

PROPOSED ZONING REGULATIONS  
FOR THE UNINCORPORATED AREAS  
OF HAMILTON COUNTY, OHIO

Prepared for  
Rural Zoning Commission

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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.

The Necessity for Zoning Hamilton County

Hamilton County contains 408 square miles. Of this area, 74 square miles are included within the city limits of the City of Cincinnati, 52 square miles consist of other incorporated areas, and the remainder, 282 square miles is unincorporated. The unincorporated area is not static in either area or extent. It changes as new suburbs are incorporated and as existing municipalities annex adjacent territory. The County Zoning Regulations apply only to the unincorporated territory. When any of this is annexed to a municipality, it is removed from the jurisdiction of the county for zoning purposes.

In general, the incorporated suburbs lie within or adjacent to the City of Cincinnati. In most cases they are well developed for urban purposes. The unincorporated areas lie beyond. Most of the unincorporated territory, however, is within 15 miles of the central business district of Cincinnati and is subject to urbanization as the community grows. In 1947 somewhere between 10 and 15 million dollars worth of residential construction was located within the unincorporated areas.

The land use survey revealed that there are now approximately 20,200 family living units in the unincorporated area of Hamilton County. An average size <sup>living unit</sup> of 3.5 persons would indicate an estimated present population of about 71,000 persons. This represents a population increase of almost 15 per cent over the 1940 census. The estimated population of each township is shown in the following table.

ESTIMATED 1948 POPULATION OF  
THE UNINCORPORATED AREAS OF  
HAMILTON COUNTY, OHIO

<u>Township</u>	<u>Population 1940 Census</u>	<u>Living Units 1948</u>	<u>Estimated Population 1948*</u>
Anderson	5,546	2,417	8,500
Colerain	4,627	1,565	5,500
Columbia	10,964	2,567	9,000**
Crosby	942	338	1,200
Delhi	4,175	1,302	4,600
Green	8,420 <i>OK</i>	4,049	14,200
Harrison	779	303	1,100
Miami	1,597	603	2,100
Springfield	10,760	2,997	10,500**
Sycamore	9,286	2,878	10,100
Symmes	1,896	531	1,900
Whitewater	<u>1,964</u>	<u>672</u>	<u>2,400</u>
	61,956	20,222	71,100

\* Based on 3.5 persons per living unit.

\*\* Decreases caused by enlargement of incorporated areas.

In 1947 some 3,532 new living units were constructed in Hamilton County. More than two-fifths of these located in the unincorporated area, about one-third of them in the City of Cincinnati, and approximately one-fourth in the other incorporated municipalities. Of the new buildings going into the unincorporated area, 70 per cent located in built-up<sup>or</sup> subdivided land, and the remainder, 30 per cent, was constructed in scattered locations along the roads and highways. An analysis of the location of new residential units in the unincorporated territory in 1947 is shown in the following table.

~~UNINCORPORATED TERRITORY~~

<u>Township</u>	<u>Subdivisions and Built-up Areas</u>	<u>Scattered Along Highways</u>	<u>Totals</u>
Anderson	94	53	147
Colerain	15	68	83
Columbia	101	22	123
Crosby	1	2	3
Delhi	41	21	62
Green	248	91	339
Harrison	5	5	10
Miami	2	25	27
Springfield	217	38	255
Sycamore	302	100	402
Symmes	3	15	18
Whitewater	4	5	9
	<u>1,033</u>	<u>455</u> 445	<u>1,478</u>

Experience has shown that zoning is most valuable as an instrument to direct new urban growth. It is quite evident that a large part of the new growth in Cincinnati is now taking place and will continue to take place in the unincorporated areas of Hamilton County. The City Planning Commission of Cincinnati has estimated that the metropolitan area will increase in population from 787,000 in 1940 to 924,000 in 1970. It seems likely that at least one-half of this estimated increase of 137,000 will locate in the unincorporated parts of Hamilton County. The character of this new growth will have a very great effect upon the entire metropolitan area. It is most important that satisfactory new residential areas be developed. The only method of insuring this is to enact and enforce good county zoning regulations.

