](#)



"DT-2" Downtown Support District
Zoning Map Example [\[Here\]](#)



"DT-3" Downtown East High Street District
Zoning Map Example [\[Here\]](#)



The following district(s) have been established for use in the University Commerce Park area of the City.

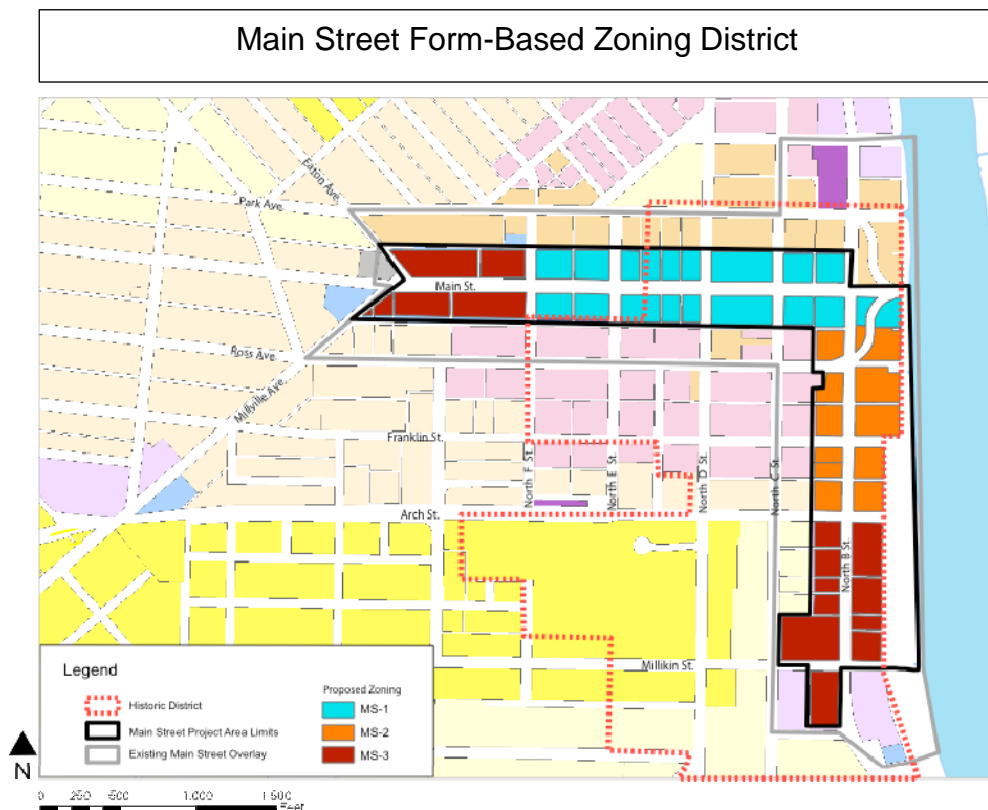
"UCP-1 University Commerce Park District -1"
Zoning Map Example [\[Here\]](#)



"UCP-2 University Commerce Park District -2"
Zoning Map Example [\[Here\]](#)

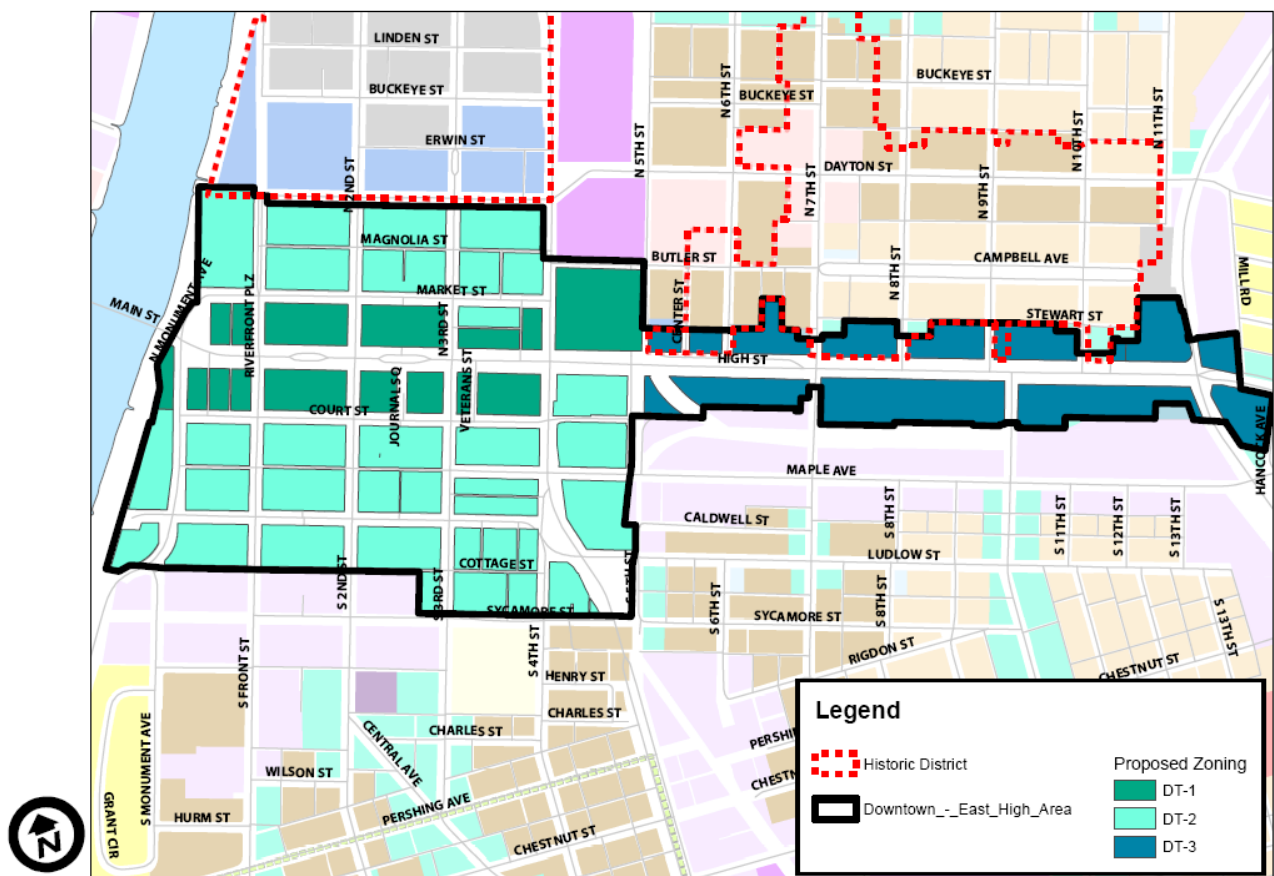


- 2304** MS-1: Main Street Core District.
The MS-1 District supports a mix of one to four story buildings that define the City's Main Street core area, serving residents and area employees. This neighborhood shopping and service area has high ground floor transparency requirements and establishes a street wall of storefront-style building facades along the sidewalk. It focuses pedestrian-friendly retail and service uses on the ground story with residential and/or office uses in upper stories. [\[Use Chart\]](#)
- 2305** MS-2: South B Street District
The MS-2 District is a Main Street adjacent district that permits one to four story buildings with residential and mixed uses. Residential uses are found in stoop buildings and row houses, with neighborhood-scale commercial uses in stoop and cottage commercial building types. [\[Use Chart\]](#)
- 2306** MS-3: Main Street Transition District
The MS-3 District permits residential, mixed use, and office buildings. Its' one to four story buildings allow development of a traditional main street building as well as more flexible building types that allow for less overall transparency and more parking options, without sacrificing the pedestrian scale and orientation of the district. Ground story uses include pedestrian-friendly retail uses, service uses, and office uses with residential and office uses in the upper stories. [\[Use Chart\]](#)



- 2307** DT-1: Downtown High Street District.
The DT-1 District supports a mix of two to ten story buildings that define the City's core High Street area. This regional civic, shopping, service, and office area has high ground floor transparency requirements and establishes a street wall of storefront style-building facades along the sidewalk. It focuses pedestrian-friendly retail and service uses on the ground story with office and residential uses in upper stories. [[Use Chart](#)]
- 2308** DT-2: Downtown Support District.
The DT-2 District is an area that permits a wide variety of uses and building types that support the High Street core. It maintains a high level of pedestrian-orientation, but allows for buildings with less overall transparency and more parking options. Its two to eight story buildings allow development of storefronts, office buildings, apartments, civic buildings, and row townhouse buildings. It provides for pedestrian-friendly retail and service uses on the ground story, with office and residential uses in upper stories. [[Use Chart](#)]
- 2309** DT-3: Downtown East High Street District
The DT-3 District is a highly transitional district that permits residential, commercial, mixed use, and office buildings. Its' one to three story buildings allow development of a traditional main street building as well as more flexible building types that allow for less overall transparency and more parking options. [[Use Chart](#)]

Downtown - East High Area Proposed Zoning



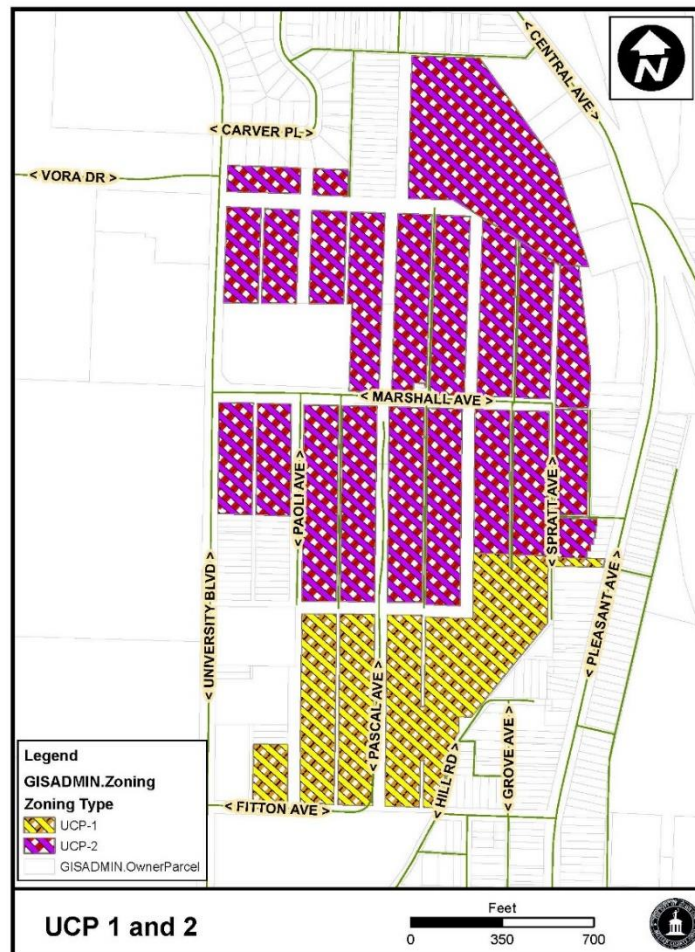
2310 UCP-1 University Commerce Park District -1

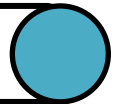
The UCP-1 District is a form based zone district that permits three to five story buildings with residential and mixed uses. Residential uses are found in storefront, general stoop, and row house building types, with neighborhood-scale commercial uses in storefront and general stoop building types. [\[Use Chart\]](#)

2311 UCP-2 University Commerce Park District -2

The UCP-2 District is a form based zone district that permits one to three story buildings with commercial, office, and industrial mixed uses. Permitted uses are found in storefront, general stoop, and parking structure building types. [\[Use Chart\]](#)

UCP-1 and UCP-2 ZONING MAP



**2315 Access and Hierarchy of Streets.**

Refer to the maps on the following pages.

- (1) **Intent.** To provide guidance for locating the front lot lines and vehicular access to lots, as referred to in the Building Types (refer to Section [2321](#)).
- (2) **Street Hierarchy Maps.** Refer to Figures 2315 (1) and (2) for designation of primary streets, secondary streets, and alleys.
 - a. Primary streets are defined as the highest priority street for pedestrian orientation with limited sidewalk interruptions from driveways and the highest levels of transparency.
 1. Vehicular access, loading, and driveways are permitted off these streets only if no alley or secondary street abuts the property and no easement to an alley or secondary street exists.
 2. If a lot abuts a primary street, the lot line parallel to the primary street shall be the front lot line.
 - b. Alley Streets. Platted, named streets currently used as alleys are designated as alleys for the purposes of this code. Applies to Downtown only.
 1. Vehicular access off these streets is permitted as if the street is an alley.
Refer to 2315 (3) Vehicular Access Hierarchy, below.
 2. Street Facade Requirements for each Building Type do not apply to facades fronting these streets.
 3. Yards associated with these streets are typically rear yard or side yards.
Buildings may front these streets only if no other street frontage is available.
 - c. Secondary Streets. All streets not designated as a primary street, alley, or alley street are secondary streets.
 1. Vehicular access off these streets is permitted only if an alley or an easement to an alley does not exist. Refer to 2315 (3) Vehicular Access Hierarchy, below.
 2. All facades abutting a secondary street are required to meet the Street Facade Requirements of the Building Type.
 3. A Street is considered a secondary street for the purpose of access; however, it shall be considered a primary street for all Street Facade Requirements, triggering treatment as an additional front facade.
 - d. At the intersection of any two primary streets, the following shall be considered the front lot line:
 1. High Street. If High Street is one of the primary streets, the lot line parallel to High Street shall be the front lot line.
 2. Main Street. If Main Street is one of the primary streets, the lot line parallel to Main Street shall be the front lot line.
 3. For all other situations, the Planning Department, or designee shall determine which lot line shall be the front lot line. At the intersection of any two primary streets within the University Commerce Park, the Planning Department, or designee shall determine which lot line shall be the front lot line.

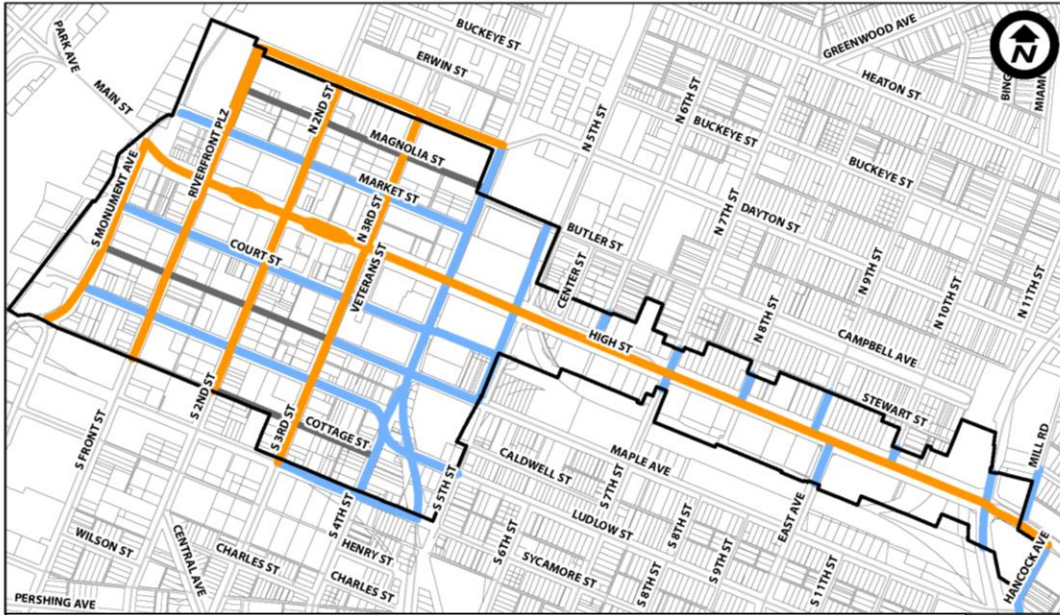
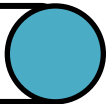


Figure 2315 (2) Street Hierarchy Map: Downtown and East High Street



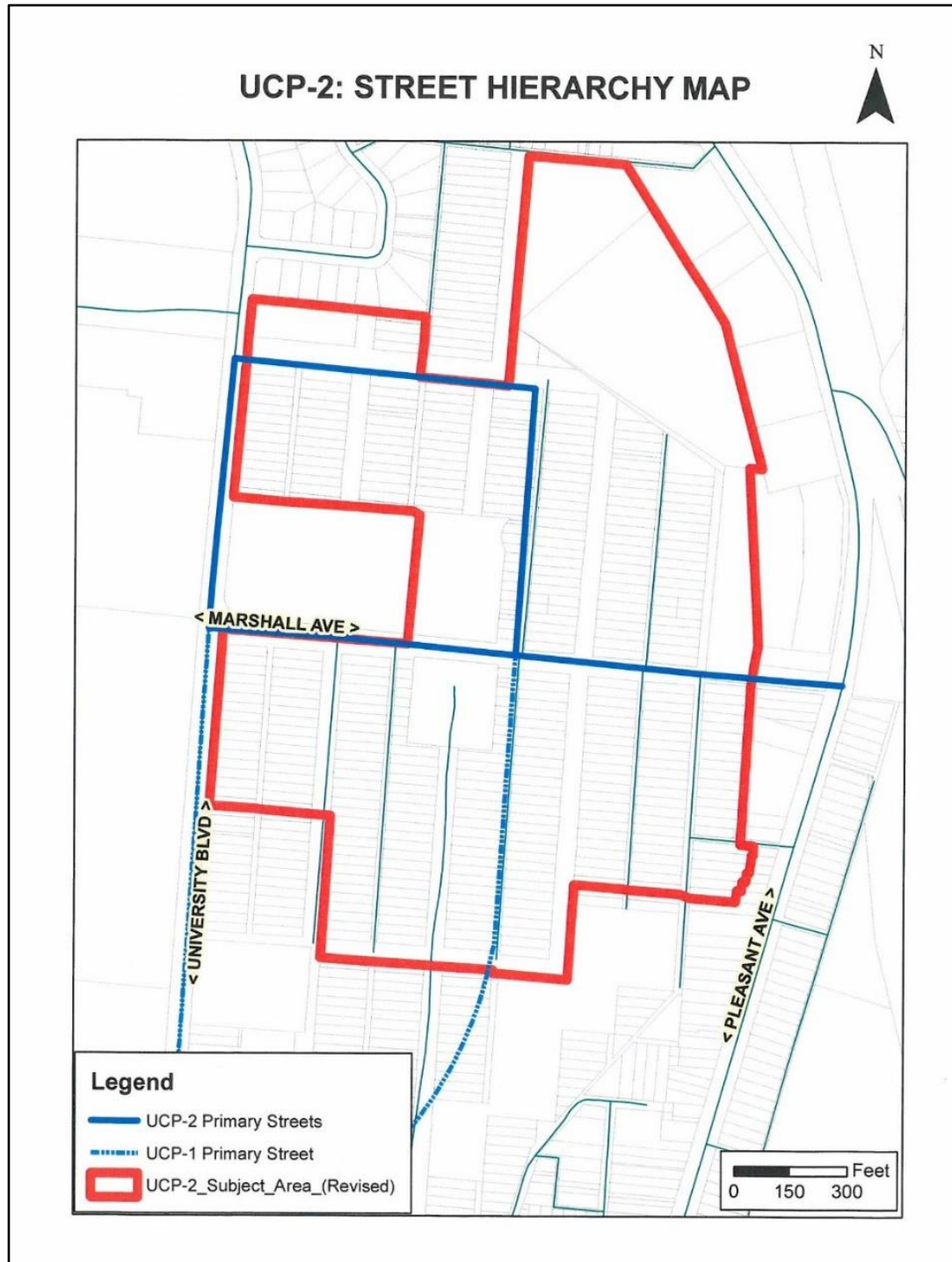
Figure 2315 (1) Street Hierarchy Map: Main Street and South B Street

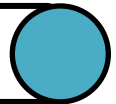




- (3) **Vehicular Access Hierarchy.** The following hierarchy should be considered to determine the appropriate location for vehicular access, loading, and driveways for all parcels within the form-based districts.
- a. If an alley exists, vehicular access should be from the alley. No limitation on the number of driveways off alleys applies.
 - b. If no alley exists, one driveway may be permitted off a secondary street, unless otherwise permitted by the Building Type.
 - c. If no alley and no secondary street frontage exists, one driveway may be permitted off a primary street. Driveways off primary streets should be no wider than eighteen (18) feet and the sidewalk pavement shall continue across the driveway.
 - d. Shared driveways are encouraged.
 - e. Vehicular access and driveway width shall be determined jointly by the Director of Planning and Director of Public Works on a case by case basis.
- (4) **Vehicular Access Hierarchy within the University Commerce Park.** The following hierarchy shall be used to determine the appropriate location for vehicular access, loading, and driveways for all parcels within the UCP-1 and UCP-2 form-based districts.
- a. No new vehicular access drives permitted on Marshall Avenue and/or Grand Avenue extension.
 - b. If an alley exists, vehicular access shall be from the alley. No limitation on the number of driveways off alleys applies. Driveways within the UCP-1 form based district shall be no wider than twenty-four (24') feet and sidewalk pavement shall continue across the driveway.
 - c. If no alley exists, one driveway is permitted off a secondary street, unless otherwise permitted by the Building Type. Within the UCP-2 form based district, driveways off secondary streets shall be no wider than thirty-six (36') feet and the sidewalk pavement shall continue across the driveway.
 - d. If no alley and no secondary street frontage exists, one driveway is permitted off a primary street. Within the UCP-2 form based district, driveways off primary streets shall be no wider than thirty-six (36') feet and the sidewalk pavement shall continue across the driveway.
 - e. Shared driveways are encouraged.

UCP STREET HIERARCHY MAP





2320 Permitted Uses

The Zoning Permitted Use Chart (Zoning Use Chart) indicates what uses are permitted or conditional uses in the form-based zone districts, as well as any additional requirements that may limit or condition the ability of specific uses in some locations. The Permitted Uses, Conditional Uses, and Accessory Uses for the Form-Based Zoning Districts are located in the Zoning Use Chart. [\[Here\]](#)

2321 Building Heights, Setbacks

The general regulations for lot size, lot coverage, dimensions, setbacks / yards, and building height within the Form-Based Zoning Districts are listed in the Building, Heights & Setback Chart under the respective districts.

2330 Base Types

Base type standards apply to the ground story and visible basement of front facades of all Building Types as defined in this section. Refer to the Building Type Table Requirements in the Buildings, Heights & Setback Chart.

(1) General

The following provisions apply to all base types.

- (a) Intent. To guide the design of the ground story of all buildings to relate appropriately to pedestrians on the street. Treatment of other portions of the building facades is detailed in each Building Type standard.
- (b) Applicability. The entire ground story front facade(s) of all buildings shall meet the requirements of at least one of the permitted base types, unless otherwise stated.
- (c) Measuring Transparency. Refer to Section [1501](#) Explanation of Building Type Table Standards, for information on measuring building transparency.
- (d) Visible Basements. Visible basements, permitted by base type, are optional. The visible basement shall be a maximum of one-half the height of the tallest story.

(2) Storefront Base Type

The Storefront base type is a highly transparent ground story treatment designed to serve primarily as the display area and primary entrance for retail or service uses. Refer to Figure 2330 (1).

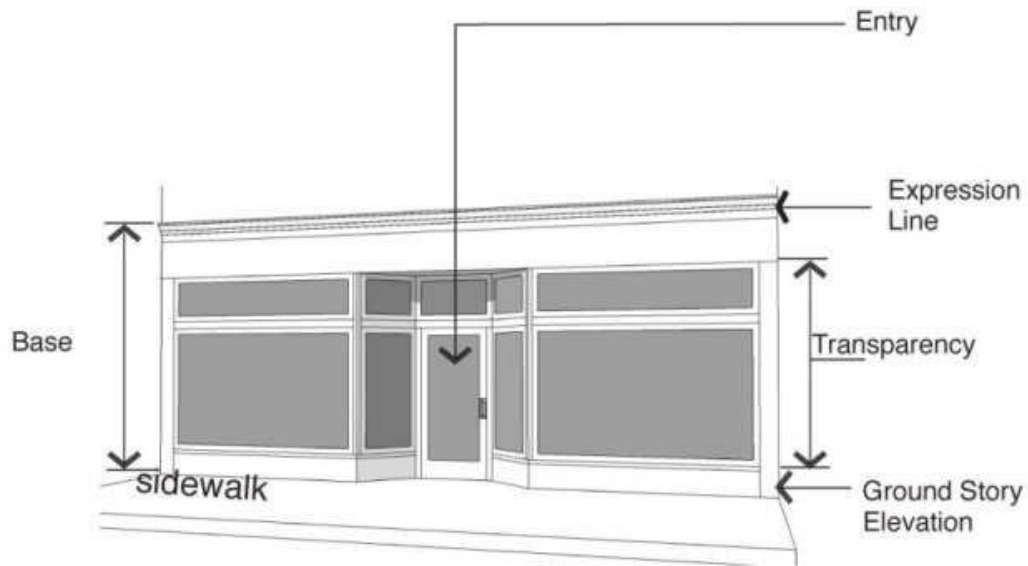


Figure 2330 (1) Storefront Base Type

- (a) Transparency. Minimum transparency is required per Building Type.
- (b) Elevation. Storefront elevation shall be between zero and one foot above sidewalk.
- (c) Visible Basement. A visible basement is not permitted.
- (d) Expression Line. Horizontally define the ground story facade from the upper stories.
- (e) Entrance. Where the sidewalk is less than 10 feet in width at the entrance, the entry door shall be recessed from the front façade.
 - A. Recess shall be a minimum of three feet from the front lot line and a maximum of eight feet deep, measured from the portion of the front facade closest to the street.
 - B. When the recess falls behind the front setback, the recess shall be no wider than eight feet.

(3) Arcade Base Type

An Arcade base type is a covered pedestrian walkway within the recess of a ground story. Refer to Figure 2330 (2).

- (a) Arcade. An open-air public walkway is required from the face of the building recessed into the building a minimum of eight (8) and a maximum of fifteen (15) feet, except in the UCP-2.
- (b) Build-to-Zone. When the Arcade is used, the outside face of the Arcade shall be considered the front facade, located within the required build-to zone.
- (c) Recessed or Interior Facade. Storefront base type is required on the recessed ground story facade.
- (d) Column Spacing. Columns shall be spaced between ten (10) feet and twelve (12) feet on center, except in the UCP-2.
- (e) Column Width. Columns shall be a minimum of one (1) foot eight (8) inches and a maximum of two (2) feet four (4) inches in width, except in the UCP-2.
- (f) Arcade Opening. Opening shall not be flush with interior arcade ceiling and may be arched or straight.
- (g) Expression Line. Horizontally define the ground story facade from the upper stories.
- (h) Visible Basement. A visible basement is not permitted.

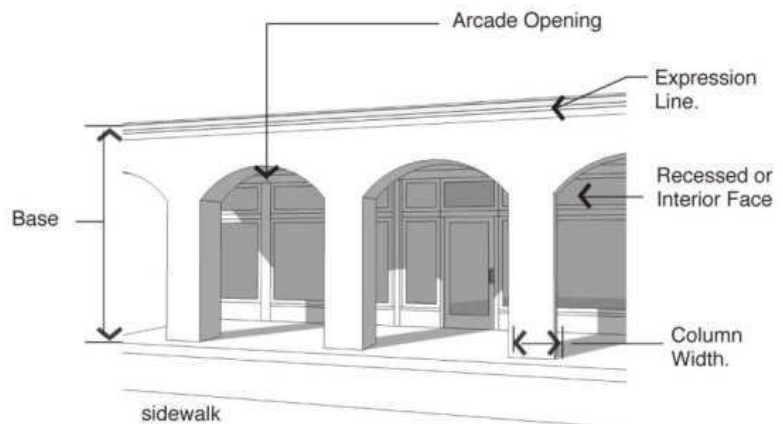


Figure 2330 (2) Arcade Base Type

(4) Stoop Base Type

A stoop is an unroofed, open platform. Refer to Figure 2330 (3).

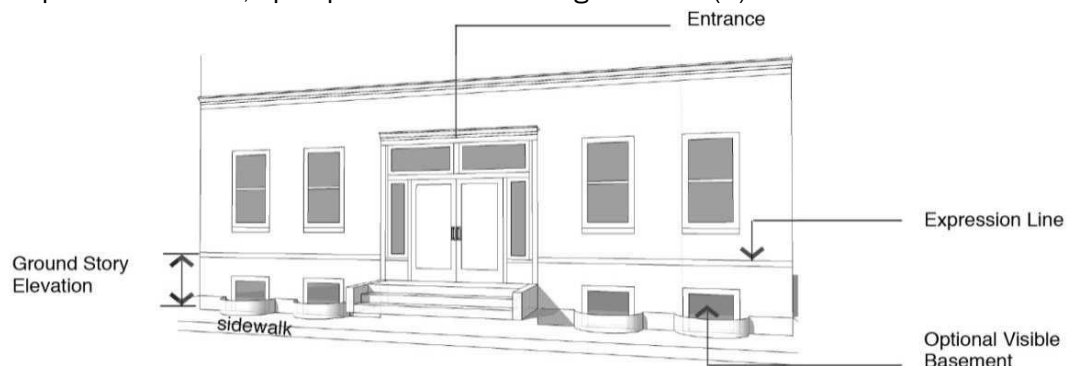


Figure 2330 (3) Stoop Base Type

- (a) Transparency. Minimum transparency is required per Building Type.
 - (b) Stoop Size. Stoops shall be a minimum of three (3) feet deep and six (6) feet wide.
 - (c) Elevation. Stoop elevation shall be located a maximum of two (2) feet six (6) inches above the sidewalk without visible basement and a maximum of four (4) feet six (6) inches above the sidewalk with a visible basement.
 - (d) Visible Basement. A visible basement is permitted and shall be separated from the ground story by an expression line.
 - (e) Entrance. The main entrance shall be located off a stoop.
- (5) Porch Base Type

A porch is a raised, roofed platform with a minimum dimension of six feet by eight feet. Enclosure of porch walls is prohibited. Refer to Figure 2330 (4).

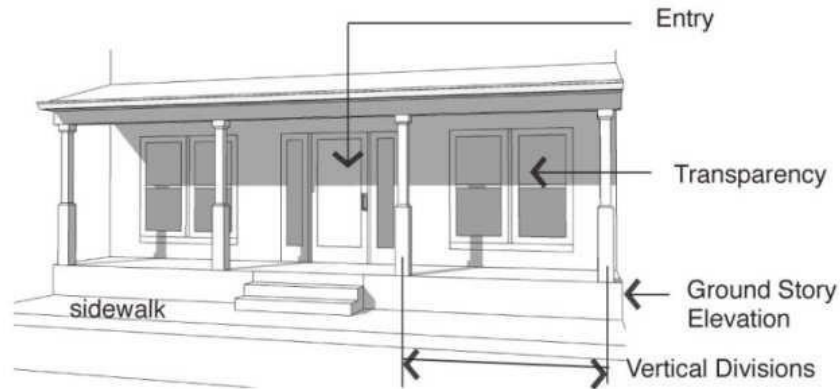


Figure 2330 (4) Porch Base Type

- (a) Transparency
 - A. Minimum transparency per Building Type is required.
 - B. If enclosed, a minimum of forty (40) percent of the enclosed porch shall be comprised of highly transparent, low reflectance windows.
- (b) Porch Size. The porch shall be a minimum of five (5) feet deep and eight (8) feet wide.
- (c) Elevation. Porch elevation shall be located a maximum of two (2) feet six (6) inches above the sidewalk without a visible basement and a maximum of four (4) feet six (6) inches above the sidewalk with a visible basement.
- (d) Visible Basement. A visible basement is permitted.
- (e) Height. Porch may be two stories to provide a balcony on the second floor.
- (f) Entrance. All entries shall be located off a porch.

2331 Cap Types

Cap Type standards apply to the roof and cap of all Building Types as defined in this section. Refer to the Building Type Table Requirements.

(1) General Provisions

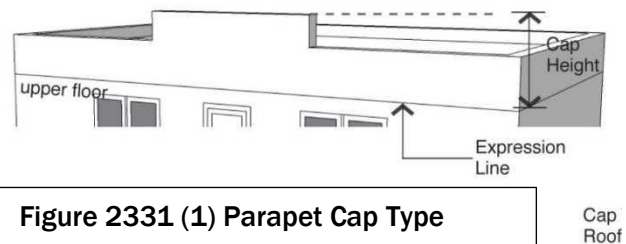
The following provisions apply to all cap types.

- A. Intent. To guide the design of the cap of all buildings.
- B. Applicability. All buildings shall meet the requirements of one of the cap types permitted for the Building Type.
- C. Measuring Height. Refer to the Building, and Setbacks Chart for information on measuring building height.
- D. Other Cap Types. Other building caps not listed as a specific type may be approved by the Architectural Review Board with the following requirements:
 - i. The cap type shall not create additional occupiable space beyond that permitted by the Building Type.
 - ii. The shape of the cap type shall be significantly different from the Parapet, Pitched/Gable, Pitched/Hip, Parallel Ridge, Tower, and Flat Cap types defined in this section, (e.g. a dome, spire, or vault).
 - iii. The building shall warrant a separate status within the community from the fabric of surrounding buildings, with a correspondence between the form of the cap type and the meaning of the building use.

(2) Parapet Cap Type

A parapet is a low wall projecting above a building's roof along the perimeter of the building. It can be used with a flat or low pitched roof and also serves to limit the view of roof-top mechanical systems from the street. Refer to Figure 2331 (1) Parapet Cap Type.

- (a) Parapet Height. Height is measured from the top of the upper story to the top of the parapet.
 - A. Minimum height is two (2) feet with a maximum height of six (6) feet.
 - B. The parapet shall be high enough to screen the roof and any roof appurtenances from view of the abutting street(s).
- (b) The parapet may be vertical matching the façade materials, or sloped no less than 12:12 utilizing roof materials per Section C, or a combination of vertical and sloped parapets meeting these standards.
- (c) Expression Lines. An expression line shall define the parapet from the upper stories of the building and shall also define the top of the cap.
- (d) Occupied Space. Occupied space shall not be incorporated behind this cap type.

**(3) Pitched Cap Type**

This cap type has a sloped or pitched roof. Slope is measured with the vertical rise divided by the horizontal span or run. Refer to Figure 2331 (2) Pitched Cap Type.

- (a) Pitch Measure. The roof may not be sloped less than a 4:12 (rise:run) or more than 16:12. Slopes less than 4:12 are permitted to occur on second story or higher roofs.

(b) Configurations.

- A. Hipped, gabled, and combination of hips and gables with or without dormers are permitted.
- B. Butterfly roofs (inverted gable roof) are permitted with a maximum height of eight feet, inclusive of overhang.
- C. Mansard roofs are permitted with the following standards:
1. Mansard roof is permitted on only one story;
 2. Slope is no steeper than 16:12;
 3. Cap height is not taller than 10 feet; and
 4. One dormer per 15 horizontal feet of street frontage is required.

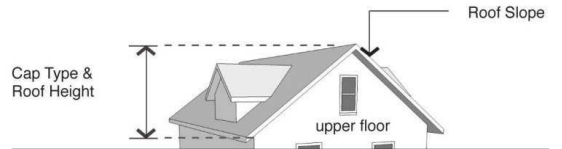


Figure 2331 (2) Pitched Cap Type

D. Gambrel roofs are not permitted.

- (c) Parallel Ridge Line. A gabled end or perpendicular ridge line shall occur at least every one hundred (100) feet of roof when the ridge line runs parallel to the front lot line. Refer to Figure 2331 (3) Parallel Ridge Line.

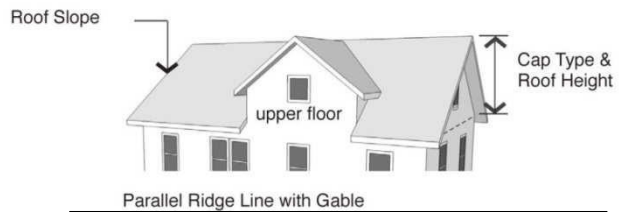


Figure 2331 (3) Parallel Ridge Line

- (d) Roof Height. Roofs without occupied space and/or dormers shall have a maximum height on street-facing facades equal to the maximum floor height permitted for the Building Type.
- (e) Occupied Space. Occupied space may be incorporated behind this cap type.

(4) Towers

A tower is a rectilinear or cylindrical, vertical element, that must be used with other cap types. Refer to Figure 2331 (4).

- (a) Quantity. All Building Types, with the exception of the Civic Building, are limited to one tower per building, unless otherwise indicated.
- (b) Tower Height. Maximum height, measured from the top of the parapet or eave to the top of the tower, is the equivalent of the height of one upper floor of the building to which the tower is applied.
- (c) Tower Width. Maximum width along all facades is one-third the width of the front facade or thirty (30) feet, whichever is less.
- (d) Horizontal Expression Lines. An expression line shall define the tower from the upper stories, except on single family or attached house residential Building Types.

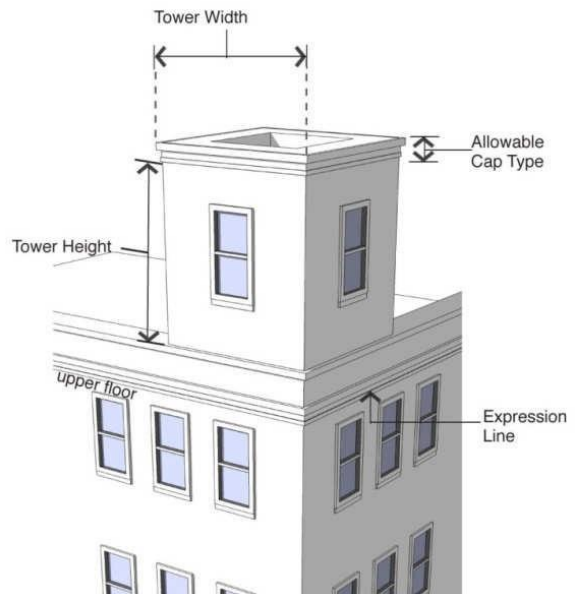


Figure 2331 (4) Tower

- (e) Occupied Space. Towers may be occupied by the same uses allowed in upper stories of the Building Type to which it is applied.
- (f) Application. May be combined with all other cap types.
- (g) Tower Cap. The tower may be capped by the parapet, pitched, low pitched, or flat roof cap types, or the spire may cap the tower.

(5) Flat Cap Type

This cap type has a flat roof with overhanging eaves. Refer to Figure 2331 (5) Flat Cap Type.

- (a) Configuration. Roofs with no visible slope are acceptable. Eaves are required on all street facing facades.

- (b) Eave Depth. Eave depth is measured from the building facade to the outside edge of the eave. Eaves shall have a depth of at least fourteen (14) inches.

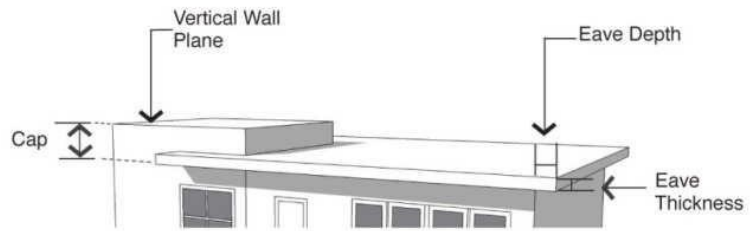


Figure 2331 (5) Flat Cap Type

- (c) Eave Thickness. Eave thickness is measured at the outside edge of the eave, from the bottom of the eave to the top of the eave. Eaves shall be a minimum of eight (8) inches thick.
- (d) Interrupting Vertical Walls. Vertical walls may interrupt the eave and extend above the top of the eave with no discernible cap.
- A. No more than one-half of the front facade may consist of an interrupting vertical wall.
 - B. Vertical walls shall extend no more than four (4) feet above the top of the eave.
- (e) Occupied Space. Occupied space shall not be incorporated behind this cap type.

2332 Additional Design Requirements

The following outlines additional design requirements applicable to all buildings in the MS-1, MS-2, MS-3, DT-1, DT-2, DT-3, UCP-1 and UCP-2 Districts.

(1) Materials and Color

- A. **Primary Facade Materials.** Eighty (80) percent of each facade shall be constructed of one or more primary materials. For facades over one hundred (100) feet in length, more than one material shall be used to meet the eighty (80) percent requirement. Permitted primary building materials include high quality, durable, natural materials, such as stone; brick; wood lap siding; fiber cement board lapped, shingled, or panel siding; glass. Other high quality synthetic materials may be approved during the site plan process with an approved sample and examples of successful, high quality local installations. Refer to Figure 2332 (1).



Primary Materials: Brick



Primary Materials: Stone



Roof Materials: Asphalt Composite Shingles



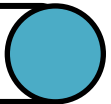
Primary Materials: Painted Wood



Roof Materials: Ceramic Tile

Figure 2332 (1) Primary Materials

Figure 2332 (2) Roof Materials



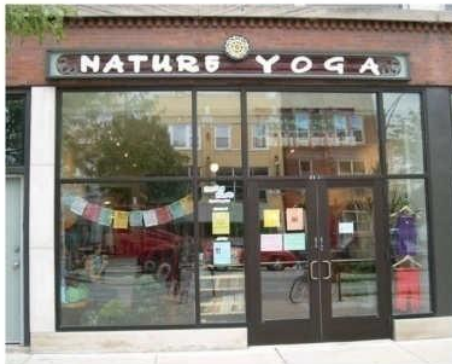
- B. Secondary Facade Materials. Secondary materials are limited to details and accents and include all primary materials as well as gypsum reinforced fiber concrete for trim and cornice elements; metal for beams, lintels, trim and ornamentation; and exterior architectural metal panels and cladding. Exterior Insulation and Finishing Systems (EIFS) is permitted for trim only or on upper floor facades only.



Prohibited: Residential Grade Doors on Commercial Buildings.



Permitted Awnings: Metal



Permitted: Commercial Grade Doors & Windows on Commercial Buildings.



Permitted Awnings: Canvas

Figure 2332 (3)
Commercial Grade Doors & Windows



Prohibited Awnings: Plastic

Figure 2332 (4) Awnings

- C. **Roof Materials.** Acceptable roof materials include three hundred (300) pound or heavier, dimensional asphalt composite shingles, wood shingles and shakes, or standing seam, slate, and ceramic tile. “Engineered” wood or slate may be approved with an approved sample and examples of successful, high quality local installations. Refer to Figure 2332 (2).
- D. **Color.** Main building colors shall use any historic palettes from any major paint manufacturer. Other colors may be used for details and accents, not to exceed a total area larger than ten (10) percent of the facade surface area.
- E. **Appropriate Grade of Materials.** Commercial quality doors, windows, and hardware shall be used on all Building Types with the exception of the Row Building. Refer to Figure 2332 (3).

(2) Windows, Awnings, and Shutters.

- (a) **Windows.** All upper story windows on all residential and mixed use buildings shall be recessed a minimum of four (4) inches. Percent of transparency is required per Building Type.
- (b) **Awnings.** All awnings shall be canvas or metal. Plastic awnings are not permitted. Awning types and colors for each building face shall be coordinated. Refer to Figure 2332 (4). Minimum clear distance from back of curb is two feet with a minimum height of eight (8) feet. Protrusion into any right-of-way requires City approval.
- (c) **Shutters.** If installed, shutters, whether functional or not, shall be sized for the windows. If closed, the shutters shall not be too small for complete coverage of the window. Shutters shall be wood, metal, or vinyl. “Engineered” wood may be approved with an approved sample and examples of successful, high quality local installations.



Figure 2332 (5) Balconies

(3) Balconies

The following applies in all locations where balconies are incorporated into the facade design facing any street or parking lot. Refer to Figure 2332 (5).

- (a) **Size.** Balconies shall be a minimum size of four (4) feet in width and six (6) feet in length.
- (b) **Connection to Building.** Balconies that are not integral to the facade shall be independently secured and unconnected to other balconies.
- (c) **Facade Coverage.** A maximum of forty (40) percent of the front and corner side facades, as calculated separately, may be covered with balconies, including street-facing railing and balcony structure.

(4) Parking Lot Screening

Parking or vehicular areas fronting on any street shall provide a wall or fence with a minimum height of three (3) feet or a maximum height of four (4) feet, or landscaping with a minimum height of three (3) feet at time of planting, any of which shall have at least fifty (50) percent opacity screening the parking lot. The wall shall be setback a minimum of five (5) feet and a maximum of ten (10) feet from the sidewalk with landscaping in the setback. Within the UCP-2 zoning district all surface parking lots, including any required wall or fence, shall be set back a minimum of eight (8) feet from the property line abutting any primary street or match the building setback, whichever is greater. Parking Lots shall be setback at least five (5) feet from all side property lines.

(5) Drive-through Structures

Drive-through facilities are permitted only in those locations indicated in the Permitted Use Table in Section [1250](#). Refer to Figure 2332 (6) for one illustration of the following requirements.

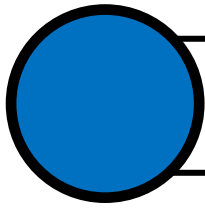
- (a) Service Window/Canopy. Drive-through service windows or canopies shall be located on the rear facade of the building or in the rear of the lot behind the building, where permitted by use. The service window shall not face or front any Primary Street.
- (b) Stacking Lanes. Stacking lanes shall be located perpendicular to the Primary Street or behind the building.
- (c) The canopy and structure shall be constructed of the same materials used on the building.

(6) Landscaping and Fencing

- (a) All portions of front yard build to zones and corner yard areas not required to be occupied by a building shall be landscaped. The area required to be landscaped may include permeable patio pavement or access walkways across the area connecting the public walk to the building.
- (b) Fences shall be decorative as well as functional. Except as permitted by Section [2332](#)(4), no fence between the front façade of the building and any property line shall exceed forty-two (42) inches in height, and no fence located behind the front façade of the building shall exceed ninety-six (96) inches in height. No chain link or solid fences may be installed on any street frontage in any form-based district.
- (c) Landscaping shall be maintained in a viable condition at all times, and so as not to interfere with pedestrian walkways, building entrances, or business sign visibility.
- (d) Landscaping shall be designed as pedestrian scale and shall be open for use by the public where practicable.
- (e) Street furniture such as benches, planter boxes, fountains, sculpture, and other artwork shall be incorporated into landscaped areas where practicable.



