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# CLEARCREEK TOWNSHIP ZONING CODE

## CHAPTER 1

### PURPOSE

- SEC. 1.00** This code is adopted for the following purposes.
- SEC. 1.01** To provide for the citizens of Clearcreek Township adequate light, pure air and safety from fire and other dangers, to conserve the value of land and buildings, to lessen or avoid congestion of traffic in the public streets and to promote the public health, safety, morals, comforts, conveniences and general welfare, all in accordance with the provision of **Section 519 of the Ohio Revised Code**.
- SEC. 1.02** To protect the character and the stability of the residential, business and industrial areas within Clearcreek Township and to promote the orderly and beneficial development of such areas.
- SEC. 1.03** To establish restrictions in order to attain these objectives by adopting a zoning code which will revise the districts into which the township is divided, the restrictions upon the uses to which land and buildings may be devoted, the restrictions upon the location and height of buildings, the restrictions upon the intensity of the use of land and buildings, the requirements for yards, the requirements for off-street parking facilities, the provisions for administration and enforcement of the Code, the penalties for violation of the Code, and the procedures, powers and duties of the Board of Appeals.

## **CHAPTER 2**

### **TITLE**

**SEC. 2.01** This code shall be known and may be cited and referred to as the **CLEARCREEK TOWNSHIP, WARREN COUNTY, OHIO ZONING GUIDE** or **ZONING CODE** to the same effect.

## CHAPTER 3

### DEFINITIONS

**SEC. 3.01** **Clarity of Interpretation:** For the purpose of this Zoning Code, certain terms or words used herein shall be interpreted as follows:

- A. The word **person** includes a firm, association, organization, partnership, trust, company, PROPRIETORSHIP, LEGAL ENTITY or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural and the plural number includes the singular.
- C. The word **shall** is a mandatory requirement, the word **may** is a permissive requirement and the word **should** is a preferred requirement.
- D. The words **used** and **occupied** include the words **intended, designed or arranged** to be used, or **occupied**.
- E. The word **lot** includes the words plot and parcel.
- F. The word **building** includes the word structure.

**SEC. 3.011** **Abandonment:** The act of giving up interest in property.

**SEC. 3.012** **Abandonment of telecommunication tower:** The act of giving up company interest for transmitting signals via the telecommunication tower. This discontinuance may be due to the relocation of equipment off site, changes in technology, or inability to continue services due to one's financial standing.

**SEC. 3.02** **Accessory Building, Use or Structure:** A building, use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal building use or structure.

**SEC. 3.021:** **Addition:** Any construction that increases the size of the structure in terms of site coverage, height, length, width or gross floor area.

**SEC. 3.027** **Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and accessory uses such as packing, treating, storing or selling produce; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal agricultural activities.

**SEC. 3.028** **Agritourism:** Activities conducted on a farm and offered to the public or to invited groups for the purpose of recreation, education, entertainment, hospitality, direct sales or active involvement in agricultural production. The activities shall co-exist with the operation of the farm and may include the following:

1. Recreation: (fishing, wildlife study, horseback riding, sleigh/carriage/wagon rides, stargazing, hiking, community gardens).
2. Educational experiences: (cooking classes, wine tasting, school tours, cannery tours, garden/nursery tours, agricultural technical tours, historic agricultural exhibits, food processing, dairy, cider making, gardening and plant identification).
3. Entertainment: (harvest festivals, concerts, barn dances, petting zoo, hunting/working dog trials/training, haunted house, haunted hayride, corn maze, pumpkin carving, egg painting, miniature golf, toddler rides, play ground areas, scavenger hunts, craft fair, antique shows, art shows).
4. Hospitality services: (bed & breakfast, retreat center, assembly area, country weddings, party receptions, picnic, campfires, family reunions, catering, country store, gift shop, fair food, camping).
5. Direct sales: (u-pick, roadside farm market or nursery sales with parking spaces for more than ten (10) vehicles).
6. Other uses as determined appropriate by the Board of Zoning Appeals.

**SEC. 3.03** **Airport:** Any runway, land area or other facility designed, used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage, and tie-down areas, hangars and other necessary buildings and open spaces.

**SEC 3.04** **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

**SEC. 3.05** **Alterations, Structural:** Any changes in the supporting members of a building such as bearing walls, columns, beams or girders.

**SEC. 3.06** **Apartments:** A room or suite of rooms in a multiple-family structure which is arranged, designed, used or intended to be used as a single housekeeping unit. Complete kitchen facilities, permanently installed, must always be included for each apartment.

**SEC. 3.07** **Assembly Area:** A definable open area, a partially enclosed structure or a fully enclosed structure used or intended to be used primarily for entertainment events, expositions and other public gatherings.

**SEC. 3.08** **Automotive Repair, Major:** Engine rebuilding or major reconditioning of a worn or damaged vehicle or trailer collision service, including body, frame or fender straightening or repair and painting of vehicles.

- SEC. 3.09** **Automotive Repair, Minor:** Incidental repairs, replacement of minor parts and motor service to automobiles, but not including any operation specified under **Automotive Repair, Major**.
- SEC. 3.10** **Automobile Service Station:** A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operations of automobiles, are offered for sale directly to the public, on the premises and including minor accessories and the servicing of automobiles; but not including major automotive repairs; and including washing of automobiles where no chair conveyor, blower or steam cleaning device is employed. When the dispensing, sale or offering of motor fuels or oil is incidental to the conduct of an automobile service station, the premises shall be classified as a public garage. Automobile service stations shall not include sale or storage of automobiles or trailers (new or used).
- SEC. 3.11** **Automobile and Trailer Sales Area:** An open area, other than a street, used for the display or sales of new or used automobiles or trailers, and where no repair work is done except for minor incidental repair of automobiles or trailers to be displayed and sold on the premises.
- SEC. 3.12** **Automobile Wrecking Yard:** Any place where motor vehicles, not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for wrecking or storing of such motor vehicles or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating conditions; and including the commercial salvaging of any other goods, articles or merchandise.
- SEC. 3.125** **Bars and Tavern:** Shall mean an establishment provided or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.
- SEC. 3.13** **Basement:** A portion of a building or structure not more than one-half (1/2) of its height underground designed for human occupancy. A basement is counted as a story for the purpose of height regulation.
- SEC. 3.131** **Bed and Breakfast:** An owner-occupied residential building wherein up to five (5) rooms are offered, for compensation, as lodging for guests and which may provide one meal per day for overnight guests.
- SEC. 3.14** **Block:** A tract of land bounded by streets or in lieu of a street or streets, by public parks, cemeteries, railroad right-of-way bulkhead lines or shore lines of waterways, or corporate boundary lines of municipalities.

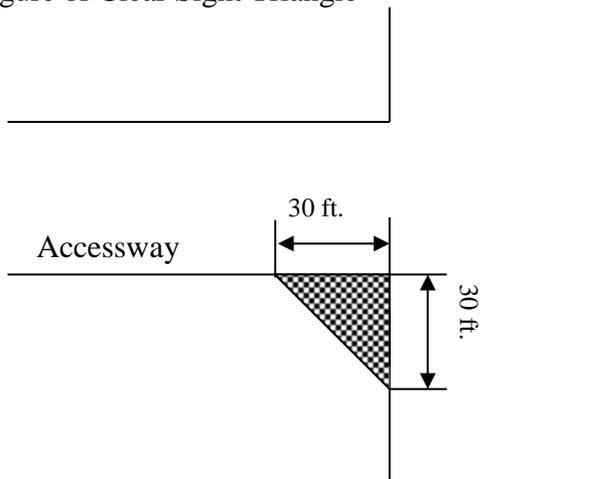
- SEC. 3.15**     **Boarding House:** A building other than a hotel, motel or restaurant where meals are provided for compensation to not more than six guests who are not members of the keeper's house.
- SEC. 3.151**   **Bottler, Alcohol:** Brewery/distillery in which the production is greater than or equal to 10,000 gallons of beer or spirituous liquor per year. This facility produces and packages for distribution, retail and/or wholesale, on or off premise. This term shall not include a “brewpub.”
- SEC. 3.1511** **Brewery:** An establishment that manufactures beer.
- SEC. 3.1512** **Brewpub:** A sit-down or outdoor dining restaurant, that includes a brewery/distillery in which the production is less than 10,000 gallons of beer or spirituous liquor per year.
- SEC. 3.152**   **Buffer:** A combination of physical space and vertical elements, such as plants, berms, fences, and/or walls, for the purposes of separating and screening incompatible land uses of different types and/or intensities from each other.
- Sec. 3.153**    **Buffer, Perimeter:** A buffer to separate contiguous incompatible land uses. The perimeter buffer is inside and parallel to the rear and the side boundary lines of a lot on which required and abuts the outside edge of any easement and/or right-of-way that abuts or traverses the lot.
- Sec. 3.1534** **Buffer, Streetscape:** Buffer that is parallel to the parcel frontage and which abuts all easements and/or right-of-way.
- SEC. 3.16**    **Building, Permanent:** Any structure designed or intended for support, enclosure, shelter or protection of persons, animals, chattels, or property.
- SEC. 3.161**   **Building, Temporary:** A building designed or intended for the support, enclosure, shelter or protection of animals, chattels or property that measures less than two hundred (200) square feet in size and does not meet the definition of structure, (see Section 3.69).
- SEC. 3.17**    **Building, Height of:** The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gable roofs.
- SEC. 3.18**    **Build Setback Line:** A line across the width of a lot or tract of ground, said line drawn concentric with, in the case of a curve, or parallel with the frontage line. It shall be set back from the frontage line, the minimum distance required in the regulations pertaining to the zone in which the lot or tract is located.

**SEC. 3.19** **Cellar:** A portion of a building or structure more than one-half (1/2) underground and not used or intended to be used for human occupancy. A cellar is not counted as a story for the purpose of height regulation.

**SEC. 3.191** **Cemetery:** A place used for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments.

**SEC. 3.192** **Clear Sight Triangle:** The area to the inside corner of the intersecting pavement edges of one private accessway or public street and another public street, in the shape of a triangle formed by a line of sight connecting the pavement edge of each thirty (30) feet outward from such intersection, unless otherwise required at a greater distance therefrom by the public road authority of jurisdiction.

Figure of Clear Sight Triangle



**SEC. 3.20** **Clinic, Medical or Dental:** A building or complex in which an organization of physicians or dentists or both work cooperatively and have their offices in a common building. A clinic shall not include in-patient care.

**SEC. 3.21** **Club or Lodge, Private:** A non-profit association of persons, who are bona fide members paying annual dues, which own, hire or leases a building or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverage may be served in a separate room and rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable Federal, State and County laws.

- SEC. 3.211 Commercial Equipment or Vehicle:** Any equipment or vehicle licensed with commercial license plates and/or any equipment or vehicle used for transporting goods or performing some service for a fee.
- SEC. 3.212 Comprehensive Plan (Master Plan):** A compilation of policy statements, goals and objectives, standards, maps and statistical data for the physical, social and economic development, both public and private, of Clearcreek Township or portions thereof adopted by the Township Board of Trustees.
- SEC. 3.213 Co-location:** The use of a wireless telecommunication facility by more than one wireless telecommunication provider.
- SEC. 3.214 Cul-De-Sac:** A circular vehicular turnaround within the right-of-way of a street or road being the terminus of a street or road having its other end open to traffic.
- SEC. 3.215 Cut Off:** The point at which all light rays, emitted by a luminaire are completely eliminated at a specific angle above the ground.
- SEC. 3.216 Cut Off Angle:** The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source.
- SEC. 3.217 Cut Off Type Luminaire:** A source of illumination with elements such as shield, reflectors, or refractor panels that direct and cut off the light at a cut off angle less than ninety (90) degrees.
- SEC. 3.218 Crown:** The top of a tree foliage canopy, in representing the greatest extent of such outward branching growth from the tree trunk.
- SEC. 3.22 Day Nursery School:** A building or portion thereof used for the daytime care of pre-school age children.
- SEC. 3.2213 Density, Net:** The numerical value obtained by dividing the total number of dwelling units in a development by the area of the actual tract of land (in acres) upon which the dwelling units are proposed to be located. Net density calculations exclude areas devoted to non-residential land uses, amenities, common open space, public right of way, and private streets.
- SEC. 3.221 Deciduous Plant:** A plant with foliage that is shed annually.
- SEC. 3.2211 Deck:** A platform supported by pillars or posts that is either freestanding or attached to another structure.

- SEC. 3.222** **Development:** Any man-made change to improved or unimproved real estate including but not limited to building or other structures, the placement of mobile homes, streets and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.
- SEC. 3.23** **Development Plan:** A plan for the development and use of a specific parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract, the location, size, height and use of all structures, all vehicular and pedestrian ways and parking areas, all sewer and water mains, fire hydrants, both public and private, and all landscaped and recreation areas to be erected and maintained thereon; and further explained by such specifications, conditions and limitations as be imprinted on the plat, or contained in the amendment or supplement to the Zoning Code, incorporating the development plan as an integral part of the zoning regulations applicable to that particular tract of land.
- SEC. 3.231** **Distillery:** An establishment that mashes, ferments, distills and ages spirituous liquor.
- SEC. 3.235** **Dripline:** The outermost perimeter of the crown of a plant as projected vertically to the ground.
- SEC. 3.24** **Drive Through Facility:** Shall mean an establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles. this shall not include drive-in facilities including, but not limited to, drive-in theaters and other drive-in establishments, where the goods are consumed in motor vehicles, on the premises.
- SEC. 3.25** **Dwelling:** A building or portion thereof designed, constructed or intended for human habitation, but not including a tent, cabin, trailer or trailer coach or camper on truck.
- SEC. 3.26** **Dwelling, Attached:** A dwelling which is joined to another dwelling at one or more sides by a party wall or walls.
- SEC. 3.27** **Dwelling, Detached:** A dwelling which is entirely surrounded by open space on the same lot.
- SEC. 3.28** **Dwelling, Multiple Family:** A building, designed or altered to provide three (3) or more dwelling units each for use and occupancy by one family.
- SEC. 3.29** **Dwelling, Single Family:** A building designed to provide a dwelling unit exclusively for use and occupancy by one (1) family.

- SEC. 3.30** **Dwelling, Two Family**: A building designed or altered to provide two (2) dwelling units each for use and occupancy by one family.
- SEC. 3.301** **Dwelling Unit**: A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, bathing, cooking, sanitation, heating and/or cooling, utilities as well as a point of external ingress/egress. Internal interconnection must exist for each floor and between floors. A unit is distinct and has physical separation from other units.
- SEC. 3.305** **Employee** means a person who works or performs as a part of a business association or as a private contractor, regardless of whether or not said person is paid a salary, wage, or other compensation by the operator of said business, excluding a person exclusively on the premises for repair or maintenance of the premises or equipment thereon, or for the delivery of goods to the premises.
- SEC. 3.306** **Establishment** means the opening or commencement of any business as a new business, or the conversion of an existing business
- SEC. 3.307** **Evergreen Plant**: A conifer tree or shrub, noted for perpetual foliage that always remains green throughout the life of such plants.
- SEC. 3.31** **Family**: A person or group of people that reside in a dwelling unit, no more than four (4) of whom are unrelated by blood, adoption or marriage.
- SEC. 3.3101** **Farm**: A parcel of five or more contiguous acres that is used for the production of agricultural products, including related structures thereon. The parcel shall be enrolled in the current agricultural use value (CAUV) system through the Warren County Auditor's Office.
- SEC. 3.3105** **Fence, Decorative**: A physical barrier that is constructed so that the vertical surface is open or closed. The fence must contribute to the identification and ascetics of principal use and comprised of pvc vinyl, ornamental aluminum or wrought iron.
- SEC. 3.311** **Flood**: A general and temporary condition of partial or complete inundation of normally dry land areas.
- SEC. 3.312** **Flood Plain**: (1) a relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation due to the periodic overflow of surface waters; (2) an area subject to the unusual and rapid accumulation of surface waters from any source.

- SEC. 3.313** **Floodway**: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100 year flood without cumulatively increasing the water and surface elevation more than one (1) foot.
- SEC. 3.314** **Floodway Fringe**: The area within the 100 year flood plain that is outside the floodway.
- SEC. 3.3144** **Floor Area, Net**: The horizontal area of a floor or floors of a building, excluding those areas not directly devoted to the principal or accessory use of the building, such as storage areas or stairwells, measured from the exterior faces of exterior or interior walls.
- SEC. 3.3145** **Floor Area Ratio (FAR)**: The floor area of a building or buildings on a lot divided by the lot area.
- SEC. 3.315** **Footcandle**: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.
- SEC. 3.32** **Forest**: A biological community dominated by trees and other woody plants covering a land area of one or more acres.
- SEC. 3.3316** **Fuel Service Canopy**: A roof like structure serving the purpose of protecting pedestrians from rain and sun while dispensing automobile fuels. Such structure must be open on three sides and if ground supported, supports must be confined in number and cross section area to the minimum necessary for actual support of the canopy.
- SEC. 3.33** **Frontage**: See lot frontage Sec. 3.48
- SEC. 3.34** **Garage, Private**: A detached or semi-detached accessory building or portion of the principal building used for the storage of motor vehicles, boats and their trailers, owned by the occupants of the premises.
- SEC. 3.35** **Garage, Public**: Any building other than a private garage used for parking or repairing motor vehicles for profit.
- SEC. 3.351** **Glare**: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases, cause momentary blindness.
- SEC. 3.352** **Gross Floor Area**: The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**SEC. 3.36** **Highway:** Interstate, Primary or Secondary: An officially designated state or federal numbered highway or other road designated as a major street on the Official Thoroughfare Plan of Warren County and Clearcreek Township.

**SEC. 3.37** **Home Occupation:** Any occupation or profession carried on in a residential zone in the main building on the premises by a member of the family residing therein, including but not limited to the following which are listed as examples:

The practice of medicine, dentistry, engineering, architecture and law and operation of a beauty salon, real estate office, insurance sales office and antique shop.

The reference to a member of the family in this section is limited to a person or persons who reside on the premises and is related within the first degree of kinship to the owner or principal tenant of the premises. Parking space shall be provided on the premises for not less than four (4) passenger vehicles, in conformity with the definition of parking space.

**SEC. 3.371** **Horizontal Illumination:** The measurement of brightness from a light source, measured in footcandles, which is taken through a light meter's sensor at a horizontal position at ground level.

**SEC. 3.38** **Hospital or Sanitarium:** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for not less than twenty four (24) hours in any week of three (3) or more non-related individuals suffering from illness, injury or other abnormal physical conditions. The term hospital as used in this Code, does not apply to institutions operating solely for the treatment of mentally ill persons, drug addicts, liquor addicts or other types of cases necessitating restraint and the term hospital shall not be used for convalescent, nursing, shelter or boarding house.

**SEC. 3.381** **Hot Tub, Spa**  
A receptacle, made of soft or hard materials that holds a liquid capacity greater than 100 gallons and designed with a mechanical air injection system and/or re-circulating device. These devices may filter and/or disinfect the water for reuse.

**SEC. 3.39** **Hotel, Motel, Inn or Auto Court:** An establishment containing lodging accommodations designed for use by transients or travelers or temporary guests.

**SEC. 3.391** **Illumination:** The amount of light falling on a surface, measured in footcandles.

- SEC. 3.394** **Impervious Surface**: Any hard surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks, and paved recreation areas.
- SEC. 3.395** **Impound lot**: An area where damaged or confiscated vehicles are stored for the purpose of repair or relocation.
- SEC. 3.40** **Institution**: A building owned and occupied by an organization not for profit and used exclusively for the benefit of members of the organization or the public.
- SEC. 3.401** **Junk**: One or more objects, articles, debris, things or materials outside of a completely enclosed building on a property, whereon such items are apparently useless, regardless whether reconditioning is in process which could restore value and usefulness, whether being collected, accumulated or stored for salvage or reuse, as may be evidenced by: poorly maintained, deteriorated, damaged or destroyed condition; careless, haphazard, or disorganized placement.
- Sec. 3.402** **Junk vehicle**: Any vehicle, whether motorized or otherwise made mobile for purposes of travel on or off roads, through air or water and/or to transport persons, animals or property and stored outside of a completely enclosed building on a property and is characterized by one (1) of the following:
- A. Damaged, dilapidated and/or dismantled so as to be classified as inoperable.
  - B. Inoperable status of vehicle could not be restored to safe, lawful operation within seven (7) days.  
(a recreational vehicle or travel trailer and a boat on a trailer, which are licensed as applicable and in operable condition and stored outdoors at a residence in accordance with sec. 5.03 of this code, are not included in this definition for regulation as junk.)
- SEC. 3.41** **Junkyard**: Place of business which is maintained or operated for the purpose of dismantling, handling, storing, purchasing, selling or shipping junk.
- SEC. 3.42** **Kennel, Commercial**: Any lot or premises or portion thereof, on which more than four (4) dogs, cats and other household domestic animals, over four (4) months of age, are kept, or on which more than two (2) such animals are boarded for compensation or kept for sale.
- SEC. 3.421** **Light Trespass**: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

- SEC. 3.43** **Limited Access Highway:** A traffic way, including toll roads, for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same, except at such points and only in such manner as may be determined by the public authority having jurisdiction over such road way.
- SEC. 3.44** **Lot:** A parcel of land having its frontage upon a public street or road.
- SEC. 3.442** **Lot, Building:** A lot or parcel of land, occupied or intended to be occupied by a principal structure that has been lawfully created and meets all criteria required by the underlying zoning classification.
- SEC. 3.45** **Lot, Corner:** A lot situated at the junction of and abutting on two (2) or more intersecting streets.
- SEC. 3.46** **Lot, Coverage:** The area of a zoning lot occupied by the principal building or buildings and accessory buildings.
- SEC. 3.47** **Lot, Depth:** The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.
- SEC. 3.48** **Lot, Frontage:** The frontage of a lot is the length of the boundary of a lot that is coincident and in common with that of the road right-of-way of a public street, road or highway that it abuts.
- SEC. 3.485** **Lot, Modern Design:** A lot intended to accommodate planned developments offering minimum yard maintenance exclusively for use and occupancy by a single family and that requires a Conditional Use Permit (CUP).
- SEC. 3.49** **Lot, Reversed Corner:** A corner lot, the area of which abuts upon the side of another lot, whether across an alley or not.
- SEC. 3.50** **Lot, Through:** A lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot. On a through lot both street lines shall be deemed front lot lines.
- SEC. 3.51** **Lot, Width:** The mean horizontal distance between the side lot lines measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area.
- SEC. 3.511** **Luminaire:** A complete lighting unit, consisting of a light source and all necessary mechanical, electrical and decorative parts.
- SEC. 3.512** **Luminaire Mounting Height:** This height shall be defined as the vertical distance from the grade elevation of the surface being illuminated to the bottom of the luminaire.

- SEC. 3.52** **Marquee or Canopy:** A rooflike structure of a permanent nature which projects from the wall of a building and overhangs the public way, and is designed and intended to protect pedestrians from adverse weather conditions.
- SEC. 3.521** **Model Home:** A dwelling unit presented as a sample of a product that could be constructed. Before this unit is occupied as a residence it is utilized for the purpose of a sales location for blue prints and dwellings.
- SEC. 3.53** **Motel:** See Hotel
- SEC. 3.531** **Nature Reserve:** Part or all of one or more parcels maintained in an unaltered natural state for the preservation of animal, plant life and/or natural formation.
- SEC. 3.54** **Non-Conforming Lot:** A lot of record existing at the date of the passage of this Code which does not have the minimum width or contain the minimum area for the zone in which it is located.
- SEC. 3.55** **Non-Conforming Structure:** Lawful structure which exists upon the adoption or amendments of this Code that could not be built under the terms of this Code by reason of restrictions on area, lot coverage, height, yards or other characteristics of the structure, or its location on the lot.
- SEC. 3.56** **Non-Conforming Use:** The use of any structure or land lawfully occupied and maintained, which does not conform with the use regulation or required conditions for the district in which it is located, by reason of adoption of this Code or amendments thereto.
- SEC. 3.5601** **Noxious Weeds:** As defined in Ohio Administrative Code 901:5-37-01.
- SEC. 3.5605** **Nudity or State of Nudity means:**
- (1). The appearance of human bare buttocks, anus, male or female pubic region or genitals, or the areolae or nipple of the female breast; or
  - (2). A state of dress which fails to opaquely and fully cover human buttocks, anus, male or female pubic region or genitals, or the areolae or nipple of the female breast.
- SEC. 3.56051** **Nursing Home, Rest Home, Convalescent Home:** A facility established for profit or nonprofit, which provides nursing care and related medical services on a 24 hour per day basis to two (2) or more individuals because of illness, disease, physical or mental infirmity or advanced age.

- SEC. 3.5606 One-Hundred (100) Year Flood:** A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one (1) percent chance of occurring each year, although the flood may occur in any year).
- SEC. 3.5607 Opacity:** The state, quality or degree of being impenetrable by light.
- SEC. 3.56071 Open Space Dedication Option Development (OSDOD):** A development in which lot sizes are reduced below those normally required in the zoning district in which the development is located, in return for the provision of permanent open space.
- SEC. 3.56072 Open Space Dedication Option Development (OSDOD), Average Lot Size:** Average of all resulting lot sizes in a given design, in order to achieve the total number of permitted lots, based on the gross density to the net buildable area. Example .50 gross density x 100 acres total area = 50 lots; 61.6 net buildable area/ 50 lots yields 1.23 acres per lot average.
- SEC. 3.56073 Open Space Dedication Option Development (OSDOD), Density Allowance:** Percent increase in density allowable under the OSDOD over that which would be permitted in the OSDOD net buildable area.
- SEC. 3.56074 Open Space Dedication Option Development (OSDOD), Gross Density:** Ratio of allowable total lot yield and total area. Example 50 lots allowed /100 acre total area = .50 gross density.
- SEC. 3.56075 Open Space Dedication Option Development (OSDOD), Incentive:** Number of lots that would be permitted under the OSDOD rules, in excess of those allowed by straight zoning.
- SEC.3.56076 Open Space Dedication Option Development (OSDOD), Infrastructure Requirement:** Percentage of total area used for roads.
- SEC. 3.56077 Open Space Dedication Option Development (OSDOD), Net Buildable Area:** Size of the development excluding infrastructure requirement and open space.
- SEC. 3.56078 Open Space Dedication Option Development (OSDOD), Open Space:** Open space designed to be set aside, dedicated, designated or reserved for recreation or preservation. Such area may include but is not limited to the following: pedestrian walkways, park land, open areas, waterways, wetlands, ponds, one hundred (100) year flood plain, buffers, forests, cropland, pasture, meadows, drainage ways and other lands of essentially open character reserved for common usage.

- SEC. 3.56079 Open Space Dedication Option Development (OSDOD), Total Area:**  
Overall development size inclusive of open space and infrastructure requirements.
- SEC. 3.5608 Operator** means and includes the owner, permit or license holder, custodian, manager, operator or person in charge of any business premises.
- SEC. 3.5609 Ornamental Plant:** A deciduous or conifer tree or shrub planted primarily for its decorative characteristics, such as flowering and foliage color, and/or for screening purposes being smaller in height, width and foliage density at maturity compared to other plant varieties which would be inappropriate or undesirable to such regard in a constrained spatial allowance or a setting where blocking a view is not wanted for sight distance safety or other reasons.
- SEC. 3.561 Panhandle Lot:** A lot whose only frontage on a public street is through a narrow strip of land which is wide enough to accommodate a driveway, but too narrow to accommodate any structures. The narrow strip of land is referred to as the panhandle and the balance of the lot is referred to as the body.
- SEC. 3.57 Parking Lot:** An area of land devoted to unenclosed parking spaces, either permanent or temporary agritourism in design materials.
- SEC. 3.58 Parking Space, Permanent:** A surfaced area of not less than one hundred eighty (180) square feet, either within a structure or in the open, exclusive of driveways and access drives, reserved for the parking of a motor vehicle.
- SEC. 3.5801 Parking Space, Temporary Agritourism:** A permeable area reserved for the placement of vehicles designated by the operator of the event.
- SEC. 3.5805 Permitted or Licensed Premises** means any premises that requires a license and/or permit under Chapter 10.5 of the Zoning Code.
- SEC. 3.5806 Permittee and/or Licensee** means a person or persons in whose name a permit and/or license to operate a business under these regulations has been issued, as well as the individual or other legal entity listed as an applicant on the application for a permit and/or license.
- SEC. 3.5807 Pervious Surface:** A surface that presents an opportunity for precipitation to infiltrate into the ground.
- SEC. 3.59 Plat:** A map or other scale drawing of a lot, or other parcel of ground, showing shape and dimensions.

**SEC. 3.5903 Portable Human Waste Facility:** A commercially maintained container that is used for the storage of human waste that is cleaned and emptied on a scheduled basis.

**SEC. 3.5905 Protected Uses** are those uses listed below and defined as:

- (1). Public building means any building owned, leased, or held by the United States, the State of Ohio, Warren County, any city, village or township, any special district or school district, or any other agency or political subdivision, which building is used for government purposes.
- (2). Land which has been designated for park or recreational activities, including but not limited to, a park; playground; nature trails; swimming pool; reservoir; athletic field; basketball or tennis courts; pedestrian or bicycle paths; open space; wilderness areas; Recreation Area: Private (SEC. 3.61), Charitable (SEC. 3.62), Public (SEC. 3.64) or Commercial (SEC. 3.63) or similar land.
- (3). Quasi-public facility means any building or improved property customarily open to the public for non-commercial purposes, but which is not under government ownership or control.
- (4). Religious institution means any church, synagogue, mosque, temple or building used primarily for religious worship and related religious activities.
- (5). Residential district or use means Zones OSR-1, R-1, TR-1, SR-1, R-1A, R-2, R-3 as set forth in this Zoning Code.
- (6). School means any public or private educational facility, including but not limited to child day care facilities; nursery schools; pre-schools; kindergartens; elementary, primary, intermediate, junior high, middle, secondary or high schools; vocational schools, continuation schools; special education schools; junior colleges; colleges and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

**SEC. 3.60 Public Street or Road:** One that has been dedicated whether or not it had been constructed to county standards as approved by the County Engineer and accepted by the County Commissioners.

**SEC. 3.605 Recreation:** The refreshment of body and mind through forms of play, amusement, or relaxation. The recreation experience may be active (requiring some constructed facilities and/or organized activities) or passive (using existing natural resources and has a minimal impact).

- SEC. 3.61 Recreation Area, Charitable:** A recreation area owned or maintained by a philanthropic organization for the general public at large, for tenants, for employees, for co-owners, or for members of an association.
- SEC. 3.62 Recreation Area, Commercial:** A recreation area privately owned and operated for profit.
- SEC. 3.63 Recreation Area, Private:** A recreation area owned and maintained by the owner of a development, business concern or property owners association for tenants, employees, co-owners or members of an association.
- SEC. 3.64 Recreation Area, Public:** A recreation area maintained by a public authority for public use.
- SEC. 3.641 Religious Institution:** A permanently located church, synagogue, temple, mosque or other place dedicated to religious worship. As part of its functions it may include the following incidental and subordinate uses subject to applicable federal, state and local regulations: offices, residences for clergy, religious instruction, educational institutions, day care centers, emergency shelters, community and recreational activities.
- SEC. 3.6411 Restaurant, Drive-In:** Any structure which is laid out, equipped maintained, advertised to the public as a place where food or beverages are served for a consideration to customers in motor vehicles.
- SEC. 3.6412 Restaurant, Fast-Food:** An establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.
- SEC. 3.6413 Restaurant, Sit-Down:** Any structure which is maintained, advertised to the public as a place where food is served in non-disposable containers for a consideration, to be consumed inside the structure.
- SEC. 3.6414 Restaurant, Outdoor Dining:** An establishment which is maintained, advertised to the public as a place where food is served in non-disposable containers for a consideration, to be consumed outside the structure.
- SEC: 3.642 Right-of-Way:** A strip of land acquired by easement, reservation, dedication, road establishment, prescription, eminent domain, fee simple or condemnation for public access and intended to be comprised of road pavement, drainage elements and possible presence of utilities.

