

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

**Date:** March 8, 2024

**Applicant:** Richard Ross

**Property Identification:** 536 E. Old Route 122, parcel number 09-33-225-012.

**Acreage of Request:** 7.410 acres.

**Current Zoning of Requested Area:** Open Space Rural Residence Zone “OSR-1”.

**Requested Action:** Mixed-Use Planned Unit Development “MU-PUD”.

**Attached:** Application, Deed, Concept Plan, Concept Plan Updated by Staff, Topography Map, Warren County Soil Map, Clearcreek Township Master Land Use Plan Maps: 4, 6, 10, 11, Warren County Auditor Parcel Information, Clearcreek Township Zoning Permits and Plot Plan.

*It is important to keep in mind that the task is to: Approve, Modify or Deny a zone change request that has a Planned Unit Development (PUD) designation. Since it is a PUD request, representation of a concept plan will occur.*

*Section 13.05 (2) Objectives and 13.05 (3) Conditions for Approval, concept plan, narrative and attached documentation should help guide your decision-making process and rationale for your recommendation.*

#### **APPLICANT’S REASONS FOR THIS APPLICATION:**

“My wife and I have a genuine passion for hosting events, particularly weddings, and want to create a space where couples can celebrate their special day in a memorable and beautiful setting. We also want to be a part of giving back to our community of over 40 years' residency. Through market research and personal observation, we have identified a demand for wedding venues in our area. We see an opportunity to fill this gap by providing a dedicated banquet center tailored specifically for special events. This will also help us to contribute back to our community by providing a venue for couples to celebrate their love and create lasting memories with their family and friends. Primarily the hours of hosting and operations would be during the weekend. Fridays & Saturdays. The hours of operation will depend on factors such as client preferences, local demand, and logistical considerations. It's important to balance flexibility with the need for consistency and reliability in serving our clients effectively. Most events will be held in the evening. The Hours will be based upon a scheduled time slot, and everyone event will be by appointment only. Typically, we would anticipate the events hours to be from 5:00pm to 10:00pm. This event center can offer numerous benefits to the community including, Economic impact - by attracting visitors from outside the area to spend money on accommodations, dinning, shopping, and other goods, and services within our local town. It will also create Jobs directly related to event planning, management, catering, and maintenance. Support for Local Businesses - as we work with local vendors, suppliers, and service providers, in helping to support and promote small businesses in the community. Our barn and property have been a staple landmark for over 100 years, and it embodies the charm and history of Lebanon.”

#### **Zoning History:**

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

**Background for the Request:**

The applicant is requesting approval to use the existing barn and the southwest corner of the property for a wedding venue/banquet center. The remaining acreage of the property will be used residentially. The applicant has a pending zoning violation involving an accessory structure that was established with a 20' instead of a 25' side yard setback ("OSR-1" standard). Since use standards and request for modification to the standards are discussed during the PUD Stage 1 process, the second request would be to establish setback requirements taking into consideration the existing structures on the site.

**1. Existing Permitted Uses:**

- Open Space Rural Residence Zone "OSR-1", which establishes the primary use of the parcel to be residential. This classification allows a minimum lot size of two (2) acres with an on-site wastewater disposal system and one hundred-forty (140) feet of frontage and width and (seventy (70) feet for cul-de-sac frontage). See Chapter 5.5 Open Space Rural Residence Zone "OSR-1" information below.
- In the Open Space Rural Residence Zone "OSR-1" as a conditional use permit the term Farm Based Tourism exists. This option could allow the Hospitality services such as: retreat center, assembly area, country weddings, party receptions if the property is enrolled in the Ohio Current Agricultural Use Value state program administered by the Warren County Auditor. I discussed this option with the applicant, he didn't want to establish and maintain an agricultural use on the property to qualify as a farm.