Figure 2332 (6) Recommended Drive-Thru Facility Layout



2400 PLANNED DEVELOPMENT (PD) REGULATIONS

2401 Purpose

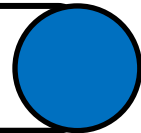
The Planned Development (PD) Provisions are intended to provide an alternative to standard zoning guidelines. In addition to the general purposes listed in [Section 1120](#), the Planned Development provisions are intended to:

- A. Encourage development that is superior and imaginative design and function in developments.
- B. Establish an alternative procedure for the development of land in order to allow for more efficient and economic development of property than customarily permitted by conventional zoning and subdivision regulations.
- C. Encourage flexibility in the design of developments specifically in the preservation of open spaces, in the protection of natural features, in the utilization of existing site amenities, and in the creation of designs that are compatible with surrounding uses.
- D. Ensure orderly and thorough planning and review procedures that lead to higher quality design and development.
- E. Provide harmonious transitions between uses by utilizing varying uses, landscaping, buffers, design characteristics, or other similar techniques.
- F. Allow for the development of infill sites and the redevelopment of existing sites in creative manners that respect existing circumstances, adjacent land uses, topography, lot size, or other similar elements.
- G. Implement the vision set forth in the City's Comprehensive Plan and any amendments or supplements thereto.

2402 General Requirements

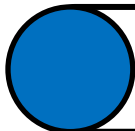
Planned Development Districts and development within Planned Development Districts must comply with the following:

- A. **Ownership.** Any transfer of land within the development resulting in ownership within the development by two or more parties shall not alter the applicability of the regulations contained herein. A Preliminary Plan and Final Plan and supporting material approved in accordance with these regulations shall be binding upon the owners, their successors, and assigns and shall limit and control the issuance and validity of all building permits with the Planned Development area.
- B. **Subdivision.** Any proposed Planned Development District area that includes the subdivision of land shall also comply with the separate provisions of the City Subdivision Regulations Section 1189.



C. Uses

1. The permitted, conditional, accessory, and specific approval uses within the Planned Development Districts are established on the Zoning Land Use Chart in [Section 1250](#) and shall be reviewed and approved by City Council during the establishment of a Preliminary Plan.
2. Uses in Planned Development Districts may be subject to Specific Use standards that shall apply. Such standards are located in [Section 1300](#): Conditional Uses.
3. The following review criteria shall apply to all uses in a Planned Development District. Planning Commission and City Council shall use this criteria in determining if a proposed use is appropriate.
 - a. The proposed use will not substantially or permanently injure the appropriate use of neighboring property and will serve the public convenience and welfare.
 - b. The proposed use will be harmonious with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area.
 - c. The proposed use shall be adequately served by essential public facilities and services such as, but not limited to, roads, public safety forces, storm water facilities, water, sanitary sewer, refuse, and schools. If not, the applicant shall be responsible for the extension or establishment of any public facilities and services to effectively service the proposed use.
 - d. The proposed use will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding streets.
 - e. The proposed use will comply with all applicable development and design standards, unless specifically waived by the Planning Commission and City Council.
 - f. The proposed use will not be hazardous to or have a negative impact on existing or future neighboring uses.
 - g. The proposed use will not involve uses, activities, processes, materials, equipment, and conditions of operations, including, but not limited to, hours of operation, that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odor, or other characteristic not comparable to the uses permitted in the base zoning district.
 - h. The proposed use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
- D. **Parking.** Parking shall comply with the standards found in [Section 1600](#) (Off-Street Parking and Loading Regulations), or as otherwise approved by the Planning Commission as part of the PD.
- E. **Signage.** Signage shall comply with the design standards found in [Section 1700](#) (Signs), or as otherwise approved by the Planning Commission as part of the PD.
- F. **Illumination.** The light projected from any light fixture installed within a PD shall be shaded, shielded, or directed so as to not adversely impact abutting properties.

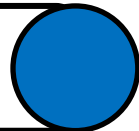


- G. **Evaluation Criteria.** When evaluating a Planned Development, decisions by the Planning Commission and City Council shall be based on adherence to the applicable design and development criteria set forth in this Section. The criterion in this Section is intended to provide flexibility and establish a baseline for the character, form, and design elements of a project within a Planned Development District. As such, flexibility, individuality, and creativity in proposed developments shall be permitted from the criteria established provided that such proposals are consistent with the intents and purposes of this Section.
- H. **Construction of Amenities, Improvements, and Minimum Requirements.** Amenities, improvements, buffering, and minimum requirements associated with any Planned Development shall be constructed as part of the first phase or section of the proposed development, or as otherwise approved by the Planning Commission or City Council. If the applicant cannot install all the required amenities, improvements, buffering, and minimum requirements as part of the first phase or section of the proposed development, a bond will be required for the total cost of construction of all applicable amenities, improvements, buffering, or minimum requirements that are not being installed during the first phase or section.
- I. **Utilities.** Unless waived by the Planning Commission, in any PD development, all electric and telephone facilities, fiber, fire alarm conduits, streetlight wiring, and other wiring, conduits and similar facilities shall be placed underground, except in an Industrial Planned Development (IPD). In an IPD, only electric lines which are equal to or less than 13KV are required to be placed underground.
- J. **Maintenance and Guarantee**
1. For residential developments, the developer of the PD shall protect, maintain, replace, water, and treat the vegetation identified in the final landscaping plan, and maintain, repair, or replace any structures located within the open space areas until such time that these responsibilities are fully undertaken by future property owner, homeowners or property owners association.
 2. Open space and recreational amenities that are approved as part of the Final Plan shall be set aside as required by the Planning Commission. The Final Plan shall specify the maintenance responsibilities and nature of such open space.

2403 Types of Planned Development Districts

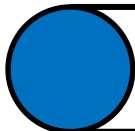
The following are the Planned Development Districts:

- A. Residential Planned Development (RPD)
- B. Office Planned Development (OPD)
- C. Business Planned Development (BPD)
- D. Industrial Planned Development (IPD)
- E. Entertainment Mixed-Use Planned Development (EM-UPD)



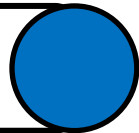
2404 Residential Planned Development District Regulations

- A. **Purpose.** The purpose of the Residential Planned Development (RPD) District is to permit a variety of living environments and a range of amenities, including limited complementary commercial uses. This may be accomplished through the creative use of one or more varied dwelling types complimented by appropriate site amenities, traffic circulation patterns, and supporting facilities. A RPD District must also comply with all applicable regulations contained within this Section.
- B. **Dimensional Standards.** The required lot size, lot coverage, dimensions, setbacks / yards, and building height requirements are listed in the Building, Heights & Setback Chart under the “RPD” (Residential Planned Development) District.
- C. **Pedestrian and Vehicular Connectivity**
 1. Residential Planned Developments are encouraged to be designed with a traditional grid layout.
 2. Sidewalks shall be constructed on both sides of every road or street within an RPD being necessary to protect and ensure the safety of pedestrians. Where RPDs are designed with interior walkways, walks shall be fully constructed to adequately serve the area being developed. The design of the sidewalks shall be approved by the Director of Engineering.
- D. **Open Space, Landscaping, and Buffering**
 1. Common open space (passive or active) shall make up a minimum of 20 percent of the total acreage of a Residential Planned Development. Common open space shall not include private yards and required setbacks between the project boundary lines and buildings, or isolated or fragmented pieces of land that serve no useful purpose.
 2. All proposed landscaping within a RPD shall, at a minimum, adhere to the regulations set forth in [Section 1811](#).
 3. All RPDs shall provide buffering as set forth in [Section 1860](#). Additionally, RPDs that are 10 acres or more in size shall provide a buffer of 150 feet from the right-of-way of all primary street frontages that abut the development to all residential development sites within the RPD. The buffer area may be counted toward the open space requirements provided it is common open space owned by a legally established homeowners association. The buffer area may not be subdivided and must remain under common ownership.
- E. **Single Family and Two-Family Residential Regulations.** All single family and two family residential uses shall adhere to the following:
 1. Single family and two-family residential uses shall comply with the Residential Design Standards set forth in [Section 1800](#).
 2. New subdivisions shall achieve a combined score of at least 15 points from the Site and Design Requirements established in [Section 1870](#).
 3. Each side of the primary structure shall utilize brick, stone, or cultured stone on at least 50% of all elevations.
 4. Each dwelling unit shall include the necessary electric infrastructure (e.g., panels, outlets and conduits) capable of allowing for the installation of at least one (1) Level 2 electric vehicle (EV) home charging station per required parking spot.
 5. Building sheathing materials shall only be Oriented-Strand Board (OSB) or plywood.



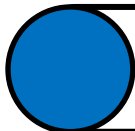
F. **Multifamily Residential Regulations.** All multifamily (3+ units) uses within a Planned Development shall adhere to the following:

1. Multifamily residential buildings shall comply with the applicable regulations set forth in [Section 1800](#).
2. Landscaping and plantings shall comply with the landscaping regulations set forth in [Section 1902](#).
3. New developments shall achieve a combined score of at least 20 points from the Site and Design Requirements established in [Section 1870](#).
4. Multifamily residential buildings shall utilize brick, stone, or cultured stone on at least 50% of the front elevation and all building elevations.
5. Each primary structure shall include at least two different materials and two different colors on each facade.
6. All sides of each primary structure shall include a variety of architectural treatments, which may include vertical and horizontal features that break up façade walls including building projections, recesses, pilasters, contrasting bands, awnings, canopies, varying materials or colors, or colonnades.
7. Refuse storage areas shall comply with the regulations set forth in [Section 1908](#).
8. All main entrances to residential buildings shall be located within 10 feet of a sidewalk.
9. All main entrances to residential buildings shall include a covered porch, covered stoop, or awning.
10. All garages shall be rear loaded, behind the front of the building. Such garages may be attached or detached. A minimum of 50% of the required parking spaces shall be located within an enclosed garage.
11. Each dwelling unit shall include the necessary electric infrastructure (e.g., panels, outlets and conduits) capable of allowing for the installation of at least one (1) Level 2 electric vehicle (EV) home charging station per required parking spot.
12. Building sheathing materials shall only be Oriented-Strand Board (OSB) or plywood.
13. Each unit shall have a balcony, patio, or deck that is a minimum size of four feet in width and six feet in length.
14. Each development shall include a minimum of one community amenity such as a pool, clubhouse, park, or other substantial community space.



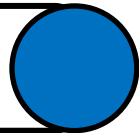
2405 Office Planned Development District Regulations

- A. **Purpose.** The purpose of the Office Planned Development (OPD) District is to encourage the development of professional office uses throughout the city that provide varied employment opportunities and cater to a variety of industries. An OPD District must also comply with the general provisions for Planned Developments contained within this Section.
- B. **Dimensional Standards.** The required lot size, lot coverage, dimensions, setbacks / yards, and building height requirements are listed in the Building, Heights & Setback Chart under the “OPD” (Office Planned Development) District.
- C. **Landscaping**
 1. All proposed landscaping within an OPD shall, at a minimum, adhere to the regulations set forth in Section [1902](#).
 2. Landscaping shall be planned and designed to enhance each element of the development including the buildings, vehicular and pedestrian connections, street network, and public spaces.
 3. Landscaping and plantings shall be cohesive in placement and design throughout the development, where appropriate.
 4. All parking areas within an OPD shall adhere to the regulations of Section [1619](#) at a minimum and shall additionally provide the following:
 - a. Trees shall be provided at a rate of one tree for each 10 parking spaces. Any fractional numbers shall be rounded up.
 - b. Shrubs shall be provided at a rate of six shrubs for each 10 parking spaces.
 - c. Perennials shall be provided at a rate of twelve perennials for each 10 parking spaces.
 - d. Minimum planting size of trees shall be 1.5” diameter measured 6” above grade and minimum planting size of shrubs shall be 24” in height.
- D. **Buffering.** Where an OPD District is located adjacent to a residential zoning district or use, the development shall provide one of the following buffer options to be installed along perimeter boundaries. A project may build a combination of these buffers per boundary area. Compliance with the requirement shall be demonstrated by the submission of a scaled typical elevation view of the proposed buffer area to be submitted as part of the required landscaping plan, as required in Section [1902](#).
 1. A continuous row of six feet evergreen plantings plus one deciduous tree planted every 30 lineal feet.
 2. A six foot tall opaque wall or fence plus one tree planted every 30 lineal feet.
 3. A double row of staggered evergreen trees, minimum six feet in height, planted every 15 lineal feet.
 4. A 40 foot wide, six foot tall earthen berm with trees planted every 30 lineal feet.
- E. **Design Standards.**
 1. OPDs shall comply with the Commercial Design Standards set forth in [Section 1900](#).



2406 Business Planned Development District Regulations

- A. **Purpose.** The purpose of the Business Planned Development (BPD) District is to enhance commercial neighborhood/community shopping centers, or the Central Business District, by integrating a variety of uses to ensure more efficient, successful, and aesthetically pleasing developments. Such developments shall be sensitive to the character of neighboring developments in terms of building size, mass, and form, use, or development intensity. A BPD District must also comply with the general provisions for Planned Developments contained within this Section.
- B. **Dimensional Standards.** The required lot size, lot coverage, dimensions, setbacks / yards, and building height requirements are listed in the Building, Heights & Setback Chart under the “BPD” (Business Planned Development) District.
- C. **Open Space and Landscaping**
1. All proposed landscaping within a BPD shall, at a minimum, adhere to the regulations set forth in Section [1902](#).
 2. Landscaping shall be planned and designed to enhance each element of the development including the buildings, vehicular and pedestrian connections, street network, and public spaces.
 3. Landscaping and plantings should be cohesive in placement and design throughout the development, where appropriate.
 4. All parking areas within an BPD shall adhere to the regulations of Section [1619](#) at a minimum and shall additionally provide the following:
 - a. Trees shall be provided at a rate of one tree for each 10 parking spaces. Any fractional numbers shall be rounded up.
 - b. Shrubs shall be provided at a rate of six shrubs for each 10 parking spaces.
 - c. Perennials shall be provided at a rate of twelve perennials for each 10 parking spaces.
 - d. Minimum planting size of trees shall be 1.5” diameter measured 6” above grade and minimum planting size of shrubs shall be 24” in height.
- D. **Buffering.** Where a BPD District is located adjacent to a residential zoning district or use, the development shall provide one of the following buffer options to be installed along perimeter boundaries. A project may build a combination of these buffers per boundary area. Compliance with the requirement shall be demonstrated by the submission of a scaled typical elevation view of proposed buffer area to be submitted as part of the required landscaping plan, as required in Section [1902](#).
1. A continuous row of six feet evergreen plantings plus one deciduous tree planted every 30 lineal feet.
 2. A six foot tall opaque wall or fence plus one tree planted every 30 lineal feet.
 3. A double row of staggered evergreen trees, minimum six feet in height, planted every 15 lineal feet.
 4. A 40 foot wide, six foot tall earthen berm with trees planted every 30 lineal feet.
- E. **Design Standards.**
1. BPDs shall comply with the Commercial Design Standards set forth in [Section 1900](#).
 2. Overhead service doors shall not be located on the front façade or a façade facing a public street.



2407 Industrial Planned Development District Regulations

A. Purpose

1. The purpose of the Industrial Planned Development (IPD) District is to encourage low impact industrial development by coordinating industrial activities that are complementary to the overall IPD development plan. The IPD district allows for high quality development by allowing flexibility in design and location and ensuring suitably served sites (by both transportation and utility systems).
2. An IPD District must also comply with the general provisions for Planned Developments contained within this Section.

B. Dimensional Standards.

The required lot size, lot coverage, dimensions, setbacks / yards, and building height requirements are listed in the Building, Heights & Setback Chart under the “IPD” (Industrial Planned Development) District.

C. Landscaping

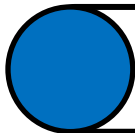
1. All proposed landscaping within an IPD shall, at a minimum, adhere to the regulations set forth in Section [1902](#).
2. Landscaping shall be planned and designed to enhance each element of the development including the buildings, vehicular and pedestrian connections, street network, and public spaces. Landscaping and plantings should be cohesive in placement and design throughout the development, where appropriate.

D. Buffering.

Where an IPD District is located adjacent to a residential zoning district or use, the development shall provide a minimum 40 feet wide buffer planted with one evergreen tree per 20 lineal feet, or fraction thereof, planted in a staggered line plus a continuous six foot high opaque screen constructed out of plantings, a hedge, wall, fence, earth mound, or combination thereof.

E. Design Standards.

1. All primary structures shall utilize brick, stone, composite wood siding, architectural CMU block, glass, architectural metal panels, and precast concrete panels for a minimum of 50% of each façade.
2. Metal siding is prohibited on any façade that faces a right-of-way or residential zoning district or use.
3. Each primary structure shall include at least two different materials.
4. All sides of each primary structure shall include a variety of architectural treatments, which may include vertical and horizontal features that break up façade walls including building projections, recesses, pilasters, contrasting bands, awnings, canopies, varying materials or colors, or colonnades.
5. Accessory structures, including detached garages, sheds, or warehouses shall be constructed out of compatible materials in terms of color and material to the primary structures.
6. Dumpster or service enclosures shall be screened by a durable material that is compatible in terms of color and material to the primary structures.
7. Outdoor storage of materials must be screened from view from all adjacent rights-of-way and residential zoning district or use.
8. Overhead service doors shall not face toward adjacent rights-of-way.

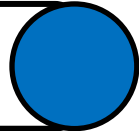


2408 Entertainment Mixed-Use Planned Development District Regulations

A. Purpose

1. The purpose of the Entertainment Mixed-Use Planned Development (EM-UPD) District is to provide an appropriate Zoning District to accommodate the unique demands and impacts of large and regional scale destination and entertainment developments.
2. The purpose of an EM-UPD District is to promote integrated development oriented at a pedestrian scale which provides for a mixture of land uses. This district should produce development that creates an attractive environment and destination for commerce, employment, living, interaction, dining, and entertainment and for the residents, workers, and visitors to the City of Hamilton.
3. The EM-UPD District provides standards that promote development designs which will create a sense of place and identify, serving as a destination within the city through the provision of the following:
 - a. Encouraging a mixture of land uses in either a horizontal or vertical development pattern.
 - b. An integrated internal street network which facilitates effective and efficient automobile and pedestrian movement, where appropriate.
 - c. Multiple parking locations and options, including on-street parking, dispersed throughout the development, and arranged in a manner that promotes pedestrian movement, where appropriate.
 - d. Building sizes, heights, and locations arranged within a walkable environment featuring a high level of integration with the exterior streetscape, street network, and parking locations.
 - e. Streetscapes which contain a variety of amenities that create a sense of place and promotes social interaction, outdoor activity, and assembly, where appropriate.
 - f. Proper integration with land uses in the surrounding area.
4. Due to the unique characteristics, form, and impact of these types of developments, deviation from traditional zoning standards is necessary. The regulations established in this Section of the Zoning Ordinance are intended to provide flexibility in design and permit planned diversification in the relationships between types of land uses and structures within a development. The regulations herein are also intended to provide proper oversight, input, and review to ensure that all development properly integrates with the character and form of the surrounding areas through the protection of the public health, safety, and welfare.
5. An EM-UPD District must also comply with all applicable regulations contained within this Section.

- B. **Dimensional Standards.** The required lot size, lot coverage, dimensions, setbacks / yards, and building height requirements are listed in the Building, Heights & Setback Chart under the “EM-UPD” (Entertainment Mixed-Use Planned Development) District.



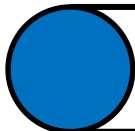
C. Pedestrian and Vehicular Connectivity

1. The internal street and off-street parking network provide the foundation for development within an EM-UPD District. In keeping with the intent and purpose of this District, the central elements that shall be addressed and provided by the street network and off-street parking area include the following:
 - a. Provide convenient and safe access;
 - b. Accommodate multi-modal movement and transportation within the development;
 - c. Provide smooth transitions between different areas of the development;
 - d. Provide interconnectivity between destinations, parking areas, and the pedestrian network within the development; and,
 - e. Provide connections to adjacent areas surrounding the development where appropriate.
2. The pedestrian network shall facilitate pedestrian movement within the development and be designed in a manner that promotes walkability, social interaction, and connectivity between areas and destinations, creating a sense of place, identity, and character within a development area. Elements of the pedestrian network within the development shall include:
 - a. Provision of a network of walking areas along the internal and/or external portions of the development to provide convenient access and connectivity between the parking areas, destinations within the development, and to surrounding areas where appropriate.
 - b. Provision of landscaping features, including but not limited to, trees, planting boxes, planting strips, landscaped berms, shrubs, and other types of landscaping features consistent with the intent and purpose of the EM-UPD District.

D. **Off-Street Parking and Loading/Unloading.** Off-street parking, and, when applicable, loading and/or unloading facilities, shall be as approved on the Final Development Plan.

E. **Buffering.** Where an Entertainment Mixed-Use Planned Development District is located adjacent to a residential zoning district or use, the development shall provide one of the following buffer options to be installed along perimeter boundaries. A project may build a combination of these buffers per boundary area. Compliance with the requirement shall be demonstrated by the submission of a scaled typical elevation view of proposed buffer area to be submitted as part of the required landscaping plan, as required in Section [1902](#).

1. A continuous row of six feet evergreen plantings plus one deciduous tree planted every 30 lineal feet.
2. A six foot tall opaque wall or fence plus one tree planted every 30 lineal feet.
3. A double row of staggered evergreen trees, minimum six feet in height, planted every 15 lineal feet.
4. A 40 foot wide, six foot tall earthen berm with trees planted every 30 lineal feet.



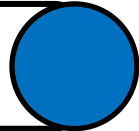
- F. **Building Architecture.** Building designs are encouraged to create a unique and attractive image for the development. High design standards and creativity are encouraged. It is not the intent of these regulations to prohibit any national building identity, but to integrate those designs and maintain a general theme within the development, as follows:
1. Design of buildings, including materials and architectural style should be cohesive throughout the development.
 2. Building designs and materials should be consistent with the Commercial Design Standards set forth in [Section 1900](#).
- G. **Signage and Lighting.** Signage and lighting shall be planned and designed to be compatible with the buildings on the site in a manner which enhances the appearance of the site and development as a whole.
1. Exterior lighting fixtures should be cohesive in placement and design throughout the development, where appropriate.
 2. The materials and types of signs used within the development shall be a consistent architectural style throughout the development, where appropriate.

2409 Review Procedures

A. Establishment of Planned Development Districts

1. A Planned Development District may be established through the submission of an application for rezoning submitted by the owner(s) of property subject to the requirements of this section. The Preliminary Plan shall accompany the application for rezoning and be reviewed according to the procedure outlined in [Section 2409](#). The Preliminary Plan and any supporting documentation shall be adopted at the time of the rezoning.
2. Pursuant to [Section 4400](#), the Planning Commission or City Council may initiate a rezoning to Planned Development District, but only when substantiated by at least one of the following criteria:
 - a. The property shall be under the ownership of the City of Hamilton;
 - b. The property is categorized by unique environmental or physical features such as steep topography, heavy tree cover, creeks, streams, or wetlands; or
 - c. The property is characterized as having significant locational or historic importance.
3. Planned Development Districts may be established, modified, or removed from the zoning map and the regulations applicable to any specific Planned Development Districts may be established, modified, or deleted as an amendment to the City of Hamilton Zoning Ordinance.

- B. **Pre-application Conference.** Prior to submitting a formal rezoning application, applicants are strongly encouraged to engage in consultation with the Planning Department staff to discuss the PD plan. No statement or representation by City staff is binding on either the department or the City Planning Commission.

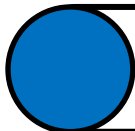


C. PD Zoning Amendment and Preliminary Plan Submittal

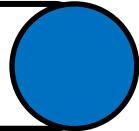
1. The applicant shall submit an application to rezone property to a PD designation along with the applicable fee to the Planning Department. A Preliminary Plan consistent with the requirements set forth in Section [2410.A](#) shall accompany the application.
2. The Planning Department staff determine if the application is complete or if additional information is needed. The Planning Department staff will distribute the application to various City Departments for review/comment. Upon determination that the application is complete, it shall be referred to the Planning Commission for review.
3. The Planning Commission shall hold a public hearing on the rezoning and the Preliminary Plan and shall furnish to City Council its recommendation with respect to the submitted plans. Notice of such hearing shall be mailed to property owners within 500 feet of the property to be rezoned at least 10 calendar days prior to the date of the hearing.
4. After receiving the Planning Commission's recommendation, the City Council shall hold a public hearing on the rezoning and the Preliminary Plan and shall approve, approve with modifications/conditions, or deny with written reasons thereto the application.
5. In the case of an adverse recommendation by the Planning Commission, such application shall require the affirmative vote of at least five members of City Council to reverse Planning Commission's recommendation.
6. If the PD Zone Map Amendment and Preliminary Plan is approved by the City Council, the Planning Department staff shall update the City's Official Zoning Map to identify the subject property as being zoned RPD, OPD, BPD, IPD, or EM-UPD.
7. The applicant may proceed with submitting the Final Plan. Approval of the Preliminary Plan shall lapse one year from its date of approval unless a Final Plan is submitted. Such approval may be extended by the Planning Commission for a period not to exceed two additional years. The property shall maintain its specific PD zoning designation.

D. Final Plan Submittal

1. Submission of an application for Final Plan approval, along with applicable fee, shall be submitted to the Planning Department. A Final Plan consistent with the requirements set forth in Section [2410.B](#) shall accompany the application.
2. The Planning Department staff shall determine if the application is complete or if additional information is needed. The Planning Department staff will distribute the application to various City Departments for review and comment. Upon determination that the application is complete, it shall be referred to the Planning Commission for review.
3. The Planning Commission may approve, conditionally approve, or disapprove the Final Plan based on the plan's consistency with the Preliminary Plan and the Final Plan requirements.
4. If approved by the Planning Commission, the Secretary of the Planning Commission shall endorse the approved Final Plan. No zoning or building permits shall be issued except in conformance with the approved Final Plan, excepting approved modifications pursuant to Section [2411](#).



- E. **Combined Preliminary and Final Plans.** The applicant may request to combine the applications for the Preliminary and Final Plans. The Planning Department staff may approve or deny this request based on the type of application, completeness of plans, and timing requirements of the project. All requirements of both the Preliminary and Final Plans shall be met for a combined plan submittal. If approved by the Planning Department staff, the applicant shall submit the PD Zone Map Amendment with the Final Plan and any additional information that is required for the Preliminary Plan. The application shall follow the process established for the Preliminary Plan including a public hearing and recommendation by Planning Commission and a public hearing and action by the City Council.
- F. **Review Procedure for Land Already Zoned PD District.** Land that already has a PD zoning designation shall follow the same procedure for a new Preliminary and Final Plan as set forth in Sections [2410.A](#) and [2410.B](#).
- G. **Expiration**
1. For OPD, BPD, IPD, and EM-UPD, the applicant shall have two years from the date of approval of the Final Plan to receive approval through the issuance of a Certificate of Occupancy or the Final Plan shall be deemed null and void. An applicant may request two extensions of six months from the Planning Commission. Extensions will be considered on a case-by-case basis and will consider factors such as extenuating circumstances, scope of the project, and progress made since approval. If a Final Plan becomes expired, the applicant shall submit a new Final Plan application, as set forth in Section [2409.C](#), for approval before continuing with the project.
 2. For RPDs, the applicant shall have two years from the date of approval of the Final Plan, for any phase or section of an approval, to record the plat of the development with the Recorder of Butler County or the Final Plan shall become null and void. An applicant may request two extensions of six months from the Planning Commission. Extensions will be considered on a case-by-case basis and will consider factors such as extenuating circumstances, scope of the project, and progress made since approval. If a Final Plan becomes expired, the applicant shall submit a new Final Plan application, as set forth in Section [2409.C](#), for approval before continuing with the project.
- H. **Phased Developments.** For any PD that is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, utilities, and other necessary public improvements to serve the development. Each phase shall be capable of standing by itself, in the sequence of development proposed.

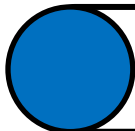


I. Discretion of Planning Commission and City Council

1. Planning Commission and City Council have the discretion to vary the dimensional, design, use, area, and development standards that are applicable to a Planned Development.
2. It shall be the responsibility of City Council and/or Planning Commission to determine the restrictions that shall apply to a particular Planned Development.
3. In exercising their review authority relative to Planned Developments, the Planning Commission and City Council may impose provisions for buffers, open space, lighting, underground utilities, hours of operation, parking, signage, and/or other safeguards as part of the approval of the Planned Development Plan.

J. Standards for Waivers of General Design Standards. In determining whether or not to waive or vary the General Design Standards found in any PD district, the Planning Commission and City Council shall consider and find that four out of the five following criteria apply to the specific development:

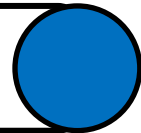
1. The proposed development is in conformance with the principles of the City's Comprehensive Plan;
2. The proposed development advances the general welfare of the city and immediate vicinity and will not impede the normal and orderly development and improvement of surrounding and abutting areas;
3. Adequate utilities, access roads, drainage, retention/detention facilities are provided;
4. The proposed development design, site arrangement, and/or anticipated benefits of the proposed development justify any deviation from the General Design Standards found herein; and,
5. The proposed development design exceeds the quality of the building and site design in the immediate area.



2410 Submission Requirements

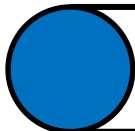
A. Preliminary Plan Submission Requirements

1. The applicant shall submit the application, application fee, and any other additional information as required by the application packet and the Planning Department. The Preliminary Plan of the proposed development shall be prepared by a registered professional engineer, architect, landscape architect, or surveyor authorized to practice under the laws of the State of Ohio.
2. The Preliminary Plan shall clearly show the following features and information:
 - a. Survey or engineering drawings of the property to be rezoned to PUD (“PD”).
 - b. North arrow, scale, and date of preparation.
 - c. The proposed name of the development.
 - d. A vicinity map.
 - e. The tract designation according to real estate records of the Recorder of Butler County.
 - f. The names and addresses of the owner of record, the developer, and the plan preparer.
 - g. A narrative description of the proposed development.
 - h. The names of adjacent subdivisions and the names of record owners of adjacent parcels of un-platted land, and the zoning and land use of all adjacent properties.
 - i. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings, large trees (caliper of four inches or more), water courses, railroads, corporation lines, township lines, pipelines, high tension lines, section lines, etc.
 - j. The preliminary layout of all proposed streets and alleys.
 - k. The preliminary layout of proposed parking areas.
 - l. The proposed size, location, use, height, and arrangement of buildings including proposed setback lines and perimeter setbacks. If residential uses are proposed, a calculation of net and gross density shall be provided.
 - m. Preliminary building elevations of all facades of proposed buildings and structures, at an appropriate scale for representation. Such elevations shall indicate the heights of buildings and structures, roofs and overhangs, and exterior construction materials.
 - n. Preliminary open space, landscaping, and buffering system, including indicating areas that are to be dedicated or reserved for public use or preservation. Details of plant species and quantities are not required.
 - o. Preliminary project phasing map, including the estimated acreage of each phase or section.
 - p. If requested by the Director of Engineering or the Planning Commission, a Traffic Study shall be required.



B. Final Plan Submission Requirements

1. The applicant shall submit the application, application fee, and any other additional information as required by the application packet and the Planning Department. The Final Plan of the proposed development shall be prepared by a registered professional engineer, architect, planner, landscape architect, or surveyor.
2. The Final Plan shall clearly show the following features and information:
 - a. Applicable submittal requirements from the Preliminary Plan submittal (b-i).
 - b. Plat prepared by a registered surveyor for the entire development identifying parcel numbers, lines, and dimensions, and areas.
 - c. Existing and proposed utilities including sewer, water, electric, fiber, culverts, and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.
 - d. The final layout of all proposed streets, alleys, pedestrian paths, access locations, and easements including proposed names and widths.
 - e. The final layout of proposed parking, loading, and circulation areas including the number of spaces and the typical dimensions of such spaces.
 - f. The size, location, use, height, and arrangement of buildings including setback lines and perimeter setbacks. If residential uses are proposed, a calculation of net and gross density shall be provided.
 - g. Final color building elevations of all facades of proposed buildings and structures, at an appropriate scale for representation. Such elevations shall detail the heights of buildings and structures, roofs and overhangs, exterior construction materials, and color scheme. Material board may be requested by Planning Department if deemed necessary.
 - h. Final open space, landscaping, and buffering system, including indicating areas that are to be dedicated or reserved for public use or preservation. The landscape plan shall include a planting list with the common names, scientific names, quantities, and sizes of proposed landscaping.
 - i. Final storm drainage, utility, and grading plans. Storm plans shall provide adequate, complete, and satisfactory drainage for the entire area being platted for all proposed land uses. The storm drainage study and plan information submitted shall include watershed areas, overall design calculations and boundaries, contours at two foot intervals or less, and the location and size of all existing and proposed storm sewers, underdrains, inlets, culverts, bridges, creeks, open ditches, swales, existing watercourses to be relocated or abandoned, drainage outlets and their adequacy, and other pertinent drainage facilities. The information submitted shall include adjacent areas, when deemed necessary for design and review purposes.
 - j. Final project phasing map and time schedule of projected development if the total site is to be developed in phases or sections, including the acreage of each phase or section.
 - k. Covenants or private restrictions that shall run with the land. Such regulations shall address the following, as applicable:
 - i. Restrictions or easements to be recorded;
 - ii. Restrictions and bylaws of an owner's association and its incorporation;
 - iii. Maintenance responsibilities of common owned land;
 - iv. Development restrictions including, but not limited to, permitted uses, prohibited uses, dimensional and design standards, and signage and lighting parameters;
 - l. Any additional information that may have been requested by the Planning Commission or City Council during the Preliminary Plan review and approval process.



2411 Amendments

A. Approved Preliminary or Final Plans may be amended as follows:

1. **Major Departure.** If it is determined by the Planning Director, after consultation with the Director of Engineering, that a change to an approved Planned Development is a major departure from the approved plans, then a new Preliminary Plan application, fee, and submittal materials are required, and the application shall be processed as a new Planned Development. For purposes of this section a major departure may include, but is not limited to, a substantial change to the basic design, density, uses, circulation, or open space requirements of the approved plan or a substantial change to any other specific condition of the approved plan.
2. **Minor Departure.** If it is determined by the Planning Director, after consultation with the Director of Engineering, that a change to an approved Planned Development is a minor departure from the approved plans, then the amendment shall be processed as a Final Plan application. For purposes of this section a minor departure may include, but is not limited to, an insignificant change to the basic design, density, uses, circulation, or open space requirements of the approved plan or a substantial change to any other specific condition of the approved plan.
3. **Administrative Departure.** If it is determined by the Planning Director, after consultation with the Director of Engineering, that a change to an approved Planned Development is an administrative departure from the approved plans, then the amendment may be approved by the Planning Director, after consultation with the Director of Engineering. Administrative departures may include minor adjustments to revise size and location of drainage ways, sewers, roadways, retaining walls or similar features and the substitution of landscape materials, building materials or colors, lighting fixtures, or other such design considerations that are being replaced with something of equal or better quality.

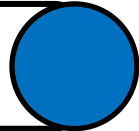
- B. Nothing in this section shall preclude any property owner to carry out routine maintenance and repair of facilities located within an approved Final PD, provided that such maintenance and repair do not violate the approved Final PD.

2412 Noncompliance and Appeals

- A. **Noncompliance.** The applicant, their successors and assigns shall be bound by the approved Final PD. Any violation of an approved Final PD shall be deemed a violation of this zoning code and subject to penalty found in [Section 4400](#) of this Zoning Code.

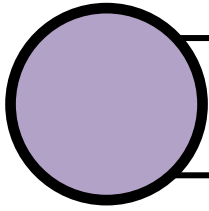
B. Appeals for Preliminary Plans

1. Any person, firm, corporation, or any officer, department, board, or agency of the municipality who or which has been aggrieved or affected by any decision of the City Council on a Planned Development may appeal such decision by filing a written intent to appeal.
2. A complete written appeal setting forth the facts, issues, and arguments shall be filed by the Appellant within 15 business days of the decision of the City Council or the complete written appeal shall become void. The intent to appeal and the written appeal shall be filed with the Clerk of the Court of Common Pleas.
3. Such appeal shall be heard and decided upon by the Court of Common Pleas. The applicant shall be responsible for submitting all necessary information for the proceedings and paying any applicable fees.



C. Appeals for Final Plans

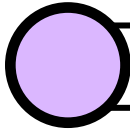
1. Any person, firm, corporation, or any officer, department, board, or agency of the municipality who or which has been aggrieved or affected by any decision of the Planning Commission on a Planned Development may appeal such decision by filing a written intent to appeal.
2. A complete written appeal setting forth the facts, issues, and arguments shall be filed by the Appellant within 15 business days of the decision of the Planning Commission or the complete written appeal shall become void. The intent to appeal and the written appeal shall be filed with the Clerk of Council.
3. City Council shall hold a hearing on such appeal not later than 30 business days after such appeal has been filed with the Clerk of Council. City Council, by an affirmative vote of the majority of its members, shall decide the matter and its decision shall be final.



SPECIAL DISTRICTS AND PROVISIONS

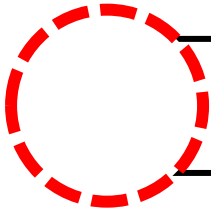
Special Provisions:

Special Provisions shall be set forth and are hereby adopted by reference and declared to be a part of this Ordinance.



2500 Miscellaneous Provisions

Within the boundaries of any form-based zone district listed in section [2300](#), in the event of any inconsistency between the miscellaneous provisions in this section [2500](#) and any provision of the form-based zone districts in section [2300](#), the provisions of section [2300](#) shall apply.



2600 ARCHITECTURAL CONSERVATION / HISTORIC DISTRICTS

2601 Purpose: It is the purpose of Section [2600](#), et seq., to protect the economic, cultural, and educational welfare of the citizens of the City of Hamilton by preserving and protecting significant architectural and/or historic structures, sites, monuments, streetscapes and neighborhoods by the establishment of restrictions on construction, erection, alteration, painting, design, color, removal, moving or demolition of buildings and structures, and the construction, erection, mounting, painting, design, color, moving, demolition, or revision of signage in any hereinafter designated Architectural Conservation/Historic District or designated Historic Property. The further purpose of said Section [2600](#), et seq., shall include but not be limited to the following:

Combating conditions of blight and deterioration in aging neighborhoods through protection from a decrease in value of individual real property resulting from the destruction and/or degradation of architectural and/or historic features in residential and commercial structures, sites, monuments, streetscapes and neighborhoods.

The encouragement of investment in architectural and/or historic resources that can result in stabilization or increase in property values and strengthen the economy of the City of Hamilton.

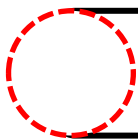
Ensure that new development is compatible with existing structures and the Comprehensive Plan of the City of Hamilton through improvements in the aesthetic quality of the designated districts for safe, harmonious, and integrated building design continuity by establishing uniform, mass, height, setback, material and design standards in order to promote a positive visual image for the City of Hamilton.

Protect and promote public safety and preservation of air and light quality by limiting maximum building height of any building to within the stream reach of existing firefighting equipment.

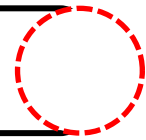
2602 Definitions:

For the purposes of this Chapter Architectural Conservation/Historic Districts Zoning Ordinance the following words and phrases, shall have the meanings respectively ascribed to them. These definitions are germane to the Architectural Conservation/Historic Districts Zoning Ordinance. The definitions are as follows:

1. **Alteration** - Any act or process that changes one or more of the exterior architecture features of a building or structure, including but not limited to the erection, construction, reconstruction, painting, design change, color change, or removal of the building or structure
2. **Addition** - Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.
3. **Building** - Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.



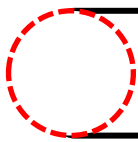
- a. **Building, Height of:** The vertical distance from the grade at a building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hip roof.
 - b. **Building, Setback Line:** A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.
- 4. **Certificate of Appropriateness** - A certificate issued by the Architectural Design Review Board (ADRB), or ADRB Secretary indicating that a proposed change, alteration, painting, design change, color change, or demolition of a historic building or structure, or signage, or within a historic site or district, is in accordance with the provisions of this chapter and ADRB Policies and Guidelines.
 - 5. **Change** - Any alteration, painting, design change, color change, demolition, removal or construction involving any property subject to the provisions of this chapter.
 - 6. **Construction** - The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
 - 7. **Demolition** - Any act or process that destroys in part or in whole any building or structure.
 - 8. **Historic District** - Any area designated by ordinance of the City Council which may contain within definable geographic boundaries, buildings, structures or sites of historic, architectural or archaeological significance.
 - 9. **Historic Structure** - Any building or structure which has historic, architectural or archaeological significance and has been so designated according to the provisions of this chapter. The significance of a property to the history, architecture, archaeology, engineering, or culture of a community, state, or the nation. It may be achieved in several ways:
 - a. Association with broad pattern of our history, events, activities, or patterns
 - b. Association with important persons
 - c. Distinctive physical characteristics of design, construction, or form
 - d. Potential to yield information important in history or prehistory (archaeology)
 - 10. **Landmark** - Any building, structure or archaeological site that has been designated as a “landmark” by ordinance of the City Council, pursuant to procedures described herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance
 - 11. **Minor Project Requests Administrative Approvals** – A repair or improvement in relation to a property in an Architectural Conservation/Historic District or a property listed on the State of Ohio Historic Inventory in which the repair or improvement is being done that utilizes the existing materials/colors and replaces them with matching materials/colors/design and replaces them with matching materials/colors/design. Administrative approvals are further defined in the Architectural Design Review Board Policies & Guidelines.
 - 12. **Owner** - the owner or owners of record
 - 13. **Preservation** - The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property



14. **Reconstruction** - The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location
15. **Rehabilitation** - The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features, which convey its historical, cultural, or architectural values
16. **Restoration** - The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project
17. **Review Board** - the board or commission established under the provisions of the enabling legislation
18. **Sign** - As Defined by Section [3900](#) Definitions of the Hamilton Zoning Ordinance
 - a. New permanent signage or any change of signage, is considered an Alteration to the historic property as defined in the aforementioned Section [2602](#) of the Hamilton Ordinance. Such proposal shall submit a Certificate of Appropriateness Application for review and approval by the Architectural Design Review Board per Section [2600](#) of the Hamilton Zoning Ordinance.
 - b. Proposed freestanding permanent signage must comply with Section [1707](#) of the Hamilton Zoning Ordinance.
 - c. All proposed permanent signage must comply with the regulations of Section [1700](#) of the Hamilton Zoning Ordinance.

2603 Architectural Conservation/Historic Districts And Structures – Local Register: There are hereby established locally registered Architectural Conservation/Historic Districts with all structures contained within as having historic significance and/or character. In addition, there are locally registered specific structures that may be outside of these districts that have historic significance and/or character as well. The districts and structures are identified as follows:

- A. **German Village**, the description of which is attached hereto, marked Exhibit A and incorporated herein by reference. [[See Interactive Zoning Map here](#)]
- B. **Rossville Historic District**, the description of which is attached hereto, marked Exhibit B and incorporated herein by reference. [[See Interactive Zoning Map here](#)]
- C. **Dayton-Campbell Historic District**, the description of which is attached hereto, marked Exhibit C and incorporated herein by reference. [[See Interactive Zoning Map here](#)]
- D. **North Dayton-Lane Local Area**, the description of which is attached hereto, marked Exhibit E and incorporated herein by reference. [[See Interactive Zoning Map here](#)]
- E. **CSX Railroad Passenger Station**, Formerly located at South Fifth and Henry Streets consisting of Entire Lots Numbered 1151, 1152, 1153 and 1154 as the same as are known and designated on the revised list of lots in the Fourth Ward of the City of Hamilton, Butler County, Ohio. New location Is 409 Maple.



- F. **Local Inventory of Structures Outside of Districts** – structures both inside and outside of the districts are identified by the Ohio Historical Inventory. Individual properties subsequently designated by the ADRB and City Council as having architectural and/or historic significance can be added or deleted to this list based on the rules stipulated in Section [2630](#). The structures listed on this inventory will be under the purview of the ADRB.

The requirements of Sections [2600](#), et seq., are hereby superimposed upon, and are in addition to, the requirements of the existing Zoning Districts contained within the Architectural Conservation/Historic Districts on the [Official Zoning Map](#).

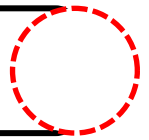
2603.1 Central Area Building Inventory: The Central Area Building Inventory shall include the following properties.

105 Court Street	318 High Street (320 High Street)	320 S. Front Street
228-234 Court Street	332 High Street	105 N. Second Street
309-311 Court Street	221 High Street (10 Journal Square)	128 N. Second Street
19 S. Front Street	225 Ludlow Street	6 S. Second Street (2 S. Second Street)
23 S. Second Street	311-315 Ludlow Street	120 S. Second Street
1 S. Monument Avenue (1 High Street)	337 Ludlow Street	319 S. Second Street
101 High Street	10 Monument Street	136 N. Third Street
219 High Street	20 High Street (20 Monument Street)	100 S. Third Street
222 High Street	23 Court Street (100 Monument Street)	215 S. Third Street
228-236 High Street	111 S. Front Street	220 S. Third Street
254 High Street	212 S. Front Street	225 S. Third Street (230 Ludlow Street)
300 High Street		301 S. Third Street

2604 Special Provisions Applicable to Residential Uses within Historic Districts

Within the boundaries of the German Village Historic District, Rossville Historic District and Dayton-Campbell Historic District, regardless of the current underlying Zoning there is hereby established the following minimum requirements for residential uses.

- 1) Minimum Off Street Parking required per Dwelling Unit – 2 spaces
- 2) Off Street Parking Area Design Requirements
 - Each Off Street Parking Space shall have a minimum of 9' x 18' in area
 - Off Street Parking Spaces shall be surfaced with an asphaltic, concrete, cement binder, brick concrete paver, or other approved pervious paving product so as to provide a dustless surface and shall be graded and drained per Director of Public Works.



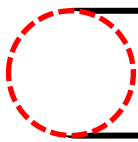
- A minimum of 20% of all Off Street Parking Areas shall be suitably screened and landscaped so as to provide a visual barrier between all Off Street Parking Areas and adjacent properties.
- Any proposed fencing, wall, or landscaping associated with Off Street Parking Areas shall be reviewed and approved by the Architectural Design Review Board.

