

Staff Report: Completed by Jeff Palmer Director of Planning & Zoning

Report Date: January 7, 2022

Hearing Date: February 7, 2022

Applicant: Don Birdsall of Birdsall Consulting LLC agent for Scot Dorrrough

Requested Action: Zone Change Request from Suburban Residence Zone “SR-1” to General Business Zone “B-2”.

Current Use: Predominately vacant land with the exception of a pole barn.

Attached: Location Map, Application, Survey of Parcel, Warren County GIS Aerial of Parcel, Clearcreek Township 2005 Master Land Use Plan Maps: 4, 6, 10 and 11, Warren County Rural Zoning Map.

Location of Request:

The property is identified as Clearcreek Franklin Rd (Wood Road), parcel number 04-15-101-008, and account 0622866. The request is located in Section 15, Town 2, and Range 5 in Clearcreek Township. The parcel is 8.39 gross acres in size.

Applicant’s Reasons for the Application:

Applicant states:

- “1. Due to shape of lot and proximity to I-75, lot has not been developed for residential use.
2. Adjacent properties are not residences – north side is a woods and south side is a church.
3. Business property would provide visual and sound barrier to I-75 for neighbors.
4. Business activity would provide additional taxes to the Township.
5. Subject lot is not large enough to attract a high traffic use, so minimal disruption to neighbors.
6. Lot provides beneficial visual exposure to business on I-75.”

Zoning History:

- In 1973, the property was classified as Rural Residence Zone “R-1”.
- In 2005, the property was rezoned to Suburban Residence Zone “SR-1” to comply with update to the Master Land Use Plan.

Background for the Request:

This is a straight zoning request. A use is not required. A lot layout is not required. A net density plan is not required. Open space is not required.

The current zoning is Suburban Residence Zone “SR-1” which establishes the primary use of the parcel to be residential. This classification allows a minimum lot size of one half (½) acre with sanitary sewer, one (1) acre without sanitary sewer and one hundred (100) feet of frontage and width and (fifty (50) feet for cul-de-sac frontage). See Chapter 6.5 Suburban Residence Zone “SR-1” information below.

The request is to rezone the property to General Business Zone “B-2” which would allow the identified commercial uses in the Neighborhood Business Zone “B-1” and the identified

commercial uses in the General Business Zone “B-2”. See Chapter 9 Neighborhood Business Zone “B-1” and Chapter 10 General Business Zone “B-2” information below.

Adjoining Zoning Classifications and Current Uses:

- North:
 - Clearcreek Township Suburban Residence Zone “SR-1” (Predominately Vacant Wooded Land with a Barn)
- East:
 - Public Road Right-of-Way of Interstate 75
- South:
 - Clearcreek Township Residence Zone “R-1” (Church)
 - Clearcreek Township Suburban Residence Zone “SR-1” (Single Family Dwelling)
- West:
 - Franklin Township (Warren County Rural Zoning) Residence Zone “R-1B” (Single Family Dwellings)

2005 Master Land Use Plan Information:

- Map 4 Identifies the property to be outside of all Sanitary Sewer Service Areas.
- Map 6 Identifies the property to have road frontage with a “Collector – Urban” designation.
- Map 10 Identifies the property to be located in Planning Area #1.
 - Planning Area #1 - Northern Tier is an area where a commitment exists for the provision of public sanitary sewer at some point in the foreseeable future. It is also an area that is already either substantially developed, or where approval commitment for future development has already taken place. Thus the future character of the Northern Tier has already largely been established.
- Map 11 Identifies the future land use of the property to be Suburban Residential.
- Applicable Goals, Objectives and Policies:
 - **Related to Desired Community Character:**
 - GOAL:** Retention of appearance and feel of rural character in Clearcreek Township.
 - Objective:** Modify development regulation and approval process to assure retention of rural character.
 - POLICIES:**
 - Continue to serve as a geographical area of rural relief to the sprawl of the surrounding metropolitan areas.
 - The history of frontage subdivisions has set a character that continues to be desirable, but access to properties needs to be guided by access management plan.
 - Maintain rural lot size in the Township which contributes to the quality of life for property owners, neighbors as well as drivers, through an establishment or perpetuation of rural icons (homes surrounded by open space, barns, fence rows, vegetation).