The topography of the unincorporated areas of Hamilton County is unusually well suited to residential development. Much of the land is rolling, sometimes rugged, and often wooded. In many cases roads follow along ridges, providing magnificent home sites. With the widespread use of the automobile by so much of the county's population, virtually all this territory is suitable as a home site. Furthermore, in the future

new employment centers will be more likely to locate in the outlying parts of the metropolitan area, thus making the outlying territory even more desirable as a residential location. For example, the major part of the persons employed in the Fisher Body plant at Hamilton live in Hamilton County.

Zoning protection is essential in these unincorporated areas for the individual as well as for the community as a whole. No one wants to invest the large sums of money that are now necessary for a home and then find that the person next door is to erect a tavern or use his land as a junk yard. Yet, at the present time, there is no regulation over these things in the unincorporated areas. There have been a great number of instances where incompatible uses have located in residential areas and have seriously impaired nearby residential values.

There is plenty of land area in the county for all conceivable uses of land that will be required. There is plenty of land for residential use, for business, for industry, for agriculture, for recreation, and for institutional uses. All that the zoning needs to do is to provide plenty of room for each of these uses in the proper location so that one will not

interfere with the others. Zoning will greatly encourage future growth of the unincorporated area. Investments in all types of new uses can be made with much more certainty when it will be possible to examine the zoning and thereby ascertain the future character of property development.

The exact amount of future growth that will locate in these areas cannot now be ascertained with any precision. Consequently, any zoning plan will have to be altered and adjusted in the future. Provision is made for this in the enabling legislation.

#### Major Considerations

Many factors must, of course, enter into the development of regulations designed to control and direct such a wide variety of building development over such a large area of land. In the preparation of the proposed zoning regulations three factors were given major consideration.

1. Land Use. Zoning regulations must provide for reasonable use of all property. They cannot be premised upon any sudden or drastic change in the existing basic community pattern. Consequently, it is necessary to know the present use of each piece of property before the zoning regulations can be made.

To obtain this information, a land use survey was made of all property in the unincorporated area. All available information was obtained from public records such as those in the County Auditor's Office. Each parcel of property was then inspected in the field and notation made as to its present use. This information was then checked against recent aerial photographs. Land use plans were prepared in color and in detail on large scale section maps and then summarized for each township on 1000' scale township maps.

It is evident from these studies that the major use of property in the unincorporated areas (with the exception of agriculture) is for single family homes. There is only a minor amount of two family and multiple dwelling development in the unincorporated areas, and these are usually found adjacent to the city of Cincinnati.

The commercial development of the unincorporated area is quite limited, the major commercial centers in the county being located within the City of Cincinnati, and the larger incorporated suburbs. Most of the business uses in the unincorporated area are found along the major highways. For the most part, these are logically grouped at the intersection

of important roads, although there are a few uses that have penetrated residential neighborhoods and are found in inappropriate locations.

The industrial development of the metropolitan area is also largely located within the incorporated areas, the major concentration in unincorporated territory being found along the upper Mill Creek Valley in <sup>Sycamore</sup> (Springfield) township, with lesser concentrations in <sup>Miami township,</sup> Green township, Columbia township, <sup>Springfield township</sup> and Whitewater township. Due to the rough topography, there are not many appropriate locations for industry. Those that are available should be carefully preserved for this use.

Along the major streams, particularly the upper part of the Ohio River, the Little Miami River, the Great Miami and the Whitewater are found many groups of summer cabins. For the most part, these buildings are designed and used over weekends and for other temporary periods by persons having permanent residence elsewhere. It is evident that a great number of these structures are now being used as permanent homes due to the housing shortage. The large extent of this type of development must be recognized in any zoning plan.