**2. Pending Zoning Violation:**

- On January 29, 2024, the Clearcreek Township Department of Zoning noticed three (3) accessory structures being constructed at 536 Old E Route 122 without zoning permits.
- On February 1, 2024, the applicant applied for and was issued zoning permits for the accessory structures. Permit 11,675 was issued for the most western accessory structure. During this office visit, I had a discussion about the upgrades occurring to the barn. The applicant outlined his desire to turn the barn into a wedding venue. I discussed the options of a zone change or the establishment of an agricultural use on the property and then apply for a conditional use permit.
- On February 6, 2024, the setbacks for the western accessory structure were verified and the western side yard setback was found to be 20' instead of the required 25'.
- On February 20, 2024, I spoke with the applicant about either applying for a variance to address the side yard encroachment or applying for a zone change to a Mixed Use Planned Unit Development "MU-PUD" that could potentially address the desired wedding venue use and reduce the western side yard setback.

**2. Requested Use(s):**

- The applicant is requesting approval to convert the existing barn into a wedding venue/banquet center. This would be a commercial use, since it doesn't qualify as Farm Based Tourism use. This use would be confined to a triangular area south of the existing house that includes the existing barn and a newly established accessory structure that has a pending zoning violation.
  - A wedding venue/banquet center could exist as a permitted use in the Neighborhood Business Zone "B-1".

- The applicant is requesting to continue the residential use of the remaining acreage of the property: single-family dwelling, two (2) accessory buildings.
- The applicant has submitted the request as a Mixed-Use Planned Unit Development “MU-PUD”, to allow residential uses and non-residential uses on the same parcel. In Clearcreek Township, the only way to establish a mixed use without having one or the other uses classified as a legal non-conforming use, is with the Mixed-Use Planned Unit Development “MU-PUD” classification.

#### **Adjoining Zoning Classifications and Current Uses:**

- North:
  - Residence Zone “R-1” (Single Family Dwelling/Agricultural Use).
- West:
  - Residence Zone “R-1” (Single Family Dwellings).
- South:
  - Residence Zone “R-1” (Single Family Dwellings, Church and School (Conditional Use Permit)).
- East:
  - Residence Zone “R-1” (Single Family Dwelling, Vacant).

#### **Master Land Use Plan Maps:**

- 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 – Rural” designation.
- Map 10 Identifies the property in Planning Area #6.
  - Planning Area #6 – More rolling topography, mixture of large agricultural tracts, rural residential road frontage development and large lot rural subdivisions – roughly 50% built out. No sanitary sewer present and none anticipated. Agricultural, but changing.
- Map 11 Identifies the future land use of the property to be Rural Residential.

#### **Master Land Use Plan Applicable Goals, Objectives & 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.
    - Seek to encourage residential development types which incorporate preservation of private and public open space (conservation design subdivisions, large lot zoning classifications).
    - 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).
- b. Related to the Man-Made Environment:
  - i. 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.
  - ii. 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.
  - iii. POLICIES:
    - Encourage a logical pattern of residential development outside of the Urban Service Areas that is a rural density.
    - Place a stronger emphasis on establishing open space/green belt areas, separating developing residential areas from incompatible uses.
    - Identify and document older homes or residential areas of historical and/or architectural significance. These should be protected from unwanted, incompatible land uses.
  - iv. OBJECTIVE: Establish areas of commercial activity, ensuring a convenient, safe and pleasant environment in meeting the retail and business needs of Township residents.
  - v. 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."

## **REVIEW OF APPLICATION:**

### **13.05(A)(1)(B) STEP S1.2 – ZONE CHANGE AMENDMENT REQUEST/PUD CONCEPT PLAN APPLICATION:**

- (1) Applications for a Zone Change Amendment/PUD Concept Plan shall be submitted, signed by the owner(s) of the PUD or the designated agent, to the Clearcreek Township Zoning Inspector attesting to the truth and correctness of all facts and information presented with the application, on or before the scheduled monthly Zoning Commission meeting deadline, as identified on the Zoning Commission schedule found on the Clearcreek Township website ([www.clearcreektownship.com](http://www.clearcreektownship.com)).

*Staff Comments: The application has been signed.*

- (2) All applications shall be submitted with the required fees as established in the Clearcreek Township fee schedule found on the Clearcreek Township website ([www.clearcreektownship.com](http://www.clearcreektownship.com)).

*Staff Comments: The fee has been paid.*

- (3) The Zone Change Amendment Request/PUD Concept Plan Application shall include the following items:

- a) An area map showing adjacent property owners and existing uses within 200 feet of the parcel(s).

*Staff Comments: The information has been submitted, see PUD Concept Plan.*

- b) A legal description of the metes and bounds of the parcel(s).