- **Related to the Man-Made Environment:**
 GOAL: A pattern of land use capable of serving and meeting the social, economic and environmental needs of the residents of the Township, now and in the future.
 OBJECTIVE: Encourage the prudent development of residential areas with housing types and densities to meet the needs of Township residents, ensuring that a healthy, safe and attractive environment is maintained.
- **POLICIES:**
 - Encourage a logical pattern of residential development outside of the Urban Service Areas that is a rural density.
 OBJECTIVE: Establish areas of commercial activity, ensuring a convenient, safe and pleasant environment in meeting the retail and business needs of Township residents.
- **POLICIES:**
 - Perpetuate rural living by encouraging development only on a neighborhood-oriented basis. Commercial development should be either nestled in the interior of a Planned Unit Development along a collector road or along an arterial road network that has a design suitable for the intensity of use. An access management plan should be imposed.
 - Encourage commercial growth equal to what the market will bear. Over-commercialization should be avoided.
 - Encourage cluster-type development for commercial areas. Establish an overlay for these clusters to further encourage use, scale and materials.
 - Avoid strip commercial development and "spot zoning."

Zoning Information for Current and Requested Zoning Classifications:

CHAPTER 6.5: SUBURBAN RESIDENCE ZONE "SR-1" REGULATIONS

SEC. 6.51 The regulations set forth in this chapter, or set forth elsewhere in the zoning code are the zoning regulations for Suburban Residence "SR-1".

SEC. 6.52 PERMITTED USES: A building or lot shall be used only for the following purposes:

- A.** Single family dwellings.
- B.** Home occupation as described in Section 5.752 (B).
- C.** Community fire house as described in Section 5.752 (C).
- D.** The sale of household goods, furnishings, clothing, toys, tools and books that have been used by members of the family occupying the premises may be advertised and sold on the premises, provided such sale is not held oftener than every six (6) months, for a period of three (3) days each sale; the items sold were not acquired for the sale.
- E.** Publicly owned or operated properties including parks, playgrounds and community centers.
- F.** Model homes as described in Section 5.752 (H).
- G.** A temporary or permanent building for protection from the weather elements shall be required for animals other than for two (2) dogs, which reside on parcels less than five (5) acres. This building shall be

established as an accessory, and located in the rear yard and at least eighty-five (85) feet from every property line.

- H. Accessory buildings defined as either temporary or permanent and uses customarily incidental to any permitted uses, provided the primary use or structure has been established or constructed on the same lot.
- I. Signage in accordance with Chapter 28.

SEC. 6.524 CONDITIONAL USES: The following uses require a conditional use permit (CUP) pursuant to **Section 21.01(F)** of this resolution.

- A. Schools, public and private, from nursery schools through colleges having curriculum equivalent to public school curricula.
- B. Religious institution, provided buildings shall be at least a minimum residential size.
- C. Hospital and institutions of an educational, religious, charitable or philanthropic nature, provided the site upon which such uses are located shall contain at least five (5) acres and that such buildings shall not occupy over ten percent (10%) of the total site area.
- D. Rest home, nursing home or convalescent home, provided that such buildings shall be located upon a site of five (5) acres or more and shall not occupy more than ten percent (10%) of the total site area.
- E. Telecommunication tower: in those instances where a telecommunication tower is made subject to this resolution pursuant to Section 519.211 Ohio Revised Code (ORC) and as the same may, from time to time, be amended, said telecommunication tower shall be located, erected, constructed, reconstructed, changed, altered, or enlarged in accordance with Section 21.01(F)(2) & Section 22.05 of the zoning resolution.

SEC. 6.53 HEIGHT REGULATIONS: No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

SEC. 6.54 PRINCIPAL STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:

- A. There shall be a front yard having a depth of not less than fifty (50) feet.
- B. For a lot that has frontage on more than one street, the required front yard shall be provided on all streets.
- C. Side yard: there shall be a side yard of ten (10) feet minimum on each side, except for lots with more than one (1) front yard, in which case the minimum side yard shall be ten (10) feet on the side, if any, not fronting on a street.
- D. Rear yard: there shall be a rear yard having a depth of not less than forty (40) feet, except for lots with three (3) front yards, in which case the minimum rear yard shall be ten (10) feet.