The unincorporated area also contains a large number of institutions of various types, and other public and semi-public uses, such as parks and golf courses. These uses usually occupy large land areas and present no particular zoning problem.

In addition to the existing land use in the unincorporated area, consideration must also be given to the existing land use and existing zoning in the incorporated municipalities, particularly in the areas along the boundary lines of these communities. Consequently, a careful study was made of the zoning regulations now in effect in the twenty incorporated communities. This information was indicated on the 1000' scale land use maps. Existing land use studies of the entire metropolitan area were studied also.

2. Topography. The topography of the ground has largely influenced the present urban pattern of Cincinnati. It is a major element in determining the zoning in the unincorporated areas. Much of the county is so rough as to preclude any urban development except for residential use of extremely low density. In other cases, land along stream valleys is subject to flood, and not well adapted for any urban

use. In each case, the particular zoning district applied to any part of the county had to be checked carefully against topographic maps and on the ground to determine what type and intensity of development was possible.

3. The Metropolitan Master Plan. The Metropolitan Master Plan recently completed by the City Planning Commission of Cincinnati contains data and proposals that were of great assistance in developing the proposed zoning regulations. The proposed zoning was very carefully coordinated with the Master Plan studies. Of particular assistance were the studies of population growth, of community development, of industrial sites, of major highways and of airports. Major proposals of the Master Plan were placed on the 1000' scale land use maps and the proposed zoning adjusted to them insofar as possible.

#### The Proposed Zoning Plan.

The zoning plan consists of two parts, the zoning resolution which sets out the precise regulations to be adopted and a set of maps showing the location of the various zoning districts on the ground. The zoning maps consist, first, of a set of some 600 detailed maps showing the exact boundary line

of each district. From these maps, it would be possible to establish the precise location of each zoning district boundary line on the ground. The detail maps were summarized for each township and a map prepared showing the proposed zoning plan for each of the twelve townships and, finally, there is a map showing the zoning plan for the entire unincorporated portion of the county.

It is well to keep in mind that certain things cannot be regulated by county zoning in Ohio. Any zoning that is enacted must follow the state zoning enabling act, and this act contains certain exemptions. The most important of these relates to agriculture. Agriculture in all its various forms cannot be regulated, but must be permitted in every zoning district. (The purpose of the proposed zoning, however, is to control urban uses and not to control agricultural uses.) Public utilities and railroads are also exempted. Outdoor advertising must be permitted in all districts zoned for industry and business and all lands used for agricultural purposes.

#### The Eight Zoning Districts.

The proposed zoning plan would divide the unincorporated area into eight zoning districts. All of the unincor-

porated land would be placed in one or another of these districts. A summary of the regulations in each district follows.

"A" Residence District. In this district the use of land would be restricted to single family dwellings, churches, schools, public properties, golf courses, and hospitals and institutions under certain conditions. A lot area of one acre would be required for each family. The maximum building height would be two and one-half stories; the front yard would be 50 feet, the side yard 15 feet, and the rear yard 35 feet.

"B" Residence District. The use of land in the "B" residence district would be quite similar to the "A" district. The maximum lot area, however, would be reduced to 12,000 square feet. The front yard would be 40 feet, the side yard 8 feet, and the rear yard 30 feet.

"C" Residence District. The "C" residence district would apply to typical small lot single family development. The use regulations would be about the same as in the "A" district. The lot area required would be 6,000 square feet, the front yard required would be 30 feet, the side yard 5 feet, and the rear yard 30 feet.

"G" Heavy Industrial District. In this district any use would be permitted except that certain extremely obnoxious uses would have to obtain a special permit from the Board of Appeals. In order to protect this district for industrial use, it is proposed to prohibit residential uses. The height limit here is the same as the light industrial district. There are no yard regulations unless the property is adjacent to a residential district.

