ZONING RESOLUTION

For The Unincorporated Territory of Hamilton County, Ohio

HAMILTON COUNTY
STATE OF OHIO

ZONING RESOLUTION
For the
UNINCORPORATED TERRITORY
Of
HAMILTON COUNTY, OHIO

Adopted by the Board of County Commissioners
Of
Hamilton County, Ohio

WITH REVISIONS EFFECTIVE

OCTOBER 18, 2013

HAMILTON COUNTY, OHIO

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CHAPTER 1

PURPOSE, TITLE, APPLICABILITY, INTERPRETATION AND LEGAL EFFECT

1-1 AUTHORITY AND PURPOSES.

This Resolution is adopted pursuant to the authority granted to the County by Chapter 303 of the Ohio Revised Code for the following purposes (without indicating order or priority): To promote the public health, safety, morals, and general welfare of the County;

a. To help secure safety from fire, flood, panic and other dangers;

b. To enable the County to implement adopted objectives and policies related to land use;

c. To facilitate implementation of County and township land use plans duly adopted by the Regional Planning Commission;

d. To facilitate revitalization and redevelopment of blighted areas by zoning for more appropriate uses;

e. To encourage compatibility between different proposed land uses in the County and to protect the character of existing residential, office, commercial and industrial development areas of the County from the encroachment of incompatible uses.

f. To conserve and protect property and property values.

g. To secure the most appropriate use of land.

h. To facilitate adequate but economical provision of public improvements.

1-2 TITLE.

This resolution shall be known and may be cited and referred to as the "Hamilton County Zoning Resolution," "Zoning Resolution" or "Resolution".

1-3 JURISDICTION.

These provisions shall apply to all unincorporated land areas of Hamilton County that are subject to County zoning pursuant to voter approval in accordance with the requirements of the Ohio Revised Code. Those areas are indicated on the Official Zoning District Map(s) on file with the office of the Hamilton County Rural Zoning Commission.

1-4 INTERPRETATION.

The provisions of this Resolution shall be construed to achieve the purposes for which they are adopted. In interpreting and applying the provisions of this Resolution, these provisions shall be held to be the minimum requirements for the promotion of public health, safety, morals, convenience, comfort, prosperity and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any easements, covenants, building restrictions or other agreements between parties. However, where this Resolution imposes a greater restriction upon the use of buildings or premise or upon the height of buildings, or requires larger open spaces than are imposed or required by other laws, rules, regulations or permits, or by easements, covenants, building restrictions or agreements, the provisions of this Resolution shall govern. For the purposes of this Resolution, the following additional rules of interpretation shall apply:

a. In the event of a conflict between the text of these provisions and any caption, figure, illustration, table, or map, the text of these provisions shall control.

b. The words "shall", "must", and "will", as used in these provisions, are mandatory and indicate an obligation to comply with the particular provisions to which they apply.

c. The word "may" as used in these provisions is permissive.

d. Words used or defined in one tense or form shall include other tenses and derivative forms.

e. Words used in the singular shall include the plural and words used in the plural shall include the singular unless the context of the particular usage clearly indicates otherwise.

f. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

g. Headings and captions used throughout this resolution are for convenience and reference only and shall in no way be held to explain, modify, amplify, or aid in the interpretation or meaning of any provision in this resolution. Statements of intent or purpose statements used throughout this resolution are for general information only and shall in no way be held to be requirements or standards.

1-5 SEVERABILITY.

It is hereby declared to be the intent of the County that nothing in this Resolution shall be construed to conflict with the laws of the State of Ohio or to limit additional requirements, if any, imposed by law. This Resolution and the various articles, sections, paragraphs, sentences, clauses or phrases are severable. If any article, section, paragraph, sentence, clause or phrase of this Resolution shall be declared unconstitutional by the decree of any court of competent jurisdiction, such constitutionality shall not affect any of the remaining articles, sections, paragraphs, sentences, clauses or phrases of this Resolution.

1-6 REPEAL OF PREEXISTING ZONING RESOLUTION AND ESTABLISHMENT OF ZONING DISTRICTS.

a. The Zoning Resolution adopted by the Board of County Commissioners on August 10, 1949 and as amended April 27, 1994, together with all Zoning District Maps which are a part of such Resolution, is hereby superseded and amended to read as set forth in this Resolution. However, this Resolution, including the Zoning District Maps, shall be deemed a continuation of the previous Resolution and not a new enactment, insofar as the substance of revisions of the previous Resolution are included in this Resolution, whether in the same or different language. This Resolution shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by the previous Resolution, to questions of conforming and nonconforming uses, buildings and structures, and to questions as to the dates upon which such uses, buildings or structures become conforming or nonconforming.

b. To the extent that this Resolution reestablishes zoning districts of the same land use category and with the same district designation and names, these districts and their boundaries as indicated on the Zoning District Maps under the preexisting Zoning Resolution shall be deemed as continuing until such time as they may be amended pursuant to the provisions of this Resolution. Zoning districts which are not reestablished by this Resolution, as indicated on Table 1-6, are hereby repealed and shall be indicated as repealed on the Zoning District Maps as of the effective date of this Resolution.

c. To the extent that this Resolution establishes zoning districts of the same land use category, but different names from those under the preexisting Resolution, these new district names shall replace the old zoning district names on the Zoning District Maps in accordance with Table 1-6, but shall retain their existing boundaries.

d. Zoning districts established by this Resolution in addition to the zoning districts established under the preexisting Zoning Resolution are indicated in Table 1-6 and shall become effective upon the adoption of such Zoning District Map amendments by the Board of County Commissioners as are necessary to give effect to the new districts.

e. The Planned Unit Development (PUD) Overlay District as provided for in Chapter 18 is hereby adopted as a zoning district map amendment to the official zoning map and is applicable to all land within the jurisdiction of these regulations in accordance with the provisions of Chapter 18 and Section 3-2.

TABLE 1-6
DISTRICT EQUIVALENCIES, DELETIONS AND ADDITIONS

ZONING RESOLUTION DISTRICTS REESTABLISHED AND ESTABLISHED		PREEXISTING ZONING RESOLUTION DISTRICTS	
Residential Districts		**Residential Districts**	
AA	Residential	"AA"	Residential District
A	Residential	"A"	Residence District
A-2	Residential	"A-2"	Residence District
B	Residential	"B"	Residence District
B-2	Residential	"B-2"	Residence District
C	Residential	"C"	Residence District
D	Residential, Multi-Family	"D"	Residence District
MHP	Manufactured Home Park	"MHP"	Mobile Home Park District
Commercial Districts		**Office and Commercial Districts**	
O	Office	"O"	Office District
E	Retail Business	"E"	Retail Business District
Industrial Districts		**Industrial Districts**	
F	Industrial, Light	"F"	Light Industrial District
G	Industrial, Heavy	"G"	Heavy Industrial District
Overlay Districts		**Overlay Districts**	
PUD	Planned Unit Development (B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)	"FPM"	Flood Plain Management District (Repealed)
Special Public Interest Districts		**Special Public Interest Districts**	
SPI-NR	Special Public Interest-Natural Resource	NONE	
SPI-NQ	Special Public Interest-Neighborhood Quality		
SPI-SC	Special Public Interest-Suburban Center/Corridor		
SPI-SV	Special Public Interest-Suburban Village		
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)			
Special Purpose Districts		**Special Purpose Districts**	
H	Riverfront	"H"	Riverfront District
EX	Extraction		
SW	Solid Waste Facility	"EF"	Excavation and Landfill District
Specific Plan Districts		**Planned Districts** (see Section 3-4)	
CUP	Community Unit Plan Overlay District	"CUP"	Community Unit Plan Overlay District
DD	Planned Multiple Residence District	"DD"	Planned Multiple Residence District
OO	Planned Office District	"OO"	Planned Office District
EE	Planned Business District	"EE"	Planned Business District
FF	Planned Light Industrial District	"FF"	Planned Light Industrial District
GG	Planned Heavy Industrial District	"GG"	Planned Heavy Industrial District

1-7 REDEVELOPMENT EXCEPTION.

To the extent that this Resolution establishes new standards for landscape, buffers, building heights, building setbacks and yard requirements, such new standards, as specified in Section 1-7.2 below, shall not apply to the first redevelopment of developed sites when a zoning certificate was issued prior to 10/25/96. Redevelopment shall include the following whenever a zoning certificate is required:

a. additions or expansions or reconstruction of, any existing use,

b. the change of an existing use to another use permitted in the existing zone district, or

c. the expansion of any existing vehicular use area for a permitted use lawfully established prior to 10/25/96.

In order to utilize a Redevelopment Exception, the owner of such use must demonstrate, through the submission of a redevelopment plan in accordance with Chapter 20 (zoning certificate, general application procedure and fees), that the proposed redevelopment, expansion or other construction activity meets all of the criteria in Section 1-7.1.

1-7.1 Redevelopment Exception Criteria.

Any proposed redevelopment shall be permitted without full compliance with this Zoning Resolution as provided in Section 1-7.2 if the redevelopment meets the following criteria:

a. The proposed redevelopment must be located on a site that is five (5) acres or less, if any building is proposed to be expanded or reconstructed (this maximum site size is not applicable if the proposed redevelopment or construction activity is limited to expansion of a vehicular use area without any building additions, expansion or reconstruction);

b. The proposed redevelopment must not result in more than a twenty percent (20%) increase of required parking spaces (as measured under Chapter 12 (Vehicular Use Areas) of this Zoning Resolution for the existing and proposed use);

c. The proposed redevelopment must not result in more than fifty (50) additional parking spaces being constructed;

d. The proposed redevelopment exclusively must be only for a use currently permitted as-of-right or permissible as a PUD or conditional use in a zone district that is not a Specific Plan District (previously referred to as Planned Districts);

e. The proposed redevelopment must conform to the Standards for Redevelopment exceptions in Section 9-6; and

f. The proposed redevelopment must result in the first issuance of a Zoning Certificate on the site (including all contiguous parcels under the same ownership at the time of application) since 10/25/96 and a complete Zoning Certificate application must be filed prior to October 25, 2006.

1-7.2 Exceptions Authorized.

Redevelopment in accordance with the criteria in Section 1-7.1 shall be exempt from the following provisions of this Zoning Resolution:

a. Section 4-3 (Multi-Family Residential District), Chapter 5 (Office and Retail Business Districts), Chapter 6 (Industrial Districts), and Chapter 7 (Special Purpose Districts) where such standard in any of these chapters is inconsistent with the Dimensional Standards for Redevelopment (which establishes previously adopted height and setback requirements) listed in Section 9-6 (Uses permitted as-of-right or permissible as a PUD or Conditional Use in single family districts are not entitled to the redevelopment exception);
(B.C.C. Resolution #1007, Effective March 5, 1999)

b. Section 10-9 (Drive-In or Drive-Through Service Windows);

c. Section 12-6 (Landscaping for Vehicular Use Areas);

d. Section 12-8 (Off-Street Loading Requirements);

e. Chapter 14 (Buffer Yards and Resource Protection); and

f. Chapter 15 (General Landscape Material Standards).

The opportunity to redevelop without being subject to application of the entirety of this Zoning Resolution is provided only once for each eligible site. Developments to which the entire Zoning Resolution does not apply will be issued a "Redevelopment Zoning Certificate" as provided in Chapter 20. Additional modifications may be requested through variance or PUD application.

1-8 INITIAL EFFECTIVE DATE.

This Resolution shall be in full force and effect from and after the earliest period allowed by law and, in accordance with Section 1-6, shall supersede the regulations and Zoning District Maps of the Zoning Resolution initially effective on dates as indicated below, and as subsequently amended. The regulations and Zoning District Maps of the Zoning Resolution shall be in full force and effect in the following townships from and after the earliest period allowed by law:

- COLUMBIA Effective 11/16/49
- GREEN Effective 11/17/52 except precincts that have adopted township zoning
- HARRISON Effective 11/21/77
- MIAMI Effective December 31, 1960 Precincts A, B, and C as delineated on the initial effective date
  Effective November 20, 1974 Columbia Park Precinct as delineated on the initial effective date

This Resolution is not in effect in the following unzoned territory of unincorporated Hamilton County:

- Whitewater
- Miami Effective November 21, 1977 Cleves Outside Precinct,
  Repealed County Zoning on November 17, 1980

This Resolution is not in effect in the following unincorporated territory of Hamilton County where zoning is regulated by Townships:

- Anderson Adopted County Zoning on 11/16/49, Repealed County Zoning on November 17, 1987
- Colerain Adopted County Zoning on 11/16/61, Repealed County Zoning on November 22, 1994
- Crosby Adopted Township Zoning on November 23, 1974
- Delhi Adopted County Zoning on 11/13/59, Repealed County Zoning on November 29, 1974
- Green Adopted Township Zoning Precincts C, J, V, EE as delineated on November 15, 1953
- Springfield Adopted County Zoning on 11/16/49, Repealed County Zoning on November 30, 2004
  Repealed County Zoning on May 23, 1970 Precincts H, J, M, Z, SS,
- Sycamore Adopted County Zoning on 11/16/49, Repealed County Zoning on November 18, 1998
- Symmes Adopted County Zoning on 11/16/49, Repealed County Zoning on November 21, 1996

(B.C.C. Resolution #1007, effective March 5, 1999)

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CHAPTER 2

DEFINITIONS

2-1 DEFINITIONS GENERALLY.

For the purposes of this Resolution, certain terms and words are defined and are used in this Resolution in that defined context. Any words not herein defined shall be construed as defined in the Hamilton County Building Code and in normal dictionary usage.

2-2 ADDITIONAL DEFINITIONS.

Additional definitions relating to specific portions of this Resolution are found in Chapter 13 (Signs).

2-3 DEFINITIONS.

For the purposes of this Resolution, the following terms shall have the following meanings:

A

ABUTTING. Having a common border with, or being separated from such common border by, an alley or easement.

ACCESSORY APARTMENT. A single dwelling unit apartment intended for use as a complete independent living facility that is in the same structure as, under the same ownership as, and subordinate to a residence constructed as a single-family residence, and with one of the two dwelling units occupied as the principal residence of the owner.

ACCESSORY USE OR STRUCTURE. An accessory structure or use: (1) is subordinate to and serves a principal building or a principal use; (2) is subordinate in area, extent and purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and (4) is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this Resolution. An accessory structure attached to a principal building in a substantial manner by a shared interior wall between the structures or extension of the principal building roof shall be considered part of the principal building.
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

ADJUSTMENT (OF PLANS). A change in the development plan wherein written conditions or recorded easements are not modified and the revised (adjusted) plan is in substantial conformity with the intent of the previously approved plan (PUD's, S-PUD's, SPI's and ZCP's).
(B.C.C. Resolution #980, effective August 2, 1997)

ADMINISTRATIVE OFFICIAL. Primary responsibility for administering the duties of the Hamilton County Regional Planning Commission and Rural Zoning Commission as required by this Resolution may be assigned to one or more individuals by the administrative head (Secretary/Executive Director) of the Hamilton County Regional Planning Commission and Rural Zoning Commission. The staff person or persons to whom such administrative functions are assigned shall be referred to in this resolution as the "Administrative Official." (See responsibilities in Section 19-6)

AGGRIEVED PARTY OR PERSON. Any owner of a legal or equitable interest in property on which development proposed under these regulations has been denied approval, or any person whose legal right has been invaded or infringed or whose pecuniary interest is directly affected, as distinct from any damages to the rest of the community, by a government act complained of.

AGRICULTURE, RURAL. (1) Farming, ranching or pasturage; (2) Agriculture, aquaculture and fishing lakes, horticulture, ornamental horticulture, floriculture, viticulture and wine-making, olericulture, pomiculture; (3) Production or cultivation of land for mushrooms, timber, nursery stock, sod, tobacco, field crops, and without

limitation, other such agricultural and horticultural commodities; (4) Dairying, and dairy production; (5) Animal or poultry husbandry, and the production of poultry and poultry products, livestock, equine or forbearing animals, and wildlife native to this state, including breeding, raising, shearing, grazing or other feeding; (6) Beekeeping and related apiarian activities and the production of honey, beeswax, honeycomb, and related products; (7) Any activities listed in (1)-(6) above when carried on by agriculturally oriented groups such as 4-H Clubs, Future Farmers of America; (8) On-site storing, handling, and processing incidental to the production of the foregoing agricultural or horticultural products or commodities; (9) Accessory uses and activities directly related to any of the activities listed in (1)-(8) above including wholesale selling of products, commodities and animals; (10) Farm markets where fifty per cent or more of the gross market income is derived from produce raised on farm(s) owned or operated by the market owner, in a normal crop year. The term "rural agriculture" shall not include suburban agriculture.

AGRICULTURE, SUBURBAN. (1) Farming, pasturage, horticulture, floriculture, or viticulture on lots of one acre or less in platted subdivisions, or in unplatted subdivisions with 15 or more lots that are contiguous or separated only by right-of-way, where at least 35% of the lots are developed; or (2) dairying, and animal or poultry husbandry on lots of five acres or less in any platted subdivision, or in any unplatted subdivision resulting in 15 or more lots, each smaller than five acres and contiguous or separated only by right-of-way, where at least 35% of the lots are developed.

AIRPORT. A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land.

ALLEY. A public or private way which is less than thirty (30) feet wide, is dedicated for public use by vehicles and pedestrians and which affords only a secondary means of access to abutting property.

APIARIST. See Beekeeper.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

APIARY. The assembly of one or more colonies of bees at a single location.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

APICULTURE. The cultivation of bees for purposes of producing honey.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

ATHLETIC/PLAY FIELD, PRIVATE. An outdoor athletic field or play field operated by a nonprofit club, association, or other nonprofit organization.

AUDITORIUM. A room, hall, or building used for public gatherings.

B

BAR. A use primarily functioning as an alcoholic beverage consumption establishment or tavern, serving customers on the premises.

BASEMENT. A story having more than one-half (½) its height above grade. A basement is counted a story for the purpose of height regulation.

BED AND BREAKFAST. A private owner-occupied residence with one to three guest rooms contained within that structure and operated so that guests reside at the home for not longer than two continuous weeks. No kitchen facilities may be provided for use by guests.

BEEKEEPER. A person who keeps honey bees, specifically a person who cares for one or more colonies of honey bees for commercial or agricultural purposes.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

BOARD. The Board of County Commissioners of Hamilton County.

BOARDING HOUSE. A building other than a hotel where meals only or lodging and meals are provided for compensation for three (3) but not more than twenty (20) persons.

BOARD OF ZONING APPEALS (BZA). The Hamilton County Board of Zoning Appeals as established by this Resolution.

BREWERY. A large-scale facility for the brewing of beer for sale on the premises, as well as for off-site sales and distribution, that produces more than 10,000 barrels of beverage annually and may include a restaurant/bar space, tasting room or retail sales.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

BUFFER OR BUFFERYARD. An area of healthy and viable vegetation, natural or planted, adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening and softening the effects of the land use. No part of this buffer is to be used for active recreation, parking, or interior access drives. A buffer may include a wall, fence or berm, connecting driveways, underground utilities and permitted signage as provided in accordance with the provisions of Chapter 14 or any other related chapter.

BUFFER, BOUNDARY. A linear area adjacent to the side and/or rear property line that is set aside to separate, screen, and soften the detrimental impacts of different uses or intensities upon one another and upon the surrounding neighborhood.

BUFFER, STREETSCAPE. A linear area adjacent to the front property line extending from side lot-line to side lot-line that is set aside to shield or enhance views into the parking lot, establish coordination among diverse buildings, setbacks and uses, to define the street and access points, to retain the quality of the environment by providing appropriate vertical mass in keeping with dimensions of horizontal voids, and to diminish the presence of wires/poles, lights and other clutter along the public right-of-way.

BUILDABLE AREA. Space remaining on a lot after the minimum zoning requirements for yards, setbacks, coverage and allowances for panhandles, easements and restrictions have been met.

BUILDING. A temporary or permanent structure having a roof supported by walls and which can be used for the shelter, housing, or enclosure of persons, animals, motor vehicles, boats and other goods.

BUILDING, HEIGHT OF. The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs excluding elevator shafts, chimneys and other structures.

BUILDING LINE. The line indicating the minimum horizontal distance required between the street right-of-way line and the building or any projection thereof other than a step or uncovered porch.

BUILDING, PRINCIPAL. A building containing the principal use of the lot.

BULK. The three dimensional space occupied by a structure or building, defined by its height, width, and depth.

C

CALIPER. A measurement of the size of a tree equal to the diameter of its trunk measured four (4) inches above natural grade for trees having calipers less than or equal to six (6) inches diameter; and measured as the diameter at breast height (DBH of 4 ½ feet above grade) for tree calipers greater than six (6) inches diameter.

CAMPGROUND. Any land or open-air location where one or more persons erect or occupy a temporary shelter, such as a tent or recreational vehicle, providing outdoor recreational facilities, for a temporary period of time; includes camps and summer camps.

CANDLEPOWER. The total luminous intensity of a light source expressed in foot-candles measured at ground level. Maximum (peak) candlepower is the largest amount of foot-candles emitted by any lamp, light source, or luminaries.

CELLAR. A story having more than one-half (½) of its height below grade. A cellar is counted as a story for the purpose of height regulation only if used for purposes other than storage, utilities or the quarters of a janitor or watchman employed on the premises.

CEMETERY. An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals, and for the erection of customary markers, monuments, and mausoleums.

CHICKEN, SUBURBAN: Domestic fowl that produces eggs not including game birds, exotic fowl or large fowl such as emus, ostrich or turkey.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

CHURCH / PLACE OF WORSHIP. A building used principally for religious worship.

CLINIC, MEDICAL, DENTAL, OR OPTICAL. A use or structure intended or used primarily for the testing and treatment of human medical, dental, or optical disorders, but not including overnight boarding of patients.

CLUB. A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, recreational, charitable, political, patriotic or athletic purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

CLUB, PRIVATE. Lands and facilities operated by or for a group or association of persons, and their guests, which are not available for unrestricted public access or use.

COLLEGE OR UNIVERSITY. An institution of higher education authorized by the State to offer baccalaureate or graduate degrees.

COLONY. Colony or hive means an aggregate of bees consisting principally of workers but having, when perfect, one queen and drones, including brood, combs, honey and the receptacle inhabited by the bees.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

COMMERCIAL ACTIVITY. An occupation, employment or enterprise which is carried on for profit by the owner, lessee or licensee, except for activities carried on by a not-for-profit organization which utilizes the proceeds of such activities solely for the purposes for which it is organized.

COMMERCIAL, OFFICE. A use or structure where business or professional services are made available to the public, including but not limited to financial institutions, tax preparation, accounting, architectural, legal services, medical laboratories, optical laboratories , dental laboratories, psychological counseling, real estate and securities brokering, professional consulting services, and hotels and motels, but not including the cutting or styling of hair, or recreational facilities or amusements.

COMMERCIAL, RETAIL BUSINESS (SALES AND SERVICES). A building, property, or activity, the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer. In addition, it shall include the provision of personal services, including but not limited to barber shops, beauty parlors, laundry and dry cleaning establishments, tailoring shops, shoe repair shops and the like.

COMPOST BIN. A fixed or moveable structure made up of fencing or other material for the purpose of containing and cultivating compost.

CONDITIONAL USE. A use permissible within a district other than a principally permitted use, requiring application for a Conditional Use Certificate and approval by the Board of Zoning Appeals as stated in Chapter 17.

CONSTRUCTION DEBRIS. Those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including but not limited to houses, buildings, industrial or commercial facilities, or roadways and as regulated in the Ohio Revised Code.

CONTINUING CARE RETIREMENT FACILITY. A housing development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate housing (self-contained apartments), and medical care.

CORRECTIONAL FACILITY. A facility for the confinement of persons held in lawful custody.

CULTURAL FACILITY. Establishments providing cultural, historic, or educational services to the public and which are not operated for profit. Typical uses include museums, outdoor drama theaters (not drive-ins) , botanical gardens, and zoos.

D

DAY CARE, ADULT. A place that provides community based programs designed to meet the health, social and related needs of functionally impaired adults during daytime hours.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

DAY CARE CENTER, CHILD. Any place in which child day care is provided, with or without compensation, for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) or more children at one time or four (4) or more children under two years of age at one time. For the purposes of this definition, any children under six years of age who are related to the provider of child day care and who are on the premises shall be counted.

DAY CARE, CHILD TYPE A. A permanent residence of the administrator in which child day-care is provided for seven (7) to twelve (12) children at one time or for four (4) to twelve (12) children at one time if for the latter no more than four (4) children are under two years of age. Any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

DAY CARE, CHILD TYPE B. A permanent residence of the provider in which child day-care is provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two years of age at one time. Any children under six years of age who are related to the provider and who are on the premises shall be counted.

DAY CARE, HOUSEOLD PET. A structure or premises used for the training, exercising, attending to the care of, or any other animal husbandry activities for household pets with or without compensation during the day between the hours of 6:00 AM and 11:00 PM.
(B.C.C. Resolution HCRZC 2007-02; effective March 5, 2008)

DENSITY, GROSS. The quotient of the total number of dwelling units divided by the gross area of a site (including public rights-of-way), expressed in gross dwelling units per acre.

(total number of dwelling units ÷total gross acreage = gross density)

DENSITY, NET. The quotient of the total number of dwelling units divided by the area of the site consisting of the gross area minus the area for rights-of-way and easements for public streets expressed in net dwelling units per acre. For calculation of preliminary or conceptual plans where actual location and area of right-of-way is not yet determined, the net density shall be based on 82% of the gross area.

(total number of dwelling units ÷ total gross acreage less R.O.W. and easements for public streets = net density)

DEVELOPER. Any person seeking approval under these provisions for any form of development.

DEVELOPMENT. Any manmade change to improved or unimproved real estate that requires a Zoning Certificate or other approval under this Resolution.. For the purposes this Resolution, the following activities or uses shall be considered “development”:

a. The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water.

b. A change in the intensity of use of land such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

c. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land.

d. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

e. Subdivision of land.

"Development" includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, is not development. Reference to particular types of operations is not intended to limit the scope of this definition.

DEVELOPMENT PLAN, PRELIMINARY. A plan for the specific development and specific use of a parcel as a planned unit development pursuant to the requirements of Chapter 18, submitted prior to the submission of a final development plan and indicating such items and features as are required pursuant to the provisions of Chapter 18.

DIAMETER AT BREAST HEIGHT (DBH). A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4½) feet above natural grade.

DISTRICT, ZONING. A portion of the unincorporated territory of Hamilton County established pursuant to Chapter 3 within which certain regulations and requirements apply pursuant to the provisions of this Resolution. The administrative approval of planned unit developments (PUD-1 or PUD-2) within the Planned Unit Development Overlay District shall neither create a new district under the provisions of this Resolution nor be deemed an amendment to this Resolution for the purpose of Section 303.12 of the Ohio Revised Code.

DORMITORY. A building used as a group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, orphanage, convent, monastery or other similar institutional use.

DRAINAGEWAY. A minor watercourse identified by the presence of an intermittent or perennial waterway or by the presence of the following seasonally saturated soil types as identified by a soil survey prepared by the U.S. Department of Agricultural, Soil Conservation Service: Ave Silt Loam; Avonburo Silt Loam, Dana Silt Loam; Fincastle Silt Loam; Henshaw Silt Loam; Markland Silt Clay Loam; Patton Silt Clay Loam; Raub Silt Loam; Rossmore Silt Loam; Wakeland Loam; Xenia Silt Loam, and also including any area of less than one-quarter acre which meets the definition of a wetland as defined herein, except for size.

DRIP LINE. The perimeter of the circular area surrounding the trunk of a tree measured as one (1) foot of radius from the centerline of the trunk for each one (1) inch caliper or a vertical line extending from the outermost branches of a tree to the ground.

DRIVE, ACCESS. The connecting access linkage between any roadway and off-street parking area having no parking along the drive.

DRIVE, ENTRY. That part of an access drive leading to a vehicular use area that encompasses the first thirty feet from the right-of-way or easement of the street and a parking setback of eight feet from the curb or pavement of the drive.

DRIVE, PRIVATE. A shared means of vehicular ingress and egress located within an easement of access serving rear or panhandle lots, not dedicated to the County by recorded instrument, that is maintained by the party or parties using such private drive for private access.
(B.C.C. Resolution #1018, effective May 19, 2000)

DRIVEWAY. A private way, other than a street or alley, to one lot of record for the use of vehicles and pedestrians.

DRIVE-IN OR DRIVE-THROUGH FACILITY. An establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product or to be entertained while remaining in a motor vehicle on the premises.

DUMPSTER. A container having a capacity of at least one cubic yard used for the temporary storage of rubbish or materials to be recycled or donated pending collection.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

DWELLING. Any structure or portion thereof which is designed or used for residential purposes

DWELLING UNIT. A single unit of one or more rooms providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation, but not including a tent, cabin, recreational vehicle or other temporary or transient structure or facility. A Dwelling unit shall include a Modular Industrialized Unit but shall not include a Manufactured HUD Unit, a Mobile home or recreational vehicle and camping equipment or a Manufactured Home except “permanently-sited manufactured homes” that

conform to the requirements for permanently-sited manufactured housing as that term is defined in this chapter within the definition of "Residential, Single Family Dwelling Unit – Detached."
(B.C.C. Resolution #1018, effective May 19, 2000)

E

EASEMENT. A recorded right or privilege of a person, other than the owner or tenant, to use land for a specific purpose.

EASEMENT OF ACCESS. An easement for immediate or future use, to provide vehicular access and accommodation for utilities, from a street to a lot, a principal building or an accessory building.

EDUCATIONAL FACILITIES (PUBLIC AND PRIVATE). Any building used for education or instruction on an elementary or secondary level, approved under the regulations of the State

EQUINE. A horse, pony, mule or ass.

EFFECTIVE DATE. The date that amendments to this zoning resolution were effective.

EFFECTIVE DATE, INITIAL. The date that this zoning resolution was first established and in effect as specified in Section 1- 8 of this resolution.

F

FAMILY. A person or group of persons occupying a premises and living as a single housekeeping unit, including a "family home" as herein defined, but as distinguished from a group occupying a boarding house, fraternity/sorority house, hotel or other type of contractual living quarters.

FAMILY HOME. A residential facility shared by at least six (6) but not more than eight (8) mentally retarded or developmentally disabled individuals plus paid professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environment. This definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

FARM MARKET. The use of any land for a roadside produce stand where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed 800 square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of adjacent parcels in residence districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

FESTIVAL, TEMPORARY. A time of celebration, characterized by a program of cultural events or entertainment, which takes place for a specified, temporary duration.

FINANCIAL INSTITUTION. A building, property or activity, the principal use or purpose of which is the provision of financial services, including but not limited to banks, facilities for automated teller machines ("ATMs"), credit unions, savings and loan institutions and mortgage companies. "Financial Institution" shall not include any use or other type of institution which is otherwise listed in the Table of Permissible Uses for each category of zoning district or districts under this Resolution.

FLOODPLAIN. A floodplain is an area contiguous to a lake, pond, stream bed whose elevation is greater than the normal waterpool elevation but equal to or lower than the projected 100-year flood elevation. An inland depressional floodplain is a floodplain not associated with a stream system to which surrounding lands drain causing periodic inundation by storm waters. See definition of Special Flood Hazard Area.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

FLOOD FRINGE. The area of the base floodplain outside the floodway.

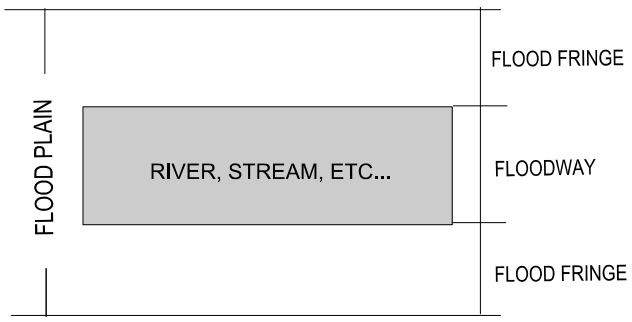

Figure: FLOODWAY, FLOOD FRINGE, & FLOODPLAIN

FLOOR. The top surface of an enclosed area in a building (including the basement), such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

FLOOR AREA, GROSS. The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures.

FLOOR AREA, NET. The sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl space or areas occupied by mechanical equipment, toilet or rest rooms.

FOOT-CANDLE. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) standard candle.

FOREST. An area with a minimum of 5 acres of continuous woods having a minimum 120 feet width, with at least 7% of the land area containing trees with a diameter breast height of four inches or more. (Source: Forest Tax Law of Ohio)

FRONTAGE, BUILDING. The length of an enclosed building facing a public or private street.

FRONTAGE, STREET OR LOT. The length of right-of-way or easement of access along the front yard(s) of a lot.

FURNACE, Outdoor. Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space.
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

G

GARAGE, PRIVATE. An accessory building or an accessory portion of the principal building, including a carport which is intended for and used for storing the privately owned motor vehicles, boats and trailers of the family or families resident upon the premises, is subordinate in area to the residential living quarters and in which no business, service or industry connected directly or indirectly with motor vehicles, boats and trailers is carried on.
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

GARAGE, STORAGE. Any building or premises used for storage of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

GOVERNMENT FACILITY. Any building or structure used by government for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials. Includes but not limited to police and fire stations, government buildings, and similar uses and facilities.

GRADE. A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet (1829 mm) from the building, between the building and a point six (6) feet (1829 mm) from the building.

GRANNY COTTAGE. Temporary detached living on a single-family lot subordinate in size, location, and appearance to the primary residence and providing complete housekeeping facilities for the exclusive use of the occupants. The owner of the principal residence and lot must live in one of the dwelling units on the lot and at least one occupant of the principal residence and one of the unit must be related by blood, marriage, adoption or other legal relationship.

GREENHOUSE. A glassed or translucent enclosure used for the cultivation or protection of plants.

GROUP HOME. A residential facility shared by nine (9) to sixteen (16) handicapped individuals plus paid professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environment. The definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

H

HALFWAY HOUSE. An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and rehabilitation for prison parolees and juveniles.

HANDICAP. With respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or being regarding as having such an impairment. This definition does not include current illegal use of, or addiction to, a controlled substance. As used in this definition, the following terms and phrases have the following meanings:

a. "physical or mental impairment". Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitourinary, hemic and lymphatic; skin; and endocrine; or

   Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific disabilities. The term "physical or mental impairment" includes but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism.

b. "major life activities". Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

c. "has a record of such an impairment". A history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

d. "is regarded as having an impairment".

   1. A physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;

   2. A physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

   3. Having none of the impairments defined in Paragraph (a) of this definition but is treated by another person as having such an impairment.

HELIPORT. A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair or maintenance of such aircraft or the sale of goods or materials to users of such aircraft.

HIVE. See Colony.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

HOBBY BREEDER. One who breeds occasional litters of dogs, cats, or other household pets for recreation and the primary purpose of, but not limited to, improving the physical and mental soundness of the breed and who may prove their breeding program by exhibiting in conformation, hunting, performance, or other tests.

HOME OCCUPATION. Any occupation or profession conducted entirely within a dwelling and carried on by the inhabitants thereof, and which is an accessory use clearly incidental and secondary to the use of the structure for dwelling purposes in connection with which there is no display that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. Home occupations shall not include any retail or wholesale business of any kind or any similar intensity of activities regardless of remuneration involving in-person transactions on the premises.

HONEY BEE. All life stages of the common domestic honey bee, Apis mellifera species.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

HOSPITAL. An institution providing health services and medical or surgical care to persons, primarily temporary in-patients, with illness, disease, injury, deformity, or other physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities. "Hospital" does not include institutions for the permanent care of, or occupation by, the poor, infirm, incurable or insane.

HOTEL OR MOTEL. A building containing more than four individual rooms for the purpose of providing, for periods not exceeding thirty days, overnight lodging facilities to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception.

I

IMPERVIOUS SURFACE. Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreational facilities. For the purposes of calculating the impervious surface ratio for determining the intensity of a use, pervious pavement or pavers, gravel, and other similarly paved areas shall be counted as 100% impervious.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

IMPERVIOUS SURFACE RATIO (ISR). The total area of impervious surfaces divided by the net area (excluding right-of-way) of the lot.

INDUSTRIALIZED UNIT (MODULAR). A modular structure which complies with the standards and specifications for Industrial Units of Closed Construction, as provided for by the Ohio Basic Building Code as amended and as authorized by the Board of Building Standards pursuant to Ohio Revised Code Section 3781.01 et seq. as amended and to which is affixed a permit, sticker, plate or other recognized, official identification indicating such compliance. The structure is composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

INDUSTRIAL USE. The assembly, fabrication or processing of goods and materials; or any operation or facility including buildings, equipment structures, or stationary items used for industrial purposes.

INDUSTRIAL, EXCAVATION/EXTRACTION USE. Any operation, including buildings, equipment, structures and other stationary items which are used for the extraction and processing of sand, gravel and other materials or the filling of land.

INDUSTRIAL, HEAVY. The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards, or that otherwise do not constitute “light industrial,” or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the property. “Heavy industrial” shall include, but not be limited to, the production of alcohol, vinegar, pickles, alcoholic beverages, corrosive acids or alkalis, explosive or corrosive gasses, turpentine or thinner, asphalt bleaching agents, ammonia, clay products, glass, textiles, paint, enamel, shellac or varnish, rubber products, plastics, pesticides, fertilizer, soap, stone products, oils, motor vehicles, engines, trailers, fiberglass, and heating, ventilation, and air conditional equipment. “Heavy industrial” shall not include quarries, sanitary landfills, hazardous material

treatment and storage facilities, or any use which is otherwise listed specifically in the Table of Permissible Uses for each category of zoning district or districts under this Resolution.

INDUSTRIAL, LIGHT. The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot which such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed twenty-five percent (25%) of the floor area of all buildings on the property. "Light industrial" shall not include hazardous materials treatment and storage facilities, agricultural industries, plating or enameling, pilot plants, prototype production plants, abattoirs, tanning and fur finishing, or petroleum and gas refining, or any use which is otherwise listed specifically in the Table of Permissible Uses for each category of zoning district or districts under this Resolution.
(B.C.C. Resolution #986, effective December 25, 1997)

INDUSTRIAL, SOLID WASTE FACILITY. A facility, including buildings, equipment, structures and other stationary items which are used for treating, storing or disposing of any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities.

INDUSTRIALIZED UNIT (MODULAR). A building unit or assembly of closed construction fabricated in an offsite facility, that is substantially self-sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein.
(B.C.C. Resolution #1018, effective May 19, 2000)

INSTITUTIONAL USE. A building, structure or land used for educational, religious, human care or similar types of public or quasi-public purposes. This category shall include but not be limited to schools, universities, churches and other places of worship, cemeteries, correctional facilities, halfway houses, nursing and convalescent homes, day care centers, continuous care retirement facility and hospitals.
(B.C.C. Resolution #980, effective August 2, 1997)

INTERIOR PARKING-LOT LANDSCAPING. An area set aside. usually as an island in a parking lot, to provide environmental relief. The interior buffer will help to define spaces and indicate directions for pedestrian and vehicular circulation.

J

JUNK VEHICLE. See VEHICLE, INOPERABLE OR ABANDONED

K

KENNEL, COMMERCIAL. A structure or premises used for the housing, grooming, breeding, boarding, training, selling or other animal husbandry activities for dogs, cats or other animals for financial or other compensation.

KENNEL, PRIVATE. The home and premises of a hobby breeder, who may also sell the animals that are bred.
(B.C.C. Resolution HCRZC 2007-01., effective April 13, 2007)

L

LAKE. A natural or artificial body of water encompassing an area of two (2) or more acres which retains water year round.

LAKE, COMMERCIAL FISHING/PAY LAKE. A private or publicly owned lake or pond, where a fee is charged in exchange for the permission to fish.

LANDFILL, CAPTIVE. A solid waste facility owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of

whether the facility is located on a premises where the wastes are generated and having a permit to install from OEPA.

LANDFILL, CONSTRUCTION/DEMOLITION. A solid waste facility where earth or material from construction, mining, or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health and as further regulated by Ohio Revised Code and/or OEPA.

LANDFILL, SOLID WASTE. Any site, location, tract of land, installation or building used for incineration, composing, sanitary landfilling, or other methods of disposal of solid wastes for which a Permit to Install has been obtained from OEPA.

LANDSCAPING. The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LAWNCARE/LANDSCAPING BUSINESS. A business that specializes in the maintenance of lawns and landscaping or in the finishing and adornment of unpaved yard areas using naturally growing elements (such as grass, trees, shrubs, and flowers), mulch, logs, rocks, fountains, water features, and contouring of the earth.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

LIGHT, CUTOFF. An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

LIGHT, NON-CUTOFF. An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground, as illustrated in Section 12-7.

LIGHTING, OUTDOOR. Any source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public streets by a government agency or public utility.

LIVESTOCK. Hoofed mammals, including but not limited to horses, cattle, sheep, swine, goats, bison, llamas, and other species typically raised for food, fiber or draft. Also includes domestic fowl and game birds.

LOT. A parcel of land resulting from the subdivision of a larger parcel of land and occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required under the provisions of this Resolution.

LOT AREA. The total horizontal area included within the lot lines of the lot. No public right-of-way or access easement for a public street or handle of a panhandle lot shall be included in the calculation of the lot area, nor shall the public right-of-way cross the lot area.

LOT, CORNER. A lot abutting upon two (2) or more public or private streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than one hundred thirty-five (135) degrees. A corner lot abutting public streets, or abutting private streets that provide vehicular access to driveways must have two required front yards. A corner lot is not created by having frontage on a private drive as defined herein.
(B.C.C. Resolution #986, effective December 25, 1997) (B.C.C. Resolution #1018, effective May 19, 2000)

LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.

LOT, DEVELOPED. A lot with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Revised Code.

LOT, DOUBLE FRONTAGE. A lot with opposite ends abutting on public or private streets.

LOT, INTERIOR. Any lot other than a corner lot.

LOT, PANHANDLE. A lot also known as a “rear lot” or a “flag lot” which utilizes a narrow strip of land or stem not a building site to provide access to, or legal frontage on, a public street, or a private street in a PUD. The panhandle of such lot is not considered a building site, nor is the area of such included in calculating the lot area.
(B.C.C. Resolution #1018, effective May 19, 2000)

LOT, REVERSE. A lot intended to have its rear yard abutting any road frontage.

LOT LINES. The lines bounding a lot.

LOT LINE, FRONT. In the case of an interior lot, the line separating the lot from the street.

LOT LINE, REAR. The lot line(s) generally opposite the front lot line.

LOT LINE, SIDE. Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots shall be called an interior side lot line.

LOT OF RECORD. A lot which is part of a subdivision, the map or metes and bounds description of which has been recorded in the office of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to adoption of zoning. For the purpose of these regulations, any improvement plan of a subdivision which has been approved by official action of the Regional Planning Commission of Hamilton County shall have the same status as if the subdivision plan was officially recorded in the office of the Recorder of Hamilton County.

LOT WIDTH. The distance between the side lot lines measured along the front yard setback.

LUMINAIRE. A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

M

MANUFACTURED HOME. A nonself-propelled building unit or assembly of closed construction fabricated in an off site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards of 1974, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projections when erected on site. These dimensions include all expanded rooms, cabinets, and other projections containing interior space, but do not include bay windows (ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connections to utilities and the like.
(B.C.C. Resolution #1018, effective May 19, 2000)

MANUFACTURED HOME PARK. 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 a part of the facilities of such park. A tract of land which 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. "Manufactured home park" does not include any tract of land used solely for the storage or display for sale of manufactured homes or solely as a temporary park-camp.

MAP, ZONING. The official zoning district map is the computerized file on record and maintained by the Hamilton County Regional Planning Commission.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

MARINA. A boat basin and recreational facility, located on waterfront property, providing moorings for boats, and one or more of the following facilities; boat launching ramps, boat livery, boat sales, maintenance shops, marine supply store, and fuel dock.

MICROBREWERY. A small-scale facility for the brewing of beer for sale on the premises, as well as for off-site sales and distribution, that produces less than 10,000 barrels of beverage annually and may include a restaurant/bar space, tasting room or retail sales.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

MINI-STORAGE FACILITY. A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares. Such facilities do not include sales, service, nor storage of hazardous materials.

MOBILE HOME. A non-self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and more than 35 feet in length which when erected on site is 320 or more square feet, that is transportable in one more sections and which does not qualify as a manufactured home or industrialized unit.
(B.C.C. Resolution #1018, effective May 19, 2000)

MOBILE HOME PARK. An area of land for the parking of Mobile Homes and/or Manufactured HUD Units which complies with the rules of the Ohio Department of Health, Public Health Council for Manufactured Home Parks, as adopted pursuant to Chapter 3733 of the Ohio Revised Code, and such other requirements as are imposed by the Hamilton County Health Department.

MODIFICATION (OF STANDARDS). A change in a specification or requirement where strict adherence to a written regulation due to unusual site conditions serves no meaningful purpose or makes it physically impossible to achieve compliance.
(B.C.C. Resolution #980, effective August 2, 1997)

MODULAR HOME. See Industrialized Unit.

MOORING OR FLOAT. An object or structure secured in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

MULCH LOT. A lot used primarily for the storage of any material such as mulch, leaves, bark, straw or other materials left loose and applied to the soil surface.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

N

NATURAL RESOURCES. All natural areas of lakes, ponds, wetlands, floodplains, drainageways, forests, and steep slopes as defined in this Chapter or in Chapter 14.

NAVIGABLE STREAM. The Ohio River; the Great Miami River, from its mouth at the Ohio River north to mile 7.5; the Little Miami River, from its mouth at the Ohio River north and east to mile 7.1; the Whitewater River, from its mouth at the Great Miami River; north to mile 1.2.

NIGHT WATCHMAN'S QUARTER. A single dwelling unit located on a site in a building that is subordinate in size and area to an authorized industrial use on the same property or located within a building in which an authorized industrial use exists and is occupied only by a caretaker or guard and his or her family.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

NONCOMPLYING STRUCTURE. Any structure lawfully existing on the effective date of this Resolution, or any amendment thereto which is in noncompliance with the standards and regulations of this Resolution or any amendment thereto.

NONCONFORMING USE. Any use lawfully being made of any land, building, or structure on the initial effective date of this Resolution or any amendment thereto which is not permitted as-of-right or by Redevelopment Exception and not permissible as a Conditional Use or as a Planned Unit Development under this Resolution or any amendment thereto in the District in which it is situated.

NURSERY. A place where the primary activity is the growing of plants, trees and shrubs for sale.

NURSING OR CONVALESCENT HOME. A home, institution, building or residence, public or private, whether operated for profit or not, presently licensed pursuant to the Ohio Statutes, 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 operator. The definition of nursing or convalescent home does not include hospitals, clinics or similar institutions which are devoted primarily to the diagnosis and treatment of the sick or injured.

O

OPEN SPACE. Land used for recreation, resource protection, hillside, floodway, lake, pond, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area of said lot nor any part of an existing or future road or right-of-way be counted as constituting open space.

OWNER. Any full owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or equitable title to the whole or to part of a structure or land.

OUTSIDE DISPLAY. Outside display shall include merchandise outside for retail sale, whether seasonal or not, excluding motor vehicle sales and display.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

OUTSIDE STORAGE. The storage of any merchandise materials or inventory outside the buildings on a property for more than twenty-four (24) hours provided, however, that truck and/or tractor-trailer unit parking associated with a legally established warehouse or distribution center shall not be deemed outside storage.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

P

PARCEL. Any quantity of land and water capable of being described with such specificity that its location and boundaries may be established as distinct from other parcels which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

PARK. Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

PARK AND RIDE FACILITY. Parking lot provided to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting.

PARKING LOT. An area of land devoted to unenclosed parking spaces for five or more vehicles.

PARKING SPACE. A paved area either within a structure or in the open, including stacking spaces, exclusive of driveways, access drives and aisle, permanently reserved for the parking of a motor vehicle and connected to a street or alley by a surfaced driveway of adequate width to permit easy movement of the vehicle to and from such space.
(B.C.C. Resolution #986, effective December 25, 1997)

PATIO AREA. A roofless inner space or space adjoining a residence which is used for dining or recreation.

PERSON. An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

PET, HOUSEHOLD. Domesticated animals that share the same domicile or premises with humans; are dependent upon humans for food, water and shelter; and are kept as companions, including but not limited to dogs, cats, caged birds of a variety of species, rodents, rabbits, and nonpoisonous reptiles and amphibians, that are not included in the definitions of livestock and exotic wildlife.

PLANNED UNIT DEVELOPMENT (PUD). A type of development that enables residential, commercial, industrial or any other uses to be developed alone or in combination under one unified plan of development under more flexible standards pursuant to the standards and procedures set forth in Chapter 18 or Section 7-7 of this Resolution. (See PUD-1 and PUD-2 for explanation of alternative processes for administrative approval.)

POND. A natural or artificial body of water of less than two (2) acres which retains water year round.

POOL HOUSE, RESIDENTIAL. An accessory structure that (1) is subordinate to and serves a principal building or a principal use; (2) is subordinate in area, may contain a changing area(s) and bathroom but does not contain a kitchen and does not provide sleeping rooms.
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

PORTABLE STORAGE CONTAINERS. A moving and storage service whereby the company delivers and leaves a storage container on-site for the customer to pack. The storage container is then picked up and moved to a

company warehouse or the customer's destination for unpacking and subsequent removal.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

PRINCIPAL USE. The primary purpose or function that a lot serves or is proposed to serve.

PROJECT AREA. Any area of land, regardless of the number of individual parcels or zone districts contained or proposed therein on which development is proposed under these regulations.

PUBLIC SERVICE. A building, structure, or place used by or for the general populous, owned or operated by a government organization. This category shall include but not be limited to police and fire stations, government buildings and storage yards, government facilities such as libraries, as well as park and rides, and other similar uses and facilities.

PUD. (See Planned Unit Development)

PUD-1. Planned unit development whose net density or intensity requires Rural Zoning Commission approval. (See "Planned Unit Development")

PUD-2. Planned unit development whose net density requires both Rural Zoning Commission and Board of County Commissioner approval. (See "Planned Unit Development")
(B.C.C. Approved, effective June 25, 2004)

PUD PLAN (PLANNED UNIT DEVELOPMENT PLAN). A plan for the use and development of the tract showing the areas within which buildings, parking areas, and buffering are to be located accompanied by a detailed description on the plat identifying the permissible range or limits of size, height, type, and other pertinent details for buildings, structures, signage, lighting, pedestrian ways, vehicular access, circulation patterns, parking areas, landscaping and buffering, impervious surface ratio, density, yards and other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Resolution and any other requirements as identified on the application form or forms provided by the Administrative Official. All dimensions shown on these plats relating to the location and size of the lot to be built upon shall be based on an actual survey.

PUD Plans are required in the following two types of Planned Unit Developments:

a. a plan which is submitted to the Rural Zoning Commission within the established PUD Overlay District for administrative approval (PUD-1) or recommendation to the Board of County Commissioners for administrative approval (PUD-2). (Note: The administrative approval creates an alternative set of overlay regulations, available at the election of the property owner, for a specific development plan but does not preclude the development of the property for other uses permitted in an underlying non-PUD district.)

b. a plan submitted to the Rural Zoning Commission as a part of the zone amendment process for legislative approval of a Specific Plan District. (Note: The legislative approval requires compliance with a PUD Plan and conditions of approval by the Board of County Commissioners and precludes the development of the property for any use that does not comply with the approved PUD Plan. The rezoning can be initiated only by the property owner.)

R

RECREATION CENTER, INTERNAL. Buildings or facilities owned or operated as a non-profit enterprise by a condominium, homeowners, or property owners association with the intent that their usage be only by residents of the development.

RECREATION, COMMERCIAL. A public or private indoor or outdoor recreation facility operated as a commercial activity, including but not limited to batting cages, bowling alleys, dragstrips, raceways, golf driving ranges, gun-firing ranges, mechanical rides, miniature golf courses, racquet clubs, arenas, amphitheaters, stadiums, health and fitness facilities, and swimming pools.

RECREATION, COMMUNITY FACILITY, PRIVATE. A building or facility operated by a private or non-profit group for a social or recreational purpose, but not as a commercial activity. Includes but is not limited to country clubs, athletic fields, golf courses, swim/tennis facilities, and YMCAs.

RECREATION, COMMUNITY FACILITY, PUBLIC. A building or facility operated by a governmental agency for a social or recreational purpose, but not as a commercial activity. Includes but is not limited to athletic fields,

golf courses, swim/tennis facilities, parks, playgrounds, wildlife reservations, forests, senior centers, and recreation centers.

RECREATION, CULTURAL, and ENTERTAINMENT. A public or private facility, of a non-commercial nature, designed and equipped to be used for sport, leisure, cultural, or entertainment activities including internal recreation centers, private and public community recreation facilities, and cultural facilities, but excluding commercial recreation facilities.

RECYCLING FACILITY. An operation or material recovery facility which processes, treats, converts, and stores materials which have been discarded.

RECYCLING DROP-OFF FACILITY. Site for collection in containers and transfer of waste materials (may be household hazardous waste) for recycling.

RESEARCH LABORATORY. A place equipped for experimentation, testing and analysis, and observation and study for scientific research.

RESIDENTIAL FACILITY. A home or facility in which a person with a mental illness, mental retardation or developmental disability resides, except a home subject to Chapter 3721 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a mental illness, mental retardation or developmental disability resides.

RESIDENTIAL USE. A home, abode, dwelling unit or place, where a family or individual(s) live; where such a place has areas for living and eating within the structure. This category includes but is not limited to single-family detached units, single-family detached units in PUD's (clustered, patio-dwelling, and zero lot-line), multi-family units, and manufactured or mobile homes as well as uses such as bed & breakfast facilities, granny cottages, group homes, and day care /Type A.

RESIDENTIAL, MULTI-FAMILY. Two or more attached dwelling units sharing one or more common walls between any two units and/or stacked one above another. This category shall include but not be limited to two-family, three-family, apartments, townhouses, dormitories, fraternities and sororities, and boarding houses.
(B.C.C. Resolution #980, effective August 2, 1997)

RESIDENTIAL, PATIO. A single-family detached or semi-detached unit, enclosed by a solid wall located at the lot line. The wall may be broken only by a driveway or a pedestrian access, in order to create a private yard between the dwelling and the wall. All such walls shall be a minimum of six (6) feet in height.

RESIDENTIAL, SINGLE-FAMILY CLUSTERED. A building intended or used primarily for residential purposes to be occupied by one family, and located in a grouping of structures that are arranged closer to one another than District setback requirements would normally allow to provide open space, and/or conservation of natural features and which are built as part of a Planned Unit Development at a net density permitted in the underlying zone districts.

RESIDENTIAL, SINGLE FAMILY DWELLING UNIT -- DETACHED. A dwelling designed for and occupied by not more than one family as that term is defined in this Chapter and surrounded by open space or yards and which has no roof, wall or floor in common with any other dwelling unit. The type of construction of such units shall conform either to the OBOA (Ohio Building Officials Association), or CABO (Council of American Building Officials) One and Two family dwelling code, or other applicable building code, or be classified as an Industrialized Unit under the Ohio Basic Building Code, or conform to the Ohio Revised Code (ORC 303.212) definition of permanently-sited manufactured housing, as follows:

Permanently-Sited Manufactured Housing must:

a. Be constructed pursuant to the HUD Code (Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C.A. 88 stat. 700, 5401 and 5403) after January 1, 1995. It must have a permanent label or tag attached to it as specified in 42 U.S.C.A. 5415, certifying compliance with all federal construction and safety standards.

b. Be attached to a permanent frost-free foundation (slab, crawl space foundation or full foundation).

c. Be connected to appropriate utilities.

d. Have a length of at least 22 feet and a width of at least 22 feet, as manufactured.

e. Have at least 900 square feet of living area.

f. Have conventional residential siding (i.e. lap, clapboard, shake masonry, vertical natural materials), a 6-inch minimum eave overhang including appropriate guttering and a minimum "A" roof pitch of 3:12.

g. Have removed its indications of mobility (temporary axles, trailer tongue, running lights) upon placement upon its foundation.

h. Be inteded to be assessed and taxed as permanent real estate, not personal property. The title for such structure shall be surrendered to the county Auditor upon its placement on its permanent foundations, and such surrender shall be notice to the Auditor to tax said structure as real estate from that day forward.

i. Meet all applicable zoning requirements uniformly imposed on all single-family dwellings in the particular district, (excepting contrary requirements for minimum roof pitch and requirements that do not comply with HUD construction and safety standards for manufactured housing).

(B.C.C. Resolution #1018, effective May 19, 2000)

RESIDENTIAL, TWO-FAMILY. A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

RESIDENTIAL, THREE-FAMILY. A building consisting of three (3) dwelling units whether one above the other or side by side share a common entrance or entrance way, or have separate entrances or entrance ways, in a single building occupying one (1) lot.

RESIDENTIAL, TOWNHOUSE. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

RESIDENTIAL, ZERO LOT-LINE. A building or portion thereof designed for residential purposes. The dwelling unit is a single-family detached unit that is placed against one of the side lot lines to allow more open and yard space.

RESTAURANT. An establishment where prepared and ready-to-consume food is available to the general public for consumption on or off the premises.

RIGHT-OF-WAY (R.O.W.). A strip of land dedicated by recorded instrument occupied or intended to be occupied by a public street or railroad and within which may be located electric transmission lines, gas pipe lines, water mains, sanitary sewers or storm sewers

RIVER ACTIVITIES. Uses associated with river commerce that typically occur along or near waterways.

RIVER TERMINAL USES. A facility located on waterfront property with uses limited to conveyors, barge loading and unloading, enclosed storage, and outside storage.

S

SANITARY LANDFILL. A disposal facility with a "Permit to Install" issued by OEPA, employing an engineered method of disposing of solid waste on land in a manner which minimizes environmental hazards by spreading the solid wastes in thin layers, providing a landfill or approved substitute cover, compacting the solid wastes material once each working day.

SATELLITE DISH ANTENNA. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, and satellite microwave antennas.

SCHOOL. A privately-owned or publicly-owned pre-school, elementary school, middle school, junior high school, high school, or vocational or professional school, with no rooms regularly used for housekeeping or sleeping rooms and a curriculum.

(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

SCREEN. A method of reducing the impacts of noise and unsightly visual intrusions with less offensive or more harmonious elements which is 100 % opaque.

SECRETARY/EXECUTIVE DIRECTOR. The Secretary/Executive Director of the Hamilton County Rural Zoning Commission and of the Hamilton County Regional Planning Commission.

SHOOTING GALLERY. An enclosed structure in which weapons are fired at a target which is set up at a distance.

SHOPPING CENTER. A group of three (3) or more retail establishments and/or restaurants, planned and developed as a single unit with a unified design of access and parking areas, landscaped areas, and pedestrian areas and that contain at least three (3) of the following characteristics.

a. A minimum of five (5) acres of land area

b. A minimum of 150,000 square feet of gross building area

c. A minimum of 300 feet of frontage on a single public street

d. A maximum of 2 access drives for the entire development

(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

SHRUB. A plant that at the time of planting, is at least eighteen inches (18") tall above the highest root, or of a size requiring a two (2) gallon pot.

SHRUBS, HEDGE. Plants that at maturity will range in height from 7 feet to 15 feet and are spaced from 3 to 6 feet on center depending upon the variety.

SHRUBS, BLOOMING. Plants that flower or undergo change in leaf color. They range in height from 2 to 14 feet.

SIGN. Any object, device, display or structure, or part thereof, situated outdoors or indoors and visible from the exterior of the building or structure, that is used to advertise, identify display direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors illumination or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organizations; or city, or any fraternal, religious or civic organizations; works of art which in no way identify a product or business logo. See related sign definitions that are listed alphabetically in Chapter 13.

SITE AREA, GROSS. The computed area contained within the lot lines which includes rights-of-way , either as an easement or dedicated.

SITE AREA, NET. The computed area contained within the lot lines, less any land within rights-of-way and easements for public streets.

SOLAR PANEL (PV). A single photovoltaic panel or a group of photovoltaic panels that convert solar energy to electricity.

(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

SOLID WASTE. Any unwanted residual solid or semisolid material resulting from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and non-combustible material, street dirt, and debris. "Solid wastes" does not include any material that is an infectious waste or a hazardous waste.

SPECIAL FLOOD HAZARD AREA. All that area within Zones A1-A30 and the unnumbered A Zones on the Flood Insurance Rate Map for Unincorporated Hamilton County, Ohio, and all that area within the unincorporated territory of Hamilton County, Ohio, designed as being within the flood plain of various streams in Appendix A of the Storm Drainage and Open Space Master Plan for Hamilton County, Ohio.

STABLE. A structure and/or land use in or on which equines are bred, boarded trained, or kept for sale or hire.

STADIUM. A structure or facility designed, intended, or used primarily for athletic or entertainment events and containing seating for spectators of those events, but not including a raceway or dragstrip.

STEEP SLOPES. Land area where the inclination of the land's surface from the horizontal is twenty percent (20%) or greater.

STORY. That portion of a building, other than a cellar as defined herein, 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, HALF. A 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 level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

STREAM. A shallow watercourse that flows year round generally less than 40 feet wide.

STREET, MAJOR ARTERIAL. A public street which serves the major activity centers, high traffic volume corridors, and the longer trip desires. With major arterials, service to the adjacent land is subordinate to the provision of travel service.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

STREET, COLLECTOR. A public street which provides both land access and traffic circulation within residential, commercial, and industrial areas. It differs from an arterial in that collector streets may penetrate these areas and arterials usually do not. Collector streets distribute traffic from arterial streets and channel traffic from local streets.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

STREET, MINOR ARTERIAL. Public streets having the primary purpose of collecting traffic from intersecting local streets and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes of through traffic. Access to abutting land uses is a secondary function which, with proper land planning, may be limited so long as the abutting land use is not materially and adversely affected by such limitation.

STREET, LOCAL. Public streets having the primary purpose of providing access to individual properties that abut them. Local streets serve residential, commercial, and industrial land uses providing links for short-distance trips and access to the collector and arterial system on a local level. Frontage roads may also be considered local streets.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

STREET, PRIVATE. A shared means of vehicular ingress and egress located within an easement of access serving as frontage for lots in a PUD, not dedicated to the County by recorded instrument, that is maintained by the party or parties using such private street for private access.
(B.C.C. Resolution #1018, effective May 19, 2000) (B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

STREET, PUBLIC. A publicly dedicated or owned right-of-way constructed to County Engineer standards intended or used, for vehicular and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting property.

STRUCTURAL ALTERATION. Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of the building.

STRUCTURE. Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground, including, but without limiting the generality of the foregoing, advertising signs, billboards, area improved for parking, backstops for tennis courts and pergolas.

STRUCTURE, PRINCIPAL. A structure containing the principal use of the lot.

SUMMER CAMP. A publicly or privately owned facility providing outdoor recreational activities and shelter for one or a group of persons, usually children, for a temporary period of time.

T

TEMPORARY USE. A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent building or structure.

TERMINAL, TRUCK. A structure or land primarily used for the temporary storage of goods awaiting transfer or wholesale distribution by means of motor carrier transportation.

THEATER, MOVIE AND DRAMA, INDOOR. A building in which movies are screened before a live audience, or in which dramatic performances are carried out.

THOROUGHFARE PLAN. An officially adopted plan by the Board of County Commissioners and Regional Planning Commission which provides guidance in the development of future transportation networks capable of safely accommodating traffic volumes generated by growth and development.

TRAILER, UTILITY. Any towed or self-propelled vehicle constructed, re-constructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for temporary human habitation for travel, recreation, vacation or other primarily transient purposes, as opposed to a mobile home as defined in Chapter, or office use, or storage or conveyance of machinery, tools or equipment, including those vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals.

TRAILER, RV. Any towed or self-propelled vehicle constructed, re-constructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for temporary human habitation for travel, recreation, vacation or other primarily transient purposes, as opposed to a mobile home as defined in this Chapter; or office use, or storage or conveyance of machinery, tools or equipment, including those vehicles that are attached to an automobile or truck for the sole purpose of transportation.

TRAILER, LIVESTOCK. Any towed vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals.

TRANSFER STATION. A combination of structures, machinery or devices at a place or facility that receives solid waste taken from municipal and private collection vehicles and places the waste in other transportation units for movement to another solid waste management facility.

TREES, CANOPY. A deciduous tree which at maturity will shed its leaves annually, and provide shade. (see Section 15-3)

TREES, EVERGREEN. A coniferous tree with needles or a broadleaf tree which retains its leaves throughout the year. (see Section 15-3)

TREE, UNDERSTORY. A lower growing tree which screens, flowers, defines space and provides seasonal interest. (see Section 15-3).

U

USE. The purpose of activity for which land, or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

PERMITTED. Any use which is identified in Section 3-2 and with a “P” in Tables 4-5, 5-4, 6-4 and 7-5.

PERMISSIBLE. Any use which is identified in Section 3-2 and with a “PUD-1”, “PUD-2” or “C” in Tables 4-5, 5-4, 6-4 and 7-5 or with a “S-PUD” in Table 7-8.

V

VARIANCE. A means by which relief may be granted from unforeseen particular applications of the Hamilton County Zoning Resolution that create practical difficulties or particular hardships.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

VEHICLE, COMMERCIAL. A vehicle which displays any commercial activity and which use is primarily for commercial purposes.

VEHICLE, INOPERABLE OR ABANDONED. A motor vehicle which is stored outdoors and so damaged, wrecked, dismantled, unlicensed or in other condition as to be inoperative. Without limiting the term a motor vehicle is a abandoned if its state registration as displayed on the license plate has been removed or expired. This definition shall not be deemed to include farm machinery other than automobiles or trucks.

VEHICLE, OPERABLE UNLICENSED ON RESIDENTIAL PROPERTY. Any vehicle which through parcel size, condition, visibility, adverse impact, duration or location which has received a Temporary Zoning Certificate.

VEHICULAR STORAGE YARD. Fleet storage or other inactive vehicle storage and is not accessible to vehicular traffic of the general public.

VEHICULAR USE AREA. All areas subject to vehicular traffic including parking lots, access-ways, loading areas and service areas.

VETERINARY FACILITY. A structure or building set up for the medical care of animals, including offices, clinic space and indoor kennels for detaining animals, but not expressly allowing outdoor kennel areas.

VIDEO GAME PARLOR. A place in which a collection of electronic, coin-operated games are played.

W

WAREHOUSING. The indoor storage and wholesale of goods, materials, or merchandise for shipment to or processing on other property, and for sale to retailers and jobbers rather than consumers.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

WATERCOURSE. A course or channel in which water flows, consisting of bed, banks, and water; includes rivers, creeks, and other streams confined in a channel, but not necessarily flowing all the time. Gullies, ravines, swales, sloughs, and similar depressions do not ordinarily constitute watercourses.

WATERWAY. A body of water, such as a lake, pond, continuously flowing stream, creek, river, channel, or canal which functions as a water route.

WETLANDS. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, bottomlands, and similar areas. Size is not a limitation. Additionally: Wetlands are identified as areas that contain hydrophytic vegetation, hydric soils, and wetland hydrology. (Source: Army Corps of Engineers)

WHOLESALE. The sale of goods to retailers or jobbers rather than consumers.