SEC. 6.545 ACCESSORY STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:

- A. Front yard shall conform to 6.54 (A) and 6.54 (B).
- B. Side yard shall conform to 6.54 (C).
- C. Rear yard shall be a minimum of ten (10) feet.

SEC. 6.55 INTENSITY OF USE: Every lot or tract, except a panhandle, lot shall have a minimum continuous frontage and width of not less than one hundred (100) feet at any point, except on a cul-de-sac, in which case it shall have a minimum continuous

frontage and width at any point of at least fifty (50) feet, and a minimum width of one hundred (100) feet at the minimum building setback line and:

- A. Lots or parcels proposed as building sites that are connected to a central sanitary sewage system approved by the Warren County Sanitary Engineer And The Ohio Environmental Protection Agency shall contain not less than one half (1/2) acre exclusive of: any road or street right-of-way as shown on the Warren County, Ohio, Official Thoroughfare Plan, waterways, wetlands, one hundred (100) year flood plain, drainage easements other than the required side and rear lot line drainage easements required in the Warren County Subdivision Regulations for a plat, high pressure gas pipeline easements and railroad easements.
- B. Lots or parcels proposed as building sites that are not connected to a central sanitary sewage system and are otherwise approved by the Warren County Combined Health District And/Or The Ohio Environmental Protection Agency for individual onsite wastewater disposal system shall contain not less than one (1) acre exclusive of: any road or street right-of-way as shown on the Warren County, Ohio, Official Thoroughfare Plan, waterways, wetlands, one hundred (100) year flood plain, drainage easements other than the required side and rear lot line drainage easements required in the Warren County Subdivision Regulations for a plat, high pressure gas pipeline easements, and railroad easements.
- C. The maximum lot depth to width ratio shall be 5:1. This requirement applies to lots less than five acres in size. Panhandle lots regardless of size are exempt.

ADVISORY NOTE: For the residential lots utilizing on-site sewage disposal systems, lots larger than the zoning code minimum of one (1) acre may be required by the Warren County Combined Health District contingent on the suitability of soils present on the lot.

SEC. 6.56 MINIMUM SIZE: The minimum size of any single family dwelling, exclusive of porches, garages and breezeways, shall be one thousand two hundred fifty (1250) square feet of floor space.

SEC. 6.57 PANHANDLE LOTS ARE PERMITTED SUBJECT TO THE FOLLOWING REGULATIONS:

- A. Panhandle lots shall not be "stacked" one behind the other relative to a street or road.
- B. The panhandle portion of the lots shall have a minimum frontage and continuous width of twenty (20) feet and a maximum frontage and width of forty (40) feet.
- C. The panhandle portion of the lots shall have a maximum length of five hundred (500) feet.
- D. The body of the lot shall have a minimum area that meets the minimum lot size established in Section 6.55 (A) or 6.55 (B) and is exclusive of the panhandle portion of the lot.
- E. The body shall have a minimum width of one hundred twenty-five (125) feet and a minimum depth of two hundred (200) feet.
- F. All structures shall be built only within the body of the panhandle lot.
- G. The principal structure shall have a minimum front yard of fifty (50) feet, rear yard of fifty (50) feet and a side yard of twenty (20) feet minimum each side.

- H. Any accessory structure shall have a minimum front yard of fifty (50) feet, rear yard of twenty (20) feet and a side yard of twenty (20) feet minimum each side.

CHAPTER 10: GENERAL BUSINESS ZONE "B-2" REGULATIONS

SEC. 10.01 The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for General Business Zone "B-2".

SEC. 10.02 Permitted uses: A building or a lot shall be used only for the following purposes, provided the lot and whatever structures used for human occupancy thereon are either connected to a central sewage system that will be upon the start of operation turned over to the appropriate county department for maintenance and operation or utilize an on site disposal system approved by the Ohio Environmental Protection Agency.