2605 Architectural Design Review Board: There is hereby established an Architectural Design Review Board, consisting of nine (9) members, three (3) members appointed by the City Manager, five (5) members nominated by the organizations listed below and confirmed by the City Manager, and one (1) member from City Council and the Planning Commission, as ex-officio voting members.

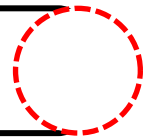
A) All members shall be residents of the City of Hamilton, Ohio, and shall be appointed to serve a two (2) year term. Whenever an organization listed below fails to nominate a member the existing member may serve an additional six (6) months upon approval by the City Manager.

- (1) One (1) member nominated by the Hamilton Chamber of Commerce and confirmed by the City Manager.
- (2) One (1) member of the City Council, as an ex-officio voting member appointed by City Council.
- (3) One (1) member from the City of Hamilton Planning Commission, as an ex-officio voting member appointed by the Planning Commission.
- (4) One (1) member nominated by Historic Hamilton and confirmed by the City Manager.
- (5) One (1) member who is a trained architect, landscape architect, city planner, construction manager, real estate professional, or engineer with a degree from an accredited college or university, or at least two (2) continuous years verifiable professional work experience. Qualifications to be reviewed and confirmed by Staff and/or the Architectural Design Review Board as deemed necessary. This member is appointed and confirmed by the City Manager.
- (6) One (1) member nominated by the Rossville Historic Preservation Association and confirmed by the City Manager.
- (7) One (1) member nominated by the Dayton Lane Historic Area, Inc. and confirmed by the City Manager.
- (8) One (1) member nominated by Hamilton's German Village Inc. and confirmed by the City Manager.
- (9) One (1) member appointed by the City Manager, as At-Large voting member.

At least two of the members must meet the Secretary of Interior's Standard for Professional Qualifications, which must be a preservation related field that includes planning, architecture, landscape architecture, architectural history, conservation, cultural anthropology, curation, engineering, folklore, and history. All members shall have experience or an interest in historic preservation.



- B) An alternative member shall be appointed or nominated and confirmed as outlined in Section [2605 A](#) to substitute for a member when such member is absent or unable to participate on an item before the Architectural Design Review Board. The alternate member shall meet all the qualifications of the member they are appointed to substitute for as listed in Section [2605](#). The alternate member shall possess all the powers and responsibilities of such member of the Architectural Design Review Board.
- C) Members of the Architectural Design Review Board shall serve without compensation and vacancies caused by death, resignation, or termination of eligibility to serve, shall be filled in the same manner as original appointments are made.
- D) The Architectural Design Review Board shall annually select one of its own members as Chairperson. The Chairperson shall call meetings and preside at meetings and hearings of the Architectural Design Review Board. A Secretary shall be appointed by the City Manager from the Planning Department of the City. The Secretary shall possess at least the minimum qualifications of an Associate Planner, or a higher but related classification, as defined by the class description for that position adopted by Civil Service Commission of the City of Hamilton. The Secretary shall not be a voting member of the Architectural Design Review Board and shall keep minutes and records of all proceedings of the Architectural Design Review Board. At the discretion of the Architectural Design Review Board the Secretary and/or Chairperson may be given authority to approve such minor rehabilitation activities as the Architectural Design Review Board may determine if such minor rehabilitation activities meet the standards hereinafter set forth. The Secretary shall administer this article and advise the Architectural Design Review Board on each application under this article that shall come before the commission. This person shall have expertise in archaeology, history, architectural history, historic preservation, or a closely related field
- E) The Architectural Design Review Board may adopt rules of procedure and provide for regular and special meetings. Meetings shall be open to the public. Records will be made available to the public through the Secretary upon request. Architectural Design Review Board members shall not vote if personal or pecuniary interests are involved. Five (5) members present shall constitute a quorum. If a quorum is present, a simple majority vote of those present shall be required to approve or disapprove a motion.
- F) Applicants will be notified of the meeting date, time, and location and are encouraged to attend and present the details of their project. Once a decision has been rendered by the Architectural Design Review Board, the applicant will be notified in writing of the Architectural Design Review Board's decision within one week of that decision.
- G) The Architectural Design Review Board recognizes four classifications of meetings (regular, working, special, and emergency) - of which there will be no less than 1 meeting per quarter, or at least 4 per year. These meetings will be publicly announced, and a posted agenda will be made available.
- H) All Architectural Design Review Board Rules, Procedures, and Guidelines will be made available to the public.

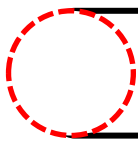


2610 Certificate Of Appropriateness: No alteration, painting, design change, color change, construction, reconstruction, erection, removal or exterior work on a structure, and no construction, erection, mounting, painting, design change, color change, moving, removal, or revision of permanent signage to any property in an Architectural Conservation/Historic District where such action or work will affect the exterior architectural and/or historic features or appearance of a structure, site, monument, streetscape, or neighborhood shall be permitted unless and until a Certificate of Appropriateness for such action or work has been applied for and issued by the Architectural Design Review Board, its Secretary, or Chairperson, as authorized by said Architectural Design Review Board. An application for any building permit for use in an Architectural Conservation/Historic District shall also be considered an application for Certificate of Appropriateness. In addition to the requirements for a building permit, an application shall include such other information as may be required by the Architectural Design Review Board for a Certificate of Appropriateness.

A fee will be charged for any Certificate of Appropriateness application that is required to be heard before the Architectural Design Review Board, unless the proposed change is returning to or restoring to previous or original historic materials that can be referenced in past Architectural Design Review Board or other official City of Hamilton/State of Ohio Historic Inventory records. Fee information is listed in Section [4513](#) Certificate of Appropriateness.

Upon receipt of an application by the Planning Department of the City, such application shall be forwarded to the Secretary of the Architectural Design Review Board who shall formally record the date of receipt of the application and submit the same to the Architectural Design Review Board for timely disposal. The Architectural Design Review Board shall act upon any application within thirty (30) calendar days from the date of filing with the secretary.

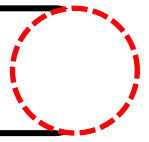
In the event the Architectural Design Review Board issues to an applicant Certificate of Appropriateness, such Certificate shall remain valid for a period of twelve (12) months from the date of issuance. During the period of validity, the work for which said Certificate was issued must commence and proceed without unreasonable delay. If such work is not commenced, or if such work is delayed for a period exceeding twelve (12) months, the Certificate of Appropriateness shall expire; provided, however, the Secretary may grant one (1) or more extensions of time not to exceed an additional twelve (12) months. A request for an extension shall be submitted either through a new Certificate of Appropriateness application or letter that sets forth the reasons for delay. If the Architectural Design Review Board and the applicant are unable to reconcile an alternative plan, the applicant may appeal the decision of the Architectural Design Review Board to the Board of Zoning Appeals pursuant to the applicable provisions of Section [4100](#), et seq. and Section [4200](#), et seq., of the Zoning Ordinance No. 7503, as amended.

Certificate of Appropriateness (Continued):

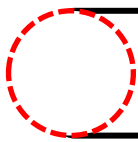
- A) In the event the Secretary or Chairperson refuses to issue to an applicant Certificate of Appropriateness for minor rehabilitation, the applicant shall be heard by the board.
- B) In determining whether or not the Architectural Design Review Board will approve the issuance of a Certificate of Appropriateness, said Board shall consider the ADRB Policies and Guidelines and the Secretary of Interior's Standards for Preservation Briefs, whether the proposed change will adversely affect or destroy any significant exterior architectural and/or historical feature of the structure, site, monument, streetscape or neighborhood, whether such change is inappropriate or inconsistent with the purpose of Section [2600](#), et seq., and whether it will adversely affect or destroy the general architectural and/or historical significance of the Architectural Conservation/Historic District. In addition to the foregoing, the Architectural Design Review Board will apply the specific design standards for each separate Architectural Conservation/Historic District when reviewing, all projects in that district, in determining whether to approve or disapprove the issuance of Certificate of Appropriateness.
- C) As new districts and landmarks are added to the inventory, guidelines will be drawn up that offer recommendations and parameters on how to adhere to the character of these new districts.

2611 The specific design standards for the areas described in Section [2603](#) of the Architectural Conservation/Historic District are as follows:

- A) That the exterior architectural and/or historical character and functional plan of the property, when changed, will not be at such variance with existing properties in the immediate neighborhood or Zoning District as to preserve the character and integrity of the neighborhood, and cause substantial depreciation of the property values of such properties or the neighborhood.
- B) That the site utilization and orientation of the proposed change is reasonably integrated with existing roads, drives, vehicular traffic patterns and pedestrian walkways abutting the property to which the proposed change is to be made.
- C) That the proposed change is compatible with the subject property and/or a majority of properties in the immediate surrounding area in terms of: height, proportion of a facade, openings within a facade, relationships of solids to voids in a facade, entrances to sidewalks, materials, textures, color, architectural details, roof shapes, landscaping, continuity and scale.
- D) That the proposed change complies with the "Secretary of the Interior's Standards of Rehabilitation", dated 1977, (appearing at Section 36 of the Code of Federal Regulations, Part 67), or as they may be subsequently amended if adopted by Council. Said standards are as follows:



- (1) Every reasonable effort shall be made to provide a compatible use for a property, which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose
 - (2) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed; the removal or alteration of any historic material or distinctive architectural features should be avoided when possible;
 - (3) All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged
 - (4) Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected
 - (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity;
 - (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible; in the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities; repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures;
 - (7) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken
 - (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project;
 - (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment; and
 - (10) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
- E) Any work done shall be performed in a good and workmanship like manner according to accepted standards and practices in the trade as outlined in the [Architectural Design Review Board Policies & Guidelines](#).

**2620** Certificate Of Appropriateness – Demolition

In the absence of a State of Ohio or City mandate, or city declared nuisance, when an application for a Certificate of Appropriateness is filed, there will be no approval of demolition of any structure (e.g. a house, building, garage, principal structure, or accessory structure) located in a historic district, or included as part of a Central Area Building Inventory property or part of historic inventory property, unless the applicant can prove with credible evidence a specific need and justification for demolition of the structure exists. Historic structures and the Historic Districts have significant value placed on them by the City, and anything that would harm or jeopardize the structures or the Districts is considered a detriment to the public welfare. Furthermore, demolition of historical structures represents a loss of unique architecture, history, and character of the historic neighborhoods and the City.

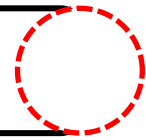
In the event an application for a Certificate of Appropriateness includes demolition of any property in the Architectural Conservation/Historic District, the applicant shall be required to submit documentation supporting the position for demolition to the Architectural Design Review Board.

In addition, the applicant shall be required to submit documentation and evidence in the Certificate of Appropriateness Application as needed to demonstrate that at least two (2) of the conditions from the [Architectural Design Review Board Policies & Guidelines: Approval of Demolition of a Property in a Historic District or Historic Inventory Structure](#) apply.

If the Architectural Design Review Board finds that the application does not meet the criteria noted in the [Architectural Design Review Board Policies & Guidelines: Approval of Demolition of a Property in a Historic District or Historic Inventory Structure](#), the application for Certificate of Appropriateness for demolition shall be refused. The Architectural Design Review Board may delay determination of the application for a period of one hundred twenty (120) days upon a finding that the property is of such architectural and/or historic significance that alternatives to demolition may be feasible. In the event that action upon such application is delayed, the Architectural Design Review Board may take such steps as it deems necessary to preserve the property in accordance with the purposes of Section [2600](#), et seq. such steps may include but shall not be limited to consultation with civic groups, public agencies and interested citizens. If the Architectural Design Review Board and the applicant are unable to reconcile an alternative plan to demolition, and if the Architectural Design Review Board shall refuse to recommend the issuance of a Certificate of Appropriateness for demolition, the applicant may appeal the decision of the Architectural Design Review Board to the Board of Zoning Appeals pursuant to the applicable provisions of Section [4100](#), et seq., and Section [4200](#), et seq., of the Zoning Ordinance No. 7503, as amended.

2630 Additions To Or Deletions From The Architectural Conservation / Historic District:

Additions to or deletions from the Architectural Conservation/Historic District may be initiated by the Architectural Design Review Board, City Council, or any owner(s) of the subject property to be added or deleted. Such action shall be commenced with the filing of an application with the Architectural Design Review Board. In considering the addition or deletion of such property or properties, the Architectural Design Review Board shall apply, in addition to any other available information, the following criteria:

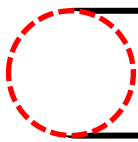


- A) The character, interest or value of the area or property as part of the development, heritage or cultural characteristics of the City, State or the United States;
- B) The location as a site of a significant historic event;
- C) The identification with a person or persons who significantly contributed to the culture and development of the City;
- D) The exemplification by the area or property of the cultural, economic, social or historic heritage of the City;
- E) The embodiment of distinguishing characteristics of an architectural type or specimen;
- F) Identification as the work of an architect or notable builder whose individual work has influenced the development of the City;
- G) The embodiment of elements of architectural design, detail, materials or craftsmanship which represent architecture of significant character, charm or grandeur; and
- H) A unique location or physical characteristic representing an established and familiar visual feature of a neighborhood or of the City.

After receipt of an application to add to or delete property from an Architectural Conservation/Historic District, the Architectural Design Review Board shall instruct its Secretary to schedule a public hearing on the application and to notify owners of the property or properties described in the application. Such public hearing shall be scheduled within thirty (30) days of receipt of the application. After the public hearing, the Architectural Design Review Board shall decide within thirty (30) days whether to recommend approval or disapproval of the application.

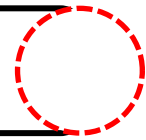
- I) If an application to designate property as an Architectural Conservation/Historic District or to remove the Architectural Conservation/Historic District designation from property does not include or require a change in the existing Zoning District designation [for example- a change from an Agricultural (AG) District to a Single Family Residence District (R-1), then the application need not be submitted to nor be approved by the Planning Commission. In such cases, the Architectural Design Review Board's recommendation concerning the application to designate property as or to remove the designation of property as an Architectural Conservation/Historic District shall be made directly to Council for legislative consideration.
- J) If an application to designate property as or to remove the designation of property as an Architectural Conservation/Historic District also includes or requires a change in the existing Zoning District designation (for example- a change from an Agricultural (AG) District to a Single Family Residence District (R-1), in addition to adding to or deleting from the Architectural Conservation/Historic District) then both a recommendation by the Architectural Design Review Board, which shall make a recommendation limited to the Architectural Conservation/Historic District aspect of the application, and the Planning Commission, which shall make a recommendation limited to the Zoning District aspect of the application, shall be required for legislative consideration by City Council.

In such cases, the recommendation of the Architectural Design Review Board on the Historic District aspect of the application shall be submitted by the Architectural Design Review Board directly to Council for legislative consideration. Similarly, the recommendation of the Planning Commission on the Zoning District aspect of the application shall be submitted by the Planning Commission directly to Council for legislative consideration.



2640 Further Duties Of The Architectural Design Review Board: To assist applicants, the ADRB shall publish and make available general guidelines for the review of applications. In addition, the ADRB may function as follows:

- A) Act in an advisory role to any City board, Commission or to City Council upon request
- B) Conduct or cause to be conducted a historic survey on official survey forms of any property within the City which it believes may be eligible for inclusion in the Architectural Conservation/Historic District;
- C) Provide continuing education to residents of the City with respect to the importance of historic preservation in conserving the architectural and/or historical heritage of the City, State and Nation. Items of continuing education will include periodic workshops (Building Doctor Workshops), literature development, and neighborhood/district presentations by select local historians.
- D) Obtain technical assistance (with or without compensation) which it feels it requires to perform its duties. Such authority shall be subject to appropriation of funds by Council
- E) Monitor the Districts designated in this Ordinance to ensure compliance.
- F) Conduct or encourage members to attend training/educational sessions at least once a year, or in-depth consultation with the SHPO, pertaining to work and functions of the commission or on specific historic preservation issues. Barring extenuating circumstances, all commission members should attend such a session at least once yearly. The SHPO will provide orientation materials and training for local commissions.
- G) Additional responsibilities may be undertaken by the ADRB upon mutual written agreement between the SHPO and the City – i.e. review of all proposed National Register nominations within its jurisdiction. A written agreement will address what duties are to be performed, what staff assistance is need to perform the work, and what level of activity in each area of responsibility will be maintained. All delegated responsibilities must be complementary.
- H) A detailed inventory of the designated districts, sites, and/or structures under the specific jurisdiction of the local government shall be maintained. In addition, all inventory material shall be:
 - a. Maintained securely and be accessible to the public, except that access to archaeological site locations may be restricted.
 - b. Recorded on Ohio Historic Inventory, Ohio Archaeological inventory forms, and/or forms compatible with OHPO's computerized inventory and therefore compatible with the comprehensive preservation planning process.
 - c. Available through duplicates (with contact prints) to the OHPO. Digital images are also acceptable.
 - d. Updated periodically to reflect changes, alterations, and demolitions.



2645 Maintenance And Repair: It is the intent of this section to preserve from deliberate or inadvertent neglect the features of buildings within an Architectural Conservation/Historic District, when such maintenance is necessary to prevent deterioration and decay of the property thus causing, in effect, demolition by neglect. Neither the owners nor the persons in charge of property within an Architectural Conservation/Historic District shall permit such property to fall into a state of disrepair so as to produce, or tend to produce, a detrimental effect upon the character of the Architectural Conservation/Historic District as a whole or the life and character of a property, including but not limited to:

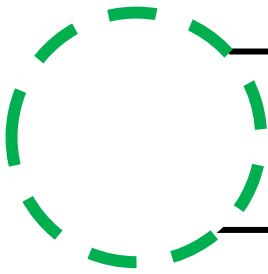
- A) The deterioration of flooring or floor supports, walls or other vertical structural supports;
- B) The deterioration of roofs, ceilings and roof supports or other horizontal members;
- C) The deterioration of exterior chimneys;
- D) The deterioration or crumbling of exterior plaster or mortar;
- E) Deteriorated or ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors;
- F) The deterioration of any significant architectural features;
- G) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

Compliance with this Section shall be in accordance with [Chapter 521](#) and [Part 17](#) of the Codified Ordinances of the City of Hamilton and enforced by the Health Department. Any work done on the repair and maintenance of the building and other structures shall be performed in a good and workmanship like manner according to accepted standards and practices in the trade as outlined in the [Architectural Design Review Board Policies & Guidelines](#).

2650 Miscellaneous: Nothing in Section [2600](#), et seq., shall be construed to prevent or regulate:

- A) Interior arrangements, other than maintenance and repair work as listed in Section [2645](#);
- B) Construction, reconstruction, alteration, restoration, or demolition of any such feature which the City Manager or Designee or similar official shall certify is required to protect the public safety because of an unsafe or dangerous condition; Any such action required shall be coordinated with the Planning Department and Architectural Design Review Board; and
- C) Emergency repairs, meaning repairs involving immediate threats to, or impending danger of, a property in the Architectural Conservation/Historical District. Emergency repairs are temporary in nature and usually involve fire or nature related incidents. Typical emergency repairs include covering windows/doors/holes in the roof with plywood, putting tarpaulins over breaks in a structure, putting up temporary supports; removing, marking and storing dangling or loose elements. The person who makes the repairs shall notify the ADRB secretary within five business days of making such repairs and if the emergency repair will remain on the property for more than 60 days, the person must obtain a Certificate of Appropriateness for the work. Work that results in a permanent alteration to the exterior of the property, such as but not limited to removal of windows, wood, brick, doors, railings, and roofing materials, are not considered emergency repairs.
- D) Nothing in Section [2600](#), et seq., shall be construed to mean that the alteration or rehabilitation of any property in the Architectural Conservation/Historic District is required, other than the maintenance requirements of Section [2645](#) hereof.

2660 Violations: Failure to comply with the provisions of Section [2600](#), et seq., shall be deemed a violation of this zoning code and subject to penalty found in Section [4000](#) of this Zoning Code.



2700 NEIGHBORHOOD INITIATIVE AREA (NIA) CONSERVATION OVERLAY ZONING DISTRICT

2701 Purpose Of Neighborhood Initiative Area Conservation Overlay District

The purpose of the NIA Conservation Overlay Subdistrict is to promote high quality new residential and commercial development within the Neighborhood Initiative Area while providing for the conservation and preservation of the unique character of the neighborhood. The intent is to stabilize property values, conserve and enhance existing, important neighborhood qualities by requiring minimum base standards for new construction to ensure compatibility with existing neighborhood attributes. The base standards relate to the building scale, mass, architecture and overall design character of new development. The design goals and minimum standards will help preserve established neighborhood scale and character, ensuring that residential and commercial areas contribute to overall vitality and longevity of the neighborhood and require that new construction projects meet minimum base standards to ensure they are compatible with the existing character of the neighborhood. See [Use Chart](#).

2702 Applicability

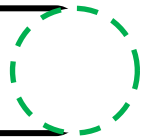
These requirements shall apply to the development of any property located within the confines of the NIA as shown on the [Official Zoning Map](#) for the City of Hamilton. In no instance shall these regulations require renovation or changes to existing structures when building permit applications are not required to be submitted. These requirements shall only be applicable to the building or portion of the building being constructed, altered or added to in the building permit application. Nothing in this section shall preclude the owner from ordinary maintenance and upkeep of existing structures. Interior remodeling/renovation/restorations that have no exterior impact are exempt from the requirements of this chapter. Examples of such instances are listed below:

- New Construction
- Building Additions
- Exterior Rehabilitation – Siding and exterior veneer application, windows and door replacement

2703 Design And Plan Review

Within the NIA Overlay District, all building permit applications subject to this chapter shall be reviewed by the Planning Department staff to ensure consistency with the specific regulations found in this chapter. No building permit shall be issued for construction until a “Zoning Certificate” is issued by the Zoning Inspector indicating that the proposed project complies with the regulations found in this chapter. All permit applications shall be reviewed by the Planning Department staff within fifteen (15) days of the date of said application for a Zoning Certificate.

Any action taken by the Planning Department staff on any building permit application subject to review under this chapter may be appealed to the City Planning Commission.



Appeals to the Commission

Appeals may be taken by any person aggrieved or affected by a decision of the Planning Department Staff. Such appeal shall be taken within thirty (30) calendar days after Planning Department staff action on the building permit application, by filing with the Secretary to the Planning Commission a Notice of Appeal, specifying the grounds thereof. The Secretary shall forthwith transmit to the Commission all of the papers constituting the record upon which the action appealed from was taken.

The Commission shall fix a reasonable time and place for the hearing of the appeal, shall give due notice thereof to the parties in interest, and shall render a decision within a reasonable time. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

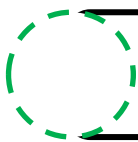
Decision of the Planning Commission on Appeals

In exercising the above enumerated powers, the Commission may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from to the extent and manner that the Commission may decide to be fitting and proper on the premises, and to that end the Commission shall have all the powers of the Director of Planning and Planning Department Staff from whom the appeal is taken.

No order or decision of the Commission made in approving an appeal shall be valid for a period longer than one hundred-eighty (180) days unless a building permit for such construction is obtained and the work on the project is started within such period.

2704 Permitted Uses

No building, structure or land shall be used and no building or structure shall be erected, altered or enlarged which is arranged, intended or designed for other than one of the uses found within The Zoning District Permitted Use Chart (Use Chart) under the “NIA” (Neighborhood Initiative Area) entry, listed as “P” (Permitted Use) except as provided in Section [1250](#) above. [[Use Chart](#)]



2705 General Design Guidelines

The following guidelines shall be used in review of all applications within the NIA District. Compliance with guidelines is expected unless an alternative approach meets the intent of the guideline equally well. Flexibility in applying the guidelines may be permitted in response to specific physical conditions on the property or block in question.

Guidelines for Single-Family and Multi-Family Residential Buildings

Compatibility. New buildings should be compatible with surrounding traditional buildings. Buildings should maintain similar setbacks, scale and massing, width to height ratio, and patterns of windows and openings.

Orientation. All buildings should be oriented to the principal public street, with the main entrance on the façade that faces the street. Where block interiors with alley access are to be developed, buildings should be oriented to the public lane or alley, which should be designated as a minor street. Corner lots should be oriented towards the prevailing lot pattern on the block face.

Buildings longer than wide. In keeping with the existing development pattern, the narrow end of the building should face the street. On large lots, an L-shaped building design may be appropriate. On corner lots, the façade should be oriented consistent with the prevailing pattern on the block face.

Single-family characteristics. Attached and multifamily housing should emulate single-family housing in its basic architectural elements – pitched roofs, articulated facades, visible entrances, porches or balconies. Taller buildings should step down to provide a height transition to existing adjacent residential buildings.

Front/rear facades. Main entrance with porch or steps and landscaping should be located to the front, while trash/recycling storage, play equipment and outdoor storage should be located in the back. Outdoor decks should be located to the rear.

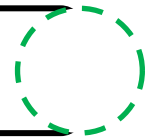
Semi-private space. All new single-family dwellings shall include a front porch and steps elevated a minimum above sidewalk grade to provide a sense of privacy for residents.

Parking to the rear. Parking spaces and garages should be located to the rear of the lot or interior of the block. When garages cannot be located to the rear or on the interior of the block, they may be located to the side of the dwelling unit. The garage may not extend more than twenty-two (22') feet from the plane of the rear wall of the dwelling.

Outdoor space. Attached and multi-family units are encouraged to include private or semi-private outdoor space such as a yard, patio, porch or balcony, with direct access from inside the unit.

Defined outdoor space. Define all outdoor spaces, distinguishing between those reserved for residents and those open to the public. Provide visual indications of the boundaries between private space, public space and shared space. Enclose the shared outdoor space with buildings, low fences or hedges, and paths. Provide convenient access to shared outdoor areas, amenities such as play equipment, seating and tables to encourage their use, and vegetation for seasonal shade.

Paths. On larger sites, where common open space or parking are provided separate from housing units, a clear internal walkway system should be provided that connects each housing unit to destinations within the site and the surrounding public sidewalk system.



Guidelines for Mixed-Use Commercial/Office/Residential Buildings

Building placement: Buildings should be placed at or close to the edge of the sidewalk to form a consistent “street wall.” Portions of the façade may be recessed to provide outdoor seating areas, but the façade should generally meet the front yard setback for at least 75 percent of its length.

Building height: Buildings should generally not exceed three stories, but four stories may be appropriate at prominent intersections. Buildings should “step down” to provide a transition to existing residential buildings.

Storefront design: Mixed-use buildings should include elements of storefront design at ground level. Storefront design includes the following elements:

The ground floor includes large display windows at least, and is visually separated from the upper stories, through the use of an intermediate cornice line, an awning, arcade or portico, or similar techniques.

Roofs may be flat, consistent with traditional storefront commercial design, or pitched. If flat roofs are used, building tops should be articulated with detailed cornices or parapets. Pitched roofs should be consistent in profile with surrounding residential buildings.

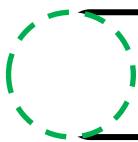
Windows above the ground floor should be placed at regular intervals, have a consistent shape, and be vertically oriented (taller than wide).

Long building facades should be divided into smaller increments to create visual interest, through divisions or breaks in materials, separate entrances and entry treatments, window bays, or similar techniques.

Parking to the rear or side. As with residential buildings, parking and loading areas should be placed at the rear of the lot, or if that is not feasible, to the side of the building.

Maintain and improve green space. Residential blocks should be landscaped in keeping with the City’s general landscaping guidelines, except that planting strips between street and sidewalk should be landscaped with shade trees where feasible, using species that are compatible with narrow areas found in Chapter [915](#) of the City of Hamilton Codified Ordinances.

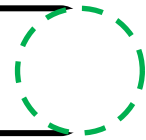
Screen surface parking. Parking areas adjacent to public streets or sidewalks shall be screened with a combination of landscape material and decorative fencing or walls sufficient to screen parked cars on a year-round basis while providing adequate visibility for pedestrians.



2706 Specific Design Standards Design and Dimensional Standards

The following standards shall take precedence over the standards in the underlying districts:

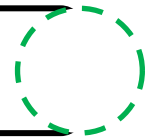
Building Feature	Residential Uses			Mixed Use and Nonresidential use (commercial or office)
Front Yard Setback	Average of existing structures on the block face, or minimum of 5 feet and maximum of 10 feet. On corner or double frontage lots, minimum 5 feet on each frontage			Same
Side Yard Setback	Lot Width	Side Yards Least Width	Side Yards Sum of Least Width	For new construction a minimum of 5 feet if abutting a residential district or use.
	45-54 feet 36-44 feet 35 feet or less	4 feet 3 feet 3 feet	12 feet 11 feet 6 feet	
	On lots of 55 feet in width or greater, the setback of the underlying zoning district shall apply.			
Building Height	Maximum building height is 35 feet.			The height of new construction for structures shall, at a minimum, have a height of ten (10) feet for every eight (8) feet of front building width. Maximum height 45 feet on corner lots, 35 feet in mid-block.
Front Porch	Required. Minimum of 6 feet deep and 8 feet wide per dwelling unit. No enclosures of existing or new front porches permitted.			Not Required
First Floor Elevation	Minimum 18" above grade			Not Required
Basements	Required			Not Required
Eave overhangs and all gable cornice projections	Minimum 12" overhang projection if frame construction. Minimum 12" overhang projection (Finish 8") if brick construction. Minimum 6" gable cornice projection if frame construction. Minimum 10" gable cornice projection (finish 6") if brick construction.			For gable roofs a minimum 12" projection. The preferred roof is a single slope structure, with the slope facing away from the street façade and the roof plane hidden from view on the front façade through use of decorative devices such as parapets or decorative cornices.



Building Feature	Residential Uses	Mixed Use and Nonresidential use (commercial or office)
Main roof pitch – principal building	Minimum 6 over 12.	Minimum 6 over 12 if gable roof. If not, single-slope to rear or flat roof. If flat roof a minimum 12-inch parapet wall shall be provided.
Building Entrance	The main building entrance shall face the principal street.	Same
Roof pitch – garage	Same as the main structure.	Same
Garage placement	Detached and attached shall be located in rear yard if alley access is provided, setback a maximum of eight (8) feet from rear property line. If no alley access, garage may face street but shall not create obstruction of sidewalk.	Same
Garage design	Shall be compatible in materials and design with the principal structure.	Same
Parking placement	Rear yard if alley access is provided. If no alley access, it may be located in the side yard but shall not create obstruction of sidewalk.	Same
Parking Surface	Any off-street parking area or access drive shall be surfaced with asphalt or cement binder, concrete, or decorative brick pavers, so as to provide a dustless surface, and shall be graded and drained.	Same
Accessory Structures	Accessory structures such as storage sheds are permitted within the rear yard, setback a maximum of eight (8) feet from the rear property line. The design shall be compatible with the principal building.	Same
Fences	Permitted, maximum height as specified in Zoning Ordinance (1413) Front yard fences shall be at least 50% transparent (i.e. 50% of fence area consisting of open space). No chain-link fence permitted on any street frontage. Chain-link fence permitted in non-street facing yards, no slats on chain-link fence permitted.	Fences are only permitted in the rear of nonresidential uses



Building Feature	Residential Uses	Mixed Use and Nonresidential use (commercial or office)
Exterior Finish Building Materials	Masonry, (brick, natural stone), stucco, precast concrete units if textured, wood, if painted (horizontal lap siding with an exposure no greater than 5 inches or wood shakes), and cementitious or vinyl siding designed to resemble wood with an exposure no greater than 5 inches.	Masonry, (brick, natural stone), stucco, precast concrete units if textured, wood, if painted (horizontal lap siding with an exposure no greater than 5 inches or wood shakes), and cementitious or vinyl siding designed to resemble wood with an exposure no greater than 5 inches. EIFS (exterior insulating finish system) on rear and side facades only, starting at least 3 feet above grade.
Windows - area	Minimum of 20% of front façade. Minimum of 15% on street side facades if located on a corner.	Ground floor: at least 60% of ground floor façade between 2.5 feet and 7 feet, above the sidewalk, shall be designed as storefront display windows. The degree of transparency or tint shall not exceed 35%. Upper stories: at least 20% of upper stories. If a building is located on a corner lot, at least 40 % of the ground floor façade shall be designed as display windows.
Building Facade	Not Applicable	Vertical elements, whether structural or ornamental, in the form of piers or pilasters used to subdivide the building façade into window display areas and entrances, shall be between ten (10) and twenty (20) inches wide and such vertical elements shall be constructed between six (6) to fifteen (15) feet apart. The ground floor and second floor of a building shall be visually separated by a projected horizontal linear element to extend no more than six (6) inches beyond the face of the building and be placed along the entire width of the front of the building.



Building Feature	Residential Uses	Mixed Use and Nonresidential use (commercial or office)
Windows – size	Consistent with surrounding traditional buildings; height-to-width proportion of at least 2:1 (i.e. twice as high as wide).	Same
Window Trim	Window trim on non-masonry finish construction shall include a minimum 1" X 4" trim wrap around window opening. Masonry finish construction shall include a masonry lintel and sill.	Same
Doors	On existing buildings, front doors should be retained where feasible, or replaced with doors appropriate to the age and style of the house constructed of either wood, steel, or anodized aluminum in colors complementary to the building. Storm and screen doors shall be compatible with the interior door in size and shape. Historic door surrounds and trim should not be removed when replacements are installed.	New doors to office or commercial businesses shall be at least 40 percent transparent. Replacement or new doors shall be appropriate to the age and style of the house constructed of either wood, steel, or anodized aluminum in colors complementary to the building.
Mechanical Equipment	Not Applicable	All mechanical equipment used as an accessory to the building shall not be visible from the public right-of-way. Mechanical equipment shall be screened.

2800 WELLHEAD PROTECTION AREA REGULATIONS

2801 Purpose: In addition to the objectives of the Comprehensive Zoning Ordinance and Regulations as set forth in Section [1122](#), it is the purpose of this Chapter to regulate land uses within the Wellhead Protection Area of the City of Hamilton in order to safeguard the public health, safety, and welfare of persons and property by protecting designated groundwater supplies from degradation resulting from the improper storage, handling, or discharge of regulated substances in and around existing and future well fields and their recharge areas. Specifically the purposes of these regulations are:

- A) To prevent the creation or establishment of non-compatible land uses which have the potential to degrade or otherwise negatively impact groundwater resources and thus, impair or destroy the utility of the Great Miami Buried Valley Aquifer, and the public investment therein,
- B) To reduce the risk of contamination of groundwater by managing development, land use, and commercial activities within identified groundwater protection zones of the City of Hamilton,
- C) To assist in the implementation of policies and recommendations and to cooperate with present and future groundwater users in southwest Butler County and northern Hamilton County who receive water from one of six public and private water suppliers in the Hamilton to New Baltimore area, thereby preserving groundwater resources among these water suppliers and their host communities.
- D) To preserve and enhance the quality of Hamilton's environment.
- E) To promote economic health of the City through balancing protection of groundwater with promotion of business and community interests.

2801.1 Wellhead Protection Area (WHPA): Certain areas of the City of Hamilton are hereby delineated and zones are hereby established for the protection of groundwater resources and shall be collectively referred to as the "Wellhead Protection Area" (WHPA). A map of the WHPA shall be kept on file in the offices of the City Planning Department and the City Clerk. The requirements of Chapter 2800 are hereby superimposed upon, and are in addition to, the requirements of the underlying Zoning Use District contained within the applicable Time-Of-Travel Zones. The Wellhead Protection Area shall be comprised of the following zones:

2802 One-Year Time-Of-Travel (TOT) Zone

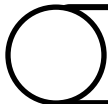
2802.1 Location. The one-year TOT zone is that area around the well or well field from which groundwater will be drawn for use in a one- year time period. The one-year TOT zone is hereby established in those areas of the City of Hamilton as delineated on the Wellhead Protection Area Map.

2802.2 Permitted Uses. Uses within TOT-1 zone include those uses permitted by each Use District underlying the TOT-1 zone, unless prohibited herein.

2802.3 Prohibited Uses. The establishment of the following new activities/land uses is prohibited in the one-year TOT zone as of the effective date of this provision:

- (A) Commercial junkyards;
- (B) Commercial sanitary/solid waste landfills;
- (C) The disposal of shingles, asphalt, and/or lead-based or lead containing materials in an unlicensed landfill;
- (D) The manufacturing, processing, or recycling of regulated substances as the principal activity where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred, forty (440) pounds aggregate for dry weights;
- (E) Commercial establishments for motor vehicle repair/service shops and/or body repair where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four hundred, forty (440) pounds aggregate for dry weights;
- (F) Trucking or bus terminals where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred, forty (440) pounds aggregate for dry weights;
- (G) Animal feedlots exceeding one thousand (1,000) animal units;
- (H) Primary metal product industries where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four hundred, forty (440) pounds aggregate for dry weights;
- (I) Metal plating, polishing, etching, engraving, anodizing, or similar processes where storage, handling, or use of a regulated substance exceeds fifty-five (55) gallons or four hundred-forty (440) pounds, whichever is less;
- (J) Lawn, garden, pesticide, and agricultural services with on-site bulk mixing or blending of fertilizers, pesticides, and other industry-related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site exceeds fifty-five (55) gallons aggregate for liquid materials or four- hundred, forty (440) pounds aggregate for dry weights;
- (K) Permanent storage of regulated substances in trucks, trailers, tankers, or rail cars not meeting conditions specified in [Chapter 940](#) of the Hamilton Codified Ordinance where storage of the Regulated Substance(s) exceeds fifty-five (55) gallons aggregate for liquid materials or four hundred, forty (440) pounds aggregate for dry weights;
- (L) Use of oil, waste oil, or similar liquid petroleum-type products for dust suppression;
- (M) Use of fly ash or other ash material for fill material. This prohibition does not apply where fly ash is used as a component in cement, concrete, or cinder block;
- (N) Dry cleaning facilities with on-site dry cleaning service where Regulated Substance(s) exceeds fifty-five (55) gallons aggregate for liquid materials or four hundred, forty (440) pounds aggregate for dry weights;
- (O) Installation of underground storage tanks except as permitted in [Chapter 940](#) of the Hamilton Codified Ordinances; and
- (P) Temporary or permanent storage of regulated substances other than vehicle fuels, vehicle lubricants, and fuel for building and/or process heating in new or existing underground storage tanks (UST's), except as permitted in [Chapter 940](#) of the Hamilton Codified Ordinances.

2803 Five-Year Time-Of-Travel (TOT) Zone



- 2803.1 Location. The five-year TOT zone (TOT-5) is that area around the well or well field located outside the one-year TOT zone but within the boundaries of the five-year TOT zone from which groundwater will be drawn in a five-year time period. The five-year TOT zone is hereby established in those areas of the City of Hamilton as delineated on the Wellhead Protection Area Map.
- 2803.2 Permitted Uses. Uses within TOT-5 zone include those uses permitted by each Use District underlying the TOT-5 zone, unless prohibited herein.
- 2803.3 Prohibited Uses. The establishment of the following new activities/land uses is prohibited in the five-year TOT zone as of the effective date of this provision:
- (A) Commercial junkyards;
 - (B) Commercial sanitary/solid waste landfills;
 - (C) The disposal of shingles, asphalt, and/or lead-based or lead containing materials in an unlicensed landfill;
 - (D) Manufacturing, processing, or recycling of regulated substances as the principal activity where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred, forty (440) pounds aggregate for dry weights;
 - (E) Permanent storage of regulated substances in trucks, trailers, tankers, or rail cars not meeting the conditions specified in [Chapter 940](#) of the Hamilton Codified Ordinances where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred, forty (440) pounds aggregate for dry weights;
 - (F) Use of oil, waste oil or similar liquid petroleum type products for dust suppression;
 - (G) Installation of underground storage tanks, except as permitted in [Chapter 940](#) of the Hamilton Codified Ordinances.
 - (H) Temporary or permanent storage of regulated substances other than vehicle fuels, vehicle lubricants, and fuel for building and/or processing heat for new or existing underground storage tanks, except as permitted in [Chapter 940](#) of the Hamilton Codified Ordinances.

2804 Ten-Year Time-Of-Travel (TOT) Zone

- 2804.1 Location. The ten-year TOT zone (TOT-10) is that area around the well or well field located outside the one-year and five-year TOT zones but within the boundaries of the ten-year TOT zone from which groundwater will be drawn in a ten-year time period. The ten-year TOT zone is hereby established in those areas of the City of Hamilton as delineated on the Wellhead Protection Area Map.
- 2804.2 Permitted Uses. Uses within TOT-10 zone include those uses permitted by each Use District underlying the TOT-10 zone, unless prohibited herein.

2804.3 Prohibited Uses. The establishment of the following new activities/land uses is prohibited in the ten-year TOT zone as of the effective date of this provision:

- (A) Commercial sanitary/solid waste landfills;
- (B) The disposal of shingles, asphalt, and/or lead-based or lead containing materials in an unlicensed landfill;
- (C) Permanent storage of regulated substances in trucks, trailers, tankers, or rail cars when not meeting conditions specified in [Chapter 940](#) of the Hamilton Codified Ordinances where storage, handling, or use of a Regulated Substance exceeds fifty-five (55) gallons aggregate for liquid materials or four-hundred, forty (440) pounds aggregate for dry weights;
- (D) Use of oil, waste oil, or similar liquid petroleum-type products for dust suppression;
- (E) Installation of underground storage tanks, except as permitted in [Chapter 940](#) of the Hamilton Codified Ordinances.
- (F) Temporary or permanent storage of regulated substances other than vehicle fuels, vehicle lubricants, and fuel for building and/or processing heat for new or existing underground storage tanks, except as permitted in [Chapter 940](#) of the Hamilton Codified Ordinances.

2805 Conditional Uses Applicable to all Wellhead Protection Time- of-Travel (TOT) Zones. The following land uses/activities will only be permitted within specified TOT's based on case-by-case review by the Board of Zoning Appeals. Each case must be submitted as a variance request to the Board of Zoning Appeals in accordance with local requirements:

- (A) Use of fly ash as fill material as described in Section [2802.3](#) (m) at any facility or property located in the ten-year TOT zone. This prohibition does not apply where fly ash is used as a component in cement, concrete or cinder block.
- (B) Lawn, garden, pesticide, and agricultural services, located in the five-year TOT zone, which have on-site bulk mixing or blending of fertilizers, pesticides, and other industry- related chemicals for commercial application when quantities of concentrated fertilizers, pesticides, and other industry-related chemicals stored on site meet or exceed five hundred (500) gallons aggregate for liquid materials or four thousand (4000) pounds aggregate for dry weights.

2805.1 Uses Exempted from Regulation - Applicable to Wellhead Protection Time-of-Travel (TOT) Zones:

2805.1.1 Full Exemptions: The following activities, substances, or storage units are exempt from regulation under this provision when located within the WHPA:

(A) Exemptions in all TOT zones:

- (1) Laboratory activities;
- (2) Chemical storage tanks containing pressurized gases such as chlorine, propane, hydrogen, and nitrogen;
- (3) Household use of regulated substances packaged for consumer use in original, unopened pre-packaged containers;
- (4) Excavation or removal of earth materials;
- (5) Office and maintenance/janitorial use of regulated substances. This exemption does not apply to hydrocarbon or halogenated hydrocarbon solvents;
- (6) Oils and fluids within electrical utility transformers/switches;
- (7) Materials present as a solid inside of a manufactured item; and
- (8) Transport of Regulated Substances in trucks, trailers, tankers, or rail cars to facilities in and through the WHPA are exempt providing the Regulated Substances are fueling the transporting vehicle, or in the transporting vehicle is in continuous transit, making a delivery or is stopped for a period of time not to exceed twenty-four (24) hours.

(B) Additional exemption only applicable to the ten-year TOT zone:

- (1) UST's in the Ten-Year TOT Zone when used exclusively for the storage of Grade 1 or Grade 2 heating fuels and diesel fuel.

2805.1.2 Limited Exemptions:

- (A) Oil/water separator underground storage tanks, and any underground storage tank system (UST):
- (i) In the process of being installed; or
 - (ii) In the process of receiving a permit to install

As of the effective date of this Ordinance, are exempt from the requirements of paragraphs (O) and (P) of Section [2802.3](#), (G) and (H) of Section [2803.3](#), or (E) and (F) of Section [2804.3](#).

2900 FLOOD DAMAGE REDUCTION

2910 Statement Of Purpose

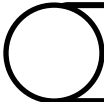
It is the purpose of these regulations to promote the public health, safety and general welfare, and to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to protect property and minimize future flood blight areas;
- G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions;
- H. Minimize the impact of development on adjacent properties within and near flood prone areas;
- I. Ensure that the flood storage and conveyance functions of the floodplain are maintained;
- J. Minimize the impact of development on the natural, beneficial values of the floodplain;
- K. Prevent floodplain uses that are either hazardous or environmentally incompatible; and
- L. Meet community participation requirements of the National Flood Insurance Program.

2911 Methods Of Reducing Flood Loss

In order to accomplish its purposes, these regulations include methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water hazards, or which result in damaging increases in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, excavating, and other development which may increase flood damage; and,
- E. Preventing or regulating the construction of flood barriers, which will unnaturally divert flood, waters or which may increase flood hazards in other areas.



2912 Lands to Which These Regulations Apply

These regulations shall apply to all areas of special flood hazard within the jurisdiction of the City of Hamilton, Ohio as identified in Section [2913](#), including any additional areas of special flood hazard annexed by the City of Hamilton, Ohio.

2913 Basis for Establishing the Areas of Special Flood Hazard

For the purposes of these regulations, the following studies and / or maps are adopted:

- A. Flood Insurance Study Butler County, Ohio and Incorporated Areas and Flood Insurance Rate Map Butler County, Ohio and Incorporated Areas both effective December 17, 2010.
- B. Other studies and / or maps, which may be relied upon for establishment of the flood protection elevation, delineation of the 100-year floodplain, floodways or delineation of other areas of special flood hazard that have been accepted and approved by the Federal Emergency Management Agency.
- C. Any hydrologic and hydraulic engineering analysis authored by a registered Professional Engineer in the State of Ohio which has been approved by the City of Hamilton, Ohio as required by Section [2953](#) Subdivisions and Large Scale Developments.

Any revisions to the aforementioned maps and / or studies are hereby adopted by reference and declared to be a part of these regulations. Such maps and/or studies are on file at the Planning Department Office, 345 High St. City of Hamilton, Ohio

2914 Abrogation and Greater Restrictions

These regulations are not intended to repeal any existing ordinances including subdivision regulations, zoning or building codes. In the event of a conflict between these regulations and any other ordinance, the more restrictive shall be followed. These regulations shall not impair any deed restriction covenant or easement but the land subject to such interests shall also be governed by the regulations.