WILDLIFE, EXOTIC. Indigenous or non-indigenous wildlife, including those animals that could be considered dangerous but not limited to lions, tigers, ocelots, jaguars, leopards, mountain lions, cheetahs, lynx, bobcats, jaguarondi, bears, hyenas, wolves or coyotes, or any life-threatening reptiles and arachnids, including but not limited to crocodilians, poisonous reptiles and tarantulas.

Y

YARD. An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.
(See Appendix 1: Building and Yard Requirements)

YARD, FRONT. A yard extending across the front of a lot between the side lot lines and being the horizontal distances from the main building (or any projection thereof, other than the projection of the usual steps or entranceway) to:

a. the right-of-way line, excluding interstate highways, limited access highways and railroad right-of-way
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

b. the easement line (where vehicular access to the lot is provided by a private street or a private drive)

c. the terminus of the easement (where vehicular access to a panhandle lot is provided by a driveway extending from the terminus of an easement located outside the panhandle area)

d. the terminus of the panhandle (where vehicular access to a panhandle lot is provided by a driveway extending from the terminus of the panhandle area or the terminus of an easement located inside the panhandle area).

(See Appendix 1: Building and Yard Requirements)
(B.C.C. Resolution #986, effective December 25, 1997) (B.C.C. Resolution #1018, effective May 19, 2000)

YARD, REAR. A yard extending across the area of a lot between the side lot lines and being the horizontal distances between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. In the case of a pie shaped lot with no rear lot line, the rear yard is measured from the point of convergence of the side lot lines. (See Appendix 1: Building and Yard Requirements)
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

YARD, REQUIRED. A front, side or rear yard that runs parallel to a property line, the depth of which shall be determined by the minimum setbacks established for the zone district in which the lot is located. In measuring a required yard for the purpose of determining the minimum width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line or applicable easement line and the nearest portion of the main building or projection thereof (excluding the projection of the usual steps or entranceway) external building projections shall be used. On panhandle lots, where the front yard is measured from an easement line inside the panhandle area, the main building must also be setback from the property line of the panhandle a distance not less than the minimum side yard requirement of the district. (See Appendix 1: Building and Yard Requirements)

YARD, SIDE. A yard being the minimum horizontal distance between the main building or any projection thereof, and the side line of the lot extending from the front yard to the rear yard. (See Appendix 1: Building and Yard Requirements)

Z

ZONING CERTIFICATES. A written certification that a structure, use or parcel of land is, or will be in compliance with the requirements of this Resolution, and in compliance with all other conditions of approval.

ZONING COMPLIANCE PLAN. A site plan for the specific development and specific use of a parcel or tract of real estate required to obtain a Zoning Certificate, as further described in Section 20-1.2 The Zoning Compliance Plan shall show the specific use or uses, illustrated by a plat, drawn to scale, showing the boundaries of such parcel or tract, the location, size, height and use of all existing structures, and the exact location and pertinent details of proposed buildings, structures, signage, lighting, pedestrian ways, vehicular access, circulation patterns, parking areas and buffering accompanied by a detailed description the plat identifying the impervious surface ratio, density and requirements for yards, parking, landscaping and buffers, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Resolution and any other requirements as identified on the application form or forms provided by the Administrative Official. All dimensions shown on these plats relating to the location and size of the lot to be built upon shall be based on an actual survey.

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CHAPTER 3

DISTRICTS AND ZONING MAP

3-1 DISTRICTS.

In order to carry out the purposes of this Resolution, Hamilton County is divided into the following zoning districts:

a. Residential Districts

1. AA Residential ("Lowest" Density)
2. A Residential
3. A-2 Residential
4. B Residential
5. B-2 Residential
6. C Residential
7. D Residential, Multi-Family ("Highest" Density)
8. MHP Manufactured Home Park

b. Commercial Districts

1. O Office
2. E Retail Business

c. Industrial Districts

1. F Industrial, Light
2. G Industrial, Heavy

d. Special Purpose Districts

1. H Riverfront
2. EX Extraction
3. SW Solid Waste Facility

e. Special Public Interest Districts (B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

1. SPI-NR Special Public Interest-Natural Resource
2. SPI-NQ Special Public Interest-Neighborhood Quality
3. SPI-SC Special Public Interest-Suburban Center/Corridor
4. SPI-SV Special Public Interest-Suburban Village

f. Planned Unit Development Overlay District (PUD) (see applicability in Sections 1-6(e) and 18-2)

1. PUD Planned Unit Development

g. Specific Plan Districts

1. CUP Community Unit Plan Overlay District
2. DD Planned Multi-Family District
3. OO Planned Office District
4. EE Planned Retail District
5. FF Planned Light Industrial District
6. GG Planned Heavy Industrial District

3-2 TABLE OF PERMISSIBLE USES.

The uses permissible with either a Permitted Use Zoning Certificate, a Conditional Use Zoning Certificate, or a Planned Unit Development (PUD) Zoning Certificate are summarized in the Table of Permissible Uses found in Table 3-2. When used in connection with a particular use in the Table of Permissible Uses, the designations "P", "PUD-1", "PUD-2", "C", and "S-PUD" shall have the following meanings:
(B.C.C. Resolution #986, effective December 25, 1997)

3-2.1 Permitted Use.

The letter "P" means the use is permitted as-of-right in the indicated zoning district with a Permitted Use Zoning Certificate issued by the office of the County Zoning Inspector certifying that the plats and plans for the proposed use comply with all applicable provisions of the Hamilton County Zoning Resolution.

3-2.2 Planned Unit Development - 1.

The designation "PUD-1" means that based upon the intensity of land use, established in conjunction with Table 3-2, the Table of Permissible Uses, the use is permissible in the indicated zoning district, with a PUD Zoning Certificate issued by the office of the County Zoning Inspector certifying:

a. approval of a PUD Plan for the project area by the Rural Zoning Commission pursuant to Chapter 18; and

b. approval of a Zoning Compliance Plan certifying that the plats and plans for the proposed use comply with all other applicable provisions of the Hamilton County Zoning Resolution, including all conditions of approval.

3-2.3 Planned Unit Development - 2.

The designation "PUD-2" means that based upon the intensity of land use, established in conjunction with Table 3-2, the Table of Permissible Uses, the use is permissible in the indicated zoning district, with a PUD Zoning Certificate issued by the office of the County Zoning Inspector certifying:

a. approval of the proposed PUD-2 by the Board of County Commissioners because the proposed development exceeds the maximum density established for PUD-1 approval pursuant to Chapter 18; and (B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

b. that the plats and plans for the proposed use comply with all other applicable provisions of the Hamilton County Zoning Resolution, including all conditions of approval.

3-2.4 Conditional Use.

The letter "C" means that the use is permissible in the indicated zoning district, provided it is listed in Table 17-12 in Chapter 17, in Table 3-2, the Table of Permissible Uses, or in any other part of this Resolution, with a Conditional Use Zoning Certificate issued by the office of the County Zoning Inspector certifying:

a. approval of the proposed conditional use by the Board of Zoning Appeals pursuant to the standards and procedures set forth in Chapter 17, and

b. that the plats and plans for the proposed use comply with all other applicable provisions of the Hamilton County Zoning Resolution, including all conditions of approval.

3-2.5 Specific PUD.

The designation "S-PUD" means that the use is permissible in the indicated zoning district, with a PUD Zoning Certificate issued by the office of the County Zoning Inspector certifying:

a. approval of a zone amendment and PUD Plan for the specific use by the Board of County Commissioners pursuant to Chapter 16 and Chapter 7, and

b. that the plats and plans for the proposed use comply with all other applicable provisions of the Hamilton County Zoning Resolution, including all conditions of approval.

TABLE 3-2 – TABLE OF PERMISSIBLE USES

Use (See definitions in Chapter 2 for further clarification)	Permissible Uses by District																
	AA-C	D	MHP	O	E	F	G	H (ff)	H(fw)	SW	EX	CUP	DD	OO	EE	FF	GG
RESIDENTIAL USES																	
Single-Family Dwelling Unit																	
Detached	P	P	P	PUD-1	PUD-1			P				S-PUD	S-PUD	S-PUD	S-PUD		
Detached in PUD's (Patio, Zero-Lot-Line, and Clustered Dwelling Units)																	
Low density (based on density of underlying zone)	PUD-1	P		PUD-1	PUD-1			PUD-1				S-PUD	S-PUD	S-PUD	S-PUD		
Moderate density (Max 9.7 DU/A)		PUD-1		PUD-1	PUD-1								S-PUD	S-PUD	S-PUD		
High density (Max 14.5 DU/A)		PUD-2		PUD-1	PUD-1								S-PUD	S-PUD	S-PUD		
WITH Accessory Apartment	C							C				S-PUD	S-PUD				
WITH Bed and Breakfast	C	C		PUD-1	PUD-1			C				S-PUD	S-PUD	S-PUD	S-PUD		
WITH Day Care, Child - Type A	C	C	C	PUD-1	PUD-1			C				S-PUD	S-PUD	S-PUD	S-PUD		
WITH Day Care, Child - Type B	P	P	P	PUD-1	PUD-1			P				S-PUD	S-PUD	S-PUD	S-PUD		
WITH Family Home	P	P	P	PUD-1	PUD-1			P				S-PUD	S-PUD	S-PUD	S-PUD		
WITH Granny Cottage	C	C						C				S-PUD	S-PUD				
WITH Group Home	C	C										S-PUD	S-PUD				
Manufactured/Mobile Home			P														
Multi-Family																	
Low density (Max 7.26 DU/A)		P		PUD-1	PUD-1								S-PUD	S-PUD	S-PUD		
Moderate density (Max 9.7 DU/A)		PUD-1		PUD-1	PUD-1								S-PUD	S-PUD	S-PUD		
High density (Max 14.5 DU/A)		PUD-2		PUD-1	PUD-1								S-PUD	S-PUD	S-PUD		

Note:

The following multi-family uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:

1. Apartments/Attached Condominiums
2. Boarding House
3. Dormitory, Fraternity, Sorority
4. Two-Family
5. Three-Family
6. Townhouse

Notes for Table 3-2 - TABLE OF PERMITTED USES

ZONING CERTIFICATES: (designations and requirements) *See Section 3-2 for full explanation of terms, Ch. 7 regarding S-PUD's, Ch.17 regarding Conditional Uses, and Ch.18 regarding PUD's.*	**P =**	Permitted as-of-right with a Permitted Use Zoning Certificate after approval by the County Zoning Inspector
	PUD-1 =	Permissible with a Planned Unit Development Zoning Certificate after public hearing and administrative approval by the Rural Zoning Commission
	PUD-2 =	Permissible with a Planned Unit Development Zoning Certificate after public hearing and administrative approval by the Board of County Commissioners
	C =	Permissible with a Conditional Use Zoning Certificate after public hearing and administrative approval by the Board of Zoning Appeals
	S-PUD =	Permissible with a Planned Unit Development Zoning Certificate after legislative approval of a zoning amendment to a Specific Plan District by the Board of County Commissioners.

ZONING DISTRICTS:	**AA-C =**	Single Family Residence Districts including AA, A, A-2, B, B-2, and C	**SW =**	Solid Waste Facility District
	D =	Multi-Family Residence District	**EX =**	Extraction District
	MHP =	Manufactured Home Park District	**CUP =**	Community Unit Plan Overlay District
	O =	Office District	**DD =**	Planned Multi-Family District
	E =	Retail Business District	**OO =**	Planned Office District
	F =	Light Industrial District	**EE =**	Planned Retail District
	G =	Heavy Industrial District	**FF =**	Planned Light Industrial District
	H =	Riverfront District (ff = Floodfringe Area; fw = Floodway Area)	**GG =**	Planned Heavy Industrial District
INTENSITY:	**ISR =**	Impervious Surface Ratio (the total area of buildings and hard-surfaced areas divided by the area of the lot excluding right-of-way)		

TABLE 3-2 – TABLE OF PERMISSIBLE USES (continued from previous page)

Use (See definitions in Chapter 2 for further clarification)	Permissible Uses by District																
	AA-C	D	MHP	O	E	F	G	H (ff)	H(fw)	SW	EX	CUP	DD	OO	EE	FF	GG
COMMERCIAL USES																	
Office																	
Low intensity (Max ISR = .60)		C		P	P	P	P						S-PUD	S-PUD	S-PUD	S-PUD	S-PUD
Intensity greater than .60 ISR				PUD-1	PUD-1	PUD-1	PUD-1							S-PUD	S-PUD	S-PUD	S-PUD

Note:
The following office uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity (except as noted below*):

1. Accounting Services
2. Architectural Services
3. Banking/Financial Institution
4. Banking with Drive-In or Drive-Through Facility
5. Contractor's Office (without Outside Storage)
6. Dental Laboratories
7. Funeral Home or Mortuary
8. Legal Services
9. Medical Laboratories
10. *Medical Office/ Clinics (In the D District, this use is not permissible at any intensity)
11. Motels and Hotels
12. Optical Laboratories
13. Professional Consulting Services
14. Psychological Counseling
15. Real Estate and Securities Brokering
16. *Restaurant/Bar within an office use (In the O District, this use is permissible only if approved as a Conditional Use)
17. Tax Preparation Services

Retail Business																	
Low intensity (Max ISR = .60)				PUD-1	P	P	P							S-PUD	S-PUD	S-PUD	S-PUD
Intensity greater than .60 ISR					PUD-1	PUD-1	PUD-1								S-PUD	S-PUD	S-PUD

Note:
The following retail business uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:

1. Amusement Park
2. Art Gallery, Antique Store, Interior Decorator Service
3. Automobile and Truck Rental
4. Automobile Sales (Accessory Service)
5. Automobile Service (mechanical)
6. Batting Cage
7. Barber Shops & Beauty Salon
8. Billiard Parlor or Pool Room
9. Bowling Alley
10. Building Materials, Sales & Distribution
11. Car Wash, Full Service
12. Car Wash, Self Service
13. Convenience Store (with gas pumps)
14. Delicatessens, Bakery Goods, Meat, Fruit & Vegetable Markets
15. Drag Strips, Raceways
16. Drive-In or Drive-Through Facility
17 Durable Goods, Furniture & Appliances, Sales & Rental
18. Dry Cleaning
19. Health & Fitness Facility
20. Gasoline Service Station (with repair)
21. Golf Driving Range
22. Grocery Store
23. Gun Firing Range
24. Laundry
25. Machinery, Boat, Truck, Farm & Construction Equipment Sales, Rental & Service
26. Microbrewery
27. Miniature Golf Course
28. Motorcycle, Sales & Service
29. Outside Display (as Accessory to a permitted Retail Use)
30. Photo Lab, Picture, TV, or Sound Studio
31. Racquet Facilities (Tennis or Other Indoor Clubs)
32. Restaurant/Bar
33. Restaurant drive-in
34. Retail Sales & Service
35. Service Establishments: Dry Cleaning or Laundry Pick-up Stations, Print Shops, Tailoring, Shoe or Hat Repair
36. Shopping Center
37. Skating Facility
38. Studio: Art, Dance, Gymnastics, Music
39. Swimming pools, Tennis or Racquet Clubs, and Similar Recreation Facilities Open To The Public For A Fee
40. Tailoring
41. Theater, Motion Picture or Live Performance

Adult Entertainment Establishment																	
Low intensity (Max ISR = .60)						C	C										
Moderate intensity (Max ISR = .75)						C	C										
High intensity (ISR over .75)						C	C										

Notes for Table 3-2 - TABLE OF PERMITTED USES

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ZONING DISTRICTS:	**AA-C =**	Single Family Residence Districts including AA, A, A-2, B, B-2, and C	**SW =**	Solid Waste Facility District
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	G =	Heavy Industrial District	**FF =**	Planned Light Industrial District
	H =	Riverfront District (ff = Floodfringe Area; fw = Floodway Area)	**GG =**	Planned Heavy Industrial District
INTENSITY:	**ISR =**	Impervious Surface Ratio (the total area of buildings and hard-surfaced areas divided by the area of the lot excluding right-of-way)		

TABLE 3-2 – TABLE OF PERMISSIBLE USES (continued from previous page)

Use (See definitions in Chapter 2 for further clarification)	Permissible Uses by District																
	AA-C	D	MHP	O	E	F	G	H (ff)	H(fw)	SW	EX	CUP	DD	OO	EE	FF	GG
INDUSTRIAL USES																	
Light Industry																	
Low intensity (Max ISR = .60)				PUD-1	PUD-1	P	P	PUD-1						S-PUD	S-PUD	S-PUD	S-PUD
Intensity greater than .60 ISR						PUD-1	PUD-1									S-PUD	S-PUD
Note: The following light industrial uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity (except as noted below):																	
1. Automobile Body Shop																	
2. Brewery																	
3. Contractor's Office (with Outside Storage)																	
4. Heliport																	
5. Laundry, Dry Clean, Linen, Diaper Service (plant on premises)																	
6. Lawncare/Landscape Business																	
7. Manufacturing, Light (per definition of Light Industrial in Chapter 2)																	
8. Outside Storage																	
9. Package Delivery Service, Truck Terminal, Taxicab Barn																	
10. Research Lab with hazardous materials																	
11. Warehouse, Display Room for Wholesale Activities																	
12. Night Watchman's Quarters																	
Mini-Storage Facility																	
Low intensity (Max ISR = .60)					C	P	P								S-PUD	S-PUD	S-PUD
Intensity greater than .60 ISR					C	PUD-1	PUD-1								S-PUD	S-PUD	S-PUD
Recycling Facility																	
Low Intensity (Max. ISR = .40)				PUD-1	PUD-1	PUD-1	PUD-1	PUD-1		P				S-PUD	S-PUD	S-PUD	S-PUD
Intensity greater than 40 ISR						PUD-1	PUD -1			PUD-1						S-PUD	S-PUD
Transfer Station																	
Low intensity (Max. ISR = .40)				PUD-1	PUD-1	PUD-1	PUD-1	PUD-1		P				S-PUD	S-PUD	S-PUD	S-PUD
Intensity greater than 40 ISR						PUD-1	PUD-1			PUD-1						S-PUD	S-PUD
Drop-off Center																	
Low intensity (Max. ISR = .40)				PUD-1	PUD-1	PUD-1	PUD-1	PUD-1		P				S-PUD	S-PUD	S-PUD	S-PUD
Intensity greater than 40 ISR)						PUD-1	PUD-1			PUD-1						S-PUD	S-PUD
Telecommunication Tower (per procedures in ORC 303.211) • = Exempt	C	C	C	*	*	*	*	*	*	*	*	SPUD	SPUD	*	*	*	*
Mulch Lot						P	P									S-PUD	S-PUD
Warehouse as Accessory Use				C	C									S-PUD	S-PUD	S-PUD	S-PUD

Notes for Table 3-2 - TABLE OF PERMITTED USES

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INTENSITY:	**ISR =**	Impervious Surface Ratio (the total area of buildings and hard-surfaced areas divided by the area of the lot excluding right-of-way)		

TABLE 3-2 – TABLE OF PERMISSIBLE USES (continued from previous page)

Use (See definitions in Chapter 2 for further clarification)	Permissible Uses by District											Planned Districts					
	AA-C	D	MHP	O	E	F	G	H (ff)	H(fw)	SW	EX	CUP	DD	OO	EE	FF	GG
Heavy Industry																	
Low intensity (Max ISR = .60)							P	PUD-1									S-PUD
Intensity greater than .60 ISR)							PUD-1										S-PUD
Note: The following heavy industrial uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity (except as noted below): 1. Airport 2. Automobile Salvage 3. Manufacturing, Heavy (per definition of Heavy Industrial in Chapter 2)																	
Flammable liquids/gases, heating fuel distribution & storage							C										S-PUD
Vehicle Storage Yard						C	P									S-PUD	S-PUD
River Activities																	
Loading and Parking								C	C								
Marina, with Lounge and Restaurant								C	P								
Outside Storage								C	C								
River Terminal Uses and Airport Landing Strips								C	C								
Excavation/Extraction								PUD-1			PUD-1						
Solid Waste Facility																	
Low intensity (Max ISR = .40)					PUD-1	PUD-1	PUD-1			P					S-PUD	S-PUD	S-PUD
Moderate intensity (Max ISR = .50)							PUD-1			PUD-1							S-PUD

Notes for Table 3-2 - TABLE OF PERMITTED USES

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ZONING DISTRICTS:	**AA-C** Single Family Residence Districts including AA, A, A-2, B, B-2, and C	**SW =** Solid Waste Facility District
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INTENSITY:	**ISR =** Impervious Surface Ratio (the total area of buildings and hard-surfaced areas divided by the area of the lot excluding right-of-way)	

TABLE 3-2 – TABLE OF PERMISSIBLE USES (continued from previous page)

Use (See definitions in Chapter 2 for further clarification)	Permissible Uses by District											Planned Districts					
	AA-C	D	MHP	O	E	F	G	H (ff)	H(fw)	SW	EX	CUP	DD	OO	EE	FF	GG
AGRICULTURAL USES See Chapter 3 for criteria concerning these permitted uses.																	
Rural Agriculture (on lots greater than 5 acres)	EXEMPT IN ALL DISTRICTS																
Suburban Agriculture (on lots not greater than 5 acres)	P	P	P	P	P	P	P	P	P		P						
Other Suburban Agriculture (on lots not greater than 5 acres)																	
Greenhouses	P	P	P	P				P	P								
Farm Markets (Principal Use)					P	P	P	P	P								
Keeping of Exotic Wildlife					P	P	P		P								
Keeping of Livestock																	
ON LOTS GREATER THAN 1 ACRE	P	P	P	P	P	P	P		P								
ON LOTS 1 ACRE OR LESS				P	P	P	P		P								
Kennel (Commercial)																	
ON LOTS GREATER THAN 1 ACRE	P	P	P	P	P	P	P		P								
ON LOTS 1 ACRE OR LESS					P	P	P		P								
Riding Stables																	
ON LOTS GREATER THAN 1 ACRE	P	P	P	P	P	P	P		P								
ON LOTS 1 ACRE OR LESS				P	P	P	P		P								
Veterinary Facility (without outside run)																	
ON LOTS GREATER THAN 1 ACRE	P	P	P	P	P	P	P	P	P								
ON LOTS 1 ACRE OR LESS				P	P	P	P		P								
Veterinary Facility (with outside run)																	
ON LOTS GREATER THAN 1 ACRE	P	P	P	P	P	P	P	P	P								
ON LOTS 1 ACRE OR LESS					P	P	P		P								
Day Care, Household Pet																	
ON LOTS GREATER THAN 1 ACRE	P	P	P	P	P	P	P	P	P								
ON LOTS 1 ACRE OR LESS				P	P	P	P	P	P								

Note:
The following suburban agriculture uses are permitted as-of-right in the zone districts indicated above with a Permitted Use Zoning Certificate subject to compliance with the regulations for Agricultural Uses in Chapter 3:

1. Aquaculture & Fishing Lakes
2. Floriculture
3. Horticulture
4. Ornamental Horticulture
5. Olericulture
6. Pomiculture
7. Viticulture & Winemaking
8. Private Compost Piles
9. Farm Markets (Accessory Use)
10. Beekeeping
11. Keeping of Household Pets
12. Kennel (private)
13. Club Activities s
14. Future Farmers of America Activities
15. Farming of Trees, Mushrooms, and Sod, Tobacco & Field Crops
16. Keeping of Suburban Chickens

Notes for Table 3-2 - TABLE OF PERMITTED USES

ZONING CERTIFICATES: (designations and requirements) *See Section 3-2 for full explanation of terms, Ch. 7 regarding S-PUD's, Ch.17 regarding Conditional Uses, and Ch.18 regarding PUD's.*	**P =**	Permitted as-of-right with a Permitted Use Zoning Certificate after approval by the County Zoning Inspector
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ZONING DISTRICTS:	**AA-C**	Single Family Residence Districts including AA, A, A-2, B, B-2, and C	**SW =** Solid Waste Facility District
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INTENSITY:	**ISR =**	Impervious Surface Ratio (the total area of buildings and hard-surfaced areas divided by the area of the lot excluding right-of-way)	

TABLE 3-2 – TABLE OF PERMISSIBLE USES (continued from previous page)

Use (See definitions in Chapter 2 for further clarification)	Permissible Uses by District											Planned Districts					
	AA-C	D	MHP	O	E	F	G	H (ff)	H(fw)	SW	EX	CUP	DD	OO	EE	FF	GG
INSTITUTIONAL and PUBLIC SERVICE USES																	
INSTITUTIONAL																	
Low intensity (Max ISR = .60)		C		P	P								S-PUD	S-PUD	S-PUD		
Intensity greater than .60 ISR		C		PUD-1	PUD-1								S-PUD	S-PUD	S-PUD		
Note: The following institutional uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity (except as noted below): 1. Day Care Center, Child 2. Hospital 3. Continuing Care Retirement Facility																	
Other Institutional Uses																	
Cemetery	C			P	P	P	P					S-PUD		S-PUD	S-PUD	S-PUD	S-PUD
Correctional Facility						C	C									S-PUD	S-PUD
Halfway House						C	C									S-PUD	S-PUD
Church	C	C	C	P	P			C									
Nursing and Convalescent Home																	
Low intensity (Max ISR = .60)		P		P	P								S-PUD	S-PUD	S-PUD		
Intensity greater than .60 ISR		PUD-1		PUD-1	PUD-1								S-PUD	S-PUD	S-PUD		
School (Pre-school, elementary, junior high, middle, high, vocational & professional)																	
Low intensity (Max ISR = .60)	C	C	C	P	P			C				S-PUD	S-PUD	S-PUD	S-PUD		
Intensity greater than .60 ISR	C	C	C	PUD-1	PUD-1			C				S-PUD	S-PUD	S-PUD	S-PUD		
University or College																	
Low intensity (Max ISR = .60)	C			P	P			C				S-PUD		S-PUD	S-PUD		
Intensity greater than .60 ISR	C			PUD-1	PUD-1			C				S-PUD		S-PUD	S-PUD		
PUBLIC SERVICE USES																	
Low intensity (Max ISR = .60)	C	C	C	P	P	P	P	C		P	P	S-PUD	S-PUD	S-PUD	S-PUD	S-PUD	S-PUD
Intensity greater than .60 ISR	C	C	C	PUD-1	PUD-1	PUD-1	PUD-1	C		P	P	S-PUD	S-PUD	S-PUD	S-PUD	S-PUD	S-PUD

Note:
The following public service (government owned or operated) uses are permissible in the zone districts indicated above with the zoning certificate specified for the applicable level of intensity:
1. Government Facility
2. Government Storage Yard
3. Library
4. Park and Ride Facility
5. Police and Fire Station

Notes for Table 3-2 - TABLE OF PERMITTED USES

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TABLE 3-2 – TABLE OF PERMISSIBLE USES (continued from previous page)

Use (See definitions in Chapter 2 for further clarification)	Permissible Uses by District																
	AA-C	D	MHP	O	E	F	G	H(ff)	H(fw)	SW	EX	CUP	DD	OO	EE	FF	GG
RECREATIONAL, CULTURAL, and ENTERTAINMENT USES																	
Recreation, Community Facility - Private (nonprofit or privately owned and operated country clubs, swim and tennis facilities/clubs and YMCA's); also athletic fields and golf courses except in the MHP District.																	
Low intensity (Max ISR = .60)	C	C	C	P	P	P	P	C			P	S-PUD	S-PUD	S-PUD	S-PUD	S-PUD	S-PUD
Intensity greater than .60 ISR	C	C	C	PUD-1	PUD-1	PUD-1	PUD-1	C				S-PUD	S-PUD	S-PUD	S-PUD	S-PUD	S-PUD
Campground or Summer Camp Public or Private)	C							C				S-PUD					
Recreation Center, Internal Public or Private	C	P	C					C				S-PUD	S-PUD				
Recreation, Community Facility - Public (publicly owned or operated athletic fields, golf courses, swim/tennis facilities, parks, playgrounds, wildlife reservations, forests, senior centers, and recreation centers)																	
All intensities	P	P	P	P	P	P	P	P			P	S-PUD	S-PUD	S-PUD	S-PUD	S-PUD	S-PUD
Cultural and Entertainment Facility (museum, outdoor drama theater (not drive-in), botanical garden, and zoo)																	
Low intensity (Max ISR = .60)	C			P	P	P	P	C				S-PUD		S-PUD	S-PUD	S-PUD	S-PUD
Intensity greater than .60 ISR	C			PUD-1	PUD-1	PUD-1	PUD-1	C				S-PUD		S-PUD	S-PUD	S-PUD	S-PUD

Notes for Table 3-2 - TABLE OF PERMITTED USES

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(B.C.C. Res. #986, effective December 25, 1997) (B.C.C. Res. #998, effective June 20, 1998) (B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004) (B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007) (B.C.C. Resolution, HCRZC 2007-02, effective March 5, 2008) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

3-3 ZONING MAP.

The Board of County Commissioners, upon recommendation of the Rural Zoning Commission, shall adopt a Zoning Map, in accordance with Section 1-6, which shall set out and delineate the zoning districts established by Section 3-1 with relation to all land within the jurisdiction of these regulations. The Zoning Map is hereby designated, established and incorporated as part of these provisions, and the original, which shall be on file at the office of the Rural Zoning Commission, shall be as much a part of these provisions as if it were fully described in these provisions.

3-4 STATUS OF PLANNED DISTRICTS.

Areas of the County identified on the Zoning Map which are designated “DD” Planned Multiple Residence District, “OO” Planned Office District, "EE" Planned Business District, “FF” Planned Light Industrial District, “GG” Planned Heavy Industrial District and “CUP” Community Unit Plan prior to the effective date of this Resolution shall continue to be designated as planned development districts as authorized by Ohio Revise Code Section 303.022 and the covenants and conditions as contained in the Board of County Commissioners’ Resolution of approval and development plans approved and in effect at the time of their development shall be retained. Adjustments and revisions shall be administered in accordance with procedures provided for Specific Plan Districts in Section 7-7.

3-5 ADDITIONAL USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS.

The district regulations hereinafter set forth in this Section qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Resolution.

3-5.1 Height Of Institutions Related To Yards.

Public or private service buildings, hospitals (except as otherwise provided), institutions or schools, when permitted in a District, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is setback from each required yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the District in which the building is built.

3-5.2 Height of Single Family Dwelling Related to Side and Rear Yard.

Single-family dwellings in the “AA”, “A”, “A-2”, “B” “B-2”, and “C” Residence Districts and “H” Riverfront District may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the District in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.

3-5.3 Structures Exempt from Height Limit.

Church spires, domes, flagpoles, aerials, antennas, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage tower or scenery lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height, with the exception of freestanding aerials and antennas regulated by Section 10-17.
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

3-5.4 Rear Yard on Double Frontage Lots.

Rear Yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way line and shall contain no accessory structures.

3-5.5 Rear Yards Adjacent to Alleys.

In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one half of the alley width may be included as a portion of the rear or side yard as the case may be.

3-5.6 Construction in Required Yard.

Every part of a required yard shall be open to the sky unobstructed, except as otherwise provided in Section 3-5 and except for accessory buildings in a rear yard, and except for the ordinary projections of awnings, bay windows, skylights, sill, belt courses, cornices, wing walls, and ornamental features projecting not to exceed thirty (30) inches in "AA", "A", "A-2" or "B" Residence Districts and not to exceed eighteen (18) inches in all other Districts.

3-5.7 Handicapped Ramps.

Handicapped ramps are exempt from regulation, except as regulated by the Hamilton County Building and Inspections Division. (B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

3-5.8 Commercial Awnings and Canopies in Required Yards.

Awnings that do not project more than forty-eight (48) inches from the face of the building may project into the required front or rear yard when such site is located in the "O", "E", "F", and "G" Districts. In the "E", "F" and "G" Districts canopies may be erected over service station pump islands. No canopy shall be closer than ten (10) feet to a front right-of-way line and shall not be more than eighteen (18) feet above the ground nor less than fourteen (14) feet above the ground.

3-5.9 Stairways and Balconies in Required Yards.

Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet and the ordinary projections of chimneys and flues may be permitted but not closer than two (2) feet to any lot line in any case.
(B.C.C. Res. #1007, effective March 5, 1999)

3-5.10 Required Yard for Multiple Family Dwellings.

For the purpose of the yard requirements, a two-family or multiple dwelling shall be considered as one building occupying a single lot.

3-5.11 Projection of Porches in Required Front Yards.

An unenclosed covered, or uncovered porch attached to the main structure may project into a required front yard for a distance not exceeding ten (10) feet provided that at no point shall the porch be located less than ten (10) feet from any public street right-of-way or access easement. This provision shall not apply to lots with front yard setbacks that have been reduced through the PUD process.
(B.C.C. Resolution #1018, effective May 19, 2000) (B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

3-5.12 Setbacks for Corner Lots with Public and Private Frontage.

Where a lot fronting on a public street (excluding panhandle lots) is located adjacent to a private drive and access to the lot is provided through the private drive easement, the front yard setback along the private drive may be reduced to a distance not less than 25 feet from the edge of the private drive easement.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

3-5.13 Limitation of One Main Building on Lot.

Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main building on a lot except as specifically provided hereinafter in Section 3-5.14.

Where a proposed building/development is located on several lots of record, such parcels shall be consolidated prior to issuance of a Zoning Certificate. Furthermore, all accessory structures shall be located on the same parcel as the principle use.
(B.C.C. Resolution #1007, effective March 5, 1999)

3-5.14 Yard Requirements Where Lot Includes More Than One Main Building.

Where a lot is used for institutional, commercial, industrial or multiple family purposes, and where the zoning compliance plan is specifically approved therefore by the County Zoning Inspector, more than one main building may be located on the lot, but only when such buildings conform to all yard and open space requirements at the perimeter of the lot for the district in which the lot is located.

3-5.15 Yard Measurements on Existing Subdivisions.

On subdivisions approved prior to the effective date of this code revision (October 25, 1996) applicable yard measurements shall continue to be made to the edge of pavement.
(B.C.C. Resolution #986, effective December 25, 1997)

3-5.16 Pavement in Required Front Yards of Residential Uses.

The impervious surface ratio (ISR) of the required front yard shall not exceed fifty percent (50%). ISR calculations shall include porches, sidewalks, driveways, and/or any other permanent impervious surfaces which project into the required front yard.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004) (B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

3-6 AGRICULTURE REGULATIONS.

Except as hereinafter provided, nothing contained in this Resolution shall regulate the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure, except on lots that are five (5) acres or less in any platted subdivision, or any unplatted subdivisions resulting in fifteen (15) or more lots, each smaller than five acres and contiguous or separated only by right-of-way.

3-7 AGRICULTURAL USES.

A building or premises shall be used only in accordance with the following requirements if listed as “permitted” in Table 3-2:

3-7.1 Agricultural Setback.

Agriculture on lots as provided in this section, provided any buildings, structures, exterior storage, refuse, or supplies shall be at least sixty (60) feet from every property line of adjacent parcels in residence or office districts and further provided that specific agricultural uses listed in this article shall comply with specific standards for such uses.

3-7.2 Greenhouse Setback.

Greenhouses less than 1,032 square feet in area on lots provided in this section shall be considered accessory detached structures and shall be regulated in accordance with Section 10-12, provided that there is no exterior storage of refuse or supplies and that there is no exterior heating plant. Greenhouses greater than 1,032 square feet in area on lots as provided in this section shall be at least sixty (60) feet from every property line of adjacent parcels in residence or office districts, provided any exterior storage of refuse or supplies and the heating plant, regardless of the size of the greenhouse shall be at least one hundred (100) feet from every property line of adjacent parcels in residence districts.
(B.C.C. Resolution HCRZC 2007-01, effective April 13 2007)

3-7.3 Agricultural Accessory Uses.

Accessory buildings and uses customarily incident to any of the above uses including:

a. Compost piles or bins, on lots as provided in section 3-6, which are located in the rear yard and at least three (3) feet from every property line.

b. Roadside stands, or farm markets, on lots as provided in section 3-6, where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by

the market operator in a normal crop year and provided that the structure shall not exceed eight hundred (800) square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of adjacent parcels in residence districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

3-8 DAIRYING, AND ANIMAL AND POULTRY HUSBANDRY REGULATIONS.

Except as hereinafter provided, nothing contained in this Resolution shall prohibit the use of any land for dairying, and animal and poultry husbandry or the construction or use of buildings or structures incident to the use for such agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building, or structure, except on lots that are five (5) acres or less in any platted subdivision, or any unplatted subdivisions resulting in fifteen (15) or more lots, each smaller than five acres and contiguous or separated only by right-of-way, and where, if the lot is greater than one (1) acre, at least 35% of the lots are developed.

3-9 DAIRYING, AND ANIMAL AND POULTRY HUSBANDRY USES.

A building or premises shall be used only in accordance with the following requirements if listed as "permitted" in Table 3-2:

3-9.1 Veterinary Facilities and Animal Care.

Veterinary facilities, riding stables or commercial kennels for the boarding of animals, dairying and other animal and poultry husbandry activities on lots as provided in section 3-8 provided that the use is located on a lot that is greater than one (1) acre and further provided that floor area shall not exceed three thousand (3,000) square feet and that buildings and enclosures (including fencing) for animals and manure piles, pits or bins, or other outdoor storage, and parking areas for five or more vehicles shall be at least one hundred (100) feet from every property line of adjacent parcels in residence or office districts.

3-9.2 Veterinary Facilities in Office Districts.

In the "O" Office District, veterinary facilities are permitted only without outside runs.

3-9.3 Veterinary Facilities in Retail Districts.

In the "E" Retail Business District, veterinary facilities or other animal care facilities, including livery stables, riding academies, and grooming parlors, on lots as provided in Section 3.8, are permitted if any outside animal enclosure or outside run is at least one hundred (100) feet to any property line of adjacent parcels in residence or office districts.

3-9.4 Agricultural Accessory Uses.

Accessory buildings and uses customarily incident to any of the uses in section 3.8, including:

a. Household Pet Enclosures. The keeping of household pets provided, however, that any exterior enclosure in which household pets are kept shall be located in the rear yard and such enclosure (except property line fences) shall be at least twenty (20) feet from every property line.

b. Livestock Enclosures. The keeping of livestock, on lots as provided in section 3-8, provided, however, that any such accessory buildings or enclosures (including all fences), for such animals or fowl, other than household pets, shall be at least one hundred (100) feet from every property line.

c. Private Kennel Enclosures. Private kennels, on lots as provided in Section 3-8, provided that any exterior enclosure (including fences constructed solely for the purpose of confining animals) in which household pets are kept shall be located in the rear yard and at least twenty (20) feet from every property line of adjacent parcels. See Table of Permissible Uses and Section 3-9.1 for Commercial Kennels.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

3-9.5 Outdoor Runs and Exercise Areas in Commercial and Private Kennels and Household Pet Day Care Facilities.

a. All outdoor run areas of a commercial kennel shall be enclosed (uncovered) with a six (6) foot high privacy fence or wall and shielded from all abutting residential properties.
b. All outdoor run areas of a commercial kennel shall not be used between the hours of 10:00 PM and 7:00 AM.
c. Noise levels must be controlled to prevent sound levels generated by outdoor runs in both commercial and private kennels beyond the property line, at locations zoned or used for residential purposes, from exceeding 62 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 52 decibels (dBA) between the hours of 10:00 PM and 7:00 AM.
(B.C.C. Resolution HCRZC 2007-02, effective March 5, 2008)

TABLE 3-10 – DELETED

3-10 SUBURBAN AGRICULTURE - BEEKEEPING.

A building or premises shall be used only in accordance with the following requirements if listed as "permitted" in Table 3-2:

3-10.1 Beekeeping Standards.

a. No person shall engage in apiculture without a Zoning Certificate that specifically identifies apiculture.

b. In no case shall any product produced or made as a result of apiculture activity be offered for sale on any property zoned for residential use.

c. Notwithstanding compliance with the various requirements of this section, it shall be prohibited for any beekeepers to keep any colony or colonies in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.

d. Allowed densities. It shall be unlawful to keep more than the following number of colonies on any tract of land, based upon the size or configuration of the tract on which the apiary is situated:

    1. One acre or less – two (2) colonies.

    2. More than one acre – four (4) colonies

e. Location and Setbacks. Any structure used for apiculture shall be accessory to an existing principal structure and shall comply with the following yard and setback requirements:

    1. Be located in the rear yard.

    2. Be located at least ten (10) feet from any property line.

f. Hive Registration. All honey bee colonies shall be registered with the Ohio Department of Agriculture. Operators granted a Zoning Certificate to operate an apiary must maintain a valid annual apiary registration.

g. Hive Type. All honey bee colonies shall be kept in Langstroth-type hives with removable frames, which shall be kept in sound and usable condition.

h. Fencing of Flyways. In each instance in which any colony is situated within 25 feet of a property line, the beekeeper shall establish and maintain a flyway barrier so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary. Any fence shall extend ten (10) feet beyond the colony in each direction and shall comply with Section 10-7.2.

i. Water. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, pet watering bowls, bird baths, or other water sources where they may cause human or domestic pet contact.

j. Queens. Beekeepers are strongly encouraged to maintain all colonies with marked queens. In any instance in which a colony exhibits unusual aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to promptly re-queen the colony with another marked queen. Queens shall be selected from European stock bred for gentleness and non-swarming characteristics.

k. Operation. It shall be presumed that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a colony or colonies are situated. The presumption may be changed by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.

l. Zoning Certificate Required. Applicants seeking to engage in apiculture must provide the following:

1. The Zoning Certificate Application Form
2. A Site Plan showing existing conditions and the location, dimensions, setbacks and colony/hive type for the proposed colony or colonies, any fencing or flyways if required, and the location of nearby water.
3. A copy of a current, valid apiary registration from the Ohio Department of Agriculture.
4. A copy of a signed, written agreement under Section 3-10.1(k), if applicable.
5. Any other relevant information related to the operation of the apiary, if requested by the Administrative Officer.

(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

3-11 SUBURBAN AGRICULTURE – SUBURBAN CHICKENS.

A building or premises shall be used only in accordance with the following requirements if listed as "permitted" in Table 3-2:

3-11.1 Suburban Chicken Standards.

a. Purpose. The sole purpose of keeping Suburban Chickens is for the farming of their eggs for the private consumption of the property owner and not to sell the product. In no case shall any product produced or made as a result of the keeping of suburban chickens as provided in this section be offered for sale on any property zoned for residential use. Furthermore, these regulations are not meant to limit poultry husbandry uses as regulated by Section 3-9.

b. Number of Fowl. The number of chickens shall be limited to ten (10) per household. Roosters are prohibited.

c. Suburban Chicken Enclosure. Any accessory building or enclosure (including fences) shall be located a minimum of twenty (20) feet from all property lines, shall be located within the rear yard, shall provide a minimum of 10 square feet in area per chicken with a maximum size of 100 square feet for the total enclosure area, and shall be a maximum of 6 feet in height at the highest point.

d. Maintenance. Chickens and their enclosures shall be kept in neat, clean and sanitary condition free from offensive odors, excessive noise, or any other condition that would constitute a nuisance.

e. Confinement. Chickens shall not be permitted to be outside the designated fenced enclosure and shall be closed up in their coop between the hours of 10 p.m. and 7 a.m.

f. Slaughter. No chicken shall be slaughtered on property zoned for residential use; however, those chickens that die through some other means or are slaughtered off site may be cleaned and dressed on the property for consumption or disposal.

(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

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CHAPTER 4

RESIDENTIAL DISTRICTS

4-1 GENERAL PROVISIONS.

4-1.1 Statement of Intent.

The Residential Districts are intended to provide a range of housing choices to meet the needs of Hamilton County's residents, and, to officer a balance of housing types and densities, while promoting harmonious development of residential communities in the County and to help implement housing policies and other plans adopted by the County.

4-1.2 Accessory Uses and Structures.

Accessory uses and structures shall be permitted in the A-A, A, A-2, B, B-2, C, D and MHP Districts subject to the provisions of Chapter 10.

4-1.3 Conditional Uses.

Conditional uses in Residential Districts are listed in the Table in Section 3-2. Further information on the criteria, standards, and procedures for conditional uses are contained in Chapter 17.

4-1.4 Signs.

Signs that are permitted in the A-A, A, A-2, B, B-2, C, D and MHP Districts are subject to the provisions of Chapter 13.

4-1.5 Lot Area, Lot Width, Building Height and Yard Standards.

All uses and structures permitted in the A-A, A, A-2, B, B-2, C, D and MHP Districts shall comply with the following provisions and the lot area, lot width, building height and yard requirements set forth in the Tables in Section 4-6 and 4-7 found at the end of this Chapter.

a. Front Yard Setback Alignment with Adjacent Lots. Alignment setbacks and/or front yard depths are not required to exceed the average minimum depths of the existing front yards on the lots adjacent to them on each side, if the lots are within the same block on the same side of the street and within one hundred (100) feet of each other.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

b. Front Yard Requirements on Corner Lots. Lots located at the intersection of two or more streets are referred to as corner lots. Corner lots are required to have a front yard on both streets. However, the buildable width of a lot of record shall not be reduced to less than forty (40) feet, except that in no case shall any front yard setback be reduced to less than the required side yard setback for the district in which the lot is located. No accessory building shall project beyond the front yard line on either street.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

c. Front Yard Requirements on Double Frontage Lots. Lots that have double frontage are required to have a front yard on both streets.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

Additional height and yard requirements and exceptions are contained in Section 3-5.

4-1.6 Parking Standards.

All uses and structures permitted in the A-A, A, A-2, B, B-2, C, D and MHP Districts shall comply with the parking requirements set forth in Chapter 12.

4-1.7 Buffer Yards and Resource Protection.

All uses and structures in the A-A, A, A-2, B, B-2, C, D and MHP Districts shall comply with the provisions of Chapters 14, 15 and any other appropriate Chapter.

4-1.8 Redevelopment Standards.

Redevelopment approved in accordance with Section 1-7 of this Zoning Resolution is exempt from the provisions identified in Section 1-7.2 and any provision of Section 4-3 (Multi-family Residential District) that is inconsistent with the Standards for Redevelopment in Section 9-6.1.

4-2 THE A-A, A, A-2, B, B-2 AND C RESIDENTIAL DISTRICTS.

4-2.1 Purpose.

The purpose of the A-A, A, A-2, B, B-2 and C Districts established by Section 3-1, is to protect and support the development of single-family housing in conjunction with appropriate accessory uses and public and institutional uses. The standards of these districts are intended to maintain a suitable environment for family living at various densities and in various types on housing, including single-family detached and clustered housing under specified conditions which provides flexibility in the organization of site elements and building location.

4-2.2 Permitted Uses.

The uses specified as Permitted ("P") Uses in the Table of Permissible Uses found in the Table in Section 3-2 are permitted as of right in the A-A, A, A-2, B, B-2 and C Districts with a Permitted Use Zoning Certificate provided they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

4-2.3 Planned Unit Developments.

In addition to the uses specified as Planned Unit Developments ("PUD") in the Table of Permissible Uses found in the Table in Section 3-2, the following densities are permitted in the A-A, A, A-2, B, B-2 and C Districts as PUD's provided they are approved as PUD-1's by the Rural Zoning Commission pursuant to the standards and procedures for planned unit developments set forth in Chapter 18 and in Sections 4-2.5 and 4-2.6 comply with all applicable requirements of this Resolution. For calculation of density on preliminary plans where actual location and are of rights-of-way or easements for public streets is not yet determined, the net density shall be based on 82% of the gross area.

a. A-A District: single-family detached dwellings at a maximum net density of 1.0 unit per acre.

b. A District: single-family detached dwellings at a maximum net density of 2.17 units per acre.

c. A-2 District: single-family detached dwellings at a maximum net density of 3.11 units per acre.

d. B District: single-family detached dwellings at a maximum net density of 4.1 units per acre.

e. B-2 District: single-family detached dwellings at a maximum net density of 5.8 units per acre.

f. C District: single-family detached dwellings at a maximum net density of 7.26 units per acre.

(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

4-2.4 Maximum Height and Minimum Lot Area, Bulk and Yard Requirements.

The maximum height and minimum lot area, bulk and yard, and accessory building requirements for low density residential uses in the A-A, A, A-2, B, B-2 and C Districts are set forth in the Table in Section 4-6 found at the end of this Chapter.

4-2.5 Single Family Planned Unit Development (PUD) Standards for Patio, Zero-Lot-Line and Single-Family Detached, Clustered Dwellings

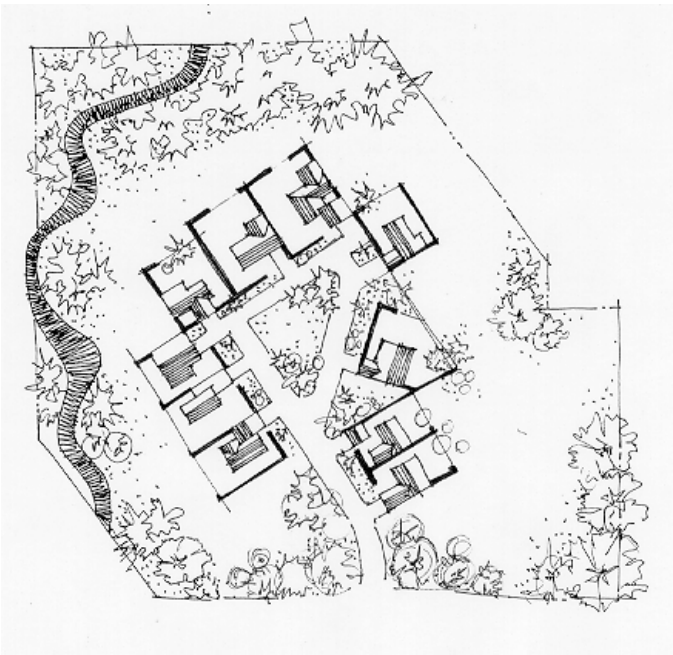
Single family planned unit developments shall only be considered if dedicated open space, is located on parcels separate from homes or community buildings, and conveyed to an owners association as regulated by Section 18-8.2

Subject to the provisions of Section 4-2.3, as applicable, developments of patio dwellings, zero-lot-line dwellings and clustered dwellings shall comply with the density requirements for single-family detached dwellings for residential district in which they are located (except as authorized by Section 4-2.6) and the minimum lot size, bulk and other site development requirements set forth below. Minimum perimeter setbacks shall conform to district setback requirements.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

a. Patio Dwelling. The lot of each dwelling unit shall be fully enclosed by a solid wall located at the lot line, broken only by a driveway or a pedestrian access, in order to create a private yard between dwelling and the wall. All such walls shall be a minimum of six (6) feet in height. If a patio dwelling is located on a lot-line, that portion of the dwelling wall located on the lot-line may be counted as part of the required patio wall. The minimum standards for a patio dwelling are as follows:

Minimum Lot Size (sq. ft.):	2,700
Minimum Lot Width (ft.):	38
Minimum Patio Area (sq. ft.):	750
Minimum Patio Area Width (ft.):	25
Minimum Setback for Interior Right-of-Way or access easement Front Load Garage (ft.): Dwelling or Side Load Garage (ft.):	 20 10

EXAMPLE OF SITE PLAN
PATIO DWELLINGS



b. Zero-Lot-Line Dwelling. Each dwelling shall be located on an individual lot which is set on, or within five (5) feet of the side lot line. No windows shall be located on the wall of the dwelling nearest to the side lot line. Either of five (5) foot maintenance easement shall be provided on the neighboring property; or the dwelling may be set back five (5) feet from the line and a reacreation, planting, and use easement may be granted to the adjacent lot owner. The minimum stnadards for a zero-lot-line dwelling are as follows:

Minimum Lot Area (sq. ft.):	5,000
Minimum Interior Yards Front (ft.): Rear (ft.): Side (ft.):	 20 30 10[a]
Minimum Building Spacing (ft.):	10[b]
Minimum Lot Width (ft.):	45
Minimum Setback from Interior Right-of-Way or access easement (ft.):	20

[a] Standard applicable when units are set back from the lot line and a use/maintenance easement is provided.

[b] Standard applicable when units are set back from the lot line and a use/maintenance easement is provided.

EXAMPLE OF SITE PLAN
ZERO-LOT-LINE DWELLING

c. Clustered Dwellings. Each dwelling type consists of a single-family detached residence located on an individual lot, which has private yards on all sides of the house. The minimum standards for single-family detached clustered dwellings other than the types specified in Sections 4-2.5(a) and (b) are:

Minimum Lot area (sq. ft.):	6,000
Minimum Interior Yards Front (ft.): Rear (ft.): Side (ft.):	 20 25 5
Minimum Lot Width (ft.):	50
Minimum Setback from Interior Right-of-way or access easement (ft.)	20

(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

EXAMPLE OF SITE PLAN
CLUSTERED DWELLINGS

4-2.6 Density Bonus

In developments where at least forty percent (40%) of the net acreage of the development is preserved as dedicated open space, located on separate parcels from homes or community buildings, a net density bonus of five percent (5%) shall be authorized in accordance with the following formula:

(net acreage of site) x (maximum density permitted by underlying zoning district) = net density x 1.05 (bonus) = maximum number of units permitted
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

4-3 D MULTI-FAMILY RESIDENTIAL DISTRICT.

4-3.1 Purpose.

The purpose of the D Multi-Family District is to provide opportunities for low to high density residential development where sufficient infrastructure is available prior to development. This district permits a broad

range of housing types including single-family and multi-family dwellings as well as low-intensity uses that retain a residential character.

4-3.2 Permitted Uses.

In addition to the uses specified as Permitted ("P") in the Table of Permissible Uses found in the Table in Section 3-2, low intensity presidential uses are permitted as of right in the D District (at net densities of 7.3 dwelling units or less per acre) with a Permitted Use Zoning Certificate provided that they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

4-3.3 Planned Unit Developments.

In addition to the uses specified as Planned Unit Developments ("PUD") in the Table of Permissible Uses found in Section 3-2 the following types of residential developments are permitted in the D District at intensities listed in Section 3-2 as Planned Unit Developments provided they are approved as PUD-1's by the Rural Zoning Commission, or as PUD-2's by the Board of County Commissioners if the proposed development exceeds any of the moderate land use intensity standards enabling PUD-1 approval. PUD's are subject to the standards and procedures set forth in Chapter 18 provided they comply with all other applicable requirements of this Resolution:

a. Single-Family Detached Dwellings in PUD's.

b. Multi-Family dwellings

   1. Apartment style
   2. Two Family
   3. Three Family
   4. Townshouse

4-3.4 Minimum Lot Area, Lot Width and Yard Requirements.

The minimum lot area, lot width, bulk and yard requirements for low intensity residential and office uses in the D District are found in the Table in Section 4-6.

4-3.5 Maximum Building Height.

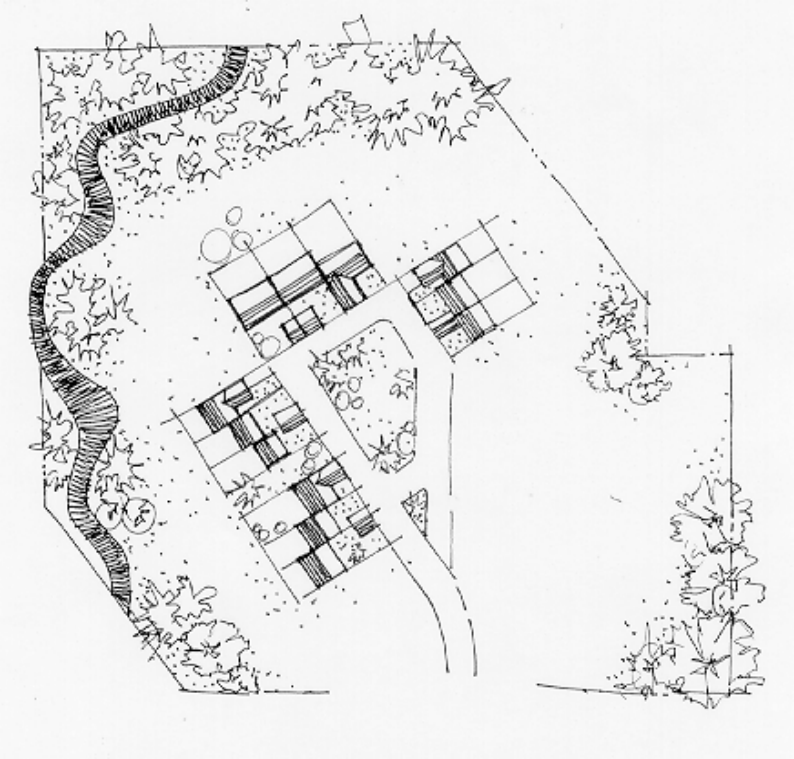
The maximum building height permitted in the D District, exclusive of developments approved through the PUD procedure, for principal buildings, is as per Section 4-6. Maximum height for accessory structures shall be one story or 15 feet, whichever is less.

4-3.6 Standards for Townhouse Dwellings.

Rows of attached townhouses shall be no more than twelve (12) units each. The minimum standards for a townhouse dwelling are as follows:

Minimum Lot Area: (sq. ft. per unit)	2,400
Minimum Lot Width (ft.):	18
Minimum Yards (per structure) Front (ft.): Rear (ft.):	 20 30
Minimum Setback from Interior Right-of-way or access easement (ft.)	20

EXAMPLE OF SITE PLAN
TOWNHOUSE DWELLINGS



4-4 THE MHP MANUFACTURED HOME PARK DISTRICT.

4-4.1 Purpose.

The purpose of the MHP District established by Section 3-1 is to provide sites for manufactured homes and/or mobile homes at appropriate locations in relation to the existing and potential development of their surrounds and, in relation to other uses and community facilities, to afford a proper setting for such uses and a proper relation to other land uses.

4-4.2 General Requirements.

Each manufactured home park shall also comply with the rules of the Ohio Department of Health, Public Health Council, for Manufactured Home Parks, as adopted pursuant to Chapter 3733 of the Ohio Revised Code, and such other requirements as are imposed by the Hamilton County Health Department.

4-4.3 Minimum Tract Size.

No manufactured home park shall be approved for development under the MHP District designation if it contains less than ten (10) acres.

4-4.4 Permissible Uses; Mobile Homes.

The uses specified in the Table of Permissible Uses found in Section 3-2 are permitted in the MHP District with a Permitted Use Zoning Certificate, as indicated, provided they comply with all requirements of this Chapter and all other applicable requirements of this Resolution. For the purposes of this Section 4-4, a mobile home is the same as a manufactured home.

4-4.5 Procedure for District Designation.

The MHP District may be applied to a tract of land in accordance with the requirements of state law and upon approval by the Board of County Commissioners pursuant to the procedures and standards established in Chapter 16. The petition shall be accompanied by the site plan required by Section 4-4.6.

4-4.6 District Requirements.

In addition to complying with the procedures and standards set forth in this Chapter, an application for a manufactured home park shall comply with the following specific standards:

a. Water, Sanitary Sewer. A manufactured home park shall be provided with public water suply and a water distribtuion system installed in accordance with County specifications. Where a public sanitary sewer is reasonably accessible, the park shall be connected to such public sanitary sewerage system, with a lateral connection to each manufactured home lot, subject to the review and approval of the Metropolitan Sewer District, the Hamilton County Health Department and the State Department of Health. Where a public sanitary sewer is not available and not reasonably accessible in the judgement of Metropolitan Sewer District, an alternate means of sewage disposal, such as a community sewage treatment plan may be considered, subject to review and approval of officials having jurisdiction. An individual sewage disposal system shall not be permitted.

b. Drainage. Each manufactured home park shall be graded and drained to prevent the standing of storm water. The method of drainage, including treatment of both paved and unpaved areas shall be subject to the approval of the Hamilton County Stormwater and Infrasturue Division.

c. Perimeter Setbacks. The setback of any manufactured home or use accessory to such home shall be setback a minimum of one hundred (100) feet from the property line of any adjoining residence district and a minimum of fifty (50) feet from the property line of any adjoining non-residence district.

4-4.7 Enlargement of Park.

Any enlargement of extension within an existing manufactured home park shall be deemed the establishment of a new use and shall be subject to the provisions of this Section 4-4 and the other applicable provisions of this Resolution. No enlargement or extension of a manufactured home park shall be permitted unless in the judgment of the Rural Zoning Commission the existing park conforms or is made to conform substantially with all the requirements for new construction of a manufactured home park.

TABLE 4-5 -- DELETED

TABLE 4-6
LOT AREA, LOT WIDTH, MAXIMUM HEIGHT AND YARD REQUIREMENTS FOR LOW DENSITY USES PERMITTED AS OF RIGHT IN RESIDENTIAL DISTRICTS

DIMENSIONS	DISTRICTS							
	A-A	A	A-2	B	B-2	C	D	MHP
MAXIMUM HEIGHT								
I. Principal Building								
A. Stories *(whichever is less)*	2.5	2.5	2.5	2.5	2.5	2.5	3.5	1.0
B. Feet (whichever is less)	35	35	35	35	35	35	45	15
LOT REQUIREMENTS								
I. Minimum Lot Size Per Unit								
A. Single-family detached (sq. ft.)	43,560	20,000	14,000	10,500	7,500	6,000	6,000	NA
B. Multi-Family								
1. Apartment style (sq. ft.)	NA	NA	NA	NA	NA	NA	6,000	NA
2. Two-Family (sq. ft.)	NA	NA	NA	NA	NA	NA	6,000	NA
3. Three-Family (sq. ft.)	NA	NA	NA	NA	NA	NA	6,000	NA
4. Townhouse (sq. ft.)	NA	NA	NA	NA	NA	NA	6,000	NA
C. Manufactured Home	NA	NA	NA	NA	NA	NA	NA	*
II. Minimum Lot Width								
A. Single-family detached (ft.)	150	100	80	70	60	50	50	NA
B. Multi-Family								
1. Apartment style (ft.)	NA	NA	NA	NA	NA	NA	100	NA
2. Two-Family (ft.)	NA	NA	NA	NA	NA	NA	80	NA
3. Three-Family (ft.)	NA	NA	NA	NA	NA	NA	90	NA
4. Townhouse (ft.)	NA	NA	NA	NA	NA	NA	18	NA
C. Manufactured home	NA	NA	NA	NA	NA	NA	NA	*
MINIMUM YARD REQUIREMENTS								
I. Front Yard								
A. Single-family detached (ft.)	50	50	40	35	35	30	30	NA
B Multi-Family								
1. Apartment style (ft.)	NA	NA	NA	NA	NA	NA	30	NA
2. Two-Family (ft.)	NA	NA	NA	NA	NA	NA	30	NA
3. Three-Family (ft.)	NA	NA	NA	NA	NA	NA	30	NA
4. Townhouse (ft.)	NA	NA	NA	NA	NA	NA	†	NA
C. Manufactured Home	NA	NA	NA	NA	NA	NA	NA	
II. Side Yards *(each)*								
A. Single-family detached (ft.)	25	15	10	8		5	5	NA
1. Total					13			
2. Minimum					5			
B. Multi-Family								
1. Apartment style (ft.)	NA	NA	NA	NA	NA	NA	10	NA
2. Two-Family (ft.)	NA	NA	NA	NA	NA	NA	8	NA
3. Three-Family (ft.)	NA	NA	NA	NA	NA	NA	10	NA
4. Townhouse (ft.)	NA	NA	NA	NA	NA	NA	†	NA
C. Manufactured Home	NA	NA	NA	NA	NA	NA	NA	
III. Rear Yard								
A. Single-family detached (ft.)	60	35	35	35	30	30	30	NA
B. Multi-Family								
1. Apartment style (ft.)	NA	NA	NA	NA	NA	NA	40	NA
2. Two-Family (ft.)	NA	NA	NA	NA	NA	NA	30	NA
3. Three-Family (ft.)	NA	NA	NA	NA	NA	NA	30	NA
4. Townhouse (ft.)	NA	NA	NA	NA	NA	NA	†	NA
C. Manufactured Home	NA	NA	NA	NA	NA	NA	NA	*

NOTE: * Subject to the standards contained in Chapter 4, Section 4-4.
† Subject to the specific townhouse standards contained in Chapter 4, Section 4-3.6.

(B.C.C. Resolution #980, effective August 2, 1997)

TABLE 4-7
LOT AREA, LOT WIDTH, MAXIMUM HEIGHT AND YARD REQUIREMENTS FOR SINGLE FAMILY DETACHED DWELLINGS IN PLANNED UNIT DEVELOPMENTS (PUD'S)

DIMENSIONS	DISTRICTS							
	A-A	**A**	**A-2**	**B**	**B-2**	**C**	**D**	**MHP**
MAXIMUM HEIGHT								
Principal Building								
Stories *(whichever is less)*	2.5	2.5	2.5	2.5	2.5	2.5	3.5	1.0
Feet *(whichever is less)*	35	35	35	35	35	35	45	15
LOT REQUIREMENTS								
Minimum Lot Size Per Unit								
Patio dwelling (sq. ft.)	2,700	2,700	2,700	2,700	2,700	2,700	2,700	NA
Zero-lot-line (sq. ft.)	5,000	5,000	5,000	5,000	5,000	5,000	5,000	NA
Clustered (sq. ft.)	6,000	6,000	6,000	6,000	6,000	6,000	6,000	NA
Minimum Lot Width								
Patio dwelling (ft.)	38	38	38	38	38	38	38	NA
Zero-lot-line (ft.)	45	45	45	45	45	45	45	NA
Clustered (ft.)	50	50	50	50	50	50	50	NA
MINIMUM YARD REQUIREMENTS								
Front Yard	**See Section 4-2.5 for Additional Single Family Planned Unit Development Standards**							
Patio dwelling (ft.)								NA
Zero-lot-line (ft.)								NA
Clustered (ft.)								NA
Side Yards *(each)*								
Patio dwelling (ft.)								NA
Zero-lot-line (ft.)								NA
Clustered (ft.)								NA
Rear Yard								
Patio dwelling (ft.)								NA
Zero-lot-line (ft.)								NA
Clustered (ft.)								NA

CHAPTER 5

COMMERCIAL DISTRICTS

5-1 GENERAL PROVISIONS.

5-1.1 Statement of Intent.

The Commercial Districts, which include the O Office District and the E Retail Business District, are intended to provide controlled and harmonious settings for office developments and business/commercial developments, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, to encourage high quality of design in office and business/commercial developments, and to help implement land use plans, thoroughfare plans and corridor studies adopted by the County.

5-1.2 Impact Controls and General Restrictions.

a. Mechanical Equipment to be Screened. All ground level and roof top mechanical equipment visible from public streets and residential districts or any districts with permitted residential uses shall be screened.

b. Refuse Control. Temporary storage of refuse materials shall be limited to that produced on the premises. Refuse containers must be covered and shall be stored within completely enclosed buildings or placed in corrals providing complete screening from public streets and residential districts or any districts with permitted uses in accordance with Chapter 10, Section 10-5.

c. Sensory and Nuisance Impacts. Processes, equipment, and goods for sale shall be limited to those that are not objectionable to the enjoyment and use of adjoining and adjacent zoning lots which are within 600 feet, because of odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water-carried waste.

d. Noise levels must be controlled to prevent sound levels beyond the property line, at locations zoned or used for residential purposes, to exceed 62 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 52 decibels (dBA) between the hours of 10:00 PM and 7:00 AM.

e. Any use or dissemination of sensory or fire, explosive, or radioactive material in a manner or quantity that endangers the public health, safety, comfort or welfare is hereby declared a public nuisance and shall be unlawful.

f. Lighting. On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare only to the property on which it is located in accordance with Chapter 12, Section 12-7.

g. Permanent Outside Display.