- A. Any non-residential use permitted in any residence zone or Neighborhood Business Zone "B-1".
- B. General automobile repair, provided all vehicles and vehicle parts are kept inside a completely enclosed building, or the vehicles are located in an impound lot. An impound lot is permitted on part of a property, which is completely contained within an area which is surrounded by a solid fence or wall. The fence or wall shall be a minimum of six feet in height. The location of this fence or wall shall take the topography of the site into consideration to maximize the screening effect to other properties and/or the public right-of-way. The uses permitted in a junkyard shall be prohibited in an impound lot.
- C. Warehouse, farm implement and auto sales, animal hospital, vet clinic, laundries, plumbing and heating, printing shop, lumber yard and building materials, paint shop, carpenter shop, sheet metal, wholesale business and bakery. All machinery shall be enclosed within a building. Commercial and vet clinic kennels provided all animals are kept inside buildings with outside walls and roof equivalent in sound reduction to an eight (8) inch concrete block wall.
- D. Bar, Brewpub, Drive-In Restaurant.
- E. Hotels and motels, theaters and drive-in movie theaters: for a drive-in theater the screen shall be so located as not to be visible from the road or street and shall be set back at a distance of not less than two hundred (200) feet from the established right-of-way of any highway and a distance of at least two hundred (200) feet from the property line and loudspeakers shall be permitted only for the occupants of the theater and if they do not create a nuisance or disturb the peace.
- F. Commercial baseball fields, golf, tennis, skeet, trapshoot, commercial fishing lakes, bowling alleys, swimming pools, skating rinks or similar recreational uses and facilities: Buildings, pools and other enclosures shall be one hundred (100) feet from any Residence Zone.

- G. Any other business use which is of a general character of the classes of business permitted above, as determined by the Clearcreek Township Zoning Inspector.
- H. Those businesses expressly prohibited in Zone "M-1" and "M-2" are prohibited in Zone "B-2".
- I. Signage in accordance with Chapter 28.

SEC. 10.025 CONDITIONAL USES: The following uses require a conditional use permit (CUP) pursuant to **Section 21.01(F)** of this resolution.

- A. Drive Through facility.

SEC. 10.03 Height: unlimited, except for each foot over forty-five (45) feet, the front, side and rear yard shall be increased by one (1) foot, and there shall be adequate fire extinguishing facilities as approved by the fire organization.

SEC. 10.04 Yards: The minimum lot size is the same as for Residence Zone "R-1":

- A. Front yard: The front yard shall be the same as required for Zone "B-1".
- B. Side yard: The side yard shall be the same as required for Zone "B-1".
- C. Rear yard: The rear yard shall be the same as required for Zone "B-1".

Zoning Information for Referenced Zoning Classifications:

CHAPTER 5.75: RESIDECE ZONE “R-1” REGULATIONS

SEC. 5.751 The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code are the zoning regulations for Residence "R-1".

SEC. 5.752 PERMITTED USES: A building or lot shall be used only for the following purposes:

- A. Single family dwellings
- B. Home occupation, subject to the following conditions in addition to any other applicable standards of use of the applicable zoning district not otherwise permitted herein:
 1. Telework or telecommute-based activity shall not be considered as the operation of a home occupation subject to these standards.
 2. Home occupations shall be clearly incidental and subordinate to the principal residential use of the property.
 3. The use is compatible with other uses, maintains and preserves the character of the neighborhood and does not create a nuisance or detract from the residential function and tranquility.
 4. The home occupation shall be conducted within the dwelling.
 5. No commercial display of materials, merchandise, or goods shall be allowed to be stored outside of the primary residence.
 6. The external appearance and/or use of the structure(s) or lot in which the home occupation is conducted shall not be altered to indicate the presence of the home occupation.
 7. No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupation, shall be created.