2915 Interpretation

In the interpretation and application of these regulations, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and,
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of these regulations may be in conflict with a state or Federal law, such state or Federal law shall take precedence over these regulations.

2916 Warning and Disclaimer of Liability

The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. These regulations do not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. These regulations shall not create liability on the part of the City of Hamilton, Ohio, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damage that results from reliance on these regulations or any administrative decision lawfully made hereunder.

2917 Severability

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

2920 Definitions

Unless specifically defined below, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory Structure - any structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

Appeal - a request for review of the floodplain administrator's interpretation of any provision of these regulations or a request for a variance.

Base Flood - the flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one-hundred (100) year flood.

Base (100-Year) Flood Elevation (BFE) - the water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

Basement - any area of the building having its floor subgrade (below ground level) on all sides.

Development - any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Enclosure Below the Lowest Floor - see "Lowest Floor."

Executive Order 11988 (Floodplain Management) - issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Federal Emergency Management Agency (FEMA) - the agency with the overall responsibility for administering the National Flood Insurance Program.

Fill - a deposit of earth material placed by artificial means.

Flood or Flooding - a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM) - usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM) - an official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

Flood Insurance Risk Zones - zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

Zone A - Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

Zones A1-30 and Zone AE - Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

Zone AO - Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

Zone AH - Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

Zone A99 - Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

Zone Band Zone X (shaded) - Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

Zone C and Zone X (unshaded) - Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS) - the official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Flood Protection Elevation - the Flood Protection Elevation, or FPE, is the base flood elevation plus 1 foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway - a floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard - a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Historic structure - any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
4. Individually listed on the inventory of historic places maintained by the City of Hamilton, Ohio's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

Hydrologic and hydraulic engineering analysis - an analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

Letter of Map Change (LOMC) - a Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter of Map Amendment (LOMA) - a revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter of Map Revision (LOMR) - a revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter of Map Revision (CLOMR) - a formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest floor - the lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

Manufactured home - a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in [Chapter 3733](#) of the Ohio Revised Code.

Manufactured home park - as specified in the Ohio Administrative Code [3701-27-01](#), a manufactured home park means any tract of land upon which three or more manufactured homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

National Flood Insurance Program (NFIP) - the NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New construction - structures for which the "start of construction" commenced on or after the initial effective date of the City of Hamilton, Ohio Flood Insurance Rate Map, July 15, 1977, and includes any subsequent improvements to such structures.

Person - includes any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies. An agency is further defined in the Ohio Revised Code Section [111.15](#) as any governmental entity of the state and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. "Agency" does not include the general assembly, the controlling board, the adjutant general's department, or any court.

Recreational vehicle - a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Registered Professional Architect - a person registered to engage in the practice of architecture under the provisions of [sections 4703.01](#) to [4703.19](#) of the Revised Code.

Registered Professional Engineer - a person registered as a professional engineer under [Chapter 4733](#) of the Revised Code.

Registered Professional Surveyor - a person registered as a professional surveyor under [Chapter 4733](#) of the Revised Code.

Special Flood Hazard Area - also known as "Areas of Special Flood Hazard", it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Start of construction - the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Structure - a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

Substantial Damage - damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the of the current market value base upon the County Auditor's valuation or other conventional means of establishing the market value of the structure before the damage occurred.

Substantial Improvement - any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceed 50 percent of the of the current market value base upon the County Auditor's valuation or other conventional means of establishing the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

1. Any improvement to a structure that is considered "new construction,"
2. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
3. Any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure".

Variance - a grant of relief from the standards of these regulations consistent with the variance conditions herein.

Violation - the failure of a structure or other development to be fully compliant with these regulations.

2930 Administration**2931 Designation of the Floodplain Administrator**

The City Manager's designee is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator.

2932 Duties and Responsibilities of the Floodplain Administrator

The duties and responsibilities of the Floodplain Administrator shall include but are not limited to:

- A. Evaluate applications for permits to develop in special flood hazard areas.
- B. Interpret floodplain boundaries and provide flood hazard and flood protection elevation information.
- C. Issue permits to develop in special flood hazard areas when the provisions of these regulations have been met, or refuse to issue the same in the event of noncompliance.
- D. Inspect buildings and lands to determine whether any violations of these regulations have been committed.
- E. Make and permanently keep all records for public inspection necessary for the administration of these regulations including Flood Insurance Rate Maps, Letters of Map Amendment and Revision, records of issuance and denial of permits to develop in special flood hazard areas, determinations of whether development is in or out of special flood hazard areas for the purpose of issuing floodplain development permits, elevation certificates, variances, and records of enforcement actions taken for violations of these regulations.
- F. Enforce the provisions of these regulations.
- G. Provide information, testimony, or other evidence as needed during variance hearings.
- H. Coordinate map maintenance activities and FEMA follow-up.
- I. Conduct substantial damage determinations to determine whether existing structures, damaged from any source and in special flood hazard areas identified by FEMA, must meet the development standards of these regulations.

2933 Floodplain Development Permits

It shall be unlawful for any person to begin construction or other development activity including but not limited to filling; grading; construction; alteration, remodeling, or expanding any structure; or alteration of any watercourse wholly within, partially within or in contact with any identified special flood hazard area, as established in Section [2913](#), until a floodplain development permit is obtained from the Floodplain Administrator. Such floodplain development permit shall show that the proposed development activity is in conformity with the provisions of these regulations. No such permit shall be issued by the Floodplain Administrator until the requirements of these regulations have been met.

2934 Application Required

An application for a floodplain development permit shall be required for all development activities located wholly within, partially within, or in contact with an identified special flood hazard area. Such application shall be made by the owner of the property or his/her authorized agent, herein referred to as the applicant, prior to the actual commencement of such construction on a form furnished for that purpose. Where it is unclear whether a development site is in a special flood hazard area, the Floodplain Administrator may require an application for a floodplain development permit to determine the development's location. Such applications shall include, but not be limited to:

- A. Site plans drawn to scale showing the nature, location, dimensions, and topography of the area in question; the location of existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.
- B. Elevation of the existing, natural ground where structures are proposed.
- C. Elevation of the lowest floor, including basement, of all proposed structures.
- D. Such other material and information as may be requested by the Floodplain Administrator to determine conformance with, and provide enforcement of these regulations.
- E. Technical analyses conducted by the appropriate design professional registered in the State of Ohio and submitted with an application for a floodplain development permit when applicable:
 - 1) Flood Proofing certification for non-residential flood proofed structure as required in Section [2955](#).
 - 2) Certification that fully enclosed areas below the lowest floor of a structure not meeting the design requirements of Section [2954 E](#) are designed to automatically equalize hydrostatic flood forces.
 - 3) Description of any watercourse alteration or relocation that the flood carrying capacity of the watercourse will not be diminished, and maintenance assurances as required in Section [2959 C](#).
 - 4) A hydrologic and hydraulic analysis demonstrating that the cumulative effect of proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood by more than one foot in special flood hazard areas where the Federal Emergency Management Agency has provided base flood elevations but no floodway as required by Section [2959](#).
 - 5) A hydrologic and hydraulic engineering analysis showing impact of any development on flood heights in an identified floodway as required by Section [2959 A](#).
 - 6) Generation of base flood elevation(s) for subdivision and large-scale developments as required by Section [2953](#).
- F. A floodplain development permit application fee of \$100.00 as required by Section [4500](#) of the City of Hamilton Zoning Ordinance.

2935 Review and Approval of a Floodplain Development Permit Application**A.** Review

1. After receipt of a complete application, the Floodplain Administrator shall review the application to ensure that the standards of these regulations have been met. No floodplain development permit application shall be reviewed until all information required in Section [2934](#) has been received by the Floodplain Administrator.
2. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and [Section 404](#) of the Clean Water Act, and the Ohio Environmental Protection Agency under [Section 401](#) of the Clean Water Act.

B. Approval

Within thirty (30) days after the receipt of a complete application, the Floodplain Administrator shall either approve or disapprove the application. If an application is approved, a floodplain development permit shall be issued. All floodplain development permits shall be conditional upon the commencement of work within one (1) year. A floodplain development permit shall expire one (1) year after issuance unless the permitted activity ceases for a period of 180 days at which time the permit shall expire.

2936 Inspections

For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor when forms are set for foundation walls, pilings or basement/crawl space walls, prior to any further construction to certify that top of foundations are in compliance with permit conditions. The Floodplain Administrator shall also make periodic inspections at appropriate time throughout the period of construction in order to monitor compliance with permit conditions

2937 Post-Construction Certifications Required

The following as-built certifications are required after a floodplain development permit has been issued:

- A. For new or substantially improved residential structures, or nonresidential structures that have been elevated, the applicant shall have a *Federal Emergency Management Agency Elevation Certificate* completed by a registered surveyor to record as-built elevation data. For elevated structures in Zone A and Zone AO areas without a base flood elevation, the elevation certificate may be completed by the property owner or owner's representative.
- B. For all development activities subject to the standards of Section [2940 A](#), a Letter of Map Revision.

2938 Revoking a Floodplain Development Permit

A floodplain development permit shall be revocable, if among other things, the actual development activity does not conform to the terms of the application and permit granted thereon. In the event of the revocation of a permit, an appeal may be taken to the Board of Zoning Appeals in accordance with Section [2960](#) of these regulations.

2939 Exemption from Filing a Development Permit

An application for a floodplain development permit shall not be required for:

- A. Maintenance work such as roofing, painting, and basement sealing, or for small nonstructural development activities (except for filling and grading) valued at less than \$5,000.
- B. Development activities in an existing or proposed manufactured home park that are under the authority of the Ohio Department of Health and subject to the flood damage reduction provisions of the Ohio Administrative Code [Section 3701](#).
- C. Major utility facilities permitted by the Ohio Power Siting Board under [Section 4906](#) of the Ohio Revised Code.
- D. Hazardous waste disposal facilities permitted by the Hazardous Waste Siting Board under [Section 3734](#) of the Ohio Revised Code.
- E. Development activities undertaken by a federal agency and which are subject to [Federal Executive Order 11988](#) – Floodplain Management.

Any proposed action exempt from filing for a floodplain development permit is also exempt from the standards of these regulations.

2940 Map Maintenance Activities

To meet National Flood Insurance Program minimum requirements to have flood data reviewed and approved by FEMA, and to ensure that The City of Hamilton's flood maps, studies and other data identified in Section [2913](#) accurately represent flooding conditions so appropriate floodplain management criteria are based on current data, the following map maintenance activities are identified:

- A. Requirement to Submit New Technical Data
 - 1. For all development proposals that impact floodway delineations or base flood elevations, the community shall ensure that technical data reflecting such changes be submitted to FEMA within six months of the date such information becomes available. These development proposals include:
 - a. Floodway encroachments that increase or decrease base flood elevations or alter floodway boundaries;
 - b. Fill sites to be used for the placement of proposed structures where the applicant desires to remove the site from the special flood hazard area;
 - c. Alteration of watercourses that result in a relocation or elimination of the special flood hazard area, including the placement of culverts; and
 - d. Subdivision or large scale development proposals requiring the establishment of base flood elevations in accordance with [Section 2953](#).
 - 2. It is the responsibility of the applicant to have technical data, required in accordance with [Section 2940 A](#), prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision, and submitted to FEMA. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

3. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation.
 - b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
4. Floodplain development permits issued by the Floodplain Administrator shall be conditioned upon the applicant obtaining a Letter of Map Revision from FEMA for any development proposal subject to Section [2940 A 1](#).

B. Right to Submit New Technical Data

The Floodplain Administrator may request changes to any of the information shown on an effective map that does not impact floodplain or floodway delineations or base flood elevations, such as labeling or planimetric details. Such a submission shall include appropriate supporting documentation made in writing by the City Manager of the City of Hamilton, and may be submitted at any time.

C. Annexation / Detachment

Upon occurrence, the Floodplain Administrator shall notify FEMA in writing whenever the boundaries of the City of Hamilton, Ohio have been modified by annexation or the community has assumed authority over an area, or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that the City of Hamilton, Ohio's Flood Insurance Rate Map accurately represent the City of Hamilton, Ohio's boundaries, include within such notification a copy of a map of the City of Hamilton, Ohio suitable for reproduction, clearly showing the new corporate limits or the new area for which the City of Hamilton, Ohio has assumed or relinquished floodplain management regulatory authority.

2941 Data Use and Flood Map Interpretation

The following guidelines shall apply to the use and interpretation of maps and other data showing areas of special flood hazard:

- A. In areas where FEMA has not identified special flood hazard areas, or in FEMA identified special flood hazard areas where base flood elevation and floodway data have not been identified, the Floodplain Administrator shall review and reasonably utilize any other flood hazard data available from a federal, state, or other source.
- B. Base flood elevations and floodway boundaries produced on FEMA flood maps and studies shall take precedence over base flood elevations and floodway boundaries by any other source that reflect a reduced floodway width and/or lower base flood elevations. Other sources of data, showing increased base flood elevations and/or larger floodway areas than are shown on FEMA flood maps and studies, shall be reasonably used by the Floodplain Administrator.

- C. When Preliminary Flood Insurance Rate Maps and/or Flood Insurance Study have been provided by FEMA:
1. Upon the issuance of a Letter of Final Determination by FEMA, the preliminary flood hazard data shall be used and replace all previously existing flood hazard data provided from FEMA for the purposes of administering these regulations.
 2. Prior to the issuance of a Letter of Final Determination by FEMA, the use of preliminary flood hazard data shall only be required where no base flood elevations and /or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in existing flood hazard data provided from FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.
- D. The Floodplain Administrator shall make interpretations, where needed, as to the exact location of the flood boundaries and areas of special flood hazard. A person contesting the determination of the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section [2960](#), Appeals and Variances.
- E. Where a map boundary showing an area of special flood hazard and field elevations disagree, the base flood elevations or flood protection elevations (as found on an elevation profile, floodway data table, established high water marks, etc.) shall prevail.

2942 Substantial Damage Determinations

Damages to structures may result from a variety of causes including flood, tornado, wind, heavy snow, fire, etc. After such a damage event, the Floodplain Administrator shall:

- A. Determine whether damaged structures are located in special flood hazard areas;
- B. Conduct substantial damage determinations for damaged structures located in special flood hazard areas;
- C. Make reasonable attempt to notify owners of substantially damaged structures of the need to obtain a floodplain development permit prior to repair, rehabilitation, or reconstruction.

Additionally, the Floodplain Administrator may implement other measures to assist with the substantial damage determination and subsequent repair process. These measures include issuing press releases, public service announcements, and other public information materials related to the floodplain development permits and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures materials and other information related to the proper repair of damaged structures in special flood hazard areas; and assist owners of substantially damaged structures with Increased Cost of Compliance insurance claims.

2950 Use And Development Standards For Flood Hazard Reduction

The following use and development standards apply to development wholly within, partially within, or in contact with any special flood hazard area as established in Section [2913](#) or [2941](#) A:

2951 Use Regulations**A. Permitted Uses**

All uses not otherwise prohibited in this section or any other applicable land use regulation adopted by the City of Hamilton, Ohio are allowed provided they meet the provisions of these regulations.

B. Prohibited Uses

1. Private water supply systems in all special flood hazard areas identified by FEMA, permitted under [Section 3701](#) of the Ohio Revised Code.
2. Infectious waste treatment facilities in all special flood hazard areas, permitted under [Section 3734](#) of the Ohio Revised Code.
3. Critical services providers to include police and fire administrative offices and storage facilities; hospitals; and federal, state, and municipal government buildings and storage facilities.
4. Nursing Homes, daycares, or any others facilities that would require special assistance in the case of a need for evacuation.

2952 Water and Wastewater Systems

The following standards apply to all water supply, sanitary sewerage and waste disposal systems not otherwise regulated by the Ohio Revised Code:

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems;
- B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- C. On-site waste disposal systems shall be located to avoid impairment to or contamination from them during flooding.

2953 Subdivisions and Large Developments

- A. All subdivision proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations;
- B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- D. In all areas of special flood hazard where base flood elevation data are not available, the applicant shall provide a hydrologic and hydraulic engineering analysis that generates base flood elevations for all subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less.
- E. The applicant shall meet the requirement to submit technical data to FEMA in Section [2940 \(A\)\(1\)\(d\)](#) when a hydrologic and hydraulic analysis is completed that generates base flood elevations as required by Section [2953 \(D\)](#).

2954 Residential Structures

- A. Placement of new residential construction or new or used manufactured housing within delineated special flood hazard areas is prohibited in the City of Hamilton, Ohio.
- B. Substantial improvements to existing residential structures shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Where a structure, including its foundation members, is elevated on fill to or above the base flood elevation, the requirements for anchoring Section [2954 A](#) and construction materials resistant to flood damage Section [2954 B](#) are satisfied.
- C. Substantial improvements to existing residential structures shall be constructed with methods and materials resistant to flood damage.
- D. Substantial improvements to existing residential structures shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding.
- E. Substantial improvements to existing residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to or above the flood protection elevation.
- F. Substantial improvements to existing residential structures, including manufactured homes, that do not have basements and that are elevated to the flood protection elevation using pilings, columns, posts, or solid foundation perimeter walls with openings sufficient to allow unimpeded movement of flood waters may have an enclosure below the lowest floor provided the enclosure meets the following standards:
 - 1. Be used only for the parking of vehicles, building access, or storage;
 - 2. Are designed and certified by a registered professional engineer or architect to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters; or
 - 3. Have a minimum of two openings on different walls having a total net area not less than one square inch for every square foot of enclosed area, and the bottom of all such openings being no higher than one foot above grade. The openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- G. Existing manufactured homes shall be affixed to a permanent foundation and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- H. Repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure, shall be exempt from the development standards of Section [2954](#).

2955 Nonresidential Structures

New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to or above the level of the flood protection elevation; or, together with attendant utility and sanitary facilities, shall meet all of the following standards:

1. Be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to the level of the flood protection elevation;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section [2955](#) (1) and (2).

2956 Accessory Structures

Relief to the elevation or dry floodproofing standards may be granted for accessory structures containing no more than 600 square feet. Such structures must meet the following standards:

- A. They shall not be used for human habitation;
- B. They shall be constructed of flood resistant materials;
- C. They shall be constructed and placed on the lot to offer the minimum resistance to the flow of floodwaters;
- D. They shall be firmly anchored to prevent flotation;
- E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to or above the level of the flood protection elevation; and
- F. They shall meet the opening requirements of Section [2954](#) (F) (3).

2957 Recreational Vehicles

Recreational vehicles must meet the following standards:

- A. They shall not be located on sites in special flood hazard areas for more than 180 days per calendar year, and
- B. They must be fully licensed and ready for highway use.

2958 Gas or Liquid Storage Tanks

All above ground gas or liquid storage tanks located in a delineated special flood hazard area shall be elevated at least one foot above the base flood elevation. In addition all tanks whether above or in-ground located within a special flood hazard area shall be anchored to prevent flotation or lateral movement resulting from hydrodynamic and hydrostatic loads.

2959 Assurance of Flood Carrying Capacity

Pursuant to the purpose and methods of reducing flood damage stated in these regulations, the following additional standards are adopted to assure that the reduction of the flood carrying capacity of watercourses is minimized:

A. Development in Floodways

1. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation; or
2. Development in floodway areas causing increases in the base flood elevation may be permitted provided all of the following are completed by the applicant:
 - a. Meet the requirements to submit technical data in Section [2940 A](#);
 - b. An evaluation of alternatives, which would not result in increased base flood elevations and an explanation why these alternatives are not feasible;
 - c. Certification that no structures are located in areas that would be impacted by the increased base flood elevation;
 - d. Documentation of individual legal notices to all impacted property owners within and outside the community, explaining the impact of the proposed action on their property; and
 - e. Concurrence of the City Manager of Hamilton, Ohio and the Chief Executive Officer of any other communities impacted by the proposed actions.

B. Development in Riverine Areas with Base Flood Elevations but No Floodways

1. In riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the base flood elevation more than 1.0 (one) foot at any point. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that this standard has been met; or,
2. Development in riverine special flood hazard areas identified by FEMA where base flood elevation data are provided but no floodways have been designated causing more than one foot increase in the base flood elevation may be permitted provided an evaluation of alternatives which would not result in an increase of one foot or less of the base flood elevation and an explanation why these alternatives are not feasible is completed by the applicant.

C. Alterations of a Watercourse

For the purpose of these regulations, a watercourse is altered when any change occurs within its banks. The extent of the banks shall be established by a field determination of the “bankfull stage.” The field determination of “bankfull stage” shall be based on methods presented in Chapter 7 of the *USDA Forest Service General Technical Report RM-245, Stream Channel Reference Sites: An Illustrated Guide to Field Technique* or other applicable publication available from a Federal, State, or other authoritative source. For all proposed developments that alter a watercourse, the following standards apply:

1. The bankfull flood carrying capacity of the altered or relocated portion of the watercourse shall not be diminished. Prior to the issuance of a floodplain development permit, the applicant must submit a description of the extent to which any watercourse will be altered or relocated as a result of the proposed development, and certification by a registered professional engineer that the bankfull flood carrying capacity of the watercourse will not be diminished.
2. Adjacent communities, the U.S. Army Corps of Engineers, and the Ohio Department of Natural Resources, Division of Water, must be notified prior to any alteration or relocation of a watercourse. Evidence of such notification must be submitted to the Federal Emergency Management Agency.
3. The applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of said watercourse so that the flood carrying capacity will not be diminished. The Floodplain Administrator may require the permit holder to enter into an agreement with the City of Hamilton specifying the maintenance responsibilities. If an agreement is required, it shall be made a condition of the floodplain development permit.
4. The applicant shall meet the requirements to submit technical data in Section [2940](#) (A) (1) (c) when an alteration of a watercourse results in the relocation or elimination of the special flood hazard area, including the placement of culverts.

2960 APPEALS AND VARIANCES

2961 Appeals Board Established

- A. The City of Hamilton Board of Zoning Appeals is hereby appointed to serve as the Appeals Board for these regulations as established by the City of Hamilton Zoning Ordinances Section [4100](#).
- B. Records of the Appeals Board shall be kept and filed in the City of Hamilton Planning Department Offices.

2962 Powers and Duties

- A. The Appeals Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Floodplain Administrator in the administration or enforcement of these regulations.
- B. Authorize variances in accordance with Section [2964](#) of these regulations.

2963 Appeals

Any person affected by any notice and order, or other official action of the Floodplain Administrator may request and shall be granted a hearing on the matter before the Appeals Board as established by the Hamilton Zoning Ordinance. provided that such person shall file, within sixty (60) days of the date of such notice and order, or other official action, a brief statement of the grounds for such hearing or for the mitigation of any item appearing on any order of the Floodplain Administrator's decision. Such appeal shall be in writing, signed by the applicant, and be filed with the Floodplain Administrator. Upon receipt of the appeal, the Floodplain Administrator shall transmit said notice and all pertinent information on which the Floodplain Administrator's decision was made to the Appeals Board.

Upon receipt of the notice of appeal, the Appeals Board shall fix a reasonable time for the appeal, give notice in writing to parties in interest, and decide the appeal within a reasonable time after it is submitted.

2964 Variances

Any person believing that the use and development standards of these regulations would result in unnecessary hardship may file an application for a variance. The Appeals Board shall have the power to authorize, in specific cases, such variances from the standards of these regulations, not inconsistent with Federal regulations, as will not be contrary to the public interest where, due to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations would result in unnecessary hardship.

A. Application for a Variance

1. Any owner or agent thereof, of property for which a variance is sought shall make an application for a variance by filing it with the Floodplain Administrator, who upon receipt of the application shall transmit it to the Appeals Board.
2. Such application at a minimum shall contain the following information: Name, address, and telephone number of the applicant; legal description of the property; parcel map; description of the existing use; description of the proposed use; location of the floodplain; description of the variance sought; reason for the variance request, and the required fee.

B. Notice for Public Hearing

Appeals shall be scheduled in accordance with established Rules of Procedure for the Board of Zoning Appeals (BZA). Appeals filed later than fourteen (14) days prior to a regular meeting date may not be heard until the succeeding regular meeting.

C. Public Hearing

At such hearing the applicant shall present such statements and evidence as the Appeals Board requires. In considering such variance applications, the Appeals Board shall consider and make findings of fact on all evaluations, all relevant facts, and standards specified in other sections of these regulations and the following factors:

1. The danger that materials may be swept onto other lands to the injury of others.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
4. The importance of the services provided by the proposed facility to the community.
5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.
6. The necessity to the facility of a waterfront location, where applicable.
7. The compatibility of the proposed use with existing and anticipated development.
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
9. The safety of access to the property in times of flood for ordinary and emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in these regulations; additional threats to public safety; extraordinary public expense, nuisances, fraud on or victimization of the public, or conflict with existing local laws.
4. A determination that the structure or other development is protected by methods to minimize flood damages.
5. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

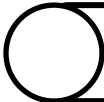
Upon consideration of the above factors and the purposes of these regulations, the Board may attach such conditions to the granting of variances, as it deems necessary to further the purposes of these regulations.

E. Other Conditions for Variances

1. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in Section [2964](#) (C)(1) to (11) have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

2965 Procedure at Hearings

1. All testimony shall be given under oath.
2. A complete record of the proceedings shall be kept, except confidential deliberations of the Board, but including all documents presented, recorded audio of the meeting, and a summary of the meeting, also noted as meeting minutes.
3. The applicant shall proceed first to present evidence and testimony in support of the appeal or variance.
4. The administrator may present evidence or testimony in opposition to the appeal or variance.
5. All witnesses shall be subject to cross-examination by the adverse party or their counsel.
6. Evidence that is not admitted may be proffered and shall become part of the record for appeal.
7. The Board shall issue subpoenas upon written request for the attendance of witnesses. A reasonable deposit to cover the cost of issuance and service shall be collected in advance.
8. The Board shall prepare conclusions of fact supporting its decision. The decision may be announced at the conclusion of the hearing and thereafter issued in writing or the decision may be issued in writing within a reasonable time after the hearing.



2966 Appeal to the Court

Those aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Butler County Court of Common Pleas, as provided in [Chapter 2506](#) of the Ohio Revised Code.

2970 **Enforcement**

2971 Compliance Required

- A. No structure or land shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of these regulations and all other applicable regulations which apply to uses within the jurisdiction of these regulations, unless specifically exempted from filing for a development permit as stated in [Section 2939](#).
- B. Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with [Section 2973](#).
- C. Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with [Section 2973](#) herein.

2972 Notice of Violation

Whenever the Floodplain Administrator determines that there has been a violation of any provision of these regulations, the Floodplain Administrator shall give notice of such violation to the person responsible therefore and order compliance with these regulations as provided by [Section 4000](#) herein.

2973 Compliance Required

Violation of the provisions of these regulations or failure to comply with any of these requirements shall be deemed to be a strict liability offense. and shall constitute an unclassified **misdemeanor subject to [Section 4007](#), Election of Remedies/Penalties.**

3000 PERFORMANCE STANDARDS

- 3001** Compliance Required: No land or building in any District shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards, including possible potential hazards; noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold, dampness, electrical or other substance, condition or element in such a manner or in such amount as to adversely affect the surrounding area or adjoining premises, provided that any use permitted or not expressly prohibited by this Ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.
- 3002** Performance Standards' Procedure: All Principal Permitted Uses and Conditional Uses as specified in the Zoning Use Chart, Section [1250](#), shall comply with the Performance Standards' Procedure in applying for a Zoning Clearance Permit (Section [4210](#)). In addition, the City Manager or Designee may, at his discretion, require any other use not specifically listed to comply with the Performance Standards' Procedure if such use is likely to violate the standards of Section [3000](#).
- 3003** Standards Applicable To All Uses: Compliance with Performance Standards' Procedure shall be required of every use, which is now or may hereafter be authorized by this Ordinance.
- 3004** City Health Department-Enforcement: The Board of Zoning Appeals may direct the City Health Department to assist the City Manager or Designee in the enforcement of the provisions of this Section or in any investigation hereunder, and said Department shall render such assistance as may be necessary and authorized by law.
- 3005** Non-Conforming Uses: Certain uses established before the effective date of this Ordinance and non-conforming as to Performance Standards shall be given a reasonable time in which to conform therewith as provided in Section [4306](#).
- 3006** Locations Where Determinations Are To Be Made For The Enforcement Of Performance Standards: The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent (herein referred to as "at any point"); provided, however, that the measurements necessary for enforcement of Performance Standards set forth in this Section shall be taken at different points in different Zoning Districts in relation to the establishment or use creating the element being measured (herein referred to as "point of measurement") as follows:
- 3007** In Any "R" District and "B-1" and "B-2" Districts: twenty-five (25) feet from the establishment or use, or at the lot line of the use if closer to the establishment or use.
- 3008** In Any Other District: At the boundary or boundaries of the District, or at any point within any "R" District.

3010 Performance Standard Regulations: The following provisions, standards and specifications shall apply:

- a. Fire and Explosion Hazards: All activities involving, and all storage of, inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire-fighting and fire suppression equipment and devices standard in the industry shall be provided. Burning of waste materials in open fires shall be prohibited at any point unless authorized by Fire Department Permit, subject to such conditions as may be prescribed by the Fire Department in each case. The relevant provisions of state and local laws and regulations shall also apply.
- b. Radioactivity or Electric Disturbance: No activities shall be permitted which violate the requirements and standards of the radiation protection regulations of the Ohio State Department of Health, and no electrical disturbance shall be tolerated which affects adversely the operation at any point of any equipment other than that of the creator of such disturbance.
- c. Noise: At the point of measurement specified in Section [3006](#), the sound pressure level of noise radiated from the facility at night time shall not exceed forty (40) decibels (sound pressure level-decibels are 0.0002 Dynes/cm²) or the average sound level of the street traffic noise nearest the noise generator, whichever is the higher, in any octave band of frequency above three hundred (300) cycles per second. Between the hours of 6:00 a.m. and 8:00 p.m. the sound pressure level of noise radiated from a facility shall not exceed sixty-five (65) decibels in "R" Districts and ninety-five (95) decibels in all other Districts or ten (10) decibels above the average sound level of the existing background noise in the locality of the noise generator, whichever is the higher, in an octave band of a frequency above three hundred (300) cycles per second.

The sound pressure level shall be measured with a sound level meter²⁴, and an octave-band analyzer²⁵ that conform to the specifications published by the American Standards Association. Noise shall be so muffled or otherwise controlled as not to become objectionable due to intermittence, beat frequency, impulsive character (hammering, etc.), periodic character (humming, screeching, etc.), or shrillness. Sirens, whistles, bells, etc., which are maintained and utilized solely to serve a public purpose (such as fire, ambulance, police and air raid warning sirens) shall be excluded from the above regulations. Below three hundred (300) cycles per second maximum sound pressure shall conform to the following table:

NOISE	
Octave Band (in cycles per second)	Decibels
0 - 75	70
75 - 150	60
150 - 300	50
300 and UP	40

- d. Vibration: No vibration shall be permitted which is discernible without instruments at the points of measurement specified in Section [3006](#).

²⁴ AMERICAN STANDARD SOUND LEVEL METERS FOR MEASUREMENT OF NOISE AND OTHER SOUNDS, 224.3 - 1944, American Standards Association, Inc., New York.

²⁵ AMERICAN STANDARD SPECIFICATION FOR AN OCTAVE-BAND FILTER SET FOR THE ANALYSIS OF NOISE AND OTHER SOUNDS, 224.10- 1953, American Standards Association Inc., NY.

- e. Smoke: No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the **Power's Micoringle-Menn Chart**, published by McGraw-Hill Publishing Company, Inc., and copyrighted 1954 (being a direct facsimile reproduction of the Standard Ringlemenn Chart as issued by the United States Bureau of Mines), except that visible grey smoke of a shade equal to No. 2 on said chart may be emitted for four (4) minutes in any thirty (30) minutes. These provisions applicable to visible grey smoke shall also apply to visible smoke of a different color but with an apparently equivalent capacity.
- f. Odor: No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the points of measurement specified in Section [3006](#). There is hereby established as a guide in determining such quantities of offensive odors Table iii. "**Odor Thresholds**", in Chapter 5, "Air Pollution Abatement Manual", copyright 1951 by Manufacturing Chemists Assn., Inc., Washington, D.C.
- g. Fly Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution: No emission shall be permitted which can cause any damage to health, to animals, vegetation or other forms of property, or which can cause any excessive soiling, at any point. It is hereby established as a guide in determining the detrimental concentration for any dust, fume, mist, gas or vapor Chapter 5, "Air Pollution Abatement Manual", copyright 1951, by the Manufacturing Chemists Association, Inc., Washington, D.C. The fly ash or other particulate matter resulting from the burning of combustible materials shall not exceed a loading in the stack of vent gases of eighty-five one hundredths (0.85) pounds per one thousand (1,000) pounds of conveying gas (twenty-five one hundred (0.25) grains per cubic foot measured at 500 degrees F and fifty (50) percent excess air).
- h. Glare: No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, so as to be objectionable to the points of measurement specified in Section [3006](#). This restriction shall not apply to signs otherwise permitted by the provisions of this Ordinance or other regulation.
- i. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, except in accord with standards approved by the City Health Department or the Ohio State Department of Health, as the case may be, or standards equivalent to those approved by said authorities for similar uses, of any materials of such nature or temperature as can contaminate any water supply, interfere with the orderly operation of public sewage collection and treatment systems, or otherwise cause the emission of dangerous or offensive elements.

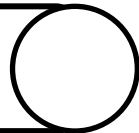
3200 Wireless and Cellular Telecommunications Structures and Facilities

3201 Purpose: It is the purpose of this Section to regulate the placement, construction, and modification of Wireless and Cellular Telecommunications Towers and Facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless and cellular telecommunications marketplace in the City of Hamilton. Specifically the purposes of these regulations are:

- A) To regulate the location of Wireless and Cellular Telecommunications Towers and Facilities within the City;
- B) To protect residential areas and land uses from potential adverse impacts of Wireless and Cellular Telecommunications Towers and Facilities;
- C) To minimize adverse visual impacts of Wireless and Cellular Telecommunications Towers and Facilities through careful design, siting, landscaping, and innovative camouflaging techniques and a reduction of the need for new Towers;
- D) To promote and encourage shared use/co-location of Wireless and Cellular Telecommunication Facilities as a primary option rather than encouraging the construction of additional single-use towers;
- E) To avoid potential damage to adjacent properties caused by Wireless and Cellular Telecommunications Towers and Facilities by ensuring such structures are soundly and carefully designed, constructed, screened, modified, maintained, and removed;
- F) To the greatest extent feasible, ensure that Wireless and Cellular Telecommunications Towers and Facilities are compatible with surrounding land uses;
- G) To the greatest extent feasible, ensure that proposed Wireless and Cellular Telecommunications Towers and Facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

3202 Applicability: All Wireless and Cellular Telecommunications Towers and Facilities, any portion of which are located within the City of Hamilton, are subject to these regulations.

3202.1 Non-Conforming Telecommunications Facilities: Except as provided in this Chapter, any use being made of an existing Tower or Antenna Support Structure on the effective date of the Zoning Ordinance and Amendments thereto (herein known as “Non-Conforming Structures”) shall be allowed to continue, even if in conflict with these regulations. Any Tower site that has received City approval in the form of a building permit, but which has not yet been constructed, shall be considered a Non-conforming Structure so long as such approval is current and has not expired. However, the owner/service provider must still comply with any registration requirements as set forth in this Chapter. Furthermore, the co-location of equipment on a non-conforming facility or changes to any associated equipment must comply with the requirements of this Chapter.

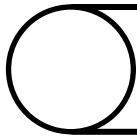


3202.2 Exempt Telecommunication Facilities: Wireless and Cellular Telecommunications Facilities which are exempt from the regulations of this Chapter include, but are not limited to, the following - unless located within a Historic District. However, locational requirements still apply. Satellite earth stations and other antennas may not be located in front of a structure. They are to be located only in a yard to the rear of the principal building and outside of any required side or rear yard setbacks. Where a corner lot has no rear yard, the station or antenna may be located in a non- required interior side yard. If any aspect of the below listed provisions (for items A through G) is exceeded, the telecommunication facility will no longer be deemed exempt from the provisions of this Chapter and will become subject to all requirements as listed herein.

Exemption from the requirements of this Chapter does not exempt the below listed facilities from applicable requirements of the Building, Health or Fire Codes. A building permit is required for all such facilities where the support structure, to which an antenna is to be affixed or mounted, exceeds (12) feet in height.

Exemptions

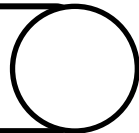
- A) A single ground or building mounted receive-only radio or television antenna including any mast, for the sole use of the occupant of a residential parcel on which the radio or television antenna is located; with an antenna height not exceeding twenty-five feet (25');
- B) A ground or building mounted citizens band radio antenna including any mast, if the height (post and antenna) does not exceed twenty-five feet (25');
- C) A ground, building, or tower mounted antenna operated by a federally licensed amateur radio operator as part of the Amateur Radio Service, subject to the locational requirements of this Section, unless the applicant for an amateur radio tower/antenna can demonstrate that an alternative location is technically necessary to successfully engage in amateur radio communications.
- D) A ground or building receive-only radio or television satellite earth station (satellite dish) which does not exceed one meter (39.37 inches) in diameter, for the sole use of the resident or establishment occupying the parcel on which the satellite dish is located; provided the height of said dish does not exceed the height of the ridge line of the principal structure on said parcel;
- E) Mobile Services providing public information coverage of a news event of a temporary nature;
- F) Hand held devices such as cell phones, business-band mobile radios, walkie-talkies, cordless phones, garage door openers and similar devices as determined by the Planning Director;
- G) Government owned and operated receive and/or transmit telemetry station antennas for supervisory control and data acquisition (SCADA) systems for water, flood alert, traffic control devices and signals, storm water, pump stations and/or irrigation systems and similar uses, with heights not exceeding thirty-five feet (35').

**3203 General Requirements:****3203.1 Zoning Districts Where Permitted:**

- A) Satellite Earth Stations Satellite Earth Stations having a diameter in excess of one meter (39.37") but less than 3.6 meters (144") in diameter are permitted as an accessory structure to any principally permitted use of any Zoning District provided they meet all of the conditions as listed in Section [3205](#)
- B) New Tower Construction New construction of Wireless and Cellular Telecommunications Towers [not including towers used for amateur radio operations as exempted in Section [3202.2](#)], and their associated antennas and equipment buildings are permitted in B-1, B-2, B-3, I-1, I-2 and IPD zoning districts only as a Conditional Use; approval of such is required by the City Council. Notice of the Planning Commission meeting to review the Conditional Use shall be mailed to all property owners within 500 feet of the subject property within 10 calendar days of such meeting. Where the City Council denies such a request for Conditional Use it shall furnish written notice to the applicant setting forth the reasons why it denied the application.
- C) Existing Facilities Wireless and cellular telecommunications antennas and associated facilities, which are proposed to be attached to existing structure located in the B-1, B-2, B-3, I-1, I-2, MS-2, MS-3, DT-1, DT-2, DT-3, UCP-1, and UCP-2 Districts are Principally Permitted provided they meet all the requirements listed in Section [3205](#).
- D) Facilities located on Publicly Owned Property The City of Hamilton and other public entities may lease publicly owned property for Wireless and Cellular Telecommunications antennas, towers and associated facilities. Publicly owned property available for lease, may be located within any zoning district in the City, provided that all requirements, as set forth in Section [3206](#) are met.

3203.2 Registration of Telecommunications Owners and Service Providers - Requirement and Purpose: All Wireless/Cellular Telecommunications Owners and service providers that offer or provide any telecommunications services for a fee directly to the public, either within the City of Hamilton, or outside the corporate limits from telecommunications facilities located within the City, shall be required to register with the City of Hamilton Planning Department. It is the purpose of registration under this Section to:

- 1) Provide the City with accurate and current information concerning the telecommunication owners and service providers who offer or provide telecommunications carriers within the City, or that own or operate telecommunications facilities with the City;
 - 2) Assist the City in the enforcement of this Chapter;
 - 3) Assist the City in monitoring compliance with local, State and Federal laws.
- A) Information/Permit Required The City of Hamilton Planning Department shall provide registration forms. Said registration/permit must be renewed bi-annually, at the beginning of each even-numbered year regardless of when the facility was originally permitted. The owner/service provider must submit the permit registration/application to the Planning Department of the City of Hamilton between January 1 and February 1 of the applicable year. The registration form must be accompanied by the following information:



- 1) A description of the telecommunications services that the registrant intends to offer or provide, or is currently offering or providing, to persons, firms, businesses or institutions within the City.
- 2) Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission (FCC) to provide telecommunications services or facilities within the City.
- 3) For any telecommunication facilities which are co-located: provide information as to the names of other service providers located on the tower, and the expiration date of the lease for co-location.
- 4) Signed Indemnification/Liability Agreement and/or Facility Maintenance/Removal Agreement.

B) Registration Fee: Each application for registration as a telecommunications owner or service provider shall be accompanied by a fee as set forth by the City Council.

C) Amendment: Each telecommunications registrant (owner\service provider) shall inform the City, within sixty (60) days, of any change of the information required on the registration form. With regard to a telecommunications tower, the owner of tower shall be responsible for notifying the City of any changes in ownership or operation of the tower itself. Any service providers which co-locate on a tower are responsible for notifying the City when its lease expires and when it no longer actually co-locates on the tower.

3203.3 Shared Usage and Co-Location: The owner\service provider must prove that the requested wireless and cellular telecommunication use is necessary and essential at the particular location proposed for the proper rendition of the service. Shared usage of towers and transmission facilities is encouraged and towers should be designed to accommodate such uses including municipal telecommunication needs. The following guidelines shall be met by the telecommunications registrant (owner\service provider):

A) Co-Location: Telecommunication Owners/Service Providers must co-locate except where they can demonstrate by clear and convincing evidence that their tower antennas cannot be located on any other existing communications tower, building, or structure in the geographic area to be served, and that all reasonable means have been taken to avoid any undue impact caused by “clustering” of more than two facilities within an area.

B) Notice: Telecommunications Owners\Service Providers must send, by certified mail, an announcement to all other existing tower users in the geographic area to be served stating their siting needs and/or sharing capabilities. In determining whether a tower antenna can or cannot be located on another communication tower, building, or structure, the City shall consider the space available on the existing structure, the technological practicability of the co-location, and other factors deemed appropriate by the City. A copy of the communication and all responses thereto must be provided to the City.

- C) Capacity: If a new wireless/cellular telecommunications tower is constructed, it shall be designed to have three to four times the capacity of the intended use in order that secondary users could lease the balance of the tower capacity at a reasonable rate. Subsequent telecommunications service providers cannot be denied space on a tower unless mechanical, structural or regulatory factors prevent co-location.
- D) Parking: Appropriate shared parking and access must be provided for co-located facilities on one tower.

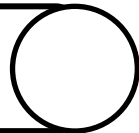
3203.4 Liability and Insurance

- A) Liability: The Wireless/Cellular Telecommunications Facility owner/service provider shall be liable for any and all damages, injury to persons or property or pollution which may result from the construction or operation of said facility within the City. The owner/service provider will hold harmless the City of Hamilton, or any of its boards, commissions, agents, officers and employees against all claims, demands, suits, causes of action and judgment due to any damage caused by the operation or construction of Wireless and Cellular Telecommunications Facilities.
- B) Insurance: The owner\service provider shall maintain in force insurance in an amount adequate to protect the applicant, its agents and employees from all liability in connection with the use operation or maintenance of the Wireless/Cellular Telecommunications Facility.

3204 Application Requirements: Owners\Service Providers of telecommunication Facilities proposing to locate or operate within the City must make application to the Hamilton City Planning Commission for permission to do so. Said applicant may wish to submit a preliminary development plan to the Planning Director in order to receive guidance and direction prior to submitting the formal application. An Application Form is required and shall be accompanied by the following information:

3204.1 Required Information:

- A) General: Type and size of the proposed facility, the location, method of attachment, height and diameter of proposed facility, the maximum output power (wattage) of the facility, security considerations, anti-climbing measures, fencing and screening;
- B) Proof of Approval: Written proof that the telecommunications proposal has been approved by all agencies and governmental entities with jurisdiction, including, but not limited to, the Ohio Department of Transportation (ODOT) Federal Aviation Administration (FAA), the Butler County Regional Airport Authority, the Federal Communications Commission (FCC) , including successors to their respective functions.
- C) Accessory Equipment: The type of accessory equipment and/or equipment building located at each Telecommunications tower site.
- D) Service Area: The service area or ground network maps served by each tower. A “master plan” for all related facilities within the City limits of Hamilton and within one-quarter mile of the corporate limits showing all existing sites or candidate sites under consideration.
- E) Address Listing: When a new wireless and cellular telecommunications tower is proposed pursuant to [3203.1.B](#), the applicant shall provide a list of surrounding property owners within 500 feet of the property including the tax mailing address on record with the Butler County Auditor for use in notifying property owners within 500 feet of the proposed Conditional Use.



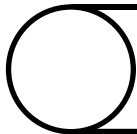
3204.2 Plan Requirements: For each proposed tower facility being applied for, there must be the following:

- A) A fully scaled and dimensioned site plan showing the parcel on which the proposed tower and any equipment building(s) is to be located. The site plan shall also include points of access into the site, proximity to adjacent property lines, parking facilities, and any other site specific issues relative to the granting of this application. Aerial photos and/or renderings may augment the plot plan.
- B) Detailed drawing of a screening plan and related design standards.
- C) Type and size of the tower at each location.
- D) The type of accessory equipment and/or equipment building located or proposed on each tower.
- E) Type, size and location of any equipment buildings to be used by the tower for which the application is being submitted.
- F) The space available on the tower for additional equipment, detailing the number additional users who may use the tower.
- G) The ground network, if any, served by the tower.

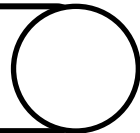
3204.3 Notification Copies of all certified mail announcements to other tower users must be attached to the application, see Section [3203.3 B](#) herein.