   1. The outside display of merchandise materials or inventory shall not encroach into areas of required parking, loading areas, setbacks or easements.

   2. The outside display of materials, merchandise, or inventory shall not be located in any required pervious surface area within the lot.

   3. The outside display of materials, merchandise, or inventory shall not include the use of banners, pennants or strings of pennants.

(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

5-1.3 Accessory Uses and Structures.

Accessory uses and structures shall be permitted in the O District and E District subject to the provisions of Chapter 10.

5-1.4 Conditional Uses.

Conditional uses in the Commercial Districts are listed in Section 3-2. Further information on the criteria, standards, and procedures for conditional uses is contained in Chapter 17.

5-1.5 Planned Unit Developments.

The uses specified as Planned Unit Developments, PUD-1's in the Table of Permissible Uses found in Section 3-2 require approval by the Rural Zoning Commission pursuant to the standards and procedures for Planned Unit Developments set forth in Chapter 18 and all other applicable requirements of this Resolution.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

5-1.6 Signs.

Signs are permitted in the O District and E District subject to the provisions of Chapter 13.

5-1.7 Lot Area, Bulk and Yard Standards.

All uses and structures permitted in the O District and E District shall comply with the lot area, bulk and yard requirements set forth in Section 5-5 found at the end of this Chapter. Additional bulk and yard requirements and exceptions are contained in Section 3-5.

5-1.8 Parking Standards.

All uses and structures permitted in the O District and E District shall comply with the parking requirements set forth in Chapter 12.

5-1.9 Buffer Yards and Resource Protection.

All uses and structures permitted in the O District and E District shall comply with the provisions of Chapters 14 and 15.

5-1.10 Redevelopment Standards.

Redevelopment approved in accordance with Section 1-7 of this Zoning Resolution is exempt from any provision identified in Section 1-7.2 as well as any provision of this Chapter that is inconsistent with Standards for Redevelopment as defined in Section 9-6.1.

5-2 THE O OFFICE DISTRICT.

5-2.1 Purpose.

The purpose of the O District established by Section 3-1, is to provide locations that are suitable for the establishment and operation of professional, institutional and governmental office uses.

5-2.2 Permitted Uses.

The uses defined as low intensity office uses in the Table of Permissible Uses found in Section 3-2 are permitted as of right in the O District with a Permitted Use Zoning Certificate provided they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

5-3 THE E RETAIL BUSINESS DISTRICT.

5-3.1 Purpose.

The purpose of the E District established by Section 3-1 is to provide for general business uses and other uses listed in Section 3-2 that tend to locate along highways with relatively high traffic volumes and that cater to the general public.

5-3.2 Permitted Uses.

The uses defined as low intensity commercial uses in the Table of Permissible Uses found in Section 3-2 are permitted as of right in the E District with a Permitted Use Zoning Certificate provided they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

TABLE 5-4 -DELETED

TABLE 5-5
LOT AREA, BULK AND YARD REQUIREMENTS IN COMMERCIAL DISTRICTS FOR LOW INTENSITY USES PERMITTED AS OF RIGHT

REQUIREMENT [2]	O OFFICE DISTRICT	E RETAIL BUSINESS DISTRICT
A. MAXIMUM HEIGHT		
1. Principal Building		
A. Height (ft.)	35	35
B. LOT REQUIREMENTS		
1. Minimum Lot Area (sq. ft.)	20,000	20,000
2. Minimum Lot Width (ft.)	100	100
C. MINIMUM YARD REQUIREMENTS [1]		
1. Front Yard (ft.)	40	30
2. Side Yards (ft. each)	10	10
3. Rear Yard (ft.)	20	20
D. MAXIMUM IMPERVIOUS SURFACE RATIO[2]	.60	.60

(B.C.C. Resolution #1018, effective May 19, 2000)

NOTES:

1 Also See bufferyard requirements in Chapter 14.

2 These standards may be exceeded up to the maximums specified in Section 3-2, if approved as a PUD-1 with appropriate modifications in the above standards pursuant to Chapter 18.

(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

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CHAPTER 6

INDUSTRIAL DISTRICTS

6-1 GENERAL PROVISIONS.

6-1.1 Statement of Intent.

The Industrial Districts are intended to provide appropriate locations for fabrication, processing, packaging, distribution, storage, and other transportation activities contributing to the economic base of the County, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values and the tax base, to improve the design quality of industrial areas, and to help implement land use plans, thoroughfare plans and corridor studies adopted by the County.

6-1.2 Impact Controls and General Restrictions in the Industrial Districts.

a. Mechanical Equipment to be Screened. All ground level and roof top mechanical equipment visible from public streets and residential districts or any districts with permitted residential uses shall be screened.

b. Refuse Control. Refuse containers must be covered and shall be stored within completely enclosed buildings or placed in corrals providing screening from public streets and residential districts or any districts with permitted uses in accordance with Chapter 10, Section 10-5.

c. Sensory and Nuisance Impacts. Processes, equipment operations and goods for sale shall be limited to those that are not objectionable to the enjoyment and use of adjoining and adjacent zoning lots which are within 600 feet, because of odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water-carried waste.

d. Noise levels must be controlled to prevent sound levels beyond the property line, at locations zoned or used for residential purposes, to exceed 62 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 52 decibels (dBA) between the hours of 10:00 PM and 7:00 AM.

e. Any use or dissemination of sensory or fire, explosive, or radioactive material in a manner or quantity that endangers the public health, safety, comfort or welfare is a public nuisance and declared unlawful.

f. Lighting. On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare in accordance with Chapter 12, Section 12-7.

g. Permanent Outside Storage or Display.

   1. The outside storage or display of merchandise, materials or inventory shall not encroach into areas of required parking, loading areas, setbacks or easements.

   2. The outside storage or display of materials, merchandise, or inventory shall not be located in any required pervious surface area within the lot.

   3. The outside storage or display of materials, merchandise, or inventory shall not include the use of banners, pennants, or strings of pennants.

   4. Outside storage areas in the F and G Districts shall be located within the side or rear yards only and be required to be screened by a solid wall or fencing (including solid entrance and exit gates) not to exceed eight (8) feet in height.

(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

6-1.3 Accessory Uses and Structures.

Accessory uses and structures shall be permitted in the F District and G District subject to the provisions of Chapter 10.

6-1.4 Conditional Uses.

Conditional uses in the Light Industrial and Heavy Industrial Districts are listed in Section 3-2. Further information on the criteria, standards, and procedures for conditional uses are contained in Chapter 17.

6-1.5 Planned Unit Developments.

The uses specified as Planned Unit Developments (PUD-1's) in the Table of Permissible Uses found in Section 3-2 require approval by the Rural Zoning Commission pursuant to the standards and procedures for Planned Unit Developments set forth in Chapter 18 and all other applicable requirements of this Resolution.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

6-1.6 Signs.

Signs are permitted in the F District and G District subject to the provisions of Chapter 13.

6-1.7 Lot Area, Bulk and Yard Standards.

All uses and structures permitted in the F District and G District shall comply with the lot area, bulk and yard requirements set forth in Section 6-5 found at the end of this Chapter.

6-1.8 Parking Standards.

All uses and structures permitted in the F District and G District shall comply with the parking requirements set forth in Chapter 12.

6-1.9 Buffer Yards and Resource Protection.

All uses and structures permitted in the F District and G Districts shall comply with the provisions of Chapters 14 and 15.

6-1.10 Redevelopment Standards.

Redevelopment approved in accordance with Section 1-7 of this Zoning Resolution is exempt from the provisions identified in Section 1-7.2 and any provision of this Chapter that is inconsistent with the Standards for Redevelopment in Section 9-6.1.

6-2 THE F LIGHT INDUSTRIAL DISTRICT.

6-2.1 Purpose.

The purpose of the F District established by Section 3-1 is to create and protect areas for light manufacturing, processing, storage, wholesaling and distribution operations serving primarily local needs. The standards in this district are designed to provide for the establishment and operation of light industrial uses in a manner that minimizes conflict between industrial uses and nearby residential areas and non-industrial uses.

6-2.2 Permitted Uses.

The uses defined as low intensity light industrial uses in the Table of Permissible Uses found in Section 3-2, are permitted as of right in the F District with a Permitted Use Zoning Certificate provided that they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

6-3 THE G HEAVY INDUSTRIAL DISTRICT.

6-3.1 Purpose.

The purpose of the G District established by Section 3-1, is to create and protect areas for manufacturing, process and assembling of parts and products, distribution of products at wholesale, transportation terminals, and a broad variety of specialized commercial and industrial operations. The standards in this district are designed to provide for the separation of such operations from residential districts and compatibility with other districts by means of natural or man made buffers or structural boundaries such as drainage channels, dramatic breaks in topography, vegetation, traffic arteries and similar types of buffers and boundaries.

6-3.2 Permitted Uses.

The uses defined as low intensity heavy industrial uses in the Table of Permissible Uses found in Section 3-2, are permitted as of right in the G District with a Permitted Use Zoning Certificate provided that they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

TABLE 6-4 - DELETED

TABLE 6-5
LOT AREA, BULK AND YARD REQUIREMENTS
INDUSTRIAL DISTRICTS FOR USES PERMITTED AS OF RIGHT

REQUIREMENT			F DISTRICT	G DISTRICT
A.	**MAXIMUM HEIGHT [2]**			
	1.	Principal Building		
		a. Height (ft.)	35	35
B.	**LOT REQUIREMENTS**			
	1.	Minimum Lot Area (sq. ft.)	20,000	20,000
	2.	Minimum Lot Width (ft.)	100	100
C.	**MINIMUM YARD REQUIREMENTS [1, 2]**			
	1.	Front Yard (ft.)	40	40
	2.	Side Yards (Ft. each)	0	0
	3.	Rear Yard (ft.)	10	10
D.	**MAXIMUM IMPERVIOUS SURFACE RATIO [2]**		.60	.60

(B.C.C. Resolution #1018, effective May 19, 2000)

NOTES:

[1] See bufferyard requirements in Chapter 14.

[2] These standards may be exceeded up to the maximums specified in Section 3-2, if approved as a PUD-1 with appropriate modifications in the above standards pursuant to Chapter 18.

(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

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CHAPTER 7

SPECIAL PURPOSE AND SPECIFIC PLAN DISTRICTS

7-1 GENERAL PROVISIONS.

7-1.1 Statement of Intent.

Special Purpose Districts are geographic areas of the County that contain land uses, platting patterns or environmental characteristics that do not fit traditional zoning classifications (e.g., residential, commercial, industrial) density standards or uniform bulk regulations. These areas currently contain special land uses, have environmental characteristics or have unique characters that are difficult to regulate using uniform bulk and density standards. Because these areas have special land uses, platting patterns and resources, special development standards and procedures are necessary in order to maintain the integrity of these areas, allow for greater flexibility in site design, and achieve the specialized goals for these areas.

Specific Plan Districts are intended to promote the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Within a Specific Plan District, the county zoning, subdivision, and platting regulations need not be uniform, but may vary in order to accommodate unified development and to promote the purposes of Specific Plan Districts.

7-1.2 Impact Controls.

Noise levels must be controlled to prevent sound levels beyond the property line, at locations zoned or used for residential purposes, to exceed 62 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 52 decibels (dBA) between the hours of 10:00 PM and 7:00 AM.

7-1.3 Accessory Uses and Structures.

Except as otherwise provided in the specific regulations pertaining to each district, accessory uses and structures shall be permitted in the H, SW, EX Districts and all Specific Plan Districts subject to the provisions of Chapter 10.

7-1.4 Signs.

Except as otherwise provided in the specific regulations pertaining to each district, signs shall be permitted in the H, SW, EX Districts and all Specific Plan Districts subject to the provision of Chapter 13. The sign standards and regulations for the O, E, F and G Districts shall apply respectively to the OO, EE, FF, and GG, Districts except as otherwise provided by the resolution approving the Specific Plan District. The sign standards and regulations for the Residential Districts shall apply to the CUP and DD Districts except as otherwise provided by the resolution approving the Specific Plan District.

7-1.5 Parking Standards.

Except as otherwise provided in the specific regulations pertaining to each district, all uses and structures permitted in the H, SW, EX Districts and all Specific Plan Districts shall comply with the parking requirements set forth in Chapter 12.

7-1.6 Buffer Yards and Resource Protection.

Except as otherwise provided in the specific regulations pertaining to each district, all uses and structures permitted in the H, SW, EX Districts and all Specific Plan Districts shall comply with the provisions of Chapters 14, 15 and any other applicable Chapters.

7-1.7 Planned Unit Developments.

The uses specified as Planned Unit Developments "PUD-1" in the Table of Permissible Uses for the H, SW, and EX Districts found in Section 3-2 require approval by the Rural Zoning Commission pursuant to the standards and procedures for planned unit developments set forth in Chapter 18 and all other applicable requirements of this Resolution.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

7-2 THE H RIVERFRONT DISTRICT.

7-2.1 Purpose.

The purpose of the H Riverfront District established by Section 3-1, is to protect and enhance water quality, public safety, public recreational opportunities, residential and non-residential uses along the waterways of the County.

7-2.2 Permitted Uses: Floodway Area.

The following uses in addition to those as set forth in the Table of Permissible Uses found in Section 3-2 are permitted as of right within the Floodway area of the H District with a Zoning Certificate provided they comply with all requirements of this Chapter and all other applicable requirements of this Resolution:

a. Agriculture: rural or suburban

b. Marinas, with marina facilities limited to harbors, launching ramps, parking and loading areas and fuel dispensing facilities.

7-2.3 Conditional Uses: Floodway Area.

Conditional uses within the Floodway Area of the H District are listed in the Table in Section 3-2. Further information on the criteria, standards and procedures for conditional uses are contained in Chapter 17.

7-2.4 Permitted Uses: Flood Fringe Area.

The uses specified in the Table of Permissible Uses found in Section 3-2 as well as all uses permitted within the Floodway area are permissible within the Flood Fringe area, and other areas of the H District outside of the floodway with a Zoning Certificate. They shall comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

7-2.5 Conditional Uses: Flood Fringe Area.

Conditional uses within the Flood Fringe Area of the H District are listed in the Table in Section 3-2. Further information on the criteria, standards and procedures for conditional uses are contained in Chapter 17.

7-2.6 Redevelopment Standards.

Redevelopment approved in accordance with Section 1-7 of this Zoning Resolution is exempt from any provision identified in Section 1-7.2 as well as any provision of Section 7-2, or that is inconsistent with the Standards for Redevelopment as defined in Section 9-6.1.

7-2.7 General Standards.

The following standards shall apply in the H District.

a. Accessory Uses and Structures. Uses and structures accessory to the uses permitted in the H Riverfront District shall be permitted subject to Chapter 10; provided, however, that in no event shall an accessory structure occupy more than five hundred seventy six (576) square feet of ground area.

b. Signs. Signs, other than navigational signs, shall be constructed to be compatible with the adjacent visual qualities of the area in which they are located. Signs shall not unduly obstruct the view of the water from any adjacent storefront property and shall not be placed in the water or within twenty-five

(25) feet of the shoreline. When lighted, signs shall have fixed, non-moving, indirect or internal lighting. Off-site advertising signs placed or maintained to be visible from the water are prohibited. To the extent that the sign provisions of Chapter 13 are inconsistent with the provisions of this Section 7-2.7, the provisions of this Section shall control.

c. Lighting. Lights installed for purposes other than navigation shall not be moving, flashing, or colored other than white, except for non-flashing yellow lights designed for insect control. Lights shall not inhibit vision in any way nor be so bright that they may cause night blindness for boat operators on the water.

d. Lot Size, Height and Yard Standards. All uses and structures permitted in the H Riverfront District shall comply with the lot area and yard requirements set forth in the Table in Section 7-6. However, for permitted industrial uses and structures, two (2) feet of additional setback shall be required from all streets or property lines for each one (1) foot of additional height. In no case shall any such permitted use or structure exceed forty-five (45) feet in height, measured from grade as defined in Chapter 2.

e. Final Zoning Inspection Certificate. Before the beginning of any construction or operation in the H District, the plan shall be reviewed and approved by the following agencies and others when applicable; Rural Zoning Commission, Hamilton County Stormwater & Infrastructure Division, County Engineer, Board of Health or Metropolitan Sewer District and the Hamilton County Building and Inspections Division.

7-3 THE SW SOLID WASTE FACILITY DISTRICT.

7-3.1 Purpose.

The purpose of the SW District established by Section 3.1 is to permit the siting of a solid waste facility in a manner compatible with and not adversely affecting other uses of land in the surrounding area.

7-3.2 Permitted Uses.

The uses specified in the Table of Permissible Uses found in the Table in Section 3-2 are permitted as of right in the SW District provided they comply with all requirements of this Chapter and all other applicable requirements of this Resolution.

7-3.3 General Standards.

The following standards shall apply in the SW District.

a. Equipment and Road Condition. All equipment used in the operation shall be placed and operated in compliance with Ohio Environmental Protection Agency, Hamilton County Board of Health and Hamilton County Solid Waste Management District regulations. All access ways or roads within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.

b. Screening. The operation shall be screened by the mounding of the removed topsoil and other overburden to hide objectionable views from adjacent roads and other properties and to deflect and reduce the noise. The location and height of such screening shall be shown on the plans for the operation and restoration of the area.

c. Sanitary Landfill Requirements. All sanitary landfills shall be in accordance with the provisions of the Ohio Revised Code and shall be subject to approval of the Ohio Environmental Protection Agency, the Hamilton County Solid Waste Management District and the Board of Health.

d. Reclamation Plan. In order to avoid the creation of unusable land after the landfill operation is completed, a reclamation plan shall be submitted prior to initiation of any phase of the landfill operation. The intent of the reclamation plan is to permit continued use of the land for a purpose in keeping with the County's overall land use plan, to avoid health and safety hazards and other adverse land features, and to prevent the depreciation of the area, as required by Chapter 1514 of the Ohio Revised Code. Such plan shall include a statement of intended future uses of the area in keeping with the aforesaid county land use plan and shall show the approximate sequence in which the landfill and reclamation measures are to occur, the approximate timing of reclamation of various parts of the area and measures to be undertaken to prepare the site adequately for its intended future use or uses in

keeping with the land use plan. The plan shall also comply with all the other reclamation requirements of Chapter 1514 of the Ohio Revised Code.

e. Final Zoning Inspection Certificate. Before the beginning of any operation in the SW Solid Waste Facility District, the plan shall be reviewed and approved by the Rural Zoning Commission, Solid Waste Management District, Ohio EPA and Board of Health.

7-3.4 Lot Area, Bulk, and Yard Standards.

All uses and structures permitted in the SW District shall comply with the intensity limits contained in the Table in Section 3-2 and the lot area, bulk and yard requirements set forth in the Table in Section 7-6.

7-4 THE EX EXTRACTION DISTRICT.

7-4.1 Purpose.

The purpose of the EX District established by Section 3-1 is to permit the siting of a sand and gravel extraction facility in a manner compatible with and not adversely affecting other uses of land in the surrounding area.

7-4.2 Permitted Uses.

The uses set forth in the Table of Permissible Uses found in Section 3-2 are permitted as of right in the EX District provided that they comply with all requirements of The Ohio Revised Code, this Chapter, and all other applicable requirements of this Resolution:

7-4.3 General Standards.

The following standards and conditions shall be complied with in the EX District:

a. Road Condition. All access ways or roads within the premises shall be maintained in a dust-free condition.

b. Screening. The operation shall be screened to the extent practicable by the mounding of the removed topsoil and other overburden to minimize and hide objectionable views from adjacent roads and other properties and to deflect and reduce the noise. The location and height of such screening shall be shown on the plans for the operation and restoration of the area.

c. Reclamation Plan. In order to avoid the creation of unusable land after the excavation operation is completed, a reclamation plan shall be submitted prior to initiation of any phase of the excavation operation. The intent of the reclamation plan is to permit continued use of the land for a purpose in keeping with the County's overall land use plan, to avoid health and safety hazards and other adverse land features, and to prevent the depreciation of the area, as required by Chapter 1514 of the Ohio Revised Code. Such plan shall include a statement of intended future uses of the area in keeping with the aforesaid county land use plan and shall show the approximate sequence in which the landfill and reclamation measures are to occur, the approximate timing of the reclamation of the various parts of the area and the measures to be undertaken to prepare the site adequately for its intended future use or uses in keeping with the land use plan and to comply with all the other reclamation requirements of Chapter 1514 of the Ohio Revised Code.

d. Final Zoning Inspection Certificate. Before the beginning of any operation in the EX District, the plan shall be reviewed and approved by the following agencies when applicable: Rural Zoning Commission, County Engineer, Ohio Environmental Protection Agency and Board of Health and Ohio Department of Natural Resources.

7-4.4 Lot Area, Bulk, and Yard Standards.

All uses and structures permitted in the EX District shall comply with the intensity limits contained in the Table in Section 3-2 and the lot area, bulk and yard requirements set forth in the Table in Section 7-6.

TABLE 7-5 - DELETED

7-6 TABLE OF LOT AREA, BULK AND YARD REQUIREMENTS IN SPECIAL PURPOSE DISTRICTS FOR LOW INTENSITY USES

REQUIREMENT	H DISTRICT	SW DISTRICT	EX DISTRICT
I. MAXIMUM HEIGHT [1]			
A. Principal Building			
1. Stories (whichever less)	2.5	2.5	3
2. Height (ft.)	35[2]	35	50
II. LOT REQUIREMENTS			
A. Minimum Lot Area (sq. ft.)	20,000	20,000	20,000
B. Minimum Lot Width (ft.)	100	100	100
III. MINIMUM YARD REQUIREMENTS[1]			
A. Front Yard (ft.)	50 [2]	50	50
B. Side Yards (ft. each)	15[2]	50	50
C. Rear Yard (ft.)	35 [2]	50	50
D. Setback from any residence district	NA	NA	500 ft.

(B.C.C. Resolution #1018, effective May 19, 2000)

NOTES:

[1] These standards may be exceeded up to the maximums specified in Section 3-2, if approved as a PUD-1 with appropriate modifications in the above standards pursuant to Chapter 18.

(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

[2] See section 7.19 for additional standards for industrial uses.

7-7 SPECIFIC PLAN DISTRICTS ("DOUBLE LETTER" DISTRICTS)

7-7.1 Purpose.

The purpose of Specific Plan Districts is to encourage innovative design and efficiency in the use of land, resources and utilities on sites where, at the election of the property owner, a legally binding and unified plan for the specific use and specific development of the tract assures a harmonious relationship with existing and potential development of the surrounding property. The Specific Plan Districts enable property to be developed under flexible standards based on public review and legislative approval of a comprehensive site plan without the need to conform to uniform zoning requirements of traditional zoning districts.

7-7.2 Classification.

Specific Plan Districts shall be classified by categories, according to the provisions as described herein, and each adopted Specific Plan District shall be shown on the official Zoning Map. The six categories of Specific Plan Districts include:

a. CUP Community Unit Plan Overlay Districts (single-family)

b. DD Planned Multiple Residence Districts

c. OO Planned Office Districts

d. EE Planned Business Districts

e. FF Planned Light Industrial Districts

f. GG Planned Heavy Industrial Districts

(B.C.C. Resolution #980, effective August 2, 1997)

7-7.3 Procedure for District Designation

a. Applicant. The owner or owners of a tract of land, in accordance with the zone amendment procedures in Chapter 16, shall submit a PUD Plan for the use and development of such tract for the purposes of, and meeting the requirements set forth in, this chapter.

b. Approval Criteria. In determining whether a Specific Plan District shall be approved or recommended for approval, the Administrative Officer, Regional Planning Commission, Rural Zoning Commission and Board of County Commissioners should consider the Standards for Amendments (Section 16-4), the Standards for PUD Plans (Section 18-7) and the guidelines for each Specific Plan District in Appendix A-3.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

c. Property Owner Acceptance, Recording and Certification of Compliance. The PUD Plan and supplemental regulations contained in the Resolution of approval by the Board of County Commissioners shall be incorporated in the Amendment to the Zoning Resolution as an integral part of the zoning regulations applicable to the real estate in accordance with the following procedure:

d. Within ten days after the close of the public hearing by the Board of County Commissioners, the property owner shall submit a PUD plan, to the Administrative Official, incorporating the following on the plan:

e. all revisions to the proposed PUD Plan and all conditions, covenants and related revisions as may be required by the recommendations of the Rural Zoning Commission and as modified by majority vote of the County Commissioners, and

f. a Deed of Acceptance of the PUD Plan and the Amendment executed by the owner of the real estate.

g. Within ten days after receipt of the revised PUD Plan and executed Deed of Acceptance, the Board of County Commissioners shall act on the proposed Amendment pursuant to Section 16-5.7.

h. After the effective date of the zoning amendment, the clerk of the Board of County Commissioners shall cause such Amendment to be recorded in the land records applicable to the real estate in the office of the Recorder of Hamilton County.

i. Zoning Compliance Plan. After the zoning amendment is recorded, the property owner may submit a Zoning Compliance Plan pursuant to the procedures set forth in Section 18-8 for obtaining a Zoning Certificate.

7-7.4 Permissible Uses.

The uses specified in the Table of Permissible Uses found in the Table in Section 3-2 may be permitted in Specific Plan Districts provided that the district shall be laid out and developed as a unit according to a PUD (planned unit development) Plan, as defined in Chapter 2, approved for the specific use or uses and that the plan complies with all other applicable requirements of this Resolution.

7-7.5 Lot Area, Bulk, Height, and Yard Requirements.

Except as modified by the Board of County Commissioners' Resolution of approval for any Specific Plan District, the maximum height and bulk, and the minimum lot area and yard requirements shall be as follows:

a. The requirements for the "CUP" Overlay District shall be the same as the underlying single-family Residence District shown in Table 4-7 and Section 4-2.5. Nothing in this section shall be deemed to enable modification of the maximum net density for single family districts pursuant to Section 4-2.3.

b. The requirements for the "DD" District shall be the same as the "D" District shown in Table 4-6 except that maximum density for each Planned Multiple Residence District shall be set forth in the Board of County Commissioners' Resolution of approval.

c. The requirements for the "OO" District shall be the same as the "O" District shown in Table 5-5.

d. The requirements for the "EE" District shall be the same as the "E" District shown in Table 5-5.

e. The requirements for the "FF" District shall be the same as the "F" District shown in Table 6-5

f. The requirements for the "GG" District shall be the same as the "G" District shown in Table 6-5.
(B.C.C. Resolution #980, effective August 2, 1997)

7-7.6 Supplemental Regulations.

The standards for each Specific Plan District adopted by the Board of County Commissioners may further restrict the regulations for land use and may relax or further restrict the regulations for lot area, coverage, density, floor area, setback, parking, height, fencing, landscaping or other specific development standards for each Specific Plan District upon finding that conditions peculiar to a specific site and the achievement of the Standards for Amendments (Section 16-4) and Standards for PUD Plans (Section 18-7) require supplemental regulations. In addition, right-of-way dedication in accordance with the Hamilton County Thoroughfare Plan shall be considered and may be required as a supplemental regulation in any Specific Plan District. Any such supplemental regulations shall be set forth in the Resolution establishing such Specific Plan District or in an amendment thereto.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

7-7.7 Violation of Supplemental Regulations and PUD Plan.

The supplemental regulations, including conditions, covenants and the PUD Plan, for each Specific Plan District approved in accordance with this Chapter shall be an integral part of the Zoning Resolution and any departure or any modification, except when specifically approved in accordance with Section 18-9, shall be a violation of the Zoning Resolution and shall be subject to the provisions and penalties prescribed therefor in Chapter 24.

7-7.8 Adjustments to Zoning Compliance Plans and PUD Plans.

Adjustments to Zoning Compliance Plans and PUD Plans pertaining to Specific Plan Districts shall be filed and processed pursuant to the procedures set forth in Section 18-9.

7-7.9 Appeals.

The appeal of administrative decisions pertaining to Specific Plan Districts shall be filed and processed pursuant to the procedures set forth in Section 18-10.

TABLE 7-8 - DELETED

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CHAPTER 8

SPECIAL PUBLIC INTEREST(SPI) DISTRICTS

(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

8-1 GENERAL PROVISIONS.

8-1.1 Statement of Intent.

Special Public Interest (SPI) district is intended to provide supplemental regulations or standards pertaining to specific geographic features or land uses, wherever these are located, in addition to, but not necessarily more restrictive than the "base" zoning district regulations applicable within a designated area. Whenever there is a conflict between the regulations of a base zoning district and those of an SPI district, the SPI district regulations control.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

8-1.2 Definition.

A Special Public Interest (SPI) District is defined as a geographic area exhibiting or planned to contain special and distinctive characteristics that are of significant value or importance to the public. These characteristics include natural phenomena such as unique geologic strata, soil formations, slopes, vegetation, water flow, significant scenic views or other similar natural features, or have physical development features such as substantial public investment in public improvements or community plans that coordinate public and private investment, or have characteristics that include institutional uses or neighborhood support services in residential neighborhoods or village developments in suburban metropolitan areas. An SPI district shall be classified according to an SPI category type, and the characteristics of each SPI district shall be in accord with the characteristics of its type as described in this Chapter.

8-1.3 Purposes.

The purposes of SPI regulations are to assist the development of land and structures to be compatible with a larger planning area beyond the immediate vicinity of the site and to protect or improve the quality of the environment in those locations where the characteristics of the environment or the amount of public investment are of significant public interest and are vulnerable to damage or loss of public opportunity by the cumulative effect of development in such planning areas permitted under conventional zoning regulations. SPI regulations are required to protect the public and property owners in the district:

a. From blighting influences that might be incrementally caused, extended or worsened by the application of conventional land use regulations to properties and areas of sensitive and special public interest;

b. From significant damage to neighborhoods that contain large institutional and other nonresidential uses or support services;

c. From significant damage or destruction of prominent wetlands, floodplains, hillsides and/or valleys or other natural resources caused by improper development thereof;

d. From significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;

e. From soil erosion, stream siltration and development on unstable land;

f. From the loss or destruction of mature and/or valuable trees and other natural resources;

g. From the detrimental cumulative effects of incremental development decisions in suburban centers, corridors, neighborhoods and villages on:

   1. conservation and correction of the character, integrity, safety, access and circulation.

   2. preservation and enhancement of pedestrian safety and views from the public right-of-way.

3. balance of convenience and compatibility between residential and nonresidential areas.
4. coordination of useful and attractive signage and streetscape elements.
5. minimization of traffic congestion and coordination of land use intensity with local capacities and goals.

8-1.4 Identification.

The location of all SPI districts shall be shown on the Zoning Map as an additional zone district designation.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

8-1.5 Applicability.

Except as otherwise provided herein and in other sections of this Zoning Resolution, all regulations of the underlying zoning districts shall apply to and control property in the SPI district. However, in the case of conflict between the provisions of an underlying zoning district and an SPI district, the provisions of the SPI district shall prevail. The adoption of an SPI district shall not have any effect on a previously approved zoning certificate or PUD Plan during the period of validity of such approval.

8-1.6 Creation.

The Board of County Commissioners may, from time to time, create SPI districts as defined and containing the characteristics, as set forth in Sections 8-2 through 8-5 of this Chapter.

8-1.7 Procedure.

The establishment or adoption of SPI districts shall be in accordance with the following procedures.

a. Adoption of Special Public Interest Strategy. Prior to the submittal of an application for initiation of a zoning amendment or supplement for a Special Public Interest (SPI) District, an SPI strategy shall be duly adopted by the Regional Planning Commission. The strategy shall contain:

   - a boundary map for the proposed district,
   - justifications for establishment of the proposed district standards and boundaries including development goals and policies for the area within the proposed boundary, and
   - the specific supplemental standards proposed for achieving the SPI strategy.

   The strategy shall describe in words and/or illustrations the special and distinctive characteristics of public interest that are to be protected, improved or achieved and the related specific and measurable standards or development features that will be required for coordinated implementation of the plan. The SPI Strategy may contain goals, policies and standards for the following physical elements: location of buildings; architectural character of buildings; signage; public spaces; streetscape; building and land use mix, diversity and unifying elements; perimeter buffers; provision of utilities such as sewage disposal; pedestrian and vehicular circulation; parking; open space, landscaping and other elements essential to the achievement of adopted community goals. Prior to the adoption of any SPI Strategy, copies thereof shall be forwarded for review and comment to the appropriate citizen or township groups and township trustees representing the community within the SPI boundary.
   (B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

b. Adoption of Zoning Text and Map Amendment. The Board of County Commissioners, pursuant to procedures for zoning amendments in Chapter 16, shall approve, deny or modify such standards and boundary recommended in the SPI strategy and incorporate same in the resolution establishing any specific SPI district as a supplement to this Chapter. In the SPI District the adopted specific standards shall serve as supplemental requirements to the regulations of the base zoning district in reviewing all requests for zoning certificates within the SPI District boundary.
   (B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

8-1.8 Supplemental SPI District Regulations.

SPI district standards adopted by the Board of County Commissioners may relax or further restrict the base zoning districts regulations for land use, lot area, coverage, density, floor area, setback, parking, height, fencing, landscaping or other specific development standards for specific SPI districts upon finding that conditions peculiar to such district and the achievement of adopted community plans require supplemental regulations. Any such supplemental regulations shall be set forth in the resolution establishing such SPI district or in an amendment thereto.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

8-1.9 Classification.

SPI districts shall be classified by categories, according to the provisions and qualifications as described herein, and each adopted SPI district shall be shown on the official Zoning Map. The four categories of SPI districts include:
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

a. Natural Resource (SPI-NR)

b. Neighborhood Quality (SPI-NQ)

c. Suburban Center / Corridor (SPI-SC)

d. Suburban Village (SPI-SV)

8-2 SPECIAL PUBLIC INTEREST-NATURAL RESOURCE DISTRICTS.

Special Public Interest (SPI) Natural Resource Districts shall be identified as SPI-NR Districts.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

8-2.1 Legislative Findings and Specific Purpose.

Natural resources are an important component of quality of life for all residents in the County. When irreplaceable natural features are threatened, their preservation should be weighed and evaluated in relation to public and private interests.

a. The existence of a 20 percent slope, in combination with Miamitown Shale or Kope geologic formation, is evidence of a condition of natural critical stability, and development under conventional regulations may precipitate landslides or excessive soil erosion. Additional regulations are needed to preserve the prominent views from the top or from the slopes of the hillside and the natural contours thereof.

b. Hillsides, as community separators or boundaries, are historic aids to the identification of residential communities which help citizens to relate to their communities and to relate the social organizations of communities to their physical environments.

c. The location of natural resources often coincides with prime development sites. Long term benefits of conserving natural resources in a metropolitan area can be achieved through innovative development regulations based on comprehensive plans.

8-2.2 Characteristics.

SPI-NR districts shall be limited to geographic areas included in a SPI-Natural Resource Protection Strategy (as defined in Section 8-1.7) adopted by the Regional Planning Commission and containing one or more of the following characteristics:

a. Lakes, rivers, floodplains, wetlands, mineral deposits, aquifers, forests, parks, or hillsides (20% slope or greater) or other natural features of significant public interest;

b. Existence of Miamitown Shale or Kope geologic formations, or soils classified as having severe constraints for development;

c. Prominent hillsides and natural resources which are readily viewable from a public thoroughfare.;

d. Scenic areas providing views of a major stream or valley or other natural resource;

e. Hillsides and other natural features functioning as community separators or community boundaries;

f. Hillsides which support a substantial natural wooded cover.

8-2.3 Designation.

The SPI-Natural Resource Districts which meet the characteristics contained in Section 8-2.2 are listed below and are illustrated on the official zoning map. The adopted specific standards for each Natural Resource District listed below are included in this Zoning Resolution as a supplement to Chapter 8.

[NATURAL RESOURCE DISTRICTS TO BE INSERTED WHEN ADOPTED BY BOARD OF COUNTY COMMISSIONERS]
[LIST BY SPI NUMBER, TOWNSHIP AND TITLE OF SPECIFIC DISTRICT]
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

Wooster Pike Natural Resource District

SPI-NR 98-2 (Columbia Township)

Purpose. The purpose of the Wooster Pike Natural Resource District is to set forth special regulations to supplement the general regulations of the Zoning Resolution and to implement the Wooster Pike Corridor Special Public Interest Strategy.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

Standards. The following standards for Riparian Buffer Requirements supersede the provisions of Section 14-11.1(a) of this Zoning Resolution for all property located in the Wooster Pike Natural Resource District.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

a. A natural buffer strip shall be maintained along the Little Miami River as shown on the official zoning map.

b. All publicly owned or operated recreation uses and community facilities shall be permitted in the riparian buffer area.

c. Privately owned facilities permitted in the "A" Residence District may have access via a roadway across the buffer strip.

d. Privately owned facilities permitted in the "A" Residence District shall only be permissible as a conditional use. Conditional uses shall follow the general considerations for conditional uses as contained in Section 17-6 as well as the specific criteria listed in Section 17-7(25).
(B.C.C. Resolution #992, effective April 11, 1998)

8-3 SPECIAL PUBLIC INTEREST - NEIGHBORHOOD QUALITY DISTRICTS.

Special Public Interest (SPI) Neighborhood Quality Districts shall be identified as - SPI-NQ Districts.

8-3.1 Legislative Findings and Specific Purpose.

Balancing the benefits of growth and development of institutions and neighborhood support services with the livability of adjacent residential neighborhoods requires protection over and above the protection provided by conventional zoning regulations as follows:

a. To support convenience to services and quality of environment by providing sufficient land for public and private services and educational and research institutions;

b. To promote the orderly growth and expansion of such institutions and support services located in residential neighborhoods;

c. To require the development and maintenance of bufferyards on institutional and other nonresidential properties to protect adjoining residential neighborhoods from the noise, glare and congestion associated with the intensity of diverse land uses;

d. To promote compatibility between nonresidential uses and surrounding residential uses, and

e. To plan for unusual intensity or density of development.

8-3.2 Characteristics.

SPI-NQ districts shall be limited to geographic areas included in an SPI-Neighborhood Quality Strategy (as defined in Section 8-1.7) adopted by the Regional Planning Commission and which contain or are planned to contain all of the following characteristics:

a. Land uses including or adjacent to neighborhood retail and support services (for example hospitals, clinics, educational facilities, and research facilities) or other institutional uses;

b. Close proximity of diverse land uses to a residential neighborhood.

8-3.3 Designation.

The SPI-Neighborhood Quality Districts which meet the characteristics contained in Section 8-2.2 are listed below and are illustrated on the official zoning map. The adopted specific standards for each Neighborhood Quality District listed below are included in this Zoning Resolution as a supplement to Chapter 8.

[NEIGHBORHOOD QUALITY DISTRICTS TO BE INSERTED WHEN ADOPTED BY BOARD OF COUNTY COMMISSIONERS]
[LIST BY SPI NUMBER, TOWNSHIP AND TITLE OF SPECIFIC DISTRICT]
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

8-4 SPECIAL PUBLIC INTEREST-SUBURBAN CENTER/CORRIDOR DISTRICTS.

Special Public Interest (SPI) Suburban Center or Suburban Corridor Districts shall be identified as SPI-SC Districts.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

8-4.1 Legislative Findings and Specific Purpose.

Business districts and corridors are recognized as principal focal points of community activity providing an economic resource and a center for community orientation. It is in the interest of the County and individual townships to protect and enhance the features of public interest in such business districts by:

a. Preventing the deterioration of property and the extension of blighting conditions;

b. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area;

c. Preventing the creation of influences adverse to the physical character of the area.

8-4.2 Characteristics.

SPI-SC districts shall be limited to geographic areas included in a SPI-Suburban Center or SPI-Suburban Corridor Strategy (as defined in Section 8-1.7) adopted by the Regional Planning Commission and which contain or are planned to contain the following characteristics:

a. A concentration of retail and service oriented commercial establishments serving as a principal business activity center for a sociogeographic neighborhood, community, or region;

b. An area that has received or been approved for substantial public investment.

c. An area that is planned for unusual intensity or density of development.

8-4.3 Designation.

The SPI-Suburban Center Districts and Suburban Corridor District which meet the characteristics contained in Section 8-2.2 are listed below and are illustrated on the official zoning map. The adopted specific standards for each Suburban Center/Corridor District listed below are included in this Zoning Resolution as a supplement to Chapter 8.

[SUBURBAN CENTER/CORRIDOR DISTRICTS TO BE INSERTED WHEN ADOPTED BY BOARD OF COUNTY COMMISSIONERS]
[LIST BY SPI NUMBER, TOWNSHIP AND TITLE OF SPECIFIC DISTRICT]
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

8-4.4 Wooster Pike Suburban Corridor District - SPI-SC 98-1 (Columbia Township)

a. Purpose. The purpose of the Wooster Pike Suburban Corridor District is to set forth special regulations to supplement the general regulations of the Zoning Resolution and to implement the Wooster Pike Corridor Special Public Interest Strategy.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

b. The following standards supplement the provisions of Section 1-7 of this Zoning Resolution until October 25, 2006 for all property located in the Wooster Pike Suburban Corridor District. In the case of conflict between the provisions of this section and Section 1-7 the provisions of this section shall prevail.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

1. The Redevelopment Exception as provided in Section 1-7 shall not be authorized for:

   a. redevelopment of sites with an existing building, except for unusual hardship circumstances (as provided in Section (2) below), or for

   b. development of vacant sites (i.e. no buildings on the site) that are greater than .75 acre and have a depth greater than 200 feet from the centerline of Wooster Pike.

2. Criteria for Determination of Hardship. In such hardship circumstances under (a) above, on a case by case basis, the Rural Zoning Commission may consider an application for the redevelopment Exception as provided in Section 1-7. In considering the approval of a Redevelopment Exception due to unusual hardship, the Rural Zoning Commission shall consider the inability of the property owner to meet the current zoning code regulations due to size of the site or street right-of-way expansion.

3. Additional Criteria for Redevelopment Exceptions on Vacant Sites. The Redevelopment Exception as provided in Section 1-7 shall be authorized for vacant sites (i.e., no building on the site as of the date of adoption of the SPI District) provided that:
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

   a. the redevelopment meets the criteria in Section 1-7.1,

   b. the site area is less than .75 acre,

   c. the entire parcel is within 200 ft. from the centerline of Wooster Pike.

   d. Where a building is to be constructed on a vacant multi-parcel site under one ownership, the entire building site under one ownership must be less than .75 acre and the rear lot line must be less than 200 feet from the centerline of Wooster Pike.

4. In no event shall there be any exceptions given in this SPI District for elimination of streetscape requirements.
(B.C.C Resolution #991, effective April 11, 1998)

c. The following standards for "General Spacing of Billboards" supersede the provisions of Section 13-15.5 (c) of the Zoning Resolution for all property located in the Wooster Pike Suburban Corridor District.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

Minor Arterial Roadways and Collector

Poster signs and Junior Poster Panels shall be spaced not less than 2,000 feet from another off-site advertising sign located on either side of Wooster Pike and facing the same traffic flow.
(B.C.C. Resolution #1001, effective July 15, 1998)

8-4.5 Harrison and Dry Fork Suburban Corridor District - SPI-SC 2003-03 (Harrison Township)

a. Purpose. The purpose of the Harrison and Dry Fork Suburban Corridor District is to set forth special regulations to supplement the general regulations of the Zoning Resolution and to implement the Harrison Township Special Public Interest Strategies Plan.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

b. Elimination of Redevelopment Exception. The following standards shall supersede the provisions of Section 1-7 of this Zoning Resolution for all property located in the Harrison and Dry Fork Suburban Corridor District.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

1. The Redevelopment Exception as provided in Section 1-7 shall not be authorized for any sites located within the corridor.

c. Permissible Uses. The following standards shall supersede the provisions of Table 3-2 Table of Permissible Uses.

1. The maximum Impervious Surface Ratio (ISR) for low intensity Office, Retail, Light Industrial, Mini-Storage Facilities, and Heavy Industrial Uses shall not exceed 0.50.

d. Freestanding Signs. The following standards for the height and area of freestanding signs shall supersede Sections 13-5.2(b)(3), 13-11.2 and 13-12.3 of the Zoning Resolution.

1. Freestanding signs in the Retail and Industrial districts are permitted at a maximum height of 12 feet.

2. Freestanding signs in the Office, Retail and Industrial districts shall have a maximum area of 50 sq. ft. per side unless otherwise prohibited by Section 13-12.3(a) or Section 13-12.3(b).

3. All freestanding signs shall provide a landscape bed of at least three feet in width from all sides of the sign base. The landscape bed shall consist of natural materials such as grass or mulch and shall include a minimum of 6 shrubs having a size as stipulated by Section 15-3.3.

4. Any modification to these standards shall be submitted to the Rural Zoning Commission for consideration as a Localized Alternative Sign plan as provided for in Section 13-14.

e. Billboard Spacing. The following standards for the general spacing of billboards shall supersede the provisions of Section 13-15.5(c) of this Zoning Resolution for all property located in the Harrison and Dry Fork Suburban Corridor District
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

1. Minor Arterial Roadways and Collector Streets.
Poster signs and Junior Panels shall be spaced not less than 2000 feet from another off-site advertising sign located on either side of the roadway (Minor Arterials and Collectors designated on the Thoroughfare Plan of Hamilton County).

f. Streetscape Required. The following standard shall supersede Section 14-5 of the Zoning Resolution.

1. Only the Rural Zoning Commission shall have the authority to modify compliance with the streetscape standards as required by Section 14-8 in this SPI District. Any such modification shall comply with the spirit and intent of Section 14-8 and the SPI District and shall not, in any case, result in complete elimination of the required streetscape area.

g. Vehicular Connections Required. The following standards for vehicular access management shall supplement Chapter 12 of the Zoning Resolution.

1. All uses located in Office and Retail Districts shall provide vehicular access easements and construct the required pavement and curbing extended to the property line such that adjacent parcels along the same road(s) can complete the vehicular connection upon development or redevelopment.

2. The location of such easements and pavement shall be configured to provide appropriate connection points respective of topography or other natural features that may impact the ability to feasibly construct a drive.

h. Required Building Materials . The following standards for required building materials shall apply to the facades of all new office, retail and industrial buildings that face a public street or access easement within this SPI District.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

1. At least eighty percent (80%) of all building facades, excluding glass areas, that face a public street or access easement shall be constructed of masonry materials.
2. At least fifty-one percent (51%) of the first floor of all building facades that face a public street or access easement shall be transparent.
3. One hundred percent (100%) of all gas pump canopy supports shall be constructed of masonry materials.
4. Flat faced concrete block and plain concrete walls are specifically prohibited.

i. Required Roof Styles. The following standards for required roof styles shall apply to all new office, retail and industrial buildings constructed within this SPI District.

1. All new buildings shall have a gabled or hipped style shingle roof.
2. Flat and single pitch (shed style) roofs shall be prohibited

(B.C.C. Resolution #1064, effective February 20, 2004)

8-4.6 Harrison Southeast Suburban Center District - SPI-SC 2003-04 (Harrison Township)

a. Purpose. The purpose of the Harrison Southeast Suburban Center District is to set forth special regulations to supplement the general regulations of the Zoning Resolution and to implement the Harrison Township Special Public Interest Strategies Plan.

b. Elimination of Redevelopment Exception. The following standards supersedes the provisions of Section 1-7 of this Zoning Resolution for all property located in the Harrison Southeast Suburban Center District.

1. The Redevelopment Exception as provided in Section 1-7 shall not be authorized for any sites located within the corridor.

c. Permissible Uses. The following standards shall supersede the provisions of Table 3-2 Table of Permissible Uses.

1. The maximum Impervious Surface Ratio (ISR) for low intensity Office, Retail, Light Industrial, Mini-Storage Facilities, and Heavy Industrial Uses shall not exceed 0.40.

d. Freestanding Signs. The following standards for the height and area of freestanding signs shall supersede Sections 13-5.2(b)(2), 13-5.2(b)(3), 13-11.2 and 13-12.3 of the Zoning Resolution.

1. Freestanding signs in the Office, Retail and Industrial districts are permitted at a maximum height of 20 feet.
2. Freestanding signs in the Office, Retail and Industrial districts shall have a maximum area of 100 sq. ft. per side unless otherwise prohibited by Section 13-12.3(a) or Section 13-12.3(b).
3. All freestanding signs shall provide a landscape bed of at least three feet in width from all sides of the sign base. The landscape bed shall consist of natural materials such as grass or mulch and shall include a minimum of 6 shrubs having a size as stipulated by Section 15-3.3.
4. Any modification to these standards shall be submitted to the Rural Zoning Commission for consideration as a Localized Alternative Sign plan as provided for in Section 13-14.

e. Billboard Spacing. The following standards for the general spacing of billboards shall supersede the provisions of Section 13-15.5(c) of this Zoning Resolution for all property located in the Harrison Southeast Suburban Center District
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

1. Minor Arterial Roadways and Collector Streets.
Poster signs and Junior Panels shall be spaced not less than 2000 feet from another off-site advertising sign located on either side of the roadway (Minor Arterials and Collectors designated on the Thoroughfare Plan of Hamilton County).

f. Streetscape Required. The following standard shall supersede Section 14-5 of the Zoning Resolution.

1. Only the Rural Zoning Commission shall have the authority to modify compliance with the streetscape standards as required by Section 14-8 in this SPI District. Any such modification shall comply with the spirit and intent of Section 14-8 and the SPI District and shall not, in any case, result in complete elimination of the required streetscape area.

g. Vehicular Connections Required. The following standards for vehicular access management shall supplement Chapter 12 of the Zoning Resolution.

1. All uses located in Office and Retail Districts shall provide vehicular access easements and construct the required pavement and curbing extended to the property lines on at least two sides such that adjacent parcels along the same road(s) can complete the vehicular connection upon development or redevelopment.

2. The location of such easements and pavement shall be configured to provide appropriate connection points respective of topography or other natural features that may impact the ability to feasibly construct a drive.

3. All office, retail, and industrial uses shall be permitted a maximum of one access point per public street frontage of the development site.

h. Building Materials. The following standards for required building materials shall apply to the facades of all new office, retail and industrial buildings that face or are within 500 feet of a public street.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

1. Forty percent (40%) of all building facades, excluding glass areas, that face a public street or access easement shall be constructed of masonry materials.

2. One hundred percent (100%) of all gas pump canopy supports shall be constructed of masonry materials.

3. Flat faced concrete block and plain concrete walls are prohibited.

i. Required Roof Styles. The following standards for required roof styles shall apply to all new office, retail and industrial buildings constructed within this SPI District.

1. All new buildings shall have a gabled or hipped style shingle roof.

2. Flat and single pitch (shed style) roofs shall be prohibited.

(B.C.C. Resolution #1065, effective February 20, 2004)

8-4.7 Plainville Road Suburban Corridor District - SPI-SC 2006-03 (Columbia Township)

a. Purpose. The purpose of the Plainville Road Suburban Corridor District is to set forth special regulations to supplement the general regulations of the Zoning Resolution and to implement the Plainville Road Corridor Special Public Interest Strategies Plan.

b. Permissible Uses. The following standards shall supersede the applicable provisions of Table 3-2 Table of Permissible Uses.

1. Apartments/Attached Condominiums shall be permitted in the “E” Retail Business district only when located on the second or third floor of a building containing a commercial use on the first floor.

2. The maximum density of Apartments/Attached Condominiums permitted in the “E” Retail Business district shall be 1 unit per 2,000 square feet of lot area (21.78 dwelling units per acre).

3. The maximum impervious surface ratio (ISR) for low intensity Office, Retail Business, Institutional, Public Service, Recreation Community Facility – Private, Recreation Community Facility – Public, and Cultural and Entertainment Facility Uses shall not exceed 0.85.

c. Lot Area, Bulk, and Yard Requirrements. The following standards shall supersede the applicable “E” Retail Business District provisions of Table 5-5 Lot Area, Bulk, and Yard Requirements in Commercial Districts for Low Intensity Uses Permitted As-Of Right.

4. The maximum principal building height shall be 45 feet.

5. The minimum lot area shall be 2,500 square feet.

6. The minimum lot width shall be 30 feet.

7. The minimum front yard setback requirement shall be zero feet (no front yard setback required).

8. The minimum side yard setback requirement shall be zero feet (no side yard setback required).

d. Off-Street Parking Requirements. Table 12-9 – Schedule of Off-Street Parking Requirements shall be modified such that required parking spaces shall be calculated by determining the number of spaces required by Table 12-9 and dividing that number by two (required parking shall be reduced by half).

e. Vehicular Connections Required. The following standard for vehicular access management shall supplement Chapter 12 of the Zoning Resolution.

1. All uses located in the "E" Retail Business district shall provide vehicular access easements and construct the required pavement and curbing extended to the property line such that adjacent parcels along the same road(s) can complete the interior parking lot connection upon development or redevelopment.

f. Freestanding Signs. The following standards for freestanding signs shall supersede the applicable provisions of Sections 13-5(b)(3), 13-5.3, and 13-12.3 of the Zoning Resolution.

1. Permitted freestanding signs in the "E" Retail Business district shall have a maximum height of 6 feet from grade.

2. All signs, or any part thereof, must be located outside of any right-of-way or easement of access and shall not be located within any required boundary buffer area.

3. Businesses and other permitted uses in the "E" Retail Business district shall be permitted one freestanding sign that shall not exceed 32 square feet of sign surface area (per side).

4. Any modification to these standards shall be submitted to the Rural Zoning Commission for consideration as a Localized Alternative Sign plan as provided for in Section 13-14.

g. Buffer Yard Modification. The following standards for Boundary Buffers shall supersede the applicable provisions of Table 14A – Classification of Land Use and Table 14B – Minimum Buffer Yards for Adjoining Land Use.

1. There shall be no Boundary Buffer required between two commercial uses, regardless of intensity.

2. All required buffer yards for Land Use Class IV and V shall be B + 10 feet resulting in a required Boundary Buffer not to exceed 20 feet in width.

h. Streetscape Modification. The following standards for Streetscape Buffers shall supersede the applicable provisions of Section 14-8.1(a) of the Zoning Resolution and Figure 14C – Streetscape Buffers.

1. The Streetscape Buffer shall have a depth of 10 feet or greater, shall be located adjacent to the right-of-way and shall extend across the entire road frontage, except for any portion of the frontage where the principal building is located less than 10 feet from the right-of-way.

2. All required Streetscape Buffers for any commercial use shall be a minimum of 10 feet in width and shall contain a minimum of 3 canopy or understory trees and 40 shrubs per 100 linear feet of frontage.

i. Required Architectural Character. The following standards for required architectural character shall apply to the facades of all new buildings that face a public street within this SPI District.

1. At least fifty percent (50%) of the first floor of all building façades that face Plainville Road and twenty five percent (25%) of the first floor of all building façades that face any other public street shall be transparent.

j. Required Roof Styles. The following standards for required roof styles shall apply to all new buildings constructed within this SPI District.

1. All new one-story buildings or building additions shall have a gabled or hipped style roof.

2. Flat and single pitch (shed style) roofs shall be prohibited for all one-story buildings or building additions.

(B.C.C. Resolution Columbia 2006-03, effective May 26, 2006)

8-4.8 Ridge and Highland Suburban Center District - SPI-SC 2006-08 (Columbia Township)

a. Purpose. The purpose of the Ridge and Highland Suburban Center District is to set forth special regulations to supplement the general regulations of the Zoning Resolution and to implement the Ridge and Highland Suburban Center Special Public Interest Strategies Plan.

b. Lot Area, Bulk, and Yard Requirements. The following standards shall supersede the applicable "O" Office, "F" Light Industrial, and "G" Heavy Industrial District provisions of Tables 5-5 and 6-5, Lot Area, Bulk, and Yard Requirements in Commercial and Industrial Districts for Uses Permitted As Of Right.

   1. The minimum front yard setback requirement shall be 30 feet.

   2. The minimum side yard setback requirement shall be 10 feet.

   3. The minimum rear yard setback requirement shall be 20 feet.

c. Pervious Pavement Permitted. Section 12-4.5 – Surface and Drainage shall be modified such that pervious pavement materials, including pervious pavers, pervious concrete or asphalt, and interlocking grass pavers, shall be permitted for use for up to 25% of the required parking spaces. The location of the pervious pavement shall be limited to the side or rear of the principle building and would not be permitted for use in any loading area or as part of any access drive providing access to the property or to any loading area.

d. Interior Landscape Standards for Vehicular Use Areas Modification. The standards of Section 12-6.3 shall be supplemented such that no more than 20 parking spaces shall be located in a linear row without separation by a landscape area.

e. Interior Landscape Determination for Vehicular Use Areas Modification. The following standards shall supersede the applicable provisions of Section 12-6.4 – Determination of Interior Landscape Requirements.

   1. Parking spaces constructed of pervious pavement materials in accordance with Section 8-4.8(d) shall not count towards the total number of parking spaces for the determination of interior landscape area or planting requirements.

   2. Vehicular use areas containing between 100% and 110% of the required number of parking spaces shall provide interior landscape materials in accordance with Section 12-6.4(b) and (c).

   3. Vehicular use areas containing greater than 110% of the required number of parking spaces shall determine the required number of canopy trees by using the rates provided in Section 12-6.4(b) and multiplying the resulting number by 1.5 (50% more canopy trees are required). The increased number of canopy trees shall also be used to determine the total number of required shrubs in accordance with Section 12-6.4(c).

   4. In no case shall a required landscape area located in a vehicular use area contain less than one (1) canopy tree and three (3) shrubs.

   5. Canopy trees and shrubs required for vehicular use areas shall be chosen from the list of species provided in Section 8-4.8(l) – Interior Parking Lot Landscape Palette.

f. Vehicular Connections and Permitted Driveways. The following standard for vehicular access management shall supplement Chapter 12 of the Zoning Resolution.

   1. All vehicular use areas provided as part of any commercial or industrial use shall provide vehicular access easements and construct the required pavement and curbing extended to the property line such that adjacent parcels along the same road(s) can complete the interior parking lot connection upon development or redevelopment.

   2. Developments on properties with less than 100 feet of frontage on a public street shall be permitted a maximum of one access point on that frontage, unless further restricted by the Hamilton County Engineer.

g. Freestanding and Building Signs. The following standards for freestanding signs shall supersede the applicable provisions of Sections 13-5.2(b) (3), 13-12.3, and 13-12.4 of the Zoning Resolution.

1. Permitted freestanding signs in the Retail and Industrial districts shall have a maximum height of 12 feet from grade.

2. Businesses and other permitted uses in the Retail and Industrial districts having street frontage of 50 feet or greater shall be permitted one freestanding sign that shall not exceed 50 square feet of sign surface area (per side).

3. A shopping center shall be permitted one joint identification sign for the principal entrance which shall not exceed one square-foot of sign area per linear foot of lot frontage or 200 square feet of sign area, whichever is less, and shall have a maximum height of 18 feet. In addition, shopping centers with greater than 200 feet of lot frontage shall be permitted one additional freestanding sign which shall not exceed 50 square feet of sign area and shall have a maximum height of 12 feet.

4. Any business or other permissible use shall be permitted one (1) square-foot of Building Sign surface area for each foot of Building Frontage as measured along the length of the building façade that fronts the principle dedicated street, or the façade that contains the main entrance to the building. For other Building Frontage, signs may not exceed 0.5 square feet of sign surface area.

5. Any modification to these standards shall be submitted to the Rural Zoning Commission for consideration as a Localized Alternative Sign plan as provided for in Section 13-14.

h. Billboard Spacing. The following standards for the general spacing of billboards shall supersede the provisions of Section 13-15.5(c) of this Zoning Resolution.

1. Minor Arterial Roadways and Collector Streets: Poster Signs (300 sq. ft.) and Junior Panels (72 sq. ft.) shall be spaced not less than 2,000 feet from another poster or junior poster panel advertising sign located on either side of the roadway (Minor Arterials and Collectors designated on the Thoroughfare Plan of Hamilton County) and facing the same traffic flow. Bulletin (672 sq. ft.) signs shall be prohibited on these roadways.

i. Streetscape Modification. The following standards for Streetscape Buffers shall supersede the applicable provisions of Figure 14-C contained in Section 14-8 of the Zoning Resolution.

1. In required streetscape buffer areas adjacent to street trees planted in the public right-of-way, all non single-family uses shall provide a minimum 10-foot wide streetscape buffer to include a minimum of 1.5 canopy trees and 20 shrubs per 100 linear feet of frontage.

2. In required streetscape buffer areas adjacent to areas where no street trees are planted within the public right-of-way, all non single-family uses shall provide a minimum 10-foot wide streetscape buffer to include a minimum of 3 canopy trees and 40 shrubs per 100 linear feet of frontage.

3. Required canopy trees in the streetscape buffer area shall not be planted within 20 feet of an existing street tree located in the public right-of-way.

4. Required canopy trees and shrubs in the streetscape buffer area shall be chosen from the list of species provided in Section 8-4.8(m) – Street Tree Plan Tree and Shrub Palette.

j. Required Sidewalk Connections. The following standards for required sidewalks shall apply to all non-residential development within this SPI District.

1. Sidewalks designed to meet the sidewalk standards of the Hamilton County Engineer shall be constructed along all public and private street frontages.

2. All developments shall include a minimum of one sidewalk that shall connect the main entrance to the principle structure with the existing or required sidewalk(s) along any public or private street frontage. Such pedestrian connection sidewalks shall be designed as follows:

- Pedestrian connection sidewalks shall be a minimum of four (4) feet in width.
- Pedestrian connection sidewalks shall have a minimum five (5) foot wide landscape area on any side adjacent to parking spaces or drive aisles.
- Any such landscape area shall include a minimum of 3.3 canopy trees and 10 shrubs per 100 linear feet of sidewalk length. Such landscape materials may count towards the required interior vehicular

use landscape materials and shall be chosen from the list of species provided in Section 8-4.8(m) – Interior Parking Lot Landscape Palette.

3. Additional sidewalks within the interior of the vehicular use area shall be required as needed such that in no case shall more than two (2) parallel rows of parking spaces (either one or two parking spaces in width) greater than 20 parking spaces in length be located side-by-side without separation by a sidewalk. Such additional sidewalks shall be designed as follows:

   - Sidewalks shall have minimum width of four (4) feet.
   - Sidewalks shall be located between the parking spaces of the parking row and shall run parallel to the drive aisle for the entire length of the row.
   - Sidewalks shall be designed to provide two or fewer points where pedestrians must cross vehicular traffic to gain access to the principle structure.

4. Additional four (4) foot wide sidewalks shall be provided as needed to connect to existing sidewalks on adjacent commercial or industrial developments or constructed to the property line and designed to allow future connection.

5. Where any sidewalk requires pedestrians to cross vehicular traffic, the crossing shall be clearly marked with pavement striping or by use of alternative paving material, color, or treatment.

k. Required Architectural Character. The following standards for required architectural character shall apply to all new commercial and industrial buildings and building additions constructed within this SPI District with facades greater than 100 feet in length facing a public or private street.

1. One façade change or wall offset shall be provided for every 50 feet of building façade length. Such façade changes or wall offsets shall include recesses, projections, or other architectural features no less than one (1) foot in depth and 10 feet in width.

2. Buildings constructed with flat roofs shall provide a parapet with a minimum height of 2 feet above the roof line of the building and shall provide one parapet height change for every 50 feet of building façade length. Each parapet height change shall include a minimum of 2-feet in height and 10 feet in length and shall be designed to correspond with any required façade change or wall offset location.

l. Interior Parking Lot Landscape Palette: The following landscape palette for required parking lot landscaping shall be used for all parking lot landscaping within this SPI District.

1. Required Canopy Trees:
   - Betula nigra / River Birch
   - Ginkgo biloba / Ginkgo
   - Gleditsia triacanthos intermis / Thornless Honeylocust
   - Koelreuteria paniculata / Goldernraintree
   - Quercus rubra / Red Oak
   - Tilia cordata / Little Leaf Linden
   - Ulmus parvifolia / Lacebark Elm

2. Required Shrubs:
   - Berberis thunbergii atropurpurea ‘Crimson Pygmy’ / Crimson Pygmy Barberry
   - Eunoymus alatus ‘compacta’ / Compact Burning Bush
   - Juniperus chinensis ‘Sea Green’ / Sea Green Juniper
   - Rhus aromatica ‘Gro-low’ / Grolow Sumac
   - Rosa ‘Knock Out’ / Knock Out Rose
   - Spirea bumalda ‘Anthony Waterer / Anthony Waterer Spirea
   - Taxus densiformis / Dense Yew

- Weigelia 'Alexandra' / Alexandra Weigela

m. Street Tree Plan Tree and Shrub Palette: The following landscape palette for required street trees and shrubs shall be used for all streetscape buffer areas within this SPI District.

1. Required Canopy Trees:
   - Shingle Oak, Bur Oak, Willow Oak, Red Oak, White Oak, Chinkapin Oak
   - Yellowwood
   - Sugar Hackberry
   - Tuliptree
   - Sweetgum
   - Littleleaf Linden
   - Black Gum
   - Cucumbertree
   - Kentucky Coffeetree
   - River Birch
   - Yellow Buckeye
   - Bald Cypress

2. Required Shrubs:
   - Mapleleaf Viburnum, Blackhawk Viburnum, Nannyberry Viburnum
   - Coralberry
   - Flame Azalea
   - Fragrant Sumac, Smooth Sumac
   - Black Chokeberry, Red Chokeberry
   - Winterberry
   - Elderberry

(B.C.C. Resolution Columbia 2006-08, effective November 24, 2006)

8-5 SPECIAL PUBLIC INTEREST-SUBURBAN VILLAGE DISTRICTS.

Special Public Interest (SPI) Suburban Village Districts shall be designated SPI-SV Districts.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

8-5.1 Legislative Findings and Specific Purpose.

The development and conservation of village and hamlet character within an expanding metropolitan area requires protection over and above the protection provided by conventional zoning regulations as follows:

a. To bring many of the activities of daily living, including dwellings, shopping and working within walking distance;

b. To minimize traffic congestion by reducing the number and length of automobile trips;

c. To limit the need for road construction and encourage public transit by organizing appropriate building densities;

d. To create a sense of place by providing public spaces and squares;

e. To integrate economic class and age groups into an authentic community by providing a wide range of housing types and workplaces; and

f. To enable and protect quality village ambiance through proper balance of concentration, complexity and continuity.

8-5.2 Characteristics.

SPI-SV districts shall be limited to geographic areas included in an SPI-Suburban Village Development Strategy (as defined in Section 8-1.7) adopted by the Regional Planning Commission and which contain or are planned to contain all of the following characteristics:

a. The Village is physically understood and limited in size.

b. A diversity of uses, such as residences, shops, workplaces, and public buildings are located in the Village, all in close proximity.

c. A hierarchy of streets serve the needs of the pedestrian and the automobile equitably.

d. Physically defined squares and parks provide places for informal social activity and recreation.

e. Private buildings form a clear edge, delineating the public street space and the block interior.

f. Public buildings and squares reinforce the identity of the neighborhood, becoming symbols of community identity and providing places of purposeful assembly for social, cultural and religious activities.