8. The use does not produce offensive noise, vibration, smoke, dust, odors, lighting, electrical interference, radioactive emission, environmental pollution, or other nuisances.
9. Mechanical and electrical equipment used shall be only that normally used or found in a single-family dwelling; and, when performance rated shall be limited to normally domestic ratings rather than commercial or industrial.
10. Not more than one person, who is not a resident of the premises, may participate in the home occupation as an employee or volunteer.
11. The home occupation shall not serve as a location where multiple employees routinely meet or park prior to going to work off-site. Vehicle and equipment parking shall comply with Section 5.15 of the Clearcreek Township Zoning Resolution.
12. Products from internet based home occupations may be stored temporarily as inventory on the premises, during the normal course of said activity, inside the primary residence.
13. Delivery of materials necessary for a home occupation shall be limited to automobiles, light duty trucks (e.g. typical Fedex or UPS home delivery vans and trucks) or vans. Deliveries by heavy trucks shall be limited to two times per week.
14. Traffic generated by a home occupation shall not exceed the average daily volume normally expected for a residence in a residentially zoned neighborhood, which for the purpose of this section, equals up to ten (10) round trips per day.
15. Certain uses by their very nature, have a pronounced tendency to increase in intensity beyond the limits permitted for home occupations, thereby impairing the reasonable use and value of surrounding residential properties. Therefore, the following are prohibited uses or activities as home occupations:
 - a. Adult entertainment or sexually oriented business.
 - b. Ambulance service.
 - c. Day care (excludes plan "a" as defined in the Ohio Revised Code).
 - d. Health salon, gym or aerobic exercise studio.
 - e. Machine shop.
 - f. Medical and dental clinics and hospitals.
 - g. Motor vehicle towing, storage, and/or salvage business.
 - h. Nursing homes.
 - i. On-site, store front retail as a primary use.
 - j. Parking on, or dispatching from the site, any vehicle used in conjunction with the home occupation not complying with Section 5.15 of the Clearcreek Township Zoning Resolution.
 - k. Printing shop.
 - l. Restaurants or any other eating and/or drinking establishment.
 - m. Tourist home, bed & breakfast, motel, hotel, inn.

- n. Trucking, hauling, moving, tow truck service, hearse service, limousine, and cab service.
 - o. Undertaking and funeral parlor.
 - p. Uses that require explosives or highly combustible or toxic materials.
 - q. Uses that require fire safety inspections, precautions or permits or other regulatory inspections or permits involving public health and safety.
 - r. Vehicle: sale, service, repair, body work, painting, detailing, upholstery and/or washing.
 - s. Veterinarian with boarding and/or surgical services, or
 - t. Uses similar to the above listed use which would, at the discretion of the zoning inspector, result in nuisance factors as defined by this section. In those instances when the zoning inspector denies an application, or if the zoning inspector is uncertain of the appropriateness of a proposed home occupation, the matter may be appealed to the Board of Zoning Appeals (BZA) for interpretation.
- C.** Community fire house, provided.
1. Front yard, side yard and rear yard requirements for zone are met.
 2. Main building shall be at least minimum residential size.
 3. Enough area is set aside for future parking spaces, for a minimum of forty (40) cars, with a parking space provided at any given time for each member of the fire company. If an assembly hall is included in the building, additional parking spaces shall be provided in accordance with **Chapter 16, Zoning Code**.
- D.** The sale of household goods, furnishings, clothing, toys, tools and books that have been used by members of the family occupying the premises may be advertised and sold on the premises, provided such sale is not held oftener than every six (6) months, for a period of three (3) days each sale; the items sold were not acquired for the sale.
- E.** Publicly owned or operated properties including parks, playgrounds and community centers.
- F.** Public forests and nature reserves including the usual buildings therefore.
- G.** Private forests and nature reserves, including the usual buildings therefore where parking spaces are limited to ten (10) vehicles.
- H.** Model homes: 1. Shall exist within a subdivision. 2. Shall be located along the primary ingress and egress to the subdivision. 3. Shall be declared to the Clearcreek Township Zoning Department prior to the use being established. 4. Shall be eliminated after ninety (90) percent of the parcels within that subdivision are under construction.

- I. A temporary or permanent building for protection from the weather elements shall be required for animals other than for two (2) dogs, which reside on parcels less than five (5) acres. This building shall be established as an accessory, and located in the rear yard and at least eighty-five (85) feet from every property line.
- J. Roadside Farm Market, offering for sale agricultural products of which at least fifty percent (50%) 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. Ample off-street or off-road parking space shall be provided to take care of all vehicles visiting the roadside farm market. Parking spaces are limited to ten (10) vehicles. See Chapter 16 and 28.
- K. Accessory buildings defined as either temporary or permanent and uses customarily incidental to any permitted uses, provided the primary use or structure has been established or constructed on the same lot.
- L. Signage in accordance with Chapter 28.

SEC. 5.7524 CONDITIONAL USES: The following uses require a conditional use permit (CUP) pursuant to **Section 21.01(F)** of this Resolution.

