

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

Report Date: October 8, 2021

Hearing Date: November 1, 2021

Applicant: Clearcreek Township Trustees

Requested Action: This text amendment refines the regulations for depth to width ratios for lots and updates side yard setbacks for the Clearcreek Township Zoning Code. This text amendment involves Chapters: 5.5, 5.75, 6, 6.5, 7, 7.5 and 8.

Attached: Clearcreek Township Trustee Resolution 5332

Background for the Request:

In the text amendment there are several text formats:

- The word AMEND proposes a change to an existing regulation.
- The word ADD proposes new regulation.
- Proposed new text is CAPITIZED.
- Text proposed to be removed is ~~struckthrough~~.
- Ordinary sentence text remains as written.

AMEND: CHAPTER 5.5, OPEN SPACE RURAL RESIDENCE “OSR-1” REGULATIONS,

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

- 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. ~~except for lots with more than one (1) front yard, in which case the minimum side yard shall be twenty five (25) feet on the side, if any, not fronting on a street.~~

In 2005, the Open Space Rural Residence “OSR-1” regulations were created. This became the new rural zoning classification standard. The “OSR-1” lots were increased to a 140’ frontage width and a two (2) acre minimum lot size. The “OSR-1” setbacks were increased to a 100’ front yard, 25’ side yards and a 40’ rear yard. In an attempt, to encourage the preservation of open space and active agricultural on the land, the Open Space Dedication Option Development (OSDOD) sub-regulations to the “OSR-1” were created. After dedicating 30% of the total site as open space, the developer is able to create lots that comply with the OSDOD (Residence Zone “R-1”) for minimum frontage width of 100’ and a one (1) acre minimum lot size. The OSDOD front yard setback was decreased to a 50’. All other setbacks remained identical to a regular “OSR-1” lot.

In 2021, the first OSDOD subdivision Pond View Estates was platted. I realized that the side yard setbacks for the OSDOD were not decreased from 25’ to 10’ as in the “R-1”. With a lot width of 100’ and side yard setbacks of 50’ it is a challenge to place a dwelling with a side entry garage on a lot.

- This proposed change to Section 5.54 (C) allows “OSR-1” OSDOD lots to mimic “R-1” lots.

Lot width-to-depth ratio regulates lot depth in relation to road frontage. A minimum lot depth to width ratio prevents the creation of long and narrow lots, as well as the crowding of buildings along access roads while leaving the land behind buildings vacant and unserviceable.

ADD: CHAPTER 5.5, OPEN SPACE RURAL RESIDENCE “OSR-1” REGULATIONS, INTENSITY OF USE:

SEC. 5.55 C. THE MAXIMUM LOT DEPTH TO WIDTH RATIO SHALL BE 5:1. THIS REQUIREMENT APPLIES TO LOTS LESS THAN FIVE ACRES IN SIZE. PANHANDLES LOTS REGARDLESS OF SIZE ARE EXEMPT.

ADD: CHAPTER 5.75, RESIDENCE “R-1” REGULATIONS, INTENSITY OF USE:

SEC. 5.755 D. THE MAXIMUM LOT DEPTH TO WIDTH RATIO SHALL BE 5:1. THIS REQUIREMENT APPLIES TO LOTS LESS THAN FIVE ACRES IN SIZE. PANHANDLES LOTS REGARDLESS OF SIZE ARE EXEMPT.

ADD: CHAPTER 6, TOWNSHIP RESIDENCE “TR-1” REGULATIONS, INTENSITY OF USE:

SEC. 6.05 B. THE MAXIMUM LOT DEPTH TO WIDTH RATIO SHALL BE 5:1. THIS REQUIREMENT APPLIES TO LOTS LESS THAN FIVE ACRES IN SIZE. PANHANDLES LOTS REGARDLESS OF SIZE ARE EXEMPT.