**SEC. 3.649** **Screen:** A method or device for buffering the otherwise potentially greater impacts of noise and/or unsightly visual intrusions from one land use on another with more harmonious elements, such as plants, earth forms, fences, walls or any appropriate combination thereof to accomplish the desired degree of buffering.

**SEC. 3.6405** **Semi-nude** means a state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast, as well as portions of the body covered by supporting straps or devices, as applicable.

**SEC. 3.64051** **Service Equipment:** Propane tanks, loading docks, trash dumpsters, electrical transformers, air conditioners/cooling towers, heat pumps, utility vaults that extend above grade, and other equipment that provides service to a building or site.

**SEC. 3.6406** **Sexually Oriented Businesses** are those businesses defined as:

- (1). Adult Arcade means a commercial Establishment where, for any form of consideration, one (1) or more still or motion pictures projectors, slide projectors, or similar machines, or other image-producing machine, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or photographic reproductions characterized by the depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas”.
- (2). Adult Bookstore, Adult Novelty or Adult Video Store means a commercial Establishment which has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of revenues, or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration, of any one (1) or more of the following:
  - (a). Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, computer software, compact discs, or other visual representations, characterized by the depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas”.
  - (b). Instruments, devices, or paraphernalia designed for use or marketed primarily for stimulation of human genital organs, or for sadomasochistic use or abuse.
- (3). Adult Cabaret means a nightclub, bar, restaurant, bottle club, car wash, or similar commercial Establishment, whether or not alcoholic beverages are served, which regularly features:

- (a). Persons who appear nude, or in the state of nudity, or semi-nudity;
  - (b). Live performances characterized by the exposure of “Specified Anatomical Areas” or by “Specified Sexual Activities”;
  - (c). Films, motion pictures, video cassettes, slides, or other photographic reproductions, characterized by the depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas”.
- (4). Adult Motel is a motel, hotel or similar commercial Establishment which:
- (a). Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, characterized by the depiction of “Specified Sexual Activities” or “Specified Anatomical Areas” and which advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising, including but not limited to newspapers, magazines, pamphlets or leaflets, radio or television; or
  - (b). Offers a sleeping room for rent for a period of time less than ten (10) hours; or
  - (c). Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
- (5). Adult Motion Picture Theater means a commercial Establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions characterized by the depiction or description of “Specified Sexual Activities” or “Specified Anatomical Areas” are regularly shown for any form of consideration.
- (6). Adult Theater means a theater, concert hall, auditorium, or similar commercial Establishment which, for any form of consideration, regularly features persons who appear in a state of nudity, or performances characterized by exposure of “Specified Anatomical Areas” or by “Specified Sexual Activities”.

- (7). Escort means a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or agrees or offers to privately model lingerie or privately performs a striptease for another person.
- (8). Escort Agency means a person or business association that, for any form of consideration, furnishes, or offers to furnish an Escort (s), for another person.
- (9). Massage Parlor means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as a part of, or in connection with “Specified Sexual Activities”, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her “Specified Anatomical Areas”. This definition shall not include the practice of massage in a licensed hospital, under the auspices of a licensed hospital, by a licensed physician, surgeon, chiropractor or osteopath, by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, or by trainers for any amateur, semi-professional or professional athlete, or athletic team, or school athletic program.
- (10). Nude Model Studio means any place where a person, who regularly appears in a state of nudity, or displays “Specified Anatomical Areas”, is provided, for any form of consideration, to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.
- (11). Sexual Encounter Establishment means a business or commercial Establishment, that as one (1) of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort, for the purpose of “Specified Sexual Activities”, or the exposure of “Specified Anatomical Areas”, or activities when one (1) or more of the persons is in a state of nudity or semi-nude. This definition shall not include an Establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed in the State of Ohio, engages in medically approved and recognized sexual therapy.

**SEC. 3.64061 Shade Tree:** A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

**SEC. 3.64062 Shrub:** A deciduous or evergreen plant that is typically more woody and with denser foliage and smaller in size and height than a tree, consisting of numerous small branching stems at or near the ground, for decorative and/or buffer screening purposes.

**SEC. 3.64063 Signage**

All such definitions of and pertaining to signs can be found in Section 28.02 of Chapter 28.

**SEC. 3.64064 Sky Glow:** Occurrence created when light projects upward above a luminaire.

**SEC. 3.64065 Slope:** The degree that a land surface deviates from the horizontal, expressed as a percent difference from zero.

**SEC. 3.64069 Spa**

See hot tub

**SEC. 3.6407 Specified Anatomical Areas,** as used in the Zoning Code for the regulation of sexually oriented businesses, means and includes any of the following:

- (1). Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areolae, or
- (2). Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

**SEC. 3.6408 Specified Criminal Acts** are those offenses defined in Ohio Revised Code Chapter 2907, and as the same, may, from time to time be amended and similar offenses pursuant to municipal ordinances, township/county resolutions of this or any other state, the statutes and regulations of any other state or of the United States or tax violations in connection with Sexually Oriented Business.

**SEC. 3.6409 Specified Sexual Activities,** as used in the Zoning Code for the regulation of sexually oriented businesses, means and includes any of the following:

- (1). The fondling, intentional touching of human genitals, pubic region, buttocks, anus, or female breast; or
- (2). Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or
- (3). Masturbation, actual or simulation; or

- (4). Human genitals in a state of sexual stimulation, arousal, or tumescence; or
- (5). Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.

**SEC. 3.65** **Stable, Private:** A building for beasts to lodge and feed in, especially having stalls for horses.

**SEC. 3.66** **Stable, Public:** A building for beasts to lodge and feed in, especially having stalls for horses, operated for remuneration.

**SEC. 3.67** **Story:** The portion of a building, other than a cellar as described herein, included between the surface of any floor and the surface of the floor above it, except; for the top story, it shall be from floor surface to ceiling above.

**SEC. 3.68** **Story, Half:** A space above the highest full story under a sloping roof, which has the line of intersection of roof and wall face not more than three (3) feet above the floor level.

**SEC. 3.681** **Street, Local:** A public or private street primarily intended to provide direct vehicular access for abutting properties, while also linking such to arterial and collector streets.

**SEC. 3.682** **Street, Major Arterial:** A public street, typically with multiple travel lanes, primarily intended to provide for vehicular through-traffic movement to and from other arterial class and/or collector class streets, preferably having no direct access to local streets and land, except for large-scale uses, with controlled access and channelized median-separated travel lanes where land access is permitted and at signalized intersections with other roads, and on which little or no parking is permitted.

**SEC. 3.683** **Street, Major Collector:** A public street with typically two to three lanes that function or is intended to collect and convey vehicular traffic to and from local and minor collector class streets in providing linkage with arterial class streets and along which direct access to abutting property is discouraged and parking is not permitted.

**SEC. 3.684** **Street, Minor Arterial:** A public street typically with three or more travel lanes at intersections with arterial class streets, that is primarily intended to provide for vehicular through-traffic movement to and from other arterial class and/or collector class streets, preferably having minimal direct access to local streets and land uses, unless with access control improvements where land access is permitted and having signalized intersections with other roads and on which little or no parking is permitted.

**SEC. 3.685** **Street, Minor Collector:** A public street with typically two to three lanes that functions or intended to collect and convey vehicular traffic to and from local, collector class and arterial class streets and along which direct access to abutting property is provided and parking may be permitted.

**SEC. 3.69** **Structure:** Anything constructed or erected, the use of which requires fixed location on the ground or attached to something having a fixed location on the ground, including permanent buildings, signs, pergolas, swimming pools and telecommunication towers.

**SEC. 3.70** **Subdivision as used in this Code means:**

- A. Subdivision:** The division of any parcel of land into two (2) or more parcels, at least one (1) of which is less than five (5) acres, per Ohio Revised Code.
- B. Platted Subdivision:** A parcel of land that has been divided, the resulting lots have been numbered and an approved plat of entire parcel has been recorded at the Warren County Recorder's Office.

**SEC. 3.701** **Substantial Enlargement** of a business means an increase in the original floor area occupied by the business by more than fifteen (15) percent.

**SEC. 3.702** **Substantial Improvement:** A(n) repair, reconstruction, or improvements of the market value of the structure either (1) before the improvement or repair is started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when a building permit is issued for the alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the structure. The project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**SEC. 3.7021 Swimming Pool, Above Ground**

A structure that is comprised of support wall units and a liner. This structure is able to retain a minimum water depth of 18 inches and a maximum water depth of 48 inches, as measured at the support wall. This support wall is located on grade or partially below grade. This pool requires water filtration, circulation and purification. This structure is to be used for recreation purposes.

**SEC. 3.7022 Swimming Pool, In-ground**

A structure that is constructed in a manner that it cannot be readily disassembled for storage. This structure is able to retain a minimum water depth of 18 inches. This structure is installed entirely below grade. This pool requires water filtration, circulation and purification. This structure is to be used for recreation purposes.

**SEC. 3.7022 Swimming Pool, Portable**

A pool that is not permanently installed. This pool does not require water filtration, circulation and purification. The pool is not designed to hold more than 18 inches in depth of water. The pool does not require braces or supports when fully assembled.

**SEC. 3.703 Telecommunication tower:** A mast, pole, mono-pole, guyed tower, lattice tower, free standing tower or other structure; proposed to be owned or principally used by a public utility or other person engaged in the provision of telecommunication service; proposed at a height greater than that permitted within the applicable zone, or an attached structure proposed at a height greater than either the height of the building or structure to which it is to be attached, or that permitted within the applicable zone; proposed to have attached to it radio frequency transmission or reception equipment.

**SEC. 3.704 Telecommunication tower height:** Shall be measured from the natural undisturbed ground surface below the center of the base of tower to the highest point on the tower. If connected to a structure, the height of the tower shall also include the height of the portion of the structure on which it is mounted.

**SEC. 3.71 Tenant Farmer:** A person who resides on a tract of land used for agricultural purposes and who works thereon, as an agricultural worker, an average of thirty (30) hours per week or more.

**SEC. 3.72** **Trailer:** The word trailer shall include trailer coach, house trailer, mobile home, automobile trailer, camper or any self-propelled vehicle constructed, reconstructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, storage or conveyance of machinery, tools or equipment whether resting on wheels, jacks or other foundation and used or so constructed that it is or may be mounted on wheels or any similar transporting devices and used as a conveyance on highways and streets, but not including those vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals. Trailers shall not be considered buildings, dwellings or structures for the purpose of the Zoning Code.

**SEC. 3.7205** **Transfer of control** of a business means and includes any of the following:

- (1). The sale, lease, or sublease of the business; or
- (2). The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means, voluntary or otherwise; or
- (3). The establishment of a trust, gift, or similar legal device, which transfers ownership or control of the business, except for transfer by bequest, or other operation of law upon the death of a person possessing the ownership or control.

**SEC. 3.72051** **Tree:** A large, woody plant having one or several self-supporting stems or trunks and numerous branches. May be classified as deciduous or evergreen.

**SEC. 3.72052** **Uniformity Ratio:** The ratio of average illumination to minimum illumination.

**SEC. 3.725** **Use, By-Right:** A by-right use is a land use within a class of zone which is expressly permitted or, when applicable, determined to be permitted by the appropriate official and does not require a conditional use permit.

**SEC. 3.726** **Use, Conditional:** A conditional use is a land use itemized as a permitted conditional use within a class of zone which requires a Conditional Use Permit (CUP), granted by the Board of Zoning Appeals, subject to conditions established in conformance with applicable standards.

**SEC. 3.7265** **Wall, Decorative:** A physical barrier that is constructed so that the vertical surface is closed, thus preventing the passage of light, air, and vision in a horizontal plane. The exterior materials adjacent to the road right-of-way shall be comprised of brick and/or stone.

- SEC. 3.7266 Wall, Retaining:** A wall or terraced combination of walls used at a grade change to hold the soil on the up-hill side from slumping, sliding or falling. The exterior materials adjacent to the road right-of-way shall be comprised of any combination of the following: brick, keystone concrete block, stone.
- SEC. 3.727 Waterway:** Any body of surface water, including any creek, canal, river, pond, stream, lake, drainage easement or other natural occurring or man-made impoundment or conveyance of such on or over land, but excluding underground storm sewers, swimming pools and any other fabrications not intended for or in association with storm water.
- SEC. 3.278 Wetland:** Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs and similar areas.
- SEC. 3.73 Yard:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except eaves, balconies and unenclosed steps leading to a first floor or basement. In measuring a yard the minimum horizontal distance between the lot line and the nearest portion of the building shall be calculated, starting at the lot line and ending at the nearest portion of the building foundation.
- SEC. 3.74 Yard, Front:** The open space extending across the front of a lot between the lot frontage and the closest vertical support for the building, other than the projection of the usual eaves and overhangs not to exceed three (3) feet, steps, wheelchair ramp. For a lot that has frontage on more than one street, the required front yard shall be provided on all streets.
- SEC. 3.75 Yard, Rear:** The open space extending across the rear of a lot between the side lot lines and the being the minimum horizontal distance between the rear lot line and the building other than the projection of the usual eaves and overhangs not to exceed three (3) feet, steps, unenclosed balconies or unenclosed porches. The lot line is most distant from, and is, or is most nearly parallel to, the lot frontage. If a rear lot line is less than fifteen (15) feet long, or if the lot line comes to a point at the rear, the rear lot line shall be a line at least fifteen (15) feet long lying wholly within the lot, parallel to the lot frontage. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner lots and interior lots the rear yard shall in all cases be the opposite end of the lot from the front yard. On lots fronting on three (3) streets, the remaining dimension shall be termed the rear yard, but shall be at least the minimum established for any side yard in the respective zone.

**SEC. 3.76** **Yard, Side:** The open space between the building and the side line of the lot and extending from the front yard to the rear yard. Unenclosed steps, wheelchair ramps and balconies may extend into the side yard no more than one-half (1/2) of the required side yard width. Side yard lot lines connect lot frontage to rear yard lot lines.

**SEC. 3.77** **Zoned:** Any area or areas of the unincorporated territory of Clearcreek Township for which uniform regulation is provided governing the use of buildings and premises, the height of buildings, size of yards and area of lots.

**SEC. 3.78** **Zoning Compliance Certificate:** An applicant initiated document issued by the zoning inspector that certifies compliance of a given property use and structures with all applicable requirements set forth in the zoning resolution.

## CHAPTER 4

### ZONES AND BOUNDARIES THEREOF

**SEC. 4.01** In order to classify, regulate and restrict the location of trades, industries, residences, recreation and other land uses and the location of buildings designed for specified uses; to regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; to regulate and limit the percentages of lot area which may be occupied, setback building lines, sizes of yards and other spaces within and surrounding such buildings, the density of population; the unincorporated territory of Clearcreek Township, Warren County, Ohio is hereby divided into twelve (12) classes of zones.

All such regulations are uniform for each class or kind of building or structure or use throughout each class of zone, except in Planned Unit Development (See **Chapter 13**), and said zones shall be known as:

<b>"OSR-1"</b>	<b>Open Space Rural Residence Zone</b>
<b>"R-1"</b>	<b>Residence Zone</b>
<b>"TR-1"</b>	<b>Township Residence Zone</b>
<b>"SR-1"</b>	<b>Suburban Residence Zone</b>
<b>"R-1A"</b>	<b>Single Family Residence Zone</b>
<b>"R-2"</b>	<b>One and Two Family Residence Zone</b>
<b>"R-3"</b>	<b>Multi-Family Residence Zone</b>
<b>"O"</b>	<b>Office Zone</b>
<b>"B-1"</b>	<b>Neighborhood Business Zone</b>
<b>"B-2"</b>	<b>General Business Zone</b>
<b>"M-1"</b>	<b>Light Industry Zone</b>
<b>"M-2"</b>	<b>Heavy Industry Zone</b>

**SEC. 4.02** The boundaries of these zones as established are indicated upon the zoning maps of the unincorporated area of Clearcreek Township, Ohio, which map is made a part of this Code. The said zoning map of such unincorporated area of Clearcreek Township, Warren County, Ohio, and all the notations, reference and other matters shown thereon shall be as much a part of this Code as if the notations, references and other matters set forth by said map is all fully described herein; which zoning map is properly attested and is on file in the office of the Clearcreek Township Zoning Inspector.

**SEC. 4.03** Whenever a court declares by a judgment or decree that is final (whether because no appeal is taken or no further appeal can be taken from such judgment or decree), that the zoning of a specific lot or tract is unconstitutional or unreasonable because it is too restrictive, the property affected shall automatically revert to the next less restrictive zone; provided, however, that where the court in such judgment or decree declares that the property may be used for a particular use or uses, notwithstanding any provision hereof which purports to permit such use, because the Clearcreek Township Trustees have no right to prohibit such use or uses on the property, then such property shall be subject to the regulation applicable to the most restrictive zone in which the particular use or uses declared proper by the court are permitted.

## CHAPTER 5

### GENERAL PROVISIONS

- SEC. 5.01** Except as hereinafter provided.
- SEC. 5.02** No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all of the regulations established by this Code for the zone in which the building or land is located.
- SEC. 5.03** The placement of a house trailer, travel trailer or watercraft trailer, in any residential zone, shall be limited to a quantity of two (2), if stored outside of a structure. The trailer shall be parked in the side yard or rear yard of the dwelling unit. A gravel, concrete or asphalt area shall be established for such storage. No occupancy for human habitation shall be maintained or business conducted therein while such trailer is so parked or stored.
- SEC. 5.04** In any residence zone, the wheels or any similar transporting devices of any trailer shall not be removed nor shall such trailer be otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location.
- SEC. 5.05** The minimum yards and other open space requirements and the density of population provisions contained in this Code for each and every building existing on the effective date of this Code or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or density of population requirements for any other building.
- SEC. 5.06** Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main residential building on a lot, except as specifically provided hereinafter. A plat of survey or plot plan, showing stakes on lot corners and at building setback shall accompany a request for permission to erect or add to any structure.
- SEC. 5.07** The accuracy standard used to determine compliance with setbacks shall be that of a mortgage survey as outlined in the Ohio Administrative Code.
- SEC. 5.08** Nothing contained in this Code shall prohibit the use of any land for agricultural purposes or the construction or use of any building or structure incidental to such agricultural use, and no zoning certificate shall be required for any such agricultural use, building or structure.
- SEC. 5.09** Deleted

**SEC. 5.10** In every zone, any structure erected or structure altered, or any permitted use, shall be located on a lot or tract having the frontage required by this Code on a dedicated, improved street or road.

**SEC. 5.11** The required side and rear yards for accessory building shall be a minimum of ten (10) feet unless otherwise provided in the regulations of the zone in which the building is located.

**SEC. 5.12** Any applicant for a zoning change is encouraged to engage in informal consultations with the zoning enforcement officer and with the director of the Warren County Regional Planning Commission; however, no statement or representation made by either such officer is binding upon the Regional Planning Commission, the Clearcreek Township Zoning Commission or the Clearcreek Township Trustees.

**SEC. 5.13** This Zoning Code is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this zoning code and another regulation, easement, covenant or deed restriction conflict or overlap, whichever imposes the most stringent restrictions shall prevail.

**SEC. 5.14 Temporary Housing During Construction**

In the event of the new construction of a single family dwelling or if an existing single family dwelling is destroyed by a natural disaster, fire or other technological disaster a mobile home may be located on a lot to provide temporary housing during construction or reconstruction provided:

- A.** A statement of conditions, which in the opinion of the Zoning Inspector constitutes a natural disaster, fire or other technological disaster, thus requiring the use of a mobile home, must be filed with the mobile home permit application.
- B.** A building permit shall have been issued for construction of a single family dwelling on the same lot or tract of ground, and that actual construction has commenced before the mobile home is placed on the property.
- C.** The mobile home shall be placed in a location approved by the Zoning Inspector which normally will be behind the dwelling unit building site. On a corner lot a screen shall be erected to hide the mobile home from the side street or streets.
- D.** Before the mobile home is occupied, it shall be connected to the sewage disposal system required for the single family dwelling under construction.
- E.** The electrical service to the mobile home shall meet the requirements of the Revised Building Code of Warren County, Ohio.

- F.** The mobile home shall be securely anchored by deadmen or screw type anchors.
- G.** A safe and substantial set of entrance steps of steel, wood or concrete shall be installed.
- H.** The mobile home may be occupied for a period of six (6) months and an additional six (6) month period if the Clearcreek Township Zoning Inspector is satisfied that work is progressing and additional time is required for completion of the residence. At the discretion of the zoning inspector, this time could be extended.
- I.** The mobile home must be vacated and removed within thirty (30) days after the residence is approved for occupancy or at the end of one (1) year, whichever occurs first. At the discretion of the Zoning Inspector this time could be extended.
- J.** A deposit of \$250 shall be made with the Clearcreek Township Trustees. This deposit will be returned provided the mobile home is removed within the period specified in Item H above. The deposit may be used by the Clearcreek Township Trustees to defray the costs of removing the mobile home from the premises.

**SEC. 5.15** One (1) commercial vehicle or one (1) article of commercial equipment is permitted on a residential lot provided it is parked or stored in a private garage or accessory building except that tractors, equipment and implements in use exclusively for agricultural purposes shall be permitted on residential zoned lands where agriculture may not be regulated pursuant to **Section 5.08**.

**SEC. 5.16** Equipment used exclusively for the maintenance of the lawn or garden of the residential zoned lot on which the equipment is stored is permitted provided it is kept in a private garage or accessory building.

**SEC. 5.17** During the time of construction for principal structures, a portable human waste facility must be provided and maintained until the approved sanitation system has been installed and found acceptable for use by the Warren County Combined Health District and/or Ohio Environmental Protection Agency.

**SEC. 5.18** During the time of construction for principal structures, a trash dumpster must be provided and maintained until the property has contracted trash removal or the structure has received an occupancy permit from the Warren County Building Department, which ever occurs first.

## CHAPTER 5.5

### 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 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.** Agritourism

- 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 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.
- 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, 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, 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.

**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.

## CHAPTER 5.75

### RESIDENCE ZONE "R-1" REGULATIONS

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

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

- A. Single family dwellings
- B. Home occupation, provided that:
  - 1. Signage in accordance with Chapter 28.
  - 2. No display shall be maintained which indicates from the exterior of the building on said premises that such building is being used for any purpose other than a dwelling.
  - 3. No commodity shall be sold on or from the premises unless it was produced thereon or unless it is incidental to the permitted services rendered or articles permitted to be produced on the premises.
  - 4. No items used for the permitted home occupation shall be stored outside of the residence occupied by the family.
  - 5. Parking space is provided on the premises for not less than four (4) passenger automobiles and in no event less than 1200 square feet.
- C. Community fire house, provided.
  - 1. Front yard, side yard and rear yard requirements for zone are met.
  - 2. Main building shall be at least minimum residential size.
  - 3. Enough area is set aside for future parking spaces, for a minimum of forty (40) cars, with a parking space provided at any given time for each member of the fire company. If an assembly hall is included in the building, additional parking spaces shall be provided in accordance with **Chapter 16, Zoning Code**.

- D.** The sale of household goods, furnishings, clothing, toys, tools and books that have been used by members of the family occupying the premises may be advertised and sold on the premises, provided such sale is not held oftener than every six (6) months, for a period of three (3) days each sale; the items sold were not acquired for the sale.
- E.** Publicly owned or operated properties including parks, playgrounds and community centers.
- F.** Public forests and nature reserves including the usual buildings therefore.
- G.** Private forests and nature reserves, including the usual buildings therefore where parking spaces are limited to ten (10) vehicles.
- H.** Model homes: 1. Shall exist within a subdivision. 2. Shall be located along the primary ingress and egress to the subdivision. 3. Shall be declared to the Clearcreek Township Zoning Department prior to the use being established. 4. Shall be eliminated after ninety (90) percent of the parcels within that subdivision are under construction.
- I.** A temporary or permanent building for protection from the weather elements shall be required for animals other than for two (2) dogs, which reside on parcels less than five (5) acres. This building shall be established as an accessory and located at least eighty-five (85) feet from every property line.
- J.** Roadside Farm Market, offering for sale agricultural products of which at least fifty percent (50%) of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Ample off-street or off-road parking space shall be provided to take care of all vehicles visiting the roadside farm market. Parking spaces are limited to ten (10) vehicles. See Chapter 16 and 28.
- K.** Accessory buildings defined as either temporary or permanent and uses customarily incidental to any permitted uses, provided the primary use or structure has been established or constructed on the same lot.

**L.** Signage in accordance with Chapter 28.

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

- A.** Schools, public and private, from nursery schools through colleges having curriculum equivalent to public school curricula.
- B.** Religious institution, provided buildings shall be at least a minimum residential size.
- C.** Hospital and institutions of an educational, religious, charitable or philanthropic nature, provided the site upon which such uses are located shall contain at least five (5) acres and that such buildings shall not occupy over ten percent (10%) of the total site area.
- D.** Rest home, nursing home or convalescent home, provided that such buildings shall be located upon a site of five (5) acres or more and shall not occupy more than ten percent (10%) of the total site area.
- E.** Cemeteries, provided that any cemetery shall contain an area of twenty (20) acres or more.
- F.** Telecommunication tower: In those instances where a telecommunication tower is made subject to this resolution pursuant to section 519.211 Ohio Revised Code (ORC) and as the same may, from time to time, be amended, said telecommunication tower shall be located, erected, constructed, reconstructed, changed, altered, or enlarged in accordance with Section 21.01(F)(2) & Section 22.05 of the zoning resolution.
- G.** Agritourism
- H.** Clubs, including country clubs, swimming and tennis clubs, provided that any structures, except fences, shall be at least fifty (50) feet from property lines, and any parking areas necessary to the operation shall be at least two hundred (200) feet from any adjoining residential zone; the setback from street or streets shall be the same as for residences.
- I.** Recreation area, not for profit, private or charitable, provided a minimum of thirty (30) acres is used and fenced on all sides.

J. Private forests and nature reserves, including the usual buildings therefore with parking spaces for more than ten (10) vehicles.

K. Signage in accordance with Chapter 28.

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

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

- A. There shall be front yard having a depth of not less than fifty (50) feet, provided, however, no front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet of a building.
- B. For a lot that has frontage on more than one street, the required front yard shall be provided on all streets.
- C. Side yard: There shall be a side yard of ten (10) feet minimum on each side, except for lots with more than one (1) front yard, in which case the minimum side yard shall be ten (10) feet on the side, if any, not fronting on a street.
- D. Rear yard: There shall be a rear yard having a depth of not less than forty (40) feet, except for lots with three (3) front yards, in which case the minimum rear yard shall be ten (10) feet.

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

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

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

- A. Lots or parcels proposed as building sites that are connected to a central sanitary sewage system approved by the Warren County Sanitary Engineer and the Ohio Environmental Protection Agency shall contain not less than one half (1/2) acre exclusive of: any road or street right-of-way as shown on the Warren County, Ohio, Official Thoroughfare Plan, waterways, wetlands, one hundred (100) year flood plain, drainage easements, high pressure gas pipeline easements and railroad easements.
- B. Lots or parcels proposed as building sites that are not connected to a central sanitary sewage system and are otherwise approved by the Warren County Combined Health District and/or the Ohio Environmental Protection Agency for individual onsite wastewater disposal system shall contain not less than one (1) acre exclusive of: any road or street right-of-way as shown on the Warren County, Ohio, Official Thoroughfare Plan, waterways, wetlands, one hundred (100) year flood plain, drainage easements, high pressure gas pipeline easements, and railroad easements.
- C. If a preliminary plat was approved with more restrictive zoning regulations than those in place at the time of the final plat submittal, the least restrictive regulations will be applied at the time of zoning review.

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

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

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

- A. Panhandle lots shall not be "stacked" one behind the other relative to a street or road.
- B. The panhandle portion of the lots shall have a minimum frontage and continuous width of twenty (20) feet and a maximum frontage and width of forty (40) feet.
- C. The panhandle portion of the lots shall have a maximum length of five hundred (500) feet.

- D.** The body of the lot shall have a minimum area of one and one-half (1 1/2) acre exclusive of the panhandle portion of the lot, any road or street right-of-way as shown on the Warren County, Ohio, Official Thoroughfare Plan, waterways, wetlands, one hundred (100) year flood plain, drainage easements, high pressure gas pipeline easements and railroad easements.
- E.** The body of the lot shall have a minimum width of one hundred twenty five (125) feet and a minimum depth of two hundred (200) feet.
- F.** All structures shall be built within the body of the panhandle lot.
- G.** The principal structure shall have a minimum front yard of fifty (50) feet, rear yard of fifty (50) feet and a side yard of twenty (20) feet minimum each side.
- H.** Any accessory structure shall have a minimum front yard of fifty (50) feet, rear yard of twenty (20) feet and a side yard of twenty (20) feet minimum each side.

## CHAPTER 6

### TOWNSHIP RESIDENCE ZONE "TR-1" REGULATIONS

**SEC. 6.01** The regulations set forth in this chapter, or set forth elsewhere in the zoning code are the zoning regulations for Township Residence "TR-1".

**SEC. 6.02 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 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. 6.024 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.** 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.
- D.** Agritourism
- E.** 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.
- F.** Recreation area, not for profit, private or charitable, provided a minimum of thirty (30) acres is used and fenced on all sides.
- G.** Private forests and nature reserves, including the usual buildings therefore with parking spaces for more than ten (10) vehicles.

H. Signage in accordance with Chapter 28.

**SEC. 6.03 HEIGHT REGULATIONS:** No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

**SEC. 6.04 PRINCIPAL STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:**

- A. There shall be a front yard having a depth of not less than seventy-five (75) 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 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.
- 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. 6.045 ACCESSORY STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:**

- A. Front yard shall conform to 6.04 (A) and 6.04 (B).
- B. Side yard shall conform to 6.04 (C).
- C. Rear yard shall be a minimum of twenty-five (25) feet.

**SEC. 6.05 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 twenty (120) 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 sixty (60) feet, and a minimum width of one hundred twenty (120) feet at the minimum building setback line and:

- A. Lots or parcels proposed as building sites that are not connected to a central sanitary sewage system and are otherwise approved by the Warren County Combined Health District and/or the Ohio environmental protection agency for individual onsite wastewater disposal system shall contain not less than one and one half (1 ½) 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, high pressure gas pipeline easements, and railroad easements.

**SEC. 6.06 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. 6.07 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 six hundred (600) feet.
- D. The body of the lot shall have a minimum area that meets the minimum lot size established in section 6.05 (a) 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 seventy-five (75) 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 seventy-five (75) feet, rear yard of twenty (20) feet and a side yard of twenty (20) feet minimum each side.

