

**RESOLUTION 5440**  
**CLEARCREEK TOWNSHIP TRUSTEES**  
Warren County, Ohio  
June 26, 2023

**A RESOLUTION TO INITIATE EXHIBIT 2023-1, AN AMENDMENT THAT ESTABLISHES DEFINITIONS AND STANDARDS FOR SHORT-TERM RENTALS FOR THE CLEARCREEK TOWNSHIP, WARREN COUNTY, OHIO, ZONING CODE, AND DISPENSING WITH THE SECOND READING**

**WHEREAS**, amendments to the Clearcreek Township, Warren County, Ohio, Zoning Code may be initiated by passage of a Resolution by the Board of Clearcreek Township Trustees.

**NOW THEREFORE BE IT RESOLVED** by the Board of Clearcreek Township Trustees that the statutory process to amend the text of the Clearcreek Township, Warren County, Ohio, Zoning Code be initiated for the purpose of establishing definitions and standards for Chapters: 3 and 22 as identified in **EXHIBIT "2023-1"** attached herewith and deemed a part of this Resolution as if fully rewritten herein; and


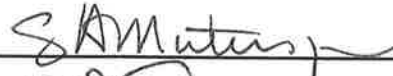

**BE IT FURTHER RESOLVED**, by the Board of Clearcreek Township Trustees upon majority vote does hereby dispense with the requirement that this resolution be read on two separate days, and hereby authorizes the adoption of this Resolution upon its first reading.

Mr. GABBARD moved to adopt the foregoing Resolution. Mr. MUTERSPAW seconded the motion and upon the call of the roll the following vote resulted:

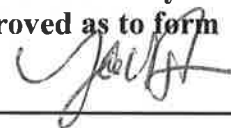
Mr. Wade	- YEA
Mr. Gabbard	- YEA
Mr. Muterspaw	- YEA

Resolution adopted at a regular public meeting conducted June 26, 2023.

**THE BOARD OF  
CLEARCREEK TOWNSHIP TRUSTEES**

  
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**Law Director Bryan Pacheco  
Approved as to form**

  
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**ADD: CHAPTER 3, DEFINITIONS:**

**SEC. 3.640614 SHORT-TERM RENTAL:** ANY DWELLING THAT IS RENTED WHOLLY OR PARTLY FOR A FEE FOR LESS THAN THIRTY (30) CONSECUTIVE DAYS BY TENANTS FROM WHICH THE PERMANENT OCCUPANT OR OWNER RECEIVE MONETARY COMPENSATION. SHORT-TERM RENTALS DO NOT INCLUDE BED AND BREAKFAST/TOURIST HOMES, HOTELS/MOTELS OR GROUP LIVING FACILITIES.

**SEC. 3.640615 SHORT-TERM RENTAL OWNER-OCCUPIED:** A SHORT-TERM RENTAL UNIT IS OWNER-OCCUPIED WHEN THE PROPERTY OWNER USES THE DWELLING AS HIS/HER PRIMARY RESIDENCE AND OFFERS A PORTION OR THE ENTIRE DWELLING FOR SHORT-TERM RENTAL USE. THE DWELLING IS CONSIDERED THE OWNER’S PRIMARY RESIDENCE WHEN THE OWNER RESIDES IN THE DWELLING MORE THAN SIX (6) MONTHS OUT OF THE YEAR.

**SEC. 3.640616 SHORT-TERM RENTAL USER:** ANY INDIVIDUAL WHO RENTS ALL OR A PORTION OF A SHORT-TERM RENTAL UNIT FOR A PERIOD OF LESS THAN THIRTY (30) CONSECUTIVE DAYS. SHORT-TERM RENTAL USER SHALL ALSO INCLUDE ANY OVERNIGHT GUESTS OF THE INDIVIDUAL RENTING ALL OR A PORTION OF A SHORT-TERM RENTAL UNIT.