8-5.3 Designation.

The SPI-Suburban Village Districts which meet the characteristics contained in Section 8-2.2 are listed below and are illustrated on the official zoning map. The adopted specific standards for each Suburban Village District listed below are included in this Zoning Resolution as a supplement to Chapter 8.

[SUBURBAN VILLAGE DISTRICTS TO BE INSERTED WHEN ADOPTED BY BOARD OF COUNTY COMMISSIONERS]
[LIST BY SPI NUMBER, TOWNSHIP AND TITLE OF SPECIFIC DISTRICT]
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

8-6 DEVELOPMENT AUTHORIZATION

8-6.1 Applications; Contents.

Applications for zoning certificates in SPI districts shall be made to the County Zoning Inspector pursuant to Chapter 20. Said applications shall be made on such form or forms as may be provided. The information required for submission shall demonstrate the compliance of the proposed improvement, construction or development with the specific standards for the SPI district as well as all requirements of the base zoning district not in conflict with the SPI standards.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

8-6.2 Modification Procedure.

Any supplemental regulations adopted pursuant to this Chapter may be modified as provided in Section 8-6.3 after public hearing upon a finding by the Rural Zoning Commission that such modifications are in conformity with the intent of the SPI District regulations and the modifications will result in public benefit through substantial improvements related to any of the following conditions:
(B.C.C. Resolution #1063, effective February 20, 2004)

a. Provision will be made for substantial usable open space where the slope does not exceed 10 percent for the use of the occupants of the area;

b. Usable open space will be created for the public by the dedication of public areas or space;

c. The restoration of plant materials will be accomplished by the planting of trees, shrubs, and ground covers;

d. Utility and other service distribution lines will be placed underground;

e. An improvement in public safety will result;

f. An improvement in energy conservation will result;

g. The use of creative site planning and design in order to provide for efficient use of land and an improved environment will result.

Notice of the public hearing shall be provided ten (10) days prior to the public hearing and be mailed to all property owners whose properties are located within two hundred (200) feet of the proposed development, and such hearing shall be held within ten (10) to forty five (45) days of receipt of the completed Zoning Compliance Plan application.
(B.C.C. Resolution #1063, effective February 20, 2004)

8-6.3 Modification Limits.

Upon having made the findings set forth in Section 8-6.2 the regulations set forth therein may be modified by the Rural Zoning Commission up to the following limits:

a. The gross dwelling unit density and floor area limitations of any area proposed for development shall remain unchanged and conform to the basic overall density and floor area limitations of the supplemental regulations in the SPI District. However, lot dimensions, building height, building setbacks, parking requirements, front, side, and rear yard requirements or other specific development standards may be modified to provide for a more functional and desirable use of the property.

b. Height limitations may be removed, provided such additional stories to dwelling structures shall not:

   1. Increase gross dwelling unit densities or floor area as set forth in the approved development plan;

   2. Such heights shall result in appropriate reduction in building coverage and adherence to the objectives set forth in this chapter; and

   Such heights shall not adversely affect surrounding structures.

CHAPTER 9

NONCONFORMITIES AND REDEVELOPMENT EXCEPTIONS

9-1 GENERAL PROVISIONS.

9-1.1 Purpose.

This Chapter regulates the continued existence of uses, structures and lots lawfully established prior to the effective date of this Resolution that do not conform to the regulations of this Resolution applicable in the zoning districts in which such uses, structures and lots are located. The continued existence of nonconforming uses is frequently inconsistent with the purposes for which such regulations are established. Thus their gradual elimination is generally desirable. The regulations of this Chapter generally permit such nonconformities to continue without specific limitation of time but are generally intended to restrict further investments in such uses that would make them more permanent or less desirable. The regulations also restrict further investment in noncomplying structures and lots of record that would increase the degree of noncompliance.

This Chapter recognizes, through provisions for compatible nonconforming uses, that the improvement of a nonconforming use may be desirable in unique circumstances to achieve additional protection of adjacent property and benefit the surrounding neighborhood.

This Chapter also recognizes, through provisions for Redevelopment Exceptions, that new standards for landscape, buffers, height and setback requirements may conflict with the investment backed expectations of owners of developments that existed prior to the adoption of these regulations and therefore allows limited exception from such regulations to minimize the affect of these standards on existing property rights.

9-1.2 General Scope of Regulations.

These regulations apply to the following categories of nonconformities:

a. Nonconforming uses of land and of complying structures;

b. Noncomplying structures;

c. Noncomplying lots of record;

d. Compatible nonconforming uses.

Development that is approved in accordance with the Redevelopment Exception provisions of Section 1-7 and 9-6 shall not be classified as any category of nonconformity.

Development that was approved as-of-right prior to 10/25/96 and only permissible as a PUD or Conditional Use by this Resolution shall not be classified as a nonconforming use.

9-1.3 Exception for Repairs Pursuant to Public Order.

Nothing in this Chapter shall be deemed to prevent the strengthening or restoration to a safe condition of a nonconforming structure in accordance with an order of a public official charged with protecting the public safety who declares such structure to be unsafe and orders its restoration to a safe condition. This is provided such restoration is not otherwise in violation of the various provisions of this Chapter prohibiting the repair or restoration of partial structures or signs.

9-1.4 Nonconforming Accessory Uses and Structures.

No use, structure or sign that is accessory to a principal nonconforming use or structure shall continue after such principal use or structure has been voluntarily discontinued for two (2) years or more, unless it shall thereafter conform to all the regulations of the zoning district in which it is located.

9-1.5 Burden of Establishing Legality of Nonconformity.

The burden of establishing that any nonconforming use is lawfully existing under the provisions of this Resolution shall, in all cases, be upon the owner of such nonconformity and not upon the County.

9-1.6 Inventory and Notice of Nonconforming Uses.

Within two (2) years after the effective date of this Resolution, or any amendment thereto creating new nonconformities, or such longer period as may be required, the County Zoning Inspector shall inventory all nonconforming uses and determine the names and addresses of the owners of record thereof. For each such nonconformity inventoried, the Zoning Inspector shall determine the nature and extent of the nonconformity.

Upon making such determination, the Zoning Inspector shall notify the aforesaid owner or lessee in writing by registered mail of his determination. Such inventory and notices shall be kept on file by the Zoning Inspector and shall be a matter of public record.

The determinations of the Zoning Inspector made pursuant to this section shall be subject to appeal to the Board of Zoning Appeals pursuant to Chapter 22 in the same manner as other rulings and interpretations.

This Section does not relieve the burden establishing the legality of the nonconforming use from the property owner. It also does not relinquish the establishment of a nonconforming use if the inventory is not performed or completed.

9-1.7 Zoning Certificate for Legal Nonconformity.

The owner of any nonconforming use may at any time apply to the Zoning Inspector for a Nonconforming Use Zoning Certificate to establish the legality of such nonconformity as of a specified date. Such application shall be filed and processed pursuant to the provisions of Chapter 20.

Any person receiving a notice pursuant to Section 9-1.6 above shall be required, within sixty (60) days of the receipt of such notice, to apply to the Zoning Inspector for a Nonconforming Use Zoning Certificate with respect to the identified nonconformity. Unless an appeal from the determination of the Zoning Inspector has been filed, such application shall be accompanied by an affidavit acknowledging the Zoning Inspector's determination. This affidavit shall be kept on file by the Zoning Inspector and shall be a matter of public record.

If, upon reviewing an application for a Nonconforming Use Zoning Certificate for a nonconformity, the Zoning Inspector determines that the use in question was lawfully existing at the time of the adoption of the provision creating the nonconformity in question, and remains lawful existing subject only to such nonconformity at the time of such application, and that any required affidavit is in order, the Zoning Inspector shall issue a Nonconforming Use Zoning Certificate evidencing such facts and setting forth the nature and extent of the nonconformity. Otherwise, the Zoning Inspector shall decline to issue such certificate and shall declare such use of land or structure to be in violation of this Resolution.

9-2 NONCONFORMING USES OF LAND AND STRUCTURES.

9-2.1 Authority to Continue.

Any lawfully existing use of land or of any structure which becomes nonconforming through an amendment of this Resolution or the Zoning Map, may be continued. So long as no structural alterations are made, it may be changed to another nonconforming use or a more restricted use permitted as-of-right in the zoning district in which it is located.

9-2.2 Nonconforming Use Discontinued.

If a lawfully existing nonconforming use of land or of any structure is voluntarily discontinued for two (2) years or more, any future use shall conform to all the regulations of the zoning district in which it is located, unless approved by the Board of Zoning Appeals according to the provisions of Section 9-5.

9-2.3 Ordinary Repair and Maintenance of Structures.

Normal maintenance and incidental repair, replacement and installation or relocation of non-bearing walls, non-bearing partitions, fixtures, wiring or plumbing may be performed on any structure that is devoted in whole or in part to a nonconforming use or that is accessory to a nonconforming use of land.

9-2.4 Structural Alteration.

Except as authorized by the Board of Zoning Appeals pursuant to Section 9-5, no structure that is devoted in whole or in part to a nonconforming use, or that is accessory to a nonconforming use of land, shall be structurally altered unless the use thereof shall thereafter conform to the use regulations of the zoning district in which it is located. No such alteration shall create a new parking, loading, bulk, yard, space or other nonconformity or increase the degree of any existing parking, loading, bulk, yard, space or other nonconformity of such structure.

9-2.5 Enlargement of Structure.

Except as authorized by the Board of Zoning Appeals pursuant to Section 9-5, no structure that is devoted in whole or in part to a nonconforming use or that is accessory to a nonconforming use of land, shall be enlarged or added to in any manner, including the interior addition for floor area, unless the use of such structure shall thereafter conform to the use regulations of the district in which it is located. Except as authorized by the Board of Zoning Appeals, no such enlargement shall create any new parking, loading, bulk, yard, space or other nonconformity or increase the degree of any existing parking, loading, bulk, yard, space or other nonconformity of such structure.

9-2.6 Extension of Use Prohibited.

Except as authorized by the Board of Zoning Appeals pursuant to Section 9-5, a nonconforming use of land or of a structure shall not be extended. Such prohibited activity, unless otherwise authorized by the Board, shall include:

a. An extension of such use, including its accessory uses, to any structure or land area other than that occupied by such nonconforming use on the effective date of this Resolution or any amendment thereto that causes such use to become nonconforming;

b. An extension of such use, including its accessory uses, within a building or other structure to any portion of the floor area that was not occupied by such nonconforming use on the effective date of this Resolution or any amendment hereto that causes such use to become nonconforming; and

c. An extension of the hours of operation of such use beyond the normal hours of operation on the effective date of this Resolution, or any amendment hereto that causes such use to become nonconforming.

9-2.7 Moving.

No nonconforming use of land shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot, unless such use shall thereafter conform to all regulations of the zoning district in which it is located after being so moved. No structure that is accessory to a nonconforming use of land, and is devoted in whole or in part to a nonconforming use shall be moved in whole or in part, for any distance whatsoever, to any location on the same or any other lot, unless the entire structure and the use thereof shall thereafter conform to all regulations of the zoning district in which it is located after being so moved.

9-2.8 Damage or Destruction.

If a structure, housing a nonconforming use, is completely destroyed, by any means, the structure shall not be restored and the nonconforming use shall not be resumed without authorization by the Board of Zoning Appeals pursuant to Section 9-5 by the grant of a Zoning Certificate following a public hearing. The restored nonconforming use shall be accomplished without increasing the degree of any parking, loading, bulk, yard, space or other nonconformity existing prior to such damage or destruction.

9-3 NONCOMPLYING STRUCTURES

9-3.1 Authority to Continue.

Any noncomplying structure that is devoted to a use that is permitted in the zoning district in which it is located may be continued so long as it remains otherwise lawful, subject to the restrictions of this Chapter.

9-3.2 Repair, Maintenance, and Alterations.

Any noncomplying structure may be repaired, maintained or altered (including expansion); provided, however, that any such repair, maintenance or alteration shall not create any new nonconformity nor increase the degree of the existing nonconformity of all or any part of such structure. Any new addition or expansion shall comply with current setback, height and use regulations.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

9-3.3 Moving.

No noncomplying structure shall be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

9-3.4 Damage or Destruction.

Any noncomplying structure that is damaged or destroyed by any means not within the control of the owner, thereof, to the extent of more than sixty percent (60%) of the cost of replacement of such structure new shall not be restored unless its restoration has been authorized by the Board of Zoning Appeals pursuant to Section 9-5 by the grant of a Zoning Certificate following a public hearing. However, no repairs or restorations shall be made unless restoration pursuant to the Zoning Certificate is actually begun within one (1) year after the date of such partial damage or destruction and is diligently pursued to completion. The determination of the extent of damage or destruction under this Section 9-3.4 shall be based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate for this purpose shall be made by the Zoning Inspector.

This Section 9-3.4 shall not apply to any residential dwellings, to any structures accessory to such dwellings, nor to any signs as provided in Section 13-4.3.

9-4 NONCOMPLYING LOTS OF RECORD.

9-4.1 Authority to Utilize for Dwellings.

In any district in which dwellings are a permitted use, notwithstanding the regulations imposed by any other provisions of this Resolution, a dwelling of the type permitted in the district in which the lot is located and that complies with the restrictions of Section 9-4.2 may be erected on a legal nonconforming lot.

9-4.2 Regulations for Single Family Use of Noncomplying Lots.

Any lot of record on the initial effective date of this Resolution may be used for any single family dwelling when such use is permitted in the district, irrespective of the width or area of said lot; the width of the side yard of any such lot need not exceed ten (10%) percent of the width of the lot; the depth of the rear yard of any such lot need not exceed twenty (20%) percent of the depth of the lot, provided, however, that in no instance shall the minimum dimensions of the side and rear yards be less than three (3) feet and ten (10) feet respectively. Accessory structure yards shall be as required by the district regulations.

9-4.3 Other Uses of Nonconforming Lots.

In any district in which dwellings are not permitted as-of-right, a legal nonconforming lot of record may be used for any use permissible in the district in which it is located if, but only if, the development of such lot meets all requirements of the district in which it is located, including impervious surface ratio and yard requirements, except lot area, width and depth requirements.

9-5 COMPATIBLE NONCONFORMING USES.

Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming use may be increased or improved where the owner of such use can demonstrate through application to the Board of Zoning Appeals that the manner in which the usable area of the nonconforming use will be increased or improved will have no adverse impact upon adjacent property owners and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent property owners and the uses in the surrounding neighborhood upon compliance with specified conditions.

9-5.1 Application.

The owner shall submit a development plan application to the Board on a form provided by the Secretary of the Board pursuant to the hearing procedures of Section 22-4. The application shall address site plan features and considerations, including but not limited to:

a. The location and size of the property including setbacks and lot dimensions;

b. The use of the property on the effective date of this Resolution;

c. All uses adjacent to the property and within the surrounding neighborhood;

d. All existing structures, yards, utility easements, rights-of-way, floodplains and wooded areas on and adjacent to the property;

e. The density (in terms of dwelling units per acre) and the intensity (in terms of impervious surface ratio or gross square footage) of the nonconforming use;

f. Landscaping;

g. Architectural treatment;

h. Traffic impact;

i. The reasons why the nonconforming use is compatible with and will have no adverse impact on the land uses permitted in the district in which it is located; and

j. Nature and extent of additional protection from adverse impacts afforded to adjacent property owners.

9-5.2 Review and Decision.

On the basis of the completed application and consideration of the elements set forth in Section 9-5.1, the Secretary of the Board shall prepare and submit to the Board of Zoning Appeals a report that sets forth findings and recommendations. Upon receipt of the Secretary's written report, the Board of Zoning Appeals shall approve or deny the application in accordance with its public hearing procedures as outlined in Section 22-4. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards to assure that the nonconformity does not adversely affect orderly development and the value of nearby property including, but not limited to: required improvement of, or modifications to existing improvements on, the property; limitations on hours of operations; and limitations on the nature of operations.

9-6 STANDARDS FOR REDEVELOPMENT EXCEPTIONS

9-6.1 Dimensional Standards.

Redevelopment approved in accordance with the exception provisions of Section 1-7 shall comply with the following standards instead of the dimensional requirements provided elsewhere in this Resolution for yard, height, lot area, lot width or impervious surface ratio.

REQUIREMENT	D Multi-Family Residence	NON-RESIDENTIAL			
		O Office	E Retail Business	F Light Industrial	G Heavy Industrial
MAXIMUM HEIGHT	45	45	45		
Adjacent to residential				45	45
Adjacent to non-residential				75	75
MAXIMUM STORIES	3	3	3	6	6
MINIMUM LOT WIDTH				none	none
Residential Use (Ft.)	50	50	50		
Non-residential Use (Ft.)	60	60	60		
MINIMUM LOT AREA (Sq. Ft.)					
Single-Family Dwelling (Sq. Ft.)	5,000	5,000	5,000		
Other Residential (Sq. Ft.)	3,000	3,000	3,000		
Non-Residential uses (Sq. Ft.)	10,000	10,000	10,000	none	none
MINIMUM FRONT YARD (Ft)	30	30	30	50	50
Minimum Side Yard (Ft.)					
Adjacent to residential (Ft.)			5	25	25
2.5 Story (Ft.)	5	5	5		
3 Story (Ft.)	10	10	10		
Adjacent to non-residential (Ft.)			0	0	0
MINIMUM REAR YARD					
2.5 Story (Ft.)	30	30	Note "A"		
3 Story (Ft.)	40	40	Note "A"		
Adjacent to residential (Ft.)			15	Note "B"	Note "B"
Adjacent to non-residential (Ft.)			0	0	0
MAX. IMPERVIOUS SURFACE RATIO	none	none	none	none	none

Note "A" 35 Ft. for dwellings in "E" Retail District
Note "B" When an industrial use is adjacent to a residence district at the rear property line, such rear setback for the industrial use shall be the same as that of the residence district

9-6.2 Additional Height Limitations.

In the "F" Light Industrial and the "G" Heavy Industrial Districts no building shall exceed six (6) stories or seventy-five feet in height, except as hereinafter provided section 3-5, and where a building is located on a lot abutting or adjoining a Residence district, or a publicly owned area, other than an alley or street, it shall not exceed three (3) stories or forty-five (45) feet in height unless it is set back one (1) foot from all required yard lines for each two (2) feet of additional height above forty-five (45) feet.

9-6.3 Landscaping and Screening Standards.

Development that is approved in accordance with the exception provisions of Section 1-7 shall comply with the following standards instead of Section 12-6 (Landscaping for Vehicular Use Areas).

Off-street parking areas for five (5) vehicles or more shall be effectively screened on each side which adjoins or faces premises in any Residence District. Such screening shall consist of a solid masonry wall or solid fence not less than four and not more than six feet in height, or a tight screen of hardy evergreen shrubbery not less than four (4) feet in height may be used. Any such screen shall be maintained in good condition. The space between such screen and the adjoining side or front lot line shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition

9-6.4 Buffer Yards.

No part of a parking area for five (5) vehicles or more shall be closer than ten (10) feet to the side lot line of any lot in a residential district, except that this limitation shall not apply within the required rear yard. In no case shall any parking area be closer than five (5) feet to the established right-of-way line of any street. The area within such setback shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. No entrance to or exit from a parking area of five (5) vehicles or more shall be closer than fifty (50) feet to the right-of-way line of an intersecting street.

9-6.5 Parking In Required Front Yard.

Off-street parking spaces shall be prohibited in the required front yard in the “D” Residence and “O” Office Districts but may be permitted in the side or rear yard subject to the other provisions in Section 9-6.

In the “F” Light Industrial and the “G” Heavy Industrial Districts, where parking is provided in the front yard, the building setback shall be increased irrespective of existing building setbacks on adjacent lots so that a minimum landscaped front yard of not less than thirty-five (35) feet is maintained.

9-6.6 Loading Standards.

Development that is approved in accordance with the exception provisions of Section 1-7 shall comply with the following standards instead of Section 12-8 (Off-Street Loading Requirements).

Size: 10 feet wide x 25 feet long x 14 feet high.

Loading space requirements for the following uses: institutional and public service buildings; recreation, cultural, and entertainment uses; multi-family residential uses, banks and financial institutions; medical, dental, or optical clinics; and commercial offices; commercial recreation or other similar uses is one space, plus one additional loading space for each additional 100,000 sq. ft., or major fraction thereof, of floor area in excess of 100,000 sq. ft.

Loading space requirements for light and heavy industrial uses is one loading space plus one additional loading space for each 20,000 sq. ft. or major fraction thereof of floor area in excess of 20,000 sq. ft. up to 60,000 sq. ft., plus one additional space for each 100,000 sq. ft. or major fraction thereof in excess of 60,000 sq. ft.

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CHAPTER 10

ACCESSORY USES AND STRUCTURES

10-1 GENERAL AUTHORIZATION.

Except as otherwise expressly provided or limited in this Chapter, accessory uses and structures are permitted in any zoning district in connection with any principal use lawfully existing within such district provided such uses and structures conform to all applicable requirements of this Resolution. Any accessory use or structure may be approved in conjunction with the approval of the principal use.
(B.C.C. Resolution #1018, effective May 19, 2000)

10-2 ZONING CERTIFICATES.

No accessory use or structure shall be established or constructed unless a Zoning Certificate evidencing compliance of the proposed use or structure with the provisions of this Chapter and all other applicable regulations of this Resolution has first been issued in accordance with Chapter 20 unless otherwise stated below.

A satellite dish antenna as stipulated in Section 10-6 shall be exempt from all zoning regulations and shall not require a zoning certificate. Other accessory uses not requiring Zoning Certificates but subject to the minimum yard requirements of this chapter include ornamental landscape structures (Section 10-3.4), swing sets, jungle gyms and other play devices not requiring a building permit (Section 10-3.5), dumpsters and trash handling areas (Section 10-5), automobile rental (Section 10-10), and vending machines (Section 10-18).
(B.C.C. Resolution #1018, effective May 19, 2000) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

10-3 USE LIMITATIONS.

In addition to the applicable use limitations of the residential zone district in which it is located, no accessory use or structure shall be permitted unless it complies with the following restrictions:
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

10-3.1 Principal Structure Permit Required.

No accessory use or structure shall be approved, established or constructed before the principal use is approved in accordance with these regulations. Accessory buildings that are to be used for storage materials necessary for the construction of the principal structure may be erected upon a lot prior to the construction of that structure but only after a permit for the principal structure has been issued.

10-3.2 Signs Prohibited.

No sign, except as expressly authorized by this Chapter, Chapter 13, or Chapter 17 shall be maintained in connection with an accessory use or structure.

10-3.3 Location.

No accessory use or structure shall be located in the front or side yard and the total combined area of all accessory structures shall not occupy more than thirty (30%) percent of the required area of the rear yard. Where the principal structure is at least two hundred (200) feet from the right-of-way, an accessory structure may then be located within the front or side yard but must be at least one hundred (100) feet from the right-of-way, and all district setback requirements shall be maintained. In the case of panhandle lots, the area of the panhandle cannot be used for calculating the lot area or be counted towards setback from the right-of-way line or edge of easement. Decks providing access to the principal structure shall not be considered detached structures and shall be subject to the same minimum setback requirements as principal structures.
(B.C.C. Resolution #1018, effective May 19, 2000) (B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

10-3.4 Decorative Features in Front and Side Yards.

Ornamental landscape structures such as fountains, ponds, and other decorative features shall not occupy more than thirty (30) percent of the front or side yard area and shall not exceed five (5) feet in height. Such structures or features shall not be subject to the setback limitations specified in Section 10-3.3. Ornamental water structures that exceed water depth of 24 inches or water surface area of 150 square feet shall require a zoning certificate and be subject to the following standards:

(a) The structure shall be at least ten feet (10') from all property lines.
(b) Fixed lighting shall be located, screened, or shielded so that any adjacent residential lots are not directly illuminated.

(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

10-3.5 Play Devices in Rear Yards.

Swing sets, jungle gyms, and other play devices excluding those accessory uses specified in Section 10-13 shall be located in the rear yard and must maintain a minimum setback of three (3) feet from every property line.

10-4 HOME OCCUPATIONS.

A home occupation shall be permitted in any zoning district as an accessory use to any permitted dwelling unit in accordance with the following standards.

10-4.1 General Standards.

a. Maximum Area. The home occupation shall be conducted only within the closed living area of the dwelling unit or existing accessory structure, and shall not occupy more than twenty percent (20%) of the total floor area of the dwelling unit;

b. Use of Accessory Structures. If the home occupation is conducted within an existing accessory structure, then that structure shall also serve as the garage or storage structure for the residents of the dwelling unit;

c. Outside Appearance. There shall be no change in the outside appearance of the dwelling unit or accessory structure, or other visible evidence of the home occupation other than one sign not exceeding (2) two square feet in area, non-illuminated which shall be mounted flat against the wall of the structure.

d. Commodity and Stock Prohibited. No commodity or stock in trade shall be sold, displayed or stored outside or inside the premises;

e. Nuisance Prohibited. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, causes fluctuation in line voltage, vibration, heat, glare or other nuisances outside the dwelling unit or accessory structure in which it is located.

f. Employees Prohibited. No persons shall be employed other than members of the immediate family residing on the premises.

g. Additional Traffic Generation Prohibited. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

h. Essential Residential Character. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Resolution, but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance to be changed by the occurrence of non-residential activities.

10-4.2 Uses Prohibited as Home Occupations.

Home occupations shall not, under any circumstance, be deemed to include the following activities nor any other activities similar in kind or intensity of use: nursing homes; funeral homes, mortuaries and embalming establishments; restaurants; bed and breakfast establishments; clinics, hospitals or the general practice of medicine or dentistry; clubs, including fraternities and sororities; instruction of persons; day care centers or type A day care home; retail or wholesale business; warehousing; beauty shop; barbershop; tailoring shops; shoe or hat repair; drop-off or pick-up station; and on-premise consultation, sales or transaction.

10-5 DUMPSTERS AND TRASH HANDLING AREAS FOR NON-SINGLE-FAMILY DISTRICTS AND USES. (B.C.C. resolution HCRZC 2013-01, effective October 18, 2013)

The following requirements shall apply to all dumpsters, trash handling areas, and related service entrances:

10-5.1 Setbacks

Dumpsters, recycling, trash handling areas, donation boxes and related screening, shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed and shall not be located within a required parking space, aisle, entry or access drive.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

10-5.2 Location of Screen

Any such accessory use or structure shall be screened on three sides by a fence or wall from the view from public streets and any abutting properties located in a residential, office, or commercial district. Donation boxes and recycling dumpsters are exempt from screening requirements.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

10-5.3 Height and Construction of Screen

Any fence or wall required under this Section shall have a height no greater than seven feet (7') and no less than five feet (5'). Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than twenty-five percent (25%) of the wall surface left open. Any fence shall be constructed in a durable fashion of wood posts and/or planks with minimum diameter or width of three inches (3") and with no greater than twenty-five percent (25%) of the fence surface left open between posts and/or planks.

10-6 SATELLITE DISH ANTENNAS.

A satellite dish antenna, as defined in Chapter 2, restricted to the sole purpose of receiving and amplifying microwave signals, for television reception shall be permitted in all Districts subject to the following conditions and restrictions:

10-6.0 Applicability

The following Categories of satellite dish antennas shall be exempt from all zoning requirements and shall not require a zoning certificate:

a. A satellite dish antenna that is two meters (78.74 inches) or less in diameter and located or proposed to be located in a commercial or industrial zoning district.
b. A satellite dish antenna that is one meter (39.37 inches) or less in diameter and located in any zoning district.
(B.C.C. Resolution # 980 effective August 2, 1997) (B.C.C. Resolution #1018, effective May 19, 2000) (B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

10-6.1 Site Plan.

A plan for a satellite dish antenna that is not exempted under 10-6.0 shall be submitted to the Administrative Official indicating the proposed height, diameter, location, setbacks. Foundation details, landscaping, and screening shall also be required in the case of a ground mounted satellite dish antenna.
(B.C.C. Resolution # 980 effective August 2, 1997)(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

10-6.2 Standards.

a. Approval of a wall or roof mounted satellite antenna, over 78.74 inches in commercial or industrial districts and 39.37 inches in any other zoning district shall be subject to the following standards.

   1. Location. In all zone districts wall or roof mounted satellite dish antennas shall be prohibited on the front elevation of the building.

   2. Setbacks. In all zone districts wall or roof mounted satellite dish antennas shall not be permitted to project into any required side or rear yard area.

b. Approval of a ground mounted satellite dish antenna, over 78.74 inches in commercial or industrial districts and 39.37 inches in diameter in any other zoning district shall be subject to the following standards:

   1. Location.
      - In the AA, A, A-2, B, B-2, C, H and MHP Districts satellite dish antennas shall be located in the rear of the property beyond the rear building line.
      - In all other zone Districts, ground mounted satellite dish antennas shall also be permitted in the interior side yard.

   2. Setbacks. Ground mounted satellite dish antennas shall provide the following minimum setbacks:
      - Rear Yard and Side Yard. In all zone Districts, fifteen feet (15').
      - Front Yard. In no case shall a ground mounted satellite dish antenna be located closer to the front or side street of a lot or building site than the main or principal building unless otherwise authorized by Section 10-3.3.
      - Setback from Power Lines. Satellite dish antennas, or any appurtenances thereto, shall be located at least eight feet (8') from any power line over two hundred-fifty (250) volts.

   3. Landscaping. Ground-mounted antennas shall be screened from ground view from the street and adjacent property owners by landscaping as shall be approved by the Administrative Official. In order to reduce the height of the required plant material, berms may be employed in conjunction with the landscaping plan.

   4. Diameter. The diameter of such antenna shall not exceed the following:
      - In the A-A, A, A-2, B, B-2, C, H and MHP Districts, ten feet (10').
      - In the all other Districts, twelve feet (12').

   5. Height. Ground-mounted antennas shall be limited to a maximum height of twelve feet (12') above grade in the A-A, A, A-2, B, B-2, C, H and MHP Districts, and a maximum height of fifteen feet (15') above grade in all other Districts.

   6. Ground Coverage. The ground coverage of satellite dish antennas shall be counted in computing the ground coverage for auxiliary and accessory use structures located upon the building site.

   7. Number Permitted. Only one satellite dish antenna shall be allowed for each principal building.

   8. Installation. The installation or modification of a satellite dish antenna shall be in accordance with all applicable construction and safety codes and procedures and shall meet the requirements of the Hamilton County Building Code.

   9. Maintenance. Satellite dish antennas, appurtenances, landscaping, and screening shall be kept and maintained in good condition.
   (B.C.C Resolution # 980, effective August 2, 1997) (B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

10-7 FENCES AND WALLS.

The restrictions set forth below shall apply to all fences and walls located in all Districts, except for fences and walls surrounding public utility structures or radio, television, microwave transmission or relay towers, or those fences and walls required for other uses by the Homeland Security Department, which are exempt from these regulations. See Section 14-6 for additional fence and wall standards.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

10-7.1 Height and Open Face Area in Front and Side Yard.

a. Front Yard. No fence or wall located in the front yard shall be built to a height greater than three feet (3') and shall have an open face area of no less that 50 percent or when constructed to a height of not more than four feet (4') above grade, shall have an open face area of no less than 62 percent. Fences and walls as provided in Sections 10-5.3, 10-7.4, & 10-7.5 shall be exempt from these height and openness requirements.

b. Side Yard.

   1. Residential Districts. No fence or wall located in the side yard shall be built to a height greater than three feet (3') and shall have an open face area of no less than 50 percent or when constructed to a height of not more than four feet (4') above grade, shall have an open face area of no less than 62 percent. Fences and wall as provided in Sections 10-5.3 and 10-7.4 shall be exempt from these height and openness requirements.

   2. Nonresidential Districts. No fence or wall located in the side yard shall be built to a height greater than eight feet (8'). Such fences and walls may be solid in construction. Fences and walls as provided in Sections 10-5.3, 10-7.4, and 10-7.5 shall be exempt from these height and openness requirements.

(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

10-7.2 Height in Rear Yard.

a. Residential Districts. No fence or wall located in the rear yard shall be built to a height greater than six feet (6') above grade. Fences and walls as provided in Sections 10-5.3 and 10-7.4 shall be exempt from these height requirements. Such fences or walls may be solid in construction.

b. Nonresidential Districts. No fence or wall located in the rear yard shall be built to a height greater than eight feet (8') above grade. Fences and walls as provided in Sections 10-5.3, 10-7.4, and 10-7.5 shall be exempt from these height requirements. Such fences or walls may be solid in construction.

(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

10-7.3 Entrance Walls in Front Yard.

An entrance wall or one set of entrance walls constructed on opposite sides of the entrance street or drive shall be allowed in a front yard in accordance with the following requirements:

a. It is part of a single family development containing at least ten (10) dwelling units or a multi-family, commercial or industrial development having a minimum of 500 ft. of lot frontage.

b. It is constructed at a maximum height of six (6) feet above grade and does not extend into the sight distance triangle (See Figure 14-D).

c. Signage on such entrance wall shall be subject to size and illumination standards contained in Chapter 13.

d. It is constructed with a minimum setback of ten (10) feet from the right-of-way, easement of access or edge of pavement, whichever is the greater setback, and five (5) feet from all other propery lines. A side yard setback adjoining a residential district shall be the same as that specified for the adjoining residential district.

(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

10-7.4 Retaining Walls.

Retaining walls facing a residence district shall be setback from the residential property line a minimum of two (2) feet for every foot of height.

10-7.5 Security Fences and Walls.

Barbed wire and razor wire are prohibited except that barbed wire may be used on fences associated with a permitted industrial use provided that barbed wire strands are not less than seven feet (7') and not more than ten feet (10') above grade. Security fences associated with a permitted industrial use shall not be built to height greater than ten feet (10') above grade and shall be located in the side and rear yards only. Such security fences and walls may be solid in construction.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

10-8 DAY CARE CENTERS AS ACCESSORY TO NON-RESIDENTIAL USE.

A day care center receiving state certification pursuant to the Ohio Revised Code shall be permitted as accessory to any non-residential use in accordance with the following requirements:

10-8.1 Area of Outdoor Play Space.

At least one hundred (100) square feet of outdoor play space per child shall be provided on the lot, exclusive of driveways, off-street parking and service areas, and required yards.

10-8.2 Location and Enclosure of Outdoor Play Space.

All outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides to a height of no less than three feet (3') and no greater than six feet (6').

10-8.3 Parking Standards.

Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 12.
(B.C.C. Resolution #980, effective August 2, 1997)

10-9 DRIVE-IN OR DRIVE-THROUGH SERVICE WINDOWS.

A drive-in service window, ATM (automatic teller machine), photo drop off or other similar type facility shall be permitted only as an accessory use in the O and E Districts (except as provided in Section 1-7), in accordance with the following requirements:

10-9.1 Principal Use.

The principal use shall be a retail establishment, office, or restaurant located on the same lot.

10-9.2 Setbacks.

Any freestanding drive-in service window shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed.

10-9.3 Circulation and Stacking Space.

The amount of stacking space and circulation patterns on the lot shall be at least five (5) spaces per window lane, calculated from the first customer contact point, and shall be adequate to keep traffic from backing up into the street.
(B.C.C. Resolution #986, effective December 25, 1997)

10-9.4 Parking Standards

Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 12.
(B.C.C. Resolution #980, effective August 2, 1997)

10-10 AUTOMOBILE RENTAL.

Automobile rental shall be permitted as an accessory use only where the principal use is an airport, retail automobile dealership, tool rental or hotel or motel. Where the principal use is a hotel or motel, automobile rental shall be permitted as an accessory use only in accordance with the following requirements:

10-10.1 Signs.

No sign advertising the rental of automobiles shall be located outside the hotel or motel building; and

10-10.2 Parking.

No more than ten (10) automobiles that are not currently leased to customers shall be parked on the same property as the hotel or motel.

10-10.3 Parking Standards

Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 12.
(B.C.C. Resolution #980, effective August 2, 1997)

10-11 HELIPORTS.

A heliport shall be permitted as an accessory use only in any non-residential district provided it complies with all applicable Federal Aviation Administration regulations and guidelines.

10-12 DETACHED GARAGE, STORAGE STRUCTURES AND OTHER DETACHED STRUCTURES AS ACCESSORY TO RESIDENTIAL USES ONLY.

(B.C.C. Resolution #1018, effective May 19, 2000)

Detached private garages, storage barns, portable carports and other detached structures, excluding "portable storage containers" as regulated by Section 11-4.8, shall be permitted as an accessory use in all Residential Districts or any district with permitted residential uses, in accordance with the following requirements:
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

10-12.1 Area and Height.

On parcels of one (1) acre or less, no more than 1,032 square feet in area and 14.5 feet in height measured to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

On parcels greater than one (1) acre and having a minimum width of not less than 150 feet at the building line, no more than 2,000 square feet in area and 24 feet in height measured to the mean height level between eaves and ridge for gable, hip and gambrel roofs.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

10-12.2 Setback.

No detached accessory structure having 1,032 square feet or less in floor area and 14.5 feet in height measured to the mean height level between eaves and ridge shall be closer than three feet (3') from any property line.

When permitted by Section 10-12.1, no detached accessory structure having more than 1,032 square feet in floor area or being more than 14.5 feet in height measured to the mean height level between eaves shall be closer than 25 feet from any property line.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

10-12.3 Location.

No detached garage or storage barn shall be located in the front or side yard except as otherwise stipulated in Sections 10-3.1 and 10-3.3.

10-13 PRIVATE SWIMMING POOLS, TENNIS COURTS, BASKETBALL COURTS.

Swimming pools (measured from the edge of water), tennis courts and independent basketball courts and similar active recreation areas shall be permitted as an accessory use in all Residential Districts or any district with permitted residential uses provided they are located behind the rear line of the principal structure and at least ten feet (10') from all property lines. Fixed lighting for these uses shall be located, screened, or shielded so that any adjacent residential lots are not directly illuminated. Fences required by the Hamilton County Building Code (for uses such as swimming pools) shall comply with the standards stipulated in Section 10-7.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

10-14 PRE-SCHOOL AND ELEMENTARY SCHOOLS AS ACCESSORY TO EXISTING CHURCHES.

10-14.1 Building Location

All buildings shall be setback from any property line the minimum distance that is required in the District in which it is located. An additional two (2) feet shall be added to the setback requirement for each foot of building height which exceeds the maximum height permitted (not to exceed 45 feet in height).

10-14.2 Building Type

All accessory structures shall be designed to reflect the main building and the use of temporary, portable or modular structures shall be prohibited.

10-14.3 Area of Outdoor Play Space

At least one hundred (100) square feet of outdoor play space per child shall be provided on the lot, exclusive of driveways, off-street parking and service areas and required yards.

10-14.4 Location and Enclosure of Outdoor Play Space

All outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides to a height of no less than three feet (3') and no greater than six feet (6').
(B.C.C. Resolution #986, effective December 25, 1997)

10-15 FESTIVALS AND ANY OTHER FUNDRAISERS AS ACCESSORY TO EXISTING CHURCHES.

10-15.1 Festivals, Bingo or any other Fund Raising Activity

All fund raising activities shall follow the regulations set forth in Chapter 11 Temporary Uses.

10-15.2 Temporary Tents used at Festival and other Fundraiser Activities

All temporary tents used at festivals or other Fundraisers shall be regulated by Chapter 11 Temporary Uses, specifically 11-4.7 - Tents.

10-15.3 Temporary Signs

All temporary signs shall follow the regulations in Chapter 13 – Signs.
(B.C.C. Resolution #986, effective December 25, 1997)

10-16 SOLAR PANELS. (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

Solar Panels and related accessory structures shall be permitted in all Districts provided that all such panels and structures located in multiple residence, commercial, or industrial districts shall be located and constructed in compliance with the same minimum setbacks and height restrictions as a main building as determined by the zone district in which such structure is constructed. Solar Panels and related accessory structures located in a single-family district shall be subject to the following standards.

10-16.1 Noise Levels

Noise levels shall be controlled to prevent sound levels beyond the property line. Noise levels generated from any solar facility shall not exceed 62 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 52 decibels (dBA) between the hours of 10:00 PM and 7:00 AM.

10-16.2 Height

Solar Panels (PV) located on the roof of a residential structure may not extend above the highest point of the existing roof. Solar Panels (PV) detached from the principal residential structure shall not exceed 14.5 feet in height.

10-16.3 Setback

No Solar Panels (PV) detached from the principal residential structure shall be closer than three feet (3') from any property line.

10-16.4 Location

No Solar Panels (PV) shall be located in the front or side yard except as otherwise stipulated in Section 10-3.3. Such Solar Panels (PV) and related accessory structures shall be considered together with all other accessory structures for the purposes of determining the amount of yard coverage regulated by Section 10-3.3

10-17 FREESTANDING ANTENNAS. (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

Any freestanding antenna or other aerial adjacent to any residential use or residential zone district shall be setback from the adjacent residential property line a minimum of one foot for each foot in height.

10-18 OUTDOOR VENDING MACHINES ACCESSORY TO NON-SINGLE-FAMILY USES. (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

10-18.1 Standards

Outdoor vending machines shall be situated according to the following:

a. Shall be located along the face of a building or against a structure and on an imprevious surface such as concrete or asphalt.

b. Shall not obstruct pedestrian pathways, driving aisles, parking spaces, or any areas necessary for proper vehicular circulation or loading activities. A clear path of travel at least four feet wide must be provided around outdoor vending machines.

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CHAPTER 11

TEMPORARY USES

11-1 AUTHORIZATION.

Temporary uses as defined in Chapter 2 and as hereinafter specified are permitted in accordance with the provisions set forth in this Chapter.

11-2 ZONING CERTIFICATE REQUIRED; SPECIAL STANDARDS FOR ISSUANCE AND REVOCATION.

11-2.1 Certificate Required.

Except as provided in Section 11-4.1, no temporary use shall be established or maintained unless a Zoning Certificate evidencing the compliance of such use with the provisions of this Resolution shall have first been issued in accordance with the provisions of Chapter 20.

11-3 USE LIMITATIONS.

11-3.1 General Limitations.

Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary uses by Section 11-4. No temporary use shall be permitted if it would have significant negative impact on any adjacent property or on the area as a whole.

11-3.2 Hours and Days of Operation.

No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Administrative Official, in the Zoning Certificate required by Section 11-2. This determination shall be based on the nature of the temporary use and the character of the surrounding area. Outside displays associated with the temporary use shall be governed by Section 5-1.2
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

11-3.3 Traffic.

No temporary use shall be permitted if the Administrative Official, upon review of the application, finds that additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects of surrounding streets and uses which cannot be adequately mitigated by the applicant.

11-3.4 Conflicts with Other Temporary Uses.

No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

11-3.5 Sign Limitations.

Signs shall be in accordance with regulations contained in Chapter 13.

11-3.6 Parking.

Before approving any temporary use, the Administrative Official shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use. This shall be done on the basis of the particular use, its intensity, and the availability of other parking facilities in the area. The Administrative Official shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Administrative Official, unreasonably reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.

11-3.7 Additional Conditions.

Every temporary use shall, in addition, comply with any other conditions as the Administrative Official may reasonably impose to achieve the purposes of this Resolution or to protect the public health, safety, and welfare.

11-4 PERMITTED TEMPORARY USES.

Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the zoning districts herein specified:

11-4.1 House, Apartment, Garage and Yard Sales.

House, apartment, garage, and yard sales are permitted in any Residential District, but only when limited to the personal possessions of the owner-occupant of the dwelling unit at which such sale is being conducted. Such use shall be limited to a period not to exceed three (3) consecutive days and no more than three (3) such sales shall be conducted from the same residence in any twelve (12) month period. No zoning certificate shall be required for such use.

11-4.2 Outdoor Art, Craft and Plant Shows, Exhibits and Sales.

Outdoor art, craft and plant shows are permitted in any Office, Retail Business and Light Industrial Districts; provided, however, that any such use shall require the specific prior approval of the Administrative Official on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Every such sale shall be limited to a period not to exceed three (3) days.

11-4.3 Christmas Tree Sales.

Christmas tree sales are permitted in any Office, Retail Business or Light Industrial Districts and, when conducted by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization, in any Residential District. Such use shall be limited to a period not to exceed fifty (50) days. Display of Christmas trees need not comply with the yard requirements of this Resolution, except that no tree shall be displayed so as to obstruct the sight triangles defined in Chapter 14, Section 14-9.

11-4.4 Contractor's Offices and Equipment Sheds.

Contractor's offices and equipment sheds are permitted in any district when accessory to a construction project. No such use shall contain any sleeping accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.

11-4.5 Model Units, Including Real Estate Offices.

Model units including Real Estate offices, are permitted in any district when an accessory use to a new development. No such use shall contain any sleeping accommodations unless located in a model dwelling unit. Such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.

11-4.6 Festivals and Circuses.

Festivals and circuses are permitted in any district when sponsored by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization. Commercial festivals and circuses are permitted in any Office, Retail Business or Light Industrial District; provided, however, that any such use shall require the specific prior approval of the Administrative Official on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed ten (10) days.

Such use need not comply with the yard requirements of this Resolution except that structures or equipment that might block the view of operators of motor vehicles on any public or private street and shall not be located within the sight triangle defined in Chapter 14. Such use need not comply with the maximum height requirements of this Resolution. The concessionaire responsible for the operation of any such carnival or circus shall submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead-end aisles.

In the event that a temporary use does not require the approval of the Hamilton County Building and Inspections Division the applicant or concessionaire shall provide written approval of the County or Township Fire Authority having jurisdiction over the use.

11-4.7 Tents.

Tents are permitted in all districts in connection with any permitted, accessory or temporary use. No tent shall be allowed to remain for a period of more than two (2) days longer than the use with which it is associated or, in the absence of any such period, ten (10) days. Unless waived in writing by the Administrative Official, every tent shall comply with the bulk and yard requirements of the district in which it is located.

11-4.8 Portable Storage Containers.

Residential use properties are permitted one (1) portable storage container for fourteen (14) consecutive days per year. The container must be situated on a paved surface and be setback a minimum of ten (10) feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback. A portable storage container is intended to provide "temporary" storage for moving and similar short-term purposes. These units are not permitted as a permanent accessory storage structure, regardless of the proposed location of the unit. A temporary/accessory residential use zoning certificate is required before the container is placed on-site.

Nonresidential use properties are permitted one (1) portable storage container for fourteen (14) consecutive days per year. The container must be situated on a paved surface and be setback a minimum of ten (10) feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback. These units are not permitted as a permanent accessory storage structure, regardless of the proposed location of the unit. A temporary commercial use zoning certificate is required before the container is placed on-site.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

11-4.9 Mobile Food Vending Services.

Mobile Food Vending Services ("Food Trucks") shall be permitted only in commercial zoning districts, provided that all of the following criteria are met:

a. The mobile food vending service must be located entirely on private property and shall not be located in any required setback, sight distance triangle, buffer, or public right-of-way.

b. Any operator of a mobile food vending service must receive and display a valid zoning certificate.

c. The maximum duration of a mobile food vending service permit is for 30 days at one location, renewable up to 2 additional times, for a total period of 90 days per calendar year at a single location.

d. The operator of a mobile food vending service shall obtain, in writing, the permission of the property owner to operate on his property and shall submit a copy as part of a Zoning Certificate application.

e. Trash receptacles shall be provided for customers to dispose of food wrappers, food utensils, paper products, cans, bottles, food, and other such waste. Such receptacle shall be located not more than 10 feet from the mobile food vendor.

f. The hours of operation shall be between 7:00 AM and 10:00 PM.

g. The vendor shall not locate in any minimum required parking spaces for other businesses on the site. The mobile food vendor must meet all applicable local and state codes.

(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

11-5 BULK AND YARD REGULATIONS.

Except as expressly provided otherwise in Section 11-3 above, every temporary use shall comply with the bulk and yard requirements of the district in which such temporary use is located.

CHAPTER 12

VEHICULAR USE AREAS

12-1 PURPOSE.

The purpose of this Chapter is to prevent or alleviate the congestion of the public street, to minimize any detrimental effects of vehicular use areas on adjacent properties, to enhance vehicular use areas with landscape elements for improved traffic circulation and visual amenities and to promote the safety and welfare of the public. To accomplish this purpose minimum requirements are established, while more landscaping may be included depending on site specific conditions.

12-2 APPLICABILITY.

12-2.1 New and Expanded Uses.

The off-street parking and loading requirements of this Chapter shall apply to any application for a permit for the erection of a new building. For an alteration, addition or change of use of an existing building; or for an alteration, development or change of land use that requires more parking; or for changes of the capacity of an existing parking area or parking structure the off-street parking and loading requirements of this Chapter shall apply only to the area of the alteration, addition or change of use.

Vehicular use areas for redevelopment sites as specified in Section 1-7 are exempt from the requirements of Section 12-6 (Landscaping for Vehicular Use Areas) and Section 12-8 (Off-Street Loading Requirements).

12-2.2 Existing Uses.

The off-street parking and loading requirements of this Chapter shall not apply to buildings and land uses legally in existence on the effective date of amendment of this Resolution unless modified in the manner stated in Section 12-2.1 and further provided that any parking or loading facilities now serving such buildings or uses shall not in the future be reduced below these requirements.

12-2.3 Maintenance.

The duty to provide and maintain all such areas shall be the joint responsibilities of the owner, operator and lessee of the use for which vehicular use areas are required.

12-2.4 Plan Review.

For any off-street parking area required under this Chapter, and for any other proposed parking area for five (5) or more vehicles, a plan shall be submitted with the application for a Zoning Certificate to the Administrative Official to review for compliance with these regulations and for any other applicable regulations. Any such parking plan shall show the number of parking spaces, the arrangement of parking aisles, the location of driveway entrances, provisions for vehicular and pedestrian circulation, the location or typical location of sidewalks, wheel stops, lighting and curbs on or adjacent to the property, the location of utilities, barriers, shelters, and signs, the location of landscaped areas and the types and location of vegetation to be planted in them, typical cross sections of pavement, stormwater drainage facilities, and any other relevant information requested by the Administrative Official.

12-3 NUMBER OF OFF-STREET PARKING SPACES.

Except as otherwise provided in this Section, off-street parking spaces for each new principal use on a parcel shall be provided according to the units of measurement indicated for that use in Table 12-9, Schedule of Off-Street Parking Requirements, found at the end of this Chapter.

12-3.1 Computation of Required Spaces.

The following provision shall govern the computation of the number of off-street parking spaces required.

a. Fractions. When determination of the number of required parking spaces results in the requirement of a fractional space, any fraction ½ or less shall be disregarded and any fraction over ½ shall require one (1) parking space.

b. Bench Seating Calculation. In stadiums, sports arenas, churches and other places of assembly in which patrons or spectators occupy benches, pews or other similar seating facilities, each twenty inches (20") of such seating facilities shall be counted as one (1) seat for the purpose of determining the requirement for off-street parking facilities,

c. Use of Maximum. When parking spaces are required on the basis of the number of faculty, staff, students or employees, the maximum number present at any one time shall govern.

d. Interpretation. For uses not expressly listed in Table12-9, found at the end of this Chapter, parking spaces shall be provided on the same basis as required for the most similar listed use as determined by the Administrative Official and as adopted by RZC Policy for that specific use.

12-3.2 Spaces for the Handicapped.

Parking spaces shall be provided in accordance with the provisions of the Ohio Basic Building Code.

12-3.3 Shared Parking.

Joint use of up to fifty percent (50%) of required parking spaces may be permitted for two or more uses located on the same parcel or adjacent parcels provided that the developer can demonstrate to the Administrative Official that the uses will not substantially overlap in hours of operation or in demand for the shared spaces. This shall be guaranteed by a written agreement from the Owner or between the Owners involved and all future owners or assigns which shall be submitted with the required plan. Shared parking spaces shall be located no more than three hundred feet (300') from the uses they are intended to serve.

For shopping centers, parking requirements may be located on adjoining parcels if the parking requirements for the entire shopping center are met, the total number of required parking spaces are located within 300 feet from the uses they are intended to serve, and there is a recorded agreement from the Owner or between the Owners involved and all future owners or assigns which shall be submitted with the required plan.
(B.C.C. Resolution #986, effective December 25, 1997)

12-4 DESIGN OF PARKING SPACES AND AISLES.

Each required parking space shall meet the minimum dimensional requirements set out in Table 12-4 and illustrated in Figure12-4A.

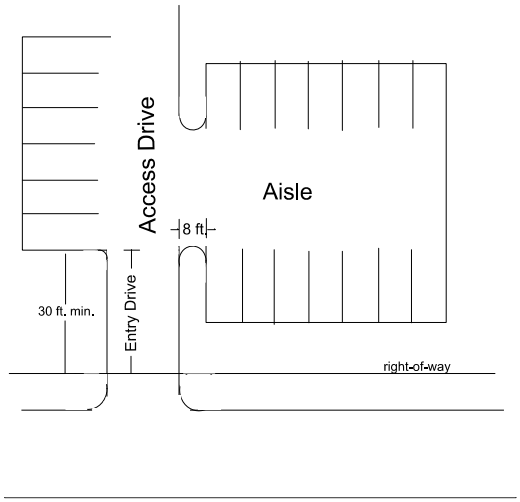
12-4.1 Aisles.

Each required parking space shall have direct and unrestricted access to an aisle of the minimum width set out in Table 12-4 and illustrated in Figure 12-4A.

12-4.2 Access.

All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives wherever possible. Parking shall be restricted along entry drives within thirty feet (30') of the right-of-way or easement line (and at greater distances as may be required by the Rural Zoning Commission depending on the traffic generation and parking lot size) nor within eight feet (8') of the curb or pavement edge of such restricted entry drive area. The parking setback areas along the entry drive, as required in this section, must be a pervious surface consisting of grass or other landscaping material excluding pavement, gravel or other rock material.
(B.C.C. Resolution #1007, effective March 5, 1999)

Illustration



12-4.3 Maneuverability Areas.

In order to promote adequate maneuverability, the following provisions shall be followed:

a. Turn-Around Area. Where more than three (3) parking spaces are served by a single driveway, a turn-around area shall be provided, or other provision shall be made, to permit cars to exit the parking lot or garage without backing onto any street or sidewalk.

b. Back-Up Area. Each parking space shall be provided with a sufficient back-up area to permit egress in one maneuver, consisting of one backward and one forward movement.

12-4.4 Handicapped Parking Spaces.

The dimension of parking spaces serving handicapped persons shall conform to the requirements of the Ohio Basic Building Code.

12-4.5 Surface and Drainage.

Every off-street parking lot including aisles, access drives and parking spaces shall be surfaced with an asphaltic or Portland cement binder pavement providing an all-weather, durable, and dustless surface. Pervious pavement materials, including pervious pavers, pervious concrete or asphalt, and interlocking grass pavers may be utilized for required parking spaces. Provided that the location of the pervious pavement shall not be permitted for use in any loading area or as part of any access drive providing access to the property or to any loading area. When utilized, such pervious pavement materials shall be reviewed and approved by the Hamilton County Stormwater and Infrastructure Division.

Individual stalls shall be graded to drain so as to dispose of all surface water within the parking area in accordance with the regulations of the Hamilton County Stormwater and Infrastructure Division. No surface water from parking areas shall accumulate or drain over a public sidewalk. Interior landscaped

areas may be used for surface drainage when employing stormwater best practices design approved by the Hamilton County Stormwater and Infrastructure Division.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007) (B.C.C Resolution HCRZC 2008-01, effective November 21, 2008)

12-4.6 Lighting.

Fixed lighting shall comply with the provisions contained in Section 12-7 and be so arranged to prevent direct glare of beams onto any public or private property or street.

TABLE 12-4
PARKING STALL AND AISLE DIMENSIONS

A	B	C	D		E	F	
PARKING ANGLE	**STALL WIDTH**	**LENGTH OF STALL**	**AISLE WIDTH**		**WIDTH OF ACCESS DRIVE**	**BAY WIDTH (CENTER TO CENTER WIDTH OF TWO ROW BAY WITH AISLE BETWEEN)**	
			ONE WAY	TWO WAY		ONE WAY	TWO WAY
0 °	9 ft.	23 ft.	12 ft.	18 ft.	20 ft.	24 ft.	30 ft.
30 ° - 53 °	9 ft.	18 ft.	13 ft.	20 ft.	20 ft.	42 ft.	49 ft.
54 ° - 75 °	9 ft.	19 ft.	18 ft.	22 ft.	20 ft.	52 ft.	56 ft.
76 ° - 90 °	9 ft.	19 ft.	22 ft.	24 ft.	20 ft.	60 ft.	62 ft.

FIGURE 12-4A
PARKING STALL AND AISLE LAYOUT

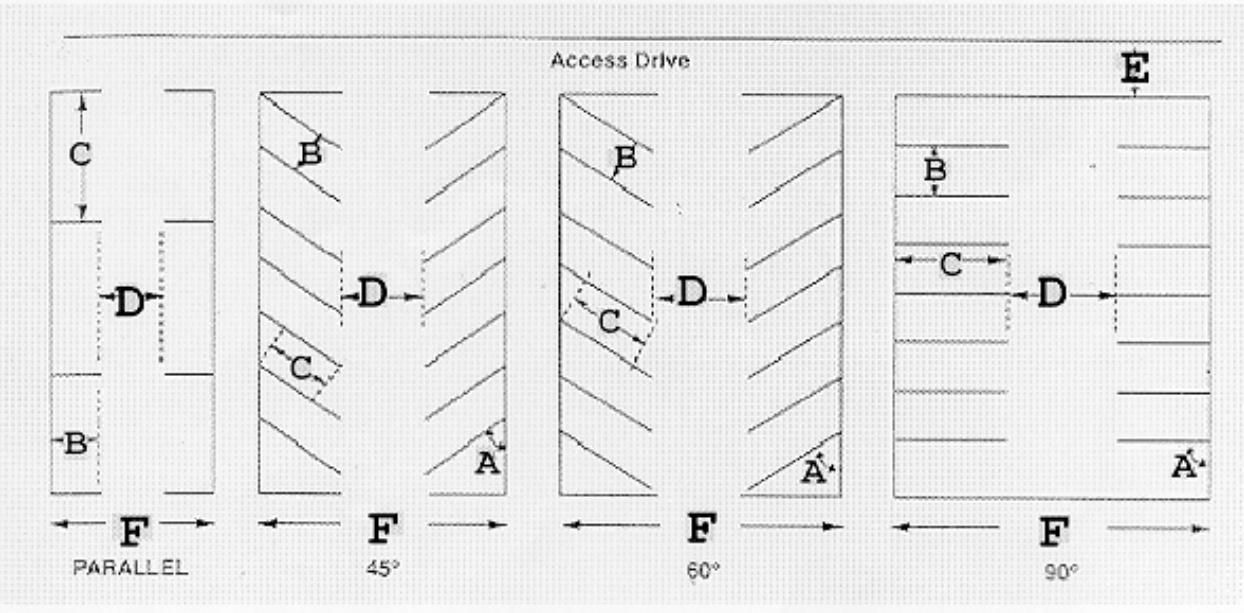
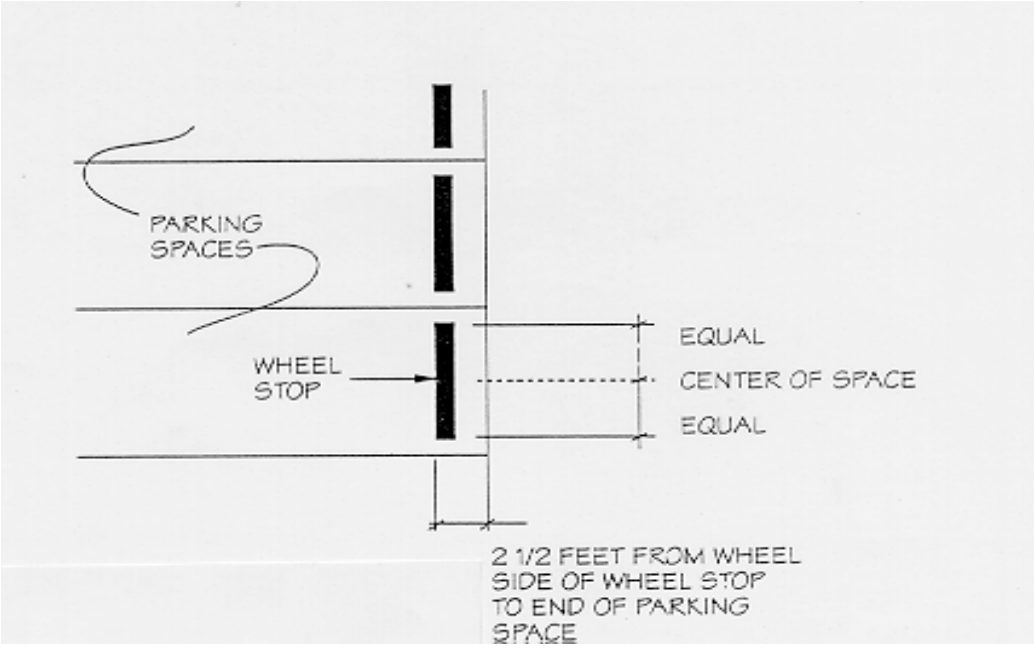


FIGURE 12-4B
WHEEL STOP PLACEMENT



12-4.7 Wheel Stops and Continuous Curbs.

Wheel stops or continuous curbs shall be provided, located, and designed to protect required screening devices and landscaping and pedestrian ways from damage or encroachment of vehicles and to provide necessary traffic control in the parking area.

a. Wheel Stops. Each wheel stop shall be a singular block of reinforced concrete, stone, or other durable material six inches (6") in height, six inches (6") in width, and eight feet (8') in length. Wheel stops shall be placed as shown in Figure 12-4B and securely attached to the ground and may be used only at the end of parking stalls.

b. Continuous Curbs. Continuous curbs shall be made of asphalt, concrete, or stone, and shall be a minimum of six inches (6") in height and six inches (6") in width. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and turn-around areas which are not protected by wheel stops.

c. Placement. The wheel stop or continuous curb shall be located a minimum of four feet (4') from any structures, buildings, walls, or plant material, excluding groundcover (as shown in Figure 12-4C) to prevent a vehicle from driving onto the landscape area or hitting any structure or plant material at the edge of the parking area. The mature size of the plant material shall be specified to determine if the landscape meets the setback requirements.

d. Stall Dimensions. Where continuous curbs are used, the paved area of the parking stall length required in Table 12-4 and illustrated in Figure 12-4A (Dimension 'C') may be reduced by two and one-half feet (2½') as shown in Figure 12-4D provided that the vehicle overhang will not encroach on pedestrian circulation or the required setback for desirable plant growth. Where wheel stops are used, the paved area of the parking stall length required in Table 12-4 and illustrated in Figure 12-4A (Dimension 'C') shall not be reduced. If the wheel stop or continuous curb is located adjacent to a sidewalk, the sidewalk shall be constructed to a minimum dimension of 5 1/2 feet to provide a clear sidewalk area of not less than 3 feet for pedestrian access.
(B.C.C. Resolution #1007, effective March 5, 1999)

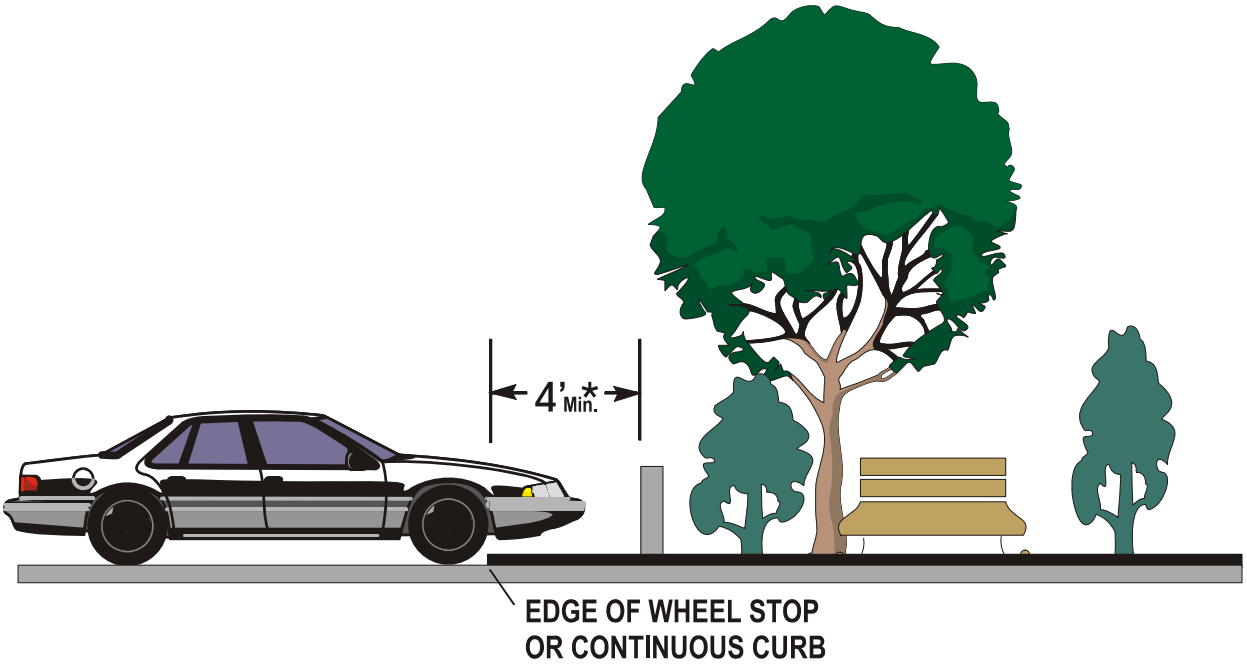
12-4.8 Slope.

No area of any parking lot, excluding entry drives, shall have a slope in excess of seven percent (7%). Entry drives or drives that connect parking areas shall not have a slope in excess of ten percent (10%).

12-4.9 Entry Drives.