*Staff Comments: The information has been submitted, see Application.*

- c) A PUD Concept Plan to scale, though it need not be to the precision of a finished engineering drawing, which shall clearly show the following:

- 1) The existing type of topographical features of the site.

*Staff Comments: The information has been submitted, see Topography Map. The topography ranges from 948' to 954'*

- 2) The general location of building lots and their areas in acres.

*Staff Comments: The footprint of the structures are identified on the PUD Concept Plan.*

*Staff has provided information from the Warren County Auditor's website and issued zoning permits.*

*The applicant proposes the use of existing structures and at this time doesn't propose the establishment of any additional structures:*

- *The Warren County Auditor's Webpage identifies the acreage as 7.4100 acres.*
- *Existing Road Rights-of-Way:*
  - *.025 acres held as an easement.*
- *Open Space:*
  - *1.85 acres for Open Space.*
  - *This equates to 24.96% Open Space.*
  - *Location(s) have not been specified.*
- *Residential:*
  - *3.43 net acres:*
    - *Single-family dwelling (2,665 sq. ft).*
    - *Accessory Structure 30'x50' (1,500 sq. ft.).*
    - *Accessory Structure 12'x16' (192 sq. ft.).*
    - *Grand total of 4,357 sq. ft. of structures or .100 acres.*
- *Wedding venue/banquet center:*
  - *1.88 net acres for non-residential area.*
  - *Existing Barn (4,140 sq. ft).*
  - *Accessory Structure 30'x70' (2,100 sq. ft.).*
  - *At this time outdoor assembly areas have not been identified.*
  - *Grand total of 6,240 sq. ft. of structures or .143 acres.*

- 3) The general outlines of the interior roadway system and all existing right-of-way(s) and easement(s), whether public or private with acreage specified.

*Staff Comments: Partial information has been submitted, see PUD Concept Plan.*

- *The existing road right-of-way easement is shown on this plan.*
  - *The existing driveway is shown on this plan.*
  - *An area southwest of the barn has been designated as parking.*
  - *It is unclear if the width of the culvert and driveway would need to be increased to accommodate traffic for the wedding venue/banquet center.*
  - *Based upon Chapter 16 Parking and Loading Regulations, assembly areas require one (1) parking space per each one hundred (100) square foot of floor area used.*
    - *Staff calculates a minimum of 41 parking spaces would be required. (4,140 sq. ft./100=41.4).*
    - *Parking spaces only would require at least .169 acres. (41 lots x180 sq ft.=7,380/43.560 = .169 acres)*
    - *Access lanes would need to be at least 20' per lane.*
  - ***Total driveway impervious surface can't be determined until after the driveway and parking lot have been designed.***
- 4) Delineation of the various land use areas with an indication for each such area of its general extent, size, and composition in terms of use and bulk of structures.

*Staff Comments: See number 2 & 3 above and 6 below.*

- 5) A calculation of residential net density and/or net floor area ratio.

*Staff Comments: This property is proposed to be mixed-use.*

*The net floor area ratio was calculated, See PUD Concept Plan:*

- *The total site is 7.41 acres (322,779.6 sq. ft.).*
  - *Staff calculated the FAR to be .03 (10,597/322,779.6 sq. ft.).*
- 6) The interior common open space system with acreage specified.

*Staff Comments: The acreage is identified on the PUD Concept Plan.*

- *A total of 1.85 acres is specified as open space.*
  - *Open space is typically required:*
    - *As a Streetscape Buffer along the lot frontage.*
    - *As a Perimeter Buffer along the side and rear property lines.*
    - *As a Parking Lot Buffer along the boundaries of the parking lot.*
    - *At a location to serve as an amenity to the PUD.*
- 7) Identification of all areas declared to be an amenity for the PUD with acreage specified. Square footage of structures and percentage of impervious surfaces to be specified.

*Staff Comments: The proposal doesn't identify any amenity structures other than the existing barn.*

- 8) A drawing showing all soil types and their classifications. Additionally, a map indicating floodway and/or floodplain boundaries as determined by the federal emergency management agency shall be included for sites that have been subject to flooding and/or erosion at any time.

*Staff Comments: The information has been submitted, see Soil Map.*

- 9) Where areas lie in any aircraft approach and holding patterns, these areas shall be indicated.