**ADD: CHAPTER 22, SPECIAL PROVISIONS:**

**SEC. 22.07 SHORT-TERM RENTAL**

A SHORT-TERM RENTAL IS SUBJECT TO THE FOLLOWING REGULATIONS:

**A. SHORT-TERM RENTAL APPLICABILITY:**

- a. THIS SECTION APPLIES TO THE RENTAL OF A RESIDENTIAL DWELLING UNIT ON ACREAGE OVER TEN (10) ACRES, WHICH IS OFFERED OR HELD OUT TO THE PUBLIC FOR SHORT TERM RENTAL GUEST OCCUPANCY OF LESS THAN THIRTY (30) CONSECUTIVE DAYS TO A SINGLE RENTER OR GROUP OF RENTERS UNDER A SINGLE RENTAL CONTRACT.
- b. ONLY ONE (1) OPEN RENTAL AGREEMENT PER DWELLING IS PERMITTED AT A TIME FOR THE PURPOSE OF THE SHORT-TERM RENTAL.
- c. SHORT-TERM RENTALS ARE ONLY ALLOWED IN THE OPEN SPACE RURAL RESIDENCE ZONE “OSR-1” OR THE TOWNSHIP RESIDENCE ZONE “TR-1”.
- d. ONLY OWNER-OCCUPIED SHORT-TERM RENTALS ARE PERMITTED IN CLEARCREEK TOWNSHIP.
- e. THE SHORT-TERM RENTAL AND THE PROPERTY IN WHICH IS IT LOCATED, MAY NOT BE OFFERED OR USED AS RECEPTION SPACE, PARTY SPACE, MEETING SPACE, OR FOR OTHER SIMILAR EVENTS OPEN TO NON-RESIDENT GUESTS.
- f. ANY ACCESSORY STRUCTURE ON THE PROPERTY DESIGNATED TO BE A SECONDARY USE TO THE SHORT-TERM RENTAL, SHALL BE EQUIPPED WITH A BATHROOM. LODGING IS PROHIBITED IN ALL ACCESSORY STRUCTURES.
- g. NO EXTERIOR EVIDENCE THAT THE PROPERTY IS BEING USED AS A SHORT-TERM RENTAL SHALL BE ALLOWED, INCLUDING SIGNS.