## 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 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, high pressure gas pipeline easements and railroad easements.
- B. Lots or parcels proposed as building sites that are not connected to a central sanitary sewage system and are otherwise approved by the Warren County Combined Health District And/Or The Ohio Environmental Protection Agency for individual onsite wastewater disposal system shall contain not less than one (1) acre exclusive of: any road or street right-of-way as shown on the Warren County, Ohio, Official Thoroughfare Plan, waterways, wetlands, one hundred (100) year flood plain, drainage easements, high pressure gas pipeline easements, and railroad easements.

**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 7

### RESIDENCE ZONE "R-1A" REGULATIONS

**SEC. 7.01** The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for Residence Zone "R-1A".

**SEC. 7.02** Permitted uses: A building or lot shall be used only if connected to a central sewage system that will be, upon the start of operation, turned over to appropriate county department for maintenance and operation:

- A.** Single family dwellings.
- B.** Home occupation as described in **Section 5.752 (B)**.
- C.** 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.
- D.** Publicly owned or operated properties including parks, playgrounds, community centers and fire houses, provided that fire houses shall be subject to the provisions of **Section 5.752 (C)**.
- E.** 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 at least eighty-five (85) feet from every property line.
- F.** 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.
- G.** Model homes: As described in SEC. 5.752 (H).
- H.** Signage in accordance with Chapter 28.

**SEC. 7.021 CONDITIONAL USES:**

- A. Telecommunication tower: In those instances where a telecommunication tower is made subject to this resolution pursuant to section 519.211 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. 7.03** Height regulation: No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

**SEC. 7.04, PRINCIPAL STRUCTURE, REQUIRED YARDS:**

- A. There shall be a front yard having a depth of not less than thirty-five (35) feet, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.
- B. For a lot that has frontage on more than one (1) street the required front yard shall be provided on all streets.
- C. There shall be a side yard of ten (10) feet on either side.
- D. 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 (10) feet.

**SEC. 7.045 ACCESSORY STRUCTURE, REQUIRED YARDS FOR LOTS EXCEPT PANHANDLE LOTS:**

- A. Front yard shall conform to 7.04 (A) and 7.04 (B).
- B. Side yard shall conform to 7.04 (C).
- C. Rear yard shall be a minimum of ten (10) feet.

**SEC. 7.05** Intensity of use: Every lot or parcel of land shall have a minimum continuous frontage and width of not less than eighty (80) feet at any point, except on a cul-de-sac, in which case a lot shall have a continuous minimum frontage and width of at least forty (40) feet, a minimum width of eighty (80) feet at the building line and a minimum area of fourteen thousand (14,000) square feet exclusive of any road or street right-of-way as shown in the Warren County, Ohio, Official Thoroughfare Plan, waterways, wetlands, one hundred (100) year flood plain, drainage easements, high pressure gas pipeline easements and railroad easements.

**SEC. 7.056** 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.

## CHAPTER 7.5

### RESIDENCE ZONE "R-2" REGULATIONS

**SEC. 7.51** The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for Residence Zone "R-2".

**SEC. 7.52 PERMITTED USES:** A building or lot shall be used only for the following purposes, but only if connected to a central sewage system that will be, upon the start of operation, turned over to appropriate county department for maintenance and operation:

- A. Single family dwellings
- B. The following uses as permitted in the Rural Residence Zone "R-1", **Sections 5.752:(B)**.
- C. A building, defined as either temporary or permanent for no more than two (2) dogs, cats or other domestic household pets.
- D. Model homes as described in Section 5.752 (H).
- E. 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.
- F. Signage in accordance with Chapter 28.

**SEC. 7.525 CONDITIONAL USES:** The following uses require a conditional use permit (CUP) pursuant to **Section 21.01(F)** of this Resolution:

- A. Modern design lots
- B. Two family dwellings
- C. Telecommunication tower: In those instances where a telecommunication tower is made subject to this resolution pursuant to section 519.211 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. 7.53 HEIGHT REGULATIONS:** The height regulations are the same as those in the Rural Residence Zone "R-1".

**SEC. 7.54 PRINCIPAL STRUCTURE, REQUIRED YARDS:**

- A. There shall be a front yard having a depth of not less than thirty (30) feet except for modern design lots which shall have a minimum front yard of twenty-five (25) feet.
- B. For a lot that has frontage on more than one (1) street the required front yard shall be provided on all streets.
- C. There shall be a side yard of five (5) feet on either side with a total of fifteen (15) feet for both sides except for lots with more than one (1) front yard, in which case the minimum side yard shall be five (5) feet on the side not fronting on a street. Modern design lots shall have a side yard of five (5) feet for each side.
- D. Rear yards: For other than modern design lots there shall be a rear yard having a depth of not less than thirty (30) feet, except for lots with three (3) front yards, in which case the minimum rear yard shall be ten (10) feet. Modern design lots shall have a minimum rear yard of ten (10) feet.

**SEC. 7.545 ACCESSORY STRUCTURE, REQUIRED YARDS:**

- A. Front yard shall conform to 7.54 (A) and 7.54 (B).
- B. Side yard shall conform to 7.54 (C).
- C. Rear yard shall be a minimum of ten (10) feet.

**SEC. 7.55 INTENSITY OF USES:**

- A. For Single family dwellings:
  - 1. Every lot or tract of land shall have a minimum continuous width and frontage of not less than eighty (80) feet at any point, except on a cul-de-sac, in which case it shall have a minimum continuous width and frontage at any point of at least forty (40) feet and a minimum width of eighty (80) feet at the building setback line, and;
  - 2. An area of not less than ten thousand (10,000) square feet 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, high pressure gas pipeline easements and railroad easements.

- B. For two (2) family dwellings:
  - 1. Every lot or tract of land shall have a minimum continuous width and frontage of not less than ninety (90) feet at any point, except on a cul-de-sac, in which case it shall have a minimum continuous width and frontage at any point of at least forty-five (45) feet and a minimum width of ninety (90) feet at the building setback line, and;
  - 2. An area of not less than twelve thousand (12,000) square feet 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, high pressure gas pipeline easements and railroad easements.
  
- C. For modern design lots:
  - 1. Every lot or tract of land shall have a minimum continuous width and frontage of not less than sixty-five (65) feet at any point, except on a cul-de-sac, in which case it shall have a minimum continuous width and frontage at any point of at least thirty-five (35) feet and a minimum width of sixty-five (65) feet at the building setback line, and;
  - 2. An area of not less than six thousand (6,000) square feet 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, high pressure gas pipeline easements and railroad easements.

**SEC. 7.56 MINIMUM DWELLING SIZE:** Every single family dwelling shall have a minimum floor area of nine hundred sixty (960) square feet, and every two (2) family dwelling shall have a minimum floor area of eight hundred (800) square feet of living space by outside dimensions exclusive of porches, garages, breezeways and cellars for each family.

Each additional bedroom, over two (2) bedrooms shall have a minimum floor area of one hundred and fifty (150) square feet.

## CHAPTER 8

### RESIDENCE ZONE "R-3" REGULATIONS

**SEC. 8.01** The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code are the zoning regulations for Residence Zone "R-3".

**SEC. 8.02** **PERMITTED USES:** A building or lot shall be used for the following purposes, but only if connected to a central sewage system that will be upon the start of operation turned over to appropriate county department for maintenance and operation.

- A. Two family dwellings
- B. Multiple family dwellings
- C. 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.
- D. Signage in accordance with Chapter 28.

**SEC. 8.021** **CONDITIONAL USES:** Telecommunication tower: in those instances where a telecommunication tower is made subject to this resolution pursuant to section 519.211 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. 8.03** The height regulations are the same as for Zone "R-2".

**SEC. 8.04** **YARDS:**

- A. There shall be a front yard having a depth of not less than thirty (30) feet.
- B. For a lot that has frontage on more than one street, the required front yard shall be provided on all streets.
- C. There shall be a side yard of five (5) feet on either side with a total of fifteen (15) feet for both sides except for lots with more than one (1) front yard, in which case the minimum side yard shall be five (5) feet on the side not fronting on a street.

- D. There shall be a rear yard having a depth of not less than thirty (30) feet, except for lots with three (3) front yards, in which case the minimum rear yard shall be five (5) feet.

**SEC. 8.05 INTENSITY OF USE:**

- A. For two family dwellings, every lot or parcel of land shall have a minimum continuous width and frontage of ninety (90) feet at any point, except on a cul-de-sac, in which case it shall have a minimum continuous width and frontage at any point of at least forty-five (45) feet and a minimum width of ninety (90) feet at the building setback line; and a minimum area of ten thousand (10,000) square feet: 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, high pressure gas pipeline easements and railroad easements.
- B. For multiple family dwellings, every lot or parcel of land shall have a minimum continuous width and frontage of one hundred (100) feet at any point, except on a cul-de-sac, in which case it shall have minimum continuous width and frontage at any point of at least fifty (50) feet and a minimum width of one hundred (100) feet at the building setback line; and a minimum area of twelve thousand (12,000) square feet, plus an additional area of twenty five hundred (2,500) square feet for each family over (2): 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, high pressure gas pipeline easements and railroad easements.
- C. The minimum dwelling size for a two family (2) residence shall be the same as for Zone "R-2" and the minimum apartment size for multiple dwellings, shall be seven hundred twenty (720) square feet of living space by outside dimensions exclusive of porches, garages, breezeways and cellars.

Each additional bedroom over two (2) bedrooms, shall have a minimum floor area of one hundred and fifty (150) square feet.

## CHAPTER 8.5

### OFFICE ZONE "O" REGULATIONS

**SEC. 8.51** The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for office "O" zones.

**SEC. 8.52** Permitted uses: A building or lot shall be used only for the following purposes, provided the sewage system is approved by the Warren County Combined Health District and/or the Warren County Sanitary Engineer and the Ohio Environmental Protection Agency, and provided that no retail trade is carried on with the general public, and that no stock of goods is maintained for sale to the general public:

- A. Banks and financial institutions,
- B. Medical and dental clinics,
- C. Radio and television broadcasting studios,
- D. Art, music and photographic studios,
- E. Administrative business and professional offices, such as engineers, architects, attorneys, insurance agents, real estate agents, accountants, sales representatives, corporate offices and the like;
- F. Signage in accordance with Chapter 28.

**SEC. 8.525 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. 8.53** Height Regulations: The height regulations are the same as for zone "R-1".

**SEC. 8.54** Yards: The yard regulations are the same as for zone "R-1".

**SEC. 8.55** Lot size: The minimum lot size shall be the same as for zone "R-1".

## CHAPTER 9

### NEIGHBORHOOD BUSINESS ZONE "B-1" REGULATIONS

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

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

**A.** Any non-residential use permitted in zones "R-1", "R-2" and "R-3".

**B.** Standards for districts zones for retail business known as Zone "B-1" Neighborhood Business District. Principal permitted uses within a minor "B-1" district which is entirely surrounded by "R" districts:

- 1.** Any local retail business or service establishment such as grocer, fruit or vegetable store, meat market, drugstore, shoe repair shop, hardware store, barber shop, clothes cleaning and laundry pick-up station, business or professional office or the like, supplying commodities or performing services primarily for residences of the neighborhood.
- 2.** Sit-Down Restaurant, Fast Food Restaurant, Outdoor Dining Restaurant
- 3.** Automobile service stations (filling stations). Minor repair and storage garages, parking lots for passenger vehicles.
- 4.** Bakery
- 5.** Funeral homes
- 6.** Antique Business
- 7.** Second hand store - inside display only

**C.** Signage in accordance with Chapter 28.

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

**A.** Drive Through facility.

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

- SEC. 9.04** Yards:
- A.** Front yard: The front yard regulations are the same as for Zone "R-1".
  - B.** Side yard:
    - 1.** If the lot adjoins a residence zone the side yard shall be twenty-five (25) feet minimum.
    - 2.** If the lot adjoins a non-residence zone, the side yard shall be fifteen (15) feet minimum.
  - C.** Rear yard: If the rear yard adjoins a residence zone it shall be a minimum of twenty five (25) feet.
  - D.** If the rear yard adjoins a non-residence zone it shall have a minimum of fifteen (15) feet.

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

## 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".

## CHAPTER 10.5

### REGULATION OF SEXUALLY ORIENTED BUSINESSES

**SEC. 10.51** The regulations set forth in this chapter, or set forth elsewhere in these regulations of the Zoning Code, are the zoning regulations for the regulation of Sexually Oriented Businesses.

**SEC. 10.52** Establishment and Classification of Businesses

- (A). No person shall cause or permit the Establishment of any Sexually Oriented Business on any parcel of land, any portion of which is within 500 feet of the right-of-way of an interstate highway. In no case shall signage for a Sexually Oriented Business be visible from an interstate highway.
- (B). Sexually Oriented Businesses shall be permitted only in areas zoned in Chapter 11 Light Industry M-1; or Chapter 12 Heavy Industry M-2; provided all other requirements of the Zoning Code are met.
- (C). No Sexually Oriented Business shall be established within 500 feet of another such business, or within 500 feet of a Protected Use.
- (D). In no case shall a Sexually Oriented Business engage in the outdoor exhibition of Specified Anatomical Areas or Specified Sexual Activities.

**SEC. 10.53** Measurement of Distance

- (A). For the purposes of the regulation of Sexually Oriented Businesses, distance shall be measured in a straight, horizontal line, without regard to intervening structures.
- (B). The distance between any two (2) Sexually Oriented Businesses and the distance between any Sexually Oriented Business and any establishment where alcohol is served, shall be measured from the closest exterior structural wall of each business. The distance between any sexually oriented business and any Protected Use, as defined, shall be measured from the closest exterior structural wall of the Sexually Oriented Business and the nearest property line of the Protected Use.

**SEC. 10.54** Non-Conformity

A Sexually Oriented Business lawfully operating as a conforming use is not rendered non-conforming by the subsequent location of a Protected Use within 500 feet of the Sexually Oriented Business.

**SEC. 10.55** Permit Required

- (A). No Sexually Oriented Business may operate without a valid Sexually Oriented Business permit issued by the Clearcreek Township Zoning Inspector.
- (B). The Zoning Inspector is responsible for granting, denying, revoking, renewing, suspending and/or canceling permits for existing or proposed Sexually Oriented Businesses. To be approved, applicants must comply with all applicable requirements of these regulations of the Zoning Code, Building Code, Warren County Sheriff, Clearcreek Township Police Department, Clearcreek Fire District, and the Warren County Combined Health District.
- (C). The Clearcreek Township Police Department is responsible for obtaining information on whether an applicant has been convicted of a Specified Criminal Act, within the time period set forth.
- (D). Applications must be made on a form provided by Clearcreek Township. Applicants must provide one (1) original and all necessary copies of a sworn application, which shall contain the following information and attached documentation.
  - (1). If the applicant is:
    - (a). An individual, the legal name, all aliases and proof that applicant is at least 18 years of age;
    - (b). A partnership, the complete name, all partners legal names and aliases, proof that each partner is at least 18 years of age and a copy of any partnership agreement;
    - (c). A corporation, its complete name, date of incorporation, legal names of all officers, directors and stockholders, proof that all officers, directors and stockholders are at least 18 years of age, legal name and address of its registered agent, a copy of articles of incorporation and evidence of good standing under Ohio Law.
  - (2). The proposed name of the Sexually Oriented Business, as well as any registration documentation.

- (3). Whether the applicant, or any other individual listed in the application, has been convicted of a Specified Criminal Act within either two (2) years for misdemeanor offenses, or five (5) years for felony offenses or two (2) or more misdemeanor offenses, immediately preceding the application date and if so, the criminal act involved, date and place of the conviction(s).
- (4). Whether the applicant, a person with whom the applicant is residing, or any individual listed in the application, has had a Sexually Oriented Business permit revoked, suspended, canceled or denied, and, if so, the name of the business, the jurisdiction and the date of revocation, suspension, cancellation or denial.
- (5). Whether the applicant, the spouse of the applicant, or any individual listed in the application, holds any other Sexually Oriented Business permits, as well as the names and locations of all such other businesses and whether the aforementioned are overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to a Sexually Oriented Business.
- (6). The proposed location of the business, including a legal description of the property, street address and telephone numbers.
- (7). The applicant's business and residential address and telephone numbers.
- (8). The applicant's driver's license number, social security number, tax identification number and recent photograph.
- (9). A sketch or diagram showing the configuration and total floor space of the premises upon which the Sexually Oriented Business will be conducted. The sketch need not be professional, but must be drawn to scale and accurate to within six (6) inches, plus or minus.
- (10). A current certificate and straight line drawing, prepared within thirty (30) days prior to application by a registered land surveyor, depicting property lines, structures and the property lines of any existing Protected Use and other Sexually Oriented Businesses within 1000 feet of the proposed Sexually Oriented Business. A Protected Use shall be considered established if it is in existence at the time the application is submitted.
- (11). The application must be signed:
  - (a). By the individual applicant if the applicant is an individual;

- (b).** By all partners if the applicant is a partnership;
  - (c).** By an authorized officer and all shareholders if the applicant is a corporation; and
  - (d).** In addition to (a), (b) and (c) above, all persons having any ownership interest in the Sexually Oriented Business.
- (E).** Applicants are under a continuing duty to promptly update their application information. Failure to do so within thirty (30) days of the date of a change in application information shall be grounds for permit suspension.
- (F).** If the Zoning Inspector determines that an applicant has provided incomplete or inaccurate information, or improperly completed the permit application, the applicant shall be notified and allowed ten (10) days for corrections to be made. The time period for application review shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.
- (G).** A non-refundable application fee, as determined by the Clearcreek Township Trustees, is due at the time the applicant files an application. Applications will not be accepted without the required filing fee.
- (H).** The applicant must be qualified according to all provisions of these regulations and the premises must be inspected and found to be in compliance with all applicable health, fire, zoning, and building codes and laws.
- (I).** The possession of other types of permits, including a liquor license, does not exempt an applicant from the requirement of obtaining a Sexually Oriented Business permit.
- (J).** By making application for a Sexually Oriented Business permit, an applicant shall be deemed to have consented to the provisions of the Zoning Code and to the appropriate investigation of said application.
- (K).** The applicant is required to provide the Zoning Inspector with the names (including aliases) of all Employees required to be licensed under the Zoning Code, before they commence employment. This obligation continues even after a permit is granted or renewed. Failure to comply with this requirement shall be grounds for permit suspension. No Employee may work in a Sexually Oriented Business without a valid Sexually Oriented Business Employee license.

**SEC. 10.56** Application Investigation

- (A). Upon receipt of a completed application and the required non-refundable application fee, the Zoning Inspector (or designee) shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to any agencies responsible for the enforcement of health, zoning, fire, law enforcement and building codes or laws. Each agency shall promptly investigate the application in accordance with its responsibilities under law and as set forth within the Zoning Code. All investigations shall be completed within such time as to allow the Zoning Inspector to approve or deny a permit within forty-five (45) days of the Zoning Inspector's receipt of the completed application.
- (B). At the conclusion of its investigation, each agency shall indicate on the photocopy of the application its approval or disapproval of the application, with date and signature and in the event of disapproval, state the reasons therefor. An agency shall disapprove any application which reveals that the proposed Sexually Oriented Business will be in violation of any provision of any statute, code, regulation, or other law in effect in Clearcreek Township. After its indication of approval or disapproval, each agency shall immediately return the photocopy of the application to the Zoning Inspector.

**SEC. 10.57** Approval or Denial of Permit

- (A). A Sexually Oriented Business permit shall be approved or denied by the Zoning Inspector within forty-five (45) days of the receipt of a complete application.
- (B). The permit, if granted, shall state on its face the name of the person(s) to whom it is granted, the name of the business, the address of the business and the permit expiration date. The permit shall be posted in a conspicuous interior location, at or near the entrance to the Sexually Oriented Business, such that it may be easily read at any time.
- (C). A permit application shall be approved, unless one (1) or more of the following criteria is found to exist, in which case it shall be denied:
  - (1). An applicant, partner of a partnership applicant, or officer, director or shareholder of a corporate applicant, is under eighteen (18) years of age;
  - (2). An applicant, or, if the applicant is an individual, an applicant's spouse, is overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to a Sexually Oriented Business;

- (3). An applicant, if the applicant is an individual, is residing with a person to whom a permit to operate a Sexually Oriented Business has been denied or revoked within the preceding twelve (12) months;
  - (4). An applicant, after the notice provided in Section 10.55(F), has failed to provide required information in the application, or has supplied false information;
  - (5). The premises to be used are not in compliance with applicable health, zoning, fire, and building codes, as determined by the agencies responsible for determining such compliance;
  - (6). The non-refundable permit application fee has not been paid;
  - (7). An applicant is in violation of, or not in compliance with, any of the provisions of the Zoning Code;
  - (8). The issuance of the permit would violate a statute, resolution, or court order;
  - (9). The applicant held a Sexually Oriented Business permit under the provisions of the Zoning Code which was subsequently revoked;
  - (10). The applicant has been convicted of a Specified Criminal Act within the time limits specified in Section 10.55(D)(3) of the Zoning Code;
  - (11). An applicant knowingly has in his/her employ an Employee without a valid Sexually Oriented Business Employee license, as required within the Zoning Code;
- (D). No person may make application for a permit for a Sexually Oriented Business at a particular location if such person has had an application for a Sexually Oriented Business at the same location denied within twelve (12) months of the time application is made.

**SEC. 10.58** Annual Permit Fee

The annual fee for a Sexually Oriented Business permit, as determined by the Clearcreek Township Trustees, shall be payable upon the date of first permit issuance and upon each anniversary thereof, assuming renewal is granted by the Zoning Inspector.

**SEC. 10.59** Inspection

An applicant or permittee shall permit representatives of the Warren County Building Department, Clearcreek Township Zoning Department, Warren County Combined Health District, and the Clearcreek Township Fire District

to inspect the premises of a Sexually Oriented Business for the purpose of insuring compliance with their respective regulations, at the time it is occupied or open for business.

**SEC. 10.60** Expiration and Renewal of Permit

(A). No Sexually Oriented Business shall operate without a valid Sexually Oriented Business permit. Each Sexually Oriented Business permit shall expire one (1) year from date of issuance and may be renewed prior to expiration, subject to the following requirements. The permit holder shall request renewal in writing to the Zoning Inspector at least sixty (60) days prior to permit expiration, accompanied by a non-refundable fee, as determined by the Clearcreek Township Trustees. Renewal shall be subject to a finding that the permit holder remains in conformance with all applicable permit requirements. Making application less than sixty (60) days before permit expiration shall not affect the current expiration date. An expired permit is not eligible for renewal, however re-application may be made.

**SEC. 10.61** Suspension of Permit

(A). A permit to operate a Sexually Oriented Business shall be suspended by the Zoning Inspector for thirty (30) days, or until the violation has been corrected, if it is determined that a Permittee, or the Employee of a Permittee, has:

- (1). Violated, or is not in compliance with, any portion of the Zoning Code; or
- (2). Been under the influence of alcoholic beverages or controlled substance while working on the Sexually Oriented Business premises; or
- (3). Refused to allow an inspection of the premises, as authorized by the Zoning Code; or
- (4). Knowingly permitted gambling by any person on the premises; or
- (5). Failed to correct a violation of a building, zoning, fire or health code within seven (7) days of the notification of such violation; or
- (6). Engaged in permit transfer in violation of the applicable provisions of the Zoning Code; or
- (7). Knowingly employed a person without a valid license, as required by the Zoning Code.

**SEC. 10.62** Revocation of Permit

- (A). A permit to operate a Sexually Oriented Business shall be revoked by the Zoning Inspector upon a determination that either a permit is to be suspended for a second time within a twelve (12) month period, or that a Permittee or Employee of a Permittee has:
  - (1). Given false or misleading information in material submitted during the application or renewal process that tended to enhance the opportunity for obtaining such permit or renewal; or
  - (2). Knowingly allowed the possession, use or sale of controlled substances on the permit premises; or
  - (3). Knowingly allowed prostitution on the premises; or
  - (4). Knowingly operated the Sexually Oriented Business while under permit suspension; or
  - (5). Been convicted of a Specified Criminal Act for which the time period specified in Section 10.55(D)(3) of the Zoning Code has not elapsed; or
  - (6). Been convicted of tax violations for taxes or fees related to a Sexually Oriented Business; or
  - (7). Knowingly allowed any Specified Sexual Activities, as defined, between patrons or between patrons and Employees to occur in or on the Permitted Premises or surrounding properties; or
  - (8). Operated more than one (1) Sexually Oriented Business under a single roof.
- (B). Permit revocation is effective for one (1) year. The Permittee shall not be granted any other permits for any other Sexually Oriented Business during the effective revocation period.

**SEC. 10.63** Transfer of Permit

- (A). A Permittee shall not operate a Sexually Oriented Business at any location other than the address designated in the application for permit.
- (B). A Permittee shall not transfer a Sexually Oriented Business permit unless and until such other person satisfies the following requirements:
  - (1). Obtains an amendment to the permit from the Zoning Inspector, upon satisfactory completion of all permit application requirements;

- (2). Pays a transfer fee of fifty (50) percent of the annual permit fee.
- (C). A permit shall not be transferred in the event that the Permittee has been notified that suspension or revocation proceedings have been or are being brought against the Permittee.
- (D). A permit shall not be transferred to another location.
- (E). Any attempt to transfer a permit in violation of these provisions is void and the subject permit shall be revoked by the Zoning Inspector.

**SEC. 10.64** Sexually Oriented Business Employee License

- (A). All prospective Employees of a Sexually Oriented Business shall obtain a Sexually Oriented Business Employee license. Each applicant shall pay a license fee, as determined by the Clearcreek Township Trustees, to cover reasonable administrative cost. No application shall be accepted without the required fee.
- (B). On a form provided by Clearcreek Township, the applicant must provide one (1) original and two (2) copies of a sworn application, which shall contain the following information and attached documentation:
  - (1). Name, inclusive of stage names or aliases;
  - (2). Age, birth date and birthplace;
  - (3). Height, weight, hair and eye color;
  - (4). Current residence and business address and phone numbers;
  - (5). State driver's license or state identification and social security number;
  - (6). Acceptable written proof that the individual is at least eighteen (18) years of age;
  - (7). A color photograph of the applicant, clearly showing the applicant's face. The applicant's fingerprints on a form provided by the Clearcreek Township Police Department. Any fees for photos and fingerprints are the responsibility of the applicant;
  - (8). A statement detailing the Sexually Oriented Business license or permit history of the applicant for the previous five (5) years, including information whether a permit or license had been denied, revoked or suspended, the applicable reasons and dates for such actions, as well as the jurisdiction in which such actions occurred, as applicable;

- (9). Information as to whether the applicant has been convicted of a Specified Criminal Act, as defined, as well as the date, place, jurisdiction and nature of each conviction.
  
- (C). By making application for a Sexually Oriented Business Employee license, an applicant shall be deemed to have consented to the provisions of the Zoning Code and to the appropriate investigation of said application.
  
- (D). The Zoning Inspector shall refer a photocopy of the Sexually Oriented Business Employee license application to the Clearcreek Township Police Department for investigation. The police department shall report findings of the investigation on the photocopy, with date and signature and immediately return the photocopy of the application to the Zoning Inspector.
  
- (E). The initial application review shall be completed within 14 days from the date a completed application is filed. A conditional license shall be issued upon the completion of the initial application review unless the investigation of the applicant finds one or more of the following:
  - (1). That the applicant knowingly made any false, misleading, or fraudulent statement of a material fact; or
  - (2). That the applicant is under eighteen (18) years of age; or
  - (3). That the license is to be used for employment in a business prohibited by these regulations, or other local or State Laws; or
  - (4). The applicant has had such license revoked within two (2) years of the date of the current application.

The conditional permit shall be valid for a period commencing on its issuance and ending on the date a final license is issued or the date license application is denied, whichever first occurs. A final license shall be issued to the applicant within sixty (60) days of the application being filed unless it is found that the applicant has been convicted of a Specified Criminal Act for which the time period set forth in Section 10.55(D)(3) has not elapsed.

- (F). Each Sexually Oriented Business Employee license shall expire one (1) year from date of issuance and may be renewed prior to expiration, subject to the following requirements. The licensee shall request renewal in writing to the Zoning Inspector at least sixty (60) days prior to license expiration, accompanied by a non-refundable license renewal fee, as determined by the Clearcreek Township

Trustees. Renewal shall be subject to a finding that the licensee remains in conformance with all applicable requirements. Failure to make application less than sixty (60) days before license expiration shall not affect expiration and no Employee shall work in a Sexually Oriented Business without a valid license. An expired license is not eligible for renewal, however re-application may be made, subject to all applicable requirements.

**SEC. 10.65** Hearing; Revocation, License Denial, Suspension; Appeal

- (A). If the Zoning Inspector determines that probable grounds exist for denial, nonrenewal, suspension, or revocation of a Sexually Oriented Business permit or Sexually Oriented Business Employee license (hereinafter permit and license, respectively) under this chapter, the Zoning Inspector shall notify the applicant or licensee (respondent) in writing of the intent to deny, nonrenew, suspend or revoke the permit or license, including the grounds therefor, by personal delivery, or by certified mail. The notification shall be directed to the most current business address on file with the Zoning Inspector. Within ten (10) working days of receipt of such notice, the respondent may provide to the Board of Clearcreek Township Trustees in writing a response which shall include a statement of reasons why the license or permit should not be denied, nonrenewed, suspended, or revoked. Within ten working days of the receipt of such written response, the Board of Township Trustees shall conduct a hearing at which respondent shall have the opportunity to present evidence and witnesses on his or her behalf. The Board of Township Trustees shall notify the respondent in writing of the hearing date within three days of the receipt of such written response. If a response is not received by the Board of Township Trustees in the time stated, or, if after the hearing the Board of Township Trustees finds that grounds exist for denial, nonrenewal, suspension, or revocation, then such action shall become final and notice of such final action shall be sent to the applicant or licensee. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction. If the Board of Township Trustees finds that no grounds exist for denial, nonrenewal, suspension, or revocation of a permit or license, then the Zoning Inspector shall withdraw the intent to deny, nonrenew, suspend or revoke the permit or license and shall so notify the respondent in writing by delivery, or by certified mail of such action.
- (B). When a decision to deny, nonrenew, suspend or revoke a permit or license becomes final, the applicant or licensee whose permit or license has been denied, nonrenewed, suspended, or revoked shall have the right to appeal such action to a court of competent

jurisdiction pursuant to Ohio Revised Code Section 2506. Any suspension, nonrenewal or revocation of a permit or license for a sexually oriented business does not take effect until a final decision is rendered in an appeal taken pursuant to this section.

Upon the filing of an appeal pursuant to this section by an applicant for a permit or license, said applicant shall be granted a temporary permit or license to operate said Sexually Oriented Business or be an Employee of such Sexually Oriented Business pending a final decision on said appeal. Such temporary permit or license shall be subject to all provisions of this Chapter 10.5.