3205 Design Standards For Satellite Earth Stations

- A) Location: Satellite earth stations may only be located in a yard to the rear of the principal building and outside of any required side or rear yard setbacks. Where a corner lot has no rear yard, the station may be located in a non-required interior side yard. It may not be attached to the roof of the principal building unless the applicant can prove that such location is necessary and essential for proper reception.
- B) Height: No portion of a satellite earth station shall exceed a height of thirteen (13') feet from the grade at the building line of the lot on which it is located or, if a roof location is proven to be necessary as outlined in Section [3205 A](#), from the roof line of the principal building.
- C) Maximum Number of Satellite Earth Stations Per Lot: One (1), except for multi-family residential structures where one Satellite Earth Station per principal structure shall be permitted.

**3206** Design Standards For Free-Standing Towers

- A) Location: As set forth in Section [3203.1 B](#); in addition, as set forth in Section [3203.3](#) (Shared Usage and Co-Location), the applicant proposing to construct a new free-standing wireless and cellular telecommunications tower must prove that such use is necessary and essential at the particular location proposed for the proper rendition of the service. Telecommunications facilities are subject to airport land use compatibility criteria/policies and FAA regulations. Prior to approval of the wireless/cellular telecommunications facility, compliance with this Section shall be presented to the City.
- B) Minimum Lot Size: The minimum size of any tower site shall be two (2) acres of which only one tower may be permitted on the site.
- C) Setbacks and Yard Requirements: No towers shall be located nearer to a residential district than 250 feet, or less than one-third (1/3) of the height of the proposed tower from any property lines, whichever is the greater.
- D) Fencing and Screening: Wireless/cellular telecommunications towers and associated facilities shall be enclosed by security fencing appropriately screened. All telecommunications towers and equipment shall be enclosed with a minimum six foot (6') height solid and opaque fence or, if an open (chain-link) type fence is utilized, it must be combined with screening through the use of a continuous evergreen hedge at least forty-eight inches (48") high at planting and capable of growing to at least fifty-four inch (54") in height within 18 months; all such screening shall be located behind the specified setback lines. No barbed wire or razor wire shall be permitted where the site is situated within 500 feet of a residential use or district. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible. The applicant is responsible to install and maintain such security fencing and screening in good condition.
- E) Aesthetics and Design: The Telecommunications Facility must be aesthetically and architecturally compatible with the surrounding environment. All Telecommunications towers shall be a non-contrasting blue-gray or similar color that matches the typical sky color at that location designed to minimize the visibility of the facility to the greatest extent possible, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA). The telecommunications tower/ facility owner/operator is responsible for maintaining the appearance of all structures and equipment in good condition, and all surfaces absent of flaking or peeling paint, and rust.
- F) Structural Requirements: All wireless and cellular telecommunications towers and facilities must comply with applicable provisions of the Ohio Basic Building Code. In addition, all towers must meet or exceed standards and regulations of the FAA, FCC, and any other agency of the federal government having the authority to regulate towers and antennas.
- G) Lighting: Lights, beacons or strobes of any kind shall not be permitted on any tower antenna or associated equipment unless required by the Federal Aviation Administration. When lighting is required by the FAA, the requirements thereof must be presented to the City prior to City approval of the facility. Lighting, when required, shall be oriented so as not to project any beam of light toward surrounding residential property.
- H) Height: The applicant must show that the proposed height of the tower is reasonably necessary to render satisfactory service to all parts of the service area and to accommodate co-location.

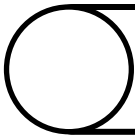


3206.1 Accessory Buildings: The maximum size of any accessory building, such as those used to shelter equipment shall not exceed 400 square feet per user of the telecommunications facility. In addition, all accessory buildings shall meet setback requirements as set forth in the appropriate district regulations. In instances where there are multiple users of a commercial or industrial lot, a minimum distance of twenty feet (20') between the Wireless/Cellular Telecommunication Facilities and other non-related buildings located on the same site structures shall be maintained.

- A. Parking Facilities Equipment at a Wireless/Cellular Telecommunications Facility shall be automated to the greatest extent possible to reduce traffic and congestion. Existing roads shall be used for access wherever possible, and be upgraded to the minimum amount necessary to meet standards specified by the Engineering Department. Existing parking areas shall, wherever possible be used. Any new parking areas constructed shall provide an area equal to 320 square feet (2 spaces).
- B. Signage No advertising is permitted anywhere on the wireless and cellular telecommunication tower or facility, with the exception that one identification sign, not to exceed five (5) square feet shall be permitted. In addition, no more than four "No Trespassing" signs, with a maximum of two (2) square feet each, may be posted around the facility; these are to include the telephone number of who to contact in the event of an emergency.

3207 Design Standards For Antennas And Telecommunication Equipment On Existing Structure
Approval of applications for Wireless and Cellular Telecommunications Antennas and Equipment, which are proposed to be located on an existing structure will require the review and approval of the Planning Commission; a plan showing the locations of existing and future facilities as well as a detailed drawing of the proposed facilities is required with the application submission. Note that Planning Commission approval does not constitute a waiver of any requirements relative to a building permit. Other design standards set forth in Section [3206](#) shall apply except as hereafter modified

- A. Location Wireless and Cellular Telecommunication antennas and equipment, to be located on existing structures as set forth in Section [3203.1 D](#), are subject to meeting setback requirements and the standards of this Section. Existing structures may include, but is not limited to, the following: billboards, telephone poles, lighting standards or other structures.
- B. Aesthetics and Design Antennas and telecommunication equipment on existing structures must be aesthetically and architecturally compatible with the surrounding environment (i.e. match the color and/or materials as the structure to which it is attached). Aesthetic and architectural compatibility shall be subject to review by Planning Commission.
- C. Height The maximum height of such communication equipment shall not exceed the lesser of 25 feet or 25% of the height of the structure on which it is located and must be set back from the edge of the building a distance equal to the height of the equipment. Any equipment which will not extend more than 10 feet above the height of the building is exempt from the setback requirement in this paragraph.

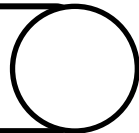


3208 Design Standards For Wireless And Cellular Telecommunications Towers, Antennas And Equipment On Publicly Owned Property. The City encourages the location of wireless and cellular telecommunications facilities on publicly owned property, thereby reducing the visual impact of such facilities. Although this use is Principally Permitted, review and approval by the Planning Commission is required. The City shall undertake an identification of publicly owned properties that the City determines are suitable for such use and shall regularly update such identification and make the results of such identification available to the public. Persons locating such facilities upon such identified publicly-owned properties shall be exempted from the requirement to present proof that co-location of facilities on towers or structures owned by other persons or in other locations is not available. Said facilities are subject to the following standards:

- A. Existing Structures Antennas/Facilities attached to an existing structure are subject to the requirements and design standards, as set forth in Section [3207](#), shall apply except as hereafter modified.
 - 1. Location: Wireless and Cellular Telecommunication antennas and equipment on existing identified publicly-owned structures may include, but is not limited to, the following: public safety telecommunications towers, water towers, the roof of government buildings or schools, utility poles, and similar locations. There is no minimum lot size required, provided all setbacks can be met.
- B. New Construction of Freestanding Towers Requirements and Design Standards for Wireless/Cellular Telecommunications equipment on freestanding towers constructed on publicly owned property as set forth in Section [3206](#) shall apply.

3209 Maintenance Of Wireless/Cellular Telecommunication Facilities, Facility Removal, And Abandonment As a part of the Wireless/Cellular Telecommunication facility Registration the applicant shall agree that the applicant/service provider/owner and successors-in-interest, must properly maintain the Wireless/Cellular Telecommunications Facility and to ultimately remove such facility as required by this Chapter

- 3209.1 Maintenance: Neither the owner(s) of the property on which the Wireless/ Cellular Telecommunications Facilities are located, nor the service provider in charge of the facility shall permit such property/facilities to fall into a state of disrepair. All towers, antennas, equipment and related structures shall be maintained in accordance with the requirements of the Zoning Ordinance and other ordinances or regulations as may be applicable. In addition, it shall be the responsibility of the owner/service provider to ensure that the site, on which the Telecommunications Facility is located, is kept free of weeds and trash.
- 3209.2 The applicant shall submit a certified inspection report at least once every five years to ensure the continuing structural integrity of the tower and accessory structures. If the report recommends that repairs are required, then a letter shall be submitted to the City to verify to the City that such repairs have been completed.



3210 Removal Of Wireless/Cellular Telecommunications Towers And Facilities And Abandonment Each Wireless/Cellular Telecommunication Facility owner/service provider shall furnish the City's Department of Planning a copy of the most recent FCC license for each such facility located within the City Limits. The submission shall be made on a bi-annual basis in conjunction with the required bi-annual Registration. All service providers utilizing towers shall present a report to the Planning Director, or his designee, notifying the City of any tower facility located in the City whose use will be discontinued and the date this use will cease. It shall be the responsibility of the property owner and/or service provider to remove the tower, antennas, buildings and any equipment associated therewith within 6 months of discontinuing the telecommunications operations.

- A. Declaration of Abandonment: If at any time the use of said towers and facilities for Wireless/Cellular Telecommunications has ceased for the 6 month period but has not been removed by the owner/service provider during this time, the City may declare said facility abandoned and a public nuisance (this excludes any dormancy period between construction and the initial use of the facility). The facility's owner/service provider will receive written notice from the City, and be instructed to either reactivate the facility's use within 30 days, or dismantle and remove the facility.
- B. Public Hearing: The City shall provide the tower owner/service provider with the right to a public hearing before the Planning Commission; request for said hearing must be made to the Planning Director within fourteen (14) days of the City's written notice (required in Section [3210 A](#)). All interested parties shall be allowed an opportunity to be heard at the public hearing.
- C. Demolition: If reactivation or dismantling of said facility does not occur within the 30-day reactivation/removal period specified in Section [3210 B](#), the Planning Commission may order the demolition of the tower and related facilities. The City may employ all legal measures, including, if necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower and facilities, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the facilities, including court costs and reasonable attorney fees.

3211 FEES: Fees related to Wireless/Cellular Telecommunication Facilities, are as set forth in Section [4500](#) (Fee Schedule) of this Ordinance.

3300 SMALL CELL FACILITIES AND WIRELESS SUPPORT STRUCTURES

3301 Purpose: Chapter [3300](#) pertains to Small Cell Facilities and Wireless Support Structures and provides regulations and design criteria for such facilities and structures on private property. These regulations balance the need for new Small Cell Facilities and Wireless Support Structures with the impacts that such facilities and structures have on adjacent land uses while ensuring protection of the public health, safety, and welfare. The purposes of these regulations are:

- A. **Protection:** To regulate the location of Small Cell Facilities and Wireless Support Structures located on private property within the City; To protect all building, structures, and areas of the city in addition to those buildings, structures, and areas which are designated as historic from potential adverse impacts of Small Cell Facilities and Wireless Support Structures;
- B. **Impacts:** To minimize adverse visual impacts of Small Cell Facilities and Wireless Support Structures through careful design, siting, landscaping, and camouflaging techniques to blend these facilities into their environment and a reduction of the need for new Small Cell Facilities and Wireless Support Structures;
- C. **Collocation:** To promote and encourage shared use/collocation of Small Cell Facilities and Wireless Support Structures as a primary option rather than encouraging the construction of single-use Small Cell Facilities;
- D. **Safety:** To avoid potential damage to adjacent properties caused by Small Cell Facilities and Wireless Support Structures by ensuring such structures are soundly and carefully designed, constructed, screened, modified, maintained, and removed;
 - 1. To the greatest extent feasible, ensure that Small Cell Facilities and Wireless Support Structures are compatible with surrounding land uses;
 - 2. To the greatest extent feasible, ensure that proposed Small Cell Facilities and Wireless Support Structures are designed in harmony with natural settings and in a manner consistent with current development patterns.

3302 Definitions: The definitions in this section shall prevail within Chapter [3300](#) of the City of Hamilton Zoning Ordinance pertaining to the regulation of Small Cell Facilities and Wireless Support Structures. Definitions contained herein shall supersede any existing definition contained within Section [3900](#) of this zoning ordinance. For definitions not contained within this Section [3302](#) of the Zoning Ordinance, the definitions contained in Section [3900](#) of the City of Hamilton Zoning Ordinance shall prevail:

- A. "Abandoned" means any small cell facilities or wireless support structures that are unused for a period of three hundred sixty-five days without the operator otherwise notifying the municipal corporation and receiving the municipal corporation's approval.
- B. "Antenna" means communications equipment that transmits or receives radio frequency signals in the provision of wireless service.
- C. "Cable operator," "cable service," and "franchise" have the same meanings as in the "Cable Communications Policy Act of 1984," 98 Stat. 2779, 47 U.S.C.A. 522.
- D. "Collocation" or "collocate" means to install, mount, maintain, modify, operate, or replace wireless facilities on a wireless support structure.
- E. "Micro wireless facility" means a small cell facility that is not more than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that does not have an exterior antenna more than eleven inches in length suspended on cable strung between wireless support structures.
- F. "Operator" means a wireless service provider, cable operator, or a video service provider that operates a small cell facility. For the purpose of this chapter, "operator" includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20), and services that are fixed in nature or use unlicensed spectrum.
- G. "Person" means any natural person, corporation, or partnership and also includes any governmental entity.
- H. "Small cell facility" means a wireless facility that meets both of the following requirements:
1. Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume.
 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
- I. "Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including all of the following:
1. Equipment associated with wireless communications;
 2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
 3. The term includes small cell facilities
 4. The term does not include any of the following:
 - a. The structure or improvements on, under, or within which the equipment is collocated;
 - b. Coaxial or fiber-optic cable that is between wireless support structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.
- J. "Wireline backhaul facility" is a facility used for the transport of communications service or any other electronic communications by coaxial, fiber-optic cable, or any other wire.
- K. "Work permit" means a permit issued by a municipal corporation that must be obtained in order to perform any work in, on, above, within, over, below, under, or through any part of the public way, including, but not limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, or installing, as well as the act of opening and cutting into the surface of any paved or improved surface that is part of the public way.

3303 Applicability: These regulations apply to every entity that is engaged in the business of providing the required infrastructure to a Utility that proposes to construct a Small Cell Facilities or Wireless Support Structures, including accessory equipment and facilities, will be located on private property. The regulations contained within this Chapter [3300](#) shall supersede other regulations within this zoning ordinance. For regulations not contained within this Chapter [3300](#) of the Zoning Ordinance, the regulations within the City of Hamilton Zoning Ordinance shall prevail.

3304 Zoning Districts: Small cell facilities shall be permitted in the following zoning districts: R-O, B-1, B-2, B-3, I-1, I-2, IPD, BPD, and Form-Based Zones. Except for R-O zoning districts, Small Cell Facilities shall not be permitted within any residential zoning district or located on any property used for residential purposes with the following exceptions:

- A. Installations located on multifamily dwelling units containing 16 or more dwelling units.
- B. Installations located on mixed-use residential and commercial land uses.
- C. Installations located on institutional uses including but not limited to hospitals, schools, and churches.

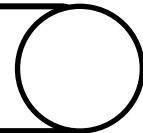
The above exceptions shall be subject to all applicable regulations within this Chapter [3300](#) of the Zoning Ordinance.

3305 Permitted Locations: Small Cell Facilities shall be located as follows:

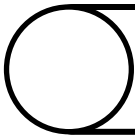
- A. Small Cell Facilities shall be required to locate within the right-of-way, where possible, in accordance with the regulations set forth within Chapter 980 Small Cell Facilities and Wireless Support Structures in the Right of Way.
- B. Small Cell Facilities that are not able to be located within the right-of-way shall be required to collocate with an existing Small Cell Facility if such locations are available and have the capacity for collocation of facilities and equipment.
- C. Small Cell Facilities that are not able to be located within the right-of-way and which are not able to collocate with an existing Small Cell Facility shall be required to locate on an existing building or structure.
- D. Small Cell Facilities that are not able to be located within the right-of-way, which are not able to collocate with an existing Small Cell Facility, and which are unable to be located on an existing building shall be permitted as a free-standing Small Cell Facility to be located on a property subject to the applicable restrictions set forth within this Chapter [3300](#) of the City of Hamilton Zoning Ordinance.

3306 Prohibited Locations: Small Cell Facilities shall not be permitted in the following locations:

- A. On the exterior of any sign, unless all infrastructure and equipment can be screened from the view from the public-right-way.
- B. Installations and facilities shall not be located within any sight triangle or area that would impede an area on a property that is designated for vehicular or pedestrian movement, including ingress and egress.



- 3307** Height Requirements: The height of Small Cell Facilities shall conform to the character and form of the surrounding areas. As such, the following regulations shall pertain to the maximum permitted height for Small Cell Facilities:
- A. Such facilities, including the Wireless Support Structures on which such facilities are located, shall have a maximum allowable height no greater than five (5) feet of the height of any structure located on the site in which the proposed facility and equipment will be located.
 - B. Such facilities, including the Wireless Support Structures on which such facilities are located, shall not have a maximum allowable height that is greater than what is permitted in the zoning district in which it is located, with the following exception:
 - 1. Small Cell Facilities located on an existing building shall be permitted to exceed the maximum allowable height that is greater than what is permitted in the zoning district in which it is located by a maximum of five (5) feet.
- 3308** Setbacks for Free-Standing Small Cell Facilities: Free-standing Small Cell Facilities shall adhere to the setbacks in the zoning district in which they are located. However, in no case shall any Small Cell Facility, including accessory equipment as well as screening and buffering, be located within 15 feet of any property line.
- 3309** Setbacks on Facilities on Existing Buildings: Any antennas and associated equipment will be set back from the edges of buildings and screened from view from the public right of way. Antennas and associated equipment will be centered and secured for public safety.
- 3310** Installations on Historic Properties: Proposed Small Cell Facilities on existing structures within a Historic District or a building designated as historic will be required to receive a Certificate of Appropriateness from the Architecture Design Review Board. Installations located on property in an Historic District or on a building designated as historic shall not adversely affect the historic character of the building or the district.
- 3311** Design Criteria for Small Cell Facilities: All new Small Cell Facilities shall adhere to the following design criteria:
- A. Antenna Mounting
 - 1. Antennas shall be fully enclosed within a shroud attached to the supporting structure in a manner that best conceals the view of the equipment from the public right-of-way as well as adjacent properties.
 - B. Wiring, Cables and Conduit
 - 1. All wiring and cables shall be firmly secured to the support structure and enclosed within a separate rigid external conduit attached directly to the pole or offset not more than four (4) inches by mounting brackets.
 - 2. The color of all conduit shall be consistent with other colors used in the installation of the facility and accessory equipment.
 - 3. Spools and/or coils of excess fiber optic or cables or any other wires shall not be stored on an exterior of a small cell facility except when completely within the approved enclosures or cabinets.

**C. Pole Specifications for Free-standing Small Cell Facilities**

1. All new wireless support structures shall be constructed with a design and architecture that is consistent and compatible with other structures located on the site to the greatest extent possible. When the design and architecture a new installation is not able to be consistent with existing structures on a site, the pole and wireless support structure shall adhere to the following standards:
 - a) All new wireless support structures shall be constructed of solid hot-dipped galvanized steel with a smooth pole shaft.
 - b) Wireless support structures incorporating small cell facilities in an equipment cabinet within a transformer base may utilize poles tapered in diameter or poles having a consistent outside diameter.
 - c) All poles shall be scaled to 0.5 to 0.75 times the maximum width of the cabinet, with a ten (10) inch mini- mum outer pole diameter at the widest portion of tapered poles.

D. Transformer Base

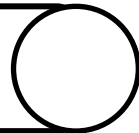
1. All new wireless support structures shall include a one-piece cast aluminum alloy transformer base in a breakaway design and must designed by a professional engineer licensed and registered in the State of Ohio, and shall subject to the City Engineer's review and approval.

E. Foundation

1. All new wireless support structures must be supported with a reinforced concrete foundation, constructed in accordance with engineered design drawings, stamped by an Ohio licensed Professional Engineer, and subject to the City Engineer's review and approval.
2. Anchor bolts must be constructed from high strength steel and shall have a diameter that has been determined by an Ohio licensed Professional Engineer, and shall be subject to the City Engineer's review and approval.
3. All anchor bolts must be concealed from public view with an appropriate pole boot or cover, powder-coated to match the pole color.

F. Maximum Size of Antenna

1. Each antenna shall be located entirely within a shroud enclosure of not more than six (6) cubic feet in volume.
2. The diameter of the antenna or antenna enclosure should not exceed the diameter of the top of the wireless support structure pole, and to the maximum extent practical, should appear as a seamless vertical extension of the pole.
3. In no case shall the maximum diameter of the shroud be wider than one and one half times the diameter of the top of the pole.
4. Where the maximum shroud diameter exceeds diameter of the top of the pole, the shroud shall be tapered to meet the top of the pole.



G. Antenna Design, Attachment and Enclosure

1. Antennas shall be generally cylindrical in shape.
2. Antenna shall be completely housed / enclosed within a cylindrical shroud that is capable of accepting paint to match the wireless support structure.
3. The shroud enclosure shall be securely strapped to the wireless support structure pole using stainless steel banding straps. Through-bolting or use of lag bolts on publicly owned wireless support structures is prohibited. New wireless support structures may utilize mounting brackets in accordance with the maximum horizontal offset requirements. Care should be taken to integrate the mounting hardware into the enclosure design.
4. Color for all antennas and shrouds shall match the color of the wireless support structure. The color of the facilities should be consistent with the colors used on surrounding building and structures.

H. Associated Small Cell Facilities and Equipment

1. Exclusive of the antenna, all wireless equipment associated with the small cell facility shall not cumulatively exceed twenty-eight (28) cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
2. Small cell equipment enclosures should be the smallest size practicable to house the necessary small cell facilities and equipment.
3. Small cell equipment enclosures that are attached to a structure or building shall be cylindrical or rectangular in shape, and should generally be no wider than the maximum outside diameter of the pole to which it is attached (if applicable), to the maximum extent possible.
4. Free-standing facilities with cabinets that are must be secured to a concrete foundation or slab with a break- away design in the event of collisions.

3312 Owner Identification: A four (4) inch by six (6) inch (maximum) plate with the carrier's name, location, identifying information, and emergency telephone number shall be permanently fixed to the enclosure on the side of the cabinet opposite the direction of vehicular traffic of the adjacent roadway.

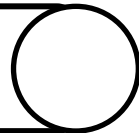
3313 Lighting: Lighting associated with small cell facilities is prohibited. Any internal lights associated with electronic equipment shall be shielded from public view.

3314 Signage: Signs are prohibited on all small cell facilities and wireless support structures, including stickers, logos, text, and other non-essential graphics and information other than the owner identification, unless required by the FCC.

3315 Screening and Buffering: Small Cell Facilities and all associated equipment shall be screened and buffered to greatest possible extent from view from the public right-of-way as well as the view from adjacent properties through the utilization of building and structural alterations and / or modifications, landscaping, fencing, and other means and materials deemed to be compatible with the character and form of the site in question as well as the surrounding areas.

All proposed screening and buffering shall be consistent with the intent and purpose outlined within these regulations. Proposals which utilize landscaping in part or wholly as a means of screening or buffering shall incorporate plant species, such as evergreen trees, which are most suitable to providing year round screening. All plant species associated with proposals which utilize landscaping in part or wholly as a means of screening or buffering shall be approved by the City of Hamilton Municipal Arborist.

- 3316** Illumination: New Small Cell facilities shall not be illuminated, except in accord with Ohio or federal regulations, or unless illumination is integral to the Stealth Technology, such as a design intended to look like a street light pole.
- 3317** Safety Requirements: All Small Cell Facilities shall adhere to the following safety standards:
- A. To prevent failures and accidents, entities who own a small cell facility and/or wireless support structure sited on private property shall at all times employ ordinary and reasonable care, as well as install and maintain in use industry standard technology for preventing failures and accidents which are likely to cause damage, injury, or nuisance to the public.
 - B. No installation of Small Cell Facilities shall interfere with the operations of emergency services.
- 3318** Compliance with fire safety and FCC regulations: Small cell facilities, wires, cables, fixtures, and other equipment shall be installed and maintained in substantial compliance with the requirements of the National Electric Code, all FCC, State of Ohio, and local regulations, and in such manner that will not interfere with the use of other property.
- 3319** Decommissioning and Removal of Small Cell Facilities: All Small Cell Facilities that have ceased operations for a period exceeding one (1) year shall be considered decommissioned. Decommissioned Small Cell Facilities shall be removed within six (6) months.
- A. All owners must procure and provide to the city a security bond or equivalent financial tool or proof of such financial mechanism to ensure compliance with the required removal of decommissioned Small Cell Facilities.
 - B. The bond or equivalent financial method must specifically cover the cost of removal of unused or abandoned small cell facilities and/ or wireless support structures or damage to any property caused by an operator or its agent of each small cell facility and/ or wireless support structure in case the city has to remove or pay for its removal. Two acceptable alternatives to a bond include a funds set-aside and a letter of credit.
- 3320** Application and Processing: All proposed Small Cell Facilities shall be subject to administrative review and approval by Planning Staff. The factual determination to approve or deny such plans shall be made in accordance with requirements of this and other applicable sections of this Chapter [3300](#) of the Zoning Ordinance.
- A. Planning Staff shall review and take final action on applications for new Small Cell Systems within sixty (60) days of a completed application. This time period will not begin until the filing fee is submitted and the application is deemed complete by Planning Staff. Planning Staff shall notify the applicant once the application is deemed complete and provide the deadline for the Planning Staff review period. Planning Staff shall approve, approve with conditions, or deny the application-



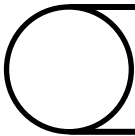
- B. An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of Planning Staff in the administration of these regulations may appeal the action to the Board of Zoning Appeals. Such appeal must be taken within thirty (30) consecutive calendar days of the final action by Planning Staff. The appeal shall be filed with Planning Staff along with an appeal fee of two hundred dollars (\$200).
- C. Evaluation of all proposals for Small Cell Facilities shall be based upon the following criteria and shall be subject to administrative approval by Planning Staff:
 - 1. The extent to which the proposal is consistent with the purposes of these regulations.
 - 2. The extent to which the proposal minimizes the impact on adjacent land uses, especially in terms of visual impact.
 - 3. The extent to which the proposed facility is camouflaged (i.e., use of Stealth Technology).
 - 4. The extent to which the proposed facility conforms to the character of the surrounding area (i.e., buildings, street lighting, signs).

3321

Standard for Modifications and Waiver Requirements from Standards and Design Criteria: Where Planning Staff finds that circumstances or conditions relating to the particular application are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more requirements unreasonable, Planning Staff may modify or waive such requirement, either permanently or on a temporary basis. Any modification or waiver shall be requested in writing by the Applicant.

In determining whether or not to waive the regulations and design standards found in within this Chapter [3300](#) of the Zoning Ordinance, Planning Staff shall consider and find that the proposal is consistent with four (4) of the five (5) criteria:

- A. The proposed development is in conformance with the principles of the City Comprehensive Plan;
- B. The proposed development advances the general welfare of the city and immediate vicinity and will not impede the normal and orderly development and improvement of surrounding and abutting areas;
- C. Adequate utilities, access roads, drainage, retention/detention facilities are provided;
- D. The proposed development design, site arrangement, and/or anticipated benefits of the proposed development justify any deviation from the General Design Standards found herein;
- E. The proposed development design exceeds the quality of the building and site design in the immediate area.



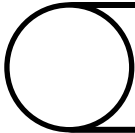
3322 Application Requirements: All applications for a Small Cell Facility shall include the following:

- A. An application fee on \$250 shall be submitted with each application.
- B. A written description and map showing the coverage area of the provider's existing facilities in the general and site-specific areas that is the subject of the Application.
- C. A statement of the telecommunications objectives for the proposed location, whether the proposed facility is necessary to prevent or fill a gap or capacity shortfall in the Applicant or provider's service area, whether it is the least obtrusive means of doing so, and whether there are any alternative sites that would have fewer aesthetic impacts while providing comparable service.
- D. A statement by an authorized representative that the Applicant or provider holds all applicable licenses or other approvals required by the Federal Communications Commission, the Ohio Public Service Commission, and any other agency of Ohio or federal government with authority to regulate telecommunications facilities that are required in order for the Applicant to construct the proposed facility.
- E. A statement by an authorized representative that the Applicant or provider is in compliance with all conditions required for such license and approvals.
- F. A full description of the number and dimensions of all Small Cell Facilities proposed to be installed.
- G. A site development plan, signed and sealed by a professional engineer registered in Ohio, showing the proposed location of the tower and existing structures within five hundred (500) feet of the proposed site. For Applications in which multiple Small Cell Facilities are proposed, an overall site development plan showing all proposed locations within the City must be provided.
- H. A vertical profile sketch or drawing of the Small Cell Facilities, signed and sealed by a professional engineer licensed in Ohio, indicating the height of the Small Cell Facilities and the placement of all antennas and equipment enclosures.
- I. Written approval from the property owner stating the Applicant or provider has permission to construct a facility on their property.
- J. Photographs of view shed from proposed Small Cell Facilities location, taken in at least four directions.
- K. Description of whether other Overhead Utilities exist within five hundred (500) feet of the proposed antenna location.

3400 HAMILTON-BUTLER COUNTY REGIONAL AIRPORT* REGULATIONS

(*aka Hamilton-Fairfield Regional Airport)

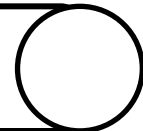
- 3401** Purpose: It is the purpose of Chapter 3400 of the Hamilton Zoning Ordinance No. 7503, inclusive, to regulate land uses within the Airport Safety Area of the Hamilton- Butler County Regional Airport, aka Hamilton-Fairfield Regional Airport, in order to minimize injury, loss of life, and hazards to the safety of persons or to the security of property within such zones, and to assist in the implementation of policies and recommendations of the Hamilton, Fairfield and Butler County Comprehensive Plan, the Airport Master Plan, the OKI Managing Mobility: Year 2010 Regional Transportation Plan, and the State of Ohio's Multi-Modal Transportation Plan.
- 3402** Interpretation: In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. In the event of conflict between the requirements of this Chapter and any other requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions applicable to the same area, the most restrictive limitations or requirements best calculated to insure safety, or that imposing higher standards, shall govern.
- 3403** Separability: Should any section or provision of this Chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Chapter as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.
- 3404** Adoption: The Council of the City of Hamilton, Ohio, hereby adopts the provisions set forth in this Chapter specifying permitted land uses within each zone of the Airport Safety Area within its corporate limits.
- 3405** Airport Zoning Districts: The Airport Zoning Districts set forth in Sections [3406](#) through [3409](#) are hereby established as the Hamilton-Butler County Regional Airport Overlay Zoning for all property in the Airport Safety Area within the corporate limits of the City, and such Airport Safety Area shall be governed by the regulations set forth below for each Zoning District.
- 3406** Airport Zoning District One (AZD-1)
- (1) AZD-1 encompasses land lying within the runway primary surface
 - (2) Permitted uses within AZD-1 include open space and permitted airport uses.
- 3407** Airport Zoning District Two (AZD-2)
- (1) AZD-2 encompasses land underlying the inner approach, the middle approach and the inner transitional surface.
 - (2) Permitted uses within AZD-2 include open space, agriculture and airport related uses, and those uses permitted by the local zoning of jurisdiction, unless prohibited herein.
 - (3) Those uses specifically prohibited include landfills, transfer stations, sewage ponds, sludge disposal, water reservoir, feed lots, slaughter houses, water fowl production, wildlife refuge/sanctuary, fish processing. Lakes or ponds intended to attract or harbor water fowl are prohibited, unless it is an integral part of the site's storm drainage system which is required by the local jurisdiction.
 - (4) Those uses specifically prohibited from the "Approach Surface" area in AZD-2 include those areas in Section [3407](#)(3), residential uses, nursing care facilities, hospitals, and schools.

**3408** Airport Zoning District Three (AZD-3)

- (1) AZD-3 encompasses land underlying the outer approach surface and the middle transitional surface.
- (2) Permitted uses within AZD-3 include open space, agriculture, airport related uses, and those permitted by the local jurisdiction, unless prohibited herein.
- (3) Those prohibited uses include landfills, transfer stations, sewage ponds, sludge disposal, water reservoir, feed lots, slaughter houses, water fowl production, wildlife refuge/sanctuary, fish processing. Lakes or ponds intended to attract or harbor water fowl are prohibited, unless it is an integral part of the site's storm drainage system which is required by the local jurisdiction. For the purposes of this section, prohibited uses shall not include existing public or private wastewater treatment facilities. These facilities shall not be considered non-conforming and shall not be limited or constrained as to the future use, operation, maintenance, expansion, and/or upgrading of the facility.
- (4) Residential development occurring within the "Approach Surface" or "Transitional Surface" in AZD-3 shall include deed covenants and restrictions notifying the occupants that they reside within the "Airport Safety Area" of the airport and acknowledge the continued use of the airport for its current purposes. The note shall read "This plat/parcel(s) is within the Airport Safety Area for the Hamilton-Butler County Regional Airport" Platted subdivisions shall include this note on the final plat.

3409 Airport Zoning District Four (AZD-4)

- (1) AZD-4 encompasses land underlying the horizontal surface, conical surface, and the outer transitional surface.
- (2) Permitted uses within AZD-4 include open space, agricultural, airport related uses, and those permitted by the local zoning of jurisdiction, unless prohibited herein.
- (3) Those prohibited uses include landfills, transfer stations, sewage ponds, sludge disposal, water reservoir, feed lots, slaughter houses, water fowl production, wildlife refuge/sanctuary, fish processing. Lakes or ponds intended to attract or harbor water fowl are prohibited, unless it is an integral part of the site's storm drainage system which is required by the local jurisdiction. For the purposes of this section, prohibited uses shall not include existing public or private wastewater treatment facilities. These facilities shall not be considered non-conforming and shall not be limited or constrained as to the future use, operation, maintenance, expansion, and/or upgrading of the facility.
- (4) Residential development occurring within the "Approach Surface" of AZD-4 extending from the AZD-3 "Approach Surface" to the outer limits of the approach surface, or to the "Outer Marker", whichever is greater, shall include deed covenants and restrictions notifying the occupants that they reside within the "Airport Safety Area" of the airport and acknowledge the continued use of the airport for its current purposes. The note shall read "This plat/parcel(s) is within the Airport Safety Area for the Hamilton-Butler County Regional Airport" Platted subdivisions shall include this note on the final plat.



Notwithstanding any other provision of Sections [3406](#) through [3409](#), no use may be made of land within any zone established by said Sections in such a manner as to create electrical interference with radio communication between the airport and aircraft, to make it difficult for pilots to distinguish between airport lights and other lights, to create glare in the eyes of pilots using the airport, to impair visibility in the vicinity of the airport or to otherwise endanger the landing, taking off, or maneuvering of aircraft.

Notwithstanding any other provision of Sections [3406](#) through [3409](#), no use may be made of and no installation may be placed on land within any airport zone that will produce smoke, fumes, gases, or odors that would interfere with the safe use by aircraft of the airport. Notwithstanding any other provisions of said Sections [3406](#) through [3409](#), no use may be made of, and no installation may be placed on, land within any airport zone for rifle ranges, public or private, or private aircraft landing fields, which would interfere with the safe use by aircraft of the airport.

3410 Zoning Map: The districts established in Sections [3406](#) through [3409](#) shall be included and shown on the [City's Official Zoning Map](#) provided by Section [1200](#) hereof, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Chapter and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

The Zoning Map for the aforesaid districts shall indicate the maximum elevations for buildings and structures within each district. The height of any building, structure or aperture shall not exceed the elevations indicated on the map except as provided by a "Blanket Approval" from the FAA and described in Section [3414](#) of the Chapter.

3411 Non-Conforming Uses: Where, at that time of adoption of this Chapter, lawful uses of land exist which would not be permitted by the regulations imposed herein, the uses may be continued so long as they remain otherwise lawful, provided:

- (1) No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption of the Chapter;
- (2) No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such used at the lot or parcel other than that occupied by such used at the effective date of adoption of this Chapter;
- (3) If any such non-conforming uses of land are disconnected or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Chapter for the district in which such land is located, and the non- conforming use may not thereafter be resumed;
- (4) No additional use non-conforming to the requirements of this Chapter shall be commenced in connection with such non-conforming use of land.

3412 Amendments: Amendments to any provision of the Chapter shall be made pursuant to Sections [4400](#) and [4401](#) of the Hamilton Zoning Ordinance No. 7503.

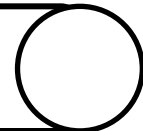
3413 Appeals: Any person desiring to use property in any manner in conflict with the provisions set forth in the Chapter shall first apply to the City's Board of Zoning Appeals for a variance from the zoning regulations in question. The City's Board of Zoning Appeals Board may subject any variance to any reasonable conditions that it deems necessary. The provisions of Sections [4100](#) through [4104](#) and Section [4214](#) shall be applicable and followed for all appeals.

Any person aggrieved by any decision of the City's Board of Zoning Appeals made in its administration of the provisions set forth in this Chapter may appeal to the Butler County Airport Zoning Board of Appeals as follows:

- (a) All appeals shall be filed with the Butler County Department of Development within twenty (20) days after receiving written refusal of Zoning Certificate from its Airport Zoning Inspector, and shall specify the grounds of such appeal. Subsequently, after an appeal is filed with the Butler County Development Director and with the Butler County Airport Zoning Board of Appeals, the Development Department shall transmit to the said Airport Zoning Board of Appeals all the papers constituting the record upon which the action appealed from was taken.
- (b) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Butler County Development Department certifies to the Butler County Airport Zoning Board of Appeals that a stay would cause imminent peril to life or property.
- (c) The Butler County Airport Zoning Board of Appeals shall fix a reasonable time for the hearing of appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time.
- (d) The Butler County Airport Zoning Board of Appeals may reverse, affirm wholly or partly, or modify the order, requirement, decision, or determination appealed from.
- (e) Any person aggrieved or any taxpayer, or any legislative authority, or any Airport Zoning Board affected by any order of the Airport Zoning Board of Appeals may appeal within thirty (30) days to the court of common pleas of Butler County, and upon appeal thereof a trial de novo shall be had.

3414 Administration: Any parcel of land located within any City Airport Zoning District is subject to the administration and policies set forth herein. Any persons or person seeking to modify in any way the land or the use of any parcel of land within the aforementioned zones shall comply with the following steps:

- (a) Any person or persons who seeks to modify in any way, any parcel of land or the use of any parcel of land, except for owner transfers and/or lot line reorganization, must first apply for a zoning certificate from the City's Department of Planning.
- (b) Concurrent to local zoning certificate application, FAA Form 7460-1 (5-94) must be submitted to the Ohio Department of Transportation, Office of Aviation, thirty (30) days prior to construction. The application must include two (2) copies of FAA Form 7460-1 and two (2) copies of a 7.5 minute quadrangle topographic map with "X" marking the proposed modification site. The originals must be sent to the FAA Great Lakes Region. This shall apply to all construction on property within the Airport Zoning Districts except for property within "Blanket Approval" area determined by the FAA. Towers or facilities which would transmit signals via a device regulated by the FCC or FAA still require specific ODOT and FAA approval regardless of "Blanket Approval" status.



- (c) Once approval of FAA Form 7460-1 (5-94) is granted, the applicants must apply to the Construction Services Division of the Department of Planning through the procedures outlined herein.
- (d) After approval by the Department of Planning and Division of Construction Services, building permits shall be issued only after approval of FAA Form 7460-1 (5-94).

3415 Enforcement: Enforcement of the provisions of this Chapter shall be in accordance with Section [4000](#) of the Hamilton Zoning Ordinance No. 7503.

3416 Filing Plans: Every application for a Zoning Certificate shall be accompanied by plans in duplicate, drawn to scale, in black line or blueprint, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size, and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof; and, when no buildings or structures are involved, the location of present use and proposed use to be made of the lot; and such other information with regard to the lot and neighborhood lots as may be necessary to determine applicable standards and provide for the enforcement of this Chapter. One copy of such plans shall be returned to the owner when such plans have been approved by the Inspectors, together with such Zoning Certificate as may be granted.

3417 Zoning Certificate: It shall be unlawful for any owner, lessee, or tenant to begin any excavation, or the construction, reconstruction, extension, conversion, or structural alteration of any building or structure, or any part thereof, without first obtaining a Zoning Certificate as provided in Sections [1300](#), et seq. of the Hamilton Zoning Ordinance No. 7503.

Inspectors shall act upon an application for a Zoning Certificate within five (5) business days after the application is filed in compliance with this Chapter. The Inspectors shall either issue a Zoning Certificate within those five (5) days or shall notify the applicant in writing of his refusal to issue a certificate and the reasons therefor.

3418 Institution Of Legal Action: The City may institute in any court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of this Chapter. The courts shall adjudge to the plaintiff such relief, by way of injunction, which may be mandatory, or otherwise, as may be proper under all the facts of and circumstances of the case, in order fully to effectuate the purposes of the regulations adopted through this Chapter and orders and rulings made pursuant thereto.

3419 Effective Date: This Chapter shall become effective from and after the date of its approval and adoption as provided by law.

3500 MOBILE FOOD SERVICE OPERATION:

3501 Temporary and Mobile Food Service on Private Property:

Mobile Food Services, as defined in Section [3900](#) Definitions, may operate as a use requiring a permit. Permits for Mobile Food Service Operations require an approved application completed by the property owner from the Planning Department. Ultimately, it is the responsibility of the property owner to complete the initial application and maintain compliance of mobile food service operations within their property.

Applications for a permit require the submission of a site plan as well as a business operation plan outlining the size and scope of the business operation. In reviewing the permit, the Planning Department shall consider compliance with the criteria outlined in Sections 3510 through 3519. The Planning Department shall also determine that proposed Mobile Food Service Operation properly integrates with the character and form of the surrounding land uses and that such operations will not be detrimental to the public health, safety, or welfare nor will they create a negative impact on adjacent property owners or public residing within the surrounding areas.

****Food trucks operating within public places are regulated by ([Chapter 754](#) Street Vending of the City of Hamilton Codified Ordinances) ****

The criteria for review and approval of Mobile Food Service Operations are as follows:

3510 Mobile Food Service Operations are permitted in the following zones: “[RPD](#)” Residential Planned Development District, “[R-0](#)” Multi-family Residential Office, “[B-1](#)” Neighborhood Business District, “[B-2](#)” Community Business District, “[B-3](#)” Central Business District, “[BPD](#)” Business Planned Development District, “[I-1](#)” Limited Industrial District, “[I-2](#)” Industrial District, “[IPD](#)” Industrial Planned Development, “[TN-4](#)” Traditional Neighborhood-4 District, and all form-based zoning districts.

3511 Mobile Food Service Operations shall be compliant with ordinances from all departments of the City of Hamilton and addition to any applicable health and safety laws.

3512 Mobile Food Service Operations shall not be used property be used exclusively for residential use.

3513 Mobile Food Service Operations shall provide site clearance and promote circulation for pedestrians and other vehicles. Site circulation to be approved by the Director of Engineering.

3514 Mobile Food Service Operations shall remain clear from the sight triangle of all intersections and vehicular access points on a property.

3515 Mobile Food Service Operations shall be located at minimum of 100 feet away from the main entrance of any kitchen commissary or restaurant during business hours without written approval of business owner.

3516 Operations shall be located at least ten (10) feet from any fire hydrant.

3517 Operations shall provide for litter and debris within 10 feet, including the litter which arises from actions of customers in disposing of wrapping or packaging materials on merchandise sold by the vendor.

3518 Operations that are: (A) located within 20 feet of a property being used exclusively for residential use, and; (B) located on that site for a period exceeding one (1) day, shall provide a buffer and be screened from the adjacent properties that are being used exclusively for residential use.

3519 Retail merchandise will be permitted for sale only if it is related to the food operation.

3600 MANUFACTURED HOMES AND MANUFACTURED HOME PARK

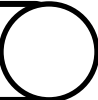
- 3601** Purpose: It is the purpose of this regulation to permit the development of manufactured home parks in a manner that will promote and improve the general health, safety, convenience and welfare of the citizens by minimizing any adverse effects of such development.
- 3602** General Requirements: The sanitary regulations prescribed by the authority having jurisdiction, the regulations of the Building Code and as may be otherwise required by law - shall be complied with, in addition to the following regulations:
- 3602.1 Manufactured Home and Manufactured Home Park-Permitted: With Specific Approval in an [RPD](#) - Residential Planned Development Zoning District
- 3602.2 Area and Yard Requirements: Manufactured home and manufactured home parks shall comply with all area and yard requirements as imposed by the Planning Commission.
- 3602.3 Parking: All areas used for automobile access and parking shall comply with the Section [1600](#) of this Ordinance.
- 3602.4 Landscaping - Unused Areas: All areas not used for access, parking, circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten (10) feet in width, shall be established and maintained within the mobile home park along its exterior boundaries. This strip shall be developed with mature trees and evergreens.
- 3603** Enlargement - Permit: Any enlargement or extension to any existing trailer, camper or RV park or manufactured home park shall require application to the City Manager or Designee for a permit as if it were a new establishment.
- 3603.1 Enlargement - Existing Facilities to Comply: No enlargements or extensions to any trailer, camper or RV park or manufactured home park shall be permitted unless the existing facility is made to conform substantially with all the requirements for new construction for such an establishment.
- 3604** Trailers Prohibited - Exceptions: The parking of an unoccupied trailer, camper or RV in an accessory private garage building, or in the rear of a residential building on a paved surface in accordance with Section [1615](#) herein shall be permitted in any Residential Zoning District, provided there shall be no occupancy thereof, or any business conducted in such trailer, camper or RV while so parked or stored. An unoccupied trailer, camper or RV may be parked in a side yard if the equipment is parked at least three (3) feet behind the front house line of the property and five (5) feet from any side and rear property line.

3605 Manufactured Home Park - Submission Of Plans: An application for the establishment of a manufactured home park shall be filed with the City Manager or Designee. Said application will be processed as a Planned Unit Development project as outlined in Section [2400](#). The application must be accompanied by a plat drawn to scale and certified by a registered land surveyor, civil engineer or architect. Such drawing shall contain the following information:

- A) Accurate dimensions of the proposed manufactured home park.
- B) All roads and approaches and the method of ingress and egress from public highways.
- C) The complete location of any natural gas facilities to serve the park.
- D) The complete electric service installation, wire service outlets and lighting facilities.
- E) A complete layout showing the location of all manufactured home spaces and the number of square feet therein, together with the dimensions thereof.
- F) The location of electric power or gas distribution systems, water mains, location of sanitary facilities, washrooms, garbage/dumpster enclosures, sanitary sewers, sewer drain lines, fire protection stalls, and other buildings or structures contemplated to be used by such applicant in connection with said business.
- G) A landscaping and recreation development plan for the total manufactured home park.
- H) Such additional information as needed for the City to study the proposal in its deliberations.