- h. COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND REGULATIONS IS THE SOLE RESPONSIBILITY OF THE OWNER. IN ADDITION, THE OWNER IS SOLELY RESPONSIBLE FOR VERIFYING THE USE OF A PROPERTY AS A SHORT-TERM RENTAL IS COMPATIBLE WITH INSURANCE AND MORTGAGE CONTRACTS, RENTAL AGREEMENTS AND ANY OTHER CONTRACTS WHICH GOVERN THE USE OF THE PROPERTY.
  - i. ALL SMOKE AND CARBON MONOXIDE DETECTORS SHALL BE INSPECTED BY THE CLEARCREEK FIRE DISTRICT ON AN ANNUAL BASIS.
- B. SHORT-TERM RENTAL SITE PLAN REVIEW PROCEDURES:
- 1. THE SITE PLAN WILL BE REVIEWED DURING A PUBLIC MEETING BEFORE THE CLEARCREEK TOWNSHIP BOARD OF TRUSTEES.
  - 2. ANY PERSON DESIRING TO RENT A PROPERTY FOR SHORT-TERM RENTAL USE OR ADVERTISE A PROPERTY AS A SHORT-TERM RENTAL UNIT SHALL COMPLY WITH THE REGULATIONS IN THIS SECTION AND OBTAIN SITE PLAN APPROVAL PRIOR TO OPERATING OR ADVERTISING A SHORT-TERM RENTAL UNIT.
  - 3. THE FOLLOWING INFORMATION IS REQUIRED TO BE SUBMITTED AS PART OF THE APPLICATION:
    - i. RESPONSES TO STANDARDS AND ANY APPLICABLE DOCUMENTATION.
    - ii. SITE PLAN OF THE PROPERTY, DRAWN TO SCALE, IDENTIFYING THE LOCATION OF THE SHORT-TERM RENTAL DWELLING, ALL AREAS THAT WILL BE UTILIZED FOR THE SHORT-TERM RENTAL, EXISTING/PROPOSED VEGETATION, EXISTING/PROPOSED PARKING AND EXISTING/PROPOSED LIGHTING.
    - iii. BUILDING PLANS FOR ALL STRUCTURES THAT WILL BE UTILIZED FOR THE SHORT-TERM RENTAL.
  - 4. ONCE REQUIRED INFORMATION IS SUBMITTED TO THE CLEARCREEK TOWNSHIP ZONING DEPARTMENT AND THE FEE IS PAID, A MEETING DATE WILL BE ESTABLISHED NO LESS THAN TEN (10) DAYS FROM THE DATE OF THE APPEARANCE OF A PUBLIC NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION.
  - 5. WRITTEN NOTICE WILL BE PROVIDED TO ABUTTING AND/OR CONTIGUOUS PROPERTY OWNERS.
- C. SHORT-TERM RENTAL STANDARDS:
- 1. EACH SHORT-TERM RENTAL SHALL HAVE A DESIGNATED LOCAL TWENTY-FOUR (24) HOUR CONTACT PERSON MEETING THE FOLLOWING CRITERIA:
    - i. THE LOCAL TWENTY-FOUR (24) HOUR CONTACT PERSON SHALL HAVE ACCESS AND AUTHORITY TO ASSUME MANAGEMENT OF THE UNIT AND TAKE REMEDIAL MEASURES.
    - ii. THE LOCAL TWENTY-FOUR (24) HOUR CONTACT PERSON MUST BE AVAILABLE BY TELEPHONE TWENTY-FOUR (24) HOURS A DAY DURING THE RENTAL PERIOD AND BE WITHIN

FORTY-FIVE (45) MINUTE TRAVEL TIME OF THE SHORT-TERM RENTAL DURING THE RENTAL PERIOD.

2. THE MAXIMUM OCCUPANCY IS TWO (2) PERSONS PER BEDROOM PLUS TWO (2) ADDITIONAL PERSONS.
3. ALL PARKING SHALL BE LOCATED ON THE SHORT-TERM RENTAL PROPERTY.
4. ALL EXTERIOR LIGHTING SHALL BE DIRECTED AWAY FROM ADJACENT RESIDENTIAL PROPERTIES.
5. ALL REFUSE AND RECYCLING SHALL BE STORED IN APPROPRIATE CONTAINERS AND SHALL BE REGULARLY PICKED UP.
6. THE APPLICANT WILL IDENTIFY THE PROPOSED MEASURES TO MINIMIZE THE IMPACT OF POTENTIAL NUISANCES SUCH AS NOISE, ODOR, VIBRATION AND DUST ON ADJACENT PROPERTIES.
7. A LETTER FROM THE WARREN COUNTY HEALTH DEPARTMENT AFFIRMING THE EXISTING ON-SITE WASTEWATER SYSTEM IS SUITABLE TO BE USED FOR A SHORT-TERM RENTAL.
8. A LETTER FROM THE WARREN COUNTY BUILDING DEPARTMENT AFFIRMING THE EXISTING DWELLING AND ANY ACCESSORY STRUCTURE DESIGNATED TO BE A SECONDARY USE WITH THE SHORT-TERM RENTAL MEET THE CURRENT OHIO BUILDING CODE.
9. A LETTER BY THE CLEARCREEK FIRE DISTRICT AND THE CLEARCREEK POLICE DEPARTMENT THAT APPROVES AN EMERGENCY RESPONSE PLAN FOR THE SHORT-TERM RENTAL.
10. A LETTER FROM THE CLEARCREEK FIRE DISTRICT AFFIRMING THE INSTALLATION AND INSPECTION OF SMOKE AND CARBON MONOXIDE DETECTORS IN THE SHORT-TERM RENTAL.