**SEC. 10.66** Regulation of Sexually Explicit films or Videos

A person that operates or causes to be operated a Sexually Oriented Business, other than a Sexually Oriented Hotel/Motel and regardless of whether or not a Sexually Oriented Business permit has been issued to said business, which exhibits on the premises in a viewing room, computer software, compact discs, a film, video cassette or other video reproduction, which depicts Specified Sexual Activities or Specified Anatomical Areas shall comply with the following requirements:

- (A). Upon application for a Sexually Oriented Business permit, the application shall be accompanied by a sketch or diagram of the entire premises with a plan thereof, specifying the location of manager's stations, if any, the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted access. A professionally prepared drawing is not necessary, however each diagram shall be oriented to north and the closest street(s) and be drawn to scale, with marked dimensions sufficient to show the internal features of all areas of the premises to an accuracy of plus or minus, six (6) inches. The Zoning Inspector may waive the foregoing diagram during permit renewal if the applicant certifies that the configuration of the premises has not been altered since the previous diagram was prepared.
- (B). No alteration in the configuration of the premises as set forth in the sketch or diagram of the premises may be made prior to the approval of the Zoning Inspector.
- (C). It is the duty of the owners and operator of the premises to insure that such number of Employees is on duty and so situated that all patrons present inside the premises are subject to observation by an Employee or Employees.

- (D). The interior of the premises shall be configured in such a manner that every area of the premises to which any patron is permitted access for any purpose, including the interior of individual viewing booths, excluding restrooms, is subject to an unobstructed view by the employer or Employees on duty. Restrooms shall not be equipped with video display equipment.
- (E). It is the duty of the owners, operator and Employees present on the premises to insure that the aforementioned unobstructed view shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to insure that no patron is permitted access to any area designated for no access by patrons in the application of record.
- (F). No viewing room may be occupied by more than one (1) person at any given time. No peep holes, viewing holes or other holes which are or may be used by occupants of a viewing room for sexual gratification shall be permitted in the walls, floors, ceilings or partitions separating each viewing room from an adjoining viewing room or restroom. Viewing rooms shall not be enclosed by doors, curtains or a maze of wall structures. No signs, lights, or other communicative devices shall be employed to create an expectation of privacy on the part of any patron at any location of the premises.
- (G). The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination level of not less than two (2) foot candles, as measured at floor level. Said level of illumination shall be maintained at all times any patron is present on the premises.

**SEC. 10.67** Regulation of Adult Cabarets

Performers in Adult Cabarets must be located on stage, no less than eighteen (18) inches in height and at least six (6) feet from all patrons. There shall be absolutely no physical contact, tipping, or exchange of gratuities between patrons and performers.

**SEC. 10.68** Advertising and Lighting Regulations

No Sexually Oriented Business may be operated and:

- (A). Advertise the presentation of any activity prohibited by the Zoning Code, or other local or State regulation; or
- (B). Display or exhibit the materials and performances in advertising which is visible outside the premises, except advertising the existence or location of a Sexually Oriented Business; or

- (C). Allow any portion of the interior premises to be visible from outside the Establishment; or
- (D). Fail to illuminate the entries and off-street parking areas of the premises, from dusk until closing, with a lighting system which provides an average maintained horizontal illumination of one (1) foot candle on the parking surface and walkways. Said level of illumination is established in order to provide sufficient lighting for the personal safety of patrons and Employees, to reduce potential vandalism and criminal conduct and shall be shown on required permit application documentation.

**SEC. 10.69** Minors Prohibited

- (A). No person under eighteen (18) years of age may be admitted, remain, or purchase goods at a Sexually Oriented Business.
- (B). No person under eighteen (18) years of age may be employed at a Sexually Oriented Business.

**SEC. 10.70** Reserved

**SEC. 10.71** Violation

- (A). It shall be unlawful, punishable per Chapter 19 of the Zoning Code if:
  - (1). A Sexually Oriented Business is operated without a currently valid Sexually Oriented Business permit, or the business operates in violation of the terms of its permit or this chapter or has a permit which is under suspension, has been revoked, or has expired; or
  - (2). There is a failure to allow the inspection of a Sexually Oriented Business by the Warren County Building Department and the Zoning Inspector, Warren County Combined Health District, Warren County Sheriff's Department, Clearcreek Township Police Department or the Clearcreek Township Fire District; or
  - (3). Any person having a duty under SEC. 10.66, Regulation of Sexually Explicit Films or Videos, knowingly fails to fulfill said duty, or
  - (4). A person operates, or causes to be operated, a Sexually Oriented Business in violation of the Section 10.68, Advertising and Lighting; or

- (5). A person operates, causes to be operated, a Sexually Oriented Business, regardless of whether or not a permit has been issued for said business and knowingly, or with reasonable cause to know, permits, suffers, or allows the violation of Section 10.69, Minors Prohibited; or
  - (6). Any person willfully falsifies any material fact on any required application, or documentation attached thereto.
- (B). Nothing contain herein shall prevent or restrict Clearcreek Township from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
- (C). All remedies and penalties provided for in this Chapter shall be cumulative and independently available to Clearcreek Township, which shall be authorized to pursue any and all remedies set forth to the full extent allowed by law.

**SEC. 10.72** Exemptions

It is a defense to prosecution for alleged violation of Sexually Oriented Business provisions of the Zoning Code, that:

- (A). A person appearing in a state of nudity did so in a modeling class operated:
  - (1). By a college, junior college or university supported in whole or part by taxation; or
  - (2). By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or
- (B). In a structure:
  - (1). Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
  - (2). Where in order to participate in a class, a student must enroll at least three (3) days in advance of the class: and
  - (3). Where no more than one (1) nude model is on the premises at any one time.
- (C). A person appearing in a state of nudity did so in a bona fide theatrical production.

- (D). An Employee of a Sexually Oriented Business exposed any specified anatomical area during the bona fide use of a restroom or dressing room accessible only to Employees.

**SEC. 10.73** Immunity from Prosecution

All Clearcreek Township officers, agents and Employees charged with enforcement with State and local laws and codes shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a Sexually Oriented Business while acting within the scope of authority conferred by this Chapter.

## CHAPTER 11

### LIGHT INDUSTRY ZONE "M-1" REGULATIONS

**SEC. 11.01** The regulations set forth in this section, or set forth elsewhere in the Zoning Code, are the zoning regulations for Light Industry "M-1".

**SEC. 11.02** 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.** Creamery, bottling, alcohol bottler, ice manufacturing and cold storage plant.
- B.** The manufacturing, compounding, processing, packaging or treatment of cosmetics, pharmaceuticals and food products, except fish and meat products, sauerkraut, vinegar, yeast and the rendering or refining of fats and oils.
- C.** The manufacturing, compounding, assembling or treatment of articles or merchandise from previously prepared materials such as bone, cloth, cork, fiber, leather, paper, plastic, metals or stone, tobacco, wax, yarns and wool.
- D.** Manufacturing of musical instruments, novelties, molded rubber products and molded plastic, but excluding production of plastic compounds.
- E.** The manufacturing or assembly of electrical appliances, instruments and devices.
- F.** Manufacturing of pottery or other similar ceramic products, using only previously pulverized clay and kilns fired by electricity or gas.
- G.** Laboratories - experimental, film or testing.
- H.** The manufacturing and repair of electric signs, advertising structures, light sheet metal products, including heating and ventilating equipment.
- I.** Blacksmith, welding or other metal fabricating shop excluding punch presses over fifty (50) tons rated capacity, drop hammers and the like.

- J.** Foundry casting of lightweight, non-ferrous metals or electric foundry not causing noxious fumes or odors.
- K.** Enameling, lacquering or japaning.
- L.** Crematory, if located not less than two hundred twenty (220) feet from any residence zone.
- M.** Concrete mixing, concrete products manufacturing.
- N.** Sawmill and planing mill.
- O.** Manufacturing of wood products not involving chemical treatment.
- P.** Circus, race tracks and courses for the conduct of seasonal or periodic racing meets of aircraft, horses, dogs, automobiles, motorcycles, go-carts, drag strips and the, provided structure or buildings for same shall be at least five hundred (500) feet from any residence zone.
- Q.** Inflammable liquids, underground storage only, not to exceed twenty five thousand (25,000) gallons, if located not less than two hundred (200) feet from any residence zone.
- R.** Truck depots
- S.** Any other similar use.
- T.** Signage in accordance with Chapter 28.

**SEC. 11.03** Height: The height regulations are the same as for Zone "B-2".

**SEC. 11.04** Yards:

- A.** The front yard shall be fifty (50) feet.
- B.** Side and back yard: None except for a building adjoining a residence zone, in which case the side and back yard requirements shall be one hundred (100) feet.

**SEC. 11.05** Minimum lot size: 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, high pressure gas pipeline easements and railroad easements.

## CHAPTER 12

### HEAVY INDUSTRY ZONE "M-2" REGULATIONS

**SEC. 12.01** The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for Heavy Industry Zone "M-2".

**SEC. 12.02** A building or land situated in this zone may be used for any industrial purpose permitted in Zone "M-1", but only if the lot and any structure thereon are connected to a central sewage system that will be upon the start of operation turned over to the Warren County Combined Health District for maintenance and operation.

A. Junkyards, but subject to the following:

That part of the parcel or tract of land or lot upon which any junk is situated or any activity associated with the operation of the junkyard is conducted and which is not within a completely enclosed building shall be completely surrounded by a solid fence, wall or other barrier such that no junk or other activities associated with the operation of the junkyard may be viewed from other property or the public right of way. The barrier shall be a minimum of six feet in height. The location of this barrier shall take the topography of the site into consideration to maximize the screening effect to other properties and/or the public right-of-way. Vehicular and pedestrian traffic into and out of a junkyard shall be exempt from this requirement.

B. Signage in accordance with Chapter 28.

**SEC. 12.03** No zoning permit shall be issued for any use in conflict with any regulation, or laws of Warren County or any law of the State of Ohio regarding nuisances.

**SEC. 12.04** No zoning permit shall be issued for any use, except those permitted by **Section 12.02** of the Zoning Code, unless a Planned Unit Development for such use has been approved per **Chapter 13** of the **Zoning Code**.

**SEC. 12.05** Height: The height regulations are the same as for Zone "B-2".

**SEC. 12.06** Yards:

A. Front yards shall be a minimum of fifty (50) feet for each street or road on which property fronts.

B. Side yards shall be twenty (20) feet minimum or a total.

- C. Minimum lot size: 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, high pressure gas pipeline easements and railroad easements.

## CHAPTER 13

### PLANNED UNIT DEVELOPMENT PUD

**SEC. 13.01 Purpose:** the Planned Unit Development (PUD) provisions of this chapter are intended to provide an optional development alternative to property owners and developers who are developing larger tracts under single or common ownership in a unified way. They are designed to provide the flexibility to use sites efficiently and to create innovative projects with many amenities. Lastly, they are to provide permissive, voluntary, and alternative zoning procedures for well-planned developments in harmony with the public health, safety, morals, and general welfare of Clearcreek Township, inclusive.

**SEC. 13.02 Permitted Uses:** Any use permitted in any zone may be permitted in a PUD provided that the project shall be planned, developed, and operated in accordance with approved development plans, in order that the specific use(s), structures, and developments will be properly integrated with the surrounding area in such a way as to promote the health, safety, morals, general welfare, and wholesome environment of the general public and of the occupants of nearby real estate and in order to avoid nuisance to the general public or to occupants of nearby real estate.

**SEC. 13.03 PUD Zoning Classifications:** There shall only be three classifications in which a PUD may be zoned in Clearcreek Township.

**A. Residential Planned Unit Development (R-PUD);**

In the event that a R-PUD is proposed by an owner or developer and approved by the Clearcreek Township Board of Trustees, the density provisions set forth in any residential zone wherein such a PUD is located may be abated to the extent of 10% of the net density.

**B. Non-Residential Planned Unit Development (NR-PUD);**

A PUD may be proposed by owners or by developers and approved by the Clearcreek Township Board of Trustees For Zones "O", "B-1", "B-2", "M-1", and/or "M-2". The floor area ratio (FAR) provisions set forth in any non-residential zone wherein such a PUD is located may be abated to the extent of 15% of the net floor area ratio.

**C. Mixed-Use Planned Unit Development (MU-PUD);**

A PUD may be proposed by owners or by developers and approved by the Clearcreek Township Board of Trustees for a PUD. That combines uses found in a R-PUD and a NR-PUD. The abatements stated in **SECTION 13.03 (A) and (B)** shall also apply to this zoning classification.

- D. There is no provision within the Clearcreek Township Zoning Resolution for a PUD to be considered a PUD within a PUD or a sub-PUD.

**SEC. 13.04 PUD Compliance:** All PUDs approved according to this Zoning Resolution shall comply with the Clearcreek Township Master Land Use Plan including compliance with the permitted land use categories, densities, intensities, and other recommendations imposed by the Clearcreek Township Zoning Commission and/or Clearcreek Township Board of Trustees. If a PUD was approved prior to the adoption of Trustee Resolution 4490, the provisions of this Zoning Resolution shall apply, regardless of the existing PUD stage. The applicant shall receive due notice requesting the status of their PUD. Modifications and/or extensions may be available pursuant to Section 13.07 and/or 13.08 of this Resolution to assist the applicant to become current to all PUD requirements set forth herein.

**SEC. 13.05 PUD Approval Process:** Any owner(s), their agent(s), or developer(s) who seeks approval for a PUD shall file an application the Clearcreek Township Zoning Commission. All applications shall be subject to a comprehensive review process consisting of three stages: Stage 1: The Zone Change Amendment Request/PUD Concept Plan Application, Stage 2: The PUD Preliminary Site Plan Application, and Stage 3: The PUD Final Site Plan submittal.

**A. Stage 1: The Zone Change Amendment Request/PUD Concept Plan Application**

The first stage of the PUD process consists of satisfactory completion of two main requirements: a Pre-Application Conference with the Clearcreek Township Zoning Inspector and a Zone Change Amendment Request accompanied with a PUD Concept Plan. Upon completion, successful applicants shall receive a change of zoning classification, an approved PUD Concept Plan designating land use(s) and density, and the Stage 1 approval required to begin Stage 2. The Stage 1 process steps, PUD objectives, and conditions for approval outlined below are required to be completed and satisfied in order for Stage 1 approval consideration.

**1. Stage 1: Process Steps**

**(a) Step S1.1 – Pre-Application Conference**

- (1) Applicants are required to meet with the Clearcreek Township Zoning Inspector for a Pre-Application Conference prior to submitting a formal application for a PUD.

- (2) The purpose of the Pre-Application Conference is to informally discuss application requirements, details of the proposed development, and review applicable procedures.
- (3) One or more Pre-Application Conferences between the applicant and Clearcreek Township staff are required unless specifically waived by the Clearcreek Township Zoning Inspector.
- (4) Applicants are encouraged to bring maps, drawings, and other documents for illustrative purposes to the Pre-Application Conference.
- (5) No formal application is required to facilitate a Pre-Application Conference. The applicant need only contact the Clearcreek Township Zoning Inspector to set up a meeting date.
- (6) Discussions that occur during a Pre-Application Conference with Clearcreek Township staff are not binding on the Township and **do not** constitute official assurance or representation by Clearcreek Township or its officials regarding any aspects of the plan or application discussed.

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

- 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.
  - 2) The general location of building lots and their areas in 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.
  - 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.
  - 5) A calculation of residential net density and/or net floor area ratio.
  - 6) The interior common open space system with acreage specified.
  - 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.
  - 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.
  - 9) Where areas lie in any aircraft approach and holding patterns, these areas shall be indicated.
  - 10) Principal ties to the community at large with respect to transportation, water supply, and sewage disposal shall be indicated.
- 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:
  - 1) The existing type of topographical features of the site.

- 2) The general location of building lots and their areas in 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.
  - 4) A calculation of residential net density and/or net floor area ratio.
  - 5) The interior common open space system with acreage specified.
  - 6) 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.
  - 7) A drawing showing all soil types and their classifications. Additionally, a map indicating floodway and/or floodplain boundaries as determined by federal emergency management agency shall be included for sites that have been subject to flooding and/or erosion at any time.
  - 8) Where areas lie in any aircraft approach and holding patterns, these areas shall be indicated.
  - 9) Principal ties to the community at large with respect to transportation, water supply, and sewage disposal shall be indicated.
- 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.
  - 2) Evidence how the developer's proposed land use(s) meet existing and projected community requirements.
  - 3) A general statement how the common open space shall be owned and permanently maintained.
  - 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.

**(c) Step S1.3 – Referral to the Warren County Regional Planning Commission (RPC)**

- (1) Within 5 days after filing of an application, Clearcreek Township shall transmit a copy thereof to the RPC.
- (2) The RPC shall recommend: approval, approval with modification(s), or denial of the proposed Zone Change Amendment Request/PUD Concept Plan and shall submit such recommendation to the Clearcreek Township Zoning Commission.
- (3) The RPC's recommendation of the proposed Zone Change Amendment Request/PUD Concept Plan shall be considered during a public hearing held by the Clearcreek Township Zoning Commission.

**(d) Step S1.4 – Public Hearing with the Clearcreek Township Zoning Commission**

- (1) Upon the filing of this application for a Zone Change Amendment Request/PUD Concept Plan, the Clearcreek Township Zoning Commission shall set a date for a public hearing regarding the Proposed Zone Change Amendment Request/PUD Concept Plan.
- (2) A public hearing shall be scheduled to occur during a regularly scheduled Clearcreek Township Zoning Commission meeting. The hearing will not be less than 20 days, or more than 40 days, after the date the application was submitted.
- (3) Notification of the public hearing shall be published in at least one newspaper of general circulation in Warren County, Ohio and on the Clearcreek Township website ([www.clearcreektownship.com](http://www.clearcreektownship.com)). However, if the amendment intends to rezone 10 or fewer parcels of land, then notification of the public hearing shall also be mailed by regular mail in accordance with **OHIO REVISED CODE (ORC), SECTION 519.12** to the names of owners of properties, as they appear on the Warren County Auditor's current tax list (if a conflict exists between the property address and the mailing address of record, both addresses will be used) within 500 feet of the proposed amendment area.

**(e) Step S1.5 – Recommendation by the Clearcreek Township Zoning Commission**

- (1) Within 30 days after the close of the Clearcreek Township public hearing, the Clearcreek Township Zoning Commission shall recommend, in writing: approval, approval with modification(s), or denial of the proposed Zone Change Amendment Request/PUD Concept Plan with rationale.
- (2) This recommendation with rationale, along with the application or Zoning Resolution, the applicable text and map pertinent to said application, and the RPC recommendation, shall be submitted to the Clearcreek Township Board of Trustees.

**(f) Step S1.6 – Public Hearing with the Clearcreek Township Board of Trustees**

- (1) Upon receipt of the recommendation from the Clearcreek Township Zoning Commission, the Clearcreek Township Board of Trustees shall set a time for a public hearing on such proposed Zone Change Amendment Request/PUD Concept Plan.
- (2) The date of the public hearing shall not be more than 30 days after the date of receipt of said recommendation from the Clearcreek Township Zoning Commission.
- (3) Notification of the public hearing shall be published in at least one newspaper of general circulation in Warren County, Ohio and on the Clearcreek Township website ([www.clearcreektownship.com](http://www.clearcreektownship.com)). However, if the amendment intends to rezone 10 or fewer parcels of land, then notification of the public hearing shall also be mailed by regular mail in accordance with **OHIO REVISED CODE (ORC), SECTION 519.12** to the names of owners of properties, as they appear on the Warren County Auditor's current tax list (if a conflict exists between the property address and the mailing address of record, both addresses will be used) within 500 feet of the proposed amendment area, as well as individuals that signed in during the Stage 1 process.

**(g) Step S1.7 – Decision by the Clearcreek Township Board of Trustees**

- (1) Within 20 days after the close of the public hearing, the Clearcreek Township Board of Trustees shall either: adopt, adopt with modification(s), or deny the recommendation of the Clearcreek Township Zoning Commission.

- (2) The proposed Zone Change Amendment Request/PUD Concept Plan, if adopted by the Clearcreek Township Board of Trustees, shall become effective in 30 days after the date of adoption. The amendment is subject to the referendum per **OHIO REVISED CODE (ORC), SECTION 519.12 (H)**.

**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**
  - (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.
    - b) The general location of such uses is specified.
    - c) Any use-specific standards that may apply to the permitted uses are included.
    - d) The maximum density or intensity is permitted within the PUD.
    - e) The amount and general location of open space are identified.
- (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.

**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.

**B. Stage 2: The PUD Preliminary Site Plan Application**

The second stage of the PUD process shall not commence until Stage 1 approval has been obtained. Upon completion, successful applicants shall receive approval of a PUD Preliminary Site Plan (identifying: the road network, minimum building lot sizes, setbacks, open space, parking, lighting, buffers, and signage), approved site impact conditions involving adjoining properties and road right-of-way(s), and the Stage 2 approval required to begin Stage 3. The Stage 2 process steps, PUD objectives, and conditions for approval outlined below are required to be completed and satisfied in order for Stage 2 approval consideration.

**1. Stage 2: Process Steps**

**(a) Step S2.1 – The PUD Preliminary Site Plan Submittal**

- (1) Applications for the Stage 2: PUD Preliminary Site 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)).
- (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)).

- (3)** The application shall be accompanied with all amended forms, maps, drawings, and additional information included or as required by the Clearcreek Township Board of Trustees Resolution for Stage 1.
- (4)** The Stage 2: PUD Preliminary Site Plan shall include the following items:
  - a)** An area map showing applicant's entire holding, the portion of applicant's property under consideration and all properties, subdivisions, streets, and easements within 200 feet of applicant's property.
  - b)** A topographic map showing final elevations with intervals of not more than 2 feet of elevation.
  - c)** A professionally prepared PUD Preliminary Site Plan including the following information:
    - 1)** Title of drawing including name and address of applicant.
    - 2)** North point, scale, and date.
    - 3)** Boundaries of the property plotted to scale.
    - 4)** Existing water courses.
    - 5)** A PUD Preliminary Site Plan showing:
      - i.** Location of all proposed use(s), including building types, heights, materials, and architectural designs.
      - ii.** Location of all impervious surfaces for non-residential building areas, parking and truck loading areas, as well as all ingress and egress drives.
      - iii.** Location and proposed development of all open spaces/recreation areas.
      - iv.** Location and proposed development of all amenities, maximum square footage of impervious surfaces identified.
      - v.** Location of non-residential outdoor storage.
      - vi.** A grading plan.
      - vii.** Location of existing or proposed site improvements including: drains, culverts, retaining walls, and fences.
      - viii.** Location of existing trees or landscape buffers.
      - ix.** Location of proposed trees or landscape buffers.

- x. Description of sewage disposal and location of such facilities.
  - xi. Location and size of all signs.
  - xii. Location and design of street and parking lighting.
- d) A drawing showing all soil types and their classifications.
  - e) A drawing showing aircraft patterns and seasonal wind directions. Areas of possible noise and odor pollution on or off site shall be indicated.

**(b) Step S2.2 – Referral to the RPC**

- (1) Applicant will simultaneously submit a complete application to the Clearcreek Township Zoning Inspector and the RPC by the published deadlines. \*Note: The RPC has its own application and fee schedule.
- (2) The RPC shall recommend: approval, approval with modification(s), or denial of the proposed PUD Preliminary Site Plan and shall submit such recommendation to the Clearcreek Township Zoning Commission.
- (3) RPC's recommendation shall be considered during a public meeting held by the Clearcreek Township Zoning Commission.

**(c) Step S2.3 – Public Meeting with the Clearcreek Township Zoning Commission**

- (1) A public meeting shall be scheduled to occur at the next regularly scheduled Clearcreek Township Zoning Commission meeting.
- (2) Notification of the public meeting shall be published in at least one newspaper of general circulation in Warren County, Ohio, on the Clearcreek Township website ([www.clearcreektownship.com](http://www.clearcreektownship.com)), and mailed by regular mail in accordance with **OHIO REVISED CODE (ORC), SECTION 519.12** to the names of owners of properties, as they appear on the Warren County Auditor's current tax list (if a conflict exists between the property address and the mailing address of record, both addresses will be used) within 500 feet of the proposed amendment area, as well as individuals that signed in during the Stage 1 process.

**(d) Step S2.4 – Recommendation by the Clearcreek Township Zoning Commission**

- (1) Within 30 days after the close of their public meeting, the Clearcreek Township Zoning Commission shall recommend: approval, approval with modification(s), or denial of the proposed PUD Preliminary Site Plan with rationale.
- (2) This recommendation, along with the application, all amended forms, drawings, maps, and the RPC recommendation shall be submitted to the Clearcreek Township Board of Trustees.
- (3) Upon submission to the Clearcreek Township Board of Trustees, this recommendation, along with the application, all amended forms, drawings, maps, and the RPC recommendation shall be available for review and/or copying in accordance with Ohio’s Public Records Act.

**(e) Step S2.5 – Public Meeting with the Clearcreek Township Board of Trustees**

- (1) Upon receipt of the recommendation from the Clearcreek Township Zoning Commission, the Clearcreek Township Board of Trustees shall set a time for a public meeting on such proposed PUD Preliminary Site Plan.
- (2) The date of the public meeting shall not be more than 30 days after the date of receipt of said recommendation from the Clearcreek Township Zoning Commission.
- (3) Notification of the public meeting shall be published in at least one newspaper of general circulation in Warren County, Ohio, on the Clearcreek Township website ([www.clearcreektownship.com](http://www.clearcreektownship.com)), and mailed by regular mail in accordance with **OHIO REVISED CODE (ORC), SECTION 519.12** to the names of owners of properties, as they appear on the Warren County Auditor's current tax list (if a conflict exists between the property address and the mailing address of record, both addresses will be used) within 500 feet of the proposed amendment area, as well as individuals that signed in during the Stage 1 and Stage 2 process.

**(f) Step S2.6 – Decision by the Clearcreek Township Board of Trustees**

- (1) Within 20 days after the close of their public meeting, the Clearcreek Township Board of Trustees shall either: adopt, adopt with modification(s), or deny the recommendation of the Clearcreek Township Zoning Commission.

- (2) A copy of the Clearcreek Township Board of Trustee Resolution of the action shall be sent by regular mail to the applicant.

**(g) Step S2.7 – Preliminary Plat Submittal to RPC**

- (1) After receiving Stage 2: PUD Preliminary Site Plan approval, an application can be made to the RPC for Preliminary Plat approval. *\*Note: The RPC has its own application and fee schedule.*
- (2) A letter from the Clearcreek Township Zoning Inspector must accompany the submittal.

**2. Stage 2: PUD Objectives**

- (a) The Stage 2: PUD Preliminary Site Plan objective is to refine the Stage 1: Concept Plan into a detailed Site Plan. Therefore, the following information shall be specified/clarified in the narrative and on the drawing(s) at the time of approval:
  - (1) The list of uses permitted within the PUD are defined.
  - (2) The exact locations, types, heights, materials, and designs of such uses are identified.
  - (3) All use-specific standards that apply to the permitted uses are specified and identified in a table which includes: the average, highest, and lowest quantities and a count of each occurrence.
  - (4) The maximum density or intensity permitted within the PUD is identified.
  - (5) The amount and exact location of open space/recreation areas are defined.
  - (6) The layout of all new street(s), major access drive(s), sidewalks, trails, and any other methods of circulation required or necessary throughout the PUD are identified.
  - (7) All impervious surfaces for non-residential building areas, parking, and truck loading areas with ingress and egress drives are identified.
  - (8) The location(s) and a submitted timeline of all of the proposed development's amenities are included. *\*Note: Amenities part of a phase shall be constructed concurrently with that phase. If the PUD consists of multiple phases to be developed over time, no more than 25% of the total number of lots approved for the PUD as a whole shall be built on before planned amenities and buffers are constructed. This requirement may be modified as stated in SECTION 13.05 (B)2(b), below, depending on the*

*distribution, number, and location of amenities in the PUD as a whole.*

(9) The exact location and size of all signage are identified.

(b) The Clearcreek Township Zoning Commission and/or the Board of Trustees shall have the authority to impose modified and/or 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.

### **3. Stage 2: Conditions for Approval**

The following criteria shall be used in the recommendations and decisions made regarding the Stage 2: PUD Preliminary Site Plan. Failure to comply with any of these criteria shall require a PUD modification and shall therefore be subject to the criteria set forth in **SECTION 13.07, PUD Modifications**.

- (a) The PUD Preliminary Site Plan is in accordance with the Zoning Resolution as adopted by the Clearcreek Township Board of Trustees.
- (b) The PUD Preliminary Site Plan is consistent with the Clearcreek Township Master Land Use Plan.
- (c) The intensity proposed for the PUD Preliminary Site plan does not exceed the maximum density allowed for the PUD as a whole.
- (d) The use(s) proposed will not be detrimental to existing and potential future surrounding uses and will harmoniously relate to the surrounding area.
- (e) The internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designated on the Warren County Official Thoroughfare Plan. A traffic impact study may be required by the Warren County Engineer's Office, at the applicant's expense. Also, the Clearcreek Township Zoning Commission and Board of Trustees shall coordinate cross access easements or stubbed streets to all adjacent parcels as needed to facilitate traffic flow between existing parcels and planned PUDs with the Warren County Engineer's Office.
- (f) The arrangement of vehicular access and circulation, including intersections, road widths, channelization structures, and traffic controls are adequately designed for the proposed uses and existing surrounding parcels.

- (g) The arrangement, location, appearance, and sufficiency of off-street loading are adequately designed.
- (h) The management of storm water, erosion control, and sanitary disposal facilities are adequately designed and avoid flood hazard areas.
- (i) 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.
- (j) The comments and recommendations received from the Warren County departments, as well as representatives of federal and state agencies, shall be reviewed and adequately addressed.
- (k) Approval of the PUD Preliminary Site 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 Preliminary Site Plan if it is determined that modifications are required to comply with this Resolution.

**C. Stage 3: The PUD Final Site Plan Application**

The third and final stage of the PUD process shall not commence until Stage 2 approval has been obtained and Warren County Regional Planning Commission (RPC) has approved the Preliminary Plat. The Stage 3: PUD Final Site Plan shall be reviewed for conformance to all required conditions of Stage 1 and Stage 2. After the PUD Final Site Plan is approved, a Record Plat may be submitted to RPC for approval. After the Record Plat has been recorded, the Clearcreek Township Zoning Inspector can issue permits. Therefore, the Stage 3 process steps, PUD objectives, and conditions for approval outlined below are required to be completed and satisfied in order for Stage 3 approval consideration.

**1. Stage 3: Process Steps**

**(a) Step S3.1 – The PUD Final Site Plan Submittal**

- (1) Applications for the Stage 3: PUD Final Site 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).

- (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).
- (3) The application shall be accompanied with all amended forms, drawings, maps, and additional information included or as required by the Clearcreek Township Board of Trustee Resolution for Stage 2.
- (4) Applicant shall submit responses as to how the Stage 1 and Stage 2 PUD conditions of approval have been satisfied.

**(b) Step S3.2 – Public Meeting with the Clearcreek Township Zoning Commission**

- (1) A public meeting shall be scheduled to occur at the next regularly scheduled Clearcreek Township Zoning Commission meeting.
- (2) Notification of the public meeting shall be published in at least one newspaper of general circulation in Warren County, Ohio and on the Clearcreek Township website (www.clearcreektownship.com), and mailed by regular mail in accordance with **OHIO REVISED CODE (ORC), SECTION 519.12** to the names of owners of properties, as they appear on the Warren County Auditor's current tax list (if a conflict exists between the property address and the mailing address of record, both addresses will be used) within 500 feet of the proposed amendment area, as well as individuals that signed in during the Stage 1 and Stage 2 process.

**(c) Step S3.3 – Decision by the Clearcreek Township Zoning Commission**

- (1) Within 30 days after the close of their public meeting, the Clearcreek Township Zoning Commission shall: approve, approve with modification(s), or deny the proposed PUD Final Site Plan with rationale.
- (2) The Stage 3: PUD Final Site Plan approval shall not be effective until the property owner causes the terms and conditions of the PUD Final Site Plan to be placed in the chain of title of the real estate to which it applies as a restrictive covenant, running with the land, and incorporated in a deed of conveyance.

