

# HAMILTON COUNTY ZONING REGULATIONS NINETEEN FORTY - EIGHT

## **Excerpt from Proposed Zoning Regulations Companion Report - 1948**

In recent years the rapid growth of suburban areas adjacent to American cities has focused attention on the need for some means to direct this development along proper lines. Zoning powers of municipalities stopped at the city limits and the unincorporated area just beyond was a sort of "No Man's Land" in which a hodge-podge of residential and commercial development took place without direction or control.

Experience in cities has shown that zoning control is very effective in guiding new growth in undeveloped areas but that such control must be put into effect in advance of growth if it is to be of maximum benefit.

Such form of control was made possible when the State Legislature of Ohio adopted a bill, passed June 9, 1947, authorizing the Board of County Commissioners of any county in the state to regulate by resolution, prepared in accordance with a comprehensive plan, the location, height, bulk, number of stories and size of buildings and other structures, percentages of lot areas which may be occupied, set back building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and other structures as aforesaid, and the uses of land for trade, industry, residence, recreation or other purposes in the unincorporated territory of such county and for said purposes to divide all or any part of the unincorporated territory of the county into districts or zones of such number, shape and area as said County Commissioners may determine.

Zoning is the public regulation of the use of private land. Its purpose is to guide building development so that the various classes of uses will be in their proper places and not all mixed up together. In other words, residential, commercial and industrial land uses and buildings all have their proper place in the community pattern. The zoning plan fixes this pattern by establishing districts according to the logical use of the land in such districts. Zoning is for the purpose of protecting and benefiting the public health, welfare, safety, morals and general welfare and the restrictions placed upon property does not involve compensation to the owners as it is not a taking of the property for public use.

Zoning does not control the cost of buildings, their design or character of construction, or the number of rooms which they contain. The three main classes of zoning regulations are as follows:

### 1. Regulations regarding the use of property.

These regulations state what property in a given location can be used for, i. e., residence, commerce or industry.

### 2. Regulations regarding the maximum height of buildings.

### 3. Regulations regarding open spaces and density of population.

There are two types of these regulations. The first prescribes the minimum size of yards and other open spaces surrounding buildings, while the second prescribes the minimum size of building site in relation to the number of families which will occupy it.

Zoning is accomplished by dividing the unincorporated area into districts or zones. The regulations regarding the use of land and buildings, the height of buildings, the open spaces around buildings and the

density of population must be uniform in each district, but the regulations in one district may differ from those in the other districts in any or all of the various types of / regulations.

Under the Ohio County Zoning Enabling Act, the regulations primarily affect new development. Existing uses of property that do not conform are permitted to remain. They cannot be enlarged or extended, however.