3606 Manufactured Home Parks - Requirements: Manufactured home parks shall be designed and maintained in accordance with the following requirements:

- 3606.1 Park Area: The minimum total area of a manufactured home park area shall be ten (10) acres.
- 3606.2 Access: Each park shall abut upon a public street and each mobile home space shall have direct access to a private hard surface road.
- 3606.3 Interior Streets: The minimum roadway width of interior one-way streets with parking permitted on one side shall be twenty-one (21) feet. The minimum roadway width of two-way streets with parking permitted on one side shall be thirty (30) feet. The minimum width of two-way streets electric power or gas distribution systems, water mains or wells for water supply outlets for domestic water users, location of sanitary facilities, washrooms, sanitary sewers or sewer drain lines, fire protection stalls, and other buildings or structures contemplated to be used by such applicant in connection with said business.
- 3606.4 Walkways: Walkways of not less than three (3) feet in width shall be provided from each manufactured home space to the service buildings and recreational area(s) within the park, and from the manufactured home to the public access way. The public access way may be considered as part of the walkway to the service building.
- 3606.5 Utilities: Each manufactured home space shall be equipped with one electric service. A municipal sanitary sewer and municipal water system shall be installed in accordance with City specifications: Each park shall abut upon a public street and each manufactured home space shall have direct access to a private concrete or asphalt paved road.
- 3606.6 Recreation Areas: There shall be provided within each manufactured home or trailer, camper or RV park an adequate site or sites for recreation for the exclusive use of the park occupants. Such recreation site or sites shall have a minimum area in the aggregate of two hundred (200) square feet for each manufactured home space in said park. The recreation site shall be of appropriate design and provided with appropriate equipment.
- 3606.7 Length of Occupancy: No manufactured home shall remain in a manufactured home park for a period exceeding fifteen (15) days without connection to the permanent sanitary sewer system of the park.



3607 Mobile Home Space-Requirements: Manufactured home spaces within manufactured home parks shall be designed and maintained in accordance with the following requirements :

- 3607.1 Lot Area: The average lot area of a manufactured home space in a manufactured home park shall not be less than four thousand five hundred (4,500) square feet, and no space shall have a lot area of less than three thousand (3000) square feet.
- 3607.2 Lot Width: No manufactured home space shall have a width of less than thirty-five (35) feet. Each manufactured home space shall be clearly defined by a permanent marker in the ground.
- 3607.3 Distance Between Manufactured Homes: The minimum distance between neighboring manufactured homes shall be not less than twenty (20) feet.
- 3607.4 Concrete Slab: Each manufactured home space shall be equipped with a concrete slab of sufficient size to support the wheels and the front parking jack. Said slab shall have a minimum horizontal dimension of ten by fifty (10 x 50) feet and a minimum thickness of four (4) inches.
- 3607.5 Parking Requirements: There shall be at least one vehicle parking space at least eight by twenty (8 x 20) feet in size for each manufactured home space, located within the manufactured home space, and with clear and unobstructed access to an access way, not being a public street. Any parking in the access way shall not fulfill this requirement. Guest parking shall be provided on the manufactured home park site at the rate of one (1) vehicle parking space for each four (4) manufactured home spaces.

3700 HIGHLAND PARK FENCE OVERLAY DISTRICT

3701 Purpose

The purpose of the Highland Park Fence Overlay District is to establish additional fencing regulations beyond the standard fence regulations for the rest of the City of Hamilton. When the Highland Park neighborhood was originally developed, one of the regulations included in the property deeds was a prohibition on front yard fencing. The purpose of this chapter is to establish a zoning ordinance regulation prohibiting front yard fencing within the Highland Park neighborhood.

3702 Applicability

1. These requirements shall apply for the development of any property located within the confines of the Highland Park Fence Overlay District as shown on the Official Zoning Map for the City of Hamilton.
2. These requirements shall apply to all new fences that are proposed after the date of approval of these regulations and shall not apply to existing fences. Existing fences that are located in the front yard and violate the provisions of this section, shall be subject to the non-conforming structure regulations set forth in Section [4300](#).

3703 Fence Regulations

1. Fences in the front yard are prohibited within the confines of the Highland Park Fence Overlay District.
2. Fences that are proposed in the side or rear yard shall be subject to the regulations set forth in Section [1412](#) and [1413](#), as applicable.
3. For lots with multiple frontages, including corner lots and through lots, within the Highland Park Fence Overlay District, fences may be in the second front yard (as defined in Section [3900](#)) subject to the following regulations:
 - a. Fences shall not project beyond the front line of the primary building on the property.
 - b. Fences may extend into the second front yard provided that they meet the sight clearance regulations of Section [1530](#) and are not located in the front yard setback for either frontage.
 - c. Fences are limited to four feet in height where they extend into the second front yard.

ADMINISTRATION

A to Z

3900 GLOSSARY

INTERPRETATION OF LANGUAGE

The terms, words, and phrases listed in the definitions section shall have the meanings ascribed to them herein and shall be used in the interpretation of the provisions of this Zoning Ordinance.

Words used in the present tense shall include the future tense;

The singular number shall include the plural, and the plural the singular

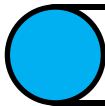
The words **"used or occupied"** shall include the words **"intended, designed or arranged to be used or occupied"**;

The word **"shall"** or **"will"** is mandatory; and the word **"may"** is permissive.

Unless specifically defined herein, words or phrases used in these regulations shall be interpreted so as to give them the meaning they have in common usage and to give these regulations the most reasonable application.

Specific Definitions

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GLOSSARY / DEFINITIONS

A

Abandoned: This term, as it applies to Small Cell Facilities and Wireless Support Structures, means any small cell facilities or wireless support structures that are unused for a period of three hundred sixty-five days without the operator otherwise notifying the municipal corporation and receiving the municipal corporation's approval.

Access: Physical access of a building to a publicly dedicated street not including lot frontages which abut a highway but have no driveway affording physical access to such highway.

Accessory Uses Or Structures: A structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure.

Accessory structures shall include, but is not limited to:

- a. Accessory building
- b. Barn
- c. Detached building
- d. Detached garage
- e. Gazebo
- f. Refuse Enclosure
- g. Sheds

Storage Containers, Shipping Containers, or similar objects are considered Exterior Storage as an Accessory Use (Outdoor Storage). Such uses are regulated by [Section 1300](#) as a Conditional Use or a Specific Use

Addiction Medicine: The field of healthcare which addresses the needs of individuals addicted to substances of abuse, including alcohol, legal and illicit drugs and others. Addiction medicine may include but is not limited to: counseling, psychology, social work, psychiatry, internal medicine, and the administering of medication for treatment purposes.

Addition: Any act or process that changes one or more of the exterior architectural features of a building or structure by adding to, joining with or increasing the size or capacity of the building or structure.

Adult Arcade: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Book/Video Store: An establishment, having a substantial portion of its stock in trade, books, videos, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult Business: Any Adult Arcade, Adult Book/Video Store, Adult Cabaret, Adult Drive-in Theater, Adult Mini Motion Picture Theater, Adult Motel, Adult Motion Picture Theater, Massage Establishment, Nude Model Studio, Sexual Encounter Establishment, or any other business providing Adult Material, Adult Entertainment, or Adult Services.

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Adult Cabaret: A nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

- A) Persons who appear nude or in a state of nudity or semi-nude; or
- B) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- C) Films, motion pictures, video cassettes, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Drive-In Theater: An outdoor theater, in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons which may not be located on a parcel of property less than five (5) acres.

Adult Entertainment: Any performance by topless and/or bottomless dancers, strippers or similar entertainers, where such performances are characterized by the display or exposure of specified anatomical areas.

Adult Material: Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, video, phonographic record or tape, or other tangible thing, that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult Mini Motion Picture Theater: An enclosed building with a capacity of less than fifty (50) persons where films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.

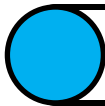
Adult Motel: A motel, hotel, or similar commercial establishment which:

- A) Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- B) Offers a sleeping room for rent for a period of time less than ten (10) hours; or
- C) Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.

Adult Motion Picture Theater: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.

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Adult Service: Any service, capable of arousing sexual interest through sight, sound, or touch, and which service is distinguished or characterized by an emphasis on specified sexual activities, specified anatomical areas, sexual excitement, or human bodily functions of elimination.

Adult Massage: A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

Adult Massage Establishment: Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or massage therapist duly licensed by the State of Ohio, or physical therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

Adult Nude Model Studio: Any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

Adult Nude Or State Of Nudity: The showing, representation, or depiction of human male or female genitals, bare buttock, anus, or the areola or nipple of the female breast with less than a full, opaque covering of any portion thereof below the top of the areola, or of uncovered male genitals in a discernible turgid state.

Adult Semi-Nude: A state of dress in which clothing covers no more than the genitals, pubic region, and the areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Adult Specified Anatomical Areas: Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola; human male genitals in a discernible turgid state even if completely and opaquely covered.

Adult Specified Sexual Activities: Human genitals in a state of sexual stimulation or arousal; human acts, real or simulated, of masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts; bestiality.

Agriculture: The tilling of the soil, the raising of domestic animals and fowl, crops, horticulture and gardening, but not including agricultural industry or business such as fruit packing plants, fur farms, animal hospitals or similar uses.

Airport: Means any area of land designated and set aside for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings, and open spaces, designated for the storage, repair, and operation of aircraft, and utilized or to be utilized in the interest of the public for such purposes.

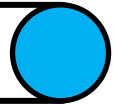
Airport Hazard: Means any use of land within an Airport Safety Area which obstructs the air space required for flight of aircraft in landing or taking off at any airport or is otherwise hazardous to such air navigation.

Airport Safety Area: Means any area of land adjacent to an airport that includes any of the following zones:

Primary Surface - for Runway 11-29 is a 1,000 feet wide surface, longitudinally centered on the runway, extending 200 feet beyond each usable end of the runway. The elevation of the primary surface is the same as the nearest point on the runway centerline.

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Approach Surface - a surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. The surface dimensions are based on the type of approach available, and include the following:

APPROACH SURFACE PROTECTION FOR RUNWAY APPROACH END 29:

Inner approach - commonly known as the Runway Protection Zone (RPZ), or a trapezoid centered about the extended runway centerline beginning 200 feet beyond the end of the runway and extending upward and outward with a slope of 50:1 having a horizontal distance of 2,500 feet, an inner width of 1,000 feet and an outer width of 1,750 feet.

Middle approach - a trapezoid centered about the extended runway centerline beginning at the outer width of the runway protection zone and extending upward and outward with a slope of 50:1 having a horizontal distance of 5,650 feet having an outer width of 3,445 feet.

Outer approach - a trapezoid centered about the extended runway centerline beginning at the outer width of the middle approach surface and extending upward and outward with a slope of 50:1 having a horizontal distance of 1,850 feet and an outer width of 4,000 feet with an additional horizontal distance of 40,000 feet at a slope of 40:1 and an outer width of 16,000 feet.

RUNWAY APPROACH END 11

Inner approach - commonly known as the Runway Protection Zone (RPZ), or a trapezoid centered about the extended runway centerline beginning 200 feet beyond the end of the runway and extending upward and outward with a slope of 34:1 having a horizontal distance of 1,700 feet, an inner width of 1,000 feet and an outer width of 1,425 feet.

Middle approach - a trapezoid centered about the extended runway centerline beginning at the outer width of the runway protection zone and extending upward and outward with a slope of 34:1 having a horizontal distance of 3,400 feet having an outer width of 2,275 feet.

Outer approach - a trapezoid centered about the extended runway centerline beginning at the outer width of the middle approach surface and extending upward and outward with a slope of 34:1 having a horizontal distance of 4,900 feet and an outer width of 3,500 feet.

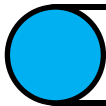
Transitional Surface - Surfaces extending upward and outward at right angles to the runway centerline and the runway centerline extended at a slope of 7 to 1, from the sides of the primary surface and from the sides of the approach surfaces. This surface is divided into the following three sections:

Inner-transitional - that part of the transitional surface beginning at the edge of the primary surface and extending outward and upward to a horizontal distance of 350 feet.

Middle-transitional - that part of the transitional surface beginning at the outer edge of the inner- transitional area and extending outward and upward to the horizontal surface.

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Outer-transitional - that part of the transitional surface for runway 29 which protects through and beyond the limits of the conical surface and extends a distance of 5,000 feet measured horizontally from the edge of the approach surface.

Alley: A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.

Alteration: Any act or process that changes one or more of the exterior architecture features of a building or structure, including but not limited to the erection, construction, reconstruction, painting, design change, color change, or removal of the building or structure

Animal Unit: An animal unit is the equivalent of one cow (1,000 pounds) in feed (pasture) consumption, as defined by The Agronomy Guide Bulletin No. 742 issued by The Ohio Cooperative Extension Services. One animal unit shall be equivalent to any one of the following: one (1) dairy or beef cow, five (5) ewes, six (6) sows, one (1) horse, two (2) heifers, or two (2) beef steers. An animal unit shall not include the offspring of the aforesaid animals that are less than one (1) year of age.

Antenna: Any system of exterior wires, poles, rods, reflecting discs or similar apparatus designed for the transmission and/or reception of radio, television, telephonic, and any other electronic communications devices or services through the sending and/or receiving of electro-magnetic waves or other signals.

Antenna: This term, as it applies to Small Cell Facilities and Wireless Support Structures, means communications equipment that transmits or receives radio frequency signals in the provision of wireless service.

Antenna Tower: (including Wireless and Cellular Tower): Any tower-like, freestanding structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures. The term shall exclude hobby-related communications facilities located in residential districts (i.e. amateur radio antennas, etc.) - see definition of "Wireless and Cellular Telecommunications Facilities" and "Telecommunication Facilities - Exempt".

Apartment: A room or suite of rooms in a multi-family or multi-use building arranged and intended as a place of residence for a single family or a group of individuals living together as a single housekeeping unit.

Appeal: A request for review of an administrative interpretation of any provision of these regulations or a request for a variance.

Applicant: Any person or business concern that applies, through the City of Hamilton Planning Department, for a permit, approval or other authorization for a development plan; use; zoning appeal; certification and other matters pertaining to this Zoning Ordinance; and for the construction, alteration, or demolition of a building or structure.

Automobile and Other Vehicle Sales: shall mean any business, building, structure, or land used for the display, sale or rental of new or used motor vehicles in operable condition. Automobile Sales may include accessory uses including Automotive Service and Minor Repair, and Automobile Wash Facilities.

Automobile Or Trailer Sales: An open area other than a street used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

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[Automobile Washing Facilities \(Car Wash\):](#) Automobile washing facilities (car wash) shall mean any business, building, structure, or land used to wash automobiles.

[Automobile Washing Facilities \(Car Wash\), Standalone:](#) An automobile washing facility (car wash) that is the principal use of the property.

[Automobile Washing Facilities \(Car Wash\), Accessory:](#) An automobile washing facility (car wash) that is an accessory use for another principal commercial land use. This shall include car washes accessory to a Gas Station, Convenience Store, Retail Store, Discount Retail Store, Grocery Store, Auto/Car/Vehicle Repair, Auto/Car/Vehicle Rental, Auto/Car/Vehicle Detail.

[Automobile Washing Facilities \(Car Wash\), Private Accessory \(non-public\):](#) An onsite facility, not available to the general public, used for washing of business vehicles, inventory vehicles, and/or fleet vehicles.

[Automobile Wrecking:](#) The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

[Automotive Service And Minor Repair:](#) shall mean any business, building, structure, or land used for the minor repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles limited to a gross vehicle weight (GVW) of ten thousand (10,000) pounds or less. Examples of service and minor repair include but are not limited to: dispensing of fuels, oil changes, tire service and sales, light suspension work, coolant system repair, air conditioning system maintenance and repair, audio, or exhaust system repair. Automotive Service and Minor Repair uses may include an accessory automated car wash within a completely enclosed building and shall have a minimum lot size of 40,000 square feet.

[Auto-Sharing Service:](#) An Auto-Sharing Service is a membership based company, organization or enterprise that provides hourly, daily or similar short-term rental of private passenger motor vehicles intended for use by paying members. An Auto-Sharing Services may be located on-street.

[Auto-Sharing Vehicle:](#) Any private passenger motor vehicle, available to multiple users who are required to join a membership organization to use such vehicle. Such vehicle includes small trucks routinely used for private passenger transportation (2.5 tons or less) and passenger vans (2.5 tons or less). It shall not include cargo vans, large trucks customarily used for commercial purposes, taxis, or detachable trailers.

B

[Bail Bond Agency:](#) Any building, room, space, establishment, facility or portion thereof where licensed bail bond surety is provided in accordance to State of Ohio Regulations.

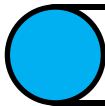
[Bar \(Tavern, Brewpub\):](#) A business whose primary activity is the sale of alcoholic beverages to be consumed on the premises. More than fifty percent (50%) of gross sales receipts are for alcoholic beverages. Bars include taverns, brewpubs, wine bars, night clubs, private clubs, bottle clubs, and similar facilities serving alcohol. Night clubs and dance clubs over 5,000 square feet are separately regulated.

[Base Flood:](#) The flood having a one percent chance of being equaled or exceeded in any given year. The base flood may also be referred to as the 1% chance annual flood or one hundred (100) year flood.

[Base \(100-Year\) Flood Elevation \(BFE\):](#) The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in Feet Mean Sea Level (MSL). In Zone AO areas, the base flood elevation is the natural grade elevation plus the depth number (from 1 to 3 feet).

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Basement: This term, as it applies to Flood Damage Reduction Regulation, means any area of the building having its floor subgrade (below ground level) on all sides.

Basement: That portion of a building having part but not more than one-half ($\frac{1}{2}$) its height below grade. A basement is counted as a story for the purpose of height regulations if used for a separate business or dwelling purpose by other than a janitor employed on the premises.

Bed And Breakfast: An owner-occupied, detached, single-family dwelling, where lodging and breakfast only are provided to transient guests who make use of the facility for a period of less than thirty (30) days. The provision of lodging and breakfast shall be incidental to the principle use of the structure.

Best Management Practices(BMP): This term, as it applies to Wellhead Protection, refers to schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the environment. BMP's also include treatment requirements, operating procedures, and practices to control runoff, spills, and leaks.

Blanket Approval: Approval by the Federal Aviation Administration (FAA), given to a local jurisdiction, to waive FAA approval requirements for buildings or structures located within the boundaries of specifically defined area(s). The waiver of the FAA approval shall only apply if a building or structure does not exceed a maximum height detailed in an FAA Blanket Approval Agreement for a specifically defined area. Transmitting devices and/or buildings or structures which exceed the maximum height shall not be included in a "Blanket Approval" and proof of FAA Approval must be provided before any building permit may be issued.

Block: A tract of land bordered on all sides by streets, or by one or more streets and railroad right-of-way, stream, river or un-subdivided acreage.

Body Art (Tattoo and Piercing) as an Accessory Use:

Body Art as defined in the body art definition that is accessory to a primary use such as a salon or barber shop in which no more than 20 percent of the floor area or display area and 50 percent of less of gross sales receipts is devoted to Body Art Sales.

Boarding House: A building other than a hotel where, for compensation and by pre-arrangement for definite periods, meals, or lodging and meals are provided for five (5) or more persons, but not exceeding twenty (20) persons.

Brewpub: An establishment that is primarily a restaurant where beer, ale, porter and other fermented malt beverages is manufactured on the premises as an accessory use. A brewpub may include some off-site distribution of its manufactured beverages consistent with state law.

Buffer: A buffer is a strip of land adjacent to the boundary of a property on which is placed plantings or screening of sufficient height and density to provide visual/physical screening between abutting properties which differ in use or density. A buffer may be fashioned out of a variety of components provided the result will create an effective visual screen of a least eight (8) feet in height above the adjacent ground elevation and with a minimum opaqueness of seventy-five (75%) percent. Where trees or shrubs are utilized, the minimum height shall be attained within 5 years of planting; the percentage of minimum opaqueness shall apply to vegetation in full foliage. The following elements, or combination thereof, are acceptable buffer components: trees, shrubs, or other natural vegetation; earthen mounding or berming; fencing or walls of natural or manmade materials. However, buffers shall be designed not to obstruct sight lines necessary for safe traffic movement.

Build-To-Zone: An area in which the front or corner side facade of a building shall be placed; it may or may not be located directly adjacent to a lot line. The zone dictates the minimum and maximum distance a structure may be placed from a lot line, in contrast to a setback line.

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Building: Any structure for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

- A) **Building, Height of:** The vertical distance from the grade at a building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hip roof.
- B) **Building Setback Line:** A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.

Building Frontage: means the maximum horizontal width of the ground floor of a building that approximately parallels and faces a public street or right of way. In the case of a building where an individual occupant's main entrance faces a driveway or parking lot, the width of the occupant's ground floor space facing the occupant's entrance shall be considered that occupant's separate and distinct building frontage. In cases where two or more different tenants occupy the ground floor of a building, the portion of the building frontage occupied by each tenant will be the tenant's separate and distinct building frontage. Corner and through lots shall be considered to have a separate and distinct building frontage on each street. In cases where multiple buildings on the same lot are occupied by a single occupant the building frontage of all buildings may be combined in to a single frontage for the purposes of calculating allowable signage.

Building, Height Of: The vertical distance from the grade at a building line to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hip roof.

Building Setback Line: A line parallel to the street right-of-way line at any story level of a building and representing the minimum distance which all or any part of the building is set back from said right-of-way line.

Building Restriction Line: A line defining the limits at which suitable buildings may be constructed at or surrounding the airport. The building restriction line encompasses the runway protection zone, the primary surface and the inner-transitional surfaces. On or surrounding airport land a building restriction line has been defined beginning at the primary surface and extending outward to a horizontal distance of 250 feet except where this line intersects with a radius extending 500 feet from the center of the Automated Surface Observation System Combined Sensor Group, in which case the building restriction line shall include that radius for all buildings. Additionally, all vegetation located within the building restriction line shall be limited to ten (10) feet unless the vegetation falls within the limits of other defined criteria located within this zoning ordinance in which case the lesser of the height limits shall prevail.

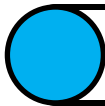
Business Association: A voluntary association of entities engaged in business for profit who have joined together for the purpose of attaining specified goals and who have adopted a constitution and/or bylaws for the association.

BUSTR: Bureau of Underground Storage Tank Regulations.

Butler County Airport Zoning Board: The Board of County Commissioners of Butler County, Ohio, which has adopted and will administer and enforce, when and where appropriate, airport zoning regulations within the Airport Safety Area which is located within the political subdivisions of Butler County, City of Hamilton, City of Fairfield, West Chester Township, Fairfield Township, St. Clair Township, and Liberty Township. Such authority of the Board of County Commissioners of Butler County, State of Ohio, is granted by Chapter 4563 of the Ohio Revised Code.

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Butler County Airport Zoning Board Of Appeals: The body appointed by the Butler County Airport Zoning Board for the purpose of hearing and deciding appeals from any order, requirement, decision, or determination made by the Butler County Airport Zoning Board in the enforcement of its airport zoning regulations, hearing and allowing, refusing, or allowing with modification or condition, any variance from the term of the airport zoning regulation, and affirming, reversing, or modifying any order, requirement, decision, or determination of said Airport Zoning Board. That five (5) member body shall be appointed by the Airport Zoning Board and shall include one (1) member from each of the following: City of Hamilton, City of Fairfield, Fairfield Township, and West Chester Township, the fifth member shall be appointed alternatively from St. Clair Township and Liberty Township. The members of the Zoning Board of Appeals shall serve for terms of three (3) years, subject to removal as set for in Section 4563.313 of the Ohio Revised Code. The first members of the board shall be so designated that two shall serve one year, two shall serve two years, and one shall serve three years.

Butler County Airport Zoning Commission: That body appointed by the Butler County Airport Zoning Board to recommend the boundaries of the various zones and the uses permitted within the Butler County Airport Zoning Regulations. Said Commission shall include the Butler County Planning Commission members, a representative from the City of Hamilton, and a representative from the City of Fairfield.

C

Cable Operator, Cable Service, and Franchise: have the same meanings as in the "Cable Communications Policy Act of 1984," 98 Stat. 2779, 47 U.S.C.A. 522.

Campaign Signs: Any sign supporting, opposing, informing or attempting to influence public sentiment concerning specific ballot issues, specific candidates for public office regardless of whether nominating petitions have been filed, or any specific electoral subject matter that will or may be submitted to the electors at any election. A campaign sign is to be contrasted and distinguished from a political sign which is a sign that expresses a political message but does not include any form of solicitation of elector action in connection with the message conveyed.

Camper/Recreational Vehicle: Any vehicle customarily used as temporary living quarters for vacations or leisure activities away from one's primary residence, including structures designed so that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

Campground: An area to be used for transient occupancy by camping in tents, camp trailers, travel trailers, motor homes, or similar movable or temporary sleeping quarters of any kind.

Canning and Food Processing: The preparation, processing, canning, and/or packaging of food products. This includes dairies, canneries, bakeries, and bottling plants.

Car Title Loan Business: An establishment used for the primary business of making consumer loans secured by a title to a motor vehicle.

Cash Advance Facility, Check Cashing Facility, Payday Lending: Any building, room, space, establishment, facility or portion thereof where unsecured, short-term cash advances are provided, including those made against future pay checks. This does not include a state or federally chartered bank, savings association, credit union or industrial loan company.

Cellar: That portion of a building between floors and ceiling having more than one-half ($\frac{1}{2}$) of its height below grade.

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Cemetery: Land used or intended to be used for the burial of the human dead and dedicated as a "cemetery" for such purposes.

CERCLA: The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq., Pub. L. 96-510, December 11, 1980), as amended, including as amended, by the Superfund Amendments and Reauthorization Act (SARA) of 1986 (Pub. L. 99-499, October 17, 1986; 100 Stat. 1613). All references to CERCLA within this regulation are meant to indicate CERCLA, as amended.

Certificate Of Appropriateness: A certificate issued by the Architectural Design Review Board or Planning Commission indicating that a proposed change, alteration, painting, design change, color change, or demolition of a historic building or structure, or signage, or within a historic site or district, is in accordance with the provisions of this chapter and local design guidelines.

Change: Any alteration, painting, design change, color change, demolition, removal or construction involving any property subject to the provisions herein.

Check Cashing Facility: Any building, room, space, establishment, facility or portion thereof where checks are cashed in exchange for a percentage fee. This does not include a state or federally chartered bank, savings association, credit union or industrial loan company.

Child-Care Facility (Daycare, Preschool): A licensed child-care facility or preschool other than a type A home or type B home family day-care facility as defined in Ohio Revised Code Chapter 5104 Child Day-Care.

Church Or Synagogue: Place which is operated and maintained by an organized group of people for religious purposes, including but not limited to, a church, synagogue, rectory, parish house, or other similar place.

City: The City of Hamilton, a municipal corporation, in the State of Ohio, acting by and through its City Council and any of its authorized employees or designees.

Clear And Convincing Evidence: This term, as used herein, shall mean the measure of proof which will produce a firm belief as to the allegation sought to be established.

Clinic: A place used for the care, diagnosis, and treatment of sick, ailing, infirm and injured persons and those who are in need of medical or surgical attention, but who are not provided with board, or room, nor kept overnight on the premises.

Clinic, High Intensity: A clinic that has more than 30 patrons on average per day.

Clinic, Low Intensity: A clinic that has 30 patrons or less on average per day.

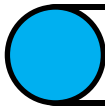
Club: A non-profit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

Co-Location: This term, as it applies to Wireless/Cellular Telecommunication Facilities, refers to the process of providing space for more than one user within such Facility and/or Tower, or the act of placing new or additional wireless and cellular equipment on existing antennas or towers.

Colleges and Universities: Any post-secondary school having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for a general academic education, under the supervision of, and in accordance with, the applicable statutes of the State of Ohio. This does not include vocational schools, which are separately defined.

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[Collocation or Collocate](#) - This term, as it applies to Small Cell Facilities and Wireless Support Structures, means to install, mount, maintain, modify, operate, or replace wireless facilities on a wireless support structure.

[Commercial Gym / Exercise & Activity / Fitness Center / Martial Arts Facility](#): A building or portion of a building designed and equipped for the conduct of sports, exercise, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

[Commercial Warehouse](#): A building or portion thereof used for storage of any property not permitted in a mini-warehouse or self-service storage facility. This shall not be deemed to include storage in connection with a purely retail business when located on the same property.

[Commercial Wireless And Cellular Telecommunication Service Providers/Owners](#): This term, as it applies to Telecommunication Facilities, refers to licensed commercial wireless/cellular telecommunication carriers, service providers, and owners that offer or provide any telecommunications services for a fee directly to the general public from telecommunications facilities in the City of Hamilton including, but not limited to, cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging and similar services.

[Computerized Sweepstakes Device](#): Any Computer, Machine, Game or apparatus which upon insertion of a coin, token, access number, magnetic card or similar object, or upon payment of anything of value, may be operated by the public generally for use in a contest of skill, entertainment, amusement or chance whether or not registering a score, and which provides the user with a chance to win anything of value, on a per play basis, or any cash payout or anything that could be redeemed, directly or indirectly for any cash payout and which is not gambling under state or local laws. Machines designated for use by the State Lottery Commission are not computerized sweepstakes devices for purposes of this Ordinance.

[Conical Surface](#): A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20:1 for a horizontal distance of 4,000 feet.

[Construction](#): The act of constructing an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

[Convenience Retail Store](#): A small-scale retail store used for the sale of goods used on an everyday basis by consumers including, but not limited to, pre-packaged food and drink products, household items, newspapers, and magazines; and which are typically associated with a fueling station. Convenience retail stores that have a drive-through are regulated by the Drive Through Establishment regulations as well.

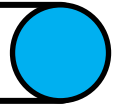
[Correctional Facility](#): A facility that provides accommodations for individuals who are legally confined, including facilities such as prisons, jails, reformatories, etc.

[Court](#): An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

[Courtyard](#): An outdoor area enclosed by a building on at least three sides and is open to the sky.

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D

Dance Studios / Gymnastics Studios: A building or portion of a building designed and equipped for the conduct of sports, exercise, or other customary and usual recreational activities, operated for profit or not-for-profit and which can be open only to bona fide members and guests of the organization or open to the public for a fee.

Daycare, Adult (Adult Day Care): A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day

Daycare, Child (Preschool or Child-Care Facility) Child-Care Facility (Daycare, Preschool): A licensed child-care facility or preschool other than a type A home or type B home family day-care facility as defined in Ohio Revised Code [Chapter 5104](#) Child Day-Care.

Daycare, In-Home: A permanent residence in which child day care is provided for no more than five (5) children that are not part of the household.

Dead Storage: Goods not in use and not associated with any office, retail, or other business use on premise. Any interior storage of items that have been stored for more than 12 months without turnover of items. Exterior storage is a separate use.

Deck: A deck is a wood, composite, or similar material, framed platform without walls that is commonly attached to the primary residence. A deck can have multiple levels and is usually located in the backyard.

Demolition: Any act or process that destroys in part or in whole any building or structure.

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development, Infill: Development or redevelopment of a vacant lot within an existing developed area.

Development, Mixed-Use: A development that includes both residential and nonresidential primary uses within the same structure. The commercial uses are restricted to those permitted within that district and shall occupy a minimum of 50% of the first floor area adjacent to public right of way.

Discount Retail Store: A retail facility that is generally less than 20,000 square feet that sells physical goods, products, and merchandise, in which the majority of are sold for fewer than 10 dollars (\$10.00 USD) and does not include a pharmacy. This definition applies to those stores commonly referred to as “dollar stores” and includes, but it not limited to, Dollar General, Family Dollar, and Dollar Tree. This definition does not include stores in the business of selling secondhand clothes or household items.

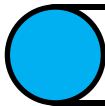
Distribution Center: a facility used for receiving, temporary storage, and distribution of goods according to orders as they are received. Distribution centers serve as a bridge between manufacturers, suppliers, and/or retail customers by receiving pallet pack and bulk products and redistributing, shipping, and/or delivering those products to wholesale or retail customers.

District: Any section of the City of Hamilton for which the regulations governing the use of buildings and premises and the height and area of buildings are uniform.

Drive-In Restaurant: Any eating or drinking establishment whose service or facility is designed for food or drinks to be consumed by persons in vehicles parked on the premises.

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Drive Through Establishment: A business establishment so developed that its retail or service character is dependent on providing a driveway approach and drive-through window for motor vehicle to serve patrons while in the motor vehicle rather than within a building or structure. Drive-Through Establishments are also regulated by the primary use associated with the drive-through. Examples include but are not limited to carry-out restaurants, fast food restaurants, financial institutions, and convenience stores.

Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, or mobile home, boarding or rooming house, hotel or motel.

- A) Dwelling, Single-Family: A building designed for or occupied by one family, and detached from any other dwelling unit.
- B) Dwelling, Two-Family: A building designed for or occupied by two families, sharing at least one wall with another dwelling unit.
- C) Dwelling, Multi-Family: A building or portion thereof designed for or occupied by three or more families.
- D) Dwelling, Group: A group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
- E) Dwelling Unit: One room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having a kitchen or kitchenette, and restroom facility.

E

Electric Vehicle (EV) Charging Station: A public or private parking space that is served by battery charging station equipment utilized for the transfer of electric energy (inductive or conductive) to a battery or other energy storage device within an electric vehicle.

Electric Vehicle (EV) Charging Station – Public: An electric vehicle charging station that is publically owned and publically available (e.g. public parking lot stations, public on-street parking, park and ride parking) or a privately owned station that is publically available (e.g. shopping center parking, entertainment venue parking, non-reserved parking in multi-family parking lots)

Electric Vehicle (EV) Charging Station – Restricted: An electric vehicle charging station or area that is privately owned and with restricted access (e.g., single-family residence, designated employee parking, executive parking) or a publically owned station with no access to the general public.

Electric Vehicle (EV) Infrastructure: Any structure, equipment, and machinery necessary to support an electric vehicle (EV) charging station. This is also known as make-ready electric vehicle infrastructure or future electric vehicle infrastructure.

Electric Vehicle (EV) Parking Space: Any marked parking space that identifies the use to be exclusively for the parking and/or charging of an electric vehicle.

Electric Vehicle (EV) Rapid Charging Station: An industrial grade electrical outlet that allows for faster recharging of electric vehicle batteries through higher power levels.

Enclosure Below The Lowest Floor: see “Lowest Floor.”

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Event Center: A multi-purpose facility or venue hosting special events such as, but not limited to: graduations, weddings, gatherings, conferences, seminars, trade shows, parties, corporate functions, and general get-togethers.

Executive Order 11988 (Floodplain Management): Issued by President Carter in 1977, this order requires that no federally assisted activities be conducted in or have the potential to affect identified special flood hazard areas, unless there is no practicable alternative.

Existing Facility Or Existing Storage Unit: This term, as it applies to Wellhead Protection refers to any facility or regulated substance storage unit in operation or for which construction commenced on or before the effective date hereof. Construction of a facility or regulated substance storage unit has commenced if the owner or operator has obtained the Federal, State and local approvals or permits necessary to begin physical construction; and either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations for physical construction of the facility or regulated substance storage unit which cannot be canceled or modified without substantial loss.

Existing Structure - This term, as it applies to Wireless/Cellular Telecommunications Facilities means any building or other structure, other than a tower, which can be used for location of wireless telecommunications facilities.

Expression Line. An architectural feature consisting of a decorative, three dimensional, linear element, horizontal or vertical, protruding or indented at least two (2) inches from the exterior facade of a building typically used to delineate the top or bottom of floors or stories of a building.

Exterior Storage Accessory to a Business (Parking of Contractor's Supplies and Equipment): Storage of materials and equipment that are utilized by a business that operates within a building (not a trailer or other temporary structure) on the same parcel as the exterior storage is occurring. The storage must be an accessory use, not the primary activity of the business. Materials include but are not limited to contractor supplies, construction material, palletted material, outside storage of business product, shipping containers, storage pods, and pallets. Equipment includes vehicles and trailers that are stored on premise overnight, business equipment, and equipment parts. Dumpsters, trash, and debris are not included in this definition and must follow the regulations set forth in Section 1908.

Exterior Storage as a Primary Use: Storage of materials and equipment not associated with a business in operation within a building on the same parcel. Materials include but are not limited to contractor supplies, construction material, palletted material, outside storage of business product, shipping containers, storage pods, and pallets. Equipment includes vehicles and trailers that are stored on premise overnight, business equipment, and equipment parts. Trash and debris are not included in this definition and must follow the regulations set forth in Section 1908.

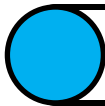
F

FAA - Shall mean the Federal Aviation Administration and any legally appointed, designated or elected agent or successor.

FCC - Means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.

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Facility: This term, as it applies to Wellhead Protection, refers to all contiguous land and related structures, appurtenances, and improvements on land with the same facility operator. A facility may consist of several operations. For these purposes, contiguous land shall include land separated by a public right-of-way so long as such land would otherwise be contiguous. The term facility also includes specific land uses, such as agriculture or mining, and construction sites.

Facility Operator: This term, as it applies to Wellhead Protection, refers to the person or designee in possession or control of a facility or regulated substance storage unit, regardless of whether such person is the owner, lessee, or other possessor. The term also includes contractors or site managers at construction sites who are responsible for the general management of regulated substances located on site.

Family: A natural person living alone, or two or more persons related by blood or marriage, legal adoption, foster parent responsibility, or other legal status making the person a dependent of one or more persons legally residing in the household under federal or state law living together as a housekeeping unit, and occupying a single dwelling unit; or a group of not more than four (4) persons, who need not be related by blood or marriage, living together as a housekeeping unit by joint agreement and occupying a single dwelling unit on a non-profit, cost sharing basis .

Farm Implements Sales: Farm Implements for sale, display, hire or repair, including sales lots.

Farm Stand: A temporary urban farm structure, not to exceed 200 square feet, accessory to an urban farm for the display and sale of agricultural products, grown or produced on the same property that the Farm Stand is located.

Feed Lot: An area of land for the fattening or finishing of animals, generally beef cattle, in which the stocking densities - the number of animals per unit of land at a particular time - exceed 6 cattle per acre.

Federal Emergency Management Agency (FEMA): The agency with the overall responsibility for administering the National Flood Insurance Program.

Fill: A deposit of earth material placed by artificial means.

Financial Institution: A State or Federally chartered bank, credit union, mortgage lender, or savings and loan association. Financial Institutions that have a drive-through are regulated by the Drive Through Establishment regulations as well.

Fish Processing: A factory or other place where fish are prepared for canning, or other commercial uses.

Fleet Vehicles: Groups of motor vehicles owned or leased by a business, government agency or other organization, rather than by an individual or family. Typical examples are vehicles operated by car rental companies, taxicab companies, public utilities, public bus companies, and police departments.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHBM): Usually the initial map produced by the Federal Emergency Management Agency or U.S. Department of Housing and Urban Development for a community depicting approximate special flood hazard areas.

Flood Insurance Rate Map (FIRM): An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

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Flood Insurance Risk Zones: Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

ZONE A - Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

ZONES A1-30 AND ZONE AE - Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

ZONE AO - Special flood hazard areas inundated by the 100-year flood; with flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths are determined.

ZONE AH - Special flood hazard areas inundated by the 100-year flood; flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations are determined.

ZONE A99 - Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.

ZONE B AND ZONE X (shaded) - Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than 1 foot or with contributing drainage area less than 1 square mile; and areas protected by levees from the base flood.

ZONE C AND ZONE X (unshaded) - Areas determined to be outside the 500-year floodplain.

Flood Insurance Study (FIS): The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on Flood Boundary and Floodway Maps), and the water surface elevations of the base flood.

Flood Protection Elevation: The Flood Protection Elevation, or FPE, is the base flood elevation plus 1 foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the floodplain administrator.

Floodway: The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.

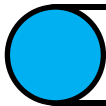
The floodway is an extremely hazardous area, and is usually characterized by any of the following: Moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

Freeboard: A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.

Frontage: All the property on one side of a street or place between two intersecting streets or places (crossing or terminating) measured along the line of the street or place, or if the street or place is dead ended, then all the property abutting on one side between an intersecting street or place and the dead end of the street or place, but not including the dead end of the street.

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Fueling Station (Retail): Also known as a filling station, gas station, service station or petrol station. It is a facility where gasoline, diesel fuel, electricity, compressed natural gas, liquefied petroleum gas (LPG), hydrogen, biodiesel, kerosene or any other energy source used as vehicle engine fuel is retailed directly to the public on the premises.

Fueling Station (Accessory): An onsite facility, not available to the general public, used for fueling business and fleet vehicles.

Fulfillment Center: a third-party logistics warehouse that receives products and goods from suppliers, processes orders from e-commerce retailers and ships products directly to individual consumers.

G

Garage, Private: An accessory building designed or used for the storage of motor-driven vehicles and/or other recreational vehicles which are normally associated with the residential use and which are owned by the occupants of the buildings to which it is accessory.

Garage, Public: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

Garage Or Yard Sale: Includes all general sales open to the public, conducted from or on a residential premise, in any residential zone as defined in this Zoning Ordinance No. 7503, as amended, for the purpose of disposing of personal property. Personal property is that property which is owned, utilized and maintained by an individual or members of his or her residence and acquired in the normal course of living in or maintaining a residence. Personal property does not include merchandise which is purchased for resale or obtained on consignment.

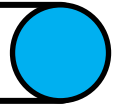
Grade: The average of the finished ground or surface level at the center of all walls of a building.

Grocery Store: A store where a minimum of 50 percent of the floor area or more than 25,000 square feet of floor area is devoted to food items, including, but not limited to, fresh produce, fresh meats, fresh dairy products, and prepackaged goods. Such an establishment is open to the general public during regular business hours, has display areas that are designed and laid out to attract the general public, and goods are available for immediate purchase and removal from the premises by the purchaser.

Groundwater: All the water naturally occurring beneath the surface of the ground, excluding those waters in underground piping for water, wastewater, and/or storm water distribution/collection systems.

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H

Handcraft Industries, Small-Scale Manufacturing:

Establishments manufacturing and/or assembling for display and sale of products primarily by hand, such as, but not limited to, jewelry, pottery, ceramics, glass, metal art, woodworking and craft products and works of art. Also includes small-scale manufacturing establishments producing products such as, but not limited to: soaps, oils, candles, costume novelties; musical instruments; pens, pencils, and other office and artists' materials; clothing; toys; candies, snacks, and craft alcoholic and non-alcoholic beverages, consistent with Ohio State Law

Historic District: Any area designated by ordinance of the City Council which may contain within definable geographic boundaries, buildings, structures or sites of historic, architectural or archaeological significance.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
4. Individually listed on the inventory of historic places maintained by the City of Hamilton, Ohio's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

Historic Structure: Any building or structure which has historic, architectural or archaeological significance and has been so designated according to the provisions of this chapter. The significance of a property to the history, architecture, archaeology, engineering, or culture of a community, state, or the nation. It may be achieved in several ways:

- a. Association with a broad pattern of our history, events, activities, or patterns
- b. Association with important persons
- c. Distinctive physical characteristics of design, construction, or form
- d. Potential to yield information important in history or prehistory (archaeology).

Home Occupation: Any occupation which is customarily incidental to the principal use of the premises and is conducted by a resident occupant.

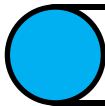
Horizontal Surface: A horizontal plane located at an elevation of 783 feet Mean Sea Level, the perimeter of which is constructed by swinging an arc having a horizontal radius of 10,000 feet from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.

Hospital: An institution providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient department, training facilities, central service facilities, and staff offices which are an integral part of the facility. This definition does not include nursing homes, clinics, inpatient rehabilitation facilities, or similar uses.

Hotel: A building used as the abiding place of more than twenty (20) persons who are for compensation lodged with or without meals.

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Hydrologic and Hydraulic Engineering Analysis: An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

I

Impervious Site Coverage: The percentage of a lot developed with principal or accessory structures and impervious surfaces, such as buildings, driveways, sidewalks, and patios.

Indoor Agriculture, Aquaponics: a form of agriculture that combines raising fish in tanks (recirculating aquaculture) with soilless plant culture (hydroponics) confined within an enclosed space. This definition and land use excludes the cultivation of cannabis / marijuana.

Indoor Agriculture, Hydroponics: a form of agriculture, or growing plants, utilizing a water-based nutrient solution rather than soil within an enclosed space. This definition and land use excludes the cultivation of cannabis / marijuana.

Industrialized Unit: Manufactured building which is not required to follow HUD codes, but must follow state, local, and regional codes. Industrialized units are typically used for schools, offices, convenience stores, hospitals, motels, and other commercial buildings.

Inpatient Rehabilitation Facility: A facility that provides inpatient care of persons requiring physical, mental, and/or medical care for 24 hours or more, but that does not require hospitalization. This definition does not include nursing homes, clinics, hospitals or similar uses.

Instant Bingo: A game in which the player(s) or participant(s) purchase a preprinted card which conceals numbers, letters, a pattern or a prize and which reveals, through the removal of concealing paper tabs/flaps or by scratching the card, number(s), or letter(s), a pattern or prize which can be compared to number(s), or letter(s), a pattern or prize on the reverse side of the card, and if by such match, the player or participant wins and collects a prize from the cashier or operator. For the purposes of this Ordinance, this term shall include tip tickets, break-open tickets, or other similar instant games of chance and which are differentiated from a traditional bingo game as described in Section [517.01](#)(s) of the Codified Ordinances of the City of Hamilton.

Institutional: Organizations of instruction or education such as schools and orphanages, as well as licensed child daycare centers and preschools, whether public or private, except correctional facilities.

J

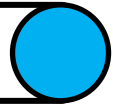
Junk Yard: A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled; including auto wrecking yards, house wrecking yards, used material yards, but not including pawn shops, antique shops, and places for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition or salvaged materials incidental to manufacturing operations.

K

Kennel: Any structure or premises on which five (5) or more dogs over three (3) months of age are kept or raised for compensation.

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L

Landfill: A place where waste material is disposed by the process of reclaiming areas of the ground.

Landmark: Any building, structure or archaeological site that has been designated as a “landmark” by ordinance of the City Council, pursuant to procedures described herein, that is worthy of preservation, restoration or rehabilitation because of its historic, architectural or archaeological significance.