"H" Resort District. In this district land could be used for any type of residential use, together with beaches and bath houses, boat docks, selling or leasing of fishing equipment and bait and the incidental sale of food and refreshments. The density and yard regulations would be the same as in the "D" residence district.

Location of the Districts.

As can be seen from the district maps, the "A" residence district would occupy the major part of the unincorporated area. This includes close in property so rough as not to be suitable for more intensive use, and outlying property now devoted to tracts of one acre or more. The "B" residence district is located closer in on land either occupied by lots having

development in the Master Plan Study. The major industrial area is in the upper Mill Creek Valley.

The resort zone is located at appropriate places along the major rivers, usually at places where there is now a nucleus of this type of development. Ample room has been provided for the expansion of this type of use.

In general, it was the endeavor to make the zoning plan as broad and as simple as possible, and to treat all lands similarly situated alike. Irregularities evident in the plan are largely due to topographic conditions.

Area of the Districts.

Computations were made of the area included in each of the proposed zoning districts. A summary of this is shown in the following table.

AREA OF PROPOSED ZONING DISTRICTS

District	<u>Area in Acres*</u>	<u>PerCent of Total</u>
A Residence (1 acre)	125,966	69.91
B Residence (12,000 sq.ft.)	30,035	16.67
C Residence (6,000 sq.ft.)	12,718	7.06
D Residence (Multiple dwelling)	213	0.12
E Retail Business	1,836	1.02
F Light Industry	786	0.44
G Heavy Industry	5,033	2.79
H Resort	3,583	1.99
Total	<u>180,170</u>	<u>100.00</u>

\* Includes street area

Some 70 per cent of the unincorporated area would be placed within the one acre residence district, about one-sixth would be in the "B" residence district, and some 7 per cent in the "C" residence district. Some 93 per cent of the unincorporated area is included in these three districts. The remaining districts, all occupying large land areas themselves, do not comprise a very large percentage of the total unincorporated area.

The area of each district by townships is shown on the two accompanying tables.

Studies were also made of the population that could be accommodated under the proposed zoning. In the usual residential area one-half of the land is used for non-residential purposes such as streets, parks, schools, institutions, etc. On this basis, each family would require two acres of land in the "A" residence district, and 24,000 square feet in the 12,000 square feet district, for example. Assuming an average family size of 3.5 persons, an estimated "theoretical maximum" population of some 586,000 persons could be accommodated in the four residence districts under the proposed zoning. Additional population will be found in the

PERCENTAGE OF EACH TOWNSHIP  
INCLUDED IN THE VARIOUS ZONING DISTRICTS

UNINCORPORATED TERRITORY OF HAMILTON COUNTY

Townships	A	B	C	PERCENT				G	H	Total in Sq. Mi.
				D	E	F				
Anderson	67.87	16.06	7.94	-	2.12	1.74	-	4.27	33	
Colerain	70.21	23.05	3.84	-	0.99	-	-	1.91	43	
Columbia	17.63	35.13	24.22	0.67	2.98	0.37	13.53	5.47	6	
Crosby	96.46	-	0.74	-	0.13	0.16	-	2.51	20	
Delhi	61.55	25.49	11.84	0.57	0.55	-	-	-	10	
Green	49.19	31.95	15.58	0.60	1.25	0.70	0.73	-	30	
Harrison	95.96	0.56	0.50	-	0.32	-	-	2.66	17	
Miami	85.83	4.81	1.08	-	0.15	-	4.91	3.22	20	
Springfield	53.52	30.17	14.43	0.18	0.70	0.08	0.92	-	31	
Sycamore	49.42	23.15	9.65	-	1.65	1.10	15.03	-	31	
Symmes	89.95	1.04	2.09	-	0.84	0.21	0.29	5.58	15	
Whitewater	92.92	-	0.73	-	0.68	-	3.36	2.31	26	
County Basis	69.91	16.67	7.06	0.12	1.02	0.44	2.79	1.99	282	

AREA OF PROPOSED ZONING DISTRICTS BY TOWNSHIPS

UNINCORPORATED TERRITORY OF HAMILTON CO.