- A. Schools, public and private, from nursery schools through colleges having curriculum equivalent to public school curricula.
- B. Religious institution, provided buildings shall be at least a minimum residential size.
- C. Hospital and institutions of an educational, religious, charitable or philanthropic nature, provided the site upon which such uses are located shall contain at least five (5) acres and that such buildings shall not occupy over ten percent (10%) of the total site area.
- D. Rest home, nursing home or convalescent home, provided that such buildings shall be located upon a site of five (5) acres or more and shall not occupy more than ten percent (10%) of the total site area.
- E. Cemeteries, provided that any cemetery shall contain an area of twenty (20) acres or more.
- F. Telecommunication tower: In those instances where a telecommunication tower is made subject to this resolution pursuant to section 519.211 Ohio Revised Code (ORC) and as the same may, from time to time, be amended, said telecommunication tower shall be located, erected, constructed, reconstructed, changed, altered, or enlarged in accordance with Section 21.01(F)(2) & Section 22.05 of the zoning resolution.
- G. Farm Based Tourism

- H. Clubs, including country clubs, swimming and tennis clubs, provided that any structures, except fences, shall be at least fifty (50) feet from property lines, and any parking areas necessary to the operation shall be at least two hundred (200) feet from any adjoining residential zone; the setback from street or streets shall be the same as for residences.
- I. Recreation area, not for profit, private or charitable, provided a minimum of thirty (30) acres is used and fenced on all sides.
- J. Private forests and nature reserves, including the usual buildings therefore with parking spaces for more than ten (10) vehicles.
- K. Signage in accordance with Chapter 28.

SEC. 5.753 HEIGHT REGULATIONS: No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

SEC. 5.754 PRINCIPAL STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:

- A. There shall be front yard having a depth of not less than fifty (50) feet, provided, however, no front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet of a the building under consideration. If an average can not be mathematically determined based upon the above process, then the zoning inspector shall expand the area under review. The expanded area shall include the front yard setbacks of the building(s) across the street and within one hundred (100) feet of the building under consideration.
- B. For a lot that has frontage on more than one street, the required front yard shall be provided on all streets.
- C. Side yard: There shall be a side yard of ten (10) feet minimum on each side, except for lots with more than one (1) front yard, in which case the minimum side yard shall be ten (10) feet on the side, if any, not fronting on a street.
- D. Rear yard: There shall be a rear yard having a depth of not less than forty (40) feet, except for lots with three (3) front yards, in which case the minimum rear yard shall be ten (10) feet.

SEC. 5.7545 ACCESSORY STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:

- A. Front yard shall conform to 5.754 (A) and 5.754 (B).
- B. Side yard shall conform to 5.754 (C).
- C. Rear yard shall be a minimum of ten (10) feet.

SEC. 5.755 INTENSITY OF USE: Every lot or tract, except a panhandle lot, shall have a minimum continuous frontage and width of not less than one hundred (100) feet at any point, except on a cul-de-sac, in which case it shall have a minimum continuous frontage and width at any point of at least fifty (50) feet, and a minimum width of one hundred (100) feet at the minimum building setback line and:

- A. Lots or parcels proposed as building sites that are connected to a central sanitary sewage system approved by the Warren County Sanitary Engineer and the Ohio Environmental Protection Agency shall contain not less than one half (1/2) acre exclusive of: any road or street right-of-way as shown on the Warren County, Ohio, Official Thoroughfare Plan, waterways, wetlands, one hundred (100) year flood plain, drainage easements other than the required side and rear lot line drainage easements required in the Warren County Subdivision Regulations for a plat, high pressure gas pipeline easements and railroad easements.
- B. Lots or parcels proposed as building sites that are not connected to a central sanitary sewage system and are otherwise approved by the Warren County Combined Health District and/or the Ohio Environmental Protection Agency for individual onsite wastewater disposal system shall contain not less than one (1) acre exclusive of: any road or street right-of-way as shown on the Warren County, Ohio, Official Thoroughfare Plan, waterways, wetlands, one hundred (100) year flood plain, drainage easements other than the required side and rear lot line drainage easements required in the Warren County Subdivision Regulations for a plat, high pressure gas pipeline easements, and railroad easements.
- C. If a preliminary plat was approved with more restrictive zoning regulations than those in place at the time of the final plat submittal, the least restrictive regulations will be applied at the time of zoning review.
- D. The maximum lot depth to width ratio shall be 5:1. This requirement applies to lots less than five acres in size. Panhandle lots regardless of size are exempt. **ADVISORY NOTE:** For the residential lots utilizing on-site sewage disposal systems, lots larger than the Zoning Code minimum of one (1) acre may be required by the Warren County Combined Health District contingent on the suitability of soils present on the lot.