Large Farm Animal: Animals such as horses, cattle, sheep, pigs and goats.

Letter Of Map Change (LOMC): An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, and Flood Insurance Studies. LOMCs are broken down into the following categories:

Letter Of Map Amendment (LOMA) - A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area.

Letter Of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from the special flood hazard area.

Conditional Letter Of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Like For Like: A repair or improvement in relation to a property in an Architectural Conservation/Historic District or a property listed on the State of Ohio Historic Inventory in which the repair or improvement is being done that utilizes the existing materials/colors and replaces them with matching materials/colors.

Live-Work Unit: Professional offices or studios located in the residence of an architect, artist, dancer, dentist, lawyer, engineer, physician, teacher or similar professional person (but not including beauty parlors, barber shops, schools of any kind with organized classes of any business) and used in the furtherance of such occupation.

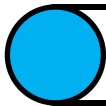
Lodging House: A building where lodging only is provided for compensation for five (5) or more, but not exceeding twenty (20) persons, in contradistinction to hotels open to transients.

Lot: For zoning purposes, as covered by this Ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

- A) A single lot of record;
- B) A portion of a lot of record;
- C) A combination of complete lots of record, of complete lots of record and portions of lots of record or of portions of lots of record, provided that it is recorded as one lot;

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- D) A parcel of land described by metes and bounds description; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of this Ordinance.

Lot Coverage: That portion of a lot which, when viewed directly from above, would be covered by buildings and impervious surfaces, including but not limited to primary structures, accessory structures, driveways, parking lots, and patios. Swimming pools do not contribute to lot coverage.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under yards in this Section. The horizontal distance between the side lot lines, measured at the front lot lines.

Lot Measurements:

- A) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B) **Width** of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot measured across the rear of the required front yard, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in the case of lots on the turning circle of culs-de-sac, where the 80 percent requirements shall not apply.
- C) Area of a lot shall be computed from the area contained in horizontal plane defined by the lot lines.

Lot Of Record: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Butler County, Ohio, or a lot described by metes and bounds, the description of which has been recorded in said Office of the County Recorder.

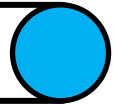
Lot Types:

- A) **Corner Lot:** A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 122 degrees.
- B) **Interior Lot:** A lot other than a corner lot with only one frontage on a street other than an alley.
- C) **Reversed Frontage Lot:** A lot in which the frontage is at right angles, or approximately right angles, to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot.
- D) **Through Lot:** A lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

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M

Major Auto Repair: shall mean any business, building structure, or land used for the major repair of a motorized vehicle, whether licensed to circulate on streets or non-licensed for off-street use, which gross vehicle weight (GVW) is ten thousand (10,000) pounds or more, and regardless of weight, repairs including the remanufacturing of engines, the rebuilding of transmissions, body-work, frame straightening and paint, or similar repairs.

Manufactured Home: Home constructed in a factory and built following the Federal Government Housing and Urban Development (HUD) codes. The structure is transportable in one or more sections, built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Ohio Revised Code § 3781.06.

Although required to be secured to the ground, manufactured homes are considered removable and re-locatable.

Manufactured Home Park: As defined in the Ohio Revised Code § 4781.01 a manufactured home park means any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority.

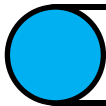
Medical Marijuana: shall have the same meaning as set out in Ohio Revised Code [Section 3796.01](#)(A)(2).

Marijuana, Medical- Cultivation, and/or Processing: shall mean any business, building, structure, or land used for the cultivation, and/or processing, of Medical Marijuana to include the planting, growing, hydroponic cultivation, cloning, harvesting, infusing, or producing of marijuana or marijuana products. A cultivation facility is an entity, which cultivates, prepares, and packages and sells marijuana to retail marijuana stores, to retail marijuana product manufacturing facilities, and to other retail marijuana cultivation facilities, but not directly to consumers. Testing facilities, which analyze and certify the safety and potency of marijuana are included in this definition. Medical Marijuana is defined in Ohio Revised Code Section 3796.01(A)(2).

Marijuana, Medical- Retail (Dispensary): Medical marijuana includes all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivate, mixture, or preparation of the plant, to include marijuana concentrate, that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment direct to the consumer. Marijuana products include concentrated marijuana and products comprised of marijuana and other ingredients for use or consumption such as, but not limited to, a bud, edible products, ointments, vape cartridges, and tinctures. Retail also includes any and all accessories, equipment, products, and materials of any kind which are used, intended for use, or designed for use in, but not limited to, planting, propagating, cultivating, growing, harvesting, manufacturing, testing, analyzing, packaging, processing, storing, vaporizing, or containing marijuana. Medical marijuana does not include hemp or any derivative of the plant to produce food, drink, or other hemp related product.

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[Marijuana, Recreational- Cultivation and/or Processing:](#) shall mean any business, building, structure, or land used for the cultivation and/or processing of Recreational Marijuana to include the planting, growing, hydroponic cultivation, cloning, harvesting, infusing, or producing of marijuana or marijuana products. A cultivation facility is an entity, which cultivates, prepares, and packages and sells marijuana to retail marijuana stores, to retail marijuana product manufacturing facilities, and to other retail marijuana cultivation facilities, but not directly to consumers. Testing facilities, which analyze and certify the safety and potency of marijuana are included in this definition. Recreational Marijuana is defined in Ohio Revised Code (Section TBD).

[Marijuana, Recreational- Retail \(Dispensary\):](#) Retail marijuana includes all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivate, mixture, or preparation of the plant, to include marijuana concentrate, that is cultivated, manufactured, distributed, or sold by a licensed retail marijuana establishment direct to the consumer. Marijuana products include concentrated marijuana and products comprised of marijuana and other ingredients for use or consumption such as, but not limited to, a bud, edible products, ointments, vape cartridges, and tinctures. Retail also includes any and all accessories, equipment, products, and materials of any kind which are used, intended for use, or designed for use in, but not limited to, planting, propagating, cultivating, growing, harvesting, manufacturing, testing, analyzing, packaging, processing, storing, vaporizing, or containing marijuana. Recreational marijuana does not include hemp or any derivative of the plant to produce food, drink, or other hemp related product.

[Micro Wireless Facility:](#) A small cell facility that is not more than twenty-four inches in length, fifteen inches in width, and twelve inches in height and that does not have an exterior antenna more than eleven inches in length suspended on cable strung between wireless support structures.

[Mobile food service operation:](#) A movable vehicle or portable structure from which food or drink (prepared on-site) is sold or served to the general public, whether consumed on-site or elsewhere.

[Mobile Home \(Including Automobile Trailer\):](#) Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation or use as a selling or advertising device, or use for storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

[Modular Home:](#) Home built in sections in a factory setting and transported on truck beds to the building site. They are built to conform to state, local or regional building codes at the destination. Once put into place, the structures are permanent and not designed to be re-locatable.

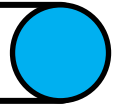
[Motel:](#) A series of attached or detached sleeping or living units, for the lodging of transient guests, offered to the public for compensation, and with convenient access of off-street parking spaces for the exclusive use of the guests or occupants.

[Municipal Or City-Owned Property:](#) Any property which is owned, in fee simple, solely by the City of Hamilton.

[Museums:](#) A room or building of exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.

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N

National Flood Insurance Program (NFIP): A Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

New Construction: Structures for which the "start of construction" commenced on or after the initial effective date of the City of Hamilton, Ohio Flood Insurance Rate Map, July 15, 1977, and includes any subsequent improvements to such structures.

New Facility Or New Storage Unit: This term, as it applies to Wellhead Protection, refers to any facility or regulated substance storage unit beginning operation after the effective date of these provisions.

Non-Conforming Use: A building, structure or premises legally existing and/or used at the time of adoption of this Ordinance or any amendment thereof, and which does not conform with the use provisions of this Ordinance for the District in which the premises are located.

Nursing Home: shall mean any facility licensed by the State of Ohio which provides maintenance, personal care, or nursing to ill, physically infirm, convalescing, or aged persons who are not related by blood or marriage to the owner/operator. This definition does not include hospitals, clinics or similar uses that are devoted primarily to the diagnosis and/or treatment of sick or injured individuals.

O

Occupied Space: Interior building space regularly occupied by the building users. It does not include storage areas, utility space, or parking.

Ohio EPA: The State of Ohio Environmental Protection Agency.

Opacity Buffer: An imaginary vertical plan extending from the established grade to a specifically required height; a percentage of which shall be visually screened from adjacent property.

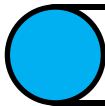
Open Space: Open space, as related to development, is an area of land or an area of water, or a combination thereof, that is designed for either environmental, scenic or recreational purposes. Open space may include, but is not limited to, buffer areas, active and passive recreation areas, wooded areas, water courses, and the like. Open space shall be substantially free of structures, however, it may contain minor improvements as are appropriate for the utilization of the open space for recreational purposes. Open space shall not be deemed to include off-street parking areas, streets, or part of road right-of-way, except in the case of a roadway median in excess of ten (10') feet in width.

Operator: A wireless service provider, cable operator, or a video service provider that operates a small cell facility. For the purpose of this chapter, "operator" includes a wireless service provider, cable operator, or a video service provider that provides information services as defined in the "Telecommunications Act of 1996," 110 Stat. 59 (1996).

Outdoor Display and Sales: The permanent display or sales of products, goods, and services provided on a property that is accessory to a principal use occurring that site. For the purposes of this Ordinance, the permanent display or sales of products, goods, and services shall be interpreted as display and sales which occur for a period greater than two (2) consecutive weeks at one time and at a frequency greater than one (1) month total in a year.

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Outpatient Care: The care of patients that does not include an overnight stay (less than 24 hours in length).

Owner: The owner of record of the fee of the premises or lesser estate therein, a mortgagee, vendee in possession, land contract purchaser, assignee of the rents, receiver, executor, administrator, trustee, or lessee, as determined by an examination of the public records of Butler County, Ohio, or any other person, firm or corporation in control of a building, or their duly authorized agent.

P

Park: A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses. Including but not limited to the City of Hamilton Complete Parks List.

Parking Lot: A parcel of land containing one or more unenclosed parking spaces whose use is principal to the lot as differentiated from an accessory use, as in a residential lot.

Parking Space: A paved area, enclosed or unenclosed, sufficient in size to store one (1) motor vehicle, together with a paved driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

Patio: A patio is comprised of a cement slab, brick, pavers, or similar material, that is installed directly on the ground without walls and usually extends up to the façade of the primary residence. A patio is located in the backyard.

Pawnshop: Any building, room, space or portion thereof where business is conducted in part or in whole of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property.

Pay Day Lending Facility: Any building, room, space, establishment, facility or portion thereof that provides loans to individuals in exchange for personal checks as collateral.

Pedestrianway: A pathway designed for use by pedestrians; it can be located mid-block allowing pedestrian movement from one street to another without traveling along the block's perimeter.

Permanent: This term, as it applies to Wellhead Protection, refers to more than ninety (90) consecutive days.

Person: This term includes a firm, association, organization, partnership, trust, company, corporation, or similar entity, as well as an individual.

Personal Services: An establishment which offers specialized goods and services purchased frequently by the consumer such as non-medically related services, including beauty, nail and barber shops; permanent makeup/cosmetics; clothing rental; dry cleaning drop-off/pick-up stores; laundromats (self-service) laundries; massage services; shoe repair shops; tailors; and tanning salons.

Permanent Makeup/Cosmetics: Cosmetic technique which employs permanent pigmentation of the skin to resemble makeup, or improve the appearance of birthmarks, scars, burns, or other disfiguring conditions of the skin.

Pesticide: Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest as defined in Section 2(t) of the Federal Insecticide, Fungicide, and Rodenticide Act (P.L. 100-64, 100-464, to 100-526 and 100-532); and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant. This term shall include all fungicides, insecticides, nematocides, or other substances used for the control of pests.

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Place: An open unoccupied place other than a street or alley permanently reserved as the principal means of access to abutting property.

Playground: An open, green, park space that contains amenities, equipment, and/or design features meant to promote activity, interaction, and play. These include but are not limited to: basketball courts, soccer fields, playfields, spaces with multiple instances of playground equipment and/or visible playground space delineation.

Political Subdivision: Any municipal corporation, township, or county.

Pond: A small, natural, or manmade body of standing fresh water filling a surface depression, usually smaller than a lake, where the detention of water takes place.

Preservation: The act or process of applying measures necessary to sustain the existing form, integrity and materials of an historic property.

Primary Street: A street that receives priority over other streets in terms of setting front lot lines and locating building entrances.

Principal: This term, as it applies to Wellhead Protection, refers to the primary, predominant, or foremost use or activity at a property, establishment, building, structure or facility.

Process: This term, as it applies to Wellhead Protection, refers to the incorporation of a regulated substance into a product. Includes making mixtures, repackaging, or using a regulated substance as a feedstock, raw material, or starting material for making another chemical.

Public Art: Literary, Media, or Artwork, or any combination thereof, permanent or temporary, displayed at a public place or common area. Public art includes, murals and sculptures. Public art does not include standard landscaping, signage, or fountains included with retention ponds.

Public Utility: Persons, corporations or governments supplying gas, electric, water, sewer, transportation or land line telephone to the general public. For the purposes of this Ordinance, commercial wireless and cellular telecommunications service facilities shall not be considered public utility uses, and are defined separately.

R

RCRA: The Resource Conservation and Recovery Act of 1976 (Pub. L. 94-580; 42 U.S.C. 6901 et seq.), as amended.

Reconstruction: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure or object for the purpose of replicating its appearance at a specific period of time and in its historic location

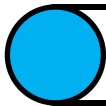
Recreational Amenities: Private, semi-public or public facilities which are intended for the relaxation, enjoyment and leisure of residents provided, however, that the facilities are not operated for commercial gain. Examples of recreational amenities may include, but may not be limited to: swimming pools, tennis courts, golf courses, jogging trails, bike paths, landscaped areas, areas devoted to children's play equipment, etc.

Recreational Vehicle: A vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projection; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed for use as temporary living quarters for recreational, camping, travel, or seasonal use, but not for use as a permanent dwelling.

Recycling Center: A facility for the collection, storage and processing of recyclable materials including crushing, breaking, sorting, packaging and related operations. A "junk yard" is not a recycling center. This shall not include auto salvage or wrecking yards.

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Refuse Storage Area: The area including the refuse container, storage enclosure, and surrounding landscaping for the collection and storage of refuse and/or recyclable materials.

Registered Professional Architect: A person registered to engage in the practice of architecture under the provisions of sections 4703.06 to 4703.18 of the Revised Code.

Registered Professional Engineer: A person registered as a professional engineer under Chapter 4733 of the Revised Code.

Registered Professional Surveyor: A person registered as a professional surveyor under Chapter 4733 of the Revised Code.

Regulated Substances: Those substances regulated under the Wellhead Protection Program as identified in [Chapter 940](#) of the Hamilton Codified Ordinances.

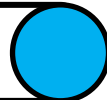
Regulated Substance Storage Unit: This term, as it applies to Wellhead Protection, refers to any underground storage tank, aboveground storage tank, drum, carboy, or other container used for the storage of one or more regulated substance(s), including silo, bag, tank wagon, box, glass, cylinder, tote bin, and truck body, rail car, or tanker when used for the permanent or temporary storage of regulated substances.

Rehabilitation: The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.
Release: This term, as it applies to Wellhead Protection, refers to the spilling, leaking, pumping, pouring, emitting, emptying, or dumping of regulated substances upon or into any land or water. Release includes, without limitation, leakage of such materials from failed or discarded containers or storage systems or units and disposal of such materials into any on-site sewage disposal system, dry-well, catch basin, or landfill. The term "release" when used and applied herein does not include the following:

- (A) Disposal, in accordance with all applicable legal requirements and in accordance with the requirements of RCRA regulations thereunder, of hazardous wastes in a facility that has received and maintained all necessary legal approvals for that purpose;
- (B) Disposal or release of any substance in compliance with applicable legal requirements, including without limitation, the terms and provisions of a valid municipal, State, or Federal permit if such permits are required by applicable environmental laws;
- (C) Disposal, in accordance with all legal requirements, of any substance to a sanitary sewer system that has received and maintained all necessary legal approvals for that purpose;
- (D) Disposal, in accordance with all legal requirements, of "sanitary sewage" to subsurface sewage disposal systems as defined and permitted by state or county health departments;
- (E) Any discharge of a petroleum substance in a quantity less than twenty-five (25) gallons unless such petroleum discharge enters a dry well, storm sewer, or surface water body; or

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- (F) Any discharge of hazardous materials listed in SARA Title III or CERCLA when the discharge is less than twenty-five (25) pounds within a twenty-four (24) hour period in the One (1) and Five (5) Year Time-Of-Travel Zone, or less than one-hundred (100) pounds within a twenty-four (24) hour period in the ten (10) year Time-Of-Travel Zone; or
- (G) The application of agricultural chemicals, fertilizers, mineral acids, organic sulfur compounds, etc. as used in routine agricultural operations and applied under best management practices as indicated by soil tests, the Ohio State University Cooperative Extension Service, the Soil and Water Conservation District, and label directions approved by the United States Environmental Protection Agency or the Ohio Department of Agriculture.

Replacement: This term, as it applies to Wellhead Protection, refers to the physical removal of a regulated substance storage unit for installation of a new regulated substance storage unit.

Residential: Providing living accommodations whether temporary or permanent such as dwellings, dwelling units and residences of any kind, including hotels, motels, rooming houses and tourist homes.

Residential Facility: A home or facility, as defined and regulated in [Section 5123.19](#) of the ORC as amended, in which a person with developmental or intellectual disabilities resides, except the home of a relative or legal guardian in which a person with developmental or intellectual disabilities resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code as amended, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code as amended, or a dwelling in which the only persons with developmental or intellectual disabilities are in an independent living arrangement or are being provided supported living.

Residential Facility, Large: A residential facility where there is supervision in a family setting of six to 16 persons.

Residential Facility, Small: A residential facility where there is supervision in a family setting of three to five persons.

Restaurant, Carry-Out / Catering Kitchen (Food Preparation Kitchen): An establishment in which the principal use is the preparation of food and meals to be consumed off premise and is not open to the general public for indoor dining during regular business hours. This includes the use commonly referred to as a "ghost kitchen," in which food is prepared on site but is primarily fulfilled through delivery services and/or third-party services. This does not include carry-out pizza establishments. Carry-out restaurants/catering kitchens that have a drive-through are regulated by the Drive Through Establishment regulations as well.

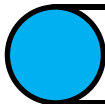
Restaurant, Drive-In: Any eating or drinking establishment whose service or facility is designed for food or drinks to be consumed by persons in vehicles parked on the premises.

Restaurant, Fast Food: An establishment in which the principal use is the preparation of food and meals where most customers order on-site and are served their food at a counter or in a motor vehicle in packages prepared to leave the premises and are able to be taken to a table or counter on premise to be consumed. Fast Food Restaurants that have a drive-through are regulated by the Drive Through Establishment regulations as well.

Restaurant, Not Serving Alcohol: A establishment where food and beverages not including alcohol are prepared, served, and consumed primarily within the principal building or accessory patio area and where food sales constitute more than 80 percent of the gross sales receipts for food and beverages.

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Restaurant, Serving Alcohol: A establishment where food and/or beverages including alcohol are served and consumed primarily within the principal building or accessory patio area. Food sales constitute more than fifty percent (50%) of the gross sales receipts for food and beverages including alcohol and hours of operation that end at midnight or earlier.

Restoration: The act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

Retail Sales: An establishment engaged in the selling or renting of goods or merchandise to the general public for personal or household consumption, and rendering services incidental to the sale of such products. Such an establishment is open to the general public during regular business hours, has display areas that are designed and laid out to attract the general public, and goods are available for immediate purchase and removal from the premises by the purchaser. In determining a use to be a retail use, the proportion of display area vs. storage area and the proportion of the building facade devoted to display windows may be considered. Retail sales excludes uses classified more specifically by definition in the Hamilton Zoning Ordinance.

Retaining Wall: A structure built of wood, stone, brick, concrete, steel, plastic or similar material in order to hold back earth which would otherwise move downwards. The purpose is to stabilize slopes and provide useful areas at different elevations, e.g. terraces for agriculture, buildings, roads and railways. One or more sides are typically at or near grade level.

Review Board: The board or commission established under the provisions of the enabling legislation.

Row House: See town house development.

S

Salvage Yard: A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or shipped; including auto wrecking yards, house wrecking yards and any business that removes parts from inoperable or wrecked vehicles on site. Does not include pawn shops, antique shops, and places for the sale, purchase, or storage of used furniture and appliances, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

Satellite Earth Station: This term, as used herein means a concave or circular or dish-shaped device designed for receiving communications or television signals especially using a satellite in the operation.

Screening: A solid fence, barrier, continuous evergreen hedge, or combination thereof which is designed to visually conceal/shield, and/or physically separate a building, structure or similar object from its surroundings.

School, Primary and Secondary: Any school for grades pre-school to high school having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for a general academic education, under the supervision of, and in accordance with, the applicable statutes of the State of Ohio. Secondary schools are also referred to as high schools. This does not include vocational schools, which are separately defined.

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School, Vocational And Technical: One which teaches the development of basic manipulative skills, technical knowledge, and occupational information for the purpose of training persons for employment in trade, industrial, technical, and other occupational pursuits, and for upgrading skills or retraining for new skills.

Self-Service Uses: Self-service laundries, dry cleaners, pumping of gasoline as an accessory use to convenience or grocery store and similar uses.

Self-Storage Facility: (also mini-warehouse, residential storage warehouse): A structure or group of structures for the storage of customer's goods and wares where individual stalls or lockers are rented out to different tenants for temporary storage and where no stall is greater than six hundred (600) square feet of floor space. A single caretaker's residence may be included.

Semi-Pervious Surface: Also referred to as semi-pervious material. A material that allows for at least 40 percent absorption of water into the ground or plant material, such as pervious pavers, permeable asphalt and concrete, or gravel.

Sewage Pond: A shallow pond where sunlight, bacterial action, and oxygen work to purify wastewater.

Sexual Encounter Establishment: A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities. For the purposes of this ordinance these establishments are classified as adult businesses.

Short Term Rental: Rental of all or any portion of a residential dwelling unit for dwelling, lodging, or sleeping purposes intended for travel and tourism. Occupancy of the property by a renter typically last for less than seven (7) days but shall not exceed more than thirty (30) consecutive days. This term does not include hotel or motel rooms, extended stay lodging facilities, bed and breakfast inns, and boarding house rooms.

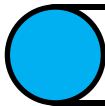
Sign means any visual communication device using letters, words, numbers, symbols, pictures, objects, or illumination, whose primary function is to attract the attention, or convey visual information about a product, service, business or event, to a person within a right of way or not on the premises where the device is located. Signs shall only describe or direct attention to a product, service, business or event produced, provided, conducted, sold, offered, or performed on the same premises on which the sign is displayed.

Sign-Accessory: means a sign or signs that are strategically located on non-residential or multi-family properties for the purpose of directing on-site traffic.

Sign Area: means the total area of the sign used to convey significant visual information including background but excluding all materials, which do not convey significant information and primarily function as structural support for the sign, or as architectural elements or architectural decoration on a building. Only one side of a double-faced sign (covering the same subject) will be used when calculating area if the sign faces are parallel and no more than 2 feet apart. For irregular signs or signs that do not have defined display areas (such as letters placed against a window or a wall), the area shall be calculated on the smallest rectangle, polygon, or circle that will frame the copy area of the sign.

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Sign-Awning: means a sign that is constructed of lightweight fabric, which contains copy and/or graphics, stretched over a framework that is mounted to a building, pylon, canopy, or other permanent structure. The fabric may be translucent. Awnings used strictly as protective structures for windows and doors containing no sign copy or logos are not signs. Awning signs are categorized as wall signs.

Sign-Banner: means a sign constructed of cloth, canvas, fabric, or other type of man-made or natural fabric, or other similar light material which can be easily rolled, folded, or furled, and is mounted with no enclosing framework. The fabric may be opaque or translucent.

Sign-Building Marker: means a sign permanently attached to a building fashioned from metal or stone indicating the name of the building, date of construction, or other historical information, without advertising.

Sign-Changeable Copy: mean permanent signs including display boxes affixed to a wall or the ground, on which the copy is changed manually, or electronically.

Sign-Conforming: means a sign, which meets all the provisions of this ordinance.

Sign-Directional: means a sign directing the public to on-site facilities such as restrooms, parking, telephones, exits, entrances, or deemed necessary to regulate traffic flow.

Sign-Free Expression: means a sign, which expresses an opinion but does not advertise a product, service, event, or commodity and includes temporary signs, which promote a candidate or issue related to an election.

Sign-Freestanding: means a sign supported by its own structure anchored in the ground independent from a building or other structure including, ground signs and monument signs.

Sign-Ground: means a freestanding sign which is mounted on the ground and supported by one or more uprights, poles, or braces in or upon the ground other than a pole sign as defined. Ground signs are permitted in Form-Based Zoning Districts, Planned Development Zoning Districts, and in Architectural Conservation/Historic Districts.

Sign-Iconic: means a sign that is uniquely shaped and designed to exemplify a unique cultural, architectural, or commercial identity, location, or use.

Sign-Interior: means a sign mounted inside a building and more than 2 feet from the interior surface of any window.

Sign-Legal Non-Conforming: means a sign which does not comply with this Chapter but which was in compliance with the requirements of the sign ordinance in effect immediately prior to the adoption of this Chapter or was characterized as a legal non-conforming sign under such previous ordinance

Sign-Menu Board: means a permanently mounted sign only for the purpose of displaying the bill of fare at a restaurant or drive-in to on site patrons.

Sign-Monument: means a freestanding sign that is detached from a building, and which contains a support structure that is a solid-appearing base constructed of a permanent material.

Sign-Permanent: mean a sign allowed by this ordinance to be located on premises for an unlimited period of time and which is lawfully constructed and maintained in accordance with local building and zoning codes.

Sign-Projecting: means a sign that wholly or partially dependent on a building for support and that projects more than 15 inches from the face of such building.

Sign-Roof: means a sign mounted on the roof of a building.

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Sign-Suspended: means a sign that is suspended from an awning, esplanade, or arcade type structure overhanging pedestrian walkways.

Sign-Temporary: means any sign or advertising display which is not permanently erected or permanently affixed to any structure or building and which is not an electric sign or an internally illuminated sign.

Sign-Wall: means a sign attached parallel to and within 15in. of a wall, painted on wall, or erected on and confined within the limits of an outside wall of any building or structure. This includes changeable message, projecting, and flush-mounted signs as well as mounted on roofs, canopies, awnings, building facades, and marquees.

Sign-Warning: means an on site “no trespassing or “no dumping” sign or signs which warn the public of construction, excavation, or other hazards, as long as hazard exists.

Sign-Window: means a sign painted on, mounted on, or affixed within 2 feet of, the interior surface of a window.

Slaughter House: A building or place where animals are butchered for food.

Sludge Disposal: The collection and removal of the concentration of solids removed from sewage during wastewater treatment in conjunction with the use of a spread area.

Small Cell Facility: A wireless facility that meets both of the following requirements: 1. Each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume. 2. All other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

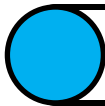
Solar Array: Freestanding or building mounted device or combination of devices or elements that use direct sunlight as a source of energy for such purposes as heating or cooling a structure, heating or pumping water, or generating electricity.

Special Flood Hazard Area: Also known as “Areas of Special Flood Hazard”, it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on Flood Insurance Rate Maps, Flood Insurance Studies, Flood Boundary and Floodway Maps and Flood Hazard Boundary Maps as Zones A, AE, AH, AO, A1-30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

Stadium / Commercial Venue (Arenas, Coliseums, Large Concert Venue): A large open or enclosed space used for sporting or major events, and partly or completely surrounded by tiers of seats for spectators.

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Start Of Construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

Storage / Shipping Container / Pod: A container, usually made out of metal or plastic, that is typically used to store and/or transport material.

Storefront Building: A retail or commercial building in which the ground story has large display windows, is visually separated from the upper stories in multi-story buildings and is designed to be accessible to passing pedestrians.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Story, Ground: Also referred to as ground floor. The first floor of a building that is level to or elevated above the finished grade on the front and corner facades, excluding basements or cellars.

Story, Half: A habitable space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing independent apartment or living quarters shall be counted as a full story. A story either in the base of the building, partially below grade and partially above grade, or a story fully within the roof structure with transparency facing the street.

Story, Upper: Also referred to as upper floor. The floors located above the ground story of a building.

Street: A publicly dedicated thoroughfare serving as the principal means of access to abutting property.

Street Face: The facade of a building that faces a public right-of-way.

Street Line: A dividing line between a lot, tract, or parcel of land and a contiguous street.

Structure: Anything constructed or erected, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground.

Structure: A walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground. (flood regulation only).

Structural Alterations: Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

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Subdivision: a collection of individual lots that have been split from one or more larger lots for the purpose of constructing six (6) or more residential dwelling units. Subdivisions can consist of a single type of residential dwelling or a combination of multiple types of residential dwellings. Both of these examples would be considered a subdivision: a subdivision may contain six (6) detached single family residences or it may contain a combination of two (2) detached single family residences and four (4) attached two family residences, totaling four (4) buildings and six (6) dwelling units. The definition of subdivision for Section 1800 is different from the definition of subdivision found in the City of Hamilton Subdivision Regulations.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the current market value based upon the County Auditor's valuation or other conventional means of establishing the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the current market value based upon the County Auditor's valuation or other conventional means of establishing the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include:

Any improvement to a structure that is considered "new construction,"

Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or any alteration of a "historic structure," provided that the alteration would not preclude the structure's continued designation as a "historic structure."

Supportive Housing: A dwelling or facility that provides access to health and social services, such as mental health and addiction therapy, medical care, and case management, to assist tenants who reside in the dwelling or facility. The types of Supportive Housing contemplated by this definition are:

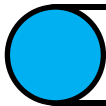
- A. A shelter for persons experiencing temporary homelessness;
- B. A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse;
- C. A recovery or rehabilitation residence for people who are recovering from substance addiction and which includes services such as peer support, employment assistance, and community/house meetings;
- D. A transitional house that serves as a short-term stay for an individual or household that is either waiting to secure permanent housing or has secured permanent housing that is not immediately available.

Supportive Housing, Large: A supportive housing use where six or more persons reside.

Supportive Housing, Small: A supportive housing use where three to five persons reside.

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Sweepstake/Internet Cafe: Any premises upon which a computerized sweepstakes device is located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature whatsoever.

I

Tattoo/Piercing Shops: An establishment that practices one or more of the following 1) places designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin; 2) creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. This definition does not include permanent makeup/cosmetics.

Temporary: This term, as it applies to Wellhead Protection, refers to a period of ninety (90) consecutive days or less. Storage of regulated substances and individual storage units containing such substances that are used on site as part of regular business operations are not considered temporary storage.

Time Of Travel Zone (TOT): This term, as it applies to Wellhead Protection, refers to the advective travel time for contaminants to flow through an aquifer and reach a well or well field.

Tobacco, Nicotine, and Vaping Sales: Any retail establishment that devotes 20 percent or more of floor area or display area to the sale of tobacco products and/or derives 51 percent or more of gross sales receipts from the sale of tobacco products. Tobacco products means:

- (1) Any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption or is likely to be consumed, whether inhaled, absorbed, or ingested by any other means, including, but not limited to, a cigarette, a cigar, pipe tobacco, chewing tobacco, snuff, or snus;

- (2) Any electronic smoking device and any substances that may be aerosolized or vaporized by such device, whether or not the substance contains nicotine; or
- (3) Any component, part, or accessory of (1) or (2), whether or not any of these contain tobacco or nicotine, including but not limited to liquids used in electronic smoking device, filters, rolling papers, blunt or hemp wraps, and pipes.

Tobacco product does not include drugs, devices, or combination products authorized for sale by the U.S Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act.

Tobacco Retail Establishment: Any place of business where tobacco products are available for sale to the general public as regulated in Chapter 1783 "Cigarette and Tobacco Vendors: Sales to Minors: Tobacco Retailer Licensing."

Town House Development: A structure containing three (3) or more attached single-family dwellings in a continuous row, each such dwelling designed and erected as a unit on an individual lot and separated from adjoining units by an approved masonry wall or walls.

Trailer: (See mobile home)

Trailer Park – Mobile Home Park: Any lot or part thereof, or any parcel of land which is used or offered as a location for two (2) or more trailers used for any purpose set forth in the definition of mobile home.

Transfer Station: Any site, location, tract of land, installation or building that is used or intended to be used primarily for the purpose of transferring solid wastes that are generated off the premises of the facility from vehicles or containers into other vehicles or containers for transportation to a solid waste disposal facility. The term does not include any facility that consists solely of portable containers that have an aggregate volume of 50 cubic yards or less, nor any facility where legitimate recycling activities are conducted.

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Transparency: The measurement of the percentage of a facade that has highly transparent, low-reflectance glass including muntins, mullions, transoms, and sashes. Glass and applied films should have a visible light transmittance (VLT) of 70% or higher and a visible light reflectance (VLR) of 11% or less.

Tree Bank: A dedicated City of Hamilton account which is used for the planting and maintenance of trees.

U

Unoccupied Commercial Building: "Unoccupied commercial building" means any building, including the land on which it is situated, which was once used, is now being used, or is intended to be used for wholesale, retail, commercial or other business occupancy within which a particular wholesale, retail, commercial, or other business use has voluntarily or involuntarily ceased or otherwise been discontinued or abandoned by the occupant.

Underground Storage Tank (UST): This term, as it applies to Wellhead Protection, refers to one or any combination of tanks, including the underground pipes connected thereto, that are used to contain an accumulation of regulated substances the volume of which, including the volume of the underground pipes connected thereto, is ten percent (10%) or more beneath the surface of the ground. For the purposes herein, the term does not include:

- (A) Pipeline facilities, including gathering lines, regulated under the "Natural Gas Pipeline Safety Act of 1968", 82. Stat, 720, 49 U.S.C.A. 2001, as amended;
- (B) Surface impoundments, pits, ponds, or lagoons;
- (C) Storm or waste water collection systems;
- (D) Flow-through process tanks;
- (E) Septic tanks;
- (F) Storage tanks located in underground areas when the tanks are located on or above the surface of the floor and the integrity of the tank is periodically visually evaluated; or

- (G) Liquid traps or associated gathering lines directly related to oil or gas production or gathering operations.

Urban Farm: A zoning lot, as defined in this article, up to one acre of land, used to grow and harvest agricultural products for personal or group use including commercial purposes.

Use Or Otherwise Use: This term, as it applies to Wellhead Protection, refers to the handling, transfer, processing, packaging, treatment, emission, discharge or disposal of regulated substances at a facility.

V

Variance: A grant of relief from the standards of these regulations consistent with the variance conditions herein.

Vehicle Impound Lot: A parcel of land used as temporary storage; maximum sixty (60) days for vehicles, including damaged vehicles. No dismantling or disassembling of vehicles is permitted.

Visible Basement: A half story partially below grade and partially exposed above with required transparency on the street facade.

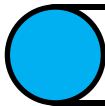
Visible Light Reflectance (VLR): The percentage of light striking the glazing that is reflected back. It indicates to what degree the glazing appears like a mirror.

Visible Light Transmittance (VLT): The amount of visible light striking the glazing that will pass through it. Glazings with a high visible transmittance appear relatively clear and provide sufficient daylight.

Violation: The failure of a structure, use, or other development to be fully compliant with these regulations.

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Vocational and Trade Schools: A vocational school is a career focused school that prepares and trains students for specific occupations. Vocational schools – also called trade schools, technical schools or career schools blend academic and technical instruction to prepare graduates for direct entry into the workforce.

W

Warehouse (Accessory): An accessory use to an industrial or commercial use where raw materials, parts, or finished manufactured goods may be stored within a structure before their export or distribution for sale. Exterior storage is a separate use.

Warehouse (Primary Use): Storage of raw materials, parts, or finished manufactured goods before their export or distribution for sale. The warehouse is staffed, and goods leave and enter the warehouse at minimum on a weekly basis.

Water Fowl Production: Any activity or plan which promotes and/or aides the reproduction or breeding of water fowl species.

Water Reservoir: A multipurpose project which may generate hydroelectric power, controls floods, provides recreational benefits and supplies water.

Wellhead Protection Area (WHPA): The surface and subsurface areas supplying water to wells or well fields through which contaminants are likely to move and reach such wells or well fields. The Wellhead Protection Area includes the one (1), five (5), and ten (10) year time-of-travel zones.

Wellhead Protection Program (WHPP): A program established by Section 1428 of the Safe Drinking Water Act of 1986 (Public Law 93-523) designed to minimize the potential for contamination of groundwater being used as a source of public drinking water.

Wildlife Sanctuary: An area of land set aside for, among other purposes, providing a refuge for wildlife species, or a small area in private ownership for breeding purposes.

Wind Turbine: Structure or device fitted with a set of revolving blades designed to move with or harness the power of the wind to generate electricity or mechanical energy and can include pole turbines only. Building mounted turbines are not permitted. The term **wind turbine** includes the tower on which it is built.

Wireless And Cellular Alternative Tower Structure: An alternative design mounting structure that is used to camouflage or conceal the presence of antennas or towers including man-made trees, clock towers, bell steeples, light poles and similar.

Wireless And Cellular Telecommunications Equipment : - Any antenna, satellite dish, or other communication devices and/or equipment which is used for transmitting, receiving, or relaying communications signals, except as such equipment has been preempted from regulation by the Telecommunications Act of 1996 (P.L. 104-104), as amended.

Wireless And Cellular Telecommunications Equipment Building Or Shelter: Any structure located on a Wireless/Cellular Telecommunications Tower site which houses the electronic receiving and relay equipment for a Wireless/Cellular Telecommunications Facility.

Wireless And Cellular Telecommunication Facilities: Any cables, wires, lines, wave guides, antennas, microwave dishes, horns, and any other equipment associated with the transmission or reception of communications as authorized by the Federal Communications Commission (FCC). Telecommunication Facilities also includes towers or similar structures supporting said equipment, equipment buildings, parking areas, and other accessory development. However, the term “Wireless and Cellular Telecommunication Facilities” shall NOT include those telecommunications facilities defined as exempt

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under the provisions of Chapter [3200](#).

Wireless Facility: Equipment at a fixed location that enables wireless communications between user equipment and a communications network, including all of the following:

1. Equipment associated with wireless communications;
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.
3. Small cell facilities.
4. The term does not include any of the following:
 - a. The structure or improvements on, under, or within which the equipment is collocated;
 - b. Coaxial or fiber-optic cable that is between wireless support structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

Height Of A Wireless/Cellular Telecommunications Facility: When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure even if said highest point is an antenna.

Wireline Backhaul Facility: A facility used for the transport of communications service or any other electronic communications by coaxial, fiber-optic cable, or any other wire.

Work Permit: A permit issued by a municipal corporation that must be obtained in order to perform any work in, on, above, within, over, below, under, or through any part of the public way, including, but not limited to, the act or process of digging, boring, tunneling, trenching, excavating, obstructing, or installing, as well as the act of opening and cutting into the surface of any paved or improved surface that is part of the public way.

Yard: A required open space unoccupied and unobstructed by any structure or portion of a structure from thirty (30) inches above the general ground level of the graded lot upward, provided however, that fences, walls, lighting standards, statue-like objects and vegetation may be permitted in any yard subject to height limitations as hereinafter indicated.

- A) **Yard, Front:** A yard extending between lot lines which intersect a street line, the depth of which is the horizontal distance between the street right-of-way line and a line on the lot which is at all points equidistant from and parallel to the street right-of-way line.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the City Manager or Designee may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots which do not have reversed frontage, a front yard of the required depth shall be provided in accordance with the prevailing yard pattern and a second front yard of half the depth required generally for front yards in the District shall be provided on the other frontage.

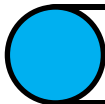
In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front of half the depth required generally for front yards in the District shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the City Manager or Designee shall determine the front yard requirements, subject to the following limitations: (1) at least one front yard shall be provided having the full

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depth required generally in the district; (2) no other front yard on such lot shall have less than half the full depth required generally.

- B) **Yard, Rear:** A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and reversed frontage corner lots, there will be no rear yard. In the case of corner lots with normal frontage, the rear yard shall extend from the inner side yard line of the side yard adjacent to the interior lot to the rear line of the half-depth front yard.

Depth of required rear yards shall be measured at right angles to a straight line across the lot joining the rearmost points of the side lot lines or in the case of a dedicated alley, it shall be measured from the rearmost points of the side lot lines when extended to the centerline of said alley. The forward rear yard line of a required rear yard shall be parallel to the straight line so established.

- C) **Yard, Side:** A yard extending from the rear line of the required front yard to the rear lot line. In the case of through lots, side yards shall extend from the rear lines of the front yards required. In the case of corner lots with normal frontage, there will be only one side yard, adjacent to the interior lot. In the case of corner lots with reversed frontage, the yards remaining after the full and half-depth front yards have been established shall be considered to be side yards. Width of required side yards shall be measured at right angles to a straight line joining the ends of front and rear lot lines on the same side of the lot. The inner side yard line of a required side yard shall be parallel to the straight line so established.

Youth Center: A youth center, defined as a facility where children, ages 6 to 17, inclusive, come together for programs and activities.

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4000 ADMINISTRATION AND ENFORCEMENT

4001 Administration And Enforcement:

- A. Stop Work Order: The Planning Director or his or her Designee may order, orally if necessary, that work being performed by any person in violation of this Zoning Code be immediately stopped. The Planning Director and/or his or her Designee shall direct the order to the person performing the work and the owner, or authorized agent of the owner, of the property where work is being performed.

As promptly as possible, the Planning Director or his or her Designee shall reduce any oral order to writing and all stop work orders shall:

- (a) Be put in writing on an appropriate form as the Planning Director or Designee shall determine;
- (b) State the basis for the stop work order, including the section of this Zoning Code that has been violated.
- (c) State all work on the area affected by the violation shall cease;
- (d) Specify the manner by which the stop work order may be lifted; and
- (e) Be served on the responsible person, owner, agent, or other person responsible for the work or violation of this Zoning Code. Service may be made in any of the following ways:
 - i. By personal delivery to the party involved;
 - ii. By regular mail to the residence of the party involved;
 - iii. By regular mail to the regular place of business of the party involved; or
 - iv. By regular mail to the last known address of the party involved.
- (f) A copy of any stop work order issued by the Planning Director or his or her Designee shall be posted in a conspicuous place in or on the property subject to the stop work order.

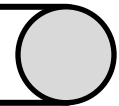
Any order to comply with this Zoning Ordinance No. 7503 issued by the Planning Director and/or his or her designee may be appealed to the Board of Zoning Appeals by any person, firm or corporation adversely affected by such order as provided in Section [4502](#) of this Zoning Code.

- B. Notice of Violation: The Planning Director or his or her Designee may issue a Notice of Violation, orally if necessary, whenever any person violates or fails to comply with any of the provisions of this Zoning Code. The Planning Director and/or his or her Designee shall direct the Notice of Violation to the owner, authorized agent of the owner, or occupant of the property where the violation is occurring.

The Planning Director or his or her Designee shall reduce any oral Notice of Violation to writing and all Notice of Violation letters shall:

- (a) Be put in writing on an appropriate form as the Planning Director or Designee shall determine;
- (b) State the basis of the violation, including the section of the Zoning Code that has been violated;
- (c) Provide the person, owner, authorized agent of the owner, or occupant the opportunity to comply with the Zoning Code within fourteen (14) calendar days of the date of Notice of Violation letter; and
- (d) Be served on the person, owner, authorized agent of the owner, or occupant of the property in violation of this Zoning Code. Service may be made in any of the following ways:
 - i. By personal delivery to the party involved;
 - ii. By regular mail to the residence of the party involved;
 - iii. By regular mail to the regular place of business of the party involved; or
 - iv. By regular mail to the last known address of the party involved and;
 - v. By posting in a conspicuous place in or on the property subject to the violation.
- (e) Should the person, owner, authorized agent of the owner, or occupant fail to comply with the Notice of Violation letter provided in (c) above, a second and final Notice of Violation shall be provided to the person, owner, authorized agent of the owner, or occupant to comply with the Zoning Code within fourteen (14) calendar days of the date of Notice of Violation letter; and
- (f) Be served on the owner, authorized agent of the owner, or occupant of the property in violation of this Zoning Code. Service may be made in any of the following ways:
 - i. By personal delivery to the party involved; or
 - ii. By regular mail to the residence of the party involved; or
 - iii. By regular mail to the regular place of business of the party involved; or
 - iv. By regular mail to the last known address of the party involved; and
 - v. By posting in a conspicuous place in or on the property subject to the violation

Any order to comply with this Zoning Ordinance No. 7503 issued by the Planning Director and/or his or her designee may be appealed to the Board of Zoning Appeals by any person, firm or corporation adversely affected by such order as provided in Section [4502](#) of this Zoning Code.



4002 Building Permit Required: No buildings or other structure shall be erected, moved, added to, or structurally altered without a permit therefore, issued by the City of Hamilton.

4003 Application For Certificate Of Zoning Compliance: All applications for Certificate of Zoning Compliance shall be accompanied by plans in duplicate, drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the City Manager or Designee, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.

One copy of the plans shall be returned to the applicant by the City Manager or Designee after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the City Manager or Designee.

4004 Certificates Of Zoning Compliance: It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued therefore by the City Manager or Designee stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The may be issued in conjunction with a building permit.

No non-conforming structure or use shall be maintained, renewed, changed or extended until a Certificate of Zoning Compliance shall have been issued by the City Manager or Designee. The Certificate of Zoning Compliance shall state specifically wherein the nonconforming use differs from the provisions of this Ordinance, provided that upon enactment or amendment of this Ordinance, owners or occupants of non-conforming uses of structures shall have twelve (12) months to apply for Certificates of Zoning Compliance. Failure to make such application within twelve (12) months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this Ordinance. No permit for erection, alteration, moving or repair of any new building shall be issued until an application has been made for a Certificate of Zoning Compliance, and the Certificate shall be issued in conformity with the provisions of this Ordinance upon completion of the work.

A Temporary Certificate of Zoning Compliance may be issued by the City Manager or Designee for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such Temporary Certificate may require such conditions and safeguards as will protect the safety of the occupants and the public.