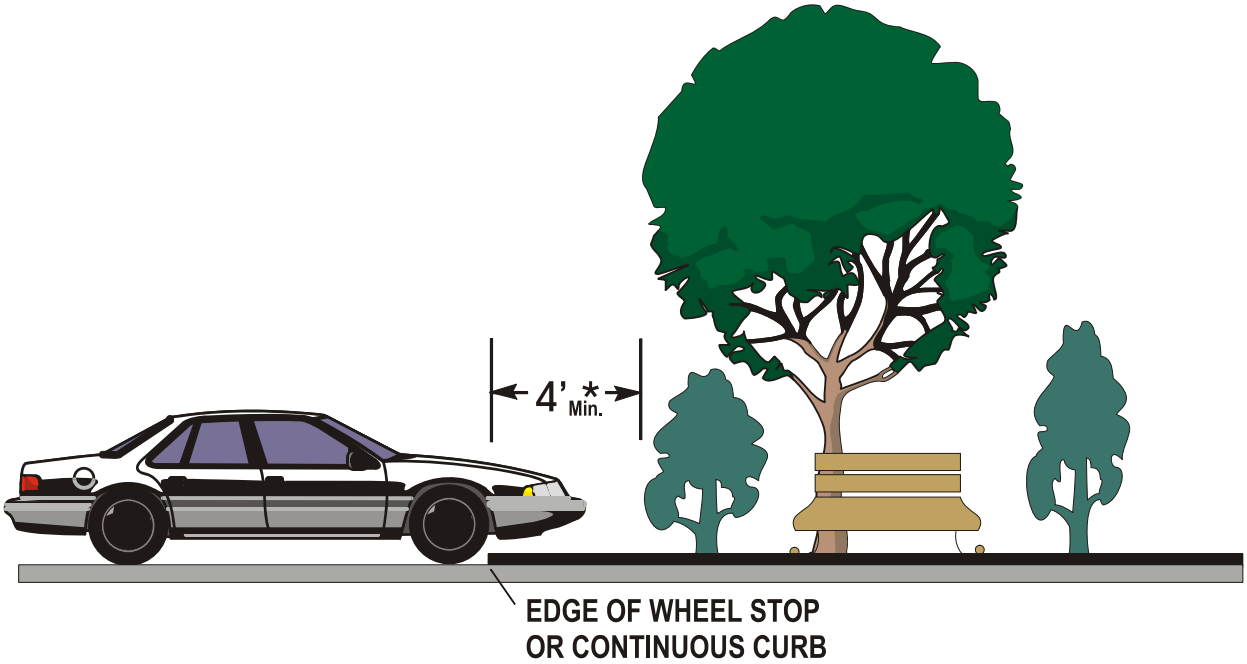
Within ten feet (10’) of the right-of-way, the maximum width of the entry drive shall be thirty feet (30’) in any Multi-Family, Office, Retail, Industrial or other non-single family zone district.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

FIGURE 12-4C
STRUCTURE AND PLANTING SETBACK REQUIREMENTS



(1) STRUCTURE SETBACK REQUIREMENTS

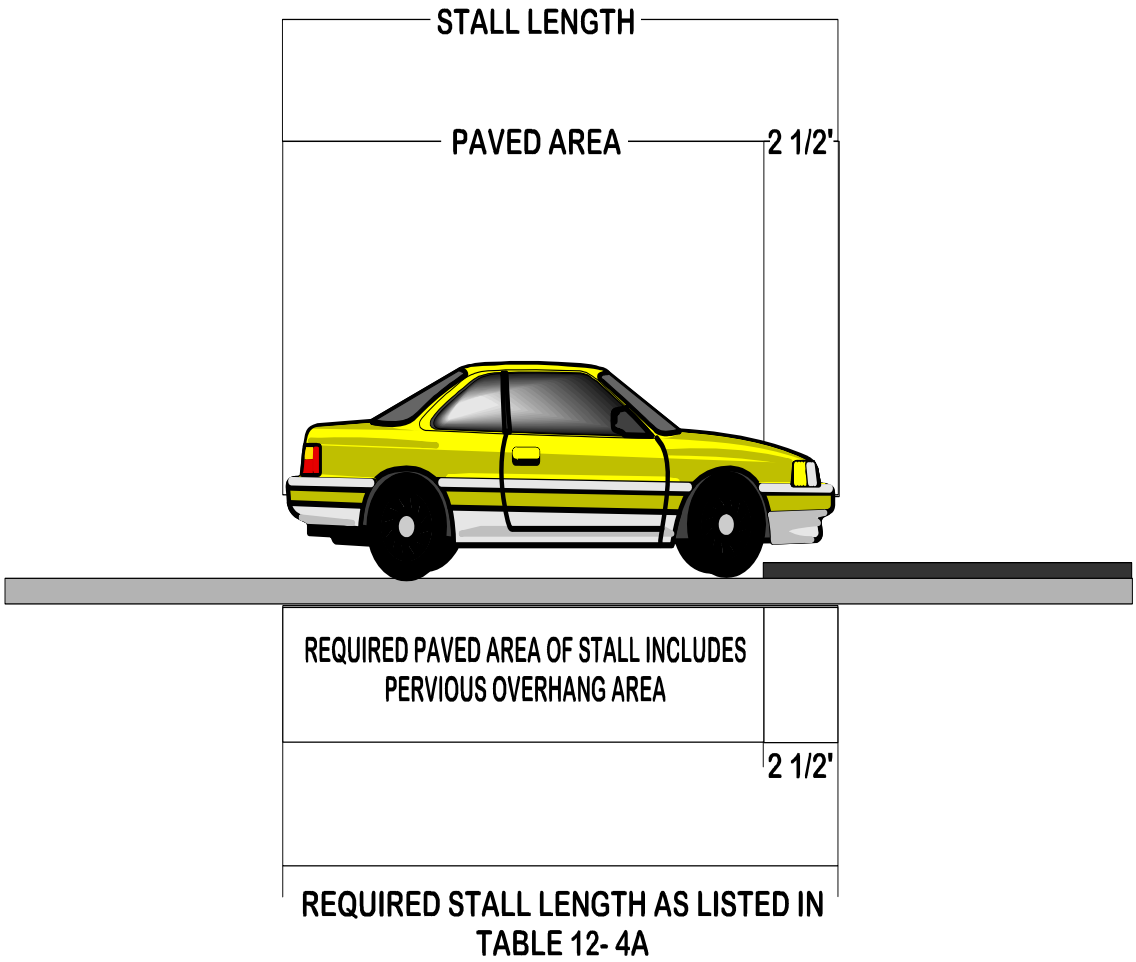
* The minimum distance shall be 5 ½ ft. when adjacent to a sidewalk



(2) PLANTING SETBACK REQUIREMENTS

* The minimum distance shall be 5 ½ ft. when adjacent to a sidewalk

FIGURE 12-4D
PAVEMENT AREA ADJUSTMENT WITH CONTINUOUS CURB USAGE



12-5 LOCATION OF REQUIRED PARKING SPACES.

12-5.1 Off-Street Parking.

Required off-street parking spaces for any use shall be located on the same parcel as the use they are intended to serve, except where these regulations allow shared parking between uses on different lots pursuant to Section 12-3.3.

12-5.2 Residential Parking.

In any residential use parcel or residential district, no off-street parking area, maneuvering area for parking spaces, or loading area shall be located within any required front yard. This restriction shall not apply to driveways providing access from the street to the required parking area located outside of the required front yard, nor is it intended to prohibit parking of vehicles on such drive serving a detached dwelling. Within ten feet (10') of the right-of-way, the maximum width of the driveway shall be twenty-four feet (24') in a Single-Family or Manufactured Home Park District.

All driveways and parking areas must be surfaced with asphalt, Portland cement, or block paver stones providing an all-weather, durable and dustless surface. This requirement shall apply to the first 200 ft. of the driveway, as measured from the edge of pavement of a public or private street. All parking areas must comply with the drainage requirements of the Hamilton County Stormwater and Infrastructure Division.
(B.C.C. Resolution #980, effective August 2, 1997) (B.C.C. Resolution #1007, effective March 5, 1999) (B.C.C Resolution HCRZC 2008-01, effective November 21, 2008) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

12-5.3 Parking of Boat, Trailer, R.V. or Mobile Home

In any Residential District placing a boat, trailer, or mobile home shall be prohibited, except that outside the Flood Plain Area one (1) trailer as defined in Chapter 2, one (1) boat, OR one (1) R.V. may be parked or stored as follows:

a. Vehicles or equipment stored or parked on one trailer intended for such use shall count as one recreational vehicle, (For example, a boat on a trailer)

b. No recreational vehicle or mobile home while parked or stored in a Residence District shall be used for the purpose of permanent habitation, living, business or housekeeping purposes.

c. The wheels or any similar transporting devices of any such trailer permitted within any Residential District shall not be removed, nor shall any trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.

d. The recreational vehicle shall be maintained and be in good condition and safe of effective performance of the function for which it is intended. The exterior of the vehicle shall be intact.

e. The recreational vehicle shall be roadworthy. Those recreational vehicles that require a license shall be properly licensed, operable and tagged.

f. The recreational vehicle may be parked or stored in the front yard, on a paved surface, for a period not to exceed twenty four (24) consecutive hours a maximum of two times per month for the purposes of loading, unloading, cleaning, or maintaining, with the prior approval of the Zoning Inspector.

g. The recreational vehicle may be parked or stored in the side yard no closer than the minimum side yard setback distance required in the Residence District it is located.

h. The recreational vehicle shall be located no closer than a minimum distance of five (5) feet from the side and rear yard when parked or stored in the rear yard of a Residence District.

i. A maximum of four (4) recreation vehicles are permitted to be parked or stored within an enclosed garage or other permitted building on any single-family lot.

j. Within a Multi-family Residence District, (excluding SPUDs) only one recreation vehicle may be parked or stored openly and shall be set back a minimum of one hundred (100) feet from the front property line and twenty-five (25) feet from any side or rear property line.
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008) (B.C.C. Resolution HCRZC 2013-01, effective October 13, 2013)

12-5.4 Parking of Inoperable or Abandoned Vehicles.

The parking or storage of inoperable or abandoned vehicles is prohibited outdoors in all districts except the "G" Heavy Industrial District and as further provided in this section. The location and duration or temporary parking or storage of an unlicensed operable vehicle may be approved by the County Zoning Inspector through the issuance of a Temporary Zoning Certificate on the basis of the adequacy of the parcel size, condition of the vehicle, visibility from other properties and absence of undue adverse impact on adjacent property or on the area as a whole.

12-5.5 Traffic Patterns.

All parking garages and lots shall be located and designed to encourage minimal routing of traffic along public rights-of-way contiguous to blocks that contain primary education facilities or recreation sites designed for children or which have over fifty percent (50%) of their frontage developed with single- or two-family dwellings.

12-5.6 Parking or Storage of Commercial Vehicles in Residence Districts.

In Residence Districts, the storage or parking of a commercial vehicle shall be regulated as follows:

a. No truck, construction equipment, or other vehicle of a business or industrial nature shall be parked or stored on a lot in a Residence District that exceeds twenty (20) feet in length, seven and one half (71/2) feet in height and/or contain permanent external commercial markings or signs exceeding a total of four (4) square feet.

b. .No passenger van exceeding twenty (20) feet in length, step van or chassis van shall be permitted to be parked or stored in a Residence District without the approval from the Board of Zoning Appeals.

c. In no case shall a semi trailer or tractor be stored or parked in a Residence District.

d. No tow truck, stake truck, box truck or dump truck may be parked or stored in a Residence District.
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

12-6 LANDSCAPING FOR VEHICULAR USE AREAS.

12-6.1 Applicability.

a. Scope. The application of the landscape regulations established by this Section shall be limited to the same scope as defined in Sections 12-2.1 and 12-2.2 of this Chapter.

b. Exception. Vehicular use areas containing less than twenty (20) parking spaces or classified as a redevelopment exception in accordance with Section 1-7 shall be exempt from the requirements of this Section 12-6

c. Where the total parking provided is located in more than one location on a site and each location contains less than twenty (20) parking spaces, each such area shall be exempt from Section 12-6 if separated on all sides by at least twenty feet (20') of non-paved area.

d. Alteration or expansion. Where an existing vehicular use area containing less than twenty (20) contiguous parking spaces is expanded and thereby contains twenty (20) or more contiguous parking spaces, landscaping for the entire area shall be provided and not merely to the extent of its expansion.

12-6.2 Total Landscaping Required.

The total landscaping required in vehicular use areas is 22 sq. ft. per parking and stacking space. Interior and streetscape landscaping count toward the minimum square feet of landscaping required per parking space.
(B.C.C. Resolution #986, effective December 25, 1997)

12-6.3 Interior Landscaping Standards.

Interior landscaping shall comply with the following standards:

a. Design. Landscape areas shall be peninsular or island types. This shall include landscaped parking islands or peninsulas, natural or landscaped detention basins located in the front or side yards, and the required streetscape landscaping area. Boundary buffers areas cannot be counted as landscape areas for purposes of this section.
(B.C.C. Resolution #1007, effective March 5, 1999)

b. Location. All parking spaces must be at least within 125 feet of a landscaped area.

c. Minimum Area. The minimum landscape area shall be one hundred (100) square feet.

d. Surface. Any landscape area provided under this Section shall not contain bare soil. Any ground area shall be covered with stones, mulch, vegetative ground cover, or other surface permeable by water.

e. Retention Basins. Natural or landscaped detention basins may count toward minimum square footage landscaping requirements when the basins are in the front or side yards.

f. Traffic Visibility. No landscaping shall obscure visibility at vehicular intersections with the parking area or other areas where clear visibility is necessary to assure safe circulation. Where safe visibility is impaired, canopy trees shall have branches removed from the trunk at least five feet (5') above the

ground and shrubs or groundcover shall not exceed two feet (2') in height. Evergreen trees and understory trees that would impair visibility for safe circulation shall not be planted in these areas.

g. Minimum Width. No interior landscaping area shall be less than ten feet (10') by ten feet (10').

12-6.4 Determination of Interior Landscape Requirements.

The Landscape Requirements shall be computed as follows:

a. Interior Landscape Area Requirement. Determine the landscape area by multiplying the Landscape Area Requirement of 22 sq. ft. per parking and stacking space (Sec. 12-62) by the total number of parking spaces on the lot. (Reminder: Applicability only required as outlined in Section 12-2.1)
(B.C.C. Resolution #1007, effective March 5, 1999)

b. Planting Requirements. To determine the minimum number of canopy trees, use the rate of one (1) canopy tree for each 10 parking spaces for uses that provide between 100% and 120% of the required number of parking spaces (calculated in accordance with the requirements of Section 12-3 and Table 12-9). Uses that provide greater than 120% of the required number of parking spaces shall provide two (2) canopy trees for each 10 parking spaces. Any fractional number of trees should be calculated to the next highest whole number.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

c. To determine the total number of required shrubs, multiply the total number of required canopy trees by three (3). One canopy tree may substitute for 3 shrubs. Trees and shrubs do not have to be equally spaced, but may be grouped.
(B.C.C. Resolution #986, effective December 25, 1997)

12-6.5 Overlap.

When any portion of the parcel is subject to more than one set of landscape or buffer requirements as set forth in this or any other Chapter, the most stringent requirement shall control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

12-6.6 Credit.

Existing trees and shrubs, fences, walls or berms on a parcel may be used to meet the requirements if they meet the standards established in this Chapter and in Chapter 15, Section 15-6, Credit for Existing Landscape Materials.

12-6.7 Plant Installation and Maintenance Standards.

All new plant material as part of the requirements for this Chapter shall be in accordance with Chapter 15, General Landscape Material Standards.

12-6.8 Modifications.

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the extent of expansion or redevelopment of the site or parking area is deemed to be insignificant, or the presence of existing buffers on adjacent developed property would make strict adherence to the requirements of this Chapter serve no meaningful purpose or would make it physically impossible to install and maintain the required landscaping, the Rural Zoning Commission or the Board of Zoning Appeals (per Section 12-69) may, upon proper application by the property owner, and upon making findings of fact, modify the requirements of this Chapter provided the existing or resulting landscape features of the development site comply with the spirit and intent of this Chapter, Chapter 14 and other related Chapters .
(B.C.C. Resolution #986, effective December 25, 1997)

12-6.9 Authority

The authority to approve landscape modifications resides with the Commission or Board that approves each specific type of zoning request.
(B.C.C. Resolution #986, effective December 25, 1997)

12-7 OUTDOOR LIGHTING.

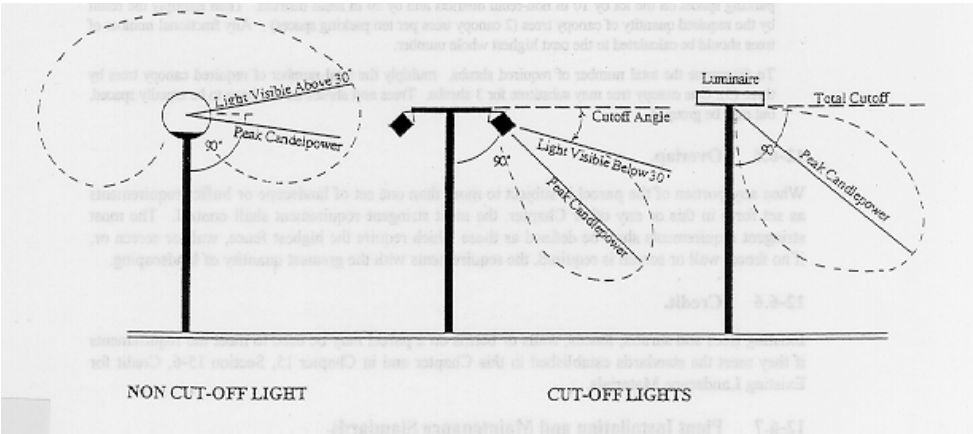
The following restrictions shall apply to any outdoor lighting located in any district on parcels where there are parking spaces for five (5) or more vehicles.

12-7.1 Height

All outdoor lighting shall be designed, located, and mounted at heights no greater than sixteen feet (16') above grade for non-cutoff lights and thirty-two feet (32') above grade for cutoff lights A greater height may be authorized in any district by a Variance approved pursuant to, Chapter 21.

Cutoff and non-cutoff lights are illustrated below:

NON CUT-OFF LIGHT & CUT-OFF LIGHT



12-7.2 Illumination

All outdoor lighting shall be designed and located with a maximum illumination of 0.5 footcandles at the property line.

12-7.3 Shielding

All outdoor lighting for non-residential uses shall be located, screened, or shielded so that adjacent lots located in residential districts are not directly illuminated.

12-7.4 Color and Glare

No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

12-7.5 Luminaire Type

Outdoor light lamps shall be of types recommended in the Rural Zoning Commission Development Plan Guideline 91-3, located in Appendix 3.

12-7.6 Factors for Evaluation

The following factors shall be considered in the evaluation of lighting plans:

a. Pole Height

b. Type of Luminaire

c. Site Coverage - average maintained

d. Uniformity: (1) Maximum:Minimum (2) Average:Minimum

e. Intensity at Property Line

12-7.7 Location

Outdoor lighting need not comply with the yard requirements of this Resolution, except that no such light shall obstruct sight triangles as defined in Section 14-9.

12-8 OFF-STREET LOADING REQUIREMENTS.

12-8.1 Scope of Application.

The application of the loading regulations established by this Section shall be limited to the same scope as defined in Sections 12-2.1 and 12-2.2 of this Chapter.

12-8.2 Number of Off-Street Loading Spaces Required.

Off-street loading spaces shall be provided for commercial and industrial uses in accordance with the schedule set forth below. Loading spaces shall not conflict with or overlap with the area used for parking.

SCHEDULE OF REQUIRED OFF-STREET LOADING SPACES

Gross Floor Area of Structure *(square feet)*	**Number of Required Loading Spaces**
0 - 10,000	0
10,001 - 50,000	1
50,001 - 100,000	2
100,001 - 200,000	3
200,001 - 400,000	4
Each additional 200,000	1

12-8.3 General Standards.

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below.

a. Location of Required Loading Spaces. Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot line of a more restrictive district while being loaded or unloaded.

b. Dimensions. No required loading space shall be less than twelve feet (12') in width or thirty-five (35') feet in length or have a vertical clearance of less than fourteen feet (14').

c. Access. Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. Access to and from loading spaces shall be approved by the Administrative Official.

d. Surface and Drainage. Every loading space shall meet the surface and drainage requirements of Section 12-4.5.

e. Screening. All operations, material, and vehicles within any loading space that are visible from public streets or from residential uses shall be screened. The screening material shall be at least six feet (6') in height, 100 percent opaque, and shall meet the requirements for screening as set forth in Chapter 15, Section 15-4.

12-9 VEHICULAR STORAGE YARD REQUIREMENTS.

12-9.1 Minimum Setbacks.

Any vehicular storage yard shall be located behind the minimum building setback for the site.

12-9.2 Screening.

All vehicular storage yards that are visible from public roads or residential districts shall be screened. The screening material shall be at least six feet (6') in height, and shall meet the requirements for screening as set forth in Chapter 15, Section 15-4.

TABLE 12-9
SCHEDULE OF OFF-STREET PARKING REQUIREMENTS

RESIDENTIAL USES	FORMULA
Accessory Apartment	One space for apartment + two for single-family house
Apartments/Attached condominium units	One and one-half spaces for each efficiency or one-bedroom unit; two spaces for each unit with two or more bedrooms
Bed and Breakfast	Two spaces for owner + one space for each guest room.
Boarding House	One space per bedroom + one space per employee
Day Care, Child, Type A	One space per four children of licensed capacity + one space per employee
Dormitory, Fraternity, Sorority	One space for each three beds + one space per employee
Granny Cottage	One space per bedroom
Group Home	One space per employee on shift of max. employment + two visitors spaces or one space per employee plus one space per two residents where residents can own vehicles
Single-Family, Two-Family, Townhouse, Manufactured/Mobile Home	One and one-half spaces for each efficiency or one-bedroom unit; two spaces for each unit with two or more bedrooms
Three-Family	One and one-half spaces for each efficiency or one-bedroom unit; two spaces for each unit with two or more bedrooms
COMMERCIAL USES	**FORMULA**
Amphitheater, Arena, Auditorium, Banquet, Exhibition or Meeting Halls, Stadium	One space for each three seats or one space per 50 sq. ft. of net floor area where fixed seating is not available
Amusement Park	One space for each three persons at capacity
Art Gallery, Antique Store, Interior Decorator Service	One space per 300 sq. ft. of net floor area
Automobile and Truck Rental	One space per 400 sq. ft. of net floor area
Automobile Sales (Accessory Service)	One space per 400 sq. ft. of net floor area of sales, shop or garage + one space per employee
Automobile Service	Two spaces per service bay (excluding the bay)+ one space per employee and one space per vehicle used in operation of the service
Banking / Financial Institution (Drive-in Service Window - Sec. 10-9	One space per 400 sq. ft. of net floor area + stacking space for drive-in service lane (Sec 10-9
Batting Cage	One space per cage + one space per employee
Barber Shops & Beauty Salon	One space per 100 square feet of net floor area
Billiard Parlor or Pool Room	One space per 100 square feet of net floor area
Bowling Alley	Six spaces per lane
Building Materials, Sales and Distribution	One space per 400 sq. ft. of net floor area
Car Wash, Automated	Five stacking spaces for each automated car wash lane.
Car Wash, Self Service	Four stacking spaces for each stall + two drying spaces for each stall
Carpet, Furniture and Appliances, Sales & Rental	One space per 400 sq. ft. of net floor area

TABLE 12-9 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS	
Convenience Store (with gas pumps)	One space per 200 sq. ft. of net floor area + one space per pump + one space per employee
Delicatessens, Bakery Goods, Meat, Fruit & Vegetable Markets	One space per 150 sq. ft. of net floor area.
Drag Strips, Raceways	One space for each three seats
Drive-In or Drive-Through Facility	Five stacking spaces per lane + one space per employee if entirely drive-through
Funeral Home or Mortuary	One space per 75 sq. ft. of parlor or chapel space or one per five seats, whichever is greater, but not less than 20 spaces
Health & Fitness Facility	One space per 200 sq. ft. net floor area
Gasoline Service Station (with repair)	One space per pump + one space per employee + two spaces per service bay (excluding the bay space) and one space per vehicle used in operation of the service
Golf Driving Range	One space for each driving tee + one per employee
Grocery Store,	One space per 167 sq. ft. of net floor area
Gun Firing Range	One space for each station + one per employee
Heliport	One space for each four seats in waiting area + one space for each two employees on maximum shift
Machinery, Boat, Truck, Farm & Construction Equipment Sales, Rental & Service	One space per 1000 sq. ft of net floor area + one space per 2,500 sq. ft. of outdoor display area + one space per employee.
Marina with Lounge and Restaurant	One space for every two wet slips, one space per every five dry storage spaces + one space per 200 sq. ft. of interior net floor area
Microbrewery	One space per employee on maximum work shift + one space per facility vehicle, restaurant/bar space, tasting room, and retail sales areas calculated separately
Miniature Golf Course	Two spaces per hole + one space for each 100 sq. ft. of net floor area for other indoor game activities
Motorcycle, Sales & Service	One space per 400 sq. ft. of net floor area
Motel/Hotel	One space per lodging unit, meeting rooms and restaurants calculated separately
Office (excluding medical)	Three parking spaces for the first 1,000 sq. ft. or fraction there of, plus one space per 400 sq. ft. of net floor area in excess of 1,000 sq. ft.
Office, Medical / Clinic	Six spaces +One space per 200 sq. ft. of net floor space in excess of 1000 sq. ft.
Photo Lab, Picture, TV or Sound Studio	One space per one and one-half employees + one space per facility vehicle
Recycling Drop-off Facility	One space per drop-off and five stacking spaces per lane + one space per employee
Restaurant / Bar	One space per 100 sq. ft. of net floor area
Restaurant Drive-In	Five stacking spaces per lane
Retail, Sales and Service	One space per 200 sq. ft. of net floor area
Service Establishments: Dry Cleaning or Laundry Pick-Up Stations, Print Shops, Tailoring, Shoe or Hat Repair	One space per 300 sq. ft. of net floor area
Shopping Center	One space per 222 sq. ft of net floor area of general retail space + additional spaces, as required herein, for associated offices, theaters, and restaurants
Skating Facility	One space per 250 square feet of net floor area
Studio: Art, Dance, Gymnastics, Music	Five spaces, plus one space for each 150 sq. ft. of net floor area in excess of 500 sq. ft.

TABLE 12-9 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS	
Swimming Pools, Tennis or Racquet Clubs, and Similar Recreation Facilities Open To The Public For A Fee	One parking space for each 50 square feet of pool area; eight spaces for each indoor tennis court; five spaces for each outdoor tennis court; five spaces for each racquet ball and/or handball court
Theater, Motion Picture or Live Performance	One space per four seats
INDUSTRIAL USES	**FORMULA**
Airport	One space for each 4 seats in waiting area + 1 space for each 2 employees on maximum shift
Automobile Body Shop	Two spaces per service bay (excluding the bay)+ one space per employee and one space per vehicle used in operation of the service
Automobile Salvage	One space per employee + two spaces per acre
Brewery	One space per employee on maximum work shift + one space per facility vehicle, restaurant/bar space, tasting room, and retail sales areas calculated separately
Flammable Liquids/Gases, Heating Fuel Distribution and Storage	One space per employee on maximum work shift + one space per facility vehicle used in operation of the service
Laundry, Dry Cleaning, Linen, Diaper Service (plant on premises)	One space per two employees + one space per facility vehicle
Manufacturing, Transfer Station, Research Lab	One space per one and one-half employees on maximum work shift + one space per facility vehicle
Mini-Storage Facility	Three spaces + one space per 100 individual storage units
Outside Storage	Two spaces for the first 2,000 sq. ft. + one space for each additional 2,000 sq. ft.
Package Delivery Service, Truck Terminal, Taxicab Barn	One space per one and one-half employees + one space per facility vehicle
Recycling Facility	One space per employee or volunteer on largest work shift + one space per collection vehicle + two drop-off spaces for each bay and/or collection vehicle and container
Vehicle Storage Yard	One space per employee on maximum shift + one space per facility vehicle + one space per 250 sq. ft. net floor area
Warehouse, Display Room for Wholesale Activities	One space per two employees on maximum work shift or for 2,000 square feet of warehouse floor area + additional space for office area as per general office requirements, whichever is greater.
INSTITUTIONAL USES	**FORMULA**
Cemetery	One space per employee
Church or Temples	One space per eight seats or bench seating in the main assembly room.
Correctional Facility	One space per employee + one space per 25 inmates
Day Care Center, Child, Pre-School	One space per employee + one space for each facility vehicle stored on the lot + one parking space for each six children
Halfway House	One space per bed + one per employee
Hospital	One parking space per bed
Nursing, Convalescent Home, & Continuing Care Facility	One space per six residents + one space per employee
School, Elementary (K-6)	One space for each three seats in any auditorium, or one space for each classroom, whichever is greater
School, Junior High/Middle School	One space for each three seats in any auditorium, or one space for each classroom, whichever is greater
School, Senior High	One space per employee + twelve visitor spaces, plus one space per six students

TABLE 12-9 SCHEDULE OF OFF-STREET PARKING REQUIREMENTS	
School, Vocational / Professional	One space per employee + one space per two registered student capacity
University or College	One space per two employees + one space per four students
PUBLIC SERVICE USES	**FORMULA**
Government Buildings	One space per 250 sq. ft. of net floor area or one space per four patrons, whichever is greater
Government Storage Yard	One space per employee on maximum shift + one space per facility vehicle + one space per 250 sq. ft. net floor area
Library	One space per 400 sq. ft. of net floor area
Police & Fire Stations	Two (2) spaces per employee on maximum shift + one space per facility vehicle
Telecommunication Towers	One space
RECREATIONAL, CULTURAL & ENTERTAINMENT USES	**FORMULA**
Athletic/Play Field	Ten spaces per acre
Botanical Garden	Four spaces per acre of grounds
Campground	One space per campsite + one space per employee
Club, Private	One space for each 50 square feet of net floor area used for assembly, game room, dancing or dining, plus one for each sleeping room
Community (recreation) Center	One space per 200 sq. ft. of net floor area
Golf Course	Four spaces for each hole + one space for 100 sq. ft. of net floor area in any cocktail lounge, bar, or similar facility.
Museum	One space per 400 sq. ft. of net floor area
Outdoor drama theater (not drive-in)	One space for each three seats
Parks, Playgrounds	Four spaces per acre
Tennis or Racquet Clubs, and Similar Recreation Facilities	Eight spaces for each indoor tennis court; five spaces for each outdoor tennis court; five spaces for each racquet ball and/or handball court
Recreation center, Internal	One space per 250 sq. ft. of net floor area
Summer Camp	One space per employee + one space per each camp vehicle + one space per five users at maximum capacity
Swim Facility	One parking space for each 50 square feet of pool area + one per employee
Zoo	One space per 2000 sq. ft. of land area
AGRICULTURAL USES	**FORMULA**
Farm Market	One space per 150 sq. ft. of net floor area
Fishing Lake	One space per 150 sq. ft. of net floor area + five spaces per acre of lake
Kennel, Commercial	One space per 1000 sq. ft. of net floor area + one space per employee + one drop-off space per twenty kennel spaces.
Nursery, Greenhouse	One space per 250 sq. ft. of indoor net floor area + one space per 1000 sq. ft. of net outdoor sales / display areas + one space for each 1.5 employees
Stable	One space per 4 stalls + one space per employee
Veterinarian Facility	Three parking spaces for the first 750 sq. feet or fraction thereof, plus one space for each 300 square feet of net floor area in excess of 750 square feet

(B.C.C. Res. #986, effective December 25, 1997)(B.C.C. Res. #1007, effective March 5, 1999) (B.C.C. Res. #1018, effective May 19, 2000) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

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CHAPTER 13

SIGNS

13-1 PURPOSE.

The purpose of this Chapter is to regulate and encourage the orderly development of signs so as to protect the public health, safety welfare of the County while recognizing the need for adequate business identification, informational and advertising communication and the value of visual attractiveness.

13-2 SCOPE.

The regulations of this Chapter shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance and relocation of any sign that is visible from any street, sidewalk or public or private common open space. These regulations shall also govern the removal of signs determined to be physically unsafe or which create a safety hazard to the public. The regulations of this Chapter dictate the types, location and physical standards of signs that are permissible for specified uses, subject to the sign permit procedures of this Chapter. The regulations of this Chapter shall be in addition to any provisions of Chapter 5516 of the Ohio Revised Code and the Ohio Basic Building Code (OBBC) applicable to the construction and maintenance of signs.

13-3 DEFINITION OF TERMS.

Words, terms, or phrases, not otherwise defined in this section, shall have, for the purpose of this Resolution, the meaning or meanings attributed to them in English usage current at the time of adoption of this Resolution, and words used in the present tense shall include the future. The word "shall" is mandatory and not permissive. For the purposes of this Chapter, signs and their features and characteristics shall be defined and classified as follows:

A. FREESTANDING SIGNS	
Pole Sign	A permanent freestanding sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building. Such sign may also be commonly known as a pylon sign.
Ground Sign	A permanent freestanding sign other than a pole or pylon sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure. Such sign may also be known as a monument sign.
B. BUILDING SIGNS	
Awning / Canopy Sign	A building sign that is mounted or painted on or attached to an awning or canopy and does not project vertically above or horizontally beyond the physical dimensions of such awning or canopy.
Marquee Sign	A building sign attached to a marquee, canopy or awning projecting from or supported by the building at main entrances.
Projecting Sign	A building sign which projects more than 18 inches from and is supported by a wall of a building and does not extend beyond the minimum required setback line or into and over street right-of-way, and not less than 8.5 feet at its lowest point, above sidewalk or ground level.
Wall Sign (Facia Sign)	A building sign which is attached directly to a building wall and which does not extend more than eighteen (18) inches therefrom nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall.
Window Sign	A building sign permanently affixed to, in contact with, or inside a window; installed for purposes of viewing from outside the premises. This does not include merchandise located in a window.
C. TEMPORARY SIGNS	
Temporary Sign	A sign which is neither permanently anchored to the ground nor permanently affixed to a structure, nor mounted on a chassis, and intended to be removed after a limited period of display.
Balloon Sign	A temporary sign on an inflated nonporous object filled with air or other gas.
Banner Sign	A temporary sign in the nature of a flag, pennant, streamer or ribbon
Construction Sign	A temporary sign located on premises, which provides information pertaining to the builder, owner, project, or the contractor constructing the development.

Development or Business, New	A temporary sign used to identify a business or development that begins commercial activity at a new location or that changes its name. Such sign shall be removed following the construction of the tenant's permanent sign.
Event Sign, Commercial	A temporary sign used to display a commercial message related to a special event, offer, service or other similar advertisement.
Event Sign, Non-Commercial	A temporary sign used to display a non-commercial message such as: Now Hiring, Now Placing, etc.
Festival Banner Sign	A temporary sign on a banner related to public festivals installed on public property or in the public right-of-way.
Festival Device Signs	A temporary sign on balloons, umbrellas and similar devices.
Flag, Pennant or Other Moving or Animated Sign	Any temporary sign or part of such sign that changes physical position by any movement or rotation of that gives the visual impression of such movement or rotation.
Political Campaign Sign	A temporary sign advertising candidates or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or any other election.
Public Event Banner Sign	A temporary sign on a banner, which provides information on current or upcoming public events, attached to a facility owned or controlled by the County or any agency thereof and which is not be installed more than 2 weeks before the event.
Real Estate Sign	A temporary sign located on premises containing land or buildings for sale, rent or lease, or buildings under construction and intended for sale, rent or lease.
D. MISCELLANEOUS SIGN TERMS	
Address or Building Number Sign	A freestanding or wall sign which identifies the address of the property.
Billboard *(Outdoor Advertising Sign*)	A type of off-premises sign, classified as a business use, generally but not limited to a rigidly assembled sign, display, or device, usually free standing, that is affixed to the ground or to a building, the primary purpose of which is to display advertising posters. Such signs commonly referred to as "billboards" or "poster panels" are generally designed so that the copy or poster on the sign can be changed and the advertising space may be leased.
Billboard, Bulletin *(Outdoor Advertising Sign)*	A standardized advertising sign with a face area not exceeding 672 sq. ft. (14 ft. x 48 ft.), excluding temporary embellishments, cut outs or extensions as herein defined.
Billboard, Junior Poster Panel *(Outdoor Advertising Sign)*	A standardized advertising sign with a face area not exceeding 72 sq. ft. (6 ft. x 12 ft.), excluding temporary embellishments, cut-outs, or extensions as herein defined. Also called a Eight-Sheet poster.
Billboard, Poster Panel *(Outdoor Advertising Sign)*	A standardized advertising sign with a face area not exceeding 300 sq. ft. (12 ft. x 25 ft.), excluding temporary embellishments, cut-outs or extensions as herein defined. Also called a 30-sheet poster.
Billboard Cut-out	A treatment employed to enhance the quality of a sign by removal, deletion, or omission of any portion of the sign.
Billboard Embellishment	A temporary treatment employed to enhance the quality of a sign that reflects a community design theme, an historic period or artistic style.
Billboard Extension	A treatment employed to enhance the quality of a sign by addition of a sign face area or projection thereof.
Bulletin Board, Institutional	A sign located on the property owned or operated by a public, religious, institutional, school, library, community center or similar institution which is used to identify the name of the institution or organization and the announcement of its services or activities.
Canopy	See Awning / Canopy Sign Definition
Changeable Copy Sign	An sign designed so that the characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign; also known as a reader board.
Clear Sight Distance Triangle	The triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines. See Chapter 14, Section 14-9, Figure 14D.
Clearance *(of a Sign)*	The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any sign, including framework and embellishments, extending over that grade. (Compare "Height")
Directional or Informational Sign	An on-premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "Entrance", "Exit", "Parking", "One-Way", or similar directional instruction, but does not include the identification of the building or use and does not include any advertising message or logo.
Electronic Message Display Sign	A sign capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means, including graphics and/or video. This definition includes light emitting diode (LED) screens.

Facade	That portion of an enclosed building facing the street or that wall of a building through which there is primary access for customers. Where more than one business occupies the same building the facade for each business shall be that portion of the building occupied by the business which faces the street or which provides the primary access.
Face Change	The removal or replacement of an existing surface display panel where the remaining structural frame is not changed. The changing of the copy or poster on bulletin boards and billboards is not considered a face change.
Flashing Sign	A sign that uses an intermittent, moving or flashing light source to attract attention.
Frontage, Building	Total lineal feet of enclosed building length along the facade that fronts the principal dedicated street, or the facade that contains the main entrance to the building.
Frontage, Street or Lot	Total lineal feet of right-of-way or easement of access along the front yard of a lot.
Frontage, Principal	The street which the developer selects to be the main entrance.
Frontage, Secondary	The street which the developer selects to be the secondary access to the development.
Gas Pump Signs	Informational matter appearing on gasoline pumps as purchased or installed.
Government Sign	Any temporary or permanent sign erected and maintained for any official governmental purpose.
Height *(of a Sign)*	The vertical distance measured from the highest point of the sign, excluding decorative embellishments, to the grade of the adjacent street or the surface grade. *(Compare: "Clearance")* When base of the sign structure is below grade of street, measure height from grade of street. When base of the sign structure is above grade level of street, measure height from ground grade.
Historical Marker	A type of memorial sign limited in content to the identification of an historical building or structure or the site of an historical event.
Identification Sign	A sign giving the name, trademark of other readily recognized symbol or address, or any combination thereof, of a building, business, development or establishment on the premises where it is located.
Illuminated Sign	A sign either internally or externally illuminated.
Joint Identification Sign	A sign which serves as common or collective identification for a group of businesses operating on the same building lot. Such signs may name the businesses included but carry no other advertising.
Logo	A business trademark or symbol.
Maintenance	The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.
Marquee	Any fixed hood (other than a canopy or awning), which is supported solely by the building to which it is attached, consisting of metal or other incombustible material and which included a sign or advertising announcement. The location of marquees shall be restricted to the main entrance to a building.
Memorial Plaque	A plaque designating names of buildings and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface.
Nonconforming Sign	Any sign which was lawfully erected in compliance with applicable regulations of the County and maintained prior to the effective date of this Zoning Resolution, and which fails to conform to all applicable standards and restrictions of this Resolution.
Off-Premises Directional Sign	A sign designed to guide vehicular and/or pedestrian traffic to places of worship, to businesses, to places that provide commodities, services, entertainment or attractions at a location other than the premises on which the sign is erected.
Off-Premises (Off-Site) Advertising Sign	An advertising sign whose message relates to a business, service, commodity, or profession being conducted, sold or offered at a location other than the premises on which the sign is erected.
Official Flag or Emblem	A flag or emblem of a government or of a membership organization.
On-Premises (On-Site) Sign	A sign which directs attention to a business, commodity, service, entertainment or attraction sold or offered on the premises on which the sign is erected.
Portable Sign or Moveable Sign	A sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer, vehicle (where the primary purpose is to advertise) or frame capable of being moved from place to place.
Premises	Any tract or tracts of land which comprise a single, integrated development or use of such land. For the purpose of this Chapter 13, an outparcel along the perimeter of a shopping center or similar multi-tenant use, that contains a freestanding building and a parking area separate from the shopping center as indicated on an approved site plan shall be considered a premises separate from the premises of the shopping center.
Roof Sign	A sign that is mounted or painted on the roof of a building, or that is wholly dependent upon a building for support and that projects above the highest point of a building with a flat roof, the eave line of a building with gambrel, gable or hip roof or the deck line of a building with a mansard roof.
Public Service Sign or Device	A sign or device displaying only the time, temperature, stock market quotations or civic messages by means of a lampbank.

Sign	Any object, device, or structure, or part thereof, situated outdoors or indoors and intended to be visible from the exterior of the structure which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination, or projected images. Signs do not include the flag or emblem on any nation, organization or nations, state, county, city, or any fraternal, religious or civic organizations; works of art which in no way identify a product or business logo.
Sign Graphics	Any lettering, numerals, figures, designs, symbols or other drawing or images used to create a sign.
Sign Structure or Support	Any structure that supports or is capable of supporting a sign, including decorative cover.
Snipe Sign	A sign for which a permit has not been obtained which is attached to a public utility pole, light pole, service pole or supports for another sign.
Surface Display Area	All solid surface areas of a sign, excluding air space. Structural members bearing no sign copy shall not be included
T-Frame Sign	A sign whose structure or frame is in the form of a "T" upon which one or more sign faces may be hung or otherwise attached.
Variable Message Sign	A sign, subordinate in size and area to a permissible freestanding or building sign, containing a computer generated message such as a public service, time, temperature or date, where different copy changes of a public service or commercial nature are shown on the same lampbank or message facility.
Vending Machine Sign	Any sign fastened to or painted on a vending machine which directly relates to the product contained in the machine.
Vehicular Sign	Signs on parked vehicles or boats visible from the public right-of-way or shoreline where the primary purpose of the vehicle or boat is to advertise a product or to direct people to a business or activity located on the same or nearby property. For the purpose of this ordinance vehicular signs shall not include business logos, identification or advertising on vehicles primarily used for other business purposes.
Visible	Capable of being seen, whether or not legible, without visual aid by a person of normal acuity.
Warning Sign	A sign limited in content to messages conveying warning, caution or danger.

(B.C.C. Resolution #1007, effective March 5, 1999) (B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

13-4 ZONING CERTIFICATE AND PERMITS.

13-4.1 Zoning Certificate Required.

Unless expressly exempted in Section 13-4.2, no sign shall be erected, enlarged, expanded, altered (including face changes), relocated or reconstructed on private or public property unless a Sign Zoning Certificate evidencing the compliance of such sign with the provisions of this Chapter 13 shall have first been issued by the Zoning Inspector.

13-4.2 Exemptions.

The following signs and sign-related activities shall be exempt from the provisions of this Chapter 13 and shall not require a zoning certificate:

a. Routine Maintenance. Routine sign maintenance including cleaning re-painting, replacing lamps and ballast and electrical components and changing of lettering or parts of signs designed to be regularly changed.

b. Signs Permitted in all Districts. Signs permitted in all districts as listed in Section 13-9.

c. Poster Changes. Outdoor advertising signs shall be allowed changes in the poster advertisement or reader board. Further modifications may be subject to the provisions of Sec. 13-4.3.
(B.C.C Resolution #1007, effective March 5, 1999)

d. Copy Changes. The change of a message relating to on site or off site changeable copy signs such as those displaying gasoline prices, sale items, special events or lottery information.

13-4.3 Nonconforming or Noncomplying Signs.

Signs existing on or before the effective date of this resolution shall be allowed face changes provided that a zoning certificate shall be obtained except as specified in Sec. 13-4.2 (c). If the size of an existing sign

face or the size of the overall structure is increased; the structure is relocated; the structure is replaced; or the structure is damaged to an extent greater than 70% of its estimated replacement value (unless damage was caused by vandalism, an act of God, or automobile or similar accident) then said sign shall be ordered removed by the Zoning Inspector.

13-5 GENERAL STANDARDS.

Unless expressly exempted by Section 13-4.2 above, all signs within the County shall conform to the following general standards.

13-5.1 Illumination.

a. Location and Design of Light Source. Whenever an external artificial light source is used to illuminate a sign, such source shall be so designed, located, shielded and directed so as not to be directly visible from any public street or residence. If ground lighting is used to illuminate a sign, the receptacle or device should not protrude more than twelve (12) inches and must be fully screened from view by landscaping material.

b. Level of Illumination. In no event shall the illumination of any off-site advertising sign exceed 70 foot candles at the sign face.

c. Flashing Lights Prohibited. Except when expressly permitted by this Chapter, no flashing, moving, laser generated, strobe, blinking or intermittent lights shall be permitted on or as part of any sign. This does not pertain to electronic message signs unless they negatively affect traffic safety.

13-5.2 Height

a. Height of Building Signs.

   1. Building Signs shall be located within the limits of the outside wall of the building.

b. Height of Freestanding Signs.

   1. Freestanding signs in the Residential districts are permitted at a maximum height of 8 feet.
   2. Freestanding signs in the Office districts are permitted at a maximum height of 12 feet.
   3. Freestanding signs in the Retail and Industrial districts are permitted at a maximum height of 28 feet.
   4. Freestanding signs are permitted within the Clear Sight DistanceTriangle at a maximum height of 3 feet or as provided in section 13-5.5.
   (B.C.C. Resolution #1007, effective March 5, 1999)

13-5.3 Minimum Setback.

All signs, or any part thereof, shall be located outside of the right-of-way, easement of access, or a minimum of 10 feet from edge of pavement, whichever is the greater setback, and 5 feet from all other property lines. A side yard setback adjoining a residential district shall be the same as that specified for the adjoining residential district.
(B.C.C. Resolution #1007, effective March 5, 1999) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

13-5.4 Obstruction of Accessways.

No sign or sign structure shall obstruct free ingress to or egress from a fire escape, door, window or other required accessway.

13-5.5 Traffic Safety.

a. Confusion with Traffic Signals. No sign shall be maintained at any location where by reason of its position, size, shape, content, color, or illumination it may obstruct, impair, obscure, interfere with the view of, or be confused with, any traffic control sign, sign or device, or where it may interfere with, mislead or confuse traffic regardless whether or not it meets other size, location and setback requirements of this Section 13-5.

b. Obstruction of Clear Sight Distance Triangles Prohibited. No freestanding sign, nor any part of a freestanding sign other than supporting poles or braces shall be located with clearance lower than nine (9) feet from grade unless the entire sign is three (3) feet or less from grade within the area of any sight distance triangle as defined in Section 13-3.
(B.C.C. Resolution #1007, effective March 5, 1999)

13-5.6 Signs in Rights-of-Way.

Except as otherwise authorized by the County Engineer or the State of Ohio, no sign except government signs authorized by this Chapter shall be placed in or extend into or over any public property or right-of-way.

13-5.7 Sign Maintenance.

The owner of an on-site or off-site sign shall be liable to maintain such sign, including its illumination sources, in compliance with this Chapter and all applicable laws, in a safe and secure condition, and in a neat and orderly condition and good-working order at all times, and to prevent the development of any rust, corrosion, rotting or other deterioration in the physical appearance or safety of such sign.

13-5.8 Sign Allotment, Maximum Size and Location.

Signs shall be located along the street frontage or building frontage from which the allotment is computed.

13-6 SIGN MEASUREMENT

(See diagrams in Figure 13-6A)

13-6.1 Area of a Freestanding Sign.

The area of a freestanding sign shall be determined by computing the visible surface display area, that is, all solid surface areas excluding air space and architectural features. If the angle separating two faces of a V-shaped sign is more than 45 degrees or 24 feet, the sign faces visible from one point are added cumulatively as one sign face.

13-6.2 Area of Building Signs.

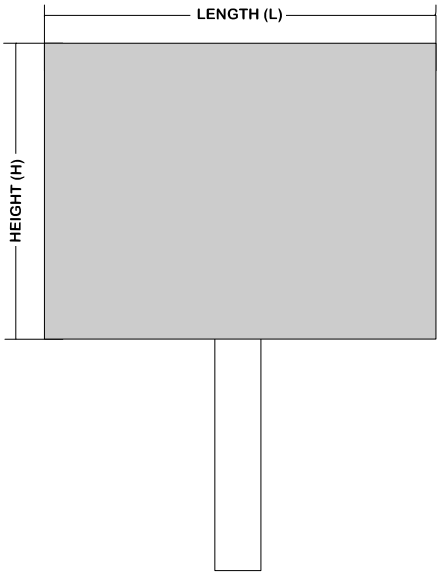
The area of a building sign shall be determined by computing the visible surface display area, that is the words, numbers, and/or graphics which are totally enclosed by a frame or graphic design. In the case of words containing lower case letters mounted individually to the wall of the building, the area of the sign is the square footage area that is measured by taking the height of the lower case letters multiplied by the total word length.

13-6.3 Exceptions.

In a residential development where the sign identifying the name of the development is attached to a wall or fence, the area of the sign shall be calculated as a building sign per Section 13-6.2.
(B.C.C. Resolution #1007, effective March 5, 1999)

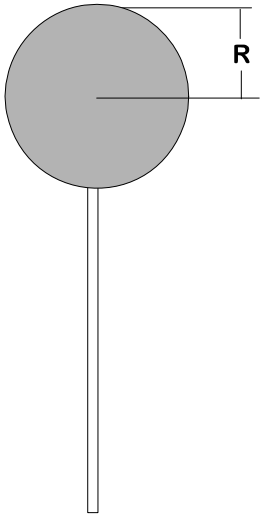
FIGURE 13-6A: SIGN FACE AREA MEASUREMENT
(VISIBLE SURFACE DISPLAY AREA)

POLE OR PYLON SIGN
(SINGLE OR MULTIPLE SUPPORT)



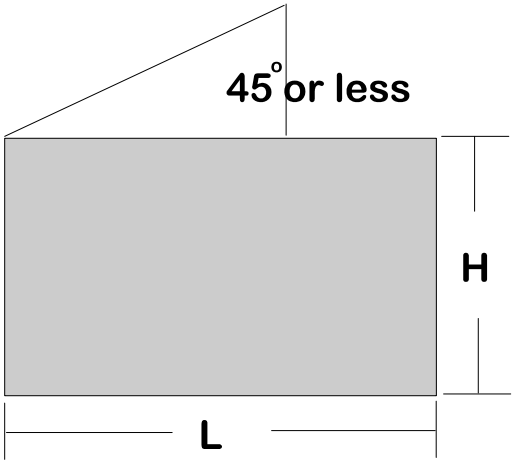
SIGN FACE AREA = (L) X (H)

POLE OR PYLON SIGN

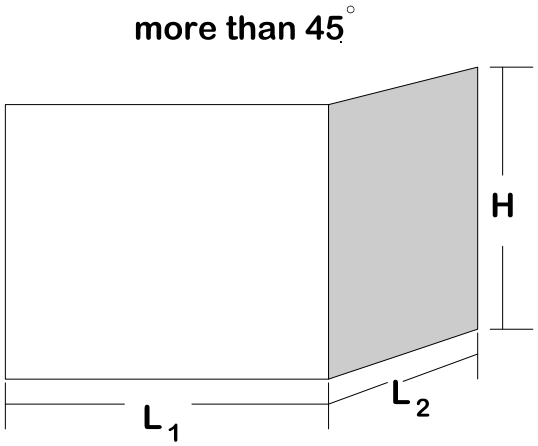


SIGN FACE AREA = 3.14 R^2

V-SHAPED SIGN



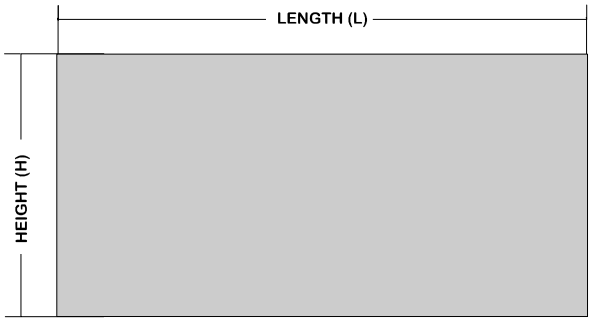
SIGN FACE AREA = (L) x (H)



SIGN FACE AREA = $(L_1 + L_2)$ x H
(considered as one face)

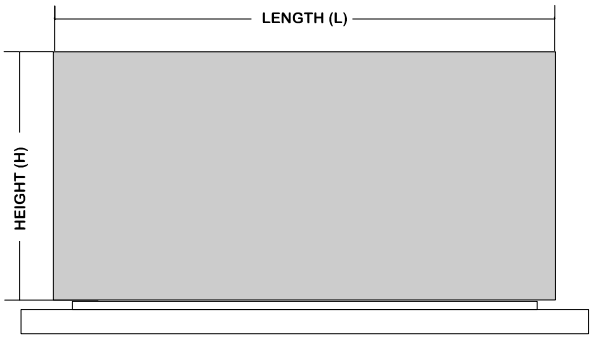
FIGURE 13-6A (CONTINUED):
SIGN FACE AREA MEASUREMENT

GROUND SIGN



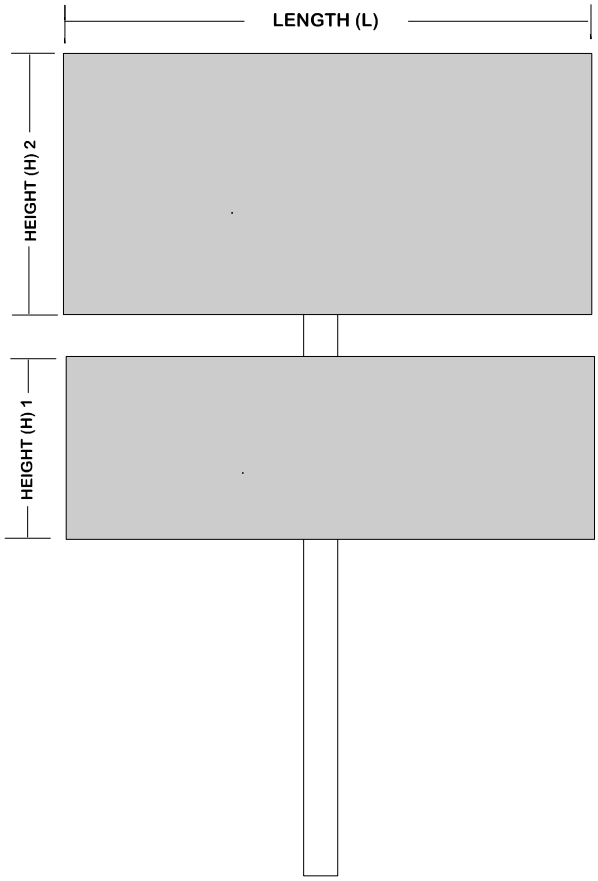
SIGN FACE AREA = (L) X (H)

GROUND MONUMENT SIGN



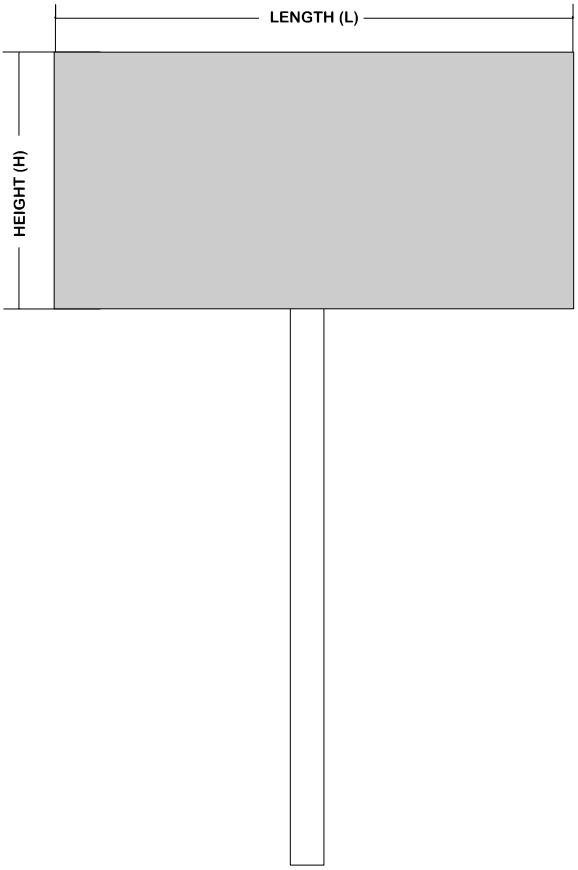
SIGN FACE AREA = (L) X (H)

STACKED OR DECKED SIGNAGE



SIGN FACE AREA = (L) X (H_1 + H_2)

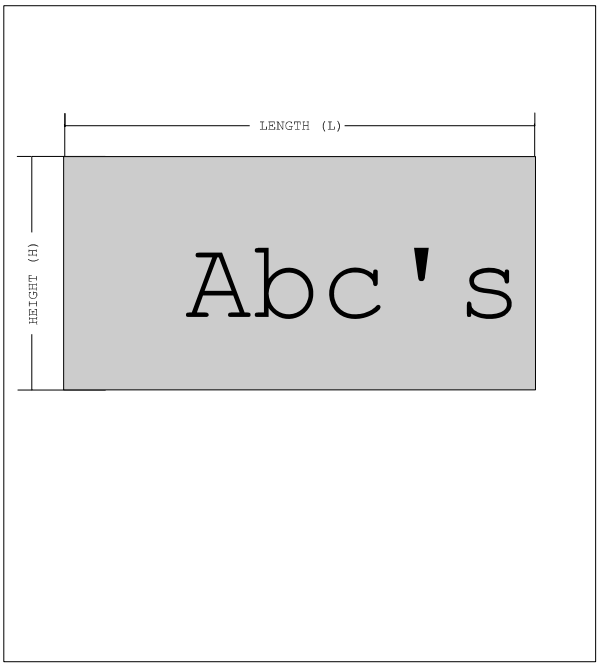
OUTDOOR ADVERTISING SIGN (BILLBOARD)



SIGN FACE AREA = (L) X (H)

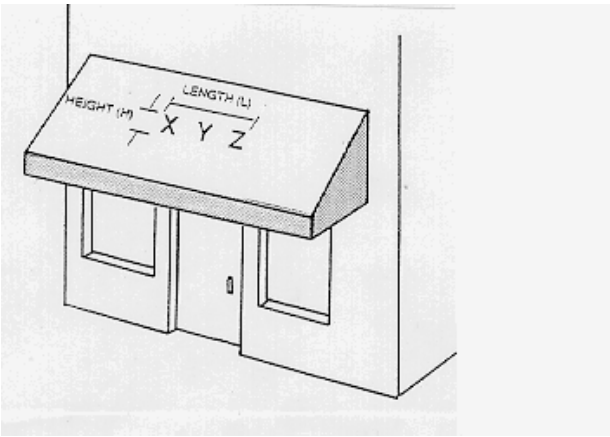
FIGURE 13-6A (CONTINUED)
SIGN FACE AREA MEASUREMENT

WALL SIGN
(with frame or graphic enclosure)



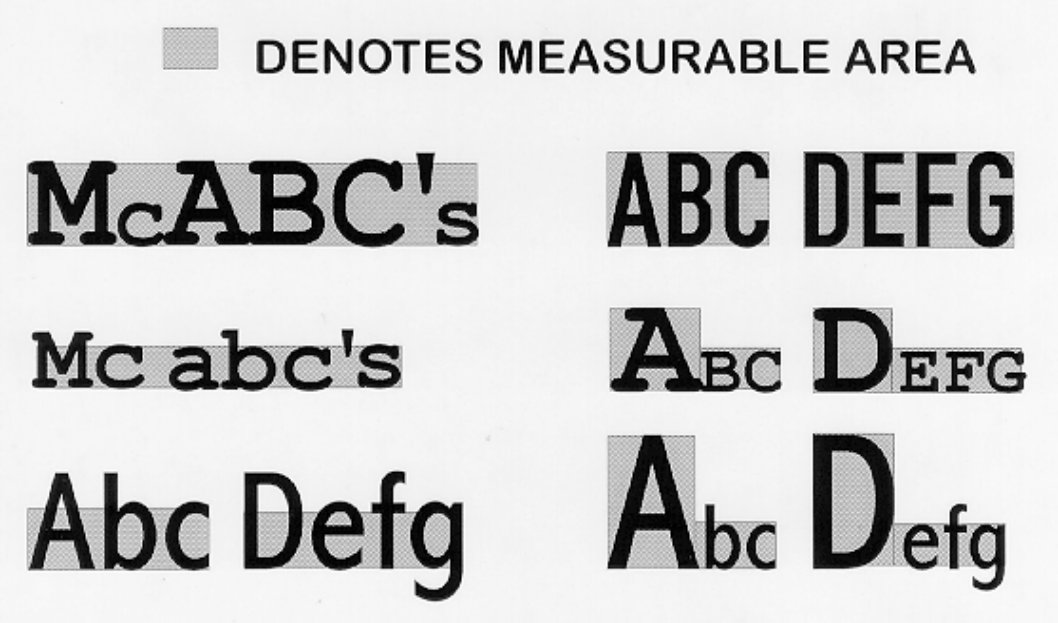
SIGN FACE AREA = (L) X (H)

AWNING SIGN



SIGN FACE AREA = (L) X (H)

WALL SIGNS
(LETTERS MOUNTED INDIVIDUALLY WITHOUT ANY FRAME OR GRAPHIC ENCLOSURE)



SIGN FACE AREA = (L) X (H)

13-7 SIGNS SPECIFICALLY PROHIBITED IN ALL ZONING DISTRICTS.

The following signs, in addition to all other signs not expressly permitted by this Chapter 13, are prohibited in all zoning districts and shall not be erected, or maintained:

a. Roof Signs.

b. Signs that move or give the appearance of moving, including pennants, streamers, artificial landscaping or inflated streamers (such as “palm trees” or “sky dancers”), flags in excess of sixty (60) square feet, other than government flags and other signs, unless otherwise approved as part of a Localized Alternative Sign Regulations pursuant to Section 13-15. (This section does not prohibit variable message signs or signs designed with periodic rotation).
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

c. Flashing Signs. Signs containing any flashing or running lights or lights creating an illusion of movement, excluding holiday decorations and time and temperature devices which display time and temperature messages only.

d. Signs which imitate or are easily confused with official traffic signs and use words such as "stop", "look", "danger", "go slow", "caution", or "warning," except where such words are part of the name of a business or are accessory to parking lots.

e. Signs which are structurally unsafe or hazardous.

f. Portable signs, except as permitted temporarily in Section 13-12.2

g. Snipe signs.

h. Bench signs except as may be authorized by a Conditional Use in the “E” Retail District, “F” Light Industrial District and the “G” Heavy Industrial District.

i. Vehicular signs.
(B.C.C. Resolution #1007, effective March 5, 1999)

13-8 PERMITTED SIGNS.

No Sign Zoning Certificate shall be issued unless; the type of proposed sign is permitted in the zoning district in which the sign is to be located as indicated in this chapter, the sign meets the general standards in Section 13-5, the standards for off-site advertising signs set forth in Section 13-15 and the sign does not, by itself or cumulatively with other existing or planned signs, exceed these regulations:

13-9 SIGNS PERMITTED IN ALL ZONING DISTRICTS AND EXEMPT FROM ZONING CERTIFICATES.

The following signs are permitted in all zoning districts without a fee and without issuance of a zoning certificate subject to the requirements stated herein. All signs in this section, unless otherwise stated below, shall be setback a minimum of 10 feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback, and 5 feet from all other property lines.

a. Identification signs, including house numbers legible from the street, and nameplates (fraternal, social, apartment and professional) identifying the occupant or address of a parcel of land, and not exceeding two (2) square feet in display surface area.

b. Memorial plaques and historic markers, including those containing the names of buildings and dates of construction and not exceeding two (2) square feet in display surface area.

c. For sale signs attached to vehicles.

d. Flags bearing the official design of a nation, state, county, municipality, institution or organization and not exceeding 60 square feet.

e. Traffic, or other government signs, also private traffic control signs which conform to the requirements of the Ohio Manual of Uniform Traffic Control Devices.

f. Institutional bulletin boards located on the premises of the institution to which the sign pertains and not exceeding 20 square feet in surface display area per side, maximum of 2 sides with a maximum height of 6 feet.

g. Park and playground signs.

h. One non-illuminated sign proclaiming religious or other noncommercial messages not exceeding twelve (12) square feet in surface display area in any residential district nor thirty-two (32) square feet in any other zoning district.
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

i. Non-illuminated real estate signs advertising the sale or lease of property or building where the sign is located, not exceeding one per street frontage and twelve (12) square feet of surface display area in any residential district nor thirty-two (32) square feet in any other zoning district.

j. One temporary (not portable or moveable) sign per public street frontage subject to the following:

1. Sign related to festivals or other seasonal events occurring on the institutional property.
2. Total surface display area shall not exceed twelve (12) square feet in Residence Districts and thirty-two (32) square feet in all other Districts.
3. Sign height shall not exceed eight (8) feet unless attached to the wall of the building.
4. Placement shall be wholly within the property boundaries to which the sign pertains.
5. The sign shall be located on the property for a period not to exceed twenty-one (21) days.
6. Signs in residential districts shall not be illuminated.
(B.C.C. Resolution #1007, effective March 5, 1999)

k. One temporary (not portable or moveable) construction sign as defined in Section 13-3, per public street frontage subject to the following:
(B.C.C. Resolution #1007, effective March 5, 1999)

1. Total surface display area shall not exceed sixteen (16) square feet in a Residential District and thirty-two (32) square feet in all other Districts.
2. Sign height shall not exceed eight (8) feet.
3. Placement shall be wholly within the property boundaries to which the sign pertains.
4. The sign shall not be erected prior to issuance of a building permit for the proposed construction, and shall be removed upon issuance of a Certificate of Occupancy.

l. One temporary (not portable or moveable) construction sign related to improvement occurring on the site such as windows, siding, painting, etc. subject to the following:

1. Total surface display area shall not exceed six (6) square feet.
2. Sign height shall not exceed three (3) feet.
3. The sign shall not be erected prior to beginning the start of the project and shall be removed within seven (7) days following completion.
(B.C.C. Resolution #1007, effective March 5, 1999)

m. Trespassing, safety or caution signs, not exceeding two (2) square feet in area.

n. On-Premises directional and informational signs not exceeding six (6) square feet and four feet in height (3 feet located in the Clear Sight Distance Triangle) for pedestrians and vehicles using such words as "Entrance," "Exit," "Parking," "One-Way" but not including any advertising message (Such signs shall be setback a minimum of five (5) feet from the right-of-way, easement of access, or edge of pavement, whichever is the greater setback).
(B.C.C. Resolution #1007, effective March 5, 1999)

o. On premise menu boards that display standard menu items and carry no commercial message shall not be measured as part of the lots sign allocation. Limit two (2) at point of order.
(B.C.C. Resolution #1007, effective March 5, 1999) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

p. Gasoline pump signs appearing on legally installed pumps as purchased.

q. On-premises yard sale or garage sale signs not exceeding six (6) square feet provided they are erected no more than seven (7) days prior to the sale nor displayed for more than seven (7) consecutive days.

r. Search lights may be used on a commercial property to advertise a Grand Opening Event only, but shall not be utilized for more than 18 hours.
(B.C.C. Resolution #982, effective November 1, 1997) (B.C.C. Resolution #1007, effective March 5, 1999)

s. The replacement or substitution of a name plate sign panel that identifies an individual employed as part of a group of business associates identified on a sign. (Example: "GHA" Health Associates – Dr. Paul removed/ Dr. Sullivan installed.) This does not include sign face changes that identify a new business or use, changing logos, colors or redesigning of the sign face.
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

t. Window signs shall be permitted in the "E", "EE", "F", "FF", "G", "GG" and "H" districts, but shall be limited to the first floor of the front elevation and shall not exceed thirty percent (30%) of the glass area. Other window signs are prohibited unless a Zoning Certificate is issued evaluating compliance with zoning regulations for building signs.
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

13-10 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS.