SEC. 5.756 MINIMUM SIZE: The minimum size of any single family dwelling, exclusive of porches, garages and breezeways, shall be one thousand two hundred fifty (1250) square feet of floor space.

SEC. 5.757 PANHANDLE LOTS are permitted subject to the following regulations:

- A. Panhandle lots shall not be "stacked" one behind the other relative to a street or road.
- B. The panhandle portion of the lots shall have a minimum frontage and continuous width of twenty (20) feet and a maximum frontage and width of forty (40) feet.
- C. The panhandle portion of the lots shall have a maximum length of five hundred (500) feet.
- D. The body of the lot shall have a minimum area of one and one-half (1 1/2) acre exclusive of the panhandle portion of the lot, any road or street right-of-way as shown on the Warren County, Ohio, Official Thoroughfare Plan, waterways, wetlands, one hundred (100) year flood plain, drainage easements, high pressure gas pipeline easements and railroad easements.
- E. The body of the lot shall have a minimum width of one hundred twenty five (125) feet and a minimum depth of two hundred (200) feet.

- F. All structures shall be built within the body of the panhandle lot.
- G. The principal structure shall have a minimum front yard of fifty (50) feet, rear yard of fifty (50) feet and a side yard of twenty (20) feet minimum each side.
- H. Any accessory structure shall have a minimum front yard of fifty (50) feet, rear yard of twenty (20) feet and a side yard of twenty (20) feet minimum each side.

CHAPTER 9: NEIGHBORHOOD BUSINESS ZONE "B-1" REGULATIONS

SEC. 9.01 The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for Business Zone "B-1".

SEC. 9.02 Permitted Uses: A building or a lot shall be used only for the following purposes, provided the lot and whatever structures used for human occupancy thereon are either connected to a central sewage system that will be upon the start of operation turned over to the appropriate county department for maintenance and operation or utilize an on site disposal system approved by the Ohio Environmental Protection Agency.

- A. Any non-residential use permitted in zones "R-1", "R-2" and "R-3".
- B. Standards for districts zones for retail business known as Zone "B-1" Neighborhood Business District. Principal permitted uses within a minor "B-1" district which is entirely surrounded by "R" districts:
 1. Any local retail business or service establishment such as grocer, fruit or vegetable store, meat market, drugstore, shoe repair shop, hardware store, barber shop, clothes cleaning and laundry pick-up station, business or professional office or the like, supplying commodities or performing services primarily for residences of the neighborhood.
 2. Sit-Down Restaurant, Fast Food Restaurant, Outdoor Dining Restaurant
 3. Automobile service stations (filling stations). Minor repair and storage garages, parking lots for passenger vehicles.
 4. Bakery
 5. Funeral homes
 6. Antique Business
 7. Second hand store - inside display only
- C. Signage in accordance with Chapter 28.

SEC. 9.025 CONDITIONAL USES: The following uses require a conditional use permit (CUP) pursuant to **Section 21.01(F)** of this resolution.

- A. Drive Through facility.

SEC. 9.03 The height regulations are the same as for Zone "R-1".

SEC. 9.04 Yards:

- A. Front yard: The front yard regulations are the same as for Zone "R-1".
- B. Side yard:
 1. If the lot adjoins a residence zone the side yard shall be twenty-five (25) feet minimum.

- 2. If the lot adjoins a non-residence zone, the side yard shall be fifteen (15) feet minimum.
- C. Rear yard: If the rear yard adjoins a residence zone it shall be a minimum of twenty five (25) feet.
- D. If the rear yard adjoins a non-residence zone it shall have a minimum of fifteen (15) feet.

SEC. 9.05 Lot size: The minimum lot size shall be the same as for Zone "R-1".