ADD: CHAPTER 6.5, SUBURBAN RESIDENCE “SR-1” REGULATIONS, INTENSITY OF USE:

SEC. 6.55 C. THE MAXIMUM LOT DEPTH TO WIDTH RATIO SHALL BE 5:1. THIS REQUIREMENT APPLIES TO LOTS LESS THAN FIVE ACRES IN SIZE. PANHANDLES LOTS REGARDLESS OF SIZE ARE EXEMPT.

ADD: CHAPTER 7, RESIDENCE “R-1A” REGULATIONS, INTENSITY OF USE:

SEC. 7.05 A. THE MAXIMUM LOT DEPTH TO WIDTH RATIO SHALL BE 4:1. THIS REQUIREMENT APPLIES TO LOTS LESS THAN FIVE ACRES IN SIZE. PANHANDLES LOTS REGARDLESS OF SIZE ARE EXEMPT.

ADD: CHAPTER 7.5, RESIDENCE “R-2” REGULATIONS, INTENSITY OF USE:

SEC. 7.55 D. THE MAXIMUM LOT DEPTH TO WIDTH RATIO SHALL BE 4:1. THIS REQUIREMENT APPLIES TO LOTS LESS THAN FIVE ACRES IN SIZE. PANHANDLES LOTS REGARDLESS OF SIZE ARE EXEMPT.

ADD: CHAPTER 8, RESIDENCE “R-3” REGULATIONS, INTENSITY OF USE:

SEC. 8.05 D. THE MAXIMUM LOT DEPTH TO WIDTH RATIO SHALL BE 4:1. THIS REQUIREMENT APPLIES TO LOTS LESS THAN FIVE ACRES IN SIZE. PANHANDLES LOTS REGARDLESS OF SIZE ARE EXEMPT.

The Clearcreek Township Zoning Resolution doesn't establish a maximum depth to width ratio. The zoning chapters establish a minimum lot size and a minimum amount of road frontage.

In 1973, the Rural Residence Zone "R-1" was created. In 2005, the Rural Residence Zone "R-1" was reclassified as Residence Zone "R-1". In 2005, the Open Space Rural Residence Zone "OSR-1", Township Residence Zone "TR-1" and Suburban Residence Zone "SR-1" were created. Each of the former complied with Warren County's Subdivision requirement of the maximum depth to width ratio of 5:1 (applicable in 2005).

The Warren County Regional Planning Commission is responsible for the interpretation and application of the Warren County Subdivision Regulations. In 2010, during the tenure of Kimberly Lapensee as the Executive Director, the maximum depth to width ratio was changed from a 5:1 to a 4:1. Local zoning authority informally retained final authority to determine lot geometrics.

In the summer of 2021, Stan Williams, Executive Director started applying the maximum 4:1 ratio to proposed lots (surveys and plats). I discussed the informal practice that has occurred since 2005 and was told that if the Township added a depth to width ratio in the Zoning Resolution, then that ratio would prevail. Absent the update, the Subdivision Regulations would prevail. I discussed the need for the Subdivision Regulations to be updated with Mr. Williams. I quickly realized that an update to the Clearcreek Township Zoning Resolution would be a more direct and timely option.

- The proposed changes to Sections 5.55(C), 5.75 (D), 6.05(B) and 6.55(C) establish a maximum depth to width ratio of 5:1. This ratio allows lots with on-site waste disposal or if access to sanitary sewer is available, to exist as the Zoning Resolution is currently written.
 - "OSR-1"
 - Minimum lot size is 2 acres.
 - Minimum frontage width is 140'.
 - Minimum depth is 622.29'.
 - Minimum depth to width ratio is 4.44:1.
 - Proposed maximum depth to width ratio is 5:1.
 - Proposed maximum depth is 700', with the minimum frontage and acreage.
 - "TR-1"
 - Minimum lot size is 1.5 acres.
 - Minimum frontage width is 120'.
 - Minimum depth is 544.5'.
 - Minimum depth to width ratio is 4.54:1.
 - Proposed maximum depth to width ratio is 5:1.
 - Proposed maximum depth is 600', with minimum frontage and acreage.