***Staff Comments: The information has not been submitted.***

- 10) Principal ties to the community at large with respect to transportation, water supply, and sewage disposal shall be indicated.

***Staff Comments: The information has not been submitted.***

- d) A net density plan illustrating the net density able to be obtained if developed under a straight zoning classification, to scale, though it need not be to the precision of a finished engineering drawing, which shall clearly show the following:

*Staff Comments: Based upon the PUD Concept Plan and application, the anticipated uses are: a wedding venue/banquet center and non-residential accessory structure, a single-family dwelling and two (2) residential accessory structures. Since the proposal is to not subdivide the parcel, staff calculate the Net Density for the site.*

- *Staff calculated the site could be developed into 3.149 lots (7.41x.15 ROW estimate)= 6.2985 acres / 2 acre minimum lot size.*

- e) A written report containing the following:

- 1) General description of availability of other community facilities, such as schools, fire protection services, and cultural facilities if any, and how these facilities are affected by this proposal.

Applicant states in the Site Narrative: "I believe this project will have minimal affect on the schools/fire and protection services. However, it will provide an opportunity for possible employment of part-time students."

- 2) Evidence how the developer's proposed land use(s) meet existing and projected community requirements.

Applicant states in the Site Narrative: "The existing building should already meet the existing requirements as the building will just be "re-purposed"."

- 3) A general statement how the common open space shall be owned and permanently maintained.

Applicant states in the Site Narrative: "The common open space will be owned by Rick & Natalie Ross current residents of the existing property & will be maintained by a local professional landscaping & property management company (Creech's Landscaping). We will also hire a full-time employee to be "on-call" for any issues which might arise."

- 4) If the development is to be phased, a general indication as to how the phasing is to proceed. Whether or not the development is to be phased, the PUD Concept Plan shall show the intended total project.

Applicant states in the Site Narrative: " There will be (3) phases of development.

***I. Exterior – (In the process of restoration currently)***

2. Interior – (Waiting upon approval of acceptance)
3. Landscape/Parking ETC.”

### **13.05(2) STAGE 1: PUD OBJECTIVES:**

(a) The Stage 1: Zone Change Amendment Request/PUD Concept Plan shall be acceptable, if:

- (1) The proposed use(s) are appropriate for the parcel(s) being reviewed; and

*Staff Comments: The 2005 Master Land Use Plan identified the site as a Rural Residential classification.*

- (2) The following information is specified/clarified in the narrative and on the drawing(s) at the time of approval:

- a) The list of uses permitted within the PUD are specified.

*Staff Comments: Based upon the PUD Concept Plan and application, the anticipated uses are: a wedding venue/banquet center and non-residential accessory structure, a single-family dwelling and two (2) residential accessory structures and open space.*

- b) The general location of such uses is specified.

*Staff Comments: The existing uses have been specified on the PUD Concept Plan. **The proposed open space location(s) have not been specified on the PUD Concept Plan.***

- c) Any use-specific standards that may apply to the permitted uses are included.

*Staff Comments: **The only requested modifications to the Open Space Rural Residence Zone “OSR-1” side yard setback. Reducing the side yard to twenty (20) feet from the twenty-five (25) feet requirement. At this time no request has been made to the Buffer and Screening Standards, Parking and Loading Regulations or Special Provision Regulations.***

- d) The maximum density or intensity is permitted within the PUD.

*Staff Comments: The applicant is requesting a wedding venue/banquet center and non-residential accessory structure, a single-family dwelling and two (2) residential accessory structures and Open Space to be located on the parcel. Staff calculated the FAR to be .03.*

- e) The amount and general location of open space are identified.

*Staff Comments: This hasn't been specified on the PUD Concept Plan.*

- *Per the narrative, a total of 1.85 acres of open space has been proposed (24.97%). Per Section 13.09 of the Clearcreek Township Zoning Resolution, a minimum of 25% or 1.8525 acres of open space is required.*
- ***If the Stage 1 PUD request is approved, a more detailed discussion regarding the locations of the open space as well as the required Streetscape Buffer, Perimeter Buffers and Parking Lot Buffer will occur with the Stage 2 PUD submittal.***

- (b) The Clearcreek Township Zoning Commission and/or Clearcreek Township Board of Trustees shall have the authority to impose special conditions related to the PUD and to approve development standards unique to the PUD as deemed necessary in order to promote the public health, safety, morals, and general welfare of Clearcreek Township.