The following regulations apply to those properties located in the A-A, A, A-2, B, B-2, C, D and MHP Residential Districts. Any sign not expressly permitted by Section 13-9 or by these district regulations is prohibited. Unless otherwise stated each of the following sign type shall be constructed for on premise advertising purposes only.

13-10.1 Building and Freestanding Signs.

a. Home Occupation. One (1) non-illuminated name plate not exceeding two (2) square feet in surface display area and attached flat against a building wall shall be permitted.

b. Multi-Family Residential Uses and Other Permissible Uses:

1. Building Signs. One wall sign not exceeding eight (8) square feet of sign surface area for each fifty (50) feet of building frontage shall be permitted provided the total surface area of building signs and freestanding signs as measured collectively, shall not exceed 32 square feet.
(B.C.C. Resolution #1007, effective March 5, 1999)

2. Freestanding Signs. Uses having less than 100 feet of lot frontage shall not have a freestanding sign. Uses having at least 100 feet of lot frontage may have one freestanding sign not to exceed 32 square feet of sign surface area provided the total surface area of building and freestanding signs as measured collectively, shall not exceed 32 square feet. (See General Standards Section 13-5 for height and setback requirments).
(B.C.C. Resolution #1007, effective March 5, 1999)

13-10.2 Outdoor Advertising, Electronic Message Display, and Variable Message Signs.

Outdoor Advertising Signs or Billboards, Electronic Message Display Signs, and Variable Massage Signs are prohibited in Residential Districts, unless expressly exempted by the Ohio Revised Code.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

13-11 SIGNS PERMITTED IN THE O OFFICE DISTRICT.

These regulations apply to those properties located in the O Office District. Any sign not expressly permitted by Section 13-9 or by these district regulations is prohibited. Unless otherwise stated each of the following signs shall be constructed for on-premise advertising purposes only.
(B.C.C. Resolution #1007, effective March 5, 1999)

13-11.1 Temporary Signs.

One temporary sign for any of the following events shall be permitted on each lot, except that two such signs shall be permitted on corner lots. Portable or moveable signs are prohibited. A temporary sign may have two faces with each sign face area as follows:

EVENT	Maximum Size	Maximum Time
Commercial Event	60 sq. ft.	30 consecutive days. Not more than 4 times per calendar year.

(B.C.C. Res. #1007, effective March 5, 1999) (B.C.C. Approved, effective November 21, 2008)

13-11.2 Freestanding Signs.

a. Offices and other permissible uses having less than 50 linear feet of lot frontage shall not have a freestanding sign unless approved by a conditional use permit per section 13-13.

b. Offices and other permissible uses having street frontage of 50 linear feet or more, shall be permitted one (1) freestanding sign not exceeding two (2) faces, neither of which may exceed fifty (50) square feet of sign surface area. (See General Standards Section 13-5 for height and setback requirements).

c. Offices and other permissible uses shall not include variable message centers on the freestanding sign unless approved by a conditional use permit per section 13-13, provided that running copy is not displayed and the maximum flash rate shall not exceed one (1) line in four (4) seconds, or two (2) lines in seven (7) seconds, or three (3) lines in ten (10) seconds.

d. Offices and other permissible uses shall not include Electronic Message Display signs unless approved by a conditional use permit per section 13-13, provided that each message or copy must be displayed for at least eight (8) seconds, such message or copy must not include animation or moving images, and that message or copy changes shall be accomplished instantaneously or in three (3) seconds or less when using a fade or dissolve feature. Such signs shall be equipped with an auto dimming photocell system to adjust to ambient light levels.

e. An office park containing two or more buildings shall be permitted one joint identification sign for each principal entrance on a public street, not exceeding two (2) faces, neither of which may exceed fifty (50) square feet of surface area. In addition, each lot in such office park shall be permitted one freestanding sign not exceeding two (2) faces, neither of which may exceed fifty (50) square feet of sign surface area. (See General Standards Section 13-5 for height and setback requirements)

(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

13-11.3 Building Signs.

a. Any business or other permissible use shall be permitted one (1) square foot of Building Sign surface area for each foot of building frontage that fronts the principal dedicated street, or the façade that contains the main entrance to the building.

b. Where a building contains multiple tenants, building signs may be calculated by individual unit as measured from interior wall to interior wall of the tenant space. Each tenant shall be permitted one (1) square foot of Building Sign surface area for each foot of building frontage that fronts the principal dedicated street, or the façade that contains the main entrance to the building.

c. Where wall signage cannot be calculated in the manner indicated above, refer to 13-14 "Localized Alternative Sign Regulations."

(B.C.C. Resolution #1007, effective March 5, 1999)

13-11.4 Outdoor Advertising Signs.

Permitted as a conditional use pursuant to the provisions of Chapter 17 and Section 13-16.

13-12 SIGNS PERMITTED IN E RETAIL, F LIGHT INDUSTRIAL AND G HEAVY INDUSTRIAL DISTRICTS.

(B.C.C. Res. #1007, effective March 5, 1999)

The following regulations shall apply to those properties located in the E Retail, F Light Industrial or G Heavy Industrial District. Any sign not expressly permitted by Section 13-9 or by these district regulations is prohibited. Unless otherwise stated each of the following signs shall be constructed for on-premise advertising purposes only.

(B.C.C. Resolution #1007, effective March 5, 1999)

13-12.1 Temporary Signs.

One temporary sign for any of the following events shall be permitted on each lot, except that two such signs shall be permitted on corner lots. Portable or moveable signs are prohibited. A temporary sign may have two faces with each sign face area as follows:

EVENT	Maximum Size	Maximum Time
Commercial Event	60 sq. ft.	30 consecutive days. Not more than 4 times per calendar year.

(B.C.C. Resolution #1007, effective March 5, 1999) (B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

13-12.2 Portable or Movable Signs.

Any free-standing sign, including but not limited to "A" frame, or inverted "T" shaped structures, including those signs mounted on wheeled trailers, shall be permitted for retail uses only in accordance with the following provisions:

a. Portable signs are permitted for grand openings, advertising charitable or community-related events and the like. Being temporary in nature, such portable signs may be permitted for a period not to exceed twenty (20) days in a calendar year per establishment.

b. All illuminated portable signs shall comply with the requirements of Section 13-5.1 and the National Electric Code.

c. No portable sign shall be located closer than one-half the setback distance from the building setback, to the street right-of-way line.

d. No portable sign shall exceed 32 square feet in surface display area.

e. Only one portable sign shall be permitted per property.

13-12.3 Freestanding Signs.

a. Businesses and other permitted uses having less than 50 feet of lot frontage shall not have a freestanding sign unless approved by conditional use permit per Section 13-14.

b. Businesses and other permitted uses having street frontage between 50 and 75 linear feet shall not exceed .75 sq. ft. of sign surface area for each foot of street frontage. (See Section 13-5 for height and setback standards).

c. Businesses and other permitted uses having street frontage between 75 and 100 linear feet shall not exceed 1 sq. ft. of sign surface area for each foot of street frontage. (See Section 13-5 for height and setback standards).

d. Businesses and other permitted uses having street frontage of 100 linear feet or more shall not exceed 150 sq. ft. of sign surface area. (See Section 13-5 for height and setback standards).

e. A shopping center shall be permitted one joint identification sign for the principal entrance which shall not exceed one square foot of sign area per linear foot of lot frontage or 300 square feet of sign area, whichever is less. In addition, such shopping centers that front on a second street shall be permitted a second sign (not to exceed 150 square feet) at a secondary entrance if the lot frontage on such secondary street is 500 feet or more. (See Section 13-5 for height and setback standards).

f. Businesses and other permitted uses having street frontage above 200 linear feet require a conditional use permit for an additional freestanding sign.

g. Businesses and other permissible uses may include variable message centers on the freestanding sign, provided that running copy is not displayed and the maximum flash rate shall not exceed one (1) line in four (4) seconds, or two (2) lines in seven (7) seconds, or three (3) or more lines in ten (10) seconds.

h. Businesses and other permissible uses may include Electronic Message Display signs provided that each message or copy must be displayed for at least eight (8) seconds, such message or copy must not include animation or moving images, and that message or copy changes shall be accomplished instantaneously or in three (3) seconds or less when using a fade or dissolve feature. Such signs shall be equipped with an auto dimming photocell system to adjust to ambient light levels.

(B.C.C. Resolution #1007, effective March 5, 1999) (B.C.C. Resolution HCRZC 2007-01, Effective April 13, 2007)

13-12.4 Building Signs.

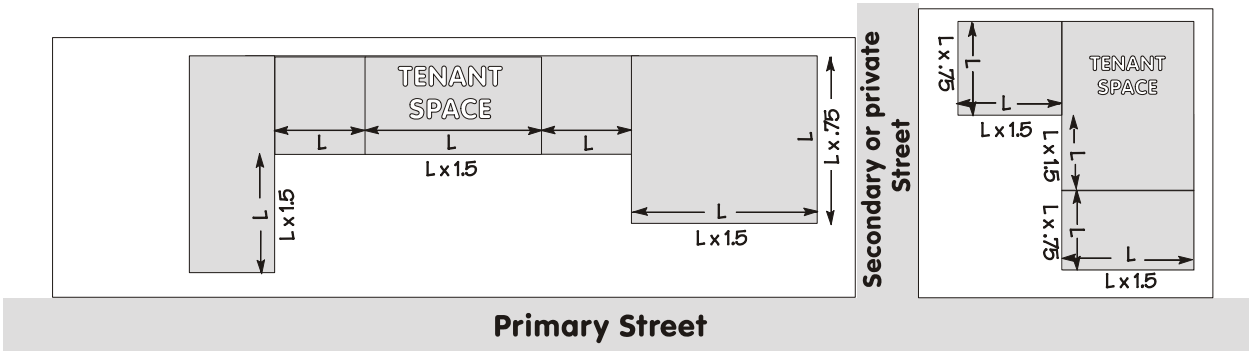
a. Any business or other permissible use shall be permitted 1.5 square foot of Building Sign surface area for each foot of Building Frontage as measured along the length of the building façade that fronts the principal dedicated street, or the façade that contains the main entrance to the building. For other Building Frontage, signs may not exceed .75 square foot of sign surface area.
(B.C.C. Resolution #1007, effective March 5, 1999)

b. Where a building such as a shopping center contains multiple tenants, building signs may be calculated by individual unit as measured from interior wall to interior wall of the tenant space. Each tenant shall be permitted 1.5 square foot of Building Sign surface area for each foot of building frontage that fronts the principal dedicated street, or the façade that contains the main entrance to the building. For tenant space facing another street frontage, such as a secondary public street, private street or access drive, signs may not exceed .75 square foot of sign surface area per foot of building frontage occupied by the tenant space.
(B.C.C. Resolution #1007, effective March 5, 1999)

c. Building sign square footage on corner lots with a secondary frontage may be transferred to a free-standing sign if approved through a conditional use permit as per Section 13-14.

d. In addition to wall or building signs located on the primary building, a gas station canopy shall be permited fifteen (15) square feet of sign face area, to be located on any side of a canopy that fronts a public street right-of-way, private stret or private access drive.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

Where wall signage cannot be calculated in the manner indicated above, refer to 13-14 "Localized Alternative Sign Regulations."
(B.C.C. Resolution #1007, effective March 5, 1999)



NOTE: The building sign surface area may be used on any facade of the tenant space

FIGURE 13-12A
SHOPPING CENTER SIGNAGE

13-12.5 Outdoor Advertising Signs.

Outdoor Advertising Signs or Billboards are permitted pursuant to the provisions of Section 13-16.

13-13 SIGNS PERMITTED WITH CONDITIONAL USE ZONING CERTIFICATE.

A Conditional Use Zoning Certificate must be obtained as part of the application for a Sign Zoning Certificate, pursuant to the procedures of Chapter 17, for signs identified in this Section.

13-13.1 Bench Signs.

Bench signs may be authorized at Metro bus stops in retail and industrial zones, and in other places that serve a public purpose, when all of the following criteria are met.

a. The permit application shall include a lease agreement or an easement agreement signed by the property owner or a permit from the applicable public agency.

b. A maximum of two benches shall be permitted per location.

c. Advertising space shall be limited to 12 square feet plus 10% cut-out.

d. Maximum height shall not exceed 44 inches above ground level.

e. Maximum length shall not exceed 72 inches.

f. Bench location shall not be within the sight triangle at intersections.

g. Bench location shall be within 10 feet of a Metro bus stop.

h. Bench location shall be in compliance with a community plan duly adopted by the Regional Planning Commission.

13-13.2 Outdoor Advertising Signs in an Office District.

a. Not more than one outdoor advertising sign structure per lot shall be permitted.

b. Minimum setback from right-of-way shall not be less than 40 feet.

c. Height shall not exceed 35 feet.

d. Maximum surface area shall not exceed 672 square feet. (14 ft. x 48 ft.).

e. Spacing and buffering shall be in accordance with Section 13-16.

(B.C.C. Resolution #1007, effective March 5, 1999)

13-13.3 Freestanding On Premise Advertising Signs in Office, Retail and Industrial Districts with Lot Frontages of 50 feet or Less.

a. Not more than one freestanding sign per lot shall be permitted.

b. Minimum setback of 10 feet from the right-of-way, 5 feet from all other property lines.

c. A side yard setback from a residential district shall be the same as that specified for the adjoining residential district.

d. Height shall be in accordance with the general standards for freestanding signs per Section 13-5.2 (b).
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

e. Minimum distance from grade shall be not less than 9 feet or maximum height of 3 feet when located in a sight distance triangle. (See Figure 14D).

f. Maximum surface display area shall not exceed 35 square feet.

g. No sign shall be located within 20 feet of any existing freestanding on-premise sign located on any property on the same side of the street.

(B.C.C. Resolution #1007, effective March 5, 1999)

13-13.4 A Second Freestanding On Premise Advertising Sign in Retail and Industrial Districts with Lot Frontages of Over 200 Feet.

a. Surface Display Area shall not exceed .75 square feet per linear foot of street frontage over 200 feet., and shall not exceed a maximum of 150 square feet.

b. No sign shall be located within 100 feet from the primary sign and 50 feet from any other freestanding sign located on any property on the same side of the street.

c. Minimum setback from the right-of-way shall be 10 feet, 5 feet from all other property lines.

d. A side yard setback from a residential district shall be the same as that specified for the adjoining residential district.

e. Height shall not exceed 28 feet.

f. Minimum distance from grade shall be not less than 9 feet and a maximum height shall not exceed 3 feet when located in a sight distance triangle. (See Figure 14D)

(B.C.C. Resolution #1007, effective March 5, 1999)

13-13.5 Transfer of Allotted Sign Area from Building Signage to a Freestanding Sign on Corner Lots Having a Secondary Frontage.

a. Allotted Building Sign area may be added to the frontage freestanding sign provided the surface display area will not exceed 200 square feet, or added to a second freestanding sign provided the maximum surface display area will not exceed 150 square feet.

b. The surface display area being transferred shall not exceed 50 percent of the total signage permitted on the building.

c. Minimum setback from the right-of-way shall be 10 feet, 5 feet from all other property lines.

d. A side yard setback from a residential district shall be the same as that specified for the adjoining residential district.

e. Height shall not exceed 28 feet.

f. Minimum distance from grade shall be not less than 9 feet and maximum height shall not exceed 3 feet when located in a sight distance triangle. (See Figure 14D)

(B.C.C. Resolution #1007, effective March 5, 1999)

13-13.6 Variable Message Signs in the Office District.

a. The maximum surface display area shall not exceed 50 sq. ft.

b. No more than one sign per lot shall be permitted.

c. Maximum flashing rate shall not exceed 1 line in 4 seconds, 2 lines in 7 seconds, 3 or more lines in 10 seconds.

d. Running copy shall not be permitted.

13-13.7 Transfer of Allotted Freestanding On-Premise Sign Area to allow for Freestanding Off-Premise Advertising (Excluding Outdoor Advertising)

a. Allotted Freestanding Sign area may be transferred to off-premise advertising provided the off-premise and on-premise advertisement is located on the same sign structure.

b. The surface display area shall not exceed the total square foot allotment permitted for freestanding signage on the parcel on which the shared sign is to be located.

c. The surface display area being transferred shall not exceed 50 percent of the total freestanding signage permitted on the lot.

d. Minimum setback from the right-of-way shall be 10 feet, 5 feet from all other property lines.

e. A side yard setback from a residential district shall be the same as that specified for the adjoining residential district.

f. Height shall not exceed 28 feet.

g. Minimum distance from grade shall be not less than 9 feet and maximum height shall not exceed 3 feet when located in a sight distance triangle. (See Figure 14D)

(B.C.C. Resolution #1007, effective March 5, 1999)

13-13.8 Electronic Display Signs in the Office District

a. The maximum surface display area shall not exceed 50 sq. ft.

b. No more than one sign per lot shall be permitted.

c. Each message or copy must be displayed for a minimum of eight (8) seconds.

d. Animation, moving images, or running copy shall not be permitted.

e. Message or copy changes shall be accomplished instantaneously or in three (3) seconds or less when using a fade or dissolve feature.

f. An auto dimming photocell system will assure that the brightness of the sign will adjust to the amount of natural light depending on the time or day or weather conditions.

(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

13-14 LOCALIZED ALTERNATIVE SIGN REGULATIONS.

13-14.1 Submission of Regulations.

A shopping center, office park, industrial park or institutional campus, such as universities or medical centers, having multiple buildings, may establish localized alternative sign regulations pertaining only to a particular center, district or campus, as an alternative to the sign regulations that would otherwise be required under this Chapter 13, if approved as a PUD-1 pursuant to the provisions of Chapter 18. If, and to the extent that localized alternative sign regulations are approved as a PUD-1, such local sign regulations shall govern.

13-14.2 Conditions for Approval.

No localized alternative sign regulations shall be approved as a PUD-1 unless the regulations are binding upon all real property and premises in the area (e.g., shopping center, medical center, university campus) to which the regulations are intended to apply.

13-14.3 Application Procedure.

Persons desiring to obtain approval of localized alternative sign regulations pursuant to this Section shall submit proposed regulations to the Administrative Official, together with any additional material requested by the Administrative Official. The Administrative Official shall review the regulations and pursuant to the provisions of Chapter 18, shall recommend to the Rural Zoning Commission approval, approval with modifications, or disapproval of such regulations.

13-14.4 Private Signage Agreements.

Nothing in this Chapter 13 shall prevent any persons from establishing, by deed restrictions or private agreement, sign regulations which are more stringent than those set forth in this Chapter.

13-14.5 Changes to Approved Localized Alternative Sign Regulations.

Alternative localized sign regulations which have been approved as a PUD-1 pursuant to Chapter 18 may be amended or varied only pursuant to the procedures and standards in Chapter 18 for the original approval.

13-15 BILLBOARDS (OUTDOOR ADVERTISING SIGNS).

13-15.1 Zoning Certificate Required.

Unless expressly exempted, no outdoor advertising sign shall be erected, constructed, permanently enlarged, expanded, materially altered, relocated or reconstructed unless a Sign Zoning Certificate evidencing the compliance of such sign with the provisions of this Chapter shall have first been issued by the Zoning Inspector.

For purposes of this text, Billboards or Outdoor Advertising Signs as referred to within this Section 13-16, shall be limited to the following:

- Bulletin Billboard measuring 14' x 48' and not larger than 672 square feet.
- Poster Panel Billboard measuring 12' x 25' and not larger than 300 square feet.
- Junior Poster Panel Billboard Measuring 6' x 12' and not larger than 72 square feet.

(B.C.C. Resolution #1007, effective March 5, 1999)

13-15.2 Exemptions.

The following sign-related activities shall be exempt from the provisions of this Chapter and shall not require a zoning certificate:

a. Nonconforming. Outdoor advertising signs existing on or before the effective date of this Resolution shall be allowed changes in the poster advertisement or reader board. Further modifications may be subject to the provisions of Sec. 13-4.3.
(B.C.C. Resolution #1007, effective March 5, 1999)

b. Routine Maintenance. Routine sign maintenance including cleaning, re-painting, replacing lamps and ballast and electrical components and changing of lettering or parts of signs designed to be regularly changed.

13-15.3 State Permit.

In addition to the Zoning Certificate and permits required pursuant to this Section, a state permit issued by the State Director of Transportation may also be required prior to issuance of any Final Zoning Inspection Certificate for outdoor advertising signs located within 660 feet of streets that are part of the interstate or primary highway systems.

13-15.4 Standards for Billboards.

a. Temporary Enlargements. The use of cut-outs, extensions and embellishments is expressly permitted provided such are a temporary addition to a sign face displayed no more than 120 days appurtenant to a particular advertising message and that same are to be limited to 25% of the size of the applicable sign face.

b. Location. No outdoor advertising sign shall be constructed:

1. as a roof sign;
2. as a Junior Poster Panel that is constructed as a double-faced, side-by-side, stacked, or decked sign with a combined sign face area of more than 150 square feet;
3. as a Bulletin Board sign with a face area exceeding 14 feet in height x 48 feet in length (672 square feet), excluding temporary cut-outs, extensions, and embellishments permitted as set forth herein;
4. within 20 feet of the right-of-way line of any street or highway;
5. as a ground sign more than 40 feet above the grade of the lot or location being occupied by such sign, or the average natural grade at the sign location, if higher. In the case of a street or highway which is higher than the grade of the lot or location to be occupied by the sign, the height shall be measured from the center line of pavement at such location, but in no event shall the height exceed forty feet above the center line of the pavement at that location.

(B.C.C. Resolution #1007, effective March 5, 1999)

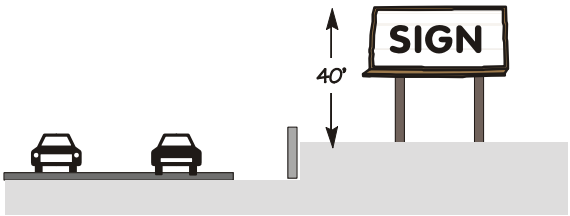


FIGURE 13-16A

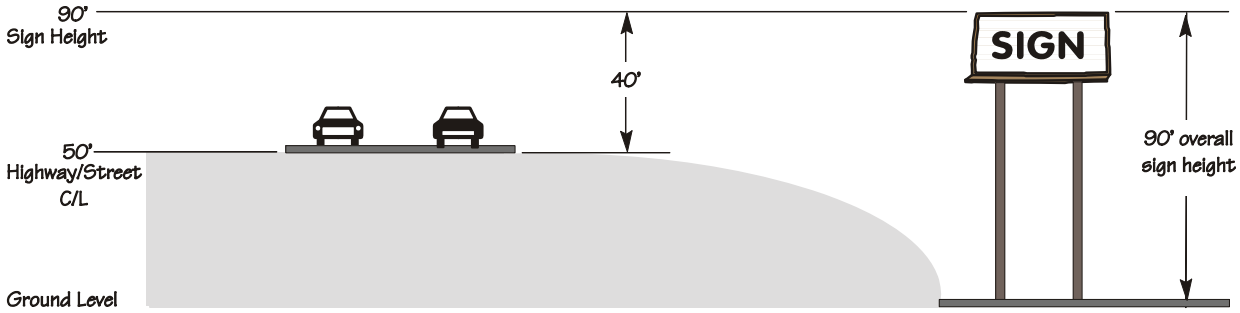


FIGURE 13-16B

13-15.5 General Spacing.

An affidavit certifying compliance with the spacing requirements stated below must be provided by the applicant. Measurement shall be computed along the edge of pavement of the thoroughfare from which the sign is intended to be viewed beginning at a point perpendicular to the outdoor advertising sign and measured along the edge of pavement of all intersecting thoroughfares.

a. Expressways and Freeways. No outdoor advertising sign whether constructed as a bulletin (672 sq. ft.), poster panel (300 sq. ft.) or junior poster panel (72 sq. ft.) sign shall be constructed within 1,500 feet of any other outdoor advertising sign located on either side of the highway (specifically I-71, I-74, I-75, I-275, Ronald Reagan Cross County Highway and other highways designated as expressways or freeways on the Thoroughfare Plan of Hamilton County) and facing the same traffic flow.

b. Major Arterial Roadways. No outdoor advertising sign whether constructed as a poster panel (300 sq. ft.) or junior poster panel (72 sq. ft.) sign shall be constructed within 500 feet of any other outdoor advertising sign located on either side of the roadway (Major Arterials designated on the Thoroughfare Plan of Hamilton County) and facing the same traffic flow, provided however that Bulletin (672 sq. ft.) spacing shall be not less than 1,000 feet from Bulletin sign to Bulletin sign located on either side of the roadway and facing the same traffic flow.

c. Minor Arterial Roadways and Collector Streets. Poster signs (300 sq. ft.) and Junior Panels (72 sq. ft.) shall be spaced not less than 500 feet from another poster or junior poster panel advertising sign located on either side of the roadway (Minor Arterials and Collectors designated on the Thoroughfare Plan of Hamilton County) and facing the same traffic flow. Bulletin (672 sq. ft.) signs shall be prohibited on these roadways.

(B.C.C. Resolution #1007, effective March 5, 1999)

13-15.6 Buffer Spacing.

An affidavit certifying compliance with the spacing requirements stated below must be provided by the applicant. Measurement shall be computed along the edge of pavement of the thoroughfare from which the sign is intended to be viewed beginning at a point perpendicular to the off-site advertising sign and measured along the edge of pavement of all intersecting thoroughfares.

a. Distance from Residences. No outdoor advertising sign shall be located within 300 feet of any parcel located in any residential district or recorded residential subdivision including residential districts and subdivisions in adjacent jurisdictions.

b. Distance from Special Facilities. No outdoor advertising sign shall be located within 500 feet of any park, natural preserve, scenic roadway, school, cemetery, historic site or area, hospital, retirement home or government building.

c. Distance from Scenic and Historic Areas. No outdoor advertising sign shall be located within 200 feet of a tunnel, bridge, underpass or overpass if such structure is immediately adjacent to a Scenic Roadway or Historic Site or Area.

d. Location of Advertising for Tobacco and Alcohol Products. No outdoor advertising sign advertising any tobacco product or alcoholic beverage, whether constructed prior to or since the adoption of this Resolution, shall be located within 500 feet in any direction of any school, hospital, retirement home, cemetery, religious institution or park.

(B.C.C. Resolution #1007, effective March 5, 1999)

13-16 ENFORCEMENT.

13-16.1 Violations.

a. Failure to Obtain Required Zoning Certificate or Permits. Any person who erects, alters or moves any sign for which a Zoning Certificate or permit is required after the effective date of this Chapter shall be deemed a violation of this Zoning Resolution subject to the procedures and penalties described in Chapter 24 of this Resolution.

b. Continuing Violations. Each day that a violation continues following the issuance of a citation shall be deemed a separate offense.
(B.C.C. Resolution #1007, effective March 5, 1999)

13-16.2 Penalties for Violations.

Penalties shall be imposed pursuant to Chapter 24 of this Zoning Resolution.

13-16.3 Revocation of Zoning Certificate/Sign.

All rights and privileges acquired under the provisions of this Chapter 13 are mere licenses, revocable by the Board of Zoning Appeals in accordance with the following procedure:

a. Time Limit and Options. A person or entity assessed of a penalty pursuant to Chapter 24 must select one of the following options after receipt of the written notice of violation:

   1. Abatement of the violation within thirty (30) days; or

   2. Within twenty (20) days of receipt of the written notice, submit in writing to the Administrative Official a request for an appeal to be heard before the Board of Zoning Appeals specifying the factual or legal issues to be contested. The procedures for filing an appeal are outlined in Chapter 22. All administrative fees associated with the appeal shall be applicable, however, timely submission of such appeal prior to the issuance of a citation shall abate the imposition of a citation and any additional penalty associated therewith.

b. Effect of Board of Zoning Appeals Hearing. A final decision is made by the Board of Zoning Appeals which may reverse the order of the Zoning Administrator or uphold such order resulting in the assessment of a penalty pursuant to 13-17.3E. An appeal before the Board of Zoning Appeals shall be conducted pursuant to the Rules of Procedure for the Board.

c. Citation. Following the expiration of the written notice of violation, if the violation has not been abated or an appeal filed through the aforementioned procedure, a citation will be issued. Once such citation has been issued the collection or appeal of such assessment shall be through the Court of Common Pleas of Hamilton County.

d. Appeal. Any person or entity who is aggrieved by a final decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Hamilton County.

e. Fee. A fee equal to double that required by Section 20-1.3 shall be charged for Zoning Certificates issued pursuant to Section 13-4 following the location, construction, re-construction, enlargement, structural alteration or changing the sign without obtaining a zoning certificate.

(B.C.C. Resolution #1007, effective March 5, 1999)

13-17 VARIANCES.

13-17.1 Variances.

Any party refused a zoning certificate for a sign application due to size, height or setback regulations, may appeal the decision of the Administrative Officer to the Board of Zoning Appeals.
(B.C.C. Resolution #1007, effective March 5, 1999)

13-17.2 Procedures.

Appeals and variances to the Board of Zoning Appeals shall follow the procedures in Chapters 21; Variances, and Chapter 22; Appeals to the Board of Zoning Appeals.
(B.C.C. Resolution #1007, effective March 5, 1999)

13-18 SPECIAL PROMOTIONS SIGN IN SPECIFIC PLAN DISTRICTS ("DOUBLE LETTER" DISTRICTS)

The following regulations shall apply to those properties located in Specific Plan Districts. Any sign not expressly permitted by Section 13-9, by conditions established in the resolution of approval, or by these regulations is prohibited. Special promotions signs shall be permitted in accordance with the following provisions:
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

13-19.1 "EE" Planned Retail Business District

a. One grand opening sign shall be permitted for a new business or establishment during a "GRAND OPENING PERIOD ONLY", not to exceed thirty (30) consecutive days.

b. The grand opening sign must be attached to the wall of the structure.

c. The grand opening sign may not exceed sixty (60) square feet.

(B.C.C. Resolution 2008-01, effective November 21, 2008)

CHAPTER 14

BUFFER YARDS AND RESOURCE PROTECTION

14-1 PURPOSE.

The purpose of this Chapter is to require buffering between noncompatible land uses, provide coordinated streetscapes, protect sight triangles, and to protect, preserve and promote the character and value of surrounding neighborhoods as well as, to promote the public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare by providing for the installation and maintenance of buffer areas and landscaping in accordance with the standards and requirements set forth below.

14-2 APPLICABILITY.

No structure on land which abuts a right-of-way or boundary between two Land Use Classes as defined in Table 14A shall be developed, or redeveloped, unless a buffer yard, if required as indicated in Table 14B, is established in accordance with the requirements of this Chapter.

a. Redevelopment Exception. Redevelopment that is approved in accordance with the provisions of Section 1-7 shall be exempt from the requirements of this Chapter.

14-3 TYPES OF BUFFER YARDS.

The following types of buffer yards shall be required, as applicable, in accordance with the provisions of this Chapter or other related chapter.

14-3.1 Boundary Buffer.

The purpose of the boundary buffer is to separate adjacent noncompatible land uses and screen and soften the detrimental impacts of such noncompatible uses upon one another and upon the surrounding neighborhood. The boundary buffer, which is a linear area adjacent to the side and/or rear property line, may vary in width depending on site conditions and on the level of screening required for line of sight, noise suppression or other nuisance related purpose.

14-3.2 Streetscape Buffer.

A streetscape buffer is located in a linear area adjacent to the front property line extending from side lot-line to side lot-line. The purpose of the streetscape buffer is to shield or enhance views into the parking lot, establish coordination among diverse buildings, setbacks and uses, to define the street and access points, to retain the quality of the environment by providing appropriate vertical mass in keeping with dimensions of horizontal voids, and to diminish the presence of wires/poles.

14-4 PLAN REVIEW.

For any buffer required by this Chapter, a plan shall be submitted with the application for Zoning Certificate to the Administrative Official to review for compliance with these regulations and any other applicable regulations. The plan shall show:

a. the topography of the site;

b. the location of driveway entrances;

c. provisions for vehicular and pedestrian circulation;

d. the location of sidewalks on or adjacent to the property;

e. the location of utilities, barriers, shelters, and signs;

f. the location of landscaped areas and the types, quantity, sizes and location of vegetation to be planted in the areas of existing vegetation and existing and proposed topography and

g. any other relevant information requested by the Administrative Official.

14-5 MODIFICATIONS AND WAIVERS.

In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, the extent of expansion or redevelopment of the site or parking area is deemed to be insignificant, or the presence of existing buffers on adjacent developed property would make strict adherence to the requirements of this Chapter serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer, the Rural Zoning Commission or the Board of Zoning Appeals (per Section 14-5.1) may, upon proper application by the property owner, and upon making findings of fact, modify and/or waive the requirements of this Chapter provided the existing or resulting boundary features of the development site comply with the spirit and intent of this Chapter, Chapter 12, Section 12-6 and other related chapters.
(B.C.C. Resolution #986, effective December 25, 1997)

14-5.1 Authority

The authority to approve landscape modifications resides with the Commission or Board that approves each specific type of zoning request.
(B.C.C. Resolution #986, effective December 25, 1997)

14-6 GENERAL STANDARDS FOR BUFFER YARDS.

14-6.1 Responsibility for Installation of Buffer.

The boundary buffer area shall be provided by the person in charge of or in control of developing the property whether as owner, lessee, tenant, occupant or otherwise (hereinafter referred to as "Owner").

14-6.2 Location.

Boundary buffers shall be located along the rear and side boundaries of a lot or parcel. On sloped areas the boundary buffer should be located to maximize its screening effectiveness. Streetscape buffers shall be located along the public right-of-way and may be required along private street easements.

14-6.3 Structures Within Required Buffer.

No structure shall be permitted within a required buffer other than a wall, fence or berm, or a driveway in the front yard connecting a parking area on the lot to the street or to a parking area on an abutting lot. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the boundary buffer area.

14-6.4 Adjacent Parcels Owned by Same Owner.

When both parcels are owned and being developed by the same owner, the buffer may be placed on either adjoining parcel or astride the boundary.

14-6.5 Adjacent Parcels Owned by Different Owners.

When adjoining parcels have different owners the buffer shall be placed on the parcel being developed. However, a buffer that meets the requirement of both parcels may be placed astride the boundary if a written agreement, signed by both owners, is filed with the Administrative Official, is recorded in the real property records of the County and runs with the property.

14-6.6 Existing Fence, Wall Berm or Landscaping on Adjacent Parcel.

When the adjoining parcel has an existing fence, wall, berm, or landscaping within ten feet (10') of a developing parcel boundary that fulfills the buffer requirements of the developing parcel, the existing landscape material on the adjacent lot may be used towards the requirement for the boundary buffer

required for that boundary edge only. All credits for existing landscape material must be in accordance with Section 15-6, and other related chapters. Any additional landscape material necessary to meet the boundary buffer requirements shall be added.

14-6.7 Existing Development on Both Sides.

Where development already exists on both sides of a property line, a buffer shall be established as a condition of any new development. The property owner shall provide the maximum buffer possible under the standards of this Chapter given the location of existing buildings and driveways. If the width available for the buffer is less than fifty percent (50%) of the minimum required buffer width, then a solid fence or wall meeting the standards of Chapter 15, Section 15-2, shall be located at the side of the buffer facing the proposed development.

14-7 BOUNDARY BUFFER.

To determine the type of boundary buffer required between two adjacent parcels, the following procedure and standards shall be utilized:

14-7.1 Procedure.

a. Identify the Land Use Class of the Developing Parcel. Refer to Table 14A to determine the Land Use Class of the proposed use and intensity. Table 14A is based on the proposed use and intensity of the proposed development regardless of the existing zoning district.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

b. Identify the Land Use Class of each Adjoining Parcel. Refer to Table 14A to determine the Land Use Class of the adjoining use and intensity.

c. Determine the Boundary Buffer Requirement for each Edge of the Developing Parcel. Refer to Table 14B and determine if the Boundary Buffer Requirement will be Buffer A, Buffer B or none. Figures 14A and 14B indicate Landscape Material Requirements for Boundary Buffers A and B, respectively.

d. Determine Width of Buffer. For each Boundary Buffer (A or B), alternative widths may be utilized. The width of each buffer defines the Landscape Material Requirements. For each width range, options for Landscape Material Requirements are given as minimum number of plants required per one hundred (100) linear feet.

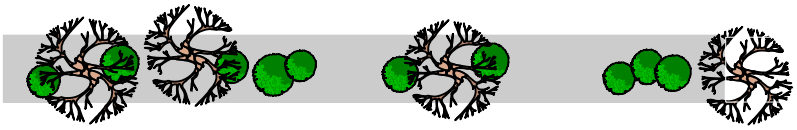
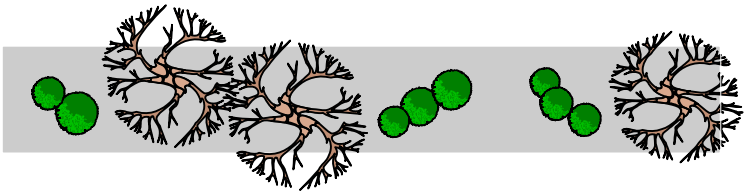
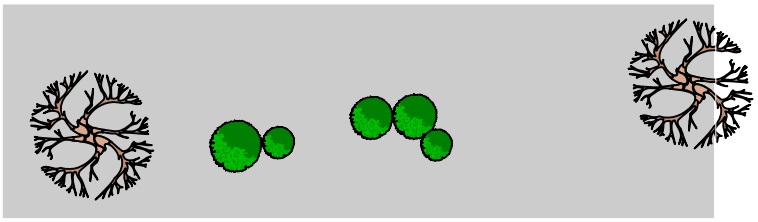
e. Determine Length of Buffer. Measure the length of the property boundary requiring the buffer and subtract any length covered completely by a clear sight triangle under Section 14 -9.

f. Determine Landscape Material Requirements. Divide the length of the Required Boundary Buffer (the result of 14-7.1(e) above) by one hundred (100). Multiply the result by the number of plants for the required boundary buffer shown in Figures 14A or 14B for the selected width. Any fractional number of plants (shrubs and trees) should be calculated to the next highest whole number.
(B.C.C. Resolution #1018, effective May 19, 2000)

g. Location and Placement of Landscape Material Requirements. All landscape material requirements shall remain within the designated area and shall otherwise meet the standards of the Boundary Buffer. Although landscape material requirements typically are located within each 100 foot increment, their placement may vary in order to screen objectionable views.

FIGURE 14A: ALTERNATIVES FOR BOUNDARY BUFFER A AS DETERMINED BY LAND USE IN ACCORDANCE WITH TABLE 14A

(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

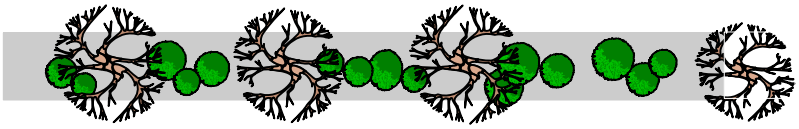
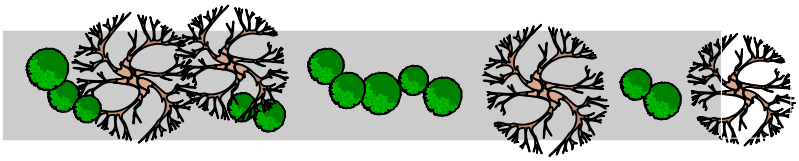
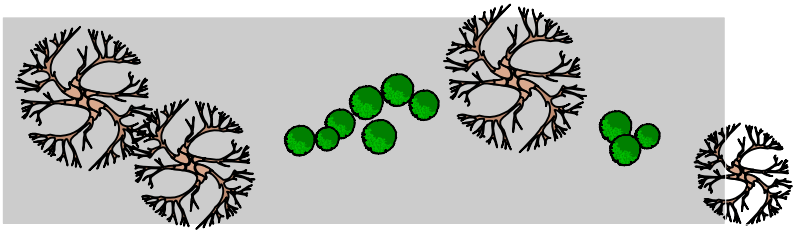
Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 ft.		3.3	10
15 ft.		2.8	8
20 ft.		2.3	6.5
25 ft.		1.9	5

Notes:

1. 1.5 understory trees or 1 evergreen tree may be substituted for 1 canopy tree for up to 50% of the required canopy trees.
2. A fence, wall, or berm 3 ft. to 6 ft. in height may be used and can substitute for shrub requirements.
3. All landscape material required for the buffer shall be confined to within the boundary buffer.

FIGURE 14B: ALTERNATIVES FOR BOUNDARY BUFFER B AS DETERMINED BY LAND USE IN ACCORDANCE WITH TABLE 14A

(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 ft.		3.3	15
15 ft.		3.3	12.5
25 ft.		3.3	10

Notes:

1. 1.5 understory trees or 1 evergreen tree may be substituted for 1 canopy tree for up to 50% of the required canopy trees.
2. A fence, wall, or berm 6 ft. to 8 ft. in height may be used and can substitute for shrub requirements
3. All landscape material required for the buffer shall be confined to the boundary buffer.

TABLE 14A
CLASSIFICATION OF LAND USES

LAND USE	LAND USE INTENSITY[1] (See note below if intensity of adjoining parcel is unknown)		LAND USE
RESIDENTIAL			
Single Family Detached and Detached in PUD's	Maximum 7.26 DU/A	LOW	**I**
Multi-Family	Maximum 7.26 DU/A	LOW	**II**
	Maximum 9.7 DU/A	MOD	**II**
	GREATER THAN 9.7DU/A	HIGH	**III**
COMMERCIAL			
Office	Maximum .60 ISR	LOW	**II**
	Maximum .75 ISR	MOD	**III**
	GREATER THAN .75 ISR	HIGH	**IV**
Retail Business (Sales and Service)	Maximum .60 ISR	LOW	**III**
	Maximum .75 ISR	MOD	**III**
	GREATER THAN .75 ISR	HIGH	**IV**
INDUSTRIAL			
Light Industry	Maximum .60 ISR	LOW	**III**
	Maximum .75 ISR	MOD	**IV**
	GREATER THAN .75 ISR	HIGH	**IV**
General Industry	Maximum .60 ISR	LOW	**IV**
	Maximum .75 ISR	MOD	**V**
	GREATER THAN .75 ISR	HIGH	**V**
Solid Waste Facility	Maximum .40 ISR	LOW	**IV**
	Maximum .50 ISR	MOD	**V**
Excavation/Extraction		HIGH	**V**
INSTITUTIONAL; PUBLIC SERVICE; AND RECREATION, CULTURE & ENTERTAINMENT			
	Maximum .60 ISR	LOW	**II**
	Maximum .75 ISR	MOD	**III**
	GREATER THAN .75 ISR	HIGH	**IV**
AGRICULTURAL			
Rural		LOW	**I**
Suburban		LOW	**I**

NOTES:
ISR = IMPERVIOUS SURFACE RATIO
DU/A = DWELLING UNITS PER ACRE
[1]The land use class of a developed adjoining parcel shall be classified as low intensity if the impervious surface (ISR) is not known.
The land use class of a vacant adjoining parcel shall be classified as low intensity for the use typically permitted in the existing zone district.

TABLE 14B

MINIMUM BUFFER YARDS FOR ADJOINING LAND USE*

LAND USE CLASS OF DEVELOPMENT PARCEL	LAND USE CLASS OF ADJOINING PARCEL					
	I	II	III	IV	V	Adjoining R.O.W.***
I	---	---	---	---	---	C**
II	A	---	---	---	---	C
III	B + 10 ft.	B	---	---	---	C
IV	B + 40 ft.	B + 30 ft.	B + 20 ft.	---	---	C
V	B + 50 ft.	B + 40 ft.	B + 30 ft.	B + 20 ft.	---	C

NOTES:
Each 20 foot increment required in Land Use Class IV and Land Use Class V can be substituted by an additional contiguous "B" Buffer strip.
Each 10 feet increment required in Land Use Class IV and Land Use Class V can be substituted by an additional contiguous "A" Buffer strip.
When the land use of an adjoining parcel is a nonconforming use, the boundary buffer width should be based on the land use intensity of the existing use or the underlying zoning, whichever is more restrictive.
*Greater boundary buffers may be required in approvals of Conditional Uses and PUD's when necessary to protect adjacent land uses.
**Only required in Land Use Class I if parking area for 5 or more vehicles is within 50 feet of the R.O.W.
***Buffer yards are not required if the adjoining parcel is an interstate highway or freeway.
Buffer Yards:
A = Boundary buffer requirements in Figure 14A
B = Boundary buffer requirements in Figure 14B
C = Streetscape buffer requirements in Figure 14C
(B.C.C. Resolution #1007, effective March 5, 1999)

14-7.2 Overlap.

When any portion of the parcel is subject to more than one set of landscape requirements as set forth in this Chapter, Chapter 12, and other related chapters, the most stringent requirement will control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

14-7.3 Credit.

Existing vegetation, fences, walls or berms on a parcel may be counted toward the requirements for any class of buffer provided that it meets the standards established in Chapter 15, Section 15-6, Credit for Existing Landscape Materials.

14-8 STREETSCAPE BUFFER.

All parcels with Land Use Classes II through V, as defined in Table 14A, with frontage on a public road and all parking areas in Class I for 5 or more vehicles (in all Land Use Classes) within 50 feet of the right-of-way shall provide a streetscape buffer along the property line abutting the right-of-way of the public road when developed or redeveloped.

14-8.1 General Standards.

a. Location and Depth. The streetscape buffer shall have a depth of ten feet (10') or greater, shall be located adjacent to the right-of-way and shall extend along the entire road frontage.

b. Parking Prohibited. No parking or pavement shall be allowed in the streetscape buffer except for intersecting drives or required walkways.

c. Specifications. Landscape Material shall be required in accordance with Figure 14C and Chapter 15, General Landscape Material Standards.

d. Sight Triangle. When in a sight triangle, all Landscape Material shall meet the standards set forth in Section 14-9.

e. Materials and Placement when Utilities Present. All canopy trees shall be placed at least twenty (20) feet from utility poles. An understory tree shall be used in place of a canopy tree when planting under or within ten (10) lateral feet of overhead utility wires.

14-8.2 Determination of Streetscape Buffer Requirements.

To determine the required landscape materials the following procedure shall be followed:

a. Determine Width of Buffer. Although the width of the buffer is typically measured parallel to the property line, design variations are allowed. The width of each streetscape buffer defines the landscape material requirements and, for each width range, options for landscape material requirements are given as minimum number of plants required per one hundred (100) linear feet.

b. Determine Length of Buffer. Measure the length along the street right-of-way which requires the buffer and subtract any length covered by a paved entry drive(s).

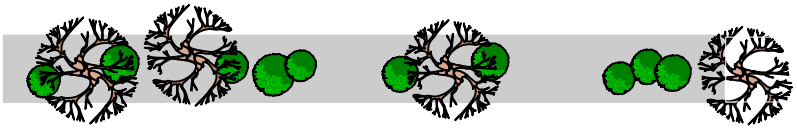
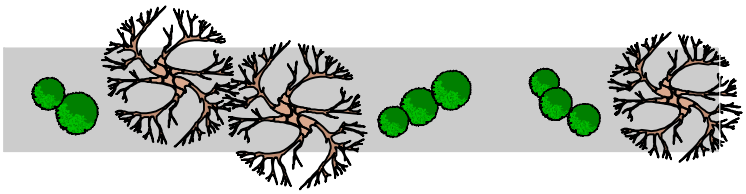
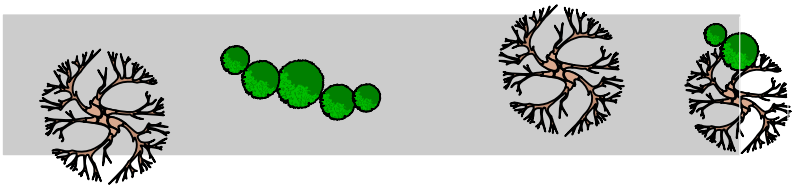
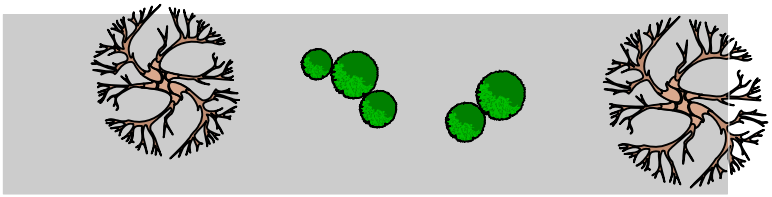
(B.C.C. HCRZC 2004-01, effective June 25, 2004)

c. Determine Landscape Material Requirements. Divide the length of the required streetscape buffer (the result of 14-8.2 (b) above) by one hundred (100). Multiply the result by the number of plants for the required streetscape buffer shown in Figure 14C for the selected width and type of zone district. Any fractional number of plants (shrubs and trees) should be calculated to the next highest whole number.
(B.C.C. Resolution #1018, effective May 19, 2000) (B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

d. Location and Placement of Landscape Material Requirements. All landscape material requirements shall remain within the streetscape buffer area or in the vehicular use area where such area abuts the streetscape strip and shall otherwise meet the standards of the streetscape buffer. Although landscape material requirements typically are located within each 100 foot increment, their placement may vary in order to screen objectionable views.

FIGURE 14C: STREETSCAPE BUFFERS
ALTERNATIVES FOR RESIDENTIAL DISTRICT STREETSCAPE BUFFERS

(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
10 ft.		3.3	10
15 ft.		2.8	8
20 ft.		2.3	6.5
25 ft.		1.9	5

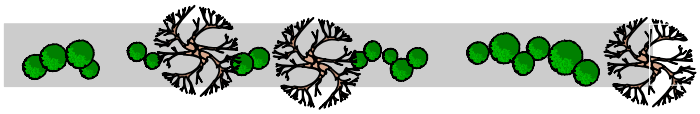
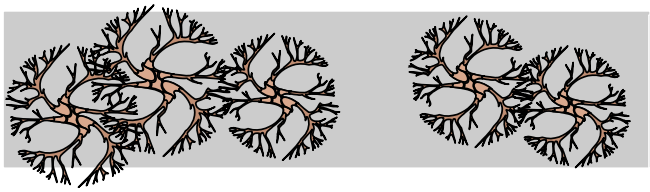
Notes:

1. 1.5 understory trees or 1 evergreen tree may be substituted for 1 canopy tree for up to 50% of the required canopy trees.
2. A berm 3 ft. to 6 ft. in height may be used and can substitute for shrub requirements.
3. All landscape material required for the buffer shall be confined to within the required landscape strip.
4. One canopy tree may substitute for 3 shrubs up to 50% of the shrub requirements.

(B.C.C. Resolution #1007, effective March 5, 1999) (B.C.C. Resolution #1018, effective May 19, 2000)

ALTERNATIVES FOR OFFICE/INDUSTRIAL DISTRICT STREETSCAPE BUFFERS

(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
OPTION 1 10 ft.		2.5	20
OPTION 2 20 ft. Average (range 10 to 30 ft.)		5 (or existing woodland area)	

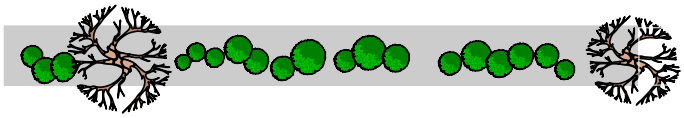
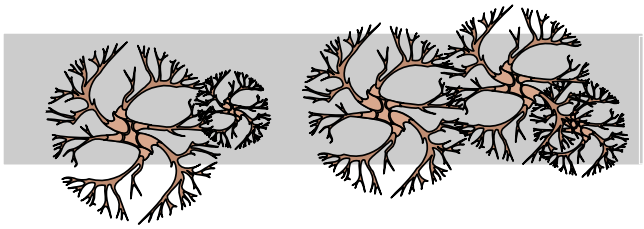
Notes:

1. Berms shall be a minimum 3 ft. height.
2. A fence or wall, in compliance with Section 10-7.1, may be used and substituted for 50% of the shrub requirements.
3. All landscape material required for the buffer shall be confined to within the required landscape strip.
4. One canopy tree may substitute for 3 shrubs up to 50% of the shrub requirements.

(B.C.C. Resolution #1007, effective March 5, 1999) (B.C.C. Resolution #1018, effective May 19, 2000)

ALTERNATIVES FOR RETAIL DISTRICT STREETSCAPE BUFFERS

(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

Minimum width of buffer	100 Linear Feet	Landscape Material Requirements	
		Canopy Trees	Shrubs
OPTION 1 10 ft.		1.5	20
OPTION 2 20 ft. Average (range 10 to 30 ft.)		2.5 (or existing woodland area)	

Notes:

1. Berms shall be a minimum 3 ft. height.
2. A fence or wall, in compliance with Section 10-7.1, may be used and substituted for 50% of the shrub requirements.
3. All landscape material required for the buffer shall be confined to within the required landscape strip.
4. One canopy tree may substitute for 3 shrubs up to 50% of the shrub requirements.

(B.C.C. Resolution #1007, effective March 5, 1999) (B.C.C. Resolution #1018, effective May 19, 2000) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

14-9 CLEAR SIGHT DISTANCE AT STREET AND ACCESS DRIVE INTERSECTIONS

14-9.1 Purpose.

To insure that landscape materials do not constitute a driving hazard, a "clear sight triangle" will be observed at all street and access drive intersections.

14-9.2 Definition.

A clear sight triangle is the triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines. See Figure 14D.

14-9.3 Design.

The entire area of the clear sight triangle should be designed as illustrated in Figure 14D to provide the driver of the vehicle entering the intersection with an unobstructed view to all points nine (9) feet above the roadway along the centerline. The recommended distance depends upon the design speed of the higher-order street and therefore is greater for arterial streets than for collectors.

14-9.4 Restrictions Within Clear Sight Triangles.

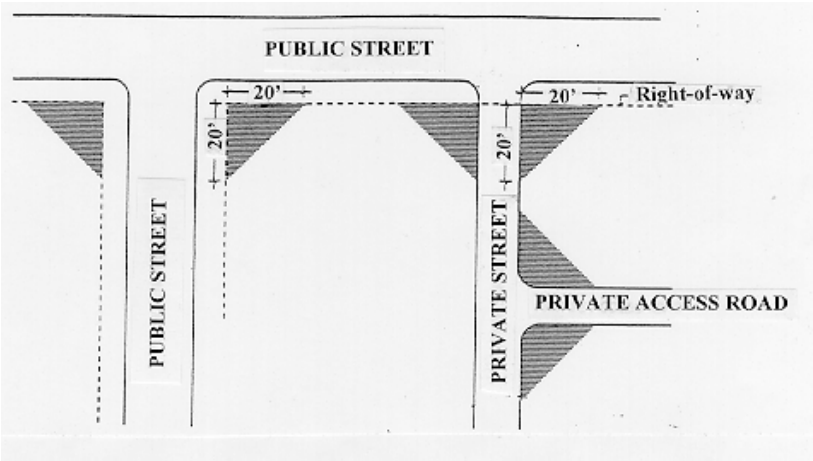
a. Within the sight triangle no landscape material with a mature height greater than twelve inches (12") shall be permitted with the exception of trees which conform to the following standards. Trees shall be permitted within the sight triangles as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the ground and nine (9) feet above the ground, or otherwise does not present a traffic visibility hazard. Restrictions shall not apply to the following:

   1. Existing natural grades which, by reason of natural topography, rise twelve (12) or more inches above the level of the center of the adjacent intersection;

   2. Fire hydrants, public utility poles, street markers, governmental signs, and traffic control devices.

b. The restrictions contained in this Section 14-9.4 shall also apply to any areas outside the clear sight distance triangle that fall within the sight distance requirements of the County Engineer.

FIGURE 14D
CLEAR SIGHT TRIANGLE



14-10 WOODLAND PRESERVATION.

To be eligible for landscape requirement credits the following criteria must be met:

14-10.1 Quantity of Woodland.

The minimum amount of woodland preserved shall be one-eighth of an acre (5,445 sq. ft.). The woodland canopy shall be contiguous and fifty percent (50%) of the canopy shall be from trees that have an 18" DBH or greater.

14-10.2 Location.

Any woodland area eligible for credit must be located within one hundred feet (100') of the principal building or an impervious surface that directly serves the principal use on the site and physically located within a required buffer area.

14-10.3 Credit.

If the above conditions are met, credit may be granted as follows:

a. Landscape Reduction Bonus. The landscape requirements, specified in this and other related chapters, that are applicable to the site may be reduced or eliminated upon the determination by the Administrative Official that the Woodland Preservation area amenities fully compensate for the reduced or eliminated landscape requirements. The existing landscape materials shall be verified as Woodland Preservation Credit through the submission of a landscape plan including a Landscape Architect seal or an affidavit signed by the owner, applicant, architect, engineer or surveyor.
(B.C.C. Resolution #1007, effective March 5, 1999)

b. Parking Reduction Bonus. The Rural Zoning Commission may approve a reduction of up to ten percent (10%) of the required number of parking spaces if adequate parking will remain on the subject site and if land area for required number of spaces remains available for future development on the subject site.

c. Intensity Reduction Bonus. The Rural Zoning Commission may approve an increase in the intensity (maximum ISR) up to ten percent (10%) of the district limits for any use permissible as a PUD.

14-11 RIPARIAN BUFFER AREA.

The purpose of this area is to retain existing forested areas along streams and rivers in order to reduce erosion and pollution, preserve stability of channels, retard runoff, maintain suitable water temperature for aquatic life, to maintain scenic integrity and provide a natural environment that benefits people and wildlife.

14-11.1 Buffer Requirements.

a. A minimum 120 foot wide forested buffer strip should be maintained along all streams and rivers designated as part of the State Scenic Rivers System and along related bikeways.

b. A minimum 50 foot wide forested buffer strip should be maintained along all streams and rivers not included in the State Scenic Rivers System and along related bikeways.

14-11.2 Credit.

In consideration of compliance with buffer requirements, the Rural Zoning Commission may, upon proper application through the Administrative Official, reduce or eliminate the landscape requirements specified in Chapters 12, 14, and other related chapters.

CHAPTER 15

GENERAL LANDSCAPE MATERIAL STANDARDS

15-1 PURPOSE.

The purpose of this Chapter is to assure that, in conjunction with the purposes of Chapters 12, 14, and other related chapters all landscape requirements of this Resolution are effectively achieved with high quality landscape elements and to provide flexibility and incentives to retain existing landscape material elements where appropriate. Redevelopment that is approved in accordance with the provisions of Section 1-7 shall be exempt from the requirements of this Chapter.

15-2 STANDARDS FOR USE OF WALLS, FENCES OR BERMS.

Whenever a landscape material requirement in Chapters 12, 14, and other related chapters, includes a wall, fence or berm, such wall, fence or berm shall meet the following requirements:

15-2.1 Walls.

Any wall shall be constructed to be durable, in brick, stone or other masonry materials, with fifty percent (50%) or less of the wall surface left open.

15-2.2 Fences.

Any fence shall be constructed to be durable, of wood, metal or wrought iron. Fence posts shall be structurally stable. The finished side of the fence shall face out from the developing property and shall face the adjacent property or street. Chain link fencing may not be used to meet the requirements of Chapters 12, 14, and other related chapters.

15-2.3 Berms.

Berms shall be physical barriers made of earth which block or screen the view similar to a hedge, fence, or wall. In no event shall a berm have a slope of greater than 3:1 (three feet of horizontal distance for each one foot rise in elevation). Any berm shall be stabilized to prevent erosion immediately after its construction and shall be landscaped within the next planting season in accordance with the landscaping requirements in Chapters 12, 14, and other related chapters.

15-2.4 Relationship of Plant Material with Wall or Fence.

a. Where a wall or fence which is 50% or less open is used as part of a landscaping requirement, all of the required plantings accompanying the wall or fence shall be located between the wall or fence and the adjacent property of the lowest intensity use.

b. Where a fence is 50% or more open, as in a wrought iron type fence, the shrub requirement shall be increased by 25% (multiply the required quantity by 1.25). When a fence is 50% or more open, the required plantings accompanying the fence may be located on either side of the fence provided that at least 50% (by quantity) of the shrub requirement is on the street side or the side of the adjacent property of less intensity. Trees may be placed on either side of the fence.

15-3 PLANT INSTALLATION STANDARDS.

The following standards shall apply to all new plant material installed as part of a buffer required under the provisions of Chapters 12, 14, and other related chapters.

15-3.1 Species of Plant Material.

To meet the requirements of Chapters 12, 14, and other related chapters, plants shall be species listed in the Appendix 2 entitled, Recommended Plant Material List or shall be otherwise approved as appropriate for this region by a licensed Landscape Architect or Certified Horticulturist.

15-3.2 Quality and Installation.

a. All specifications for the quality and installation of trees and shrubs shall be in accordance with the most recent edition of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

b. All plant material shall be free from disease and damage.

c. All plant material shall be planted in a manner that is not intrusive to utilities, pavement, pedestrian traffic or vehicular traffic.

d. All required plant material shall be planted within one year or by the next planting season, as outlined in the latest edition of “American Standards for Nursery Stock”, after all construction activity in the area of the new planting has ceased.

15-3.3 Size.

a. Canopy Trees shall be deciduous trees with a minimum of twelve feet (12') overall height or a minimum caliper of 2 1/2 inches when installed, and have an expected height of at least 35 feet at maturity.

b. Evergreen Trees shall be a minimum of five feet (5') in height when installed.

c. Understory Trees shall be a minimum of five feet (5') in height in clump form or 1-½" caliper in single stem form when installed.

d. Shrubs shall be at least eighteen inches (18") in height or twenty-four inches (24") in spread when installed.

15-4 SCREENS.

The objective of providing a screen is to visually hide whatever is behind the screen. The screen shall be 100% opaque. The following standards for each screening material shall be required:

15-4.1 Plant Material Height Requirements.

When plant material is used as screening it shall meet all height requirements in accordance with Chapters 12 and 14. Height requirements will be considered met when plants are selected whose height at maturity meet the required height as indicated on the list in the Appendix 2 entitled, Recommended Plant Material List or as certified by a licensed Landscape Architect or Certified Horticulturist.

15-4.2 Planting Requirements.

To be counted towards screening requirements, evergreen trees and evergreen shrubs shall be planted close enough to fulfill the objective as defined in Section 15-4. Recommended spacing to achieve this is as follows:

a. Spreading evergreen trees should be planted eight feet (8') on center. Narrow evergreen trees should be planted four feet (4') on center. Designation of evergreen trees as spreading or narrow shall be certified by a licensed Landscape Architect or certified Horticulturist.

b. Evergreen shrubs should be planted at a maximum of 4' on center.

15-4.3 Combination of Materials.

Plant material may be used in conjunction with fences, walls and berms but the overall effect shall be a continuous 100% opaque screen at maturity. Plants may be planted in rows or be staggered, but the overall effect shall be a 100% opaque screen.

15-4.4 Approved Plant List

Plant materials used shall be on the list in Appendix 2 or shall be equivalent to plants on the list as certified by a licensed Landscape Architect or certified Horticulturist.

15-5 MAINTENANCE RESPONSIBILITIES FOR ALL LANDSCAPE MATERIALS.

All landscape material must be properly maintained in order for the buffer or screen to fulfill its purpose. The owner of the property and any tenant on the property where required landscaping is located shall be jointly and severally responsible for the maintenance of all landscape materials. Such maintenance shall include all actions necessary to keep plantings healthy and orderly in appearance and to keep walls, fences and berms in good repair and neat appearance.

Any landscape material which fails to meet the minimum requirements of this Section at the time of installation shall be removed and replaced with acceptable materials. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. All buffer materials shall be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the buffer.

15-6 CREDIT FOR EXISTING LANDSCAPE MATERIALS.

The intent of this Section is to provide for the opportunity to protect and preserve existing woodlands and established plant material.

15-6.1 Trees.

Credit may be given for existing Canopy Trees, Evergreen Trees and Understory Trees as follows:

a. Existing healthy trees may be preserved and used to fulfill landscape requirements for any required planting provided they are in accordance with the standards set forth in this Chapter and in Chapters 12, 14, and other related chapters.

b. Trees may be credited only one time towards any one buffer, screen or other landscape requirements set forth in this Chapter and in Chapters 12, 14, and other related chapters. Trees must be located within the required landscape area to which it will be credited.

c. Trees which conform to these standards and are proposed to be used for credit shall generally have location, species, and caliper or height indicated on the required landscape plan.

d. Trees shall be credited according to the following criteria in the quantities shown:

Minimum Caliper	Minimum Surrounding Landscape Area	Minimum width of Landscape area	Number of Trees Credited
36” or greater	350 sf	15 ft.	7
26 - 36”	300 sf	15 ft	5
13 - 25”	250 sf	10 ft	3
4 - 12”	150 sf	5 ft	2
2 ½”	100 sf	5 ft	1

(B.C.C. Resolution #1007, effective March 5, 1999)

e. To be credited, a tree must have the minimum landscape area surrounding the tree according to 15-6.1(d) above or the area of the dripline of the tree, whichever is greater. The surrounding landscape area required for each credited tree may overlap the surrounding landscape area required by other existing trees to be credited by 50% of the required area. The surrounding landscape area shall be undisturbed land.

f. If any preserved tree dies, one tree shall be replaced for each tree credited against such a preserved tree. The required landscape plan shall indicate the quantities of trees credited and the location of the surrounding landscape area for each tree credited.

15-6.2 Shrubs.

Shrubs may be credited on a one to one basis towards landscape material requirements if the following criteria are met:

a. Existing healthy shrubs may be used to fulfill landscape requirements for any required planting provided they conform to the standards set forth in this Chapter and in Chapters 12, 14, and other related chapters.

b. Shrubs may be credited only one time towards any one buffer, screen or other landscape requirement. Shrubs must be located within the required area for the buffer or screen to which it will be credited.

c. Shrubs which conform to these standards and are proposed to be used for credit shall have location, species, and height indicated on the required landscape plan.

d. If any shrub used for credit dies, one shrub shall be replaced for each shrub credited to that shrub.

15-6.3 Protection During Construction.

If trees or shrubs are to be credited towards landscaping requirements they shall be protected during all phases of construction as follows:

a. Prior to any site demolition, or grading, barriers shall be constructed around existing trees and shrubs to be preserved.