- “OSR-1” OSDOD, “R-1”, “SR-1” with on-site septic.
 - Minimum lot size is 1 acre.
 - Minimum frontage width is 100’.
 - Minimum depth is 435.60’.
 - Minimum depth to width ratio is 4.35:1.
 - Proposed maximum depth to width ratio is 5:1.
 - Proposed maximum depth is 500’, with minimum frontage and acreage.
- “OSR-1” OSDOD, “R-1”, “SR-1” with sanitary sewer.
 - Minimum lot size is .5 acre.
 - Minimum frontage width is 100’.
 - Minimum depth is 27.80 for sanitary sewer.
 - Minimum depth to width ratio is 2.18:1.
 - Proposed maximum depth to width ratio is 5:1.
 - Proposed maximum depth is 500’, with minimum frontage and acreage.
- The proposed changes to Sections 7.05(A), 7.55(D) and 8.05(D) establish a maximum depth to width ratio of 4:1. This ratio allows lots with sanitary sewer to exist as the Zoning Resolution is currently written.
 - “R-1A”
 - Minimum lot size is .32 acres.
 - Minimum frontage width is 80’.
 - Minimum depth is 175’.
 - Minimum depth to width ratio is 2.19:1.
 - Proposed maximum depth to width ratio is 4:1 (consistent with Warren County Subdivision Regulations).
 - Proposed depth is 320’, with minimum frontage and acreage.
 - “R-2”
 - Minimum lot size is .23 acres.
 - Minimum frontage width is 80’.
 - Minimum depth is 125’.
 - Minimum depth to width ratio is 1.56:1
 - Proposed maximum depth to width ratio is 4:1 (consistent with Warren County Subdivision Regulations).
 - Proposed maximum depth is 320’, with minimum frontage and acreage.
 - “R-3”
 - Minimum lot size is .23 acres.
 - Minimum frontage width is 90’.
 - Minimum depth is 111’.
 - Minimum depth to width ratio is 1.23:1.
 - Proposed maximum depth to width ratio is 4:1 (consistent with Warren County Subdivision Regulations).

- Proposed maximum depth is 360', with minimum frontage and acreage.
- The proposed text amendment limits the application to lots less than five (5) acres in size. Warren County Regional Planning Commission has authority to review lot splits on acreage less than five (5) acres in size. If a public road is created as part of the lot creation, regardless of the lot size, the Warren County Regional Planning Commission has authority to review the proposed lots. The proposed text would allow Clearcreek Township to retain control of the lots that need Warren County Regional Planning Commission review authority.
- Survey lots five (5) acres and above, are reviewed by the Warren County Engineer's Tax Map Room. These lots will only need to meet the minimum frontage and acreage requirements for a residential lot. Agricultural lots five (5) acres and above are exempt from meeting zoning classification geometric minimums.
- This proposed text amendment allows a lot less than five (5) acres to accumulate and consolidate acreage into a single parcel over five (5) acres without having the maximum depth to width regulations prohibit this option.
- The proposed text amendment excludes panhandle lots from the maximum depth to width ratio.
 - Panhandle lots are currently regulated in three (3) ways:
 - The first is a minimum and a maximum for frontage width.
 - The second is a maximum handle depth for access.
 - The third is a minimum width and minimum depth at the point where the handle and the body are coincident. These minimums for the body allow for a minimum building area that meets the required setbacks for the zoning classification.
 - During the splitting of the land, a panhandle lot typically is created to access land behind a lot with existing road frontage.
 - Once created, a panhandle lot is unable to be further subdivided.
 - The current maximum depth for handles for the "OSR-1" OSDOD, "TR-1, "R-1" and "SR-1" are based upon a depth to width ratio of 5:1 for regular frontage width lots. The maximum depth for a handle for "OSR-1" was based upon typical depths found to exist for lots over five (5) acres in lot size.
 - Since the access to the panhandle will remain constant. Allowing for the lot to increase to absorb adjacent parcel(s) that are irregular in shape or land locked, appears to be a benefit to the owner. If the land were not combined with adjacent parcels, a public road would be required to access the new lot(s).