***Staff Comments: If the proposed uses are determined to be appropriate for the parcel, conditions that mitigate concerns and/or codify representations by the applicant would be appropriate as part of the motion. Such as limiting the wedding venue/banquet center to Friday and Saturday use only and limiting events from 5PM to 10PM.***

### **13.05(3) STAGE 1: CONDITIONS FOR APPROVAL:**

The following criteria shall be used in the recommendations and decisions made regarding the Stage 1: Zone Change Amendment Request/PUD Concept Plan. Failure to comply with any of these criteria requires that explicit rationale or alternative requirements be set forth.

- (a) The Zone Change Amendment Request/PUD Concept Plan is consistent with the Clearcreek Township Master Land Use Plan;
- (b) The intensity proposed for the PUD does not exceed the maximum density or lot coverage allowed for the PUD as a whole;
- (c) The use(s) proposed will not be detrimental to existing and potential future surrounding uses and will harmoniously relate to the surrounding area;
- (d) The minimum common open space areas have been designated and designed in accordance with the provisions of this Resolution and shall be conveyed to a legally established homeowner's or property owner's association, commercial management group, or other agency as herein provided;
- (e) Approval of the Stage 1: Zone Change Amendment Request/PUD Concept Plan may be conditional upon provisions that are necessary for the protection of public health, safety, morals, and general welfare. Thus, the Clearcreek Township Zoning Commission or Board of Trustees may require the submittal of a revised PUD Concept Plan if it is determined that modifications are required to comply with this Resolution.

### **ZONING INFORMATION FROM REFERENCED ZONING CLASSIFICATIONS:**

#### **OPEN SPACE RURAL RESIDENCE ZONE "OSR-1" REGULATIONS**

**SEC. 5.51** The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code are the zoning regulations for Open Space Rural Residence "OSR-1".

**SEC. 5.52 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. 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 as described in Section 5.752 (H).

- 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. 5.524 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. 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. 5.53 HEIGHT REGULATIONS:** No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

**SEC. 5.54 PRINCIPAL STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:**

- A.** There shall be a front yard having a depth of not less than one hundred (100) feet except for Open Space Dedication Option Development (OSDOD) lots which shall have a minimum front yard of 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 twenty-five (25) feet minimum on each side, except for Open Space Dedication Option Development (OSDOD) lots which shall have a minimum side yard of ten (10) feet on each side.
- 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 twenty-five (25) feet.

**SEC. 5.545 ACCESSORY STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:**

- A.** Front yard shall conform to 5.54 (A) and 5.54 (B).
- B.** Side yard shall conform to 5.54 (C).
- C.** Rear yard shall be a minimum of twenty-five (25) feet.

**SEC. 5.55 INTENSITY OF USE:** Every lot or tract, except Open Space Dedication Option Development (OSDOD) and a panhandle lot, shall have a minimum continuous frontage and width of not less than one hundred forty (140) 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 seventy (70) feet, and a minimum width of one hundred forty (140) feet at the minimum building setback line and:

- A. Every lot or tract, except Open Space Dedication Option Development (OSDOD)** 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 two (2) acres 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. OPEN SPACE DEDICATION OPTION DEVELOPMENT (OSDOD) IS PERMITTED IN ACCORDANCE WITH THE FOLLOWING REGULATIONS:**
  - 1. Subject to the following subparagraphs; Open Space Dedication Option Development (OSDOD) need not meet the minimum lot area and lot width requirements set forth in Chapter 5.5 (Open Space Rural Residence Zone “OSR-1” Regulations).
  - 2. Gross density is .50 dwelling units per acre. Dwelling units are rounded up to the nearest whole number.
  - 3. A minimum of thirty (30) percent of the total project area shall be dedicated as open space.
  - 4. Required open space shall be established using one of the following techniques:
    - a. Conveyed to a legally established homeowners association.
      - i. Identified as a parcel or parcels on the final plat.
      - ii. The open space shall be for the exclusive use of the occupants of said development, unless specified otherwise in the form of a deed restriction.
    - b. Recorded as an open space/limited agricultural easement.
      - i. Shall be privately owned, subject to an open space/limited agricultural easement conveyed to Clearcreek Township.