   1. Barriers around trees to be preserved shall include the minimum of surrounding landscape area as required by Section 15-6.1(d) or the area under the drip line of the tree whichever is greater.

   2. Barriers around shrubs to be preserved shall include the area within three feet of the shrub mass.

   3. When large machinery is to be used on the site, these barriers shall be sturdy fences or a similar barrier and shall be made more visible by high visibility orange paint or construction flagging. When large machinery is not to be on site, high visibility construction flagging or similar device shall clearly delineate the protected area.

b. The following activities are prohibited during demolition and construction under tree canopies and within any areas enclosed by protective fencing as required by this section:

   1. Placing backfill or storing material;

   2. Construction equipment;

   3. Changing site grades within the dripline of trees or within three feet (3') of shrubs or changing site grades so that drainage flows into or collects near protected trees or shrubs;

   4. All other construction activity not previously mentioned.

15-6.4 Credit for Fences, Walls, and Berms.

a. Fences, walls, and berms may be credited towards fulfilling any landscape material requirements provided they conform to the standards set forth in this Chapter and Chapters 12, 14, and other related chapters.

b. All fences, walls and berms may be credited only one time towards any one buffer or screen requirement. All such fences, walls and berms must be located within the required area for the buffer or screen to which it will be credited.

CHAPTER 16

AMENDMENTS

16-1 PURPOSE.

The purpose of this Chapter is to provide standards and procedures for making amendments to the text of this Zoning Resolution and the Zoning Map. The amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments of general significance or application that are necessary in light of changed conditions or changes in public policy.

16-2 AUTHORITY.

The text of this Zoning Resolution and the Zoning Map may be amended from time to time by the passage of a resolution duly adopted by the Board of County Commissioners in accordance with the procedures set forth in this Chapter.

16-3 PARTIES ENTITLED TO INITIATE AMENDMENTS.

An amendment to the text of the Zoning Resolution or to the Zoning Map may be initiated by motion of the Rural Zoning Commission, by passage of a resolution by the Board of County Commissioners that is certified by the Board to the Rural Zoning Commission, or by the filing of an application with the Rural Zoning Commission by one or more of the owners or lessees of property located within the area proposed to be changed or affected by the proposed amendment. Specific Plan Districts may be initiated only by the filing of an application with the Rural Zoning Commission by the owner of the property proposed to be changed by the proposed amendment.

16-4 STANDARDS FOR AMENDMENTS.

The decision of the Board of County Commissioners to amend the text of the Zoning Resolution or to amend the Zoning Map is within the sound legislative discretion of the Board. As a part of the review by the Board, for any amendment to the text of the Zoning Resolution or to the Zoning Map, the following factors, where applicable, should be considered:

a. The recommendations of the professional planning and zoning staff of Hamilton County, the Regional Planning Commission, and the Rural Zoning Commission.

b. The reports submitted by reviewing governmental agencies.

c. The comments received at the public hearing concerning the proposed amendment.

d. The relationship to the public health, safety, morals and general welfare.

e. Compatibility with the goals and objectives, if any, of adopted plans for land use, transportation, utilities, community facilities and other plan elements and with adopted objectives and policies related to land use.

f. The economic viability of the proposed district.

g. The location of the subject property and the compatibility of the proposed use with the character of the area.

h. The existing and proposed site features of the subject property.

16-5 REVIEW PROCEDURE FOR AMENDMENTS – PUBLIC MEETINGS AND HEARINGS REQUIRED.

16-5.1 Public Prehearing Conference.

a. Purpose and Scope. The prehearing conference is required prior to the filing of an application. The conference is intended to help minimize development planning costs, avoid misinterpretation, facilitate effective and timely public information and input through study, discussion, communication, comments and findings from interested parties, assure awareness of local plans and issues and determine the potential for full compliance with all requirements for zoning amendments.

b. Procedure. A prehearing conference shall be scheduled and conducted by the Administrative Official within twenty-one (21) days following receipt of the request for a conference.

c. Notice. Notice of prehearing conferences shall be transmitted by the Administrative Official to the applicant, township trustees, applicable departments and agencies adjoining property owners and other affected parties at least ten (10) days prior to the conference.

d. Location. The public prehearing conference shall be held in a public meeting place in the township affected by the development proposal, if possible, based on schedule requirements and availability of the public meeting place. If the development proposal involves land that is divided by township lines, which causes the proposal to involve more than one township, then one conference may be held for all townships at the same time.

16-5.2 Application.

An applicant for a zone amendment shall file an application on a form or forms provided by the Administrative Official.

16-5.3 Schedule of RPC Meeting and RZC Hearing.

Within five (5) days after the adoption of a motion by the Rural Zoning Commission, certification of resolution by the Board of County Commissioners or the filing of an application determined to be complete pursuant to Chapter 20, the Rural Zoning Commission shall:

a. transmit a copy, together with the related text and map changes, to the Regional Planning Commission.

b. set a date for a public hearing not less than twenty (20) nor more than forty (40) days from the date of initiation of the amendment by motion, certification or the filing of an application and provide notice of such hearing pursuant to Section 16-7.

16-5.4 Staff Recommendation.

Within thirty (30) days of the submittal of any application for development approval determined to be complete pursuant to Chapter 20, the Administrative Official shall forward a written advisory staff report to the Regional Planning Commission recommending approval, approval with conditions, or disapproval. The advisory staff report shall include:

a. A summary of comments and concerns of applicable departments, agencies and officials;

b. The standards and criteria used in evaluating the application pursuant to Section 16-4;

c. The reasons for the recommendation;

d. The actions or modifications, if any, that may be necessary to obtain approval in accordance with regulations and adopted community plans.

16-5.5 Regional Planning Commission Recommendation.

Upon receipt of the motion, certification of resolution, or the application, along with the copy of the proposed text and map changes, the Regional Planning Commission shall at its regular meeting recommend

the approval or denial of the proposed amendment or the approval of some modification of the amendment pursuant to the standards in Section 16-4. This recommendation shall be submitted to the Rural Zoning Commission.

16-5.6 Rural Zoning Commission Recommendation.

The Rural Zoning Commission shall, within thirty (30) days after their public hearing recommend the approval or denial of the proposed amendment, or the approval of some modification of the amendment pursuant to the standards in Section 16-4. The Rural Zoning Commission shall then submit its recommendation together with the proposed text and map changes and the recommendation of the Regional Planning Commission to the Board of County Commissioners.

16-5.7 Board of County Commissioners Action.

a. Schedule of Hearing. Upon receipt of the recommendation from the Rural Zoning Commission, the Board of County Commissioners shall hold a public hearing within thirty (30) days in accordance with the procedures outlined in Section 16-7.

b. Decision. Within twenty (20) days after the public hearing, the Board shall either adopt or deny the recommendation of the Rural Zoning Commission or adopt some modification of the recommendation by the Rural Zoning Commission. In making its decision, the Board shall consider the factors contained in Section 16-4.
(B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

c. Effective Date. An amendment adopted by the Board of County Commissioners shall become effective in thirty (30) days after the date of adoption unless within that time period a petition for zoning referendum is presented in accordance with the requirements of the Ohio Revised Code. (see Appendix 4)

16-6 REFERENDUM.

16-6.1 Petition Time Limit.

Within thirty (30) days after the date of adoption of an amendment by the Board, a petition may be presented to the Board of County Commissioners requesting that the Board submit the amendment to the electors of that area, for approval or rejection, at a special election to be held on the day of the next primary or general election.

16-6.2 Petition Signatures.

The petition must be signed by the number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which the governor was elected.

16-6.3 Petition Content.

Each part of the petition for zoning referendum shall contain the number and full and correct title, if any, of the zoning amendment resolution, motion or application, as the case may be, furnishing the name by which the amendment proposal is known and a brief summary of its contents. Each petition and Statement of the Circulator shall, in addition, conform to the rules specified in Section 3501.38 of the Ohio Revised Code as shown in Appendix 4.

16.6-4 Effect of Referendum.

No amendment for which a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by the voters, it shall take effect immediately.

16-7 NOTICE REQUIREMENTS FOR PUBLIC HEARINGS.

An amendment to the text of the Zoning Resolution or to the Zoning Map, initiated by any one of the three methods described in Section 16-3, shall require notification of required public hearings in accordance with the following procedures.

16-7.1 Published Notice.

Notice of the public hearing shall be given by the Rural Zoning Commission or Board of County Commissioners, as the case may be, by one publication in one or more newspapers of general circulation in each township affected by the proposed amendment at least ten (10) days before the date of the hearing.

16-7.2 Mailed Notice.

The Rural Zoning Commission or the County Commissioners, as the case may be, shall provide notice for map and text amendments according to the following situations. When the proposed zone map amendment involves the rezoning or redistricting of ten (10) or fewer parcels of land, as listed on the county auditor's current tax list, written notice of the hearing shall be mailed at least ten (10) days before the date of the public hearing. That notice shall be mailed to all owners of property within, contiguous to, directly across from, and within two hundred (200) feet of the area proposed to be rezoned or redistricted. When the proposed zone map amendment involves the rezoning or redistricting of more than 10 parcels of land as listed on the county auditor's current tax list, or when a text amendment is proposed, the RZC shall determine on a case-by-case basis the extent and method to which additional notice is necessary beyond general notice as required in Section 16-7.1.

16-7.3 Content of Published and Mailed Notices.

Published and mailed notices shall contain the time, date, and place of the public hearing. In addition, they shall include all of the following information:

a. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution;

b. The name of the zoning commission that will be conducting the hearing;

c. The nature of the proposed amendment;

d. The current and proposed zoning classification of the property named in the proposed amendment;

e. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten (10) days prior to the public hearing;

f. The name of the person responsible for giving notice of the public hearing by publication or by mail, or by both publication and mail;

g. A statement that after the conclusion of the hearing the matter will be submitted to the Board of County Commissioners for its action.

16-8 APPEAL OF DECISION.

Any party adversely affected by the decision of the Board of County Commissioners or by the Effect of Referendum may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

CHAPTER 17

CONDITIONAL USES

17-1 PURPOSE.

Conditional uses are those uses having some special impact or uniqueness which require a careful review of their location, design, configuration and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. They are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the public benefit against the local impact, the amelioration of any adverse impacts through special site planning, and development techniques and contributions to the provision of public improvements and rights-of-way.

17-2 AUTHORITY.

The Board of Zoning Appeals may, in accordance with the procedures and standards set out in this Chapter, and other regulations applicable to the district in which the subject property is located, approve by resolution those uses listed as conditional uses in the Table in Section 17-12, in the Table of Permissible Uses in Chapter 3, or in any other part of this Resolution.

17-3 EFFECT OF CONDITIONAL USE LISTING.

17-3.1 Compliance with Zoning Requirements.

The listing of a conditional use in the Table in Section 17-12, in a Table of Permissible Uses in Chapter 3, or in any other part of this Resolution does not constitute an assurance or presumption that such conditional use will be approved except as provided in Section 17-3.2. Rather, each proposed conditional use shall be evaluated by the Board of Zoning Appeals on an individual basis. This shall be done in relation to its compliance with the standards and conditions set forth in this Chapter and with the standards for the district in which it is located, in order to determine whether approval of the conditional use is appropriate at the particular location and in the particular manner proposed.

17-3.2 Compliance with Other Requirements.

Nothing in this Chapter shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law. However, reasonable conditions may be required by the BZA in order to satisfy the purposes as outlined in section 17-1.

17-4 REVIEW PROCEDURE FOR CONDITIONAL USE APPLICATIONS.

17-4.1 Applicant.

An application for a Conditional Use Zoning Certificate may be filed with the Board of Zoning Appeals by the owner, lessee, or other person having a legal or equitable interest in the subject property.

17-4.2 Application.

An applicant for a conditional use shall file a plan and an application on forms provided by the Administrator of the Board of Zoning Appeals. The plan for the use and development of the tract shall demonstrate that the general and specific criteria have been met.

17-4.3 Scheduling of Hearing and Transmittal of Application.

Within five (5) days after filing of an application determined to be complete pursuant to Chapter 20, the BZA Administrator shall:

a. set a date for a public hearing not less than thirty (30) nor more than sixty-two (62) days after filing of a complete application.

b. transmit a copy of the application and plan, together with the date of the scheduled hearing, to the Regional Planning Commission for staff review and recommendation.

17-4.4 Staff Report.

Within twenty (20) days after the filing of a complete application, the Administrative Official shall prepare and transmit to the Board of Zoning Appeals a written report incorporating or summarizing comments of other departments, agencies, and officials. A recommendation shall be included, setting forth whether the application for a conditional use should be approved, approved with modifications, or denied and reasons for such recommendation.

17-4.5 Notice and Hearing.

The Board of Zoning Appeals (BZA) shall hold a public hearing in accordance with the adopted Procedures, Rules and Regulations of the BZA. Notice of the hearing shall be given at least ten (10) days before the hearing by notice in writing sent by the BZA Administrator to: the applicant, the township in whose jurisdiction the tract is located, the owners within two hundred (200) feet in all directions. Notice shall also be published in one or more newspapers of general circulation in the County. Upon the hearing, any party may appear in person or by attorney.

17-4.6 Decision.

Within twenty one (21) days after the close of the public hearing, the BZA shall, (1) approve the conditional use; (2) approve the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the conditional use.

17-4.7 Notification of Decision.

Following the decision of the Board of Zoning Appeals, that BZA shall return to the applicant one copy of the resolution and submitted plans permanently marked to show either (1) approval of the conditional use; (2) approval of the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapproval of the conditional use.

17-5 COORDINATED REVIEW AND APPROVAL OF APPLICATIONS.

When an application for a Conditional Use Zoning Certificate is filed, applications shall be filed with the Board of Zoning Appeals for all other required approvals, including variances.

17-5.1 Notice of Applications for Additional Approvals.

Whenever an applicant files an application for other approvals pursuant to this Section, all required notices shall include reference to the request for any and all additional approvals.

17-5.2 Procedures and Action by Board of Zoning Appeals.

Whenever an applicant files applications for other approvals pursuant to this Section, the Board of Zoning Appeals shall review and process all such applications at the same public hearing. In reviewing such combined applications the Board of Zoning Appeals shall, except as hereinafter provided with respect to limitations on the time for taking action, comply with all of the provisions of this Resolution applicable to each of the applications.

The Board of Zoning Appeals shall act on any such combined application within the longest time period applicable to any one of the individual applications or within such further time as may be consented to by the applicant. The Secretary of the Board of Zoning Appeals shall issue notices and certificates of such action in accordance with the provisions of this Resolution applicable to the various applications involved.

17-6 GENERAL CONSIDERATIONS FOR CONDITIONAL USES.

In approving an application for a Conditional Use Zoning Certificate, the Board of Zoning Appeals shall make a finding that the proposed conditional use is appropriate in the location proposed. The finding shall be based upon the general considerations set forth below, as well as the designated specific criteria for specific uses contained in Section 17-7.

a. Spirit and Intent. The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with district purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Resolution was enacted and for which the regulations of the district in question were established and complies with all additional standards imposed on it by the particular provisions of this Resolution authorizing such use.

b. No Adverse Effect. The proposed use and development shall not have an adverse effect upon adjacent property, or the public health, safety, morals, and general welfare.

c. Protection of Public Interests. The proposed use and development should respect, to the greatest extent practicable, the natural, scenic, and historic features of significant public interest.

d. Consistent with Adopted Plans. The proposed use and development shall, as applicable, be consistent with objectives, policies and plans related to land use adopted by the Regional Planning Commission or Board of County Commissioners.
(B.C.C. Resolution #1007, effective March 5, 1999)

17-7 SPECIFIC CRITERIA PERTAINING TO CONDITIONAL USES.

In addition to the general considerations contained in Section 17-6, each conditional use is subject to one or more specific criteria as identified in the Table in Section 17-12. The following list contains all the specific criteria with each preceded by a number for reference in the Table in Section 17-12.

a. Site shall contain a minimum of 5 acres and all buildings shall not occupy over 10 percent of the total area of the site.

b. Site shall contain a minimum of 20 acres.

c. Interment shall not be within 50 feet of any property line and any mausoleum, crematory, or other structure shall be at least 100 feet from every property line.

d. Any structure (except fences), parking area, or storage area shall be setback at least 100 feet from every property line.

e. Setbacks from any adjacent residential property line shall be a minimum of 50 feet for all buildings and 25 feet for all parking areas.

f. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district.

g. Use shall have direct access to a collector or arterial street.

h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood.

i. Any use for which drop-off or pick-up of children, residents, visitors, products, or emergency vehicles is a common occurrence shall provide for the separation of incoming and outgoing vehicles so as not to impede other traffic.

j. The use shall be located within 300 feet of an arterial highway.

k. The facility shall be reasonably accessible, either by its location or transportation provided by the applicant, to medical, recreational, and retail services as well as to employment opportunities that may be required by its residents

l. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties.

m. No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.

n. The architectural design and site layout of the structure and the location, nature, and height of any walls, screens, and fences are to be compatible with adjoining land uses and the residential character of the neighborhood.

o. Landscaping shall be installed in accordance with one of the following buffers as described in detail in Chapter 14:

   1. Boundary Buffer A (shown in Figure 14 A)

   2. Boundary Buffer B (shown in Figure 14 B)

3. Streetscape Buffer (shown in Figure 14C)

p. Signage shall be regulated as follows:

1. No signs shall be erected for purposes of identification except a permitted street address sign
2. One sign permitted at a maximum of 12 square feet and non-internally illuminated
3. One sign permitted at a maximum of 32 square feet
4. Subject to sign standards in Chapter 13

q. The conditional use shall be subordinate to the principal permitted use with regard to usage and character.

r. Outdoor playgrounds, tot lots, exercise areas, and pools shall be fully enclosed by a fence.

s. All exterior lighting shall be directed away from adjacent residential properties.

t. Documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant shall be submitted as part of the application.

u. Security measures shall be submitted as part of the application.

v. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby their grievances may be filed and resolved.

w. A refuse collection plan shall be submitted as part of the application.

x. Meals shall be served only to guests or residents of the facility and not to the general public.

y. The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract.

z. An emergency response plan shall be submitted detailing safety measures and response procedures.

aa. No structure, storage area, or vehicular use area shall be located closer than:

1. 100 feet to a residential use or district
2. 200 feet to a residential use or district.

bb. No landing strip shall be closer than 1,000 feet from a residential use.

cc. Coverage of the required rear yard by the unit shall not exceed 10 percent, and coverage of the entire lot by the unit and the principal unit shall not exceed 20 percent.

dd. The unit shall contain a maximum of 900 sq. ft. and not exceed 15 ft. in height.

ee. The terms of continuation of this use and those under which it shall eventually be removed or terminated are to be specified in the application and contained within the approving Resolution.

ff. There shall be central management of the use to assure seasonal occupancy only (between April 1 and October 31).

gg. Shall not be located within 1,300 feet (measured property line to property line) of; residential zone or residentially used property, retirement home, nursing home, hospital, church property, school property, park and recreation property, day care or nurseries or public libraries.

hh. Shall not be located within 500 feet (measured property line to property line) of other such adult entertainment activity of any kind.
(B.C.C. Resolution #998, effective June 20, 1998)

ii. No wind facility shall be located in the front or side yard.

jj. A WECs shall not exceed 100 feet in height.

kk. A WECs shall not be located closer to a property line, street right-of-way, or above electric line than one and one half feet for each foot of height.

ll. An accessory structure supporting a WECs shall conform to regulations in Chapter 10 – Accessory Use and Structures, unless Chapter 17 is more restrictive.

mm. Noise levels shall be controlled to prevent sound levels beyond the property line. Noise levels generated from any wind facility shall not exceed 62 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 52 decibels (dBA) between the hours of 10:00 PM and 7:00 AM.

nn. WECs shall not occupy more than thirty (30%) percent of the required area of the rear yard.

oo. A WECs shall meet all regulation of the FAA when located near an airport.

pp. Any outdoor furnace must also comply with any other county, state or federal guidelines, (e.g. emissions).

qq. The location of said structures shall be situated in the rear yard only, according to the following:

1. If located 50 feet or less to any residence not served by the furnace, the stack must be at least two feet higher than the eave line of that residence.
2. If located more than 50 feet but no more than 100 feet to any residence not served by the furnace, the stack must be at least 5% of the height of the eave line of that residence, plus an additional five feet.
3. If located more than 100 feet but no more than 150 feet to any residence not served by the furnace, the stack must be at least 50% of the eave line of that residence, plus an additional five feet.
4. If located more than 150 feet but no more than 200 feet to any residence not served by the furnace, the stack must be at least 25% of the height of the eave line of that residence, plus an additional five feet.

rr. The average maximum height for the furnace enclosure shall not exceed 14.5 feet.

ss. If the furnace is not sheltered by a structure, then a six (6) foot tall solid fence or walled enclosure shall be required.
(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008 criteria ii. through qq.) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013criteria ii. through ss.)

17-8 ACCESSORY USES TO CONDITIONAL USES.

Any use or structure that is accessory to a conditional use shall be processed in the same manner as prescribed in this chapter for conditional uses. If an application for an accessory use is made concurrently with an application for the primary conditional use, they may be considered together as one application. Whether processed in conjunction with a primary conditional use or as a later supplement to an existing primary conditional use, the accessory use shall meet the appropriate specific criteria listed in Section 17-7 as well as the general conditions contained in Section 17-6.

17-9 ADDITIONAL REGULATIONS PERTAINING TO CONDITIONAL USES.

In addition to the general standards contained in Section 17-6, the specific criteria contained in Section 17-7, all conditional uses are subject to the following regulations.

17-9.1 Additional Conditions.

The Board of Zoning Appeals may impose additional conditions and limitations concerning use, construction, character, location, landscaping, screening, timing of implementation, and other matters relating to the purposes and objectives of this Resolution upon the premises benefited by a conditional use. Such conditions are intended to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services or to assure compliance with general or specific standards. However, such conditions shall not be used as a device to authorize as a conditional use that which is intended to be temporary in nature. All such conditions, including the designated specific criteria for a particular use, shall be expressly set forth in the resolution granting the Conditional Use Zoning Certificate. Violation of any such condition, limitation, or specific criteria shall be a violation of this Resolution and shall constitute grounds for revocation of the Conditional Use Zoning Certificate.

17-9.2 Effect of Approval of Conditional Use.

The approval of a proposed conditional use by the Board of Zoning Appeals shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the County, including but not limited to, a Conditional Use Zoning Certificate, a building permit, a certificate of occupancy and subdivision approval.

17-9.3 Certification of Conditional Use Plan Compliance.

Upon receipt from the applicant of an application for a Zoning Compliance Plan certification, the Administrative Official shall review the application to determine if it is complete pursuant to Chapter 20, Section 20-2.2, including any additional conditions required in conjunction with the approval by the Board of Zoning Appeals. Within seven (7) days of receipt of the completed application, the Administrative Official shall either (1) certify that the Zoning Compliance Plan complies with the BZA approval; or (2) refuse to certify the Zoning Compliance Plan for lack of compliance with the BZA approval.

17-9.4 Affidavit of Compliance with Conditions.

Whenever any proposed conditional use authorized pursuant to this Chapter is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the County Zoning Inspector so stating. Such affidavit shall be accompanied by a nonrefundable fee as established by the Board of County Commissioners upon recommendation of the Administrative Official, to recover the County's actual direct cost of an inspection to verify that such conditions and limitations have been met.

17-9.5 Limitations on Conditional Use Approval.

The approval of a proposed conditional use by the Board of Zoning Appeals shall be deemed to authorize only the particular use for which it was issued, and such authorization shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of twenty four (24) consecutive months or more.

Except when otherwise provided in the Resolution for approving a conditional use, a conditional use shall be deemed to relate to, and be for the benefit of, the use and lot in question rather than the owner or operator of such use or lot.

17-9.6 Amendments to Conditional Uses.

A Conditional Use Zoning Certificate may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Chapter for its original approval.

17-10 PERIOD OF VALIDITY.

Subject to an extension of time granted by the Board of Zoning Appeals, no Conditional Use Zoning Certificate shall be valid for a period longer than one (1) year unless a building permit is issued.

17-11 APPEAL OF DECISION.

Any party aggrieved by the decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

17-12 LIST OF CONDITIONAL USES. (SEE TABLE 17-12 AT THE END OF THIS CHAPTER)

17.13 ADDITIONAL REGULATIONS PERTAINING TO TELECOMMUNICATION TOWERS IN AREAS ZONED FOR RESIDENTIAL USE

17-13.1 Purpose and Intent

The following regulations are intended to minimize adverse health, safety, public welfare or visual impacts of telecommunications facilities in areas zoned for residential use through buffering, siting, design and construction, and reduction of the need for new towers. It is the further purpose and intent of this Section to provide for authorization of telecommunications facilities in a manner which will retain the integrity of neighborhoods and the character, property values and aesthetic quality of the community. These regulations shall not unreasonably discriminate among providers of functionally equivalent services and shall not prohibit or have the effect of prohibiting the provision of personal wireless communications services. This section is intended to exercise, to the fullest extend permitted by law, the power of the Board

of County Commissioners (BCC) to regulate Telecommunication Towers in areas zoned for residential use. This section shall also govern the maintenance and removal of buildings and structures that are used in the provision of telecommunications service.

17-13.2 Authority and Scope

Except in accordance with Ohio Revised Code 303.211 and the provisions of this section of the Hamilton County Zoning Resolution, no person shall, in an area zoned for residential use, located, erect, construct, reconstruct, change, alter, use or enlarge any telecommunications tower.

Whenever a notice has been received or an objection has been lodged, in the manner prescribed in Ohio Revised Code Section 303.211 (B) (3), regarding a telecommunications tower in an area zoned for residential use, the Board of Zoning Appeals shall, upon application, have the power to issue at its discretion a Conditional Use Zoning Certificate after public hearing, allowing the construction, location, erection, reconstruction, change, alteration or enlargement of such telecommunication facility if it finds that the applicant has satisfied all of the applicable requirements herein.

In the event of any inconsistency between this Section 17.13 and other provisions of the Hamilton County Zoning Resolution, the provision of this Section shall prevail.

17-13.3 Exceptions:

a. A Zoning Certificate shall be granted as-of-right, without the need for public hearing, to permit the construction of a new telecommunications facility in an area zoned for residential use if that new tower or antenna is added to an existing tower (including electrical transmission towers and other utility towers), and if such installation extends less that 25 feet above the original height of the structure on which it is mounted and if all additional accessory structures or equipment are located within the existing fenced compound.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

b. Telecommunications towers not located in an area zoned for residential uses are exempt from zoning.

c. Telecommunications towers located in an area zoned for residential use are exempt from zoning unless within 15 days after the date of mailing of the applicant's notice sent under division (B) (3) (b) of Ohio Revised Code Section 303.211:

   1. A Board of Township Trustees or a contiguous property owner gives written notice to the Board of County Commissioners requesting that the tower be subjected to zoning regulations, or

   2. A member of the Board of County Commissioners makes an objection to the proposed location of the telecommunication tower.

17-13.4 Definitions.

The following definitions shall apply to this Section:
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

Co-location. The use of a telecommunications tower by more than one wireless telecommunications provider. Co-location also includes the location of telecommunications towers or antennas with other facilities such as water tanks, electrical transmission towers or other utility facilities.

Telecommunication. The technology that enables information to be exchanged through the transmission of voice, video, or data signals by means of electrical or electromagnetic systems (also referred to as wireless communication).

Telecommunications Tower. Any free-standing structure, or any structure to be attached to a building or other structure; proposed to be owned or principally used by a public utility or other person or entity engaged in the provision of wireless telecommunication services; in an area zoned for residential use; proposed at a height greater than that permitted within the applicable zone, or an attached structure proposed at a height greater than either the height of the building or structure to which it is to be attached or that permitted within the applicable zone; proposed to have attached to it radio frequency transmission or reception equipment. Towers may be constructed as: a "monopole," meaning one cylindrical column in the air; a "lattice tower," meaning three or more vertical legs trussed together; or a "guyed tower," meaning a structure that, because it is less substantial, is secured to the ground by wires, cables or similar material. Such towers may be related to, but are not limited to, radio and television transmission, microwave,

commercial mobile, common carrier, cellular telephone, and personal communications services. The tower site may include separate buildings or accessory structures used to house any supporting electronic equipment.

17-13.5 Application Procedure.

The following procedures shall be in addition to any procedures required by this Chapter 17 pertaining to conditional uses and the Ohio Revised Code pertaining to telecommunications towers.

Pre-application Conference. Any person or company intending to construct or to apply for the placement or operation of a telecommunications tower or antenna within a residence district shall first schedule a pre-application conference with the Zoning Administrator or designee. The purpose of the pre-application conference is to discuss the needs of the applicant, evaluate the impact of the proposed tower on adjacent property and neighborhoods, discuss possibilities of co-location, identify alternative suitable sites that may minimize the negative impact on residential areas, and clarify application process and requirements.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

17-13.6 Documentation.

Any request filed under this Section for review of a proposal to construct a telecommunications tower or antenna shall include the following:

a. Analysis of Co-location Alternatives. Unless co-locating, certification, supported by evidence, must be submitted indicating that co-location of the proposed telecommunications facility with an existing approved tower cannot be accommodated. The applicant's certification shall include a listing of all existing towers, a description of each existing site, and a discussion of the ability or inability to co-located on each existing site according to the following scope of analysis:

- For a tower proposed to exceed a height of 200 feet, analysis must include all towers within a 1 1/2 mile radius,
- For a tower proposed to exceed a height of 100 feet but less than 200 feet, analysis must include all towers within a 1 mile radius,
- For a tower proposed to be built at a height less than 100 feet, analysis must include all towers with a 1/2 mile radius.

1. Reasons for not co-locating on a site would include, but not be limited to, the following:

- No existing telecommunications towers are located within the above radius of the site;
- Existing telecommunications towers are not of sufficient height to meet the applicant's engineering requirements;
- Existing telecommunications towers do not have sufficient structural strength to support applicant's proposed antenna and related equipment;
- Applicant's planned equipment would cause radio frequency interference with other existing or planned equipment of the telecommunications tower, or the existing or planned equipment of the telecommunications tower would cause interference with the applicant's planned equipment which cannot be reasonably prevented;
- Unwillingness of the owner of the existing telecommunications tower to allow the siting or enter into a co-location proposal; or
- Existing telecommunications towers do not provide an acceptable location for requisite coverage for the applicant's communications network.

b. Analysis of New Tower Site Alternatives. Unless co-locating, certification, supported by evidence, must be submitted indicating that a proposed new site for a telecommunications tower is an essential location. The applicant's certification shall include a listing of potential sites, a description of each potential site (including ground elevations), and a discussion of the ability or inability of the site to host a telecommunications tower according to the following scope of analysis:

- For a tower proposed to exceed a height of 200 feet, analysis must include all towers within a 1 1/2 mile radius,

- For a tower proposed to exceed a height of 100 feet but less than 200 feet, analysis must include all towers within a 1 mile radius,
- For a tower proposed to be built at a height less than 100 feet, analysis must include all towers within a 1/2 mile radius.

Potential sites that should be considered (in order from most preferred to least preferred) include: existing telecommunications towers and utility towers, public land in non-residential district, industrial districts, commercial districts, and residential districts.

1. Reasons for not locating on a potential site would include, but not be limited to, the following:
   - Unwillingness of the site owner to site a telecommunications tower on commercially reasonable terms;
   - Topographic limitations of the site;
   - Adjacent impediments that would obstruct adequate transmission;
   - Physical site constraints that would preclude the construction of a telecommunications tower;
   - Technical limitation of the telecommunications system;
   - Existing potential sites do not provide an acceptable location for requisite coverage for the applicant's communications network.

c. Analysis of Visual Impact. The applicant for a Conditional Use Certificate to construct a telecommunications tower shall submit, subject to a non-site owner's permission to enter upon the land, a pictorial representation, such as a silhouette drawing, photograph, etc., of the proposed telecommunications facility from a point 400 feet from the facility in each of the four compass directions showing the relationship of the tower and/or facilities against the massing of surrounding structures, trees, and other intervening visual masses.

d. Expert Review. Prior to granting a Conditional Use Certificate, The Board of Zoning Appeals may require that the applicant's proposal and analysis be reviewed by an independent qualified consultant(s), at the cost of the applicant. Special review fees, not to exceed $2500.00 may be established to cover the costs of staff and/or external expert review of requests filed under this section.

e. Agreement to Enable Co-location. In the event of the construction of a new tower by the applicant, the applicant shall agree to the shared use of such facilities, when technically feasible, by other telecommunication companies upon payment of reasonable fees to the owner, or agreement to reciprocal terms for co-location involving other site(s), provided such shared use does not violate any law, rule or regulation. Any new towers shall be designed to accommodate antennas for more than one use. Such agreement shall be incorporated on the conditional use plan.

f. Agreement to Accommodate Public Safety Antennas. The applicant shall agree to accommodate the communications antennas of the local police, fire, ambulance and other government departments at no charge where technically feasible. Such agreement shall be incorporated on the conditional use plan.

g. Consistency with Adopted Plans. A justification statement demonstrating that the proposed construction is in agreement with any plans, relating to telecommunications towers, duly adopted by the Hamilton County Board of County Commissioners.

h. Agreement to Submit an Annual Network Inventory. On or before January 1st of each calendar year each applicant (having conditional use approval of a telecommunications tower or facility) shall provide a listing of the present locations of the applicant's telecommunications towers and/or facilities in Hamilton County. With each application, the applicant shall provide any changes to the "annual" plan that have occurred since January 1st or verify the continued accuracy of the plan submitted. Such agreement shall be incorporated on the conditional use plan.

i. Guarantee of Removal if Abandoned. To ensure the removal of all improvements at any abandoned telecommunications facility in an area zoned for residential use, any applicant filing a request, except for multi-user co-location towers, under this Section shall, deposit with the Board of Zoning Appeals and to the benefit of the Board of County Commissioners a letter of credit, a performance bond, or other security acceptable to the County Commissioners. Performance Bonds are to be issued by a bonding agency certified and licensed by the State of Ohio. The bonding agency shall recommend the amount of the bond required covering the costs in association with the removal of the improvements

and the restoration of the land to its original condition prior to the construction of the telecommunications tower. Verification of the performance bond, line of credit or other security issued to guarantee the removal and restoration of the land, are to be submitted to the BZA Staff on or before January 1 of each calendar year while the telecommunications tower is in use. Any guarantee submitted shall be irrevocable and shall provide for the Board of County Commissioners to collect the full amount of the guarantee if the applicant fails to maintain the guarantee. A change in ownership, lessee, successor by merger requires the issuance of a new guarantee. The new guarantee shall be submitted to the Board of Zoning Appeals Administrator for approval and submission to the Board of County Commissioners. The owner or lessee shall enter into a written agreement with the property owner to remove all improvements made in association with the construction of the tower and restore the property to its original state when the telecommunications tower is no longer in use and or at the time of the termination of the lease agreement.
(B.C.C. Res. #1007, effective March 5, 1999)

j. Other Approvals. Proof shall be provided by the applicant in a form satisfactory to the Board of Zoning Appeals that the proposal has been approved by all agencies and governmental entities with jurisdiction, and conforms to all applicable requirements of the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.

17-13.7 Specific Criteria Pertaining To Telecommunications Towers.

At the time of filing of a request under this Section, the applicant shall provide information demonstrating compliance with the requirements listed below.

a. Design. A new tower built in an area zoned for residential use shall, to the extent economically and technologically feasible, be designed, engineered and constructed as follows: (a) a tower 75 feet tall or less shall be designed, engineered and constructed to support antennas installed by one or more wireless communication service provider; (b) a tower more than 75 feel tall but less that 150 feet tall shall be designed, engineered and constructed to support antenna installed by two or more wireless communication service providers, and (c) a tower 150 feet tall or more shall be designed, engineered and constructed to support antenna installed by three or more wireless communication service providers. Monopole tower installations are required unless it is demonstrated that another type of tower is required for safety purposes or for co-location or multiple use requirements of the Board of Zoning Appeals.

b. Lot Size. Lot size shall be the minimum for the zoning district in which the telecommunication tower is to be built. Sufficient ground space should be provided to enable multiple equipment structures in accordance with co-location requirements and plans.

c. Setbacks for Towers. Telecommunication towers shall be located so as to establish a clear zone for falling tower debris, ice and/or the collapse of the tower. Towers shall be located such that the distance from the base of the tower to any adjoining property line of a residence district is a minimum of 100 percent of the proposed tower height and a minimum of 50 percent of the proposed tower height from any adjoining nonresidential district.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

d. Setbacks for Accessory Structures. All structures, except fences and underground shelters, shall be located at least 50 feet from the property line of any residentially zoned property and shall, in all other circumstances, observe the yard requirements of the district in which they are located.

e. Underground Shelters. Underground equipment shelters are encouraged in residential districts, and may be required by the Board of Zoning Appeals.

f. Fences. Fencing shall be utilized for aesthetics and public safety. Razor wire fencing shall be prohibited. Barbed wire fencing may be used to enclose the facility and shall, if used, have barbed wire strands not less than 7 feet and not more than 10 feet above grade and be a minimum of 30 feet from any residential property line.

g. Screening and Landscaping. Existing on-site vegetation shall be maintained to the greatest extent possible. In addition, landscaping or appropriate screening shall be required to screen the support structure and any other ground level features. In general, landscaping should soften the appearance of the tower site. The Board of Zoning Appeals may permit a combination of existing vegetation, topography, walls, decorative fences or other features instead of landscaping.

h. Signs. The only signs allowed shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed 5 square feet in area.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

i. Lights. Telecommunications towers and accessory facilities shall not be equipped with lights unless such lighting is required due to factors outside of the applicant's control or for security precautions.

j. Visual Impact. Telecommunications towers and accessory facilities shall be constructed using designs and materials that reduce visual impact to the extent economically and technologically feasible. Facilities which have a greater visual impact should be permitted (for example -- taller, lighting required, larger ground space used) when the greater visual impact of a particular facility eliminates the need to construct other facilities in an area zoned for residential use, thus resulting in a reduced total visual impact. Towers and accessory facilities shall be designed, painted, located, landscaped and otherwise constructed so as to reduce visual impact of the facility in the residence district to the extent economically and technologically feasible.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

k. Abandonment. The applicant (or its successors) shall, within 30 days of permanently ceasing operation of a telecommunication tower, provide written notice of abandonment to the zoning inspector. An unused telecommunication tower may stand no longer than 12 months following abandonment. All costs associated with demolition of the tower and associated equipment buildings shall be borne by the most recent tower operator or record unless such costs are the contractual or legal responsibility of another party.

l. If the use of any telecommunications tower is discontinued, the owner shall provide the Board of Zoning Appeals with a copy of the notice to the FCC of intent to cease operations within 30 days of such notice to the FCC. If the tower will not be reused, the owner shall have 180 days from submittal of the FCC notice to the BZA to obtain a demolition permit and remove the tower that will not be reused. If the tower is to be reused, the owner shall have no more than 12 months from submittal of the FCC notice to the BZA in which to commence new operation of the tower that is to be reused. Upon failure to commence new operation of the tower that is to be reused within 12 months, the tower shall be presumed abandoned, and the owner shall immediately obtain a demolition permit and remove the tower that is presumed abandoned. If the owner fails to remove a tower in the time provided by this paragraph, the BZA may cause the demolition and removal of the tower and recover its costs of demolition and removal from the Guarantee deposited by the applicant pursuant to Section 17-13.6 (9) above.

m. Maintenance. Every applicant, owner or operator of a telecommunications tower, in a residence district, shall annually file with the BZA, on or before January 1st of each year, a declaration that each and every tower that it then maintains is used by that applicant for wireless communication purposes.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

n. Any owner of property used as a telecommunications tower site shall maintain such property and all structure in good condition and free from trash, outdoor storage, weeds and other debris.

17-13.8 Modifications.

Where the Board of Zoning Appeals finds that the conditions or circumstances relating to the particular application are such that one or more of the requirements of this Section are not necessary or desirable for the protection of surrounding property or the public health, safety or welfare, either at the time of application or in the foreseeable future, and that such special conditions and circumstances make one or more said requirements unduly burdensome, the Board of Zoning Appeals may modify or waive such requirement, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver.

BZA Action.

Any decision to deny a request to place, construct or modify a telecommunications tower or antenna shall be in writing and supported by substantial evidence contained in a written record of the proceedings of the Board of Zoning Appeals. The BZA may not deny an application for a telecommunications tower or antenna as a conditional use if the denial would unreasonably discriminate among providers of functionally

equivalent services or prohibit or have the effect of prohibiting the provision of personal wireless services. Further, the BZA may not deny an application for a telecommunications tower or antenna as a conditional use on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commissioner's regulations concerning such emissions.
(B.C.C. Resolution #994, Effective Date April 25, 1998)

17-14 ADDITIONAL REGULATIONS PERTAINING TO ADULT ONLY ENTERTAINMENT ESTABLISHMENTS

17-14.1 Definitions.

The following definitions shall apply to adult only entertainment uses:

ADULT BOOK STORE. Adult Book store means an establishment deriving a majority of its gross income from the sale or rental of, or having a majority of its stock in trade in, books, magazines or other periodicals, films or mechanical or non-mechanical devices, which constitute adult materials.

ADULT MATERIAL. Adult material means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and;

1. which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement on sexual excitement, nudity, bestiality, or human bodily functions of elimination; or
2. which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

ADULT MOTION PICTURE THEATER. Adult motion picture theater means an enclosed motion picture theater or motion picture drive-in theater used for presenting and deriving a majority of its gross income from adult material for observation by patrons therein.

ADULT ONLY ENTERTAINMENT ESTABLISHMENT. Adult only entertainment establishment means an establishment which features services which constitute adult material, or which features exhibitions of persons totally nude, or topless, bottomless, strippers, male or female impersonators, or similar entertainment which constitute adult material.

BOTTOMLESS. Bottomless means less than full opaque covering of male or female genitals, pubic area or buttocks.

NUDE (NUDITY). Nude means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

SEXUAL ACTIVITY. Sexual activity means sexual conduct or sexual contact or both.

SEXUAL CONDUCT. Sexual conduct means vaginal intercourse between a male and female, and anal intercourse, fellatio, and cunnilingus between persons regardless or sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

SEXUAL CONTACT. Sexual contact means any touching of an erogenous zone of another, including without limitation to the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

SEXUAL EXCITEMENT. Sexual excitement means the condition of human male or female genitals, when in a state of sexual stimulation or arousal.

TOPLESS. Topless means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.
(B.C.C Resolution #998, Effective date June 20, 1998)

TABLE 17-12
CONDITIONAL USES

SPECIFIC USES	CONDITIONAL USES BY DISTRICT*									Specific Criteria for Conditional Uses (Numbers as per Sec. 17-7)
	AA-C	D	MHP	O	E	F	G	H FF	H FW	
RESIDENTIAL USES:										
Accessory Apartment	C							C		m, p1, q, y
Bed and Breakfast	C	C						C		f, h, m, p2, s, x
Day Care, Type A	C	C	C					C		e, g, h, i, n, p1, r, s, y
Granny Cottage	C	C								n, p1, cc, dd, ee
Group Home	C	C								f, k, m, n, p1, s, t, v
Outdoor Furnaces	C	C	C					C		pp, qq, rr, ss
Wind Energy Conversion Systems (WECS)	C	C	C					C		Ii, jj, kk, ll, mm, nn, oo
COMMERCIAL USES:										
Marina, including Lounge and Restaurant								C		e, h, l, p3
Office (excluding medical) - *low intensity (Max ISR = .60)*		C								f, g, h, n, o2,o3, p4, s, y
Restaurant or Bar as accessory to office use				C						o, p1, q
Adult Entertainment Or related activity (see definitions in Section 17-14)						C	C			p3, t, y, gg, hh
INDUSTRIAL USES:										
Flammable Liquids/Gases, Heating Fuel Dist. & Storage							C			j, l, p1, u, y, z, aa2
Mini-Storage Facility					C					e, g, o3, p3, u
River Activities										
Loading, Parking								C	P	h, l, p, y, bb
Outside Storage								C	C	l, o1, p1, y, aa1
River Terminal Uses and Airport Landing Strips								C	C	l, p2, y, aa2
Telecommunications Towers =Exempt	C	C	C	*	*	*	*	*	*	See Section 17-13 for criteria and applicability
Vehicle Storage Yard						C				o2, o3, p3, y, aa1
Warehouse as accessory use				C	C					e, h, l, p1, q, s
INSTITUTIONAL USES:										
Cemetery	C									b, c, g, o1, o3, p3, s
Church	C									1,o(1), o (3), p (3), s
Correctional Facility, Halfway House						C	C			b, g, i, o2, o3, p3, q, (s), t, u, v, y
Day Care Center, Child		C								h, i, l, o1, o3, p2, r, s
Hospital		C								e, f, g, h, i, o2, o3, p3, s, y

TABLE 17-12
CONDITIONAL USES

SPECIFIC USES	CONDITIONAL USES BY DISTRICT*									Specific Criteria for Conditional Uses (Numbers as per Sec. 17-7)
	AA-C	D	MHP	O	E	F	G	H FF	H FW	
School	C	C	C					C		l, o1, o3, p3, s
University or College	C									d, l, o1, o3, p3, s
PUBLIC SERVICE USES:										
Government Facility	C	C	C					C		e, f, h, i, o1, o3, p3, s
Library	C	C	C					C		e, g, h, o1, o3, p2, s, y
Park and Ride Facility	C	C	C					C		e, g, h, i, l, o1, o3, p2, s, y
RECREATIONAL, CULTURAL & ENTERTAINMENT USES:										
Campground, Public or Private								C		b, i, l, p3, u, z, ff
Cultural Facility										
Botanical Garden	C							C		e, f, h, p3, s
Museum	C							C		d, g, h, l, o2, o3, p3, s, y
Outdoor drama theaters (not drive-in's)	C							C		a, d, h, l, o1, o3, p3, s, v
Zoo	C							C		b, g, h, l, o1, o3, p3, s, u, v, w, y, z, aa2
Recreation, Community Facility - Private										
Athletic/Play Field	C	C						C		h, l, o1, p3, s, u, v, w, y
Club, Private	C	C	C					C		f, g, h, n, o2, o3, p3, s, y
Golf Course	C	C						C		b, e, f, h, p3, s, x
Recreation Center, Internal	C		C					C		h, l, n, o1, p2, s
Summer Camp	C							C		b, i, l, p3, s, u, z, ff
Swim/Tennis Facility	C	C	C					C		e, h, i, l, n, o2, o3, p3, q, r, s, u, y

***Zone Districts:**

AA-C	=	AA, A, A-2, B, B-2, & C Residential Districts	F	=	Light Industrial District
D	=	Multi Family Residential Districts	G	=	Heavy Industrial District
MHP	=	Manufactured Home Park	H-FF	=	Riverfront District (Flood Fringe Area)
O	=	Office District	H-FW	=	Riverfront District (Floodway Area)
E	=	Retail Business District			

(B.C.C. Res. #980, effective August 2, 1997), (B.C.C. Res. #994, effective April 25, 1998), (B.C.C. Res. #998, effective June 20, 1998) (B.C.C. Resolution 2004-01, effective June 25, 2004) (B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

17-15 ADDITIONAL REGULATIONS PERTAINING TO ENERGY GENERATING DEVICES (NON-COMMERCIAL) AS AN ACCESSORY USE LOCATED IN AREAS ZONED FOR RESIDENTIAL USE

17-15.1 Definitions

The following definitions shall apply to energy generating devices:

WIND ENERGY CONVERSION SYSTEMS (WECs). A wind powered rotating device located on top of a pole or structure that in turn rotates a turbine to generate electricity.

SMALL WIND SYSTEM. A WEC that has a maximum capacity of 100 kilowatts or less and has a maximum height of 170 feet or less.

HEIGHT. The height of a wind turbine measured from natural grade to the tip of the rotor blade at its highest point, or blade-tip height.

WIND FACILITY. All equipment, machinery and structures utilized in connection with the conversion of wind energy to electricity. This includes, but is not limited to, towers, transmissions, storage, collection and supply equipment, substations and transformers.

WIND TURBINE. A device that converts kinetic wind energy into rotational energy that drives an electrical generator. A wind turbine typically consists of a tower, nacelle body, and a rotor with two or more blades.

(B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008) (B.C.C. Resolution HCRZC 2013-01, effective October 18, 2013)

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CHAPTER 18

PLANNED UNIT DEVELOPMENT OVERLAY AND PUD REVIEW PROCEDURES

18-1 PURPOSE.

The purpose of the Planned Unit Development ("PUD") Overlay District is to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services, orderly improvement of property in accordance with community plans, and to encourage innovation in the planning and building of all types of development without detriment to neighboring properties. The PUD regulations are intended to permit property to be used in a manner or intensity not permitted as-of-right by the underlying district regulations.

18-2 DISTRICT DESIGNATION AND APPLICABILITY.

The PUD District is an overlay of alternative regulations, including procedures and standards that are applicable to all land within the jurisdiction of these regulations in accordance with the provisions of this chapter. The PUD Overlay District is established on the official zoning map in accordance with Section 1-6 and Chapter 3. This overlay district enables individual property owners to request administrative approval of PUD plans on their property in accordance with the provisions of this chapter.

18-3 AUTHORITY.

The Board of County Commissioners and the Rural Zoning Commission may, in accordance with the procedures and standards set out in this Chapter and other regulations applicable to the district in which the subject property is located, approve a development plan for a PUD for any use listed as a PUD in the Table of Permissible Uses found in Chapters 4, 5, 6 and 7.

18-3.1 Approval of PUD-1 Applications.

Proposed planned unit developments whose net densities or intensities fall within the PUD-1 range, as shown in the Table of Permissible Uses in Chapter 3 shall require administrative approval of a PUD Plan (Planned Unit Development Plan) by the Rural Zoning Commission and certification of a Zoning Compliance Plan by the Administrative Official.

18-3.2 Approval of PUD-2 Applications.

Proposed planned unit developments whose net densities fall within the PUD-2 range, as shown in the Table of Permissible Uses in Chapter 3 shall require review and recommendation of a PUD Plan (Planned Unit Development Plan) by the Rural Zoning Commission, administrative approval of a PUD Plan by the Board of County Commissioners and certification of a Zoning Compliance Plan by the Administrative Official.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

18-3.3 Approval of Modifications of Specific Requirements.

The specific requirements in this Resolution for lot areas, height, yards, buffers, perimeter setbacks, parking (including provision of compact car spaces), landscaping, signs, lighting, and noise shall apply to all planned unit developments unless they are modified by the Rural Zoning Commission or Board of County Commissioners with specific findings that the general standards in section 18-7 will still be met. Nothing in this section shall be deemed to enable modification of the average net density (dwelling units per acre) requirements for PUD-1 and PUD-2 applications.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

18-4 EFFECT OF PUD LISTING.

18-4.1 Compliance with Zoning Requirements.

The listing of a use in the Table of Permissible Uses or in any district regulation as being permitted with a PUD Zoning Certificate does not constitute an assurance or presumption that a proposed development plan will be approved except as provided in Section 18-4.2. Rather, each proposed development plan shall be evaluated by the Rural Zoning Commission or Board of County Commissioners, as the case may be, on an individual basis. This shall be done in relation to its compliance with the standards and conditions set forth in this Chapter and with the standards for the district in which it is located, in order to determine whether approval of the development plan is appropriate at the particular location and in the particular manner proposed.

18-4.2 Compliance with Other Requirements.

Nothing in this Chapter shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law.

18-5 REVIEW PROCEDURE FOR PUD PLANS.

18-5.1 Pre-application Conference.

Prior to preparing or submitting a complete application for PUD Plan approval pursuant to Section 18-5.2, an applicant shall meet with the Administrative Official to present the concept of the proposed development and to discuss the procedures and standards for development plan approval. The pre-application conference is intended to facilitate the filing and consideration of an innovative development plan and complete application consistent with adopted plans and applicable zoning regulations. No representation made by the Administrative Official during such conference or at any other time shall be binding upon the County with respect to the application subsequently submitted.

18-5.2 Applicant.

A PUD Plan application may be filed with the Administrative Official by the owner or lessee of the subject property or other person having a legal or equitable interest in the subject property.

18-5.3 Application.

An applicant for a planned unit development shall file an application on a form or forms provided by the Administrative Official with a PUD Plan. The plan for the use and development of the tract may be submitted as either: (a) a conceptual plan showing the areas within which buildings, parking areas, and buffering are to be located accompanied by a detailed description on the plat identifying the permissible range or limits of size, type, and other pertinent details for buildings, buffer/landscape areas, parking areas, signage, lighting, access, circulation patterns, and other details as requested, or (b) a detailed plan meeting the requirements of a Zoning Compliance Plan as defined in Chapter 2. The PUD may be approved by the Rural Zoning Commission and the Board of County Commissioners, as the case may be, on the basis of such conceptual or detailed plan provided said plan otherwise complies with all regulations.

18-5.4 Notification to Township.

Within seven (7) days following receipt of the PUD application determined to be complete, the Administrative Official shall send notification of the submission to the Township Trustees in whose jurisdiction the tract is located.

18-5.5 Staff Report.

The Administrative Official shall prepare and transmit to the Rural Zoning Commission prior to their public hearing a written report incorporating or summarizing comments of other departments, agencies and officials. A recommendation shall be included, setting forth whether the PUD application should be approved, approved with modifications, or denied and reasons for such recommendation.

18-5.6 Rural Zoning Commission Hearing and Decision.

Within ten (10) to forty-five (45) days following receipt of the PUD application determined to be complete, the Commission shall hold a public hearing in the manner prescribed in the adopted Organization, Procedure and Rules and Regulations of the Commission. At the conclusion of the public hearing, the Commission shall, on the basis of written findings relative to the standards set forth in Section 18-7, either (1) approve the PUD Plan; (2) approve the PUD Plan subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the PUD Plan.

18-5.7 Notification of Decision.

The Administrative Official shall notify the applicant of the decision or recommendation of the Rural Zoning Commission, as the case may be, as follows:

a. PUD-1. The action of the Rural Zoning Commission, and one copy of the submitted plans permanently marked to show such decision, shall be transmitted to the applicant.

b. PUD-2. The recommendation of the Rural Zoning Commission shall be transmitted to the applicant and such recommendation together with the staff report and the complete application shall be transmitted to the Board of County Commissioners for action pursuant to Section 18-5.8.

18-5.8 Board of County Commissioners Hearing and Decision on PUD-2 Application.

Following the recommendation of the Rural Zoning Commission regarding a PUD-2 application, the Board of County Commissioners shall hold a public hearing within thirty-one (31) days. At the conclusion of such hearing the Board shall, on the basis of written findings relative to the standards set forth in Section 18-7, either (1) approve the PUD Plan; (2) approve the PUD Plan subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (3) disapprove the PUD Plan.

18-5.9 Effect of PUD Plan Approval.

The approval of a PUD Plan by the Rural Zoning Commission or by the Board of County Commissioners as being in compliance with standards of approval pursuant to Section 18-7 shall not be considered to be an amendment or supplement to this Zoning Resolution and, in accordance with Section 303.022 of the Ohio Revised Code, shall not be subject to referendum for the purpose of Section 303.12 of the Ohio Revised Code.

Upon final approval of a PUD Plan by the Rural Zoning Commission or by the Board of County Commissioners in the PUD Overlay District, the Administrative Official shall revise the official zoning map, removing the base zoning district designation and adding the PUD designation. This action shall not be considered to be an amendment or supplement to this Zoning Resolution and, in accordance with Section 303.022 of the Ohio Revised Code, shall not be subject to referendum for the purpose of Section 303.12 of the Ohio Revised Code.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

18-5.10 (This Section Deleted.)

DELETED.
(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

18-6 COORDINATED REVIEW AND APPROVAL OF APPLICATIONS.

When an application for approval of a PUD also requires a zone amendment or any other zoning approvals, the applicant shall indicate that fact on the application when submitted to the Administrative Official. At the time of filing the application for a PUD, applications shall be filed with the Rural Zoning Commission for all other required approvals.

18-6.1 Notice of Applications for Additional Approvals.

Whenever an applicant files an application for other approvals pursuant to this Section, all required notices shall include reference to the request for any and all additional approvals.

18-6.2 Procedures and Action.

Whenever an applicant files applications for other approvals pursuant to this Section, the Rural Zoning Commission and Board of County Commissioners shall review and process all such applications at the same public hearing. In reviewing such combined applications, the Rural Zoning Commission and Board of County Commissioners shall, except as hereinafter provided with respect to limitations on the time for taking action, comply with all of the provisions of this Resolution applicable to each of the applications.

Any such combined application shall be acted on within the longest time period applicable to any one of the individual applications or within such further time as may be consented to by the applicant. The Administrative Official shall issue notices and certificates of such action in accordance with the provisions of this Resolution applicable to the various applications involved.

18-7 GENERAL STANDARDS FOR PUD PLAN APPROVAL.

In determining whether a PUD Plan filed pursuant to this Chapter shall be approved or recommended for approval, the Administrative Official, the Rural Zoning Commission, and the Board of County Commissioners shall apply the following general standards.

a. Compliance with this Zoning Resolution and with the purposes of the Zone District in which the proposed use and development is to be located;

b. Applicability of and consistency with adopted objectives and policies of the County related to land use and township plans duly adopted by the Regional Planning Commission;

c. Compatibility with surrounding land uses;

d. Whether the size and physical features of the project area enable adequate protection of surrounding property and orderly and coordinated improvement of property in the vicinity of the site;

e. Whether the proposed phasing of the development is appropriate and the development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant;

f. Whether the proposed development is served adequately and efficiently by essential public facilities and services which are in existence or are planned;

g. Whether significant scenic or historic features, as identified in plans duly adopted by the Regional Planning Commission, are adequately conserved;

h. Whether modifications of the zoning or other regulations are warranted by the innovative design of the development plan;

i. The adequacy of proposed pedestrian circulation system to insulate pedestrian circulation from vehicular movement;

j. The adequacy of the provisions for visual and acoustical privacy.

k. Whether the development includes an appropriate amount of, and appropriate access to, dedicated open space.

(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

18-8 ZONING COMPLIANCE PLAN -- CERTIFICATION OF PUD PLAN COMPLIANCE.

18-8.1 Review.

Upon receipt from the applicant of an application for a Zoning Compliance Plan certification, the Administrative Official shall review the application to determine if it is complete pursuant to Chapter 20, including any modifications required in conjunction with the approval by the Rural Zoning Commission or by the Board of County Commissioners, as the case may be.

18-8.2 Conveyance.

Any land identified on the PUD Plan as common open space to be conveyed to an owners association, shall be so conveyed subject to a covenant restricting the common open space to the uses specified in the Zoning Compliance Plan and providing for the maintenance of the common open space in a manner which assures its use for the purposes intended. All such conditions, easements and open space covenants shall specifically provide for enforcement by the County.

18-8.3 Decision.

Within seven (7) days of receipt of the completed application, the Administrative Official shall either (1) certify that the Zoning Compliance Plan complies with the approved PUD Plan; or (2) refuse to certify the Zoning Compliance Plan for lack of compliance with the approved PUD Plan.

18-8.4 Effect.

A Zoning Compliance Plan as finally approved and certified in accordance with the provisions of this Chapter shall not be modified, except pursuant to Section 18-9.

18-9 ADJUSTMENTS TO PUD PLAN.

Adjustments to an approved PUD Plan or previously approved Zoning Compliance Plan may be considered minor or major and shall be reflected on a Zoning Compliance Plan. Such adjustments may be considered provided there is no modification of recorded easements or of written conditions of approval contained in a Board of County Commissioners Resolution. Further, any modifications must be in substantial conformity with the intent of the PUD approval. For any adjustments of a technical or engineering nature, the applicant shall submit a report from the appropriate public agency assuring compliance with agency regulations.
(B.C.C. Resolution HCRZC 2010-01, effective December 10, 2010)

18-9.1 Minor Adjustments.

The Administrative Official has the authority to consider minor adjustments through the procedure defined in Section 18-8. Minor adjustments shall be the minimum necessary to overcome a particular difficulty or to achieve a more functional and desirable use of the property than was initially anticipated. No adjustment shall result in a violation of any standard or requirement of this Resolution nor create or extend any previously approved variance. Minor adjustments shall be limited to altering the location of structures, circulation elements, open space or grading where such alterations will comply with the intent of all perimeter setbacks and buffer yards that are required by any regulation or by the approved PUD plan.

18-9.2 Major Adjustments.

Any adjustment to the PUD Plan within the criteria of Section 18-9 but not authorized by Section 18-9.1 shall be considered a major adjustment. The Rural Zoning Commission, following notice to all property owners whose properties are located within two hundred (200) feet of the PUD, shall hold a public hearing within ten (10) to forty five (45) days of receipt of the completed Zoning Compliance Plan application. At the conclusion of the public hearing, the Commission may approve an application for a major adjustment to the PUD Plan not requiring a modification of recorded easements or of written conditions of approval contained in a Board of County Commissioners Resolution. Findings shall be made that any changes in the

plan as approved will be in substantial conformity with the intent of such PUD Plan. If the Commission determines that a major adjustment is not in substantial conformity with the intent of such PUD Plan as approved, then the Commission shall review the request in accordance with the procedures set forth in Section 18-5.
(B.C.C. Resolution HCRZC 2010-01, effective December 10, 2010)

18-10 APPEALS.

18-10.1 Appeal of Zoning Commission Decision.

Any party aggrieved by the administrative decision of the Rural Zoning Commission for a PUD-1 or a major adjustment concerning compliance with PUD standards adopted by the Board of County Commissioners may appeal within thirty (30) days of the date of decision to the Board of County Commissioners.

18-10.2 Appeal of Administrative Official's Decision.

Any party aggrieved by the decision of the Administrative Official concerning the certification of a Zoning Compliance Plan in the case of a PUD-1 or a PUD-2 approval or a decision regarding a minor adjustment, may appeal within thirty (30) days of the date of decision to the Rural Zoning Commission.

18-10.3 Appeal of County Commissioner's Decision.

Any party aggrieved by the administrative decision of the Board of County Commissioners in the case of a PUD-2 approval or a decision on an appeal pertaining to a PUD-1 or PUD adjustment may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

CHAPTER 19

DECISION MAKING/ADMINISTRATIVE BODIES AND OFFICIALS

19-1 BOARD OF COUNTY COMMISSIONERS.

The Board of County Commissioners has the following powers and duties in connection with the implementation of this Resolution:

a. To initiate by resolution amendments or supplements to the text of this Resolution and to the Zoning Map;

b. To consider and adopt, reject or modify amendments or supplements to the text of this Resolution and to the Zoning Map;

c. To consider and approve, approve with conditions, or disapprove PUD Plans for PUD-2s (planned unit developments requiring Board of County Commissioners final approval);

d. To modify specific requirements in this resolution for lot areas, height, yards (buffers), perimeter setbacks, parking, landscaping, signs, lighting, and noise in PUD-2s after making specific findings of compliance with general standards

e. To hear and decide appeals concerning planned unit developments pursuant to Chapter 18, Sections 18-10.1 and 18-10.2;

f. To take such other actions not delegated to other bodies that may be desirable and necessary to implement the provisions of this Resolution.

19-2 REGIONAL PLANNING COMMISSION.

19-2.1 Creation.

The Regional Planning Commission is created pursuant to Section 713.21 of the Ohio Revised Code.

19-2.2 Jurisdiction and Authority.

The Regional Planning Commission has the following powers and duties in connection with the implementation of this Resolution:

a. To make studies, maps, plans, recommendations and reports concerning the physical, environmental, social, economic and governmental characteristics, functions, services and other aspects of the County.

b. To prepare plans, including studies, maps, recommendations and reports on:

   1. Regional goals, objectives, opportunities and needs, and standards, priorities and policies to realize such goals and objectives;

   2. Economic and social conditions;

   3. The general pattern and intensity of land use and open space;

   4. The general land, water and air transportation systems, and utility and communication systems;

   5. General locations and extent of public and private works, facilities and services;

   6. General locations and extent of areas for conservation and development of natural resources and the control of the environment;

   7. Long-range programming and financing of capital projects and facilities.

c. To recommend and promote understanding of administrative and regulatory measures to implement the plans of the region;

d. To review, evaluate, and make comments and recommendations on proposed and amended comprehensive land use, open space, transportation and public facilities plans, projects and implementing measures of local units of government; making recommendations to achieve compatibility in the region;

e. To review, evaluate and make comments and recommendations on the planning, programming, location, financing, and scheduling of public facility projects within the region and affecting the development of the area;

f. To review, evaluate and make comments and recommendations to the Rural Zoning Commission and Board of County Commissioners on proposed amendments to this Resolution.

g. To prepare and update the following specific plans:

1. Hamilton County Rural Zoning Resolution
2. Hamilton County Rules and Regulations for Plats and Subdivisions of Land
3. Hamilton County Thoroughfare Plan
4. Special Public Interest - Natural Resource Strategies
5. Special Public Interest - Neighborhood Quality Strategies
6. Special Public Interest - Suburban Center Strategies
7. Special Public Interest - Suburban Corridor Strategies
8. Special Public Interest - Suburban Village Strategies
9. Township Corridor studies
10. Township Land Use Plans
11. County Coordinated Land Use Plan
12. Hamilton County Master Plan

19-2.3 Officers.

The officers of the Commission are a Chairman, Vice-Chairman, Secretary and Executive Director as provided in the adopted Rules and Regulations of the Commission.

19-2.4 Meetings; Records.

The Commission makes and keeps a record of all meetings in the manner prescribed in the adopted Rules and Regulations of the Commission.

19-2.5 Quorum and Vote.

The quorum of the Commission and matters requiring a vote are defined in the adopted Rules and Regulations of the Commission.

19-2.6 Conflicts.

No member of the Regional Planning Commission may participate in the hearing or disposition of any matter in which that member has conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the Commission. Members are removable for nonperformance of duty, misconduct in office or other cause by the Board of County Commissioners upon written charges having been filed with the Commissioners and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member must be given an opportunity to be heard and answer such charges. Vacancies are filled by the Board of County Commissioners and are for the unexpired term.

19-3 RURAL ZONING COMMISSION.

19-3.1 Creation.

The County Rural Zoning Commission is created pursuant to Section 303.4 of the Ohio Revised Code.

19-3.2 Membership.

The Rural Zoning Commission consists of (5) members, appointed by the Commissioners, who must be residents of the unincorporated territory of Hamilton County included in the area zoned.

19-3.3 Jurisdiction and Authority.