**(d) Step S3.4 – Record Plat Submittal to RPC**

- (1) After receiving Stage 3: PUD Final Site Plan approval, an application can be made to the RPC for a Record Plat.  
*\*Note: The RPC has its own application and fee schedule.*
- (2) A letter from the Clearcreek Township Zoning Inspector must accompany the submittal.

**2. Stage 3: PUD Objectives**

- (a) The Stage 3: PUD Final Site Plan objective is to further refine the Stage 2: PUD Preliminary Site Plan into a finalized Site Plan. Therefore, the following information shall be specified/clarified in the narrative and on the drawing(s) at the time of approval:
  - (1) A finalized list of uses permitted within the PUD are defined.
  - (2) The exact locations, types, heights, materials, and designs of such uses are finalized.
  - (3) All use-specific standards that apply to the permitted uses are finalized and identified in a table which includes: the average, highest, and lowest quantities and a count of each occurrence.
  - (4) The maximum density or intensity permitted within the PUD is finalized.
  - (5) The exact amount and location of open space/recreation areas are finalized.
  - (6) The layout of all new street(s), major access drive(s), sidewalks, trails, and any other methods of circulation required or necessary throughout the PUD are defined and the acreage is finalized.
  - (7) The exact location of all impervious surfaces for non-residential building areas, parking and truck loading areas with ingress and egress drives are finalized.
  - (8) The exact location(s) and a submitted timeline of all of the proposed development's amenities are finalized. *\*Note: Amenities part of a phase shall be constructed concurrently with that phase. If the PUD consists of multiple phases to be developed over time, no more than 25% of the total number of lots approved for the PUD as a whole shall be built on before planned amenities and buffers are constructed. This requirement may be modified depending on the distribution, number, and location of amenities in the PUD as a whole.*

- (9) The exact location and size of all signage are finalized.
- (b) Additionally, the Stage 3: PUD Final Site Plan shall:
  - (1) Conform to the approved Stage 2: PUD Preliminary Site Plan as revised or amended by the Clearcreek Township Board of Trustees.
  - (2) Conform to all applicable regulations set forth herein.

**3. Stage 3: Conditions for Approval**

The following criteria shall be used in the recommendations and decisions made regarding the Stage 3: PUD Final Site Plan. Failure to comply with any of these criteria shall require a PUD modification and shall therefore be subject to the criteria set forth in **SECTION 13.07, PUD Modifications**.

- (a) All requirements established as part of the approved Stage 1: PUD Concept Plan and Stage 2: PUD Preliminary Site Plan have been satisfied.
- (b) All requirements of the Zoning Resolution that have not been varied as part of the Stage 1: PUD Concept Plan and Stage 2: PUD Preliminary Site Plan have been satisfied.
- (c) When phased, the proposed Stage 3: PUD Final Site Plan for the individual phase of the overall PUD is consistent with the approved Stage 1: PUD Concept Plan and Stage 2: PUD Preliminary Site Plan.
- (d) Any part of the PUD not used for structures, parking and loading areas, public improvements, streets, or walkways shall be landscaped, improved for the purpose intended, or returned to and maintained in a natural state.
- (e) The internal streets and thoroughfares conform to the approved Stage 2: PUD Preliminary Site Plan.
- (f) The amenities that are part of the submitted phase are scheduled to be constructed concurrently with that phase.
- (g) The Stage 3: PUD Final Site Plan is consistent with the intent and purpose of the Clearcreek Township Zoning Resolution, Clearcreek Township Board of Trustee Resolutions, and promotes the protection of public health, safety, morals, and general welfare of Clearcreek Township.
- (h) The comments and recommendations received from the Warren County departments as well as representatives of federal and state agencies have been satisfactorily addressed.

(i) The following Stage 3: PUD Final Site Plan documents have also been satisfied:

(1) All necessary legal documentation relating to the incorporation of a homeowners' or property owners' association for residential PUDs or other similar associations for non-residential or mixed use PUDs, have been submitted and approved as part of the PUD Final Site Plan. Such legal documentation has demonstrated how the common open space will be permanently maintained.

(2) Copies of any restrictive covenants or agreements that are to be recorded have been submitted.

**SEC. 13.06 PUD Phasing:** PUDs requiring more than 24 months to complete after receiving a Stage 3 Clearcreek Township Zoning Commission approval, shall be constructed in phases and a phasing plan shall be submitted. In a phased PUD, it is expected that modifications to an approved PUD plan may be required from time to time. In order to preserve the flexibilities which are fundamental to a PUD, properly requested modifications are permitted according to the procedures of **SECTION 13.07, PUD Modifications.**

**SEC. 13.07 PUD Modifications:** All approved PUDs, regardless of its stage, may be considered for modification. However, in order for modification to an approved PUD Plan to be considered, the PUD plan must satisfy all of the regulations of all applicable resolutions and all of the requirements of this section. Additionally, any subsequent modification shall require the generation of a new PUD request and shall be held to comply with the regulations of their previously approved PUD Stage. Thus, upon completion, all approved modifications shall be considered an addendum to the original PUD, shall only replace the previously approved applicable regulations, and shall have complied with the process outlined below.

**A. PUD Modification Process**

1. A request for a modification shall be submitted to the Clearcreek Township Zoning Inspector only after a PUD plan has been approved and a change is now desired.
2. The Clearcreek Township Zoning Inspector shall have the authority to determine if the proposed modification is a Major Modification or Minor Modification in accordance with this section.
3. In order to modify a PUD, consent is needed from the property owners and the criteria below shall be satisfied. *\*Note: After building lots are sold, it is more difficult to gain consent.*

- (a) A simple majority of parcel owners is needed to make an application.
- (b) A maximum of one signature per parcel is required as identified on the Warren County Auditor's website regarding the tax ownership and sales history for the property.
- (c) A petition shall be created by the applicant which outlines the intent of the modification(s) and requests signatures from proponents of the petition.
  - (1) For the purpose of the petition, it is assumed that the parcels owned and controlled by the applicant are favorable for the request.
  - (2) The intent of the petition is to seek reaction and representation from the parcels not owned or controlled by the applicant.
  - (3) The following calculation is used in determining simple majority:

$$\frac{(S_T - A_T)}{2} = M$$

*[if, VS<sub>T</sub> > M, then = S<sub>M</sub>]      [if, VS<sub>T</sub> < M, then ≠ S<sub>M</sub>]*

Explanation: the total number of building lots controlled by the applicant (A<sub>T</sub>) shall be subtracted from the total number of building lots approved for the subdivision (S<sub>T</sub>). The difference shall then be divided in half to find the mean (M). The mean represents the minimum number of valid parcel owner signatures needing to be exceeded for a simple majority to exist. Therefore, if the total sum of all valid parcel owner signatures (VS<sub>T</sub>) obtained is greater than the mean (M), then a simple majority (S<sub>M</sub>) shall exist.

**B. Major Modifications**

- 1. Major Modifications to an approved PUD Preliminary Site Plan or PUD Final Site Plan shall include, any or all of the following:
  - (a) An increase in residential density;
  - (b) An expansion in Non-Residential or Mixed-Use PUD floor area that exceeds 10% of the total floor area that was previously approved;
  - (c) Changes to the PUD boundaries;
  - (d) Changes in the amount (percentage of the total development) or location of different land uses;

(e) Changes to internal street patterns which alter the intersecting points with existing streets.

2. Major modifications shall be reviewed and approved in accordance with the applicable procedures set forth in **SECTION 13.05, PUD Approval Process.**

**C. Minor Modifications**

If not specified as a Major Modification, the modification shall be classified as a Minor Modification and shall be submitted to the Clearcreek Township Zoning Commission for review and approval. Such review shall occur at a public meeting of the Clearcreek Township Zoning Commission. Applications shall meet the requirements of a Stage 3: PUD Final Site Plan submittal.

**SEC. 13.08 Time Limits and Extensions:** Every construction project requires a schedule for a variety of reasons. Due to unforeseen or uncontrollable variables, a schedule must be flexible to ensure not only the integrity of each project, but ultimately the public health, safety, morals, and general welfare of Clearcreek Township and its residents. The use of time limits and extensions shall provide Clearcreek Township with a resource to efficiently manage potential impact issues while providing owners or developers the ability to effectively manage the integrity of their PUD within Clearcreek Township.

**A. Time Limits**

1. The time limits contained herein is a continuous process and begins following the approval of Stage 1. As such, there is no time limit for the submission of Stage 1. However, upon receiving Stage 1 approval, all PUDs shall conform to the time limit criteria set forth until satisfactory completion has been obtained. (*SEE FIG. 13.08A*)

(a) Stage 1 Submission: No time limit.

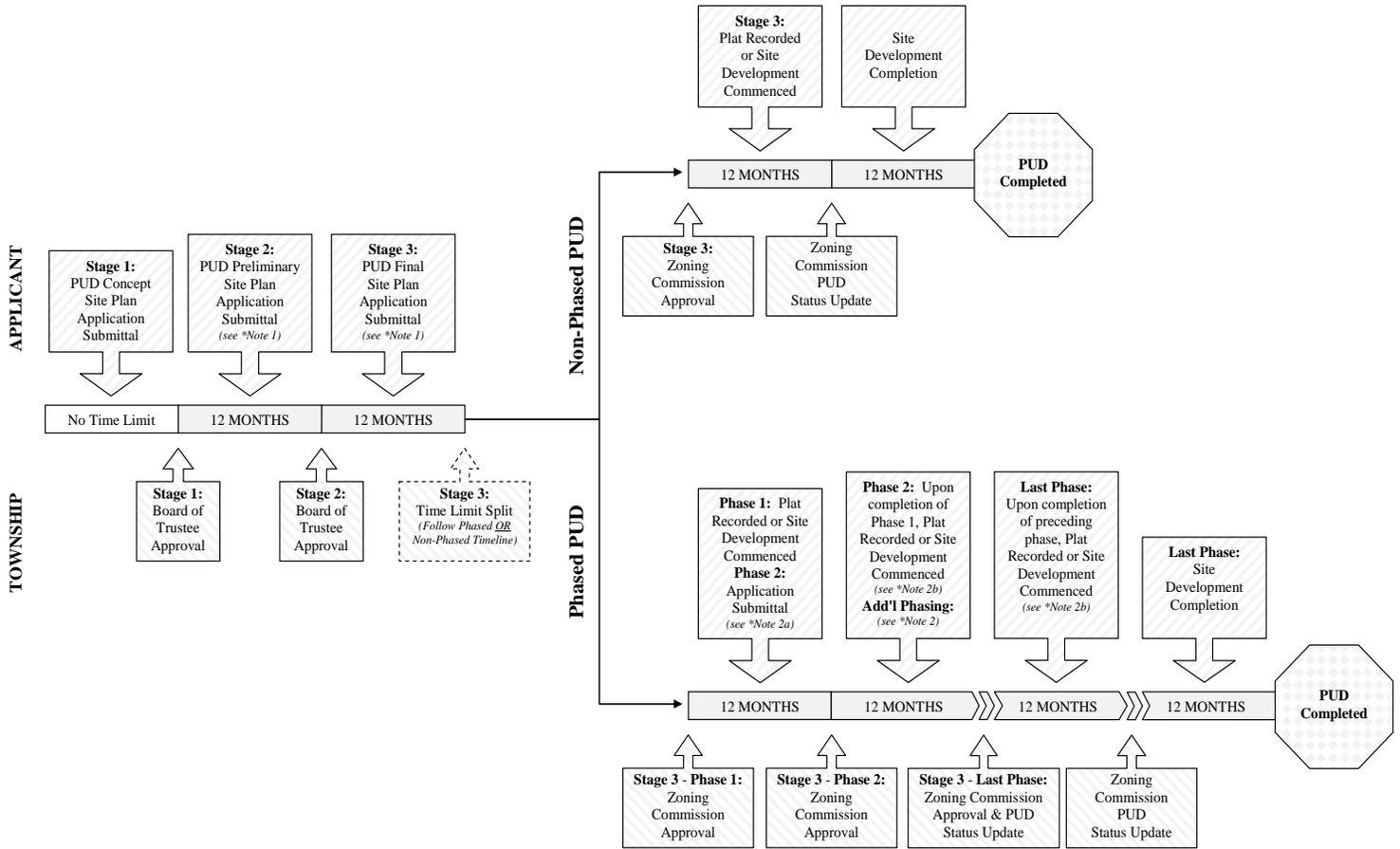
(b) After Stage 1 Approval: Within 12 months of the Stage 1 Clearcreek Township Board of Trustee approval, the applicant shall have submitted a completed Stage 2 PUD Preliminary Site Plan application and received a Stage 2 Clearcreek Township Board of Trustee Approval.

(c) After Stage 2 Approval: Within 12 months of the Stage 2 Clearcreek Township Board of Trustee approval, the applicant shall have submitted a completed Stage 3 PUD Final Site Plan application and received a Stage 3 Clearcreek Township Zoning Commission approval.

**(d) After Stage 3 Approval:**

- (1) Non-Phased PUDs:** Within 12 months of the Stage 3 Clearcreek Township Zoning Commission approval, the subdivision plat shall be recorded. If a subdivision plat is not required, then the approved construction, building, remodeling, or reconstruction of a building or structure on the land shall have commenced.
  - (2) Phased PUDs:** Within 12 months of the Stage 3 - Phase 1 Clearcreek Township Zoning Commission approval, the subdivision plat shall be recorded. If a subdivision plat is not required, then the approved Phase 1 construction, building, remodeling, or reconstruction of a building or structure on the land shall have commenced. Also, the applicant shall have submitted a completed Stage 3 - Phase 2 PUD Final Site Plan application for the Second Phase and received a Stage 3 - Phase 2 Clearcreek Township Zoning Commission approval. Phasing shall continue until ALL PHASES have received a Stage 3 Clearcreek Township Zoning Commission approval.
- 2.** If an established time limit is due to expire, the applicant shall comply with the procedures according to **SECTION 13.08 (B)**.
  - 3.** For all PUDs currently in progress at the effective date of this amendment, all PUD owners or developers, regardless of the existing PUD Stage, shall receive due notice requesting the status of the PUD and shall, at that time, be required to adhere to all PUD requirements set forth herein.
  - 4.** In the event a PUD applicant fails to adhere to the established time limits, the applicant shall comply with the procedures according to **SECTION 13.08 (B)**.

**Time Limits**



(Fig. 13.08a)

Although the PUD Process begins with a Stage 1 submission, the Time Limits herein begin following a Stage 1 Clearcreek Township Board of Trustee Approval.

**\*Notes:**

- (1) Within each 12 month time limit, the applicant shall be required to successfully complete the following, in accordance with **Section 13.05**:
  - a. Submit a completed, stage specific, PUD Application;
  - b. Attend all Clearcreek Township Zoning Commission public hearings/meetings;
  - c. Obtain a Clearcreek Township Zoning Commission Recommendation/Approval;
  - d. Attend all Clearcreek Township Board of Trustee public hearings/meetings;
  - e. Obtain a Clearcreek Township Board of Trustee Approval, if applicable.
- (2) The following criteria shall be applicable to all phased Stage 3 Approvals:
  - a. Following Stage 3 - Phase 1 Zoning Commission Approval, the applicant shall have 12 months to successfully obtain Stage 3 - Phase 2 Approval. This constraint shall apply to all succeeding phases.
  - b. Following Stage 3 - Phase 2 Zoning Commission Approval, the plat shall not be recorded nor shall site development commence for this, or any/all subsequent phases, until the preceding phase has been completed. This constraint shall apply to all succeeding phases.

**B. Extension and Review Procedures**

1. Due to numerous variables which may result in the expiration of an established time limit, all PUD applicants are entitled to and shall:
  - (a) Within 2 months prior to the time limits' expiration, apply for an extension consideration.
  - (b) Submit a written request to the Clearcreek Township Zoning Inspector.
  - (c) Pay the applicable fee, as required by the Clearcreek Township Board of Trustees.
2. Within 30 days of the effective date of this amendment, all applicable PUD applicants shall be notified via certified letter to submit a written request for a time extension. Applicant's failing to respond shall be subject to **SECTION 13.08 (B)(4)(E)**.
3. Once the Clearcreek Township Zoning Inspector has received the request with the applicable fee, a public meeting will be scheduled with the Clearcreek Township Zoning Commission.
4. At this public meeting, the Clearcreek Township Zoning Commission will consider the status of the PUD in question and shall submit one of the following recommendations to the Clearcreek Township Board of Trustees with rationale:
  - (a) Approve an extension with designated PUD completion time limits as originally approved;
  - (b) Approve an extension for a PUD Phasing Plan with designated PUD completion time limits;
  - (c) Approve a PUD modification with designated PUD completion time limits;
  - (d) Deny the extension request with rationale;
  - (e) An applicant's failure to respond to the request to participate in a Clearcreek Township Zoning Commission meeting in which the status of an application is up for review will result in a recommendation to the Clearcreek Township Board of Trustees to revoke all pending PUD approvals beyond the Stage 1.
5. The Clearcreek Township Board of Trustees shall hold a public meeting to review the PUD application status and shall, by resolution, either: adopt, adopt with modification, or deny the recommendations of the Clearcreek Township Zoning Commission. In the event the Clearcreek Township Board of Trustees elects to adopt with modification or deny the recommendations of the Clearcreek Township Zoning Commission, a majority vote by the Clearcreek Township Board of Trustees shall be required. A copy of the Clearcreek Township

Board of Trustee Resolution of the action shall be sent by regular mail to the applicant.

**SEC. 13.09 Common or Public Space:** All PUDs shall provide for the reservation within the entire tract to be developed a minimum of 25% of gross land area (total acreage without exclusions) for use as common or public open space. This common or public open space may include such areas as natural fields, forested areas, pervious recreation areas, pervious pedestrian walkways, park land (exclusive of public maintained parks), open areas, buffer areas, flood plains, retention ponds that include a water feature, detention basins (not exceeding 25% of the minimum required common open space), drainage ways, and other lands of essentially open character reserved for common or public usage.

The common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. The common open space shall not include public or private road right-of-way, landscape islands internal to right-of-way or parking lots, amenity structures, or impervious areas related to the amenity, such as: parking, tennis courts, basketball courts, and pedestrian pathways.

Open Space Ownership and Maintenance: Any open space preserved as part of the PUD shall be preserved or used in a manner established with the specific PUD and shall be owned by a private trust, conservation group as may be approved by the township, or owned in common by the owners of the building lots with maintenance provided through a homeowner's or property owner's association. Further subdivision of the open space or its use for other than those uses prescribed in the approved PUD Preliminary Site Plan and PUD Final Site Plan shall be prohibited.

**SEC. 13.10 Enforcement:** The terms and conditions of the PUD and the covenant that runs with the land shall be enforceable by owners of real estate covered by the PUD or by Clearcreek Township, Warren County, Ohio. Failure to enforce shall not be deemed a waiver of rights of enforcement. The owner and all subsequent owners take subject to a covenant running with the land whereby they waive the defense of laches against any person or body that has the power to enforce the PUD.

**SEC. 13.11 Hearings:** public hearings shall be held in accordance with **CHAPTER 519** of the **OHIO REVISED CODE**.

## CHAPTER 14

### FLOOD PLAIN REGULATIONS

**SEC. 14.01 APPLICATION:** The regulations set forth in this chapter, or set forth elsewhere in the Zoning Code, are the zoning regulations for flood plain areas and shall apply to all lands within the jurisdiction of the Zoning Code.

**SEC. 14.02 FINDINGS OF FACT:** The flood hazard areas of Clearcreek Township are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and welfare.

These flood losses are the result of the cumulative effect of obstructions in flood hazard areas which cause increases in flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

**SEC. 14.03 PURPOSE:** The purpose of the flood plain regulations is the promotion of the public health, safety and general welfare and the minimization of public and private losses due to flood conditions in specific areas. This is accomplished by:

- A.** Regulating uses, activities and development which, acting alone or in combination with other existing or future uses, activities and developments, will cause unacceptable increases in flood heights, velocities and frequencies.
- B.** Restricting or prohibiting certain uses, activities and developments from locating within areas subject to flooding.
- C.** Requiring all those uses, activities and developments that do occur in flood prone areas to be protected and/or flood proofed against flooding and flood damage.
- D.** Protecting individuals from buying lands and structures, which are unsuited for intended purposes because of flood hazards.

**SEC. 14.04 WARNING AND DISCLAIMER OF LIABILITY:** The degree of flood protection sought by the provisions of this chapter is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricting by debris. This chapter does not imply that areas outside the flood plain areas, or that land uses permitted within such areas, will be free from flooding or flood damages.

This chapter shall not create liability on the part of Clearcreek Township or any officer or employee thereof for any flood damages that result from reliance on this zoning code or any administrative decision lawfully made thereunder.

**SEC. 14.05 BASIS OF FLOOD PLAIN AREAS:** The flood plain shall include all areas subject to inundation by waters of the one hundred (100) year flood. The flood plain is comprised of two parts, the floodway and the floodway fringe. The basis for the delineation shall be the engineering report entitled Flood Insurance Study, County of Warren, Ohio, Unincorporated Areas dated October 15, 1980 and effective April 15, 1981, prepared by the Federal Emergency Management Agency, Federal Insurance Administration. This study with accompanying maps and any revisions thereto is hereby adopted by reference and declared to be part of this Zoning Code. The Flood Insurance Study is on file in the office of the Warren County Regional Planning Commission.

For that area denoted on the Flood Insurance Study maps as "Appropriate 100 year Flood Boundary" areas for which no detailed flood profiles or elevations are provided other sources of data may be used such as:

- A. U.S. Army Corps of Engineers - Flood Plain Information Reports.
- B. U.S. Geological Survey - Flood Prone Quadrangles.
- C. U.S. Department of Agriculture, Soil Conservation Service - Soil Survey of Warren County, Ohio and Flood Hazard Analysis Studies.
- D. Ohio Department of Natural Resources - Flood Hazard Reports and Flood Profile Charts.
- E. Known High-water Marks From Past Floods.
- F. Other Sources.

Where the one hundred (100) year flood elevation cannot be determined for this area using other sources of data, the applicant for the proposed use, development and/or activity shall, if requested to do so by the Zoning Inspector, determine the one hundred (100) year flood elevation in accordance with hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analysis shall be undertaken only by registered professional engineers who shall demonstrate that the technical methods used correctly reflect currently accepted technical concepts. Studies, analysis, computations, etc., shall be submitted in sufficient detail to allow a thorough technical review by Clearcreek Township.

**SEC. 14.06 FLOOD HAZARD AREA PROVISIONS:** All uses, activities and development occurring within any flood plain shall be undertaken only in strict compliance with the provisions of this Zoning Code and with all other applicable codes and regulations of Clearcreek Township and Warren County, Ohio.

Prior to any proposed alteration or relocation of a water course, notification of the proposal shall be given to all affected adjacent communities. Copies of such notifications shall be forwarded to both the Federal Emergency Management Agency; the Flood Insurance Coordinator, Ohio Department of Natural Resources; and the U.S. Army Corps of Engineers, Louisville District.

**SEC. 14.07 PERMITTED USES:**

- A. No use, activity or any other development shall be permitted in the Floodway except the following uses provided the property is zone properly for the intended use and the use is not prohibited by any other regulations or paragraph or section of this Chapter:
  - 1. Agricultural uses with the exception of any building or structure.
  - 2. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, trap and skeet ranges and hunting and fishing areas with the exception of any building or structure.
  - 3. Utilities and public facilities improvements such as railroads, streets, bridges, transmission lines, pipe lines and other similar or related uses with the exception of any buildings.

- B.** No development, use or activity (including fill, grading and/or substantial improvements to structures, etc.) shall be permitted in the Flood Fringe unless the applicant for the proposed development, use or activity has demonstrated that the proposed undertaking, when combined with all other existing and anticipated development, uses and activities, will not increase the water surface elevation of the one hundred (100) year flood more than one (1) foot at any point. The engineering principle, equal reduction of conveyance, shall be used to make the determination of increases in flood heights.

The following uses and activities having a low flood damage potential and not obstructing flood flows are permitted in the floodway fringe provided the property is section of this Chapter; and further that no building or structure shall be erected, constructed, reconstructed, altered or moved into a premises unless a Planned Unit Development for such use has been approved in accordance with **Chapter 13** of the **Zoning Code**:

1. Agricultural uses.
2. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking, biking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges and hunting and fishing areas.
3. Temporary concession stands.
4. Accessory residential uses such as yard areas, gardens, play areas and previous parking areas.
5. Accessory industrial and commercial uses such as yard areas, and previous parking and loading areas.
6. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants and other similar or related uses.
7. Extraction of sand, gravel and other materials.
8. Temporary uses such as circuses, carnivals and similar activities.

9. Storage of materials and equipment provided that they are not subject to major damage by flooding, and provided that such material and equipment are firmly anchored to prevent flotation or movement and/or can be readily removed from the area within the time available after flood warning.
  10. Other similar uses and activities provided they do not cause more than the maximum allowable increase in flood heights and/or velocities. All uses, activities and structural developments shall be undertaken in strict compliance with the flood protection provisions contained in all other applicable codes and regulations.
- C. No freestanding sign shall be permitted in the flood plain. All other signs are permitted provided they meet the regulations of **Chapter 28 – Signage Regulations**.

## CHAPTER 15

### NON-CONFORMING USES

- SEC. 15.01** The lawful use of any dwelling, building or structure and of any land or premises as existing and lawful at the time of enactment of this Code or amendments thereto, may be continued although such use does not conform with the provisions of this Code or amendment. If no structural alterations are made, a non-conforming use of a building may be changed to another reasonable, non-conforming use of the same or of a more restrictive use. Whenever a non-conforming use has been changed to a more restrictive use or to a conforming use, such use shall not thereafter be changed to a less restrictive use in accordance with procedure set forth in **Section 21.01D**.
- SEC. 15.02** In the event that a non-conforming use of any dwelling, building or structure and of any land or premises is voluntarily discontinued for two (2) years or more, any future use thereof shall be in conformity with the provisions of this Code.
- SEC. 15.03** No existing building or premises devoted to use not permitted by this Code in the zone in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed or structurally altered, unless the use thereof is changed to a use permitted in the zone in which such building or premises is located.
- SEC. 15.04** When a building, the use of which does not conform to the provisions of this Code, is damaged by fire, explosion, Act of God, or a public enemy, to the extent of more than sixty per cent (60%) of the cost of reproducing, it shall not be restored, unless the relocation of such use shall have been authorized by the Board of Appeals in the manner provided in **Chapter 21**.
- SEC. 15.05** Use of existing lots of record: In any zone where dwellings are permitted, a single family dwelling may be located on any lot or tract of ground of official record as of the effective date of this resolution irrespective of its area or width, provided, however, that no lot shall be used if less than forty (40) feet wide in any case and *further*
- A.** If two (2) or more adjacent lots of substandard width for the zone in which they are located, belong to one owner, they shall be combined into new lot sizes as follows:
    - 1.** If total combined width is less than the required minimum width for one (1) lot for the zone in which they are located, they shall be combined to form one (1) lot.

2. If the total combined width is greater than the minimum required width for one (1) lot, for the zone in which it is located, but not a multiple of said width, it shall be divided into equal width lots of such as to result in one (1) more than the number of lots of the minimum width required in the zone in which they are located.
- B. The sum of the side yard width of any substandard size lot or plot shall be thirty percent (30%) of the width of the lot and at least ten percent (10%) of the lot width for any one (1) side yard.
  - C. The depth of the rear yard of any substandard sized lot need not exceed twenty percent (20%) of the depth of the lot, but in no case less than ten percent (10%).

**SEC. 15.06** Nothing contained in **Chapter 13** of this **Clearcreek Township Zoning Code** shall be of any force or effect with regard to any planned unit developments approved prior to the adoption of this Clearcreek Township Zoning Code.

**SEC. 15.07** Ratification of changes in zoning map: Adoption of this Zoning Code for the unincorporated territory of Clearcreek Township, Warren County, Ohio, constitutes ratification of, incorporation by reference, as fully as if stated herein, and adoption of any changes to the zoning map brought about by reason of applications for zoning changes processed and approved according to law between the time that the maps adopted herewith were submitted to the public at public hearings and the time of final adoption of this Code. In the event that for any reason this section is found by a court of competent jurisdiction in unreversed final judgment to be unlawful, then the property affected by this section shall be zoned in accordance with the zones set forth on the zoning maps as presented at the public hearings. Structures built pursuant to zoning changes made between the time the public hearings took place and the adoption of this Code, shall exist as non-conforming uses. Owners of the land on which the zoning changes were made between the time of the presentation of the maps at public hearings and adoption of this Code, may reapply for their property to be rezoned.

## CHAPTER 16

### PARKING AND LOADING REGULATIONS

**SEC. 16.01** In all zones there shall be provided at the time any building or structure is erected or structurally altered (except as provided in **Section 16.03** and **Section 16.04**) off-street parking spaces in accordance with the following requirements:

**SEC. 16.02** Number of spaces to be provided: In all zones, there shall be provided at the time any building or structure is erected, structurally altered (except as provided in **Section 16.03**) or the use is established off-street parking spaces in accordance with the following requirements:

<u>USE</u>	<u>PARKING SPACE REQUIRED</u>
Dwelling, one (1) and two (2) family and summer cottages	Two (2) for each dwelling unit
Multiple dwellings	Two (2) for each dwelling unit
Rooming or boarding house	One (1) for each two (2) sleeping rooms
Private club or lodge	One (1) for each ten (10) members
Religious Institution	One (1) for each four (4) seats in the main auditorium
School (except high school or college)	One (1) for each ten (10) seats in auditorium or main assembly room; or one (1) for each classroom and office, whichever is greater
College or high school	One (1) for each eight (8) seats in main auditorium or three (3) for each classroom, whichever is greater
Country club or golf club	One (1) for each five (5) members
Community center, library, museum or art gallery	Ten (10) plus one (1) additional for each three hundred (300) square feet of floor area in excess of two thousand (2000) square feet

**USE**

**PARKING SPACE REQUIRED**

Hospital, sanitarium, convalescent home, nursing home, rest home, home for the aged or similar institution

One (1) for each three (3) beds

Hotel

One (1) for each three (3) sleeping rooms or suites, plus one (1) for each two hundred (200) square feet of commercial area contained therein

Tourist home, cabin or motel

One (1) for each sleeping room or suite

Dance hall, assembly or exhibition hall without fixed seats

One (1) for each one hundred (100) square feet of floor area used therefore

Business or professional office, studio, bank, medical or dental clinic

Three (3) plus one (1) additional for each four hundred (400) square feet of floor area used therefor

Bowling alley

Five (5) for each alley

Mortuary or funeral home

One (1) for each fifty (50) square feet of floor space in slumber rooms, parlors or individual funeral service rooms

Restaurant, nightclub, cafe or similar recreation or amusement establishment

One (1) for each one hundred (100) square feet of floor space

Retail store or personal service establishment except as otherwise specified herein

One (1) for each two hundred (200) square feet of gross floor space

Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop

Two (2) plus one (1) additional for each three hundred (300) square feet of floor area over one thousand (1000) square feet

Printing or plumbing shop or similar service establishment herein

One (1) for each three (3) persons employed

Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment	One (1) for each two (2) employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith
Roadside Farm Market	Two (2) plus one (1) additional per every one hundred (100) square feet of assembly area
Agritourism	Total number of participants to the event divided by four (4) will determine the minimum number of temporary agricultural parking spaces

**SEC. 16.03** In computing the number of parking spaces required the following rules shall govern:

- A.** *Floor Area* shall mean the gross floor area, measured from the exterior surface of exterior walls or from the center line of walls separating buildings, including all such space except porches, garages or parking area, areas occupied by mechanical equipment, toilet or restrooms and any basement or cellar space used for storage or incidental purposes.
- B.** In hospitals, bassinets shall not be counted as beds.
- C.** In the case of benches, pews and similar seating accommodations, each eighteen (18) inches thereof shall be counted as one (1) seat for the purpose of determining the parking requirements.
- D.** *Shopping Center* shall mean a group of stores or shops for retail sales and services designed and developed as a unit, where the uses of such stores or shops are not otherwise specifically designated.
- E.** Where fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.
- F.** In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.
- G.** The requirements for a use not specifically mentioned therein shall be the same as required for a use of a similar nature.