- ii. Identified as a parcel or parcels on the final plat.
  - iii. Easements shall comply with the form established by Clearcreek Township Resolution 3043, as currently amended.
  - iv. Easements shall be accepted by Clearcreek Township in the form of a resolution of acceptance prior to approval of a final plat.
  - v. A fee shall be required for the annual inspection of compliance in accordance with chapter 18.06 of the Clearcreek Township Zoning Resolution.
- 5. Open space shall be prohibited from further subdivision.
- 6. Open space shall only be credited once and shall be associated with a single subdivision.
- 7. Buffer Standards For Open Space Dedication Option Development (OSDOD) Subdivisions: Along collector and/or arterial street networks, a buffer shall be required to separate OSDOD dwelling lot(s) from the road right-of-way.
  - a. Required trees shall be arranged parallel to the road right-of-way to provide the maximum screening effect.
  - b. Required berms shall have a slope that does not exceed a one (1) foot of rise per every (3) feet of linear distance.
  - c. Final height of required berms shall be taken from the final grade of the pavement of the existing collector and/or arterial to account for topographical differences between the road right-of-way and the subject property.
  - d. Required minimum size of a deciduous tree is one and one half (1 ½) inch caliper at the time of planting.
  - e. Required minimum size of an evergreen tree is five (5) feet in height at the time of planting.
  - f. The buffer shall be located on ground owned and maintained by the homeowners association.
  - g. The buffer shall be installed by the developer and documented by the Clearcreek Township Zoning department prior to the issuance of a single-family zoning permit for the development.
- 8. Location Options For Buffers For Open Space Dedication Option Development (OSDOD) Subdivisions:
  - a. Option 1: Minimum depth of separation between OSDOD dwelling lot(s) and the arterial and/or collector road right-of-way is less than one hundred (100) feet.
    - i. An earth berm a minimum of seven (7) feet in height shall be required.
    - ii. The berm shall be located adjacent to the road right-of-way and out of all recorded easements or adjacent to the arterial and/or collector street side of the OSDOD dwelling lot(s).
    - iii. A minimum of fourteen (14) trees per every one hundred (100) feet of property width shall be required and shall be located on the earth berm.
  - b. Option 2: Minimum depth of separation between OSDOD dwelling lot(s) and the arterial and/or collector road right-of-way is equal to or greater than one hundred (100) feet and less than three (300) feet.
    - i. An earth berm a minimum of four (4) feet in height shall be required.
    - ii. The berm shall be located adjacent to the arterial and/or collector street side of the OSDOD dwelling lot(s).
    - iii. A minimum of nine (9) trees per every one hundred (100) feet of property width shall be required located on the earth berm.
  - c. Option 3: Minimum depth of separation between OSDOD dwelling lot(s) and the arterial and/or collector road right-of-way is equal to or greater than three hundred (300) feet.

- i. A minimum of four (4) trees per every one hundred (100) feet of property width shall be required.
  - ii. The buffer shall be located adjacent to the arterial and/or collector street side of the OSDOD dwelling lot(s).
- 9. Minimum lot size shall be 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.
- 10. Each lot shall have a minimum frontage and width of not less than one hundred (100) feet, except on a cul-de-sac, in which case it shall have a minimum frontage of at least fifty (50) feet, and a width of at least one hundred (100) feet at the minimum building setback line.
- 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 may be required by the Warren County Combined Health District contingent on the suitability of soils present on the lot.

**SEC. 5.56 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. 5.57 FOR LOTS OTHER THAN OSDOD, 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 twelve hundred (1200) feet.
- D. The body of the lot shall have a minimum area that meets or exceeds the minimum lot size established in Section 5.55 (A) and is exclusive of the panhandle portion of the lot.
- E. The body of the lot shall have a minimum width of two hundred ten (210) 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 one hundred (100) 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 one hundred (100) feet, rear yard of twenty (20) feet and a side yard of twenty (20) feet minimum each side.

**SEC. 5.575 REGULATIONS FOR OSDOD, 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 5.55 (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.

## **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".