The Rural Zoning Commission has the following powers and duties in connection with the implementation of this Resolution:

a. To submit a plan, including both text and maps, representing its recommendations for the carrying out, by the Board of County Commissioners, of the powers, purposes and provisions set forth in the Ohio Revised Code, including additions to territory in which the County's Zoning Plan is in effect;

b. To initiate amendments to this Resolution, to certify amendment requests to the Regional Planning Commission, to cause required notice and public hearings to be held, and to determine the extent and method of additional notice beyond that required;

c. To make recommendations to the Board of County Commissioners on proposed amendments to this Resolution and on PUD Plans for PUD-2s (planned unit developments requiring Board of County Commissioners final approval for increases in development intensity);

d. To approve PUD Plans for PUD-1s (planned unit developments requiring Rural Zoning Commission final approval for increases in development intensity or clustering of single family density);

e. To hear and decide appeals of the decision of the Administrative Official concerning the certification of a Zoning Compliance Plan for a PUD-1;

f. To maintain a file on the Official Zoning District Map(s);

g. To approve reclamation plans for SW Solid Waste Facility Districts and EX Extraction Districts prior to start of operations;

h. To modify supplemental regulations in SPI Special Public Interest Districts after public hearing in accordance with conditions and limits;

i. To determine required setbacks for parking along entry drives based on traffic generation and parking lot size;

j. To modify landscaping requirements for vehicular use areas;

k. To prepare Development Plan Guidelines for outdoor lighting;

l. To approve localized alternative sign regulations in Planned Unit Developments;

m. To review woodland preservation plans and reduce the required number of parking spaces up to ten percent (10%) and vary the intensity up to ten percent (10%) of the district limits for PUD-1s;

n. To review riparian buffer plans and reduce or eliminate requirements for landscaping and bufferyards;

o. To modify or waive bufferyard and landscaping requirements consistent with general standards and the spirit and intent of the resolution;

p. To modify the minimum area requirement for Planned Unit Developments;

q. To approve major adjustments to Zoning Compliance Plans, not requiring a modification of written conditions of approval or recorded easements, after public hearing;

r. To modify specific requirements in this resolution for lot areas, height, yards (buffers), perimeter setbacks, parking, landscaping, signs, lighting, and noise in PUD-1s after making specific findings of compliance with general standards.

19-3.4 Officers.

The officers of the Commission are a Chairman and a Vice-Chairman and such other officers as it may provide for in the adopted Organization, Procedure and Rules and Regulations of the Commission.

19-3.5 Meetings; Records.

The Commission holds meetings and makes and keeps a record of all meetings in the manner prescribed in the adopted Organization, Procedure and Rules and Regulations of the Commission.

19-3.6 Quorum and Vote.

The quorum of the Commission and matters requiring a vote are defined in the adopted Organization, Procedure and Rules and Regulations of the Commission.

19-3.7 Conflicts.

No member of the Rural Zoning Commission may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the Commission. Members are removable for nonperformance of duty, misconduct in office or other cause by the Board of County Commissioners upon written charges having been filed with the Commissioners and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member must be given an opportunity to be heard and answer such charges. Vacancies are filled by the Board of County Commissioners and are for the unexpired term.

19-4 BOARD OF ZONING APPEALS.

19-4.1 Creation.

The County Board of Zoning Appeals is created pursuant to Section 303.13 of the Ohio Revised Code.

19-4.2 Membership.

The Board of Zoning Appeals consists of five (5) members, appointed by the Commissioners, who must be residents of the unincorporated territory of Hamilton County included in the area zoned, not more than two of whom must be from any one Township if the area zoned includes three (3) or more Townships. The terms of all members must be of such length and so arranged that the term of one member will expire each year. Each member serves until a successor is appointed and qualified. Vacancies are filled by the Commissioners and are for the unexpired term.

19-4.3 Jurisdiction and Authority.

The Board of Zoning Appeals has the following powers and duties in connection with the implementation of this Resolution:

a. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Resolution pursuant to the procedures and standards set forth in Chapter 22;

b. To authorize variances from the terms of this Resolution pursuant to the procedures and standards for variances set forth in Chapter 21;

c. To decide conditional use requests pursuant to the procedures and standards set forth in Chapter 17.

19-4.4 Officers.

The officers of the Board of Zoning Appeals are a Chairman and a Vice-Chairman and such other officers as it may provide for in the adopted Organization, Procedure and Rules and Regulations of the Board.

19-4.5 Minutes; Records.

The Board of Zoning Appeals holds meetings and keeps a record of all meetings in the manner prescribed in the adopted Organization, Procedure and Rules and Regulations of the Board.

19-4.6 Quorum and Vote.

The quorum of the BZA and matters requiring a vote are defined in the adopted Organization, Procedure and Rules and Regulations of the Board.

19-4.7 Conflicts.

No member of the Board of Zoning Appeals may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the BZA. Members are removable for nonperformance of duty, misconduct in office or other cause by the Board of County Commissioners upon written charges having been filed with the Commissioners and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member must be given an opportunity to be heard and answer such charges. Vacancies are filled by the Board of County Commissioners and are for the unexpired term.

19-5 COUNTY ZONING INSPECTOR.

The County Zoning Inspector has the following powers and duties in connection with the implementation of this Resolution:

a. To administer and enforce this Resolution;

b. To issue various Zoning Certificates for buildings, structures or uses certifying compliance with the provisions of this Resolution and to deny or revoke such Certificates due to lack of compliance;

c. To certify that completed buildings, structures or uses comply with the provisions of this Resolution and supplemental conditions of approval;

d. To investigate and resolve all complaints which allege violation of this Resolution;

e. Periodically inspect all planned development district projects installed prior to the enactment of this Resolution, and all projects encumbered by covenants, and other such conditions imposed by this Resolution;

f. To inspect all projects controlled by this Resolution to ensure that provisions required herein which require perpetual maintenance, adjustment or revision, as so maintained, adjusted, or revised;

g. To estimate the extent of damage or destruction of a structure housing a nonconforming use pursuant to Chapter 9, Sections 9-2.8 and 9-3.4;

h. To inventory, provide notice and maintain a public record of existing and new legal nonconformities and to review and approve applications for nonconforming use zoning certificates;

19-6 ADMINISTRATIVE OFFICIAL.

The Administrative Official has primary responsibility for administering the duties of the Hamilton County Regional Planning Commission and Rural Zoning Commission as required by this Resolution. These duties may be assigned to one or more individuals by the administrative head (Secretary/Executive Director) of the Hamilton County Regional Planning Commission and Rural Zoning Commission. The staff person or persons to whom such administrative functions are assigned shall be referred to in this Resolution as the "Administrative Official". The Administrative Official has the following powers and duties in connection with the implementation of this Resolution:

a. To determine completeness of rezoning applications and to make recommendations on proposed amendments to the text of this Resolution and the Zoning Map to the Regional Planning Commission, the Rural Zoning Commission and to the Board of County Commissioners;

b. To schedule, provide notice of, and conduct public prehearing conferences required by this Resolution or by Zoning Commission Bylaws;

c. To make recommendations on proposed conditional uses to the Board of Zoning Appeals;

d. To make recommendations on proposed PUD's to the Rural Zoning Commission and the Board of County Commissioners;

e. To make recommendations on proposed localized alternative sign regulations to the Rural Zoning Commission;

f. To make recommendations on proposed modifications and waivers of standards for buffer yards to the Rural Zoning Commission;

g. To maintain an official record of buffer agreements between different owners of adjacent parcels;

h. To administer revocation of zoning certificates and assessment of penalties for violation of sign regulations;

i. To review and certify compliance of Zoning Compliance Plans with PUD Plans;

j. To review and certify compliance of off-street parking plans for five or more vehicles submitted with applications for zoning certificates;

k. To review and certify compliance of buffer plans submitted with applications for zoning certificates;

l. To determine compliance with general criteria for:

    1. minimum landscape requirements for screening ground-mounted antennas,

    2. maximum hours and days of operation, maximum traffic, adequacy of off-street parking, adequacy of the parcel size, traffic access and absence of undue adverse impact on other properties for temporary uses,

    3. bulk and yard requirements for temporary tents,

    4. required parking spaces for uses not expressly listed herein,

    5. joint use of required parking spaces;

    6. access to and from loading spaces

    7. reduction of landscape requirements in lieu of woodland preservation;

m. To authorize minor adjustments in Zoning Compliance Plans for PUD's in accordance with criteria for approval of final location of structures, circulation elements, open space, and landscape buffers;

n. To authorize minor adjustments in type of landscape elements for PUD Zoning Compliance Plans;

o. To make recommendations to the Board of County Commissioners regarding establishment and revision of fees for Zoning Certificates and applications;

p. To hold pre-application conferences with PUD applicants to review and advise on proposed development concepts;

q. To provide notice to Townships following receipt of PUD applications;

r. To determine completeness of applications;

s. To make administrative interpretations of zoning regulations and permitted and conditional uses in accordance with standards for such interpretation.

CHAPTER 20

ZONING CERTIFICATES, GENERAL APPLICATION PROCEDURES AND FEES

20-1 ZONING CERTIFICATE.

Except as expressly provided otherwise in this Resolution, no land shall be occupied or used and no building, structure or sign shall be located, constructed, reconstructed, enlarged or structurally altered, nor work commenced upon the same, nor occupied or used in whole or part for any purpose whatsoever until the County Zoning Inspector has issued a Zoning Certificate. The Zoning Certificate shall state the zoning districts in which the proposed use is located and that the proposed uses and structures comply with the provisions of this Resolution. The Zoning Certificate shall also identify whether the proposed use is a Permitted Use, a Planned Unit Development, a Conditional Use, a Redevelopment Exception or a Nonconforming Use. No change of use shall be made in any building or part thereof, now or hereafter located, constructed, reconstructed, enlarged or structurally altered, without a Zoning Certificate issued by the County Zoning Inspector. No Zoning Certificate shall be issued to make a change unless the changes are determined by the County Zoning Inspector to be in conformity with the provisions of this Resolution.

20-1.1 Application for Zoning Certificate.

Application for a Zoning Certificate of the type required by the provisions of this Resolution shall be made to the County Zoning Inspector prior to the application for a construction permit at the Hamilton County Building and Inspections Division. A record of all Zoning Certificates issued shall be kept on file in the office of the County Zoning Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest in the property or building affected.

20-1.2 Zoning Compliance Plan.

Each application for a zoning certificate shall be accompanied by a specified number of zoning compliance plans and construction drawings, drawn to scale. Two (2) copies of the Plan shall be returned to the applicant when approved by the County Zoning Inspector. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a registered surveyor. The lot and location of the building or structure thereon shall be staked out on the ground before construction is started.

Prior to issuance of the first zoning certificate (except zoning certificates for entry walls, construction trailers or other accessory or temporary uses) for the development or redevelopment of any multi-tenant condominium development or multi-tenant condominium structure (including consolidation or division of units within a structure), all building, floor and unit numbers for the entire development, shall be included on the Zoning Compliance Plan.
(B.C.C. Resolution #1018, effective May 19, 2000)

20-1.3 Fee.

The fee for a Zoning Certificate shall be established, from time to time, by the Board of County Commissioners upon recommendation of the Administrative Official. All fees for Zoning Certificates are non-refundable. (B.C.C. Resolution HCRZC 2008-01, effective November 21, 2008)

20-1.4 Period of Validity.

Subject to an extension of time by the Administrative Official, no Zoning Certificate shall be valid for a period longer than six (6) months unless a building permit application is submitted in compliance with the zoning certificate.

20-2 GENERAL APPLICATION PROCEDURES.

All applications for zoning amendments, Zoning Certificates, or any other type of approval required by the provisions of this Resolution shall be submitted in accordance with the following procedures.

20-2.1 Application.

Submission of an application on a form or forms provided by the Administrative Official shall be required for zoning amendments, Zoning Certificates, or any other type of approval required by the provisions of this Resolution.

20-2.2 Determination of Completeness of Any Application.

Within eight (8) days after receipt of an application for an approval described in Section 20-2.1, the Administrative Official shall determine if the application is complete. If the applicant is unable to furnish the required plans, fees or forms, then the applicant will be notified.

20-2.3 Effect of Determination.

The time limits for completion of the application review and the rendering of a final decision or Certification of Compliance as provided for specifically in the chapters of this Resolution governing approvals of zoning amendments, Zoning Certificates, or any other type of approval required by the provisions of this Resolution shall commence on the date that the Administrative Official determines that the application is complete.

20-3 FEES.

A schedule of non-refundable fees in connection with applications for a zoning amendment, a Zoning Certificate, or any other type of approval required by the provisions of this Resolution shall be established by the Board of County Commissioners and revised from time to time upon recommendation by the Administrative Official. The current Fee Schedule shall be made available upon request at the office of the Administrative Official.

20-4 ZONE DISTRICT CERTIFICATION.

The existing zoning of a specified parcel or parcels can be certified by the Administrative Official upon receipt of the applicable fee and a type written request to the Rural Zoning Commission specifying the property's Book, Page and Parcel number and street address.

CHAPTER 21

VARIANCES

21-1 PURPOSE.

The variance procedure is intended to provide a means by which relief may be granted from unforeseen particular applications of this Resolution that create practical difficulties or particular hardships. When such difficulties or hardships may be more appropriately remedied, if at all, pursuant to other provisions of this Resolution, the variance procedure is inappropriate.

21-2 AUTHORITY.

The Board of Zoning Appeals, pursuant to Section 303.14 of the Ohio Revised Code, shall have the authority to grant variances from the provisions of this Resolution, but only in compliance with the procedures, specific instances, and in accordance with each of the standards enumerated in this Chapter.

21-3 PARTIES ENTITLED TO SEEK VARIANCES.

Applications for variance may be filed on forms approved by the Board by any person having a legal or equitable interest in the property affected.

21-4 PROCEDURE.

21-4.1 Application.

An application for a variance shall be filed with the Administrative Official of the Board. Application requirements are contained in Appendix 9 of this Resolution.

21-4.2 Public Hearing.

Upon receipt of a complete application for a variance, the Board of Zoning Appeals shall, within a reasonable length of time but no longer than sixty-two (62) days from the receipt of the application, hold a hearing. Notice of the public hearing shall be given in writing to the property owners within 200 feet of the subject property and by one (1) publication in one or more newspapers of general circulation in the County, at least ten (10) days before the date of the public hearing. Upon the hearing, any party may appear in person or by attorney.

21-4.3 Action by Board of Zoning Appeals.

Within thirty (30) days following the close of the public hearing, the Board of Zoning Appeals shall render its decision, granting or denying the variance pursuant to the standards and procedures set out in this Chapter. The Board may delay its decision pending revised plats or plans that may be required.

21-4.4 Special Procedures in Connection with Other Applications.

Whenever it is determined a variance is needed in addition to a Zone Amendment, Conditional Use approval or Zoning Compliance Plan approval, the Board of Zoning Appeals shall not decide an application for such variance until a final approval has been rendered by the Rural Zoning Commission and/or the Board of County Commissioners, as applicable.

21-5 AUTHORIZED VARIANCES.

21-5.1 Permitted Variances.

Subject to the prohibitions set forth below, and subject to the other provisions of this Section, the Board of Zoning Appeals may vary the provisions of this Resolution in the following cases and in no others:

a. To vary the yard and bulk (but not the impervious surface ratio) requirements of any zoning district, except where such requirements are approved in accordance with a PUD Plan.
b. To reduce by not more than twenty-five percent (25%) or one space, whichever is greater, the minimum number of off-street parking spaces or loading spaces otherwise required, except where such requirements are approved in accordance with a PUD Plan.

(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

c. To vary the number of parking or loading spaces required in connection with a change of use or an increase in use intensity of an existing structure, except where such requirements are approved in accordance with a PUD Plan.

(B.C.C. Resolution HCRZC 2004-01, effective June 25, 2004)

21-6 STANDARDS FOR VARIANCES.

21-6.1 General Standard.

No variance shall be granted pursuant to this Chapter that is greater than the minimum variation necessary to relieve the unnecessary hardship or practical difficulty demonstrated by the applicant. Such a showing shall require proof that the variance being sought satisfies each of the standards set forth in this Section 21-6.

21-6.2 Unique Physical Condition.

The subject property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure or sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or the extraordinary physical conditions peculiar to and inherent in the subject property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current owner of the lot.

21-6.3 Not Self-Created.

The aforesaid unique physical condition is not the result of any action or inaction of the owner or his predecessors in title and existed at the time of the enactment of the provisions from which a variance is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Resolution, for which no compensation was paid.

21-6.4 Denied Substantial Rights.

The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the subject property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

21-6.5 Not Merely Special Privilege.

The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property. However, where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variance.

21-6.6 Resolution Purposes.

The variance would not result in a use or development of the subject property that would be not in harmony with the general and specific purposes for which this Resolution and the provision from which a variance is sought were enacted.

21-6.7 Essential Character of the Area.

The variance would not result in a use or development on the subject property that:

a. would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development value of property or improvements permitted in the vicinity;

b. would materially impair an adequate supply of light due to adverse location of shadow to the properties and improvements in the vicinity;

c. would substantially increase hazardous conditions in the public streets due to traffic or parking;

d. would unduly increase the danger of flood or fire;

e. would unduly tax public utilities and facilities in the area; or

f. would endanger the public health or safety.

21-7 VARIANCE LESS THAN REQUESTED.

A variance less than or different than that requested may be granted when the record supports the applicant's right to some relief but not to the relief requested.

21-8 CONDITIONS ON VARIANCES.

The Board of Zoning Appeals may impose such specific conditions and limitations concerning construction, character, location, landscaping, screening and other matters relating to the purposes and objectives of this Resolution upon the premises benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions shall be expressly set forth in the resolution granting the variance. Violation of any such condition or limitation shall be a violation of this Resolution and shall constitute grounds for revocation of the variance.

21-9 EFFECT OF GRANT OF VARIANCE.

The grant of a variance shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure. It shall merely authorize the preparation, filing and processing of applications for any permits and approval that may be required by County regulations, including, but not limited to, a Zoning Certificate, a building permit, a certificate of occupancy, and subdivision approval.

21-10 LIMITATIONS ON VARIANCES.

Subject to an extension of time granted upon application to the Board of Zoning Appeals, no variance shall be valid for a period longer than six (6) months unless applications for permits or approvals referenced in Section 21-9 have been filed, building permits issued and construction is diligently pursued to completion.

A variance shall be deemed to authorize only the particular construction or development for which it was issued and shall automatically expire and cease to be of any force or effect if such construction or development shall be removed and not replaced within six (6) months following such removal unless extended in writing by the Board of Zoning Appeals.

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CHAPTER 22

APPEALS TO THE BOARD OF ZONING APPEALS

22-1 PURPOSE.

The purpose of this Chapter is to set forth the standards and procedures by which administrative relief may be taken from any order, requirement decision or determination made by the Administrative Official.

22-2 AUTHORITY.

The Board of Zoning Appeals shall have authority to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Resolution.

22-3 PARTIES ENTITLED TO APPEAL.

An appeal to the Board of Zoning Appeals may be taken by any person aggrieved or by any Officer of the County affected by any decision of the Administrative Officer.

22-4 PROCEDURE.

Appeals to the Board of Zoning Appeals shall be taken in accordance with the following procedures.

22-4.1 Notice of Appeal.

Appeals to the Board shall be taken within thirty (30) days following the order, requirement, decision, or determination being appealed by filing with the Officer from whom the appeal is taken and with the Board, in such number of duplicate copies as the Board may from time to time require, a notice of appeal specifying the grounds therefor.

22-4.2 Fees.

Nonrefundable application and hearing fees shall accompany the notice of appeal. Such fees are established by the Board, from time to time with the approval of the Board of County Commissioners, to help defray administrative costs and costs of a hearing.

22-4.3 Stay of Proceeding.

An appeal to the Board shall stay all proceedings in furtherance of the action in respect to which the appealed order, requirement, decision or determination was made unless the Officer from whom the appeal is taken certifies to the Board of Zoning Appeals, after the notice of appeal shall have been filed, that by reason of facts stated in writing to the Board a stay would, in that Officer's opinion, cause imminent peril to life of property. In such case, proceedings shall not be stayed other than by an order of the Court of Common Pleas of Hamilton County upon notice to the Board and to the Officer, and on due cause shown.

22-4.4 Public Hearing Notice.

Upon receipt of the notice of appeal, the Board shall, within a reasonable length of time but no longer than sixty-two (62) days from the receipt of the notice of appeal, hold a hearing of the appeal in accordance with its procedures as provided in Section 22-4. Notice of the public hearing shall be given in writing to the property owners within 200 feet of the subject property and by one (1) publication in one or more newspapers of general circulation in the County, at least ten (10) days before the date of the public hearing. Upon the hearing, any party may appear in person or by attorney.

22-4.5 Action by Board of Zoning Appeals.

Within one hundred twenty (120) days following the filing of a notice of appeal and within thirty (30) days after the closing of the public hearing, the Board shall render its decision on the appeal. Such decision may reverse or affirm, wholly or in part, or may modify the appealed order, requirement, decision or determination. The failure of the Board to render a decision within the one hundred twenty (120) days, or such longer period of time as may be agreed to by the applicant or by unanimous vote of the Board, shall constitute a decision favorable to the applicant. Within ten (10) days following such decision or the expiration of such period without a decision, the Board shall publish notice and mail a certificate of such decision or failure to act to all parties entitled thereto.
(B.C.C. Resolution HCRZC 2007-01, effective April 13, 2007)

22-5 RIGHT TO GRANT VARIANCE IN DECIDING APPEALS.

In any case where the notice of appeal is accompanied by an application for a variance in accordance with Chapter 21, the Board may grant a variance as part of the relief sought on approval, but only in strict compliance with each of the provisions of Chapter 21.

22-6 APPEAL OF DECISION.

Any party adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

CHAPTER 23

ADMINISTRATIVE INTERPRETATIONS

23-1 AUTHORITY.

The Administrative Official, subject to the procedures, standards, and limitations of this Chapter, may render interpretations, including use interpretations, of the provisions of this Resolution and of any rule or regulation issued pursuant to it.

23-2 PURPOSE.

The interpretation authority established by this Chapter is intended to recognize that the provisions of this Resolution, though detailed and extensive, cannot, as a practical matter, address every specific situation to which they may have to be applied. Many such situations, however, can be readily addressed by an interpretation of the specific provisions of this Resolution in light of the general and specific purposes for which those provisions have been enacted. Because the interpretation authority established is an administrative rather than a legislative authority, it is not intended to add to or change the essential content of this Resolution but rather is intended only to allow authoritative application of that content to specific cases.

23-3 PARTIES ENTITLED TO SEEK INTERPRETATIONS.

Applications for interpretations may be filed by any person having an interest in the circumstances giving rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical facts or where the interpretation would have no effect other than as an advisory opinion.

23-4 PROCEDURE.

23-4.1 Application.

Applications for interpretations of this Resolution shall be filed on a form provided by the Administrative Official and shall contain the following information:

a. The specific provision or provisions of this Resolution for which an interpretation is sought.

b. The facts of the specific situation giving rise to the request for an interpretation.

c. The precise interpretation claimed by the application to be correct or incorrect.

d. When a use interpretation is sought, the use permitted pursuant to the present zoning classification of the subject property that is claimed by the applicant to include, or to be most similar to, the proposed use.

e. When a use interpretation is sought, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

23-4.2 Action on Application.

Within thirty (30) days following the receipt of an application for interpretation determined to be complete pursuant to Chapter 20, Section 20-2.2, the Administrative Official shall inform the applicant in writing of his interpretation, stating the specific precedent, reasons, and analysis upon which the determination is based. The failure of the Administrative Official to act within thirty (30) days, or such further time to which the applicant may agree, shall be deemed to be a decision denying the application rendered on the day following such 30-day period.

23-4.3 Appeal.

Appeals from interpretations rendered by the Administrative Official may be taken to the Board of Zoning Appeals pursuant to Chapter 22.

23-5 STANDARDS FOR USE INTERPRETATIONS.

The following standards shall govern the Administrative Official and the Board of Zoning Appeals on appeals from the Administrative Official in issuing use interpretations:

a. Any use defined in Chapter 2 of this Resolution shall be interpreted as therein defined.

b. No use interpretation shall permit any use in any district unless evidence shall be presented that demonstrates that it will comply with each use limitation established for that particular district.

c. No use interpretation shall permit any use in a particular district unless such use is substantially similar to other uses permitted in such district and is more similar to such other uses than to uses permitted or specially permitted in a more restrictive district.

d. If the proposed use is more closely similar to a use permitted only as a conditional use in the district in which it is proposed to be located, then any use interpretation permitting such use shall be conditioned on the issuance of a Conditional Use Zoning Certificate and all the specific criteria where appropriate for such use pursuant to Chapter 17.

e. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of the district in question.

23-6 EFFECT OF FAVORABLE USE INTERPRETATIONS.

No use interpretation finding that a particular use to be permitted or specially permitted in a particular district shall authorize the establishment of such use nor the development, construction, reconstruction, alteration, or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any permits and approvals that may be required by the regulations of the County including, but not limited to: a zoning certificate, a building permit, a certificate of occupancy, subdivision approval, and development plan approval.

23-7 LIMITATIONS ON FAVORABLE USE INTERPRETATIONS.

Subject to an extension of time granted by the Administrative Official, no use interpretation finding a use to be permitted or specially permitted in a particular district shall be valid for a period longer than six (6) months from the date of issuance unless applications for permits or approvals referenced in Section 23-6 have been filed, building permits issued, and construction is diligently pursued to completion.

A use interpretation, finding a particular use to be permitted or specially permitted in a particular district, shall be deemed to authorize only the specific use for which it was issued. Such permit shall not be deemed to authorize any allegedly similar use for which a separate use interpretation has not been issued. Such permit shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall for any reason be discontinued for a period of six (6) consecutive months or more, unless extended in writing by the Administrative Official or the Board of Zoning Appeals.

23-8 APPEALS FROM ADMINISTRATIVE DECISIONS.

23-8.1 Procedure.

The Board of Zoning Appeals shall hear and decide appeals in accordance with the provisions in Chapter 22.

CHAPTER 24

ENFORCEMENT

24-1 COMPLAINTS REGARDING VIOLATIONS.

Whenever the Zoning Inspector receives a written, signed complaint alleging a violation of this Resolution, he/she shall investigate the complaint within ten (10) working days and take whatever action is warranted, and inform the complainant in writing as to what actions have been or will be taken.

24-2 PERSONS LIABLE.

The owner, tenant, or occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Resolution may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

24-3 PROCEDURES UPON DISCOVERY OF VIOLATIONS.

24-3.1 Initial Written Notice

If the Zoning Inspector finds that any provision of this Resolution is being violated, a written notice shall be sent to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it and the time period allowed for corrections. Additional written notices may be sent at the Zoning Inspector's discretion.

24-3.2 Final Written Notice

A written final notice (the initial written notice may be the final notice) shall be sent to the person responsible for such violation. It shall state what action the Zoning Inspector intends to take if the violation is not corrected and shall advise that the Zoning Inspector's decision or order may be appealed to the Board of Zoning Appeals in accordance with the provisions of Chapter 22.
(B.C.C. Resolution #1029, effective April 28, 2001)

24-3.3 Citation

If no action is taken within the time period allowed for correction, cessation, or appeal to the Board of Zoning Appeals, a citation shall be issued. The violator shall within twenty (20) days pay the citation to the Clerk of Courts or the matter will be scheduled for court hearing. If no action is taken within these twenty (20) days, additional citations may be issued each day the violation remains in noncompliance. Each day the violation occurs after the citation is issued is a separate offense.

24-3.4 Emergency Enforcement

Notwithstanding the foregoing, in cases when delay would seriously pose a danger to the public health, safety, or welfare, the Zoning Inspector may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 24-4.

24-4 PENALTIES AND REMEDIES FOR VIOLATIONS.

24-4.1 Civil Penalty and Appeals

Any act constituting a violation of the provisions of this Resolution or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Conditional Use Zoning Certificates or Zoning Compliance Plan approval, shall subject the offender to a civil penalty in accordance with Appendix A-9. A civil penalty may not be appealed to the Board of Zoning Appeals if the offender was sent a final notice of violation in accordance with Section 24-3 and did not appeal to the Board of Zoning Appeals within the prescribed time.
(B.C.C. Resolution #1029, effective April 28, 2001)

24-4.2 Other Enforcement Actions

This Resolution may also be enforced by any appropriate equitable action.

24-4.3 Multiple Citations

Each day that any violation continues (for each citation) after notification by the Zoning Inspector that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Chapter.

24-4.4 Multiple Remedies.

Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Resolution.

24-5 ZONING CERTIFICATE REVOCATION.

24-5.1 Grounds for Revocation.

A Zoning Certificate may be revoked by the Zoning Inspector in accordance with the provisions of this section if the recipient of the certificate fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Chapter, or any additional requirements lawfully imposed in connection with the issuance of the Zoning Certificate.

24-5.2 Procedure.

Before a Zoning Certificate may be revoked, all of the notice, hearing and other requirements shall be complied with. The notice shall inform the certificate holder of the alleged grounds for the revocation.

a. The burden of presenting evidence sufficient to authorize the Zoning Inspector to conclude that a certificate should be revoked for any of the reasons set forth in Section 24-5.1 shall be upon the party advocating that position.

b. The action to revoke a Zoning Certificate shall include a statement of the specific reasons or findings of fact that support the decision.

24-5.3 Notice.

Before a Zoning Certificate may be revoked, the Zoning Inspector shall give the recipient of the certificate ten (10) days notice of intent to revoke the certificate and shall inform the recipient of the alleged reasons for the revocation and of his right to obtain an informal hearing on the allegations. If the certificate is revoked, the Zoning Inspector shall provide to the holder of the Zoning Certificate a written statement of the decision and the reasons therefor.

24-5.4 Effect of Revocation.

No person may continue to make use of land or buildings in the manner authorized by any Zoning Certificate after such certificate has been revoked in accordance with this section.

24-6 JUDICIAL REVIEW.

Any decision of the Board of County Commissioners, the Rural Zoning Commission, or the Zoning Inspector granting, revoking, or denying a Zoning Certificate; and every final decision of the Board of Zoning Appeals shall be subject to review by the Court of Common Pleas.

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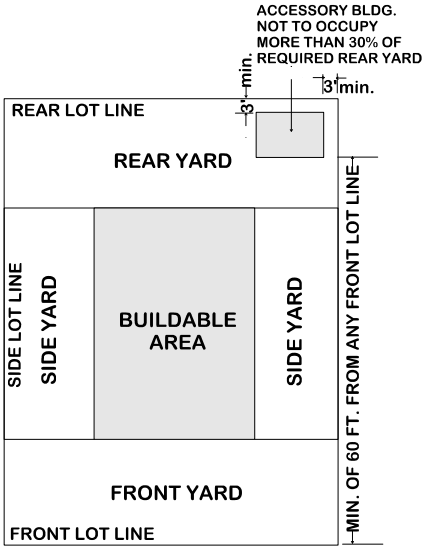
APPENDIX

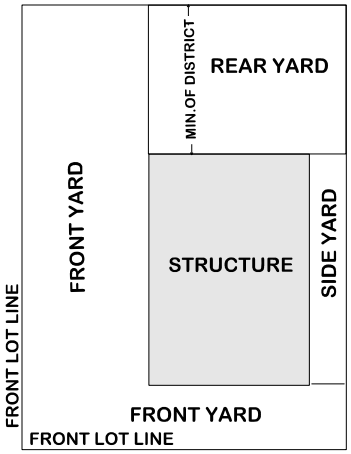
A

A-1 ILLUSTRATION OF LOT, YARD AND BUILDING REQUIREMENTS

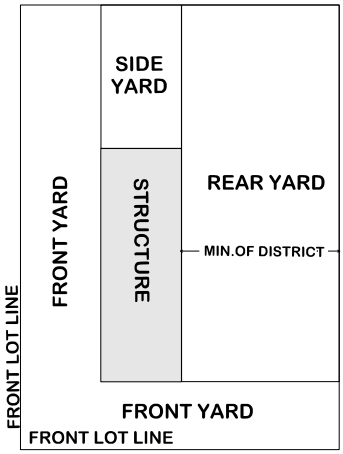
BUILDABLE AND NON-BUILDABLE AREAS



REAR YARDS ON CORNER LOTS



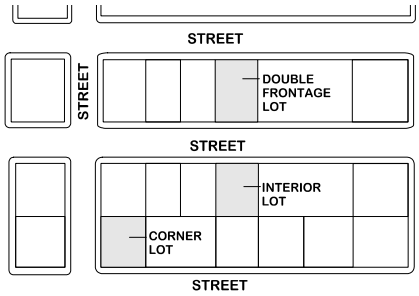
REAR YARD OPTION 1



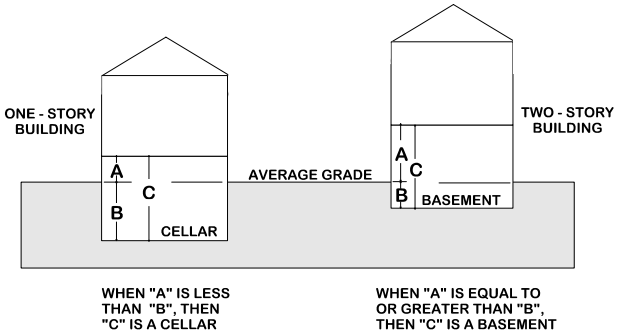
REAR YARD OPTION 2

On corner lots the rear yard is generally considered to be parallel to the street upon which the lot has its least dimension as depicted in "Rear Yard Option 1". However, the rear yard may be approved parallel to the street upon which the lot has its greatest dimension, if the minimum distance from the structure to the rear property line complies with the minimum rear yard setback required in the zone district as depicted in "Rear Yard Option 2".

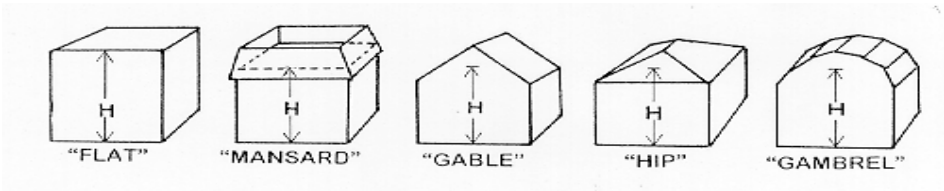
LOT TYPES



CELLAR, BASEMENT, AND STORY



MEASUREMENT OF BUILDING HEIGHTS BY ROOF TYPE



Building Height is measured as the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs excluding elevator shafts, chimneys and other structures.

A-2 RECOMMENDED PLANT LIST

A-2.1 Recommended Canopy Trees

Botanical/Common Name	Height at Maturity
Acer rubrum (Red Maple)	65’
Acer saccharum (Sugar Maple)	90’
Fraxinus americana ‘Rosehill’ (Rosehill Ash)	90’
Fraxinus pennsylvanica ‘Marshall’s Seedless (Marshall’s Seedless Ash)	80’
Gleditsia triacanthos inermis ‘Shademaster’ (Shademaster Honeylocust)	70’
Quercus rubra (Red Oak)	90’
Tilia cordata (Littleleaf Linden)	60’
Ulmus hollandica (New Dutch Elm)	70’

A-2.2 Recommended Understory Trees

Botanical/Common Name	Height at Maturity
Amelanchier laevis (Allegheny Serviceberry)	30’
Crataegus species (Hawthorne)	15-28’
Koelreutaria paniculata/Goldenraintree)	30’
Malus species & cultivars (Crabapple)	10-30’
Pyrus calleryana ‘Aristocrat’ (Aristocrat Pear)	30’

A-2.3 Recommended Evergreen Trees

Botanical/Common Name	Height at Maturity
Picea abies (Norway Spruce)	90’
Pinus nigra (Austrian Pine)	80’
Pinus strobus (White Pine)	100’

A-2.4 Recommended Deciduous Shrubs

Botanical/Common Name	Height at Maturity
Forsythia intermedia (Border Forsythia)	8’
Hamamelis virginiana (Common Witchhazel)	12’
Hydrangea quercifolia (oakleaf Hydrangea)	5’
Ligustrum obtusifolium regelianum (Regal Privet)	6’
Lonicera fragrantissima (Winer Honeysuckle)	10’
Myrica pennsylvanica (Northern Bayberry)	12’
Spiraea vanhouttei (Vanhoutte Spirea)	6’
Viburnum dentatum (Arrowwood Viburnum)	8’
Viburnum prunifolium (Blackhaw Viburnum)	10’

A-2.5 Recommended Evergreen Shrubs

Botanical/Common Name	Height at Maturity
Juniperus pfitzeriana (Pfitzer Juniper)	8’
Taxus media ‘densiformis (Dense Yew	4’
Taxus media ‘Hicksii’ (Hick’s Yew)	10’

Approved by HCRZC 10/25/96

A-3 GUIDELINES

A-3.1 AUTOMATIC TELLER MACHINES (ATM'S)

The specifications for the ATM should achieve the public interest in safe movement of pedestrian and vehicular traffic, visibility, convenience, identification, community character and proper integration with the surrounding area through acceptable compliance with the following standards:

a. Size Will not exceed maximum 8 ft. length, 3 ft. width, 8 ft. height.

b. Location The location of such drive-in and/or walk-up ATM will be so designed that it will not interfere with the circulation of pedestrian or vehicular traffic on the surrounding parking lot or the adjoining streets, alleys, or sidewalks.

c. Signage Will not exceed maximum 15% of surface area positioned on the structure (name & logo)

d. Lighting Will utilize existing lighting plan, and supplemented only with self contained operational/security lighting.

e. Stacking & Circulation Will provide minimum of five spaces designed to not prohibit use of required parking.

f. Number of Stations Will not exceed maximum of one per Planned District.

g. Parking Will maintain parking requirements for the existing district.

Approved by the HCRZC 04/19/91

A-3.2 MONUMENT SIGNS IDENTIFYING FREESTANDING BUILDINGS

The specifications for the monument sign should achieve the public interest in safe movement of pedestrian and vehicular traffic, visibility, convenience, identification, community character and proper integration with the surrounding area through acceptable compliance with the following standards:

a. Size Will not exceed maximum of 30 sq. ft. (per side), 10 ft. length, 3ft. height.

b. Location Will be at least 10 feet from any right-of-way and located and designed so that it will not interfere with the circulation of pedestrian or vehicular traffic on the surrounding parking lot or the adjoining streets, alleys, or sidewalks; will be located within 12 inches of ground level or on mounds of 12 inches or less.

c. Lighting Will utilize enclosed lighting or an exterior lighting source of size and location which does not glare on adjacent lots, businesses, or streets.

d. Number of Signs Will not exceed maximum of one sign per freestanding building.

Approved by the HCRZC 04/19/91

A-3.3 OUTSIDE LIGHTING

a. Height Range by Activity Level* low: 10 ft. to 16 ft. medium: 10 ft. to 24 ft. high: 10 ft. to 32 ft. (also should not exceed permitted building height)

b. Average Illuminance by Activity Level* low: 1.0 footcandle medium: 2.0 footcandle high: 3.0 fc

c. Maximum Illumination (footcandles) by Activity Level* low: 5.0 footcandle medium: 10.0 footcandle high: 15.0 footcandle

d. Uniformity of Illumination (maximum/minimum footcandle ratio)should not exceed 15:1

e. Illumination of Access Drive should not exceed average footcandles maintained at adjacent public road

f. Color Rendition

g. Metal Halide or Quartz Incandescent Luminaires should be used where color quality may affect the public interest.

   1. High Pressure Sodium Luminaries should only be used where cost and energy efficiency are essential and color quality will not adversely affect the public interest.

   2. Mercury Vapor and Low Pressure Sodium Luminaries are unacceptable if within public view.

h. Glare Control

   1. All outdoor lighting for non-residential uses should be located, screened, or shielded so adjacent lots in residential districts are not directly illuminated.

   2. No outdoor lighting should be of such an intensity or brilliance as to cause glare or to impair the vision of drivers, pedestrians, employees or neighbors.

   3. Perimeter lighting should be a cut-off ("shoe box" type) fixture that results in not more than .5 footcandle at adjacent residential property lines.

NOTES:
*Examples of Activity Levels for Open Parking Facilities

High:	Regional shopping centers, motorist services at expressway interchanges, major league athletic facilities, major cultural or civic facilities, airports
Medium:	Community shopping centers, multi-family dwellings, office parks, hospitals, commuter lots, community facilities (cultural, civic, recreational)
Low:	Neighborhood shopping centers, educational facilities, churches, local commercial and industrial uses.

Approved by the HCRZC 04/19/91

A-3.4 CONTINUOUS OUTSIDE STORAGE OF MERCHANDISE AT SELF-SERVICE GASOLINE/CONVENIENCE STORE FACILITIES

The specifications for outside storage should achieve the public interest in safe movement of pedestrian and vehicular traffic, visibility, convenience identification, community character and proper integration with the surrounding area through acceptable compliance with the following standards:

a. Location

   1. Outside storage should comply with all required building setbacks.

   2. No outside storage should be permitted directly in front of the building (i.e., pedestrian or vehicular access

   3. Outside storage areas should only be permitted at each end of each pump island; areas between pumps should be retained for customer circulation.

   4. Remove locations should be permitted when in compliance with item A above, and when effectively screened and landscaped.

   5. Outside storage should be located so that the dispensing area is at all times in clear view of the attendant and so such storage does not create any obstacle between the dispensing area and the attendant control area.

b. Size

   1. Outside storage should be limited to a maximum of ten (10) percent of the building interior sales floor area measured in square feet.

   2. A maximum of ten (10) sq. ft. should be permitted at the end of each pump island and no higher than the pump nozzle receptacle.

   3. No single outside storage area should contain more than fifty (50) percent of the square footage allowable.

c. Advertising

   1. Advertising of merchandise located in outside storage areas should be contained within the cubic area of the allowable outside storage space.

2. Vehicles should not be part of the outside storage display nor be part of the advertising associated with such display of merchandise.

Approved by the HCRZC 04/19/91

A-3.5 SEASONAL OUTSIDE STORAGE OF MERCHANDISE

The specifications for outside storage should achieve the public interest in safe movement of pedestrian and vehicular traffic, visibility, convenience, identification, community character and proper integration with the surrounding area through acceptable compliance with the following standards:

a. Duration

1. The Final Development Plan should specify that a zoning certificate for a temporary use is required prior to each seasonal merchandise display. Dates of initiation and termination of the temporary use should be specified on the Final Development Plan.

b. Parking

1. The parking lot for the principal use (excluding any spaces to be used for outside display area) should provide one parking space for each 20 square feet of outside display are in addition to complying with minimal parking requirements for the principal use.
2. Parking spaces should not be utilized as display areas if the parking spaces are necessary to comply with the minimum parking requirements for indoor or outdoor retail areas.
3. Outdoor merchandise areas in retail centers should not encroach into the required parking spaces provided for either the principal or adjacent retail uses in the common parking lot.

c. Location

1. Outside merchandise area locations should comply with all required building setbacks. Therefore, no outside storage should be closer that fifty (50) feet to any street line or closer than thirty-five (35) feet to any other boundary line of the tract that abuts a more restricted district.
2. No outside storage should be permitted directly in front of the building (i.e., pedestrian or vehicular access areas).
3. Location of outdoor merchandise area in the parking lot area should not impede safe pedestrian or traffic circulation.

d. Advertising

1. Temporary signs should be contained within the permitted display area and should not exceed the height of the displayed merchandise.
2. Advertising of merchandise should not be displayed on vehicles.

Approved by the HCRZC 04/19/91

A-4 PETITION FOR ZONING REFERENDUM (SEE OHIO REVISED CODE SECTION 3501)

The form of a petition calling for a zoning referendum and the statement of the circulator shall be in substantially the following form:

"PETITION FOR ZONING REFERENDUM"

(if the proposal is identified by a particular name or number, or both, these should be inserted here).

A proposal to amend the zoning map of the Unincorporated area of Township, _____ County, Ohio, adopted ____(date)____(followed by a brief summary of the proposal).

To the Board of County Commissioners of _____ County, Ohio:

We, the undersigned, being electors residing in the Unincorporated area of Township, included within the _____County Zoning Plan, equal to not less than eight per cent of the total vote cast for all candidates for governor in the area at the preceding general election at which the governor was elected, request the Board of County Commissioners to submit this amendment of the zoning resolution to electors of _____ Township, residing within the Unincorporated area of the township included in the _____ County Zoning Resolution, for approval or rejection at a special election to be held on the day of the next primary or general election to be held on _____(date)_____ pursuant to Section 303.12 of the Ohio Revised Code.

Signature Street Township Precinct County

STATEMENT OF CIRCULATOR

_____(name of circulator)_____ declares under penalty of election falsification that (s)he is an elector of the state of Ohio and resides at the address appearing below his/her signature hereto; that (s)he is the circulator of the foregoing part petition containing (number) signatures; that (s)he witnessed the affixing of every signature; that all signers were to the best of his/her knowledge and belief qualified to sign; and that every signature is to the best of his/her knowledge and belief the signature of the person whose signature it purports to be.

Signature of circulator

Address
City/village/township, zip code

"THE PENALTY FOR ELECTION FALSIFICATION IS IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH."

A-5 APPLICATION FORMS

A-5.1 REGIONAL PLANNING COMMISSION

a. Special Public Interest - Strategy

A-5-2 RURAL ZONING COMMISSION

b. ZONING CERTIFICATES

1. Permitted use
2. Redevelopment Exception
3. Temporary Use
4. PUD Compliance Plan
5. BZA Compliance Plan
6. Non-conforming use
7. Compatible non-conforming use

c. MAP AMENDMENTS

1. Single letter rezone (Legislative)
2. PUD-1 (Administrative)
3. PUD-2 (Administrative)
4. Special Public Interest (Legislative)
5. Specific Plan-PUD (Legislative)

d. ADMINISTRATIVE

1. PUD Minor Adjustment
2. PUD Major Adjustment
3. PUD Modification
4. SPI Modification
5. Landscape Modification
6. Waiver of buffer yards
7. Landscape & Buffer Credits
8. Administrative Interpretation

A-5.3 BOARD OF ZONING APPEALS

a. APPEALS

b. VARIANCES

c. CONDITIONAL USES

d. COMPATIBLE NON-CONFORMING

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A-6 FEE SCHEDULE

A-6.1 ZONING MAP AMENDMENTS

ZONE DISTRICTS	FEE
RESIDENTIAL	
Zoning Map Amendments - Single Family Districts	$1,480.00
Zoning Map Amendments - Multiple Family Districts	$1,480.00 plus $452.00 per acre ($10,852.00 cap)
NON-RESIDENTIAL	
Zoning Map Amendments (B.C.C. Approved, effective November 1, 2005)	$1,480.00 plus $452.00 per acre ($10,852.00 cap)
SPECIAL PUBLIC INTEREST	
Zoning Map Amendments	$1,480.00

NOTES:
1. Make checks payable to Hamilton County Treasurer.
2. Amendment processing fees are nonrefundable.
3. Approved by the Board of County Commissioners:
4. Effective Date: 1/01/16

A-6.2 PLANNED UNIT DEVELOPMENTS

ZONE DISTRICTS	FEE
PUD PLANS	
Processing fees for PUD-1 & PUD-2 applications	$1,480.00 $452.00 per acre ($10,852.00 cap)
S-PUD Recording/Deed of Acceptance Fees	$141.00
ADJUSTMENTS TO PUD PLANS (PUD-1, PUD-2, AND S-PUD)	
Minor Adjustments	$ 299.00
Major Adjustments	$1,038.00
Major Adjustment for one single family lot (submitted by owner occupant) (B.C.C. Approved, effective June 25, 2004)	$ 299.00
ZONING COMPLIANCE PLANS	
Zoning Compliance Plan review by Hamilton County Rural Zoning Commission	$1,038.00
Appeal of Zoning Commission Decision (PUD-1)	$596.00
Appeal of Administrative Official's Decision (PUD-1, PUD-2 and S-PUD)	$596.00

NOTES:
1. Make checks payable to Hamilton County Treasurer
2. PUD processing fees are nonrefundable.
3. Approved by the Board of County Commissioners.
4. Effective Date: 1/01/16

A-6.3 LOCAL ALTERNATIVE SIGN REGULATIONS

ZONE DISTRICTS	FEE
APPLICATIONS	
Application Fees for Localized Alternative Sign Regulations	$1,038.00
ADJUSTMENTS TO LOCALIZED ALTERNATIVE SIGN REGULATIONS	
Minor Adjustments	$ 299.00
Major Adjustments	$1,038.00

NOTES:
1. Make checks payable to Hamilton County Treasurer
2. Processing fees are nonrefundable.
3. Approved by the Board of County Commissioners.
4. Effective Date: 1/01/16

A-6.4 CONDITIONAL USES

ZONE DISTRICTS	FEE
CONDITIONAL USES	
Conditional Uses	$740.00 plus $153.00 per acre pertaining to the area of the conditional use.
MODIFICATIONS	
Modifications to approved Conditional Uses	$596.00

NOTES:
1. Make checks payable to Hamilton County Treasurer
2. Fees do not include cost of legal ad.
3. Processing fees are nonrefundable.
4. Approved by the Board of County Commissioners.
5. Effective Date: 1/01/16

A-6.5 VARIANCES AND APPEALS THROUGH THE BOARD OF ZONING APPEALS

VARIANCES	FEE
RESIDENTIAL	
Proposed improvements valued up to $25,000	$153.00
Proposed improvements valued over $25,001	$230.00
COMMERCIAL	
Proposed Improvements valued up to $500,000	$ 740.00
Proposed Improvements valued between $500,001 and $1,000,000	$1,038.00
Proposed Improvements valued between $1,000,001 and $10,000,000	$1,478.00
Proposed Improvements valued above $10,000,000	$2,951.00
ZONING CERTIFICATE	
Issuance of a Zoning Certificate	Fees are based on the Use type shown in Appendix 6- Zoning Certificates
PENALTIES	
The Board of Zoning Appeals may invoke a penalty fee of up to two times the application fee when a project is commenced prior to obtaining an approval.	
APPEALS	**FEE**
Appeal to any order, decision, or determination made by an Administrative Official	$452.00

NOTES:
1. Make checks payable to Hamilton County Treasurer
2. Fees do not include cost of legal ad.
3. Variances and Appeal processing fees are nonrefundable.
4. Approved by the Board of County Commissioners.
5. Effective Date: 01/01/16

A-6.6 NONCONFORMING USE AND COMPATIBLE NONCONFORMING USE APPLICATIONS

ZONE DISTRICTS	FEE
NONCONFORMITIES	
Nonconforming Uses of Land and Structures	$82.00
Noncomplying Structures	No Charge
Nonconforming Lots of Record	No Charge
COMPATIBLE NONCONFORMING USES	
Application for Compatible Nonconforming Uses	$452.00

NOTES:
1. Make checks payable to Hamilton County Treasurer
2. Fees do not include cost of legal ad.
3. Processing fees are nonrefundable.
4. Approved by the Board of County Commissioners.
5. Effective Date: 1/01/16

A-6-7 ZONING CERTIFICATES

ZONING CERTIFICATES	FEE
RESIDENTIAL	
New Single Family Structure	$160.00 + $35.00 per dwelling unit
New Multi-Family Structure	$160.00 + $35.00 per dwelling unit
Additions	$100.00 + $35.00
Accessory Or Temporary Structure (Shed, Garage, Etc.)	$100.00 + $35.00
Swimming Pools (Inground And Above Ground)	$100.00 + $35.00
Walls, Fences And Retaining Walls	$100.00 + $35.00
Decks (Attached Or Detached)	$100.00 + $35.00
Antennas And Satellite Dishes	$100.00 + $35.00
In-Home Occupation Certificate	$100.00
Plan Review Of Modified Zoning Certificate Previously Issued	One Half Of Original Certificate Cost Not To Exceed $239.00
NON-RESIDENTIAL ZONING CERTIFICATES	
Buildings Containing 0 To 1,000 Sq. Ft.	$239.00 + $35.00
Buildings Containing 1,001 To 2,000 Sq. Ft.	$314.00 + $35.00
Buildings Containing 2,001 To 9,000 Sq. Ft.	$ 0.26 Per Sq. Ft. + $35.00
Buildings Containing More Than 9,001 Sq. Ft.	$2,115.00 + $0.14 Per Sq. Ft. over 9,000 Sq. Ft.+ $35.00
Tents	$ 85.00 + $35.00
Awnings And Marquees	$160.00 + $35.00
Commercial Swimming Pools And Storage Tanks	$160.00 + $35.00
Commercial Antennas And Satellite Dishes	$160.00 + $35.00
Walls And Fences	$160.00 + $35.00
Retaining Walls	$160.00 + $35.00
New Signs And Billboards	$160.00 Plus $1.50 Per Sq. Ft. Of Sign Face Over 32 Sq. Ft.; Max Fee Not To Exceed $239.00 + $35.00
Signs - Face Change (One Fee Per Property)	$124.00 + $35.00
Signs - Temporary	$124.00 + $35.00
Parking Lots (New Or Restriping)	$160.00 + $35.00
Landfill And Excavation (Business Only)	$2,318.00 + $35.00
Gravel Mining/Extraction	$1,550.00 + $35.00
Commercial Alteration/Facade	$277.00 + $35.00
Commercial Alteration New Tenant (Where Parking Analysis Is Required)	$277.00 + $35.00
Tenant Change/New Tenant (Where No Parking Analysis Is Required)	$85.00 + $35.00
Plan Review Of Modified Zoning Certificate Previously Issued	One Half The Original Certificate Cost Not To Exceed $314.00
OTHER ZONING CERTIFICATES	
Refusal Letter (issued for application which does not meet zoning regulations in order to proceed to the Board of Zoning Appeals)	$100.00
Zoning Certification Letter (Certifying Zoning on a particular parcel)	$63.00
Zoning Certification Inspection (Inspection & Certification of Zoning Issues) (B.C.C. Approved, effective November 1, 2005)	$290.00 + Hourly Rate for Inspection
Non-Conforming Use Certificate	$124.00
*Final Inspection (one fee per property + additional for failed/follow-up inspections as necessary)	$35.00

NOTES:

1. Make checks payable to Hamilton County Treasurer
2. Processing fees are nonrefundable.
3. Approved by the Board of County Commissioners.
4. Effective Date: 1/01/16

A-6-8 ADMINISTRATIVE INTERPRETATION AND GENERAL MODIFICATIONS BY THE RURAL ZONING COMMISSION

ZONE DISTRICTS	FEE
ADMINISTRATIVE INTERPRETATIONS:	
Application for an Administrative Interpretation	$82.00
GENERAL MODIFICATIONS BY THE RURAL ZONING COMMISSION	
Not Requiring a Public Hearing (including) a. Landscaping for Vehicular Use Areas b. Buffer Yards and Resource Protection c. Credit of Woodland Preservation and Riparian Buffer Areas d. Other	$452.00
GENERAL MODIFICATIONS BY THE RURAL ZONING COMMISSION	
Requiring a Public Hearing (including) a. Special Purpose and Specific Plan Districts b. Other	$741.00

NOTES:
1. Make checks payable to Hamilton County Treasurer
2. Processing fees are nonrefundable.
3. Approved by the Board of County Commissioners.
4. Effective Date: 01/01/16

A-7 GENERAL STANDARDS FOR PLANNED DISTRICTS ADOPTED PRIOR TO OCTOBER 25, 1996

A-7.1 Community Unit Plan Overlay District

a. The location and planning of building sites and the amount, arrangement and treatment of open space will ensure a satisfactory living environment and should be carried out in consideration of property adjacent to the area included in the plan and insure that such adjacent property will not be adversely affected.

b. The plan should further the best use of the land in relation to its size, configuration, location and physiography, and produce a residential environment of sustained desirability.

A-7.2 "DD" Planned Multiple Residence District

a. Height and Area:

1. No building should exceed three (3) stories or forty (40) feet in height unless such building is set back from the street line a distance of not less than its height and is set back from all other property lines a distance of thirty (30) feet plus two (2) feet for each foot in height in excess of forty (40) feet.

2. No building should be closer than forty (40) feet to any front or rear lot line, or closer than fifteen (15) feet in the case of a one or two-story building, or closer than thirty (30) feet in case of a three-story building, to any side lot line.

3. The lot area per apartment should not be less than: twenty-five hundred (2500) square feet for an apartment of two bedrooms or more; two thousand (2000) square feet for one-bedroom apartment and fifteen hundred (1500) square feet for an efficiency apartment.

   Where part or all of the off-street parking spaces required for a multi-family dwelling are provided within the principal building or buildings, the minimum lot area per dwelling unit specified in this section may be reduced by a maximum of twenty percent (20%), in accordance with the following formula:

   a/b x 20%, where

   a = the number of spaces provided within the building, and

   b = the number of spaces required for the multi-family dwelling

b. General:

1. The size and location of the tract in relation to surrounding property should be such that in the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood.

2. In furthering this objective, the location and arrangement of buildings, parking structures and areas, walks, lighting, and appurtenant facilities should be adjusted to the surrounding land uses, and any part of the site not used for buildings or other structures, or for parking, loading or access-ways should be landscaped with grass, trees and shrubs or pedestrian walks.

3. No signs or displays or advertising of merchandise and services offered in the shops should be visible from outside the building.

A-7.3 "OO" Planned Office District

a. Height and Area:

1. No building should exceed thirty-five (35) feet in height unless such building is set back from the street line an additional distance of not less than one-half (1/2) its height and is set back from all other property lines a distance of ten (10) feet, plus two (2) feet for each foot of height in excess of thirty-five (35) feet.

2. No building should be closer than forty (40) feet to any front or rear lot line, or closer than ten (10) feet to any side lot line.

b. General:

1. The size and location of the tract in relation to surrounding property should be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood.

2. In furthering this objective, the location and arrangement of buildings, parking structures and area, walks, lighting, and appurtenant facilities should be adjusted to the surrounding land uses, and any part of the site not used for buildings or other structures, or for parking, loading or accessways should be landscaped with grass, trees and shrubs or pedestrian walks.

3. Signs should be limited to identifications signs relating solely to the occupants and use of the premises, and all such signs should be attached to the building so as to extend not more than eighteen (18) inches therefrom in any direction, except that a separate sign when approved in location, treatment and design as an integral part of the development plan may be permitted. Such signs should not exceed a total of fifty (50) square feet for any premises, and if illuminated, the source should not be visible from adjoining property.

A-7.4 "EE" Planned Business District

a. Height and Area:

1. No building should exceed thirty-five (35) feet in height, unless such building is located at a distance of not less than its height from all side and rear lot lines, and occupies no more than ten (10) percent of the total area of the tract.

2. No building should be closer than fifty (50) feet to any street line or closer than thirty-five (35) feet to any other boundary line of the tract that abuts any more restricted district.

3. The aggregate ground area occupied by all buildings should not exceed twenty-five (25) percent of the entire area of the tract.

b. General:

1. The size and location of the tract in relation to surrounding property should be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood.

2. Adequate provision should be made for traffic circulation into and out of the development, in addition to the provision for through traffic movements on the access street or streets, and to this end, the means of location of all ingress and egress and the provisions for traffic movement and circulation, including additional traffic lanes, where needed, should be subjected to approval of the County Engineer. The installation of additional lanes for deceleration or turning movements may be required, and traffic controls, as needed, may be imposed to provide for safe and efficient traffic circulation by and within the development.

3. Service drives or other areas should be provided for off-street loading, in such a way that trucks will not block the passage of other vehicles or impede circulation on any other public or private drive or street.

4. All drives, parking areas, loading areas, and walks should be paved with hard surface material meeting the approval of the County Engineer.

5. The location and arrangement of building, parking areas, walks, accessways, lighting and appurtenant facilities should be adjusted to the surrounding land uses, and no part of any area for parking should be located within twenty (20) feet of any side line of a residential lot, either existing or to be created in the future. Any part of the area not used for building or other structures or for parking, loading or accessways, should be landscaped with grass, trees and shrubs or pedestrian walks.

6. All advertising signs should be attached to the building so as to project no more than eighteen (18) inches therefrom, except that one free-standing sign for identification of the center and entrance-exit markers may be permitted for each planned district, and a filling station identification sign may be permitted where a filling station is a part of the approved development plan. No such free-standing sign should be permitted within two hundred (200) feet of the boundary of a Residence District or within ten (10) feet of the street line. The area of one surface of the sign should not exceed on hundred fifty (150) square feet in the case of the center identification sign.

7. All mechanical equipment for heating, cooling, air conditioning or similar purposes, which may create either noise or fumes, if not within the main building should be located at least one hundred (100) feet from all property lines within or adjacent to a Residence District.

A-7.5 "FF" Planned Light Industrial District

a. Height and Area:

1. No building should exceed thirty-five (35) feet in height, unless it is set back from all property lines a distance not less than two times the building height.

2. No part of any building or structure should be closer than one hundred (100) feet to any Residence District boundary or closer than fifty (50) feet to any other boundary line of the tract, other than the boundary of an existing Industrial District, or to any street line.

3. The aggregate ground area occupied by all buildings should not exceed thirty-five (35) percent of the entire area of the tract.

b. General:

1. In general, the development should be related to major or secondary highways or to other industrial or business districts to avoid access over residential uses, and to this end no "FF" Planned Light Industrial District should be located where the main vehicular approach thereto is over a residential street (not a major or secondary highway) or through a residential district, unless the character and operation of the use are such, and it can be clearly demonstrated, that no more than fifty (50) vehicles in both direction combined would travel to and from the use daily.

2. Ingress and egress to the development and the location and arrangement of buildings, parking areas, walks, lighting and appurtenant facilities should be adjusted to the surrounding land uses. No part of any parking and loading area and access drives thereto should be located within fifty (50) feet of any Residence District, and no parking or loading area should be closer than fifty (50) feet to any street line. All drives, parking areas, loading areas, and walks should be paved with hard surface material, and any part of the site not used for buildings or other structures, or for parking, loading or accessways should be landscaped with grass, trees and shrubs.

3. No open storage of materials or equipment should be permitted on the tract.

4. No advertising signs should be permitted other than a sign identifying the establishment or its products or services attached flat to the building and projecting not more than eighteen (18) inches therefrom, provided, however, that entrance-exit markers and directional signs, aggregating no more than ten (10) square feet may be permitted.

5. Provisions should be made, subject to approval of the County Sanitary Engineer, for satisfactory disposal of all liquid and solid waste concomitant with the development.

A-7.6 "GG" Planned Heavy Industrial District

a. Height and Area:

1. No building should exceed thirty-five (35) feet in height, unless it is set back from all property lines a distance not less than two times the building height.

2. No part of any building or structure should be closer than two hundred (200) feet to a Residence District boundary line, or closer than fifty (50) feet to any other boundary line of the tract, other than the boundary of an existing Industrial District, or to any street line.

3. The aggregate ground area occupied by all buildings should not exceed forty (40) percent of the entire area of the tract.

b. General:

1. The development should be located in relation to major or secondary highways or to other industrial or business districts in a way to provide easy access to the use and to avoid the use of residential streets. The development should be related to major or secondary highways or to other industrial or business districts to avoid access over residential uses, and to this end the District should be located where the main vehicular approach thereto is over a residential street (not a major or secondary highway) or through a residential district, unless the character and operation of

the use are such, and it can be clearly demonstrated, that no more than fifty (50) vehicles in both direction combined would travel to and from the use daily.

2. Ingress and egress to the development and the location and arrangement of buildings, parking areas, drives, walks, lighting and appurtenant facilities should be adjusted to the surrounding land uses. No part of any parking and loading areas or access drives there to should be located within fifty (50) feet of any Residence District, and no parking or loading area should be closer than fifty (50) feet to any street line. All drives, parking areas, loading areas, and walks should be paved with hard surface material, and any part of the site not used for buildings or other structures, or for parking, loading or accessways should be landscaped with grass, trees and shrubs.

3. No open storage of materials or equipment should be permitted within two hundred (200) feet of any Residence District; any other open storage of materials or equipment visible from any property line of the tract should be screened by a solid masonry wall not less than eight (8) feet in height, the design of which is approved by the Rural Zoning Commission.

4. In order that the operation of the use may not have an effect on surrounding property, all odor, dust, smoke, gas, noise, or other industrial concomitants should be so abated or the use should be so located on the tract that such use is free from offense at all boundary lines of the tract, and evidence should be submitted, based on testimony or certified statements by competent authorities in the fields affected, to clearly demonstrate that the use will be free of offense.

5. Provision should be made, subject to approval of the County Sanitary Engineer, for satisfactory disposal of all liquid and solid wastes concomitant with the development.

Approved by HCRZC 10/25/96

A-8: VARIANCE APPLICATION REQUIREMENTS

A-8.1 LETTER

A. The location and size of the property

B. Clear and accurate description of the proposed construction or use of the property

C. Specific sections of the zoning resolution that the proposed site plan is in violation of, and from which a variance is being requested

D. State the hardship, facts and reasons why the variance sought should be granted

A-8.2 SITE PLAN (Provide 14 copies)

A. Surveyor's Seal

B. Name of person(s) preparing plan

C. Title, name of owner and name of builder

D. North Arrow (North to top of plan)

E. Property lines, property dimensions, street name(s), site size

F. Existing and proposed buildings and other structures

G. Distance from structures to property lines

H. Paving, Parking areas, driveways, walks, etc.

I. Parking space, aisle and drive dimensions & parking analysis (when applicable)

J. Identify land uses on parcels adjoining the proposed site

K. Streetscape and boundary buffer yards and interior landscape (when applicable)

L. Existing and proposed grades

M. Easements & purpose of easements

A-8.3 LANDSCAPE AND LIGHTING PLAN – When applicable – (Provide 14 copies)

A. Landscape Architects Seal

B. Streetscape buffer yard width and location

C. Boundary buffer yard(s) width and location

D. Interior landscape areas width and location

E. Detailed schedule of planting materials including type, caliper and location within each yard or area

F. Location of any exterior light fixtures or poles

A-8.4 STRUCTURAL DRAWING (Provide 7 sets of Elevation Drawings)

A-8.5 APPLICATIONS (Complete 1 copy of the blue and buff applications)

A. Applications are available in the department

B. Call (513) 946-4550 and applications can be mailed

A-8.6 LIST OF OWNERS

A. Typewritten list of names and addresses of property owners within 200 ft. of the property requesting the variance will be prepared for you based on the County Auditor's current tax list

A-8.7 FEE

A. Fee is required when variance is filed

B. Call (513) 946-4550 for fee amounts

C. Fees are non-refundable

A-9: CIVIL PENALTIES FOR ZONING VIOLATIONS***

Type of Violation	Cost Per Day		
	1st Violation	2nd* Violation	3rd** Violation
Junk Vehicle	$115.00	$155.00	$275.00
Storage of Boat, Trailer or other type of RV	$115.00	$155.00	$275.00
Main Structure	$115.00	$155.00	$275.00
Accessory Structure (Fences, Signs, Pools, Sheds, etc.)	$115.00	$155.00	$275.00
Yard Requirements	$115.00	$155.00	$275.00
Usage	$115.00	$155.00	$275.00
Violation of Terms	$115.00	$155.00	$275.00
Failure to obtain Zoning Certificate	$115.00	$155.00	$275.00

***** A second violation means a second violation of the same type per property with the same ownership.

****** A third violation means a third violation of the same type per property with the same ownership.

*** Penalties for violations of the Hamilton County Zoning Resolution are established pursuant to Ohio Revised Code 303.01 through 303.25, 303.99 and 2935.26; such penalties are effective on all violations written on or after the effective date of this Resolution; and all penalties are paid through the Criminal Violations Bureau of Hamilton County Municipal Court.

(B.C.C. Res. #1029, effective April 28, 2001)