- H.** Whenever a building or use constructed or established after the effective date of this resolution is changed or enlarged in floor area, the number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this resolution is enlarged or changed in use to create a need for an increase of fifty percent (50%) or more in the parking spaces required in **Chapter 16** for such a building or use as it existed prior to the enlargement or change, said building or use shall then and thereafter comply with the regulations set forth herein.

**SEC. 16.04** All parking spaces required herein shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from an institutional building served and not to exceed five hundred (500) feet from any other non-residential building served (measured from each parking space to the nearest corner of the building served).

Up to fifty percent (50%) of the parking spaces required for:

- A.** Theaters, public auditoriums, bowling alleys, dance halls, night clubs or cafes and up to one hundred per cent (100%) of the parking spaces required for a church may be provided and used jointly.
- B.** Banks, offices, retail stores, repair shops, service establishments, schools and similar uses not normally open, used or operated during the same hours as those listed in (A); provided that written agreement thereto is properly executed and filed to assure the retention of the parking spaces for such purposes. Such agreement shall be properly drawn and executed by the parties concerned, approved as to form by the prosecuting attorney, and shall be filed with the application for a building permit.

**SEC. 16.05** Development and Maintenance of Parking Areas: Every off-street parking space required by these regulations shall be provided with satisfactory access to a street or alley by means of a surfaced driveway and all parking areas shall be developed and maintained in accordance with the following requirements:

**A. Distances:** No entrance to or exit from a parking area for ten (10) or more vehicles shall be closer than fifty (50) feet to any street intersection.

**B. Surface and lighting:**

A. All permanent off-street parking areas, including any commercial parking lot, for more than ten (10) vehicles shall be graded and permanently surfaced with an asphalt or Portland cement binder pavement so as to provide a durable and dustless surface, and shall be graded for proper disposal of surface water, subject to the review satisfaction of the zoning inspector and the Warren County Engineer.

B. All temporary agritourism off-street parking areas, the spaces may be comprised of the following materials: gravel, dirt and/or grass. At the time of the event the spaces and accessways shall allow for the unobstructed movement of vehicles.

C. The design and location of any parking area accessway intersection of a public street is subject to approval by the street authority of jurisdiction.

D. Any lighting used to illuminate such parking area, shall be of a type, height, intensity and shielding necessary so not to be spot-glare nuisance or safety hazard to anyone in view thereof. Approval by the aforementioned applicable authorities is also required to ensure that no sight distance obstruction is posed by any lighting as to design or location in and around such parking area.

**E. Parking and Loading Regulations, Service Equipment**

1. A buffer, specified as follows, shall be required to completely surround service equipment for installation on any property, in the Office "O", Business "B1" or "B-2" and Industrial "M-1" or "M-2" zones.

a. A continuous one hundred (100) percent opaque hedge, fence, wall or earth form is required to enclose any service equipment on all sides.

b. The buffer shall exceed the height of the service equipment by at least one (1) foot.

- c. If the service equipment is frequently moved or accessed, three sides shall have a buffer. The fourth side shall have a solid gate, which exceeds the height of the service equipment by at least one (1) foot.

**SEC. 16.06 Off-street loading requirements:** Every building or part thereof erected or occupied for retail business, service manufacturing, storage, warehousing, hotel, mortuary or any other similarity involving the receipt or distribution by vehicles of material or materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

- A. In any zone where permitted, for public buildings, educational, religious and philanthropic institutions, hospitals or other institutions, places of assembly or for sports or athletics, clubs, lodges, multiple dwellings and similar uses, one loading space, plus one (1) additional loading space for each one hundred thousand (100,000) square feet or major fraction thereof, of floor area in excess of one hundred thousand (100,000) square feet.
- B. In any retail business zone for banks and financial institutions, medical or dental clinics, business or professional offices, business, dancing or other commercial schools, theaters, bowling alleys, skating rinks, or other places of amusement, one (1) additional loading space for each one hundred thousand (100,000) square feet or major fraction thereof, of floor area in excess of one hundred thousand (100,000) square feet.

For retail and wholesale stores, eating and drinking places and all other commercial uses, one (1) loading space plus one (1) additional loading space for each twenty thousand (20,000) square feet or major fraction thereof, of floor area in excess of ten thousand (10,000) square feet, up to fifty thousand (50,000) square feet, plus one (1) additional space for each one hundred thousand (100,000) square feet of floor area or major fraction thereof in excess of fifty thousand (50,000) square feet.

- C. In light industrial and heavy industrial zones, one (1) loading space plus one (1) additional space for each twenty thousand (20,000) square feet or major fraction thereof, of floor area in excess of twenty thousand (20,000) square feet or major fraction thereof, of floor area in excess of twenty thousand (20,000) square feet up to sixty thousand (60,000) square feet plus one (1) additional space for each one hundred thousand (100,000) square feet or major fraction thereof in excess of sixty thousand (60,000) square feet.

- D. Each loading space shall be at least ten (10) feet in width, twenty five (25) feet in length and fourteen (14) feet in height and shall be located on the same lot as the use served. All loading spaces shall be permanently surfaced and shall be so placed as to be accessible from a street or alley without interference with traffic.

**SEC. 16.07 Drive Through Facility**

- A. A drive through facility shall be designed and located to minimize visual, traffic and noise impacts to adjoining properties. In addition to the applicable provisions of this chapter, this use shall be regulated as a conditional use.
- B. All drive through facilities (teller machines, service windows, pickup windows, kiosks, drop boxes or similar facilities):
  - 1. The front of the building shall be oriented to the street.
  - 2. Audible communication devices shall be a minimum of 100 feet from a residentially zoned property line and/or a suitable acoustical barrier shall be installed.
- C. Stacking spaces:
  - 1. Minimum required:
    - i. Restaurants shall have a minimum of 8 stacking spaces per lane, measured from the pickup window.
    - ii. Non-restaurants shall have a minimum of 4 stacking spaces per lane measured from the teller or pickup window.
  - 2. Size of stacking spaces shall be a minimum of 180 sq. Ft.
  - 3. Stacking spaces shall not impede on or off site traffic movements or movements in or out of off street parking spaces.
  - 4. Stacking spaces shall be separated from other internal driveways by surface marking or raised medians.
  - 5. Stacking spaces shall be designed so that vehicles do not obstruct a driveway, fire access lane, walk way or public road right-of-way.
  - 6. Stacking space requirements shall be in addition to the off street parking space requirements.

## CHAPTER 17

### BUFFER AND SCREENING

#### SEC. 17.01 Findings and Intent

##### A. Findings

The Clearcreek Board of Trustees find that:

1. Landscaping and buffering development with earth mounding or other formations, trees and other vegetation promotes the health, safety, and welfare of the community to such an extent as to justify the demand of landscaping and buffering requirements for consistent application throughout the Clearcreek Township community
2. Trees and landscaping benefit the community by:
  - a. Absorbing carbon dioxide and returning oxygen to the atmosphere;
  - b. Precipitating dust and other particulates from the air;
  - c. Providing wildlife habitat, particularly for birds, which in turn help control insects;
  - d. Providing soil stabilization, which reduces erosion and mitigates the effect of flooding;
  - e. Providing shade, which reduces energy consumption and glare, and making outdoor areas more comfortable during warm temperature months;
  - f. Making the built environment more attractive by adding a variety of color, shape, and pattern and thus increasing community pride and the value of the property;
  - g. Providing attractive buffering between incompatible land uses of a different type and/or intensity;
  - h. Helping to mitigate the effects of traffic flow on property owners by screening and separating the public and private areas of interaction. This screen helps to mold the visual experience of the vehicular traveler and provides a rural flavor to the network. Conversely, this screen reduces the impact of headlights and vehicular noise on the property owner while prohibiting haphazard pedestrian to vehicular interaction;
3. Open fields, pastures and cropland benefit the community by:
  - a. Serving as an intervening buffer between the developed use on a lot and the adjoining public street traffic;
  - b. Perpetuating a desired sense and characteristics of ruralness that impacts the perceived image of the community and its sense of welfare;
  - c. Acting to encourage the preservation and/or utilization of farmland in the township;

4. Because native vegetation is adapted to local diseases, pests, soil and climate, it is generally more economical and desirable than non-native species, which require more pesticide, fertilizer, and water.
5. Non-native vegetation can crowd out native vegetation, use more water, and damage the environments from increased use of fertilizers and pesticides.
6. Earth mounding and other formations benefit the community by:
  - A. Mitigating conflicts between adjoining land uses of different types and/or intensities;
  - B. Mitigating vehicular noise and light from the road right-of-way.

**B. Intent**

Requirements of this chapter shall be applied, and implemented in effort to achieve the following:

1. To enhance the attractiveness of the community;
2. To conserve energy through the cooling and shading effects of trees;
3. To mitigate otherwise potentially greater nuisances such as noise, glare, heat, air pollution, and stormwater runoff;
4. To mitigate conflicts between adjoining land uses of different types and/or intensities;
5. To preserve the environment and ecological benefits of existing native trees and vegetation;
6. To increase the safety of private property by erecting a screen from roads that are designed to carry traffic at speeds equal to or over thirty-five miles per hour;
7. To promote safe and efficient use of off-street parking facilities and other vehicular use areas by:
  - a. Clearly delineating and buffering the bounds of vehicular use areas, particularly where they abut public rights of way, so that movement, noise and glare in one area do not adversely distract activity or impair safety in another area;
  - b. Limiting physical site access to established points of ingress and egress;
  - c. Limiting the internal movement of vehicles and pedestrians to designated traffic configurations;
  - d. Preserving irreplaceable natural heritage for existing and future generations;
  - e. Serving to maintain a sense of ruralness through the promotion of various forms of buffers;
  - f. Acting to promote a sense of private space separate from the public realm.

## **SEC. 17.02 Application**

The provisions of this chapter apply to the following:

- A. New sites of Residence Zone “R-2”, Residence Zone “R-3”, Open Space Rural Residence Zone “OSR-1”, Residence Zone “R-1”, Residence Zone “R-1A”, Township Residence Zone “TR-1”, Suburban Residence Zone “SR-1” when a parcel has frontage on a collector or arterial street and an applicant applies for a single family dwelling zoning permit. New principal structures in the Office Zone “O”, Neighborhood Business “B-1”, General Business “B-2”, Light Industry “M-1” and Heavy Industry “M-2” ZONES. A certificate of zoning compliance shall be issued hereafter for any site development or the construction or improvement of any building, structure or vehicular use area except where landscaping for development construction has been approved as required by the provisions of this chapter.
- B. Change in use. Either through a zone change, that increases the intensity of the use or from the actualization of the underlying zone due to the elimination of a non-conforming structure. The buffer shall be established at or before the time the property is utilized for the more intensive use.

## **SEC. 17.03 Landscape Plan Required**

- A. Plans must be at least a minimum scale of 1” = 20’ and shall include the following information:
  1. North arrow and scale.
  2. Name of the applicant and/or owner.
  3. The name, address, and phone number of the person or firm who prepared the landscape plans.
  4. The existing zoning and land use.
  5. Property lines, easements, and dedicated right-of-way.
  6. All existing and proposed buildings, structures, paved areas, planted areas, earth forms, fences, and other permanent features to be added and or retained.
  7. Residential sites must show contour lines if the grade exceeds a six (6) percent slope.
  8. Non-residential sites must show contour lines of road right-of-way, and contour lines of proposed earth forms.
  9. All area calculations are to be expressed in square feet.
  10. The location, botanical name, common name, and size of existing vegetation, which is going to be retained.
  11. The location, botanical name, common name, and size of planned vegetation.
  12. The location of materials, such as fencing, to protect existing vegetation during construction.
  13. Schedule of installation of buffer and landscaping.

**SEC. 17.04** Installation and Maintenance

A. Installation Standards

All plant material shall meet or exceed size and shape relationships specified in the latest edition of the American Standard for Nursery Stock published by the American Association of Nurserymen. All sizes specified refer to size at the time of planting. No zoning permit shall be issued nor grading begun until a plan for buffers and landscaping has been approved.

B. Maintenance responsibility

1. Unless otherwise stated, the owner of any property where landscaping is required shall be responsible for the maintenance of required plant material and continued compliance with this chapter.
2. Dead or diseased plant material shall be replaced during the growth season when it is first identified.
3. Buffer areas shall be regularly maintained. Maintenance shall be performed at least once a month, from May through September. Such maintenance includes, but is not limited to trimming, mulching and mowing. Noxious weeds in the buffer shall be prohibited. Once identified, noxious weeds shall be addressed prior to each producing seeds, this may require a more intensive maintenance performance than listed above. The following techniques are appropriate to address the eradication of the noxious weed(s) from the buffer: 1. Pulling or digging. 2. Killed by the application of a herbicide. 3. Cut down by a hand tool, weed eater or lawn mower
4. Buffer material required by the code may not be pruned or altered in a manner which reduces the required opacity.
5. The buffer area and buffer material shall be maintained so that each does not impede or obstruct the clear sight triangle.
6. No elements of the buffer shall encroach upon the accessway at a height less than thirteen (13) feet six (6) inches.
7. Violations of these installation and maintenance provisions shall be grounds for the revocation of the zoning compliance certificate until the required replacement for the landscaped materials occurs. If the owner fails to replace the buffers within thirty (30) days after notification, legal proceedings to enforce the provisions of this section will be initiated.

**SEC. 17.05** Variations

The Board of Zoning Appeals (BZA) may modify buffer and landscaping standards where:

- A. There are special considerations of site design and/or topography.
- B. There exists a unique relationship to other properties.
- C. The plantings or planting area would conflict with utilities, easements, or overhead power lines.

- D. Proposed street widening not provided by the developer will consume the landscaping area.
- E. The additional screening or landscaping requirements of any other section warrant a variance, in which case, the approving authority may vary the requirements of this section so long as the intent of all sections are met.
- F. The approving authority may require alternative buffers of landscaping when a modification to the requirements of this section is warranted in order to meet the intent of the specified standards.
- G. The test to guide the BZA shall be that of practical difficulties.

**SEC. 17.06 Buffer Areas**

- A. To separate incompatible uses, perimeter and/or streetscape buffers shall be required.
- B. In calculating a buffer, the width of the property must be established. The following examples are based on a lot width of one (100) feet. The minimum buffer width, the number and type of vegetation as well as screening materials are based on this standard. If the width of the property is greater or less than the standard, a percentage shall be established based on the one hundred (100) feet standard. This derived percentage shall be used to compute the requirements for vegetation. The standard width and the maximum percentage of screening materials shall remain constant, regardless of the width. When the final number of required trees is not a whole number, the whole number will be rounded up if tenths is greater than or equal to five (5) or rounded down if less than five (5).
- C. Streetscape buffer  
If the zone listed in the first row of the streetscape interaction table has frontage on a public right-of way then a streetscape buffer is required. The designation of an “x” will require a streetscape buffer.

Streetscape Interaction Table

Open Space Rural Residence “OSR-1”, Residence “R-1”, Township Residence “TR-1”, Suburban Residence “SR-1” parcels with frontage on a street meeting criteria	Residence “R-1A” ZONE	Residence “R-2” Zone	Residence “R-3” Zone	Office “O” Zone	Neighborhood Business “B-1” Zone	General Business “B-2” Zone	Light Industrial “M-1” Zone	Heavy Industrial “M-2” Zone
X	X	X	X	X	X	X	X	X

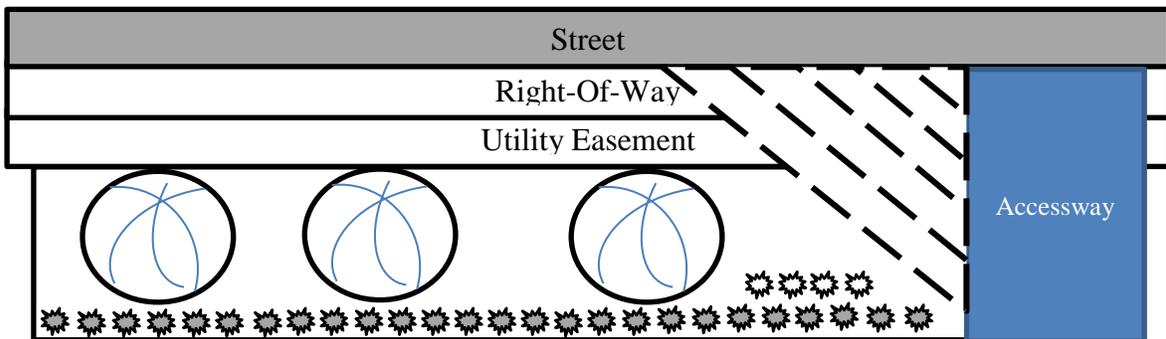
Legend for Options:

- Deciduous Tree 
- Deciduous Shrub 
- Evergreen Tree 
- Evergreen Shrub 
- Fence/Wall 
- Clear Sight Triangle 

Option 1A: Residential streetscape buffer per every one hundred (100) feet of road frontage, when the building setback is equal to or greater than fifty (50) feet and less than one hundred (100) feet from the edge of the right-of-way.

Minimum number of trees	Minimum number of shrubs
3	30

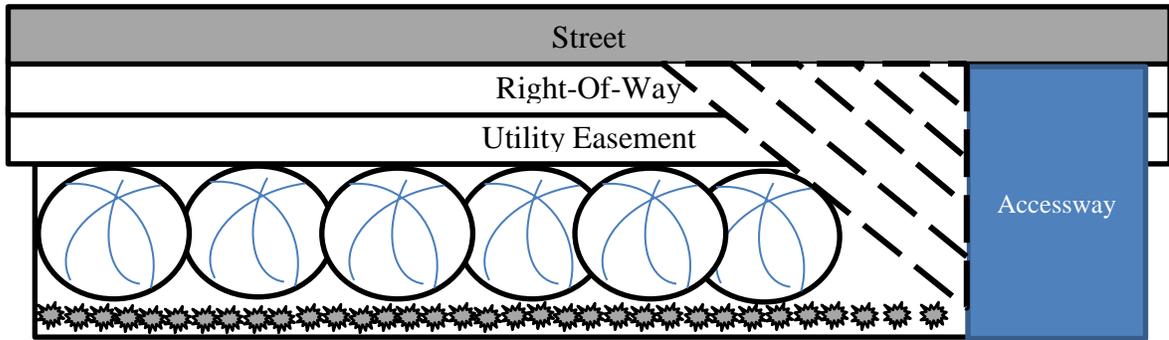
Option 1A: Example of Possible Design per Every One Hundred (100) Feet



Option 1B: Non-residential streetscape buffer per every one hundred (100) feet of road frontage, when the building setback is equal to or greater than fifty (50) feet and less than one hundred (100) feet from the edge of the right-of-way.

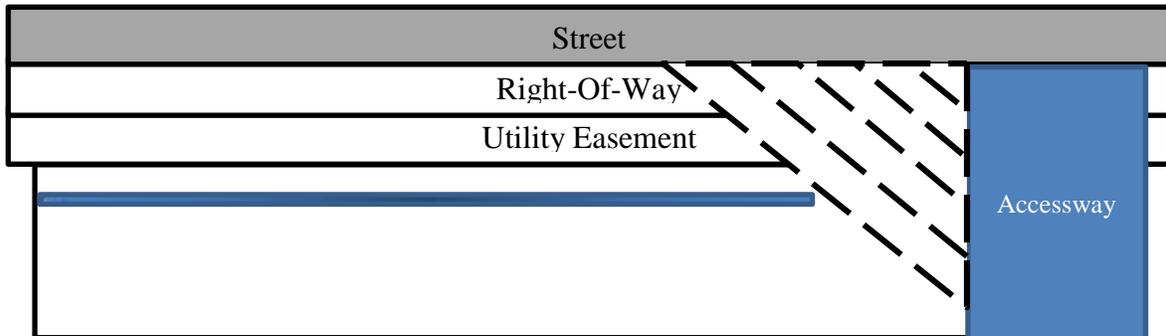
Minimum number of trees	Minimum number of evergreen shrubs
6	33

Option 1B: Example of Possible Design per Every One Hundred (100) Feet



Option 1C: Non-residential streetscape buffer per every one hundred (100) feet of road frontage, when the building setback is equal to or greater than fifty (50) feet and less than one hundred (100) feet from the edge of the right-of-way. A continuous decorative wall no less than four (4) feet in height as measured from the elevation of the pavement on right-of-way shall be required. Decorative wall shall be located outside of the clear sight triangle. Existing elevation will be used if no road improvements are required due to the use of the property. If road improvements result from the use of the property the final elevation after the improvement will be used.

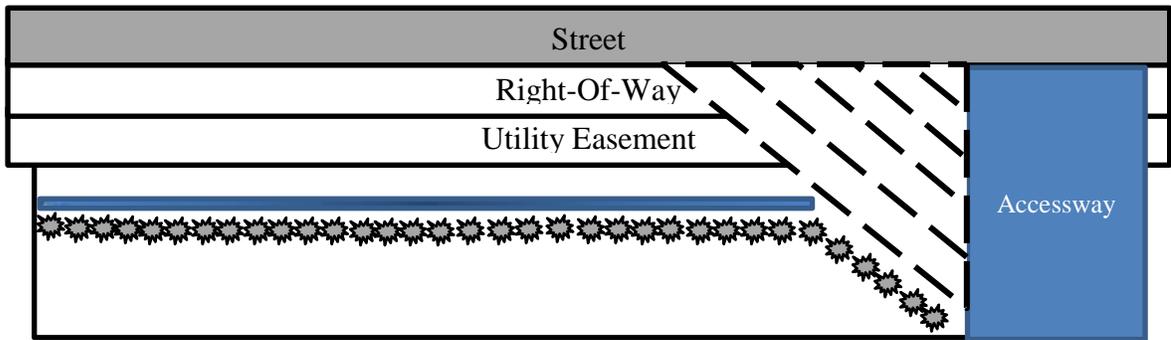
Option 1C: Example of Possible Design per Every One Hundred (100) Feet



Option 1D: Non-residential streetscape buffer per every one hundred (100) feet of road frontage, when the building setback is equal to or greater than one hundred (100) feet and less than one hundred fifty (150) feet from the edge of the right-of-way. In addition to vegetation a continuous decorative fence no less than four (4) feet in height as measured from the elevation of the pavement on right-of-way shall be required. Decorative fences shall be located outside of the clear sight triangle. Existing elevation will be used if no road improvements are required due to the use of the property. If road improvements result from the use of the property the final elevation after the improvement will be used. Required vegetation can be located on either side of the decorative fence to maximize buffer.

Minimum number of evergreen shrubs
33

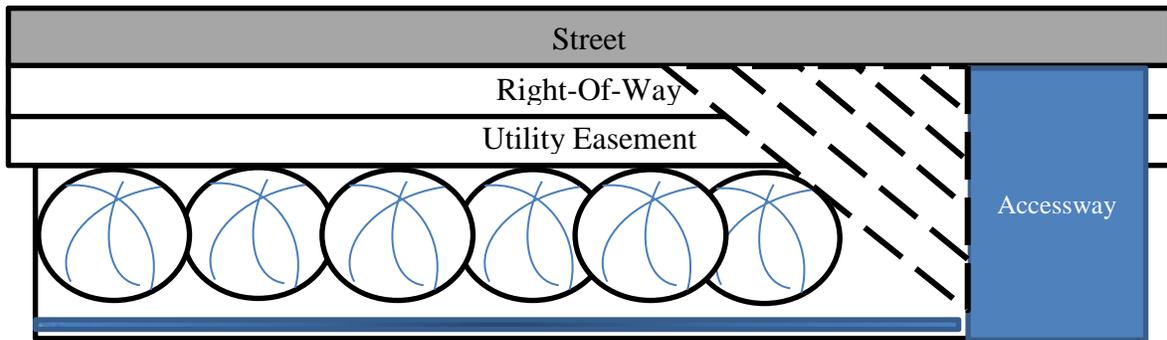
Option 1D: Example of Possible Design per Every One Hundred (100) Feet



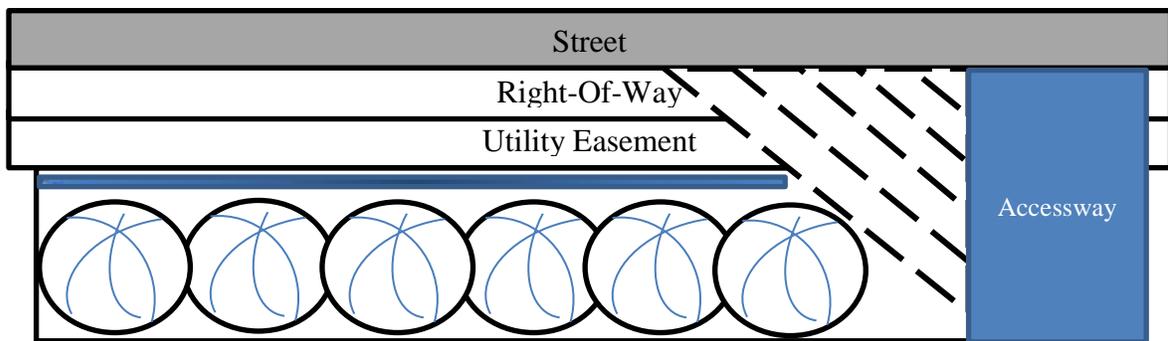
Option 1E: Non-residential streetscape buffer per every one hundred (100) feet of road frontage, when the building setback is equal to or greater than one hundred (100) feet and less than one hundred and fifty (150) feet from the edge of the right-of-way. In addition to vegetation a continuous decorative wall no less than four (4) feet in height as measured from the elevation of the pavement on right-of-way shall be required. Decorative walls shall be located outside of the clear sight triangle. Existing elevation will be used if no road improvements are required due to the use of the property. If road improvements result from the use of the property the final elevation after the improvement will be used. Required vegetation can be located on either side of the decorative wall to maximize buffer.

Minimum number of trees
6

Option 1E: Example of Possible Design per Every One Hundred (100) Feet



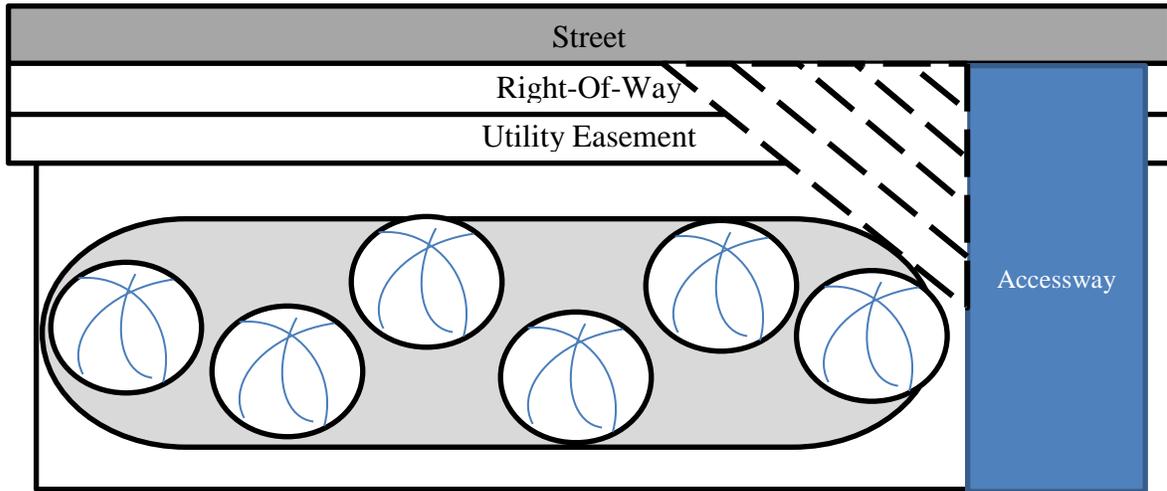
OR



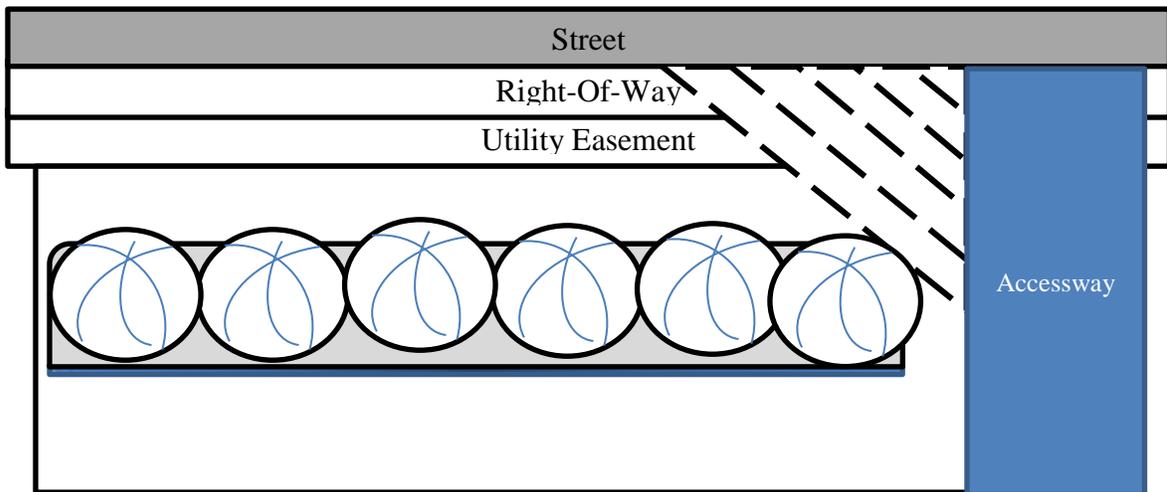
Option 1F: Non-Residential streetscape buffer per every one hundred (100) feet of road frontage, when the building setback is equal to or greater than one hundred and fifty (150) feet from the edge of the right-of-way. In addition to vegetation a continuous earth form that is no less than four (4) feet in height as measured from the elevation of the pavement on right-of-way shall be required. Earth forms shall comply with Section 17.08 (a) (2) and shall be located outside of the clear sight triangle. A retaining wall may be used in conjunction with the earth form. Existing elevation will be used if no road improvements are required due to the use of the property. If road improvements result from the use of the property the final elevation after the improvement will be used. Required vegetation shall be located on the earth form to maximize buffer.

