

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

Date: June 13, 2022

Applicant: Jon Stafford of Staffco Construction agent for DONT W8 LLC

Property Identification: 9850 Clearcreek Franklin (Wood) Rd, 04-15-101-009

Acreage of Request: 9.64 acres

Current Zoning of Requested Area: Suburban Residence “SR-1” Zone

Requested Action: Non-Residential Planned Unit Development “NR-PUD”

Attached: Application, PUD Concept Plan Existing Conditions, PUD Concept Plan Net Density and Site Plan, PUD Concept Plan Open Space Exhibit, Storage Unit Construction Drawings, Plat of Survey, Area and Zoning Map, Natural Resources Conservation Service Soil Survey, FEMA FIRM Panel 28 of 280, U.S. Fish and Wildlife Service National Wetlands Inventory, Warren County Rural Zoning Map, Miami Township Montgomery County Zoning Map, Clearcreek Township Master Land Use Plan Maps: 4, 6, 10 & 11, 2019 Warren County Thoroughfare Map.

It is important to keep in mind that the task before you is to Approve, Modify or Deny a zone change 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 the Application:

“Staffco, Inc. is submitting a Non-Residential PUD (NR-1 PUD) application in order to add recreation vehicle and boat self-storage to an existing SR-1 zoned parcel within Clearcreek Township (Suburban Residence Zone). The proposed site is located at 9850 Wood Road, Miamisburg, OH 45342 on 13.60 acres with parcel IDs of 04151010090 (9.53 acres in Clearcreek Township, Warren County) and K45026010008 (4.07 acres in Miami Township, Montgomery County). The proposed project consists of 24 proposed storage buildings, 1 existing building, and associated paving and stormwater management improvements. Plans and visuals have been provided for a recent Staffco, Inc. self-storage project in Springfield, Ohio similar to the proposed development. Development of this project is to begin upon necessary approvals from Clearcreek Township, Warren County, and Miami Township, Montgomery County. The project will be phased with four units being built at a time. All open space will be maintained by Staffco, Inc.”

Background on the “SR-1” to “NR-PUD” Request:

1. Existing Permitted Use(s)

- The parcel is zoned 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 property is located in Clearcreek Township, Warren County and Miami Township, Montgomery County. This report focuses primarily on information for the Clearcreek Township section of the property.
- 2. Requested Use(s):**
- The applicant is requesting approval to establish a recreation vehicle and boat self-storage facility. Warehouse use is a permitted use in the General Business Zone “B-2”. Since this property is not coincident with an existing business zone, the applicant has submitted the request as a Non-Residential Planned Unit Development “NR-PUD”.
 - The concept plan shows the proposed access, storage structures and open space in Clearcreek Township. In Miami Township, open space and a detention pond are proposed.
- 3. 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 – Urban” designation.
 - The 2019 Warren County Thoroughfare Plan identifies the road frontage designation as a Local Road.
 - 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.
- 4. Master Land Use Plan Applicable Goals, Objectives & Policies:**
- a. Related to Desired Community Character:
 - i. GOAL: Retention of appearance and feel of rural character in Clearcreek Township.
 - ii. Objective: Modify development regulation and approval process to assure retention of rural character.
 - iii. 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.
 - 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."

5. Zoning History for the Property:

- 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.

6. Zoning Classifications for Adjoining Properties and Current Use(s):

- North of the property the zoning classifications are:

- Clearcreek Township - Suburban Residence Zone “SR-1” (Vacant Land).
- Miami Township, Montgomery County – Mobile Home Residential District “R-8” (Vacant Land and Mobile Home Development).
- West of the property the zoning classifications are:
 - Franklin Township, Warren County – Residence Zone “R-1B” (Single-Family Dwellings).
 - Miami Township, Montgomery County – Agriculture “A” and Special Purpose Planned-Unit Development “SP-PUD” (Miami Valley Fire District Station 51, Miami Township Public Works Department).
- South of the property the zoning classifications are:
 - Clearcreek Township - Suburban Residence Zone “SR-1” (Vacant Land with an existing pole barn).
 - Clearcreek Township - Residence Zone “R-1” (Church).
- East of the property is Road Right-of-Way of Interstate 75.