City Manager or Designee shall maintain a record of all Certificates of Zoning Compliance, and copies shall be furnished upon request to any person for a fee.

Failure to obtain a Certificate of Zoning Compliance shall be a violation of this Ordinance and punishable under Section [4007](#) violation and penalty, of this Ordinance.

4005 Expiration Of Certificate Of Zoning Compliance: Special Certificate of Zoning: If the work described in any Certificate of Zoning Compliance has not begun within 180 days from the date of issuance thereof, said certificate shall expire and be canceled by the City Manager or Designee, and written notice thereof shall be given to the persons affected. If the work described in any Certificate of Zoning Compliance has not been substantially completed within one year of the date of issuance thereof, said certificate shall expire and be canceled by the Building Commissioner, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a Special Certificate of Zoning Compliance has been obtained.

At the discretion of the City Manager or Designee, such special certificate may be based on the original application or he may require submission of a new application. The Special Certificate may include limitations on time allowed for substantial completion of the work, and provisions for a reasonable performance bond to insure completion within the time limit set.

4006 Complaints Regarding Violation:

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with an Administrative Official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this Ordinance.

4007 Penalties and Election of Remedies

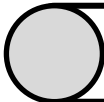
Whenever a person violates or fails to comply with any of the provisions of this Zoning Ordinance of the City of Hamilton, Ohio, such person is creating a public nuisance and in addition to all legal and equitable remedies available to the City, the Planning Director or Designee shall have the authority to impose a penalty. The Planning Director or Designee may file misdemeanor criminal charges pursuant to Section [4007 \(A\)](#), or pursue civil court action, or issue a civil citation pursuant to Section [4007 \(B\)](#) or, a combination of these remedies, against any person who violates, disobeys, omits, neglects, or fails to comply with any of the provisions of the Zoning Ordinance of the City of Hamilton, Ohio, , and all amendments thereto, or who fails to comply with a notice of violation, stop work order, or any other order issued under this Zoning Ordinance of the City of Hamilton, Ohio the Planning Director or Designee, in conjunction with the City Law Director or his or her designee, may pursue additional legal or equitable remedies, including, but not limited to, injunctive relief and abatement, as necessary to enforce the provisions of this Zoning Ordinance of the City of Hamilton, Ohio .

A. Misdemeanor Offenses:

Any person who violates any provision of this Zoning Ordinance of the City of Hamilton, Ohio or fails to comply with a notice of violation or violates a stop work order issued pursuant to Section [4001](#) of this Zoning Ordinance of the City of Hamilton, Ohio, shall be guilty of Zoning Violation an unclassified misdemeanor and shall be fined not less than Five Hundred Dollars (\$500.00) or more than One Thousand Dollars (\$1,000.00) for each offense. A violation of this Zoning Ordinance of the City of Hamilton, Ohio or a violation of a stop work order is a strict liability offense and organizational liability for violations of this Zoning Ordinance of the City of Hamilton Ohio or a stop work order is hereby imposed. Each day that a violation is permitted to exist shall constitute a separate offense.

In addition to the penalties outlined in this Section [4007 \(A\)](#), a court may order a person to correct the violation, if possible, and to make restitution for any property damage caused by the violation.

- B. Civil Citation: The Planning Director or Designee shall have authority to cite a person who violates any provision of this this Zoning Ordinance of the City of Hamilton, Ohio or fails to comply with a notice of violation or violates a Stop Work Order issued pursuant to section 4001 of this Zoning Code and impose a civil fine or assessment.
1. When the Planning Director or Designee issues a citation to any person for a specific premise(s) the assessment shall be as follows:
 - a. For the first citation within a two-year period, an assessment against the violator of two hundred fifty dollars (\$250.00) shall be imposed;
 - b. For the second citation within a two-year period, an assessment against the violator of five hundred dollars (\$500.00) shall be imposed;
 - c. For the third citation within a two-year period, an assessment against the violator of seven hundred fifty dollars (\$750.00) shall be imposed;
 - d. For each citation after the third citation within a two-year period, an assessment against the violator of one thousand dollars (\$1,000.00) shall be imposed.
 2. The Planning Director or Designee shall send a written notice of the assessment to a person assessed a civil fine pursuant to this section. The notice shall state the total amount assessed against the person based on the schedule of assessed penalties established by this section. The notice shall also inform the person assessed a civil fine of their right to appeal provided for in Section 4100 of this Zoning Code. The notice shall be deemed properly delivered if sent by first class mail to the address for the owner listed on the records of the Butler County Auditor. If the notice is returned as undeliverable, The notice shall be deemed properly delivered if it is:
 - a. Delivered by personal delivery to the person or owner;
 - b. Delivered by regular mail to the address for the owner listed on the records of the Butler County Auditor;
 - c. Delivered by regular mail to the address regular place of business of the person involved;
 - d. Delivered by regular mail to the last known address of the person or owner involved; or
 - e. Posted on the front door of the property, premises, or unit that is the subject of the notice and order.
 3. Any person who pays the fine set forth in the civil citation is in no way absolved from resolving, removing, repairing, or otherwise abating the condition which resulted in the issuance of the civil citation. If such person fails to resolve, remove, repair, or otherwise abate that condition, the Planning Director or Designee may continue to issue civil citations each day it determines that the condition continues to violate the provisions of this code. Civil citations issued for such continuing, unresolved violations of this code need not be preceded by additional Notices of Violation or Stop Work Order as the initial notices shall suffice to notify any person involved as to the nature of the violation charged . Further, the admission of guilt and payment of the fines set forth in the civil citation shall in no way preclude the Planning Director from instituting , by and through its Director of Law or otherwise, appropriate action to enjoin, restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the building, structure or premises.
 4. Any person issued a Civil Citation pursuant to this Section 4007(B) may file an appeal to the Board of Zoning Appeals as provided in Section 4100 of this Zoning Code. The decision of the Board of Zoning Appeals is final, subject to judicial review.
 5. Upon passage of any applicable appeal time, the Planning Director or Designee shall send to the Director of Finance for collection any unpaid civil penalty assessed pursuant to this Section 4007(B).



4008

Legal Action by Law Director:

Nothing in this Zoning Ordinance of the City of Hamilton, Ohio shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Zoning Ordinance of the City of Hamilton, Ohio, or in the case of an imminent threat of such a violation, the City Law Director or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute, injunction, abatement or other appropriate actions to prevent, remove, enjoin or terminate such violation.

ADMINISTRATION

4100 BOARD OF ZONING APPEALS

The Board of Zoning Appeals, as presently constituted, shall continue in Office.

4101 Board Of Zoning Appeals Established: An Administrative Board is hereby established to be known as the "Board of Zoning Appeals". The word "Board" when used in this article shall be construed to mean the Board of Zoning appeals. The Board shall consist of five members, appointed by the City Manager for terms of five years, provided however, that the members of the first Board shall be appointed for terms of one, two, three, four and five years respectively. At least one member of the Board of Zoning Appeals shall be a member of the City Planning Commission of the City of Hamilton. In the event his membership on the Planning Commission is terminated his membership on the Board of Zoning Appeals shall terminate simultaneously. Members of the Board shall serve without compensation, and shall be citizens of the City. Alternate members may be appointed by the City Manager to serve in place of a member when such member notifies the Planning Department that the member will absent or unable to participate in an item. members shall meet all the qualifications of the member they are appointed to substitute. Alternate members shall possess all the powers and responsibilities of such member of the Board.

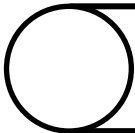
4102 Proceedings Of Board Of Zoning Appeals: At the regular January meeting of each year, the Board shall elect one of its members as Chair and one as Vice-Chair. If during the term of office any seat on the Board shall become vacant, the City Manager shall appoint a successor for the unexpired term.

Meetings of the Board shall be held at the call of the Chair and at such other times as the board may determine. Such Chair or, in his/her absence, the Vice-Chair, may administer oaths and compel the attendance of witnesses. The presence of at least three (3) members of the Board shall be necessary to constitute a quorum. In the event the Chair and Vice-Chair are absent from a meeting, the three remaining members shall elect a Chair "Pro-Tem", who shall perform the same duties as the Chair for the balance of the meeting.

The Board shall adopt its own rules of procedure and shall keep a record of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall also keep records of its hearings and other official actions. Findings of fact and the reasons for the action taken shall be included in the minutes of each case.

An appointed City Employee shall serve as the Secretary of the Board and as directed, shall send all communications, keep all records, and perform such other duties commonly prescribed to such office. All records of proceedings, findings, determinations, and actions of the Board shall be filed as soon as practical in the office of the Board and shall be a public record.

All meetings of the Board shall be open to the public. A separate public hearing will be conducted on each application appeal.



The Board shall keep a record of its proceedings. Findings of Fact shall be included with the minutes of each case of a requested variance or appeal, and the reasons for approving or denying such variance or appeal shall be specified. All records of proceedings, findings, determinations and actions of the Board shall be filed as soon as practical in the Planning Department office and shall be a public record.

The Secretary of the Board or member of City staff will present and explain the case, setting forth the reasons for this action.

Following the Secretary of the Board or member of city staff's presentation, the appellant may appear and be heard or may have any person appear and be heard either in person or by duly authorized agent or attorney. The Board shall have the right to refuse to hear an appeal unless the appellant or his agent is present.

The Board will then hear any other interested parties.

The Board shall have the right to question any witness.

The Board will render a decision as soon as practical after the conclusion of the hearing.

At the request of the appellant or the Secretary of the Board and/or on the motion of the Board, the hearing may be tabled for further evidence or information

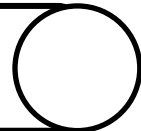
4103 Hearings, Appeals; Notices.

(A) General: Appeals to the Board may be taken by any person aggrieved by any Officer, Department, Board or Bureau of the City of Hamilton affected by a decision of the Building and Zoning Administrator or the Architecture Design Review Board, but in the latter case only in connection with its issuance or refusal to issue a Certificate of Appropriateness. Appeals to the Board may be taken by any person aggrieved by any Officer, Department, Board, or Bureau of the City of Hamilton affected by a decision of the Fire Chief or their designee under the Fire Prevention Code. Such appeal shall be taken within such time as shall be prescribed by the Board by general rule, by filing with the Building and Zoning Administrator and with the Board of Zoning Appeals a Notice of Appeal, specifying the grounds thereof. The Building and Zoning Administrator shall forthwith transmit to the Board all of the papers constituting the record upon which the action was taken.

Specific time limits to for Appeals are as follows:

- (1) 30 days for an appeal of the Architectural Design Review Board (ADRB) refusal to, issue a Certificate of Appropriateness
- (2) 30 days for an appeal of a Zoning Authority's decision or interpretation pertaining to residential properties and uses, including accessory uses.
- (3) 30 days for an appeal of a Zoning Authority's decision or interpretation pertaining to non-residential properties, non-residential uses, accessory uses to non-residential, and non-residential zoning districts.
- (4) 30 days for an appeal of the Board of Zoning Appeals Decision pertaining to Floodplain Variances.
- (5) 30 calendar days for an appeal of a decision by a member of the City Zoning Staff.
- (6) 30 calendar days for an appeal of the ADRB's decision or interpretation pertaining to work already performed after the decision of the ADRB.
- (7) 30 calendar days for an appeal of a Civil Citation issued per Section 4007(B) of this Zoning Ordinance No. 7503.
- (8) 30 calendar days for an appeal of a Civil Citation issued per Section 1505.07 of the Codified Ordinances of the City of Hamilton, Ohio.

Appeals filed later than fourteen (14) days prior to a regular meeting date may not be heard until the succeeding regular meeting.



The application for an appeal shall be submitted in such forms as the Board may prescribe and approve. The application shall contain the present use of the building and premises and the proposed use of the building and premises, the applicants relation to the property, a statement of the reasons the appellant feels that their appeal shall be approved, and such other information as may be required by the Board.

The appellant shall furnish the following with the application:

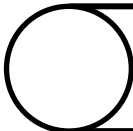
- i. Plot plan drawn to scale, showing the actual shape and dimensions of the lot to be built upon or used, and designating all lot lines; the exact size and location of all existing buildings and accessory buildings, and all proposed additions or new building or structures. This may be waived by the Secretary of the Board prior to the submission of the appeal when such information is not relevant to the hearing of the appeal.
- ii. A title containing the name of the appellant, or owner (if different from appellant), address, and lot number of the property concerned in the appeal shall appear on all information furnished with an appeal. A scale of any drawing (when required to be drawn to scale) shall be noted on the drawing.
- iii. A fee, determined by the City, shall accompany each appeal or request. An appeal shall be considered filed when the fee is paid and one copy of the application is completed, signed, and left at the office of the Planning Department with all papers and information as required in the application. An application shall be prepared and approved by the Board to give instructions to applicants filing appeals.

If the appellant, Secretary of the Board, or other interested party desires to subpoena witnesses, they shall make a request of the Board Chair to subpoena such witness. Such requests shall be filed at the Planning Department office at least five (5) working days before the scheduled hearing. The appellant or other interested party making such request shall pay all costs incurred to subpoena any witness.

The Secretary of the Board shall prepare a report to the Board describing the situation and the variances being requested.

The Secretary of Board shall transmit to the Board, approximately one week prior to the meeting or as soon thereafter as possible, the appeal application and all the papers or information required or necessary for proper hearing of the appeal. Copies as required, shall be sent to all Board members.

The Secretary of the Board shall notify the appellant and all property owners within one hundred (100) feet of the property in question the date, time, place, and purpose of the hearing.



(B) Wellhead Protection: All issues pertaining to decisions by the Building and Zoning Administrator regarding zoning regulations/requirements for Wellhead Protection Area shall remain under the jurisdiction the Board of Zoning Appeals (BZA) as provided for in this Chapter except that, in addition, the following shall apply:

- (1) Recommendation from the Wellhead Protection Appeals Advisory Board.
Before the BZA grants any variance or appeal relative to a Wellhead Protection Area, the variance or appeal request shall first be reviewed by the Wellhead Protection Appeals Advisory Board (WHPAAB) to ensure that the request, if granted, will not present a contamination threat to groundwater. The WHPAAB, as established under [Chapter 940](#) of the Hamilton Codified Ordinances, shall provide a recommendation on the variance or appeal request to the Board of Zoning Appeals. In doing so, the WHPAAB may include with the recommendation any such alternatives or modifications to the request as necessary to minimize the potential for groundwater contamination. The WHPAAB shall have thirty (30) days from receiving a variance or appeal request to make a recommendation to the Board of Zoning Appeals. The thirty-day period shall be inclusive within, and not in addition to, the allowed time frame for Board of Zoning Appeals review.

4104 Stay Of Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from, unless the City Manager or Designee certifies to the Board after the Notice of Appeal has been filed with him that, by reasons of facts stated in the Certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order granted by the Board, or by a court of record, on application or notice to the City Manager or Designee on due cause shown.

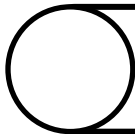
The Board shall fix a reasonable time and place for the hearing of the appeal, shall give due notice thereof to the parties in interest, and shall render a decision within a reasonable time. Any person may appear and testify at the hearing, either in person or by duly authorized agent or attorney.

ADMINISTRATION

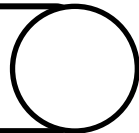
4200 BOARD OF ZONING APPEALS; POWER AND DUTIES

The Board of Zoning Appeals shall have the power and duties to hear and decide, in accordance with the provisions of this Ordinance, the following:

- 4201** Administrative Review: The Board shall have the power to hear and decide appeals, filed as hereinbefore provided, where it is alleged by the appellant that there is an error in any order, requirement, decision, determination, citation, grant or refusal made by the City Manager or Designee in the enforcement and interpretation of the provisions of this Ordinance.
- 4202** Temporary Structures And Uses: The Board may authorize the temporary use of a structure or premise in any District prescribed elsewhere in this Ordinance for the District in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- 4203** Interpretation Of Zoning Ordinance And Map: Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the [Zoning Map](#), the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. In case of any question as to the location of any boundary line between Zoning Districts or where there is uncertainty as to the meaning and intent of a textual provision of the Ordinance, a request for interpretation of the [Zoning Map](#) or the textual provision in question may be made to the Board and a determination shall be made by said Board.
- 4204** Variances: The Board shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the terms, provisions or requirements of this Ordinance as will not be contrary to the public interest; provided, however, that such variances shall be granted only in such cases where, owing to special and unusual conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Ordinance would result in practical difficulty or undue hardship, so that the spirit of the Ordinance shall be upheld, public safety and welfare secured, the substantial justice done.
- 4205** Use Variance: Except as herein provided under conditional uses in accordance with Section [1300](#), **no use variance** from the District Regulations of this Ordinance will be permitted.



- 4206** Variance - Conditions Prevailing: Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Ordinance, or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Ordinance would involve practical difficulty or would cause unnecessary hardship (unnecessary to carry out the spirit and purpose of this Ordinance) the Board shall have power to authorize a variance from the terms of this Ordinance, so as to relieve such hardship. In authorizing a variance, the Board may attach thereto such condition regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Ordinance and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary to enforce compliance with the conditions attached.
- 4207** Variance-Findings of the Board: No such variance of the provisions or requirements of this Ordinance shall be authorized by the Board unless the Board finds that practical difficulties exist sufficiently to warrant a variance. In making this determination the Board shall consider and weigh the following factors:
- i. Will the property yield a reasonable return or can there be a beneficial use of the property without the Variance?
 - ii. Is the Variance substantial?
 - iii. Would the Variance cause a substantial alteration in the essential character of the neighborhood or cause a substantial detriment to the adjoining properties?
 - iv. Would the Variance adversely affect the delivery of governmental services?
 - v. Did the property owners purchase the property with the knowledge of the zoning restriction?
 - vi. Could the problem be solved in some other manner other than the granting of the Variance?
 - vii. Would the Variance preserve the spirit and intent of the zoning requirement and substantial justice be done by granting the variance?
- 4208** Change Of Non-Conforming Uses: The Board shall hear and decide, in accordance with the provisions of this Ordinance, proposed changes of use from one non-conforming use to another non-conforming use to determine if the proposed use is equally appropriate, more appropriate, or less appropriate to the District than the existing non-conforming use. The Board may by general rule, after study, categorize certain changes of use.
- 4209** Decision Of Board Of Zoning Appeals: In exercising the above enumerated powers, the Board may reverse or affirm, wholly or partly or may modify the order, requirement, decision or determination appealed from to the extent and manner that the Board may decide to be fitting and proper on the premises, and to that end the Board shall have all the powers of the City Manager or Designee from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the City Manager or Designee or to decide in favor of the applicant on any matter upon which it is authorized by this Ordinance to render a decision.



No order of the Board permitting the erection or alteration of a building or the use of a building or premises shall be valid for a period longer than twelve (12) months unless a building permit for such erection or alteration is obtained and the work is started within such period or, where no erection or alteration is necessary, the permitted use is established within such period.

4210 Performance Standards - Procedure: The Board shall have the power to authorize, upon application in specific cases, filed as hereinafter provided, issuance of a Zoning Clearance Permit for uses that are subject to Performance Standards' procedure under the Ordinance, as provided in the following:

4211 Application: An application for a Zoning Clearance Permit for a use subject to Performance Standards' procedure shall be submitted in duplicate on a form prescribed by the Board. The applicant shall also submit in duplicate a plan of the proposed construction or development - including a description of the proposed machinery, processes and products, and specification for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements as set forth in the Ordinance - in accordance with the rules prescribed by the Board specifying the type of information required in such plans and specifications. The fee for such application shall include the cost of the special reports that may be required to process it.

4212 Report By Specialists: If in its opinion, the proposed use may cause the emission of dangerous or objectionable elements, the Board may refer the application, at its discretion, to the City Health Department or to one or more specialists qualified to advise as to whether a proposed use will conform to the applicable Performance Standards specified in the Ordinance for investigation and report. Such consultant or consultants shall report as promptly as possible after his or their receipt of such application. A copy of such report shall be promptly furnished to the applicant.

4213 Review By Board: Within thirty (30) days after the Board has received the aforesaid application, or the aforesaid report, or within such further period as agreed to by the applicant, the Board shall decide whether the proposed use will conform to the applicable Performance Standards, and on such basis shall authorize or refuse to authorize issuance of a Zoning Clearance Permit, or require a modification of the proposed plan of construction, specifications, proposed equipment or operation. Any Zoning Clearance Permit, so authorized and issued shall be conditioned upon, among other things, the following:

- A) That the applicant's buildings and installations when completed will conform in operation to the applicable performance standards; and
- B) That the applicant will pay the fees for services of the expert consultant or consultants deemed reasonable and necessary by the Board to advise the Board as to whether or not the applicant's completed buildings and installations in operation will meet said applicable Performance Standards.

4214 Continued Enforcement: City Manager or Designee shall investigate any purported violation of Performance Standards and, if there is reasonable grounds for the same, shall notify the Board of the occurrence or existence of a probable violation thereof. The Board shall investigate the alleged violation, and for such investigation shall employ qualified experts. The services of any qualified specialist employed by the Board to advise in establishing a violation shall be paid by the violator if said violation is established; otherwise by the City.

4300 NON-CONFORMING USES, STRUCTURES, AND STANDARDS

4301 Intent:

Within the Districts established by this Ordinance, there exists lots, structures, signs, and uses of land, which were lawful before this Ordinance was passed or amended, but which would be prohibited under the terms of this current Ordinance.

It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that non-conforming uses shall not be enlarged, expanded, extended, nor be used as a basis for additional structures, or uses prohibited elsewhere in the same District. Therefore, an existing legal non-conforming use, lot, sign, or structure, shall not be altered to expand or enlarge its non-conformity.

Structures that are non-conforming due to front, side, or rear yard setback requirements may be expanded or extended in conformance with this Ordinance. Variances of area width and yard setback requirements may be granted by the Board of Zoning Appeals where necessary and where such addition does not create an unusual neighborhood building type.

To prevent undue hardship, this Ordinance does not require changes to plans, construction, or use of any building where construction legally began before this Ordinance's effective date or adoption/amendment, and where construction has been ongoing. "Actual construction" includes placing materials in a permanent position, fastening them, and/or demolishing or removing existing structures as part of the work, provided construction continues diligently until the building is completed.

A. Definitions

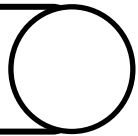
The term "illegal non-conforming" refers to a use, which was never lawfully established in conformance with this Ordinance at the time the use began.

The term "legal non-conforming" refers to a use, which was established and lawful under the regulations of this Ordinance at the time when the use began. In this Section of the zoning ordinance, any reference to "non-conforming" is in reference to "legal non-conforming," unless otherwise outlined.

4302 Existing Conforming Lots, Structures, Signs, and Uses

Lots, structures, signs, the use of land, and/or the use of structures, which conform to the regulations of the zoning District in which they are located, may be continued and may be altered, extended, or changed within conformity to the current Ordinance.

Any use for which a special or conditional use permit has been issued under a prior Ordinance shall not be deemed a non-conforming use, but shall without further action be deemed a conforming use in such District under the conditions of such permit.



4303 Non-Conforming Lots, Structures, Signs, and Uses

Existing lots, structures, signs, the use of lots, and/or structures, which would be prohibited under the current regulations for the zoning District in which they are located, shall be considered “non-conforming.” Whether a non-conforming use exists shall be a question of fact and shall be decided by the Board of Zoning Appeals after public notice and hearing and in accordance with the rules of the Board. When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for six (6) months, the structure, or structure and land in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located.

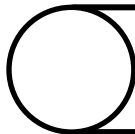
A. Non-Conforming Lots of Record

In any District in which single-family dwellings are permitted, in conformance with all applicable Ordinance regulations, a single-family dwelling and accessory building(s) may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for lot area and/or width, generally applicable in the District, provided that yard setbacks and other requirements shall conform to the provisions of Section [1501](#).

B. Non-Conforming Uses of Land

Where, at the effective date of the adoption of this Ordinance if any existing lawful use of land exists, which is no longer permissible under this Ordinance, shall be considered legal non-conforming and may be continued, so long as it remains otherwise compliant, subject to provisions of this Chapter.

1. No non-conforming use may be reestablished where such non-conforming use has ceased business operations for a period of six (6) months or more, unless with the granting of a special or conditional use permit.
2. Any subsequent use of land shall conform to the regulations specified by this Ordinance for the District in which such land is located.
3. Any non-conforming use of land, building, or regulated substance storage unit existing as of the effective date of adoption of, or amendment to, the provisions set forth herein and which operates within a Wellhead Protection Area Time-of-Travel Zone is permitted to continue operation as a non-conforming existing land use, building, or regulated substance storage unit provided it remains otherwise lawful; complies with the provisions of Chapter 940 of the Hamilton Codified Ordinances which apply to existing facilities; and subject to provisions of this Chapter.
4. An existing use made non-conforming solely by application of the Wellhead Protection provisions set forth herein, including those in [Section 2800](#), shall be treated as non-conforming only as to those uses prohibited by these Wellhead Protection provisions. As to existing uses not prohibited or otherwise regulated by these Wellhead Protection provisions, those uses remain conforming such that they may be expanded or otherwise altered without violation of this Ordinance.
5. No such non-conforming use shall be enlarged, increased, nor extended to occupy a greater area of building square footage or land than was occupied at the effective date of adoption or amendment of this Ordinance.
6. No such non-conforming use shall be moved in whole or in part to any other portion of the building, lot, or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance.
7. If any such non-conforming uses of land ceases for any reason for a period of six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the District in which such land is located.



C. Non-Conforming Structures

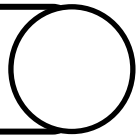
If a lawful structure, or structures and premises in combination, exists at the effective date of adoption of this Ordinance, which would not be allowed in the District under the terms of the Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions. Such structures shall be considered legal non-conforming.

1. No such structure may be enlarged, altered, or moved in a way that increases its non-conformity. It shall thereafter conform to the regulations for the District in which it is located.
2. Should such structure be destroyed by any means to an extent of more than fifty (50) percent of its replacement cost at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Ordinance.

D. Non-Conforming Uses of Structures

If the lawful use of a structure, or of structure and premises in combination, exists at the effective date of adoption of this Ordinance, that would not be allowed in the District under the terms of the Ordinance, the lawful use may be continued so long as it remains otherwise compliant subject to the following provisions.

1. No existing structure devoted to a use not permitted by this Ordinance in the District in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the District in which it is located.
2. An existing non-conforming use cannot be extended or enlarged to occupy more square footage within the existing structure. In addition, no such use of a structure shall be extended or enlarged to occupy any land outside such building footprint. Any enlargement of the non-conforming use thus increasing the non-conformity of said use and is not in accordance with this Chapter.
3. If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may be changed to another non-conforming use provided that the Board of Zoning Appeals, either by general rule or by making findings in the specific case, shall find that the proposed use is equally appropriate or more appropriate to the District than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with the provisions of this Ordinance.
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, for a time period to exceed 6 months, shall thereafter conform to the regulations for the District in which such structure is located, and any non-conforming use shall not thereafter be resumed.
5. When a non-conforming use of a structure, or structure and premises in combination, is discontinued or abandoned for six (6) months, the structure, or structure and premises in combination, shall not thereafter be used except in conformance with the regulations of the District in which it is located.
6. No non-conforming use of structure may be reestablished where such non-conforming use has ceased business operation for a period of six (6) months or more.
7. When a non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure, per Section 4303(C) shall eliminate the non-conforming status of the land.
8. On approval of an appeal to the Board of Zoning Appeals a non-conforming use may be expanded within an existing structure manifestly arranged or developed for such use.



E. Non-Conforming Signs

1. Signs that are non-conforming shall be subject to Sections 4303(C), regarding non-conforming structures.
2. Signs can be increased in area only when all signs for the use are in conformity as to number and area.
3. There shall be no increase in the total number of signs or display devices until the sign areas are conforming. No additional signs or display devices may be attached to the building or placed on land outside the building.
4. An individual sign or group of signs that are non-conforming may be lettered or repaneled at their existing size.
5. If an individual non-conforming sign must be replaced (due to abandonment or damage) the new sign must be reduced in size by at least twenty-five percent (25%) of the original sign or be replaced by a conforming size sign.
6. For a use with multiple signs, any or all signs may be replaced provided there is a net reduction in total sign area of at least twenty-five (25%) of the area of the original sign or signs or replaced by conforming size signs.
7. Non-conforming signs shall be subject to the provisions of Section [1702](#) of this Ordinance, regarding sign maintenance and abandonment, and shall be allowed to make such changes in order to comply with Section [1702](#).
8. When a non-conforming use or combination of uses has a non-conforming sign or signs, the provisions of Section 4303(B) shall prevail.

4305 Repairs and Maintenance

On any building devoted in whole or in part to any legal non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring or plumbing. Provided that the footprint and/or total square footage of the building, as it existed at the time of passage or amendment of this Ordinance, shall not be increased.

Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any City Official charged with protecting the public safety, upon order of such Official.

4306 Non-Conformity of Performance Standard

All uses non-conforming at the time of adoption of this Ordinance by reason of non-compliance with the provisions concerning performance standards ([Section 3000](#)), if not otherwise stipulated by the Board of Zoning Appeals, shall adopt necessary measures to conform therewith within one (1) year from the effective date of this Ordinance.

4307 Appeals to the Board of Zoning Appeals

Appeals regarding the non-conforming status and/or Planning Department staff interpretation of any non-conforming lots, structures, signs, and/or uses must follow the appeal regulations as outlined in [Section 4100](#) and [4200](#) of the Hamilton Zoning Ordinance. The Board of Zoning Appeals, pursuant to their policies and procedures, will hear any appeals of this nature.

The burden of proof establishing that any lot, structure, sign, and/or use as legal non-conforming, under the provisions of this Ordinance, shall in all cases be upon the owner and/or applicant of such non-conformity and not upon the City of Hamilton. In some cases, burden of proof with respect to the establishment and uninterrupted continuance of a legal non-conforming use will be required with additional supporting documentation.

4400 AMENDMENTS

The regulations, restrictions and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed or repealed, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard.

- **Planning Commission Public Hearing notice (Zoning Text Amendments):**

At least ten (10) days' notice of the time and place of such hearing shall be published on the [City of Hamilton's website](http://www.hamilton-oh.gov/planningcommission). [www.hamilton-oh.gov/planningcommission]

- **Planning Commission Public Hearing notice (Rezoning):**

At least ten (10) days' notice of the time and place of such hearing shall be mailed to property owners within five-hundred (500) feet of the subject property or area to be rezoned.

- **City Council Public Hearing notice (Zoning Text Amendments & Rezoning):**

At least fifteen (15) days' notice of the time and place of such hearing shall be published on the [City of Hamilton's website](http://www.hamilton-oh.gov/planningcommission). [www.hamilton-oh.gov/planningcommission]

4401 Procedure.

- (A) Procedure for proposals respecting changes in zoning district designation or for designating a parcel(s) as being a Historic District or a Flood Zone. The City Council may, from time to time, on it's own motion, by a recommendation of the Planning Commission, or by public request to City Council, after public notice and hearings, as provided by law and after report by the City Planning Commission, to be made within sixty (60) days after the certification of it by the Clerk of Council, amend, supplement, or change the District boundaries or regulations herein or subsequently established. In case the proposed amendment, supplement, or change be disapproved by the Planning Commission, such amendment shall not take effect unless passed by not less than three-fourths (3/4) of the full membership of the Council. Regardless of the recommendation of the Planning Commission, the presentation of a written protest to the amendment, duly signed by the owners of fifty-one (51%) percent or more of the lots or parcels included in the proposed change, or of the lots or parcels immediately adjacent thereto, in the rear thereof or directly opposite thereto, but in no case less than the owners of two such lots, such amendment shall not be passed except by the favorable vote of three-fourths (3/4) of the full membership of Council. Failure of the City Planning Commission to report to Council within the sixty (60) days aforesaid shall be deemed to be an approval of such amendment.

(B) Procedure for proposals respecting changes/redelineation of WHPA Designation: Any change in the boundary of a WHPA resulting from redelineation of a WHPA shall be effective after approval of the redelineation by means of a Zoning Amendment as provided for in Chapter 4400 herein. Public notice of the change shall be provided in accordance with requirements for the City of Hamilton but shall include no less than notification through publication of the change for one (1) day in at least one (1) newspaper with general circulation in the community; and notification via first class mail to those regulated facility operators in the pre-existing WHPA whose location in a TOT zone has changed as a result of the redelineation and any non-residential property owners in the newly delineated portions of the updated WHP. Said notification shall be mailed, via first class mail, no less than thirty (30) days prior to the public hearing date and the notification shall be in the form of a letter stating the results of the redelineation and any subsequent change in the facility's regulatory status.

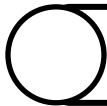
(1) Where an existing facility required to comply with the provisions set forth herein is no longer located in a WHPA as a result of the redelineation, the facility is no longer subject to compliance with [Chapter 940](#) and Chapter 1128 of the Hamilton Codified Ordinances.

(2) Any facility previously located outside the boundary of the WHPA that is located inside the boundary of the WHPA as a result of the redelineation must be registered in accordance with [Chapter 940](#) of the Hamilton Codified Ordinances and must comply with all provisions required of existing facilities for the TOT zone in which the facility is located as applicable and in accordance with the time frames specified for those applicable provisions.

(3) Any registered facility whose classification within a TOT zone is changed to a different TOT zone as a result of the redelineation must submit an amended facility registration to the Building and Zoning Administrator or his designee in accordance with [Chapter 940](#) of the Hamilton Codified Ordinances and must comply with those provisions required of existing facilities as applicable for the new TOT zone in which that facility is now located in accordance with the time frames specified for those applicable provisions.

(C) Procedure for Proposals Respecting Designation as or Removal of a Designation as a Historic Preservation District: The following procedures shall be used by Council when considering a recommendation(s) made as a result of an application to designate property as or to remove the designation of property as a Historic Preservation District.

(1) When Council receives an Architectural Design Review Board recommendation upon an application to designate property as or to remove the designation of property as a Historic Preservation District, which application does not include or require a zoning district change, upon receipt of the Architectural Design Review Board's recommendation Council shall schedule and conduct a public hearing in accordance with [4400](#). Following the public hearing, Council may approve, disapprove, or amend the Architectural Design Review Board's recommendation. If the Architectural Design Review Board's recommendation was opposed to granting the application, the application in its original or as amended by Council shall not take effect against the recommendation of the Architectural Design Review Board unless it is approved by not less than three-fourths (3/4) of the full membership of Council. Regardless of the recommendation of the Architectural Design Review Board, if a written protest to the application, which is signed by the owners of fifty (50) percent or more of the lots or parcels included within or immediately adjacent to the affected property, (but in any case never less than the owners of two affected lots) is presented to Council, then the application shall not take effect unless it is approved by not less than three-fourths (3/4) of the full membership of Council.



(2) When an application to designate property as or to remove the designation of property as a Historic Preservation District also includes or requires a zoning district change, upon receipt by Council of the Architectural Design Review Board and Planning Commission's recommendations Council shall schedule and conduct a public hearing in accordance with Section [4400](#). Such hearing may combine both the Historic District and Zoning District aspects of the application or they may be separately considered. Following the public hearing(s), Council shall separately consider and approve, disapprove or amend the Architectural Design Review Board and Planning Commission's recommendations. The Planning Commission's recommendation shall be considered and approved or disapproved in the manner provided by Section [4401 \(A\)](#). The Architectural Design Review Board's recommendation shall be considered and approved, disapproved, or amended in the manner provided by subsection [4401 \(B\)](#) above.

4402 Pre-Application Conference: There shall be a pre-application conference between the Planning Director, or designee, and the party desiring a rezoning of property. The matter may be submitted to the Planning Commission upon payment of fees.

4403 Schedule Of Fees, Charges And Expenses

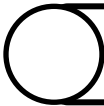
The City Council shall establish a schedule of fees, charges and expenses, and a collection procedure for Certificates of Zoning Compliance, appeals, and other matters pertaining to this Ordinance. This schedule of fees shall be posted in the office of the City Manager or Designee, and may be altered or amended only by the City Council.

No certificate, conditional permit, or variance shall be issued unless or until such costs, charges, fees or expenses have been paid **in full**, nor shall any action be taken on proceedings before the Board of Zoning Appeals unless or until preliminary charges and fees have been paid in full.



4500 FEE SCHEDULE

- 4501** Certificate of Zoning Compliance. The following nonrefundable fees shall be paid at the time of application to the City of Hamilton for a review for Zoning Compliance as follows:
- (1) One hundred and fifty (\$150.00) dollars for a new residential building plus \$25.00 per each dwelling unit more than a single-family;
 - (2) Thirty Dollars (\$30.00) for an addition or alteration to a residential building or construction of an accessory building.
 - (3) Certificates of Zoning Compliance
 - a. Fifty Dollars (\$50.00) for an existing building with a new use;
 - b. Twenty Five Dollars (\$25.00) for an existing building with a new commercial use in a City designated special purpose district.
 - (4) Two hundred (\$200.00) for any new building that is regulated by the Ohio Building Code plus \$10.00 for each additional 10,000-sq.ft. or portion thereof over 20,000-sq.ft.
 - (5) One hundred (\$100.00) for alterations or additions to a building regulated by the Ohio Building Code.
 - (6) Sign Permits
 - a. Fifty Dollars (\$50.00) for any permanent sign application.
 - b. Twenty Five (\$25.00) for any permanent sign in a City designated special purpose district.
 - c. No zoning fee is charged for an iconic sign in the designated Iconic Signage Incentive District.
 - (7) No zoning fee is charged for any temporary sign application.
 - (8) Thirty Dollars (\$30.00) for any temporary tent, shelter or trailer.
 - a. No fee for religious institutions, primary & secondary schools, non-profits, colleges/universities, and special events.
 - (9) Fifty Dollars (\$50.00) for a Home Occupation Approval.
 - (10) One Hundred Dollars (\$100.00) for a Floodplain Development Permit Application.
- 4502** Appeal to Board of Zoning Appeals. The following nonrefundable fees shall be paid to the City of Hamilton by an appellant when an appeal is filed with the Board of Zoning Appeals:
- (1) Two hundred (\$200.00) dollars for an appeal to a variance.
 - (2) Fifty (\$50.00) dollars for an appeal for an Iconic Sign, as defined as a sign that visually depicts the nature of the business, goods or services that the business provides through unique shape and any combination of color, lighting, movement or history.
 - (3) No fee is charged for an appeal to a Zoning Enforcement Citation.
 - (4) No fee is charged for an appeal to an ADRB decision.



- 4503** Conditional Use Certificate. A nonrefundable fee of Two Hundred Dollars (\$200.00) shall be paid to the City of Hamilton by an applicant when an application is filed for a conditional use certificate.
- 4504** Conditional Use Certificate with Variance: A nonrefundable fee of Two Hundred Dollars (\$200.00) shall be paid to the City of Hamilton by an applicant when an application is filed for a conditional use certificate.
- 4505** Rezoning Request. A nonrefundable fee of Five-Hundred Dollars (\$500.00) shall be paid to the City of Hamilton by an applicant when an application for a rezoning is filed.
- 4506** Construction Plan Review. A nonrefundable fee of Five-Hundred Dollars (\$500.00) shall be paid to the City of Hamilton by an applicant when an application for a Construction Plan Review is filed.
- 4507** Preliminary Plat Approval. A nonrefundable fee of Five-Hundred Dollars (\$500.00) shall be paid to the City of Hamilton by an applicant when an application for a Preliminary Subdivision Plat Approval is filed.
- 4508** Final Plat Approval. A nonrefundable fee of Five Hundred Dollars (\$500.00) and an additional Forty Dollars (\$40.00) per lot shall be paid to the City of Hamilton by an applicant when an application for a Final Subdivision Plat Approval is filed.
- 4509** Preliminary Planned Unit Development Approval. A nonrefundable fee of Five Hundred Dollars (\$500.00) shall be paid to the City of Hamilton by an applicant when an application for a Preliminary Planned Unit Development Plan is filed.
- 4510** Final Planned Unit Development Approval. A nonrefundable fee of Five Hundred Dollars (\$500.00) shall be paid to the City of Hamilton by an applicant when an application for a Final Planned Unit Development Plan is filed.
- 4511** Departure From to Final Planned Unit Development Plan.
- a) A nonrefundable fee of Five Hundred Dollars (\$500.00) shall be paid to the City of Hamilton by an applicant when a Major Departure to any Planned Unit Development is filed.
 - b) A nonrefundable fee of Two Hundred and Fifty Dollars (\$250.00) shall be paid to the City of Hamilton by an applicant when a Minor Departure to any Planned Unit Development Plan is filed.
 - c) A nonrefundable fee of One Hundred and Fifty Dollars (\$150.00) shall be paid to the City of Hamilton by an applicant when an Administrative Departure to any Planned Unit Development Plan is filed.
- 4512** Approval of Right of Way Dedication Plat A nonrefundable fee of Three Hundred Dollars (\$300.00) shall be paid to the City of Hamilton by an applicant when an application for a Right of Way Dedication Plat Approval is filed.

4513 Certificate of Appropriateness. A nonrefundable fee of One Hundred Dollars (\$100.00) for a Certificate of Appropriateness for work performed on a commercial property and Fifty Dollars (\$50.00) for a Certificate of Appropriateness for work performed on a residential property will be required when the subject property is located in an Architectural Conservation/Historic District, or is listed on the State of Ohio Historic Inventory that is not considered an Administrative Approval (Section [2602](#), Subsection 11) or is a return to original historic materials (Section [2610](#)). There is no fee for Administrative Approvals, the scope of which are defined in the ADRB Policies and Guidelines.

4513.1 Additional fee for Non-Historic work or proposal

Any COA Application seeking a Certificate of Appropriateness for the replacement of wood windows or wood siding with vinyl, aluminum or other artificial product will be assessed an additional fee:

Fifty Dollars (\$50.00) for a Residential property

One Hundred Dollars (\$100.00) for a Commercial property

4513.2 Penalty for Work Without a Certificate of Appropriateness

Any applicant seeking a Certificate of Appropriateness after the proposed exterior work, or any other exterior work, to the structure is already in progress or complete, without an issued Certificate of Appropriateness, will be assessed an additional fee. This includes when an applicant obtains a Certificate of Appropriateness but the work thereafter performed differs from the work approved. Additional fees pursuant to this Section may be charged for each type of work completed:

First Occurrence:

- One Hundred Dollars (\$100) for a Residential property
- Two Hundred Dollars (\$200) for a Commercial property

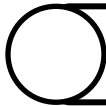
Second Occurrence/Multiple Occurrences:

- Three Hundred Dollars (\$300) for Residential Property
- Six Hundred Dollars (\$600) for Commercial Property

4514 Addition or Removal from Architectural Conservation / Historical District. A nonrefundable fee of Three Hundred Dollars \$300.00 dollars shall be paid to the City of Hamilton upon the filing of an application to designate property as or remove the designation of property as a Historic Preservation District. One Hundred Dollars \$100 dollars shall be paid to the City of Hamilton upon the filing of an application to designate a Commercial property as a Historic Preservation District. Fifty Dollars \$50 dollars shall be paid to the City of Hamilton upon the filing of an application to designate a residential property as a Historic Preservation District.

4515 Request for Vacation of Public Right of Way. A nonrefundable fee of Three Hundred Dollars (\$300.00) shall be paid to the City of Hamilton by an applicant when an application for a Vacation of Public Right of Way is filed. The applicant will pay for the costs associated with public notice of the vacation of the Public Right of Way as well.

4516 Request for Lot Split or Combination A nonrefundable fee of One Hundred Dollars (\$100.00) shall be paid to the City of Hamilton by an applicant when an application for a lot split or lot combination is filed.



- 4517** Telecommunications Registration Fee. A nonrefundable fee of Three Hundred (\$300.00) dollars shall be paid to the City of Hamilton when an application for installation of a new telecommunications tower or new telecommunications antenna on an existing tower or other structure is filed.
- 4517.1 Mobile Food Service/Temporary Food Service: A nonrefundable fee of (\$50.00) dollars shall be paid to the Planning Department of City of Hamilton when an application for a zoning administrative review to allow Mobile Food Service/Temporary Food Service on private property.
- 4518** Small Cell Facility Application Fee. A non-refundable fee of Two Hundred and Fifty (\$250.00) dollars shall be paid to the City of Hamilton when an application for installation of a new small cell facility or wireless support structure is filed.
- 4519** Specific Use Approval. A nonrefundable fee of Two Hundred Dollars (\$200.00) shall be paid to the City of Hamilton by an applicant when an application for Specific Use Approval is filed.
- 4520** Pre-Application Meeting. There is no fee for a Pre-Application meeting. Pre-Application meetings are encouraged by the Planning Staff to address potential issues of the various types of Planning and Zoning Applications. For Conditional Uses and proposals involving Planned Developments, Pre-Application meetings are mandatory.
- 4521** Pre-Application Meeting With Planning Commission, Board of Zoning Appeals, or Architectural Design Review Board. Pre-application meetings with Planning boards are available to all applicants by request. The pre-application meeting will occur during a publicized board meeting and no vote will occur. There is no fee.
- 4522** Variance or Waiver to the Zoning Ordinance for a property zoned “PD”, Planned Development (RPD, OPD, BPD, IPD, EM-UPD). A nonrefundable fee of two-hundred dollars (\$200.00) shall be paid to the City of Hamilton by an applicant for an application for a Variance or Waiver or a property zoned “PD”.
- 4523** Tree Bank Fee. A \$500.00 fee per required tree shall be assessed for residential projects that cannot feasibly meet the tree planting requirements of the zoning ordinance as determined by the City of Hamilton Arborist.

SECTION II

Repeal Of Conflicting Ordinance: "Ordinance 7503 - Zoning Ordinance" being Sections 1101.01 to 1190.20 inclusive of the Codified Ordinances of the City of Hamilton and all amendments thereof or supplementary thereto are hereby repealed.

SECTION III

Effective Date: This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

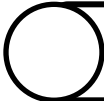
PASSED: 03.24.2021 PAT MOELLER
Mayor

ATTEST: Daniel Tidyman
City Clerk

The undersigned does hereby certify the foregoing to be a true and correct copy of Ordinance No. 7503, passed by the Council of the City of Hamilton, Ohio, on March 24, 2021.

Daniel Tidyman
City Clerk, March, 24, 2021
City of Hamilton, Ohio

Amendments passed by the Council of the City of Hamilton on various dates are included herein and kept on file with the Clerk of City Council.



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APPENDIX
DIAGRAMS AND FIGURES