Minimum number of trees
6

Option 1F: Example of Possible Design per Every One Hundred (100) Feet



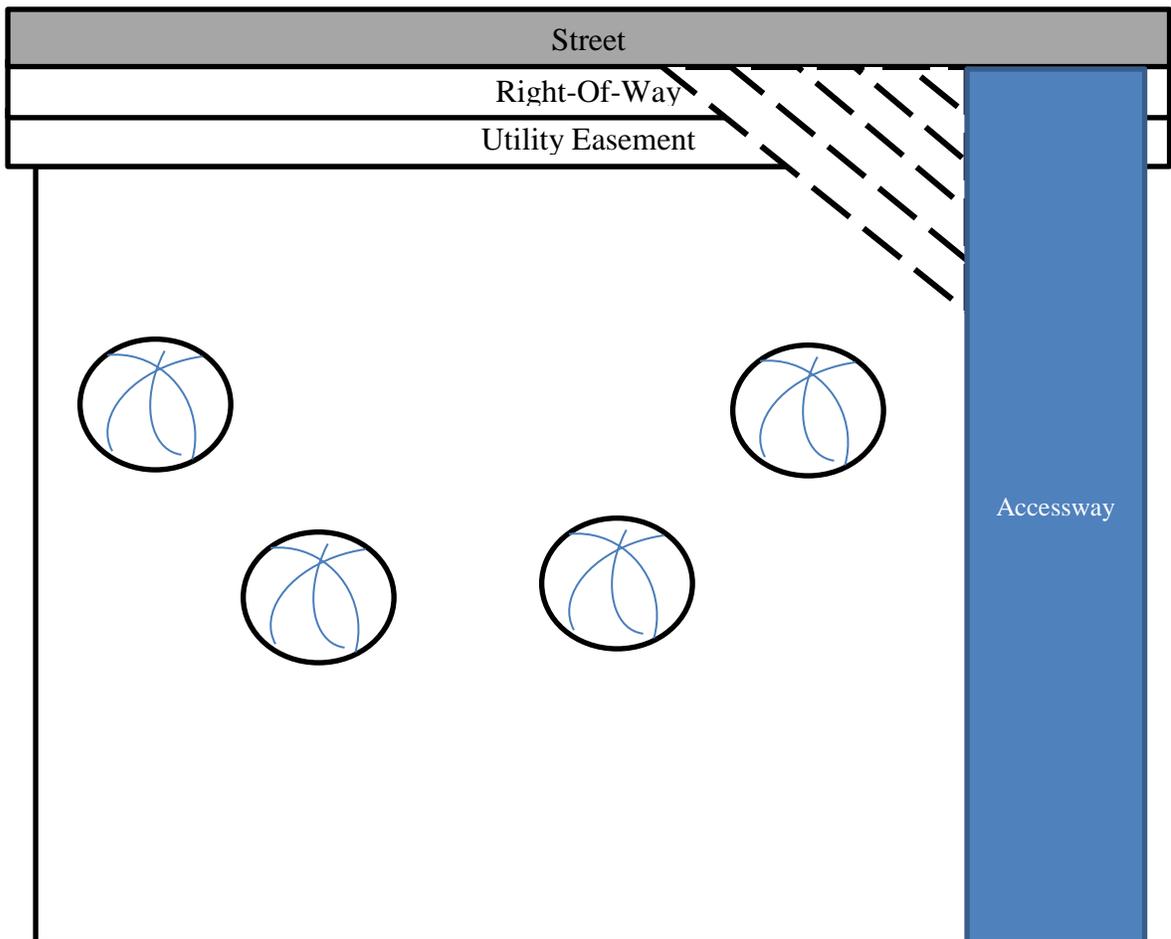
OR



Option 2: Residential streetscape buffer per one hundred feet of road frontage, when the building is setback equal to or greater than one hundred (100) feet from the edge of the right-of-way.

Minimum number of trees	Minimum number of shrubs
4	0

Option 2: Example of Possible Design per Every One Hundred (100) Feet



D. Perimeter Buffer

If the zone listed in the first column of the perimeter interaction table abuts a zone identified in the remaining columns then the designation of an “x” will require a perimeter buffer. Several options exist to fulfill this buffer requirement:

Perimeter Interaction Table

	Open Space Rural Residence “OSR-1”	Residence “R-1” ZONE	Township Residence “TR-1” ZONE	Suburban Residence “SR-1” ZONE	Residence “R-1A” Zone	Residence “R-2” Zone	Residence “R-3” Zone
“OSR-1”							
“R-1”							
“TR-1”							
“SR-1”							
“R-1A”							
“R-2”	X	X	X	X	X		
“R-3”	X	X	X	X	X	X	
“O”	X	X	X	X	X	X	X
“B-1”	X	X	X	X	X	X	X
“B-2”	X	X	X	X	X	X	X
“M-1”	X	X	X	X	X	X	X
“M-2”	X	X	X	X	X	X	X

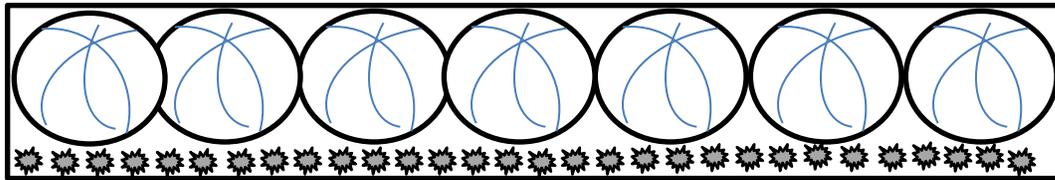
Perimeter Interaction Table Continued

	Office “O” Zone	Neighborhood Business “B-1” Zone	General Business “B-2” Zone	Light Industrial “M-1” Zone	Heavy Industrial “M-2” Zone
“OSR-1”					
“R-1”					
“TR-1”					
“SR-1”					
“R-1A”					
“R-2”					
“R-3”					
“O”					
“B-1”	X				
“B-2”	X				
“M-1”	X	X	X		
“M-2”	X	X	X		

Option 4: Standardized Perimeter Buffer per Every One Hundred Feet of Parcel Length

Minimum continuous width of the perimeter	Minimum number of trees	Minimum number of shrubs	Maximum percentage of fence, wall or earthform
15'	7 shade or 7 evergreen	33	33

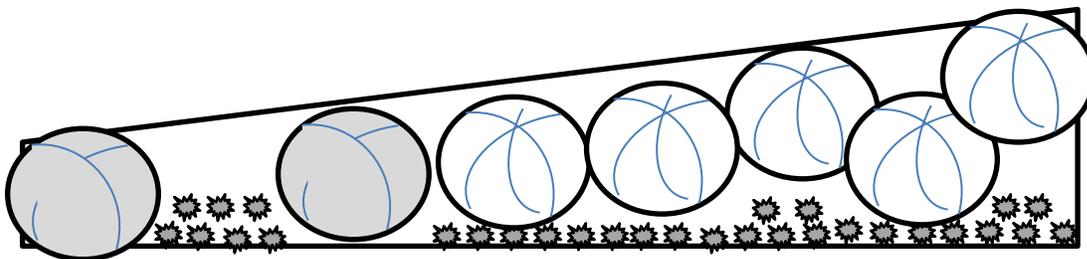
Option 4: Example of Possible Design per Every One Hundred (100) Feet



Option 5: Varying Width Perimeter Buffer per One Hundred Feet of Parcel Length

The area must average a minimum of ___ square feet along the perimeter	Minimum number of trees	Minimum number of shrubs	Maximum percentage of fence, wall or earthform
1500	7 shade or 7 evergreen	33	33

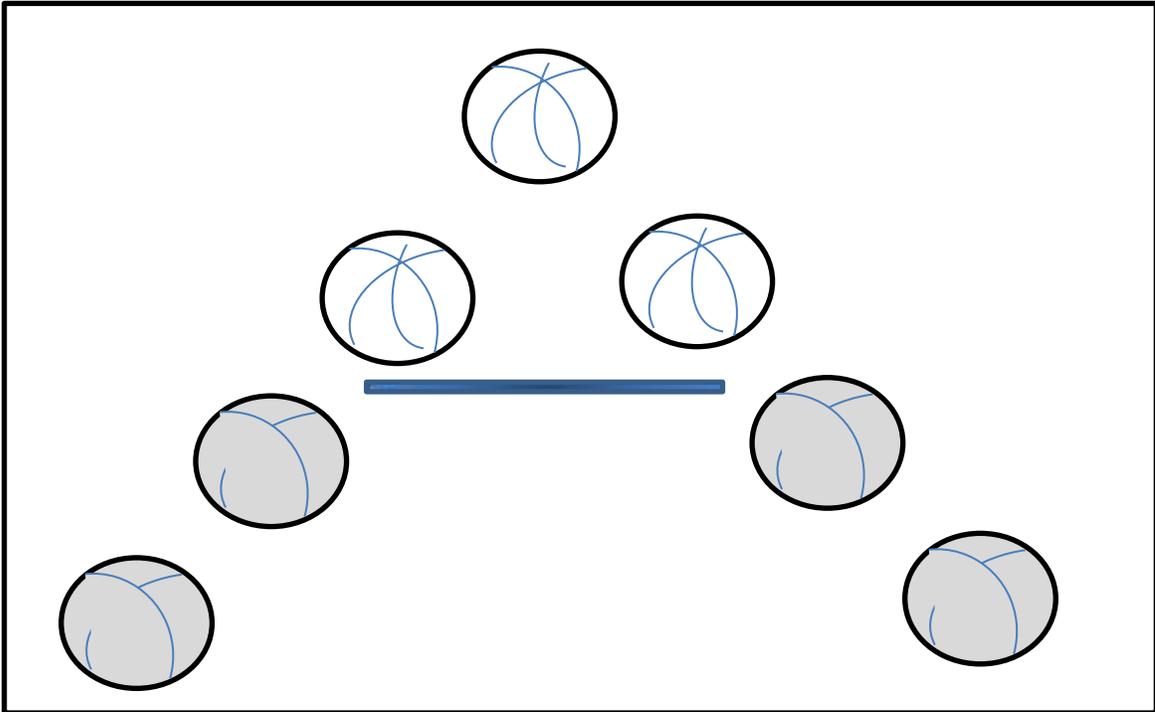
Option 5: Example of Possible Design per Every One Hundred (100) Feet



Option 6: Open Space Perimeter Buffer per One Hundred Feet of Parcel Length

Minimum continuous perimeter width before the placement of a structure	Minimum number of trees	Minimum number of shrubs	Maximum percentage of fence, wall or earthform
100'	7 shade tree or 7 evergreen	0	33

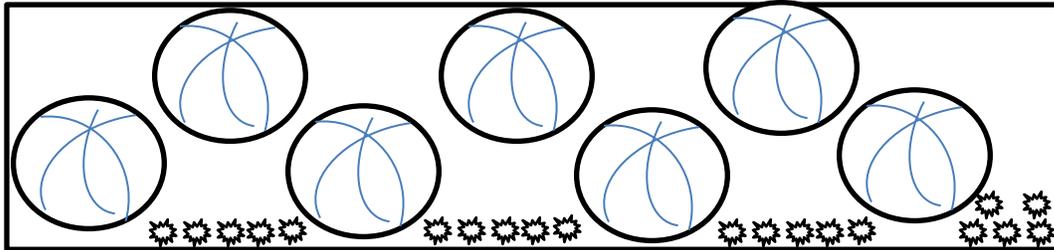
Option 6: Example of Possible Design per Every One Hundred (100) Feet



Option 7: Preservation of Existing Growth Perimeter Buffer per One Hundred Feet of Parcel Length

Minimum continuous width along perimeter	Minimum number of trees	Minimum number of shrubs	Maximum percentage of fence, wall or earthform
25'	7 shade tree or 7 evergreen	20	33

Option 7: Example of Possible Design per Every One Hundred (100) Feet of Parcel Length



E. Parking Lot Buffer

If the zone listed in the first column of the parking lot interaction table abuts a zone identified in the remaining columns then the designation of an “x” will require a parking lot buffer in addition to any required perimeter buffer. Several options exist to fulfill this buffer requirement:

Parking Lot Interaction Table

	Road Right-Of-Way	Open Space Rural Residence “OSR-1” Zone	Residence “R-1” Zone	Township Residence “TR-1” Zone	Suburban Residence “SR-1” Zone	Residence “R-1A” Zone
“OSR-1”	X					
“R-1”	X	X				
“TR-1”	X	X	X			
“SR-1”	X	X	X	X		
“R-1A”	X	X	X	X	X	
“R-2”	X	X	X	X	X	X
“R-3”	X	X	X	X	X	X
“O”	X	X	X	X	X	X
“B-1”	X	X	X	X	X	X
“B-2”	X	X	X	X	X	X
“M-1”	X	X	X	X	X	X
“M-2”	X	X	X	X	X	X

**Parking Lot Interaction Table Continued:**

	Residence "R-2" Zone	Residence "R-3" Zone	Office "O" Zone
"OSR-1"			
"R-1"			
"TR-1"			
"SR-1"			
"R-1A"			
"R-2"			
"R-3"	X		
"O"	X	X	
"B-1"	X	X	X
"B-2"	X	X	X
"M-1"	X	X	X
"M-2"	X	X	X

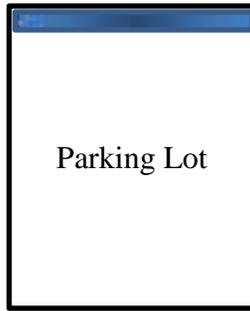
**Parking Lot Interaction Table Continued:**

	Neighborhood Business "B-1" Zone	General Business "B-2" Zone	Light Industrial "M-1" Zone	Heavy Industrial "M-2" Zone
"OSR-1"				
"R-1"				
"TR-1"				
"SR-1"				
"R-1A"				
"R-2"				
"R-3"				
"O"				
"B-1"				
"B-2"	X			
"M-1"	X	X		
"M-2"	X	X	X	

Option 8: Walled Parking Lot Buffer per Every Thirty (33) Feet of Linear Parking Lot Width and/or Linear Parking Lot Length

Maximum continuous width of buffer	Minimum continuous length of buffer	Maximum height of fence or wall not coincident with streetscape buffer	Curb or wheel stop shall be required to be parallel to the buffer and be a minimum of ___ feet from the buffer
1'	Equal to that of parking lot	3'	4'

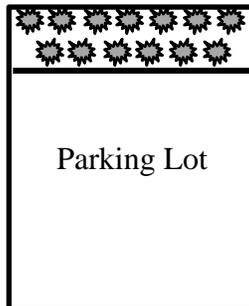
Option 8: Example of Possible Design per Every Thirty-Three (33) Feet



Option 9: Shrub Parking Lot Buffer per Every Thirty-Three (33) Feet of Linear Parking Lot Width and/or Linear Parking Lot Length

Minimum continuous width of buffer	Minimum continuous length of buffer	Minimum number of shrubs	Maximum distance from center of shrub to center of shrub	One hundred percent opacity within ___ years	Curb or wheel stop required along edge of the inner boundary
6'	Equal to that of parking lot	13 evergreen	4'	3	Yes

Option 9: Example Of Possible Design Per Every Thirty-Three (33) Feet



## SEC. 17.07 Landscape Requirements for Buffer Areas

### A. Existing Vegetation

Buffers require provision of both physical separation and landscape elements to meet the intent of this chapter. Existing vegetation shall be used to meet all or part of the requirements of this section wherever possible, if it provided the same level of obscurity, as the planted buffer required below. Vegetation to be saved shall be identified on site plans along with protection measures to be used during grading and construction. See Section 17.10 for protection measures required and Section 17.09 for calculation of credits for existing trees.

### B. Prohibited vegetation

Plants identified as noxious weeds in the Ohio Administrative Code Section 901:5-31-01, that is updated from time to time, shall be prohibited in all required landscape areas.

### C. Planted vegetation

Required plantings allow for a mix of large shade trees, small trees/large shrubs, and smaller shrubs to provide variable height screening, and a variety of plantings and seasonal color. Evergreen trees are added to wider buffers to provide more opaque screen, as well as a more natural appearance to the buffer. The mix is designed to create a buffer which will give a satisfactory screen within four (4) years of planting, under normal maintenance, while allowing room for various plants to grow.

Planting requirements for buffers include both trees and shrubs as described below. Buffers proposing new vegetation shall select deciduous and evergreen trees from table 17.13. Buffers proposing new vegetation shall select shrub species from table 17.14.

1. Tree standards for deciduous trees. This requirement shall be satisfied as follows:
  - a. Trees shall be balled and burlapped or in a container prior to installation.
  - b. Trees shall have a minimum caliper size of one and one half (1 1/2) inches for at least one trunk.
  - c. Trees under four (4) inches shall have the caliper measurement six (6) inches above the ground.
  - d. Trees equal to or greater than four (4) inches in diameter shall have the caliper measurement twelve (12) inches above the ground.
  - e. All trees shall be planted according to the following formula: maximum crown diameter minus five (5) feet equals the distance of the planting from the center of any other planting.
  - f. It is suggested that a minimum of three (3) tree species be planted in a landscape buffer to increase the resistance to diseases.

- g. The height at the time of installation shall be measured from the level of the final surface grade to the most vertical height of the tree.
- 2. Tree standards for evergreen trees.  
This requirement shall be satisfied as follows:
  - a. Trees shall be balled and burlapped or in a container prior to installation.
  - b. Trees shall be a minimum of four (4) feet in height at the time of installation.
  - c. The trees shall provide an effective, dense screen with an opacity of eighty (80) percent within four (4) years of planting.
  - d. All trees shall be planted according to the following formula: maximum crown diameter minus five (5) feet equals the distance of the planting from the center of any other planting.
  - e. It is suggested that a minimum of three (3) tree species be planted in a landscape buffer to increase the resistance to disease.
  - f. The height at the time of installation shall be measured from the level of the final surface grade to the most vertical height of the tree.
- 3. Shrubs, hedges and ground cover standards
  - a. Shrubs, hedges, as well as vines can be bare roots, balled and burlapped or from containers prior to installation.
  - b. Shrubs and hedges shall be a minimum of twenty-four (24) inches in height at the time of planting.
  - c. Shrubs and hedges shall provide an effective, dense screen with an opacity of eighty (80) percent, a mature height of five (5) feet within four (4) years of planting.
  - d. The height at the time of installation shall be measured from the level of the final surface grade to the most vertical height of the majority of the branches.

**SEC. 17.08 Screening Materials**

A. Screening Materials

1. Walls/Fences

- a. Decorative fences can be used in place of earth forms where applicable.
- b. Decorative walls can be used in place earth forms where applicable.
- c. Retaining walls can be used in conjunction with earth forms to reduce the depth of the buffer requirement where applicable.

## 2. Earth Forms

- a. The slope of an earth form, used alone or in combination with a retaining wall, shall not exceed one (1) foot of rise for every (3) feet of linear distance.
- b. The width of an earth form must be self-stabilizing.
- c. The height of an earth form shall not exceed six (6) feet.
- d. Review to the satisfaction of The Warren County Soil and Water Conservation District regarding any proposed installation of an earthform which they may determine necessities their approval in pertinence to erosion and sedimentation control and/or due to alteration of existing stormwater drainage prior to installation of such.
- e. Adequate ground cover shall be used and maintained to prevent erosion of the earth form.
- f. Earth forms shall be designed with physical variations in height along their overall length.
- g. Landscape plant material shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- h. Earth forms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
- i. Once the earth form is established, substantial changes, including but not limited to, changes in grade, height, and width require an amended landscape plan.
- j. Non-Residential earth forms required as streetscape buffers shall act as credit for parking lot buffers along the coincident boundary.

## B. Location of Screens

1. The buffer must be located on the applicant's property.
2. A typical location is adjacent to any right-of-way and /or easements.
3. No elements of the buffer shall be located so as to prevent or hinder proper access to water or gas shut-off valves, fire hydrants, sanitary and storm sewer manholes, communication terminals, electric service disconnects or other controls and devices to which immediate access may be required under emergency conditions.
4. Height measurement. The height of a screen is measured as follows:
  - a. The height of a screen adjacent to a property line or along a street frontage is the vertical distance measured on the development side of the screen from the finished grade at the base of the screen at all points along the screen to the top of the screen.

- b. Where ground mounted service equipment is visible from the street frontage, the screen height is measured from the finished grade at the base of the service equipment to its highest point.
- 5. Sight visibility triangle. Any screen higher than thirty (30) inches must be located outside of the sight visibility triangle or to a perhaps greater distance is so required therefore by the street authority of jurisdiction.

**SEC. 17.09 Existing Vegetation Credits for Required Landscaping**

- A. Existing healthy vegetation shall be retained when possible and may be credited toward landscape requirements.
  - 1. Vegetation to be saved shall be located and identified on site plans.
  - 2. Credit given for existing, healthy, protected trees shall be a number equal to the value of the diameter in inches of each protected tree divided by one and one half (1 ½ ) inches, but no fraction thereof, as measured at four (4) feet above grade.
  - 3. Trees so credited must be at least one and one half (1 ½ ) inches in caliper and be uniformly encircled by a dripline protection area, shown on the landscape plan.
  - 4. The size, type and location of each tree shall be designated on the landscape plan with the zone protection area shown graphically.
  - 5. One tree may substitute for ten (10) shrubs.
  - 6. If the tree(s) for which credit was given dies within five years of construction on the preservation site, one tree shall be replaced for each tree credit given.
  - 7. Vegetation receiving credit is encouraged but not required to be from tables 17.13 and 17.14.
  - 8. Vegetation receiving credit shall be located parallel to the public right-of-way.
- B. Protection of natural groups of trees is encouraged, with each tree within the grouping being credited as if standing alone. Dripline zone protection areas shall encompass all trees within the grouping.

**SEC. 17.10 Tree Protection Requirements**

- A. These requirements apply to all trees shown on the landscape plan.
- B. A construction fence must be placed around each tree at the edge of the root protection zone. The fence must be placed before construction starts and remain in place until construction is complete. The fence shall meet one of the following:
  - 1. The fence must be six (6) foot high orange plastic and be secured to the ground with eight (8) foot metal posts, or
  - 2. The fence must be six (6) foot high steel on concrete blocks.
- C. Within the root protection zone of each tree, the following development is not allowed:
  - 1. New buildings;

2. Grade change or cut and fill during or after construction;
3. New impervious surfaces;
4. Utility or drainage field placement;
5. Staging or storage of materials and equipment during construction;
6. Attachments, including but not limited to; ropes, nails, advertising posters, signs, fences, or wire (other than those approved for bracing, guying or wrapping) shall be attached to any tree;
7. Fire or heat;
8. Liquids other than water;
9. Vehicle maneuvering during construction.

**SEC. 17.11 Administration**

- A. Design and review proceedings. The applicant for development is advised to schedule a pre-submittal conference with the zoning inspector with reference to specific design or review procedures.
- B. Plan submittal. Landscape plans are to be submitted concurrently with the initial submittal of the applicable plan or plans required for development approval.
- C. Review procedures. Landscape plans are reviewed in the same manner and concurrent with the applicable plan review required for developmental approval. Comments on the landscape plans and requests for corrections, or re-submittals are made in conjunction with responses to the applicable development plan or site plan.
- D. Existing vegetation. If the landscape plan incorporates existing vegetation, the zoning inspector will use the criteria in sections 17.07(a), 17.09 and 17.10 to determine compliance with the vegetation credit standard and to determine the vegetation credit. The vegetation credit will be deducted from the vegetation required per section 17.06.
- E. Enforcement. The zoning inspector enforces the landscaping regulations. In order to determine if a zoning compliance certificate is to be issued, a site inspection will be scheduled with the property owner.
- F. Variances. The board of zoning appeals (BZA) will review variance requests as outlined in section 17.05.
- G. A zoning compliance certificate will be issued when the landscape plan is fully implemented.

**SEC. 17.13 Table of Hardy Trees**

Common Plant Name	Botanical Name	Mature Height	Mature Crown Width	Soil Type	Characteristic	Type Of Tree
Ohio Buckeye	Aesculus Glabra	30-70'	10'	Moist Or Dry	Irregular Rounded Crown	Deciduous
Flowering Crabapple	Malus Adirondack	18'	10'	Wide Range Of Soils	Dense Upright An Inverted Cone	Deciduous
Bald Cypress	Taxodium Distichum	55'	30'	Wide Range Of Soils	Pyramidal	Conifer
American Sweet Gum	Liquidambar Styraciflua	60-70'	25'	Wide Range Of Soils	Symmetrical Pyramid	Deciduous
Bitternut Hickory	Carya Cordiformis	60-80'	25-30'	Moist & Dry	Broad Round Crown	Deciduous
Pignut Hickory	Carya Glabra	60-80'	25-30'	Moist & Dry	Irregular Spreading Crown	Deciduous
Shellbark Hickory	Carya Ovata	70-100'	25-30'	Moist & Wet	Large Narrow Crown	Deciduous
Shagbark Hickory	Carya Ovata	70-100'	25-30'	Moist	Irregular Crown	Deciduous
White Hickory	Carya Tomentosa	40-70'	25-30'	Moist & Dry	Broad Open Crown	Deciduous
American Hornbeam	Ostrya Virginiana	20-30'	20-30'	Rich Moist	Spreading Branches Within Rounded Crown	Deciduous
Black Maple	Acer Nigrum	50-80'	20'	Moist Soils	Rounded Dense Crown	Deciduous
Flame Maple	Acer Ginnala	20'	20'	Wide Range Of Soils	Low Branched Rounded Crown	Deciduous
Red Maple	Acer Rubrum	30-40'	15-40'	Wet & Moist	Narrow Compact Crown	Deciduous

**SEC. 17.13 Table of Hardy Trees Continued**

Common Plant Name	Botanical Name	Mature Height	Mature Crown Width	Soil Type	Characteristic	Type Of Tree
Sugar Maple	Acer Saccharum	50'	20-40'	Moist	Compact Oval Crown	Deciduous
Red Mulberry	Morus Rubra	60'	40-50'	Moist	Broad Rounded Crown	Deciduous
Black Oak Red Oak Scarlet Oak	Quercus Velutina	50-80'	45'	Wide Range Of Soils	Large With Open Crown	Deciduous
Blackjack Oak	Quercus Marilandica	20-50'	30'	Dry	Irregular Crown Of Crooked Branches	Deciduous
Bur Oak	Quercus Macrocarpa	50-80'	45'	Dry	Stout Trunk, Rounded Open Crown	Deciduous
White Oak	Quercus Alba	80-100'	40'	Well Drained	Broad Ragged Rounded Crown, Slow Grower	Deciduous
Flowering Pear	Pyrus Callaryana	20-40'	12-25'	Wide Range Of Soils	Pyramid	Deciduous
Austrian Pine	Pinus Nigra	60'	20-30'	Well Drained	Broadly Pyramidal To Rounded	Conifer
Yellow Poplar	Linodendron Tulipifera	80' -120'	35' -50'	Moist, Well Drained	Narrow Crown	Deciduous
Eastern Redbud	Cercis Canadensis	40'	30'	Moist	Rounded with Pink Flowers	Deciduous
Norway Spruce	Picea Abies	80'	20' - 30'	Moist	Pyramid	Conifer
Colorado Blue Spruce	Picea Pungens	80'	25'	Well Drained	Pyramid	Conifer
American Sweetgum	Liquidambar Astyraciflua	40' - 45'	25'	Moist	Straight Truck Conical Crown	Deciduous
American Sycamore	Platanus Occidentalis	60-100'	35'	Wet	Spreading Crooked Crown	Deciduous
Black Tupelo	Nyssa Sylvatica	50-100'	20-30'	Moist	Dense Conical Or Flat Topped Crown	Deciduous

**SEC. 17.14** Table of Native Ohio Low Growing Tree or Shrub Species

Common Plant Name	Botanical Name	Type
American Filbert	Corylus Americana	Deciduous
Common Buttonbush	Cephalanthus Occidentalis	Deciduous
Black Chokeberry	Aronia Melanocarpa	Deciduous
Red Chokeberry	Aronia Melanocarpa	Deciduous
Bush Cinquefoil	Potentilla Fruticosa	Deciduous
Virginia Creeper	Parthenocissus Quinquerolia	Deciduous
Common Deerberry	Vaccinium Stamineum	Deciduous
Scarlet Elder	Sambucus Pubens	Deciduous
Eastern Hophornbeam	Ostrya Virginiana	Deciduous
Smooth Hydrangea	Hydrangea Arborescens	Deciduous
Leatherwood	Dirca Palustris	Deciduous
Common Ninebark	Physocarpus Opulifolius	Deciduous
Prairie Rose	Rosa Setigera	Deciduous
Carolina Rose	Rosa Carolina	Deciduous
Spicebush	Lindera Benzoin	Deciduous
Fragrant Sumac	Rhus Aromatica	Deciduous
Staghorn Sumac	Rhus Typhina	Deciduous
Fragrant Thimbleberry	Rubus Odoratus	Deciduous
Witcherod Viburnum	Viburnum Cassinoides	Deciduous

## CHAPTER 18

### FEES AND PERMITS

- SEC. 18.01** Except as provided in Chapter 5, no buildings or other structures shall hereafter be located, constructed, enlarged or structurally altered or shall any work be started upon same until a zoning permit has been issued by the Clearcreek Township Zoning Inspector, which permit shall state that the proposed building and use comply with all the provisions of this Code. Zoning permits shall expire one (1) year after date of issue, if work has not been started.
- SEC. 18.02** Unless otherwise indicated in Chapter 5, no land shall be used and no building or other structure shall be located, constructed, reconstructed or enlarged or structurally altered for use in part or in whole for any purpose whatsoever until a zoning compliance certificate is issued by the Clearcreek Township Zoning Inspector, stating that the use and structures are in compliance with the applicable provisions of this Code.
- SEC. 18.03** Each sign, designated by “p” in Tables 28.00 and 28.01 shall be considered a separate structure for which a zoning permit shall be secured prior to beginning its construction or erection.
- SEC. 18.04** A reasonable fee determined by the Clearcreek Township Trustees shall be charged for each zoning permit.
- SEC. 18.05** A reasonable fee determined by the Clearcreek Township Trustees shall accompany each application for a change in zoning and for each appeal made to the Board of Zoning Appeals.
- SEC. 18.06** Reasonable fee determined by the Clearcreek Township Trustees shall be required annually for open space/limited agricultural easement site visits.

## CHAPTER 19

### VIOLATIONS AND PENALTIES

**SEC. 19.01** Violation of any regulation, provision, amendment or supplement to the zoning resolution, or failing to obey any lawful order of the Clearcreek Township Zoning Commission inspection department issued pursuant thereto of any provision of the resolution or any amendment or supplement thereto by any owner or lessee or other person, firm, or corporation shall constitute a minor misdemeanor and shall be punishable by a fine not to exceed five hundred dollars (\$500.00) for each offense. Each and every day after delivery of notification of such violation during which any illegal erection, construction, reconstruction, enlargement or change of any structure, or illegal use of any location continues shall be deemed a separate offense.

**SEC. 19.02** In case any building that is located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is used in violation of any regulation, provision, amendment or supplement to the zoning resolution, the Board of Township Trustees and/or the Zoning Inspector, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceedings, to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use. In addition to any other remedy ordered by the court in any action brought pursuant to this section, the defendant therein shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each offense. Each and every day after delivery of notification of such violation during which any illegal erection, construction, reconstruction, enlargement or change of any structure, or illegal use of any location continues shall be deemed a separate offense.