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).

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).

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 Area and Zoning Map.

- 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 PUD Concept Plan Existing Conditions.

- *The topography ranges from 950' to 928'.*

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

Staff Comments: The information has been submitted, see PUD Concept Plan Net Density and Site Plan and PUD Concept Plan Open Space Exhibit, Storage Unit Construction Drawings.

- *The applicant plans to retain the existing building 4,800 sq. ft. (.11 acre)*
 - ***No information on how the existing building will be utilized has been submitted.***
- *The applicant proposes to construct 24 new buildings:*
 - *Each proposed building will contain 7 storage units.*
 - *Each proposed building is 100'x45' (4,500 sq. ft.).*
 - *The height of the proposed building is 23.5'.*
 - *A total of 168 storage units are proposed, totaling 108,000 sq. ft. (2.48 acres).*
 - *Construction drawings for the proposed storage units have been provided from a previous building project.*
- *The grand total of acreage devoted to buildings (existing and proposed) is 112,800 sq. ft. (2.59 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: The information has been submitted, see PUD Concept Plan Net Density and Site Plan.

- *The existing road right-of-way easement is .33 acres.*
- *Total driveway impervious surface is 3.90 acres.*
- *Impervious surface attributed to internal and site access is 4.23 acres.*

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: The net floor area ratio was calculated. See PUD Concept Plan Net Density and Site Plan:

- *Total building area is 112,800 sq. ft. (2.59 acres).*
- *The total site is 419,918.40 sq. ft. (9.64 acres).*
- *The FAR is .27 (112,800/419,918.40).*

- 6) The interior common open space system with acreage specified.

Staff Comments: The acreage is identified on the PUD Concept Plan Open Space Exhibit and PUD Concept Plan Net Density and Site Plan.

- *The submitted drawings specify the open space acreage with minor differences in the totals.*
 - *PUD Concept Plan Open Space Exhibit identifies a total of 2.62 acres (27%) of open space in Clearcreek Township. A detention area of .60 acres is identified in the chart but not identified on the Clearcreek Township parcel.*
 - *PUD Concept Plan Net Density and Site Plan Exhibit identifies a total of 2.59 acres (27%) of open space in Clearcreek Township. A detention area of .60 acres is identified in the chart but not identified on the Clearcreek Township parcel.*
 - *Staff calculated approximately 7,200 sq. ft. (360'x20') or .1653 acres of the open space to be located in the Clearcreek Franklin (Wood) Road right-of-way easement.*
 - *Open space credit is prohibited in the road right-of-way.*
 - *If this acreage is subtracted from either of the applicant's provided totals, the open space percentage remains above the 25% minimum.*
 - *Staff calculated the open space total outside of the road right-of-way to be approximately 1.8348 acres or 19.05%.*
- *Open space is located along the western, northern and eastern property boundaries.*
- *The minimum acreage requirement per Section 13.09 of the Clearcreek Township Zoning Resolution is twenty-five (25) percent or 2.41 acres of open space.*
- *In the Narrative, the applicant states: "Wherever possible, the existing tree lines will be preserved along the property lines to maintain natural screening. This will help screen the proposed self-storage buildings*

from the different land uses. Screening will be provided to meet the requirements of Clearcreek Township Zoning Resolution Chapter 17 where natural screening is insufficient.”

- 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 in the open space.

- 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 FEMA Flood Insurance Rate Map and NRCS Hydrologic Soil Group Map.

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

Staff Comments: The information was being sought at the time of submission.

- 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 been submitted, see PUD Concept Plan Net Density and Site Plan, Narrative.

Applicant states: “Proposed storage facilities will not require sanitary or water service. “Self-storage is characterized by minimal noise/light pollution and low traffic.”

- 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: Since the anticipated use is for a recreation vehicle and boat self-storage facility, staff required the applicant to calculate the Net Density and not create a drawing for comparison.

- In the Narrative, the applicant states: “Given the existing zoning of Suburban Residence Zone, we estimate that a maximum of 17 half acre single family home lots would fit on the 9.5 acre site if sanitary service is provided. If sanitary service is not provided, we estimate that a maximum of 8 one acre single family home lots would fit on the site.”