Townships	A	B	C	D	E	F	G	H	Total
Anderson	14301	3384	1673	-	447	367	-	900	21072
Colerain	19323	6343	1058	-	272	-	-	526	27522
Columbia	672	1339	923	26	114	14	516	208	3812
Crosby	12421	-	95	-	17	20	-	323	12876
Delhi	4025	1667	774	37	36	-	-	-	6539
Green	9298	6038	2944	114	237	132	139	-	18902
Harrison	10629	62	55	-	36	-	-	295	11077
Miami	10898	611	137	-	19	-	623	409	12697
Springfield	10450	5890	2817	36	136	15	180	-	19524
Sycamore	9821	4601	1918	-	327	218	2988	-	19873
Symmes	8677	100	202	-	81	20	28	539	9647
Whitewater	15451	-	122	-	114	-	559	383	16629
County Totals	125966	30035	12718	213	1836	786	5033	3583	180170

business, industrial and resort districts. It is not probable, however, that all of this large land area will be completely developed. For the townships adjacent to the City of Cincinnati, we might expect that the one-acre zone would be 10 per cent occupied; the 12,000 square feet zone, one-third occupied; the "C" district two-thirds developed, and the "D" district three-fourths developed. In the outlying townships, it is probable that the one-acre district will only be 2 per cent developed and the 12,000 square feet district developed to one-sixth of its potential. On this basis, the "probable maximum" population of the unincorporated area under the zoning would be 194,000 persons. This represents an increase of 123,000 persons over and above the present population, and would be almost all of the estimated future population growth for the entire metropolitan area.

These estimates are shown in detail in the following table.

THEORETICAL MAXIMUM AND PROBABLE MAXIMUM POPULATION IN RESIDENCE DISTRICTS UNDER PROPOSED ZONING REGULATIONS FOR THE UNINCORPORATED AREAS OF HAMILTON COUNTY, OHIO

<u>Township</u>	<u>Estimated 1948 Population</u>	<u>Estimated Theoretical Maximum*</u>	<u>Estimated Probable Maximum*</u>
Anderson	✓ 8,500	68,750	24,200
Colerain	5,500	88,750	26,180
Columbia	✓ 9,000	22,500	11,470
Crosby	1,200	22,940	1,700
Delhi	4,600	28,860	11,690
Green	14,200	96,770	42,310
Harrison	1,100	19,715	1,100
Miami	2,100	24,940	2,820
Springfield	✓ 10,500	94,140	39,520
Sycamore	✓ 10,100	72,000	28,190
Symmes	✓ 1,900	18,470	3,020
Whitewater	<u>2,400</u>	<u>28,690</u>	<u>2,130</u>
Total	71,100	(586,605) 586,525	194,330

\* Does not include population in commercial, industrial or resort districts.

It is evident from these studies that the proposed zoning makes adequate provision for future population growth.

In order to ascertain the adequacy of the proposed business zones, the estimated probable maximum population was multiplied by the customary ratio of 0.2 acres of business property for each one hundred persons. On this basis, the "Probable maximum" population would require a total business area

of 388.5 acres. The "theoretical maximum" population would require a business area of 1,172 acres. The proposed zoning districts provide a total area of 1,836 acres, far more than would be required by the complete development of the entire unincorporated area under the proposed regulations. Furthermore, as previously pointed out, the major commercial centers are now found in the incorporated areas.

The business area required by the "probable maximum" population, and the business area under the proposed zoning is shown in detail for each township in the following table.