- *With sanitary sewer, this produces a net density of 2.07 units per acre. 17 lots/(9.64-1.446 ROW)8.194.*

- *With on-site disposal, this produces a net density of .98 units per acre. 8 lots/(9.64-1.446 ROW)8.194.*

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.

In the Narrative, the applicant states: “The proposed development is bordered by a mobile home subdivision to the north with a natural wooded buffer, Interstate 75 to the east, an open field to the south, and single family homes to the west. The Miami Valley Fire Department is approximately 500 feet to the north and a church is approximately 400 feet to the south along Wood Road. The Jane Chance Elementary School and Maddux-Lang Primary school are approximately 1,500 feet and 2,000 feet to north along Wood Road, respectively. The Great Miami River is approximately 2 miles to the west of the site.”

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

In the Narrative, the applicant states: “This project will positively contribute to the Clearcreek Township in the following ways:

1. The mobile home subdivision to the north suggests a need for boat and RV storage, especially with the close proximity to waterways. The site is well suited for storage with its easy access from Wood Road, from Interstate 75, and its close proximity to recreational activities.
2. The Land Use plan indicates that commercial development in the township is to serve local residents and to avoid large scale development. The proposed boat and RV storage will help screen Interstate 75 in terms of noise and sight while maintaining a small footprint. Nearby residents will be able to utilize the storage rather than keeping their boats and RVs on the street or within their driveways.
3. Self-storage is characterized by minimal noise/light pollution and low traffic. There will be minimal effect on the operation of schools, churches, and other community facilities. Fire and police services will continue with minimal to no impact on their duties. Compared to alternate uses, boat and RV storage is a low impact use.”

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

In the Narrative, the applicant states: “All open space will be maintained by Staffco, Inc.”

- 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.

In the Narrative, the applicant states: “The project will be phased with four units being built at a time.”

Staff Comments: It is unclear how long it will take for the twenty-four (24) buildings, pavement and stormwater management systems to be constructed. If the Stage 1 PUD request is approved, a more detailed discussion regarding the length of time needed per phase will occur with the Stage 2 PUD submittal.

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 Suburban 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 Narrative and PUD Concept Plan Net Density and Site Plan, the anticipated use is a recreation vehicle and boat self-storage facility and open space. The applicant is requesting to construct a total of 24 storage buildings with seven (7) units per building. This calculates to 168 proposed units for the site. It is unclear how the existing structure is integrated into the PUD.

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

Staff Comments: The proposed uses have been specified on the PUD Concept Plan Net Density and Site Plan, PUD Concept Plan Open Space Exhibit.

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

Staff Comments: The applicant hasn't requested any modifications to the Suburban Residence Zone "SR-1" or General Business Zone "B-2" setback standards. The locations of the proposed structures exceed the minimum side yard setbacks required in the General Business Zone "B-2". The setback from Interstate 75 "I-75" is incorrectly identified as a rear yard instead of a required front yard setback. The proposed structure adjacent to I-75 exceeds the required 50' front yard setback.

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

Staff Comments: The applicant is requesting to construct a total of 24 storage buildings with seven (7) units per building. This calculates to 168 proposed units for the site. It is unclear how the existing structure is integrated into the PUD. The FAR for all structures is .27.

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

Staff Comments: This has been specified on the PUD Concept Plan Net Density and Site Plan and the PUD Concept Plan Open Space Exhibit. Section 13.09 of the Clearcreek Township Zoning Resolution requires a PUD to have a minimum of 25% open space that meets the list of allowances and exceptions. No open space has been located along the southern boundary of the property.

If the Stage 1 PUD request is approved a more detailed discussion regarding the required Perimeter and Streetscape Buffers will occur with the Stage 2 PUD submittal. At that time the quality and quantity of existing vegetation will be reviewed. The minimum open space will be reviewed for compliance with Section 13.09 of the Clearcreek Township Zoning Resolution.

- (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 use is 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.

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 for Referenced 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 on-site 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".