**ADEQUACY OF PROPOSED RETAIL  
BUSINESS DISTRICTS**

<u>Township</u>	<u>Business Area (acres) Required by Probable Maximum Population*</u>	<u>Business Area Under Propos- ed Zoning</u>
Anderson	48.4	447
Colerain	52.4	272
Columbia	22.9	114
Crosby	3.4	17
Delhi	23.4	36
Green	84.6	237
Harrison	2.2	36
Miami	5.6	19
Springfield	79.0	136
Sycamore	56.4	327
Symmest	6.0	81
Whitewater	4.2	114
Total	<u>388.5</u>	<u>1,836</u>

\* 0.2 acres for each 100 persons.

Other Parts of the Regulations.

The zoning regulations have been carefully written in order to be reasonable <sup>in</sup> ~~to~~ their application to existing conditions. In addition to providing for the uses that are permitted in the different districts, in a general way, certain unusual uses that require special consideration would have to obtain a special permit. There are certain height, area and use exceptions and procedures for modifying the regulations in special cases. The entire text should be analyzed to ascertain the precise effect on any particular piece of property and for any particular use. The following parts, however, are of importance.

Parking Regulations.

The regulations would require off-street parking facilities to be provided for two-family and multiple dwellings, for commercial buildings and for theaters and places of assembly, other than churches. New commercial buildings would be required to provide one parking space for each 400 feet of floor space in the building, and theaters and places of assembly, one parking space for every four seats.

Non-Conforming Uses.

In preparing the zoning plan, there were a number of land uses that could not be included within a corresponding zoning district. These consist mostly of small isolated stores and other similar uses. Under the proposed regulations these uses could remain. They could not, however, be enlarged, reconstructed or structurally altered. If they were voluntarily discontinued for two years, or burned, or otherwise destroyed to the extent of 60 per cent of their value, they can then be restored only in conformity with the zoning regulations.

Community Developments.

After approval by the Regional Planning Commission, the County Commissioner may permit any tract of land of twenty acres or more to be used for residential purposes in a manner not permitted by the district regulations, providing that the population density standards are maintained, and that the adjacent property is not adversely affected. Among other things, this would permit appropriately designed multiple dwelling projects to be located within the single family districts. It would also permit a part of a large tract of land to be developed

at a higher density if the remainder were to be permanently dedicated open space.

Use, Height and Area Exceptions.

This is an important section of the regulations, which, among other things, permits certain types of public and institutional buildings to exceed the height limit, together with certain other structures such as chimneys, towers, monuments and water towers. This section permits any lot of record to be used for a single family dwelling irrespective of its area and provides for adjustment of yard depth where an existing lot is unusually narrow or shallow. It contains regulations regarding accessory buildings and for the extension of cornices, terraces and uncovered porches into yards.

Board of Zoning Appeals.

The regulations would establish a Board of Zoning Appeals consisting of five persons appointed by the County Commissioners, who shall be residents of the unincorporated territory. This Board would have the power to decide appeals where any person believes there is an error in any decision of an administrative official. The Board may vary the regulations where, due to unusual conditions of a piece of property, a literal

enforcement of the resolution would result in an unnecessary hardship. The Board could also permit the adjustment of a boundary line of a district where such a boundary line divides a tract of more than ten acres and where a preliminary subdivision plan has been approved by the Regional Planning Commission. In many cases, the district boundary lines are necessarily arbitrary where they divide large tracts of property. This would permit adjustment of the line in connection with a new subdivision layout plan.

The Board of Appeals would also be empowered to allow certain uses to locate in any district by special permit after public hearing. These uses would include the extraction of raw material, the establishment of private airports and establishment of parking lots on land zoned for residential purposes within 200 feet of a business or industrial district.

#### Changes and Amendments.

The zoning resolution can be changed in the same manner that it was adopted, except that an amendment need not be submitted to a vote of the electors. However, on any amendment adopted by the county <sup>c</sup> <sup>c</sup> <sup>(caps)</sup> commissioners, a vote may be

required if a petition containing sufficient signatures is submitted demanding such procedure. The zoning resolution can also be repealed in any township by vote of the people within the township.