## CHAPTER 20

### REPEAL

**SEC. 20.01** In any township in which the Zoning Code is in force, the same may be repealed as to said township in the following manner:

- A. May adopt a resolution upon its own initiative, or
- B. The Board of Clearcreek Township Trustees shall adopt a resolution if there is presented to it a petition signed by a number of qualified voters residing in the unincorporated area of such township equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the questions of whether or not Clearcreek Township Zoning Code in effect in said Clearcreek Township shall be repealed to be submitted to the electors residing in the unincorporated area of the Clearcreek Township using the Clearcreek Township Zoning Code at the next primary or general election. In the event a majority of the vote cast on said questions in said Clearcreek Township is in favor of repeal of said zoning, then said regulations shall no longer be of any force or effect in said Clearcreek Township. No more than one (1) such election shall be held in any two (2) calendar years.

# CHAPTER 21

## BOARD OF ZONING APPEALS

**SEC. 21.01** The Board of Zoning Appeals shall have the following powers:

**A. ADMINISTRATION:**

To hear and decide appeals where it is alleged that there is error in any order, requirement decision or determination made by an administrative official, including the Zoning Inspector, in the enforcement of **Sections 519.01 to 519.25**, inclusive, Ohio Revised Code, or any resolution adopted pursuant thereto.

**B. VARIANCES and EXEMPTIONS:**

1. To authorize, upon appeal, in specific cases such variance from the terms of the Zoning Code as will not be contrary to the public interest, where, owing to a special condition, a literal enforcement of said Code will result in unnecessary hardship, and so that the spirit of the Zoning Code shall be observed and substantial justice done.
2. To hear and decide applications for exemptions from Interim Development Control regulations as provided for in Chapter 30 of the Zoning Code.
3. The standard for a variance is unnecessary hardship. In determining whether or not unnecessary hardship exists, the Board of Zoning Appeals will consider the following factors. It shall be the responsibility of the applicant for a variance to analyze the following standards as part of the application and site plan and indicate how this variance meets each standard:
  - A. The hardship must remove all profitable use from the land. It is not a sufficient hardship if the land would be more valuable with the variance, or less valuable without the variance. Instead, there must be evidence that the property is unsuitable to any of the permitted uses as zoned.
  - B. The hardship must result from circumstances affecting a particular and unique piece of land, and not from a general condition throughout the neighborhood.
  - C. A variance must not alter the essential character of the neighborhood.

- D. It is not enough to show that the effects of a variance would be harmless. Real, unnecessary hardship must still be established by the applicant.
- E. Any hardship must result from the requirements of the zoning resolution and not from the applicant's own actions.
- F. Whether the property owner purchased or acquired the property with the knowledge of the zoning restriction.
- G. A variance must not be contrary to the public interest, even if a hardship can be established.
- H. Other factors that the applicant considers important to the judgment of the case.

4. Conditions For Variances:

The Board of Zoning Appeals may impose such specific conditions and limitations concerning character, location, buffer & screening and other matters relating to the purposes, objectives and standards of this resolution. Conditions and limitations shall be imposed upon the premises benefited by a variance as may be necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services. Such conditions and limitations shall be expressly set forth in the decision granting the variance. Violation of any such condition or limitation shall be a violation of this resolution.

**C. ACTION OF BOARD OF APPEALS:**

In exercising its powers, the Board may in conformity with said Ohio Revised Code, reverse or affirm, wholly or partly, or modify the order requirement, decision or determination appealed from and it may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers as an officer from whom the appeal is taken.

**D. NON CONFORMING USES:**

The Board shall have the power to authorize the completion, restoration, reconstruction, in whole or in part, extension, or substitution of non-conforming uses; taking into consideration the nature of such uses in relationship to the character of adjacent uses, lot size, set back lines, traffic conditions, terrain and all other factors which, in the opinion of the Board, are pertinent to such completion, restoration, reconstruction, extension or substitution.

**E. *INTERPRETATION OF MAP:***

Where a street or lot layout actually on the ground, or as recorded differs from the street and lot lines shown on the zoning map, the Board of Zoning Appeals, upon appeal from the interpretation of the Zoning Inspector shall have the power to interpret the map in such a way as to carry out the intent and purpose of this Resolution.

**F. *CONDITIONAL USE PERMIT (CUP):***

The Board of Zoning Appeals shall have the power to grant conditional use permits subject to the following criteria:

- 1.** Applications for a conditional use permit, other than for telecommunication towers shall be made on forms provided for the purpose and shall include a site plan prepared by a professional engineer, surveyor or architect and a project narrative. The site plan shall show on one or more sheets:
  - (a)** a metes and bounds drawing of the area for the proposed conditional uses;
  - (b)** topography of the area with intervals of not more than five(5) feet of elevation;
  - (c)** existing water courses, all flood prone areas using the one hundred (100) year flood plain as a standard along with proposed surface water drainage plans;
  - (d)** all existing and proposed roads and driveways in the proposed conditional use area and within 200 feet of the boundaries;
  - (e)** all required parking and loading area pursuant to **Chapter 16** of the **Clearcreek Township Zoning Resolution**;
  - (f)** the shape, size and floor area of all existing structures;
  - (g)** front, rear and side elevations of each proposed structure or for proposals consisting of multiple similar structures, typical elevations with sufficient detail to establish the concept presented;
  - (h)** identification and location of each proposed use;
  - (i)** existing vegetation and tree coverage along with the location, dimensions and other relevant data for all proposed landscaping, fences, walls or similar structures;
  - (j)** any additional information that may be deemed necessary for a complete review of the proposed conditional use.

In the project narrative the applicant shall describe in detail proposed itemized conditions to comply with applicable conditional use permit standards.

**2. CONDITIONAL USE PERMIT (CUP) FOR TELECOMMUNICATION TOWERS:** The Board of Zoning Appeals shall have the power to grant conditional use permits for telecommunication towers. Applications for a conditional telecommunication tower use permit shall be made on the forms provided for the purpose and shall include a project narrative, required submittals and a professionally prepared site plan.

- a.** The project narrative for telecommunication towers within residential zones shall address the following:
  - 1.** The identity and legal status of the applicant, including any affiliates.
  - 2.** The name, address and telephone number of the agent responsible for the accuracy of the registration statement.
  - 3.** A narrative description of applicant's existing, proposed and/or anticipated telecommunication facilities within Clearcreek Township.
  - 4.** A description of the telecommunication services that the applicant intends to offer to persons, businesses or institutions in Clearcreek Township.
  - 5.** Information sufficient to determine that the applicant has received a certificate of public convenience and necessity form issued from the Public Utilities Commission of Ohio (PUCO).
  - 6.** Any other information from which it may be determined that the applicant is a “public utility” as that term is used in the reference section of 519.211 Ohio Revised Code.

7. Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission (FCC) to provide telecommunication services or facilities within Clearcreek Township.
  8. Documentation from the Federal Aviation Administration (FAA) indicating that the proposed height and location do not interfere with the flight path of local airports.
  9. The applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing towers. this shall include, but not be limited to, a certified mail announcement to all other tower users in the vicinity stating siting needs and/or sharing capabilities.
  10. A visual impact demonstration, which shall include mock-ups and/or photomontages for the prospective site.
  11. All certificates and/or submittals required by Sec. 22.05.
- b.** The site plan shall show on one or more sheets:
1. a metes and bounds drawing of the area for the proposed conditional uses;
  2. topography of area with intervals of not more than five (5) feet elevation;
  3. existing water courses, all flood prone areas using one hundred (100) year flood plain as a standard along with proposed surface water drainage plans;
  4. all existing and proposed roads and driveways in the proposed conditional use area and within 200 feet of the boundaries;

5. the shape, size and floor area of all existing and proposed structures;
  6. front, rear and side elevations of each proposed structure;
  7. elevation of the tower, along with designated height for each co-locator;
  8. existing vegetation and tree coverage along with the location, dimensions and other related data for all proposed landscaping, fences or walls;
  9. a map of applicant's existing, proposed and/or anticipated telecommunication facilities within Clearcreek Township.
3. The Zoning Inspector may modify, add or delete requirements of **Section 21.01 (F)(1)** provided sufficient information for a proper review is required.
4. ***STANDARDS FOR CONDITIONAL USE PERMITS:***  
 It shall be the responsibility of the applicant for a conditional use permit to analyze the following standards and to propose conditions consistent with such standards as a part of the application and site plan. Standards should ensure that the use: is compatible with the area in form and function, will not endanger public health or safety, is designed in such a way to mitigate potential conflicts with adjacent and nearby land uses and that:
- (a) The proposed use shall mitigate the impact of noise generated by the use.
  - (b) The proposed use shall mitigate the impact of light pollution generated by the use.
  - (c) The proposed buildings materials shall be compatible to the existing structures on the property and blend into the context of the neighborhood.
  - (d) The proposed uses shall be physically suitable for the parcel on which it is proposed.
  - (e) The proposed use shall be of a size and/or number of structures that may be completed in a reasonable time.

- (f) The proposed use shall locate structures in an area that limits the impact to adjoining properties.
- (g) The proposed use shall locate outdoor gathering places in an area that limits the impact to adjoining properties.
- (h) Buffer space, plantings and mounding shall be used on the periphery of the proposed use or property to maximize compatibility with adjoining properties.
- (i) When a proposed use includes common or jointly owned space an owners association or similar organization shall be formed with the authority and responsibility to maintain and manage such common or jointly owned space in perpetuity.
- (j) The proposed use shall be supported by adequate public infrastructure and/or services. The proposed use shall not adversely affect public infrastructure and/or public services to the surrounding area or conditions shall be established to mitigate adverse impacts on such public infrastructure and/or services as identified in written comments from the following departments as applicable: Clearcreek Township Fire District, Clearcreek Township Police Department, Ohio Environmental Protection Agency, Ohio Department Of Transportation, Warren County Auditor, Warren County Building Department, Warren County Engineer's Office, Warren County Health Department, Warren County Soil And Water Conservation District, Warren County Water Department.
- (k) The proposed use shall provide for access by public emergency equipment such as: fire, ambulance and police vehicles.
- (l) The proposed use shall provide for adequate pedestrian circulation, vehicular traffic movement and off-street parking.
- (m) If the proposed conditional use will generate estimated off-site traffic in excess of the estimated off-site traffic generated by the most intensive by-right permitted use for that class of zone, off-site road improvements or fees for off-site road improvements shall be required to

accommodate the excess traffic attributed to the proposed use of the property, based on a traffic engineering study. (examples of off-site road improvements shall include but are not limited to: turn lanes, deceleration lanes, pavement widening and traffic control devices.)

5. Conditional use permits shall expire after twelve (12) months from the date of approval if in the opinion of the Zoning Inspector the proposed project has not been substantially initiated. Projects substantially initiated shall be completed within the time period approved as a part of the conditional use permit, provided the Zoning Inspector may, at his discretion, extend the time for completion for not more than six (6) months.
6. No occupancy permit for structures shall be granted until the Zoning Inspector certifies compliance with all conditions imposed by the conditional use permit.
7. At a public hearing for a conditional use permit, other than for a telecommunication tower, the Board of Zoning Appeals shall first determine which standards are applicable to the proposed conditional use and second evaluate the itemized conditions proposed by the applicant to determine if such conditions adequately comply with the applicable standards. The Board of Zoning Appeals shall have authority to make modifications, deletions and additions, including the posting of bond, to the proposed itemized conditions and may approve conditional use permits if three or more members agree that conditions are established which comply with all applicable standards.
8. ***STANDARDS FOR CONDITIONAL USE PERMITS FOR TELECOMMUNICATION TOWERS:*** It shall be the responsibility of the applicant for a conditional use permit to analyze the following standards and to propose conditions consistent with such standards as a part of the application and site plan:
  - (a) The applicant has supplied all required documentation, certifications and maps to the Zoning Inspector, at or before stated submission deadline.

- (b) The existing vegetation has been retained and incorporated into site plan.
  - (c) Screening of the base of the tower and/or the perimeter of the site has been utilized to maximize compatibility with the adjoining land uses.
  - (d) If the equipment building(s) is/are visible from the public view, its appearance conforms with the vicinity through the use of residentially compatible paint colors and materials.
  - (e) Proposed color scheme works to camouflage tower.
  - (f) Proposed road allows unobstructed year round access.
  - (g) The proposed lighting plan documents impacts to adjacent residential zones.
  - (h) The proposed security fence line prevents unauthorized access to the tower.
  - (i) Upon approval, the conditional use permit will be held until a copy of the recorded no build easement is submitted to the Zoning Inspector.
- 9.** Conditional use permits shall expire after twelve (12) months from the date of approval if the project is not substantially completed within such period. Projects substantially initiated shall be completed within the time period approved as a part of the conditional use permit, provided the Zoning Inspector may, for good cause, extend the time for completion for not more than six (6) months.
- 10.** No occupancy permit for structures shall be granted until the Zoning Inspector certifies compliance with all conditions imposed by the conditional use permit.

**G. HEARINGS:**

1. Public hearings will be held as per Ohio Revised Code Section 519.15.
2. In appeals for variances and alleging errors by an administrative official, such appeals shall be taken within twenty (20) days after the administrative decision by filing with the Zoning Inspector a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed was taken along with a notice of establishing the date, time and location of the public hearing.
3. An application to the Board of Zoning Appeals for a conditional use permit may be taken by any property owner, including a lessee, or by a governmental officer, department, commission, board or bureau or by a member of the Board. Such application shall be filed with the Zoning Inspector who shall transmit the same to the Board along with a notice establishing the date, time and location of the public hearing.
4. Three (3) members of the Board of Zoning Appeals shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three (3) members of the Board shall be necessary to exercise any power of the Board.
5. Approvals for area variances and expansion of legal non conforming uses shall include finding of fact and performance conditions. Approvals shall expire after twelve (12) months from the date of approval if any of the following are applicable: 1. A zoning permit has not been issued for the property. 2. Less than fifty (50) percent of the approved structure(s) are constructed. 3. Less than fifty (50) percent of the approval conditions have been achieved.

**SEC. 21.02**

- A. The Board of Zoning Appeals shall organize by the election of a chairperson, vice chairperson and secretary.
  1. The chairperson shall be the presiding officer at all meetings of the Board of Zoning Appeals.
  2. The vice chairperson shall be the presiding officer at all meetings of the Board of Zoning Appeals at which the chairperson is absent.
  3. The secretary of the Board of Zoning Appeals shall keep a full record of the proceedings of the Board of Zoning Appeals.
    - a. The secretary need not be a member of the Board of Zoning Appeals.

- B. Adoption of rules for the conduct of meetings of the Board of Zoning Appeals.
1. The Board of Zoning Appeals shall adopt rules for the conduct of its meetings, which shall include the vote which shall be required for the granting of a variance, a conditional use permit, an appeal from the determination of the zoning inspector or the extension, completion, restoration, reconstruction or substitution of a non-conforming use.
  2. The adoption of rules shall require the affirmative vote of not less than four (4) members of the Board of Zoning Appeals.
  3. All rules adopted by the Board of Zoning Appeals are subject to approval by the Board of Clearcreek Township Trustees.

## CHAPTER 22

### SPECIAL PROVISIONS

#### SEC. 22.01 Swimming Pools:

No swimming pool shall be allowed in any residence zone except as an accessory use and unless it complies with the following conditions and requirements:

- A. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- B. It may not be located closer than twenty (20) feet from water's edge to any property line of the property on which it is located.
- C. In-ground swimming pools shall have a barrier installed to prevent uncontrolled access by children from the street or from adjacent properties.

#### 1. Fence/wall barrier

- a. Fence/wall shall be not less than four (4) feet in height.
- b. Fence/wall height shall be measured on the side of the fence/wall that faces away from the pool.
- c. The maximum vertical clearance between the bottom of the fence/wall and the ground shall be four (4) inches.
- d. Fence/wall shall be maintained in good condition.
- e. Fences that are composed of horizontal and vertical components shall conform to the following standards:
  - i. When the fence design has horizontal components that establish a frame upon which the vertical components are attached, the horizontal components shall be located on the swimming pool side of the fence.
  - ii. When the fence design has vertical components that intersect the horizontal components, the horizontal components shall equally straddle the vertical components.
  - iii. Maximum spacing between all vertical components shall be four (4) inches.
- f. Fences that are composed of wire mesh and vertical components shall conform to the following standard:

- i. The maximum spacing between all vertical components of the wire shall be two and one quarter (2 ¼) inches.
    - g. Pedestrian access gates:
      - i. Shall conform to the design standards identified in Section 22.01 (c) (1) (e) or Section 22.01 (c) (1) (f).
      - ii. Shall be self closing.
      - iii. Shall be self latching.
      - iv. Shall have the opening mechanism mounted at a height of at least forty-five (45) inches.
      - v. Shall open outward away from the pool.
    - h. Utility access gates:
      - i. Shall conform to the design standards identified in Section 22.01 (c) (1) (e) or Section 22.01 (c) (1) (f).
      - ii. Are not required to have a self-closing device.
      - iii. Are not required to have a self-latching device.
      - iv. Shall have a means to secure the gate when not in use.
    - i. Temporary construction fencing shall be installed after the in-ground pool area is excavated.
    - j. Final fencing and gate assemblies from this chapter must be installed within sixty (60) days of the pool holding any water.
    - k. All fences and gates shall be located so as to prohibit permanent structures, equipment or other objects from being used to climb the fence or gate.
  - 2. A power safety pool cover barrier that meets the performance standards of the most recently amended American Society For Testing And Materials (ASTM) F1346-91:
    - a. May be used independent of Section 22.01(c)(1).
    - b. The cover must be locked when the pool is not in actual use and/or when the pool is unattended.
- D.** Any pool for the use of occupants of multiple family buildings containing over three (3) apartments shall meet the structural and sanitary requirements of the Ohio Department of Health.

- E.** Above-ground swimming pools in compliance with all the following regulations are not required to have a separate barrier. Above-ground pools not in compliance with the following shall comply with all the requirements of Section 22.01(c).
1. The side walls shall be not less than four (4) feet in height at every point around the exterior perimeter of the pool after installation is completed. The height is measured from grade to the top of the pool wall.
  2. The pool shall be equipped with a removable ladder or a ladder that swivels and latches in a position so that all parts of the ladder are above four (4) feet in height and capable of being locked. The ladder must be locked if it is located inside the pool or removed if located outside of the pool, when the pool is not in actual use and/or when the pool is unattended.
  3. Permanent structures, equipment, other objects or grade greater than six (6) inches as measured in relation to the height at the pool wall shall be located at least four (4) feet from the pool wall to prevent their usage to climb into the pool.
  4. If the floor of a deck is less than four (4) feet from grade and is used to access an above ground pool, then all components of the deck (railings, gates and stairs) shall conform to Section 22.01 (c) (1).
  5. If the floor of a deck is greater than or equal to four (4) feet from grade and is used to access an above ground pool, then the applicable components of the deck that are coincident with a foothold (railings, gates and stairs) shall conform to the following regulations:
    - a. Height measurements to determine conformance with the regulations will occur at the location where a horizontal plane (grade, top of stairs, top of floor of a deck) allows a user to establish a foothold.
    - b. The location of the highest foothold will dictate the starting height of the measurement.
    - c. If a gate is placed at the grade height (bottom) of the stairs, the gate and sides of the stairs must conform to Section 22.01 (c) (1).
    - d. If a gate is placed at the deck height (top) of the stairs:
      - i. The gate must conform to Section 22.01 (c) (1).
      - ii. The railings for a minimum of four (4) feet in width from each side of the gate must conform to section 22.01 (c) (1).

**SEC. 22.02** Hot Tubs, Spas:

- A. The hot tub is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- B. Construction of a fence/wall barrier is not required for hot tubs/spas.

**SEC. 22.03** Restrictions on junk, junk vehicles other salvageable items and storage activities:

- A. No person, firm or corporation shall accumulate, collect, deposit, dump, dispose, maintain or store any junk, junk vehicles, salvageable solid waste or construction/demolition debris outside of a completely enclosed building, or allow same on any property under their control or responsibility, unless the property is subject to a validly issued and effective zoning certificate for a junkyard in accordance with the requirements of this zoning code.
- B. Property zoned for business or industry shall be required to have the storage of equipment and supplies that are not within a completely enclosed building be located in a designated area which is screened. The screening shall be composed of a solid fence, wall or other barrier such that no equipment or supplies associated with the operation of the business or industry may be viewed from other property or the public right of way. The barrier shall be a minimum of six feet in height. The location of this barrier shall take the topography of the site into consideration to maximize the screening effect to other properties and/or the public right-of-way.

**SEC. 22.04** An antique shop may be operated in the main building on the premises in a residential zone on the same basis as any other home occupation as regulated by **Section 3.37**, except no non-relative may be employed and all items in storage or for sale are kept inside the main building of the premises.

**SEC. 22.05 Telecommunication Tower Regulations within Residential Zones:**

**A. NEW TOWERS:**

Telecommunication towers are subject to the following regulations. These towers also require approval of a conditional use permit in compliance with the provisions of sec. 21.01(f)(2).

1. The applicant must conform to all applicable building, mechanical, and electrical codes.
2. The applicant shall conform to all applicable airport land use compatibility criteria/policies and federal aviation administration regulations.
3. No new tower shall be constructed unless such tower is capable of accommodating at least one (1) additional wireless telecommunication facility owned by another telecommunications service provider.
4. All new or altered telecommunication towers shall be certified by an engineer licensed in the state of Ohio, according to current standards of the Telecommunication Industry Association (TIA), to ensure structural integrity and the health, safety and general welfare of the public.
5. Lot size shall be at least the minimum configuration to accommodate the clear fall zone; buffers, accessory structures as well as future structures based on the current co-location configuration.
6. Telecommunication facilities are permitted as a principal use upon a lot.
7. All towers shall be located such that the distance from the base of the tower to any adjoining property line or supporting structure of another tower is a minimum of 100 percent of the proposed tower height.
8. Telecommunication tower setbacks shall establish a no build zone for falling tower debris, ice, existing structures and/or the collapse of the tower. The no build zone shall be established within the radius of the tower's height. The only exception to the no build zone rule is the allowance for accessory telecommunication structures to be placed within the tower's radius.

- 9.** Telecommunication companies that choose to locate their transmission equipment on water towers, within church steeples, on existing telecommunication towers or choose to attach to existing radio or tv towers; shall conform to all the requirements as outlined with the following exceptions: the no build zone, perimeter fencing and landscape requirements.
- 10.** No variance shall be granted from the minimum setback requirement for new tower construction.
- 11.** Equipment buildings, while accessory to a particular telecommunication tower(s), shall be setback from adjoining streets and/or property lines, per the minimum requirements for principal structures in the residential zoning district in which they are proposed.
- 12.** Existing on-site vegetation shall be maintained to the greatest extent possible.
- 13.** If the base of the tower is visible from the public right of way or a residentially zoned area, it shall be screened by a perimeter of evergreen shrubs capable of forming a continuous hedge at least five (5) feet in height within two (2) years of planting, spaced not more than five (5) feet on center.
- 14.** The applicant may choose to screen the perimeter of the entire site with evergreen trees, capable of forming a continuous buffer at least seven (7) feet in height within two (2) years of planting, spaced not more than six (6) feet on center, in lieu of the following requirements: 22.05(A)(13) and 22.05(A)(19).
- 15.** Tower colors shall help the structure blend into the horizon. This is to be accomplished through the use of "flat" paint that mimics vegetation and sky at the appropriate heights.
- 16.** Equipment shall be automated to the greatest extent possible to reduce traffic and congestion. These facilities shall not include business offices, long-term vehicle storage, outdoor storage, or other uses not necessary to transmission or reception, or broadcast studios, except for emergency purposes.

17. Equipment buildings shall be no taller than one story (15 feet) in height.
18. Equipment buildings that are to be located underground are not subject to the required setbacks as outlined in the proposed residential zone.
19. The use of residentially-compatible paint colors and materials, such as wood, brick or siding is required for associated equipment buildings. Each shall be designed to architecturally match the exterior of residential structures or agricultural accessory structures in the vicinity.
20. Off-street parking shall be required only in cases where equipment buildings are staffed. In such cases, at least two (2) off-street parking spaces and one (1) additional space for every two (2) on-site personnel shall be provided. Where the site abuts or has access to both a collector street and a local street, access for vehicles shall be exclusively by means of the collector street.
21. Access drives, where applicable shall be constructed of gravel, at a depth to allow vehicles unobstructed year round access.
22. Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable federal or state authority.
23. When so required, lights shall be oriented upwards, so as not to project onto surrounding residential properties. In any case, overall site illumination shall be such that measurements along the perimeter of the site shall not exceed 0.20 foot candles.
24. A manually operated or motion-detector controlled light above the accessory structure door shall be allowed for nighttime emergency repairs and/or security.
25. A six (6) foot tall fence, including a locked gate shall be erected to restrict unauthorized access to the tower. "No Trespassing" signage shall be prominently posted.

26. A six (6) foot tall fence, including a locked gate may be erected along the perimeter of the no build zone in lieu of requirement 22.05(A)(25). "No Trespassing" signage shall be prominently posted.
27. If electrified security fencing is employed, signs shall be posted every twenty (20) linear feet, reading, "Danger-- High Voltage".
28. All towers shall be fitted with anti-climbing devices, as approved by the manufacturer.

**B. Co-location requirements:** The co-location of an additional telecommunication provider on an existing tower shall be subject to the following regulations:

1. The telecommunications tower owner must annually provide to the township on January 1 of each year a list of all providers on the tower, and a copy of each provider's license with the FCC.
2. Applicants for co-location shall not be denied, nor shall an existing provider deny space on a tower unless available space on existing towers, a tower owner's ability to lease space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of co-location versus new construction and any federal communications commission limitations on tower sharing preclude co-location.
3. The act of co-location on an existing telecommunication tower shall exempt the applicant from procuring a conditional use permit.

**C. Registration requirements:**

1. Telecommunication tower inspections shall take place as follows: monopole towers at least every ten (10) years; self-support towers at least every five (5) years; guyed towers at least every three (3) years. Inspections are the sole responsibility of the tower operator of record and shall be performed by an individual or company that is a member of the national association of tower erectors. Results of inspections shall be

provided in writing to the Zoning Inspector. Based upon such results, the Board of Zoning Appeals may require the repair or removal of a telecommunication tower.

2. The applicant (or its successors) shall, within thirty (30) days of ceasing operation of a telecommunication tower, provide written notice of abandonment to the Zoning Inspector.
3. An unused telecommunication tower may stand no longer than twelve (12) months following abandonment, on the grounds that it constitutes a nuisance to Clearcreek Township.
4. All costs associated with demolition of the tower and associated equipment buildings shall be borne by the most recent tower operator(s) of record.

**SEC. 22.06 Amateur Radio Towers Regulations Within Residential Zones:**

Amateur radio towers are subject to the following regulations.

1. A public meeting before the zoning inspector is required prior to the issuance of a permit.
2. Once required information is submitted a meeting date will be established no less than ten (10) days from the date of the appearance of a public notification in a newspaper of general circulation.
3. Written notice will be provided to abutting and/or contiguous property owners.
4. Amateur radio towers are classified as accessory uses.
5. Applicant is required to provide the following information to the Clearcreek Township zoning inspector:
  - a. Narrative explaining nature of request, as well as manner in which impact upon adjoining property will be negated.
  - b. Plot plan of the property identifying the proposed location(s) of the tower(s) with all setbacks identified.
  - c. Construction drawings/ specifications/engineering drawings for the tower(s).
  - d. Copy of Federal Communications Commission amateur radio license.

## CHAPTER 23

### CIVIL PROCEEDINGS AND CONSTITUTIONALITY

#### SEC. 23.01 Civil Proceedings:

- A. Whenever the Zoning Inspector or any other officer charged with the enforcement of the Zoning Code is satisfied that any provision he is charged to enforce, or any law in the unincorporated portion of the Clearcreek Township applicable to the subject matter herein, has been violated or is about to be violated in any respect, or that any order of direction made in pursuance of the enforcement of the Zoning Code has not been complied with, or is being disregarded, and whenever he is satisfied that civil proceedings are necessary for the enforcement of the Zoning Code or Laws to restrain or correct the violation thereof, or to prevent the occupancy or use of any building that is being constructed, altered, or maintained in violation of the Zoning Code, he shall apply to the Law Director who is hereby authorized to institute civil proceedings. Such civil proceedings shall be brought in the name of the Clearcreek Township Zoning Commission; provided; however, that nothing in this chapter and no action taken hereunder, shall be held to exclude such criminal proceedings as may be authorized by the Zoning Code, or any of the laws or resolutions in force in the Township or to exempt anyone violating the Zoning Code or any part of said laws from any penalty which may be incurred.
- B. Each chapter, and part thereof, is hereby declared to be an independent section and part of section, and the holding of a section or part thereof to be void and ineffective for any cause shall not be deemed to affect any other section or part thereof.

## **CHAPTER 24**

### **AMENDMENTS**

**SEC. 24.01** Amendments or supplements to the Zoning Code may be made in the same manner and for the same purposes provided in **Section 519.01** et. seq., of the Ohio Revised Code for the adoption of the original Code.

## **CHAPTER 25**

### **WHEN EFFECTIVE**

**SEC. 25.01** This resolution shall be in full force and effect from and after the earliest period allowed by law and thereupon all prior zoning regulations in conflict herewith shall be void and of no effect.

## **CHAPTER 26**

### **ELECTION**

**SEC. 26.01** The question of whether or not the plan of zoning proposed in this resolution shall be put into effect shall be submitted to the electors residing in the unincorporated area of the township included in the proposed plan of zoning for their approval or rejection at the next general election to be held on November 6, 1973, and this resolution shall be filed with the Board of Elections immediately after the adoption hereof; pursuant to **Section 519.11** of the **Ohio Revised Code**.

## **CHAPTER 27**

### **ENFORCEMENT**

**SEC. 27.01** It shall be the duty of the Clearcreek Township Zoning Inspector to enforce the Zoning Code.

## CHAPTER 28

### SIGNAGE REGULATIONS

#### SEC. 28.01 Findings and Intent

##### A. Findings

The Clearcreek Board of Trustees find:

1. Signage is needed in all zones to convey information to anyone traveling on public rights-of-way.
2. Signage benefits the community by:
  - a. Identifying the physical location of a structure/service along the road network.
  - b. Providing a notice of the location of a structure/activity from a distance. Thus the traveler has the ability to anticipate a change in direction or speed along the road network.
  - c. Describing services offered through the utilization of the sign.

##### B. Intent

This chapter shall be construed and implemented to achieve the following intents and purposes of the Clearcreek Board of Trustees:

1. To provide minimum standards to safeguard life, health, property, and public welfare.
2. To encourage the effective use of signs as a means of communication.
3. To maintain and enhance the aesthetic environment.
4. To encourage a rural character with a minimum of clutter, while recognizing the need for signs as a form of communication.
5. To establish regulations that complement the required buffer regulations.
6. To establish uniformity with regards to setback, height and sign face.
7. To promote public safety by providing that official traffic regulation devices be easily visible and free from nearby visual obstructions, including blinking signs, excessive number of signs, or signs resembling traffic signs.
8. To allow the business and industrial sectors to remain competitive.
9. To minimize the possible adverse effect of signs on public and private properties.
10. To enable the fair and consistent enforcement of these sign regulations.

**SEC. 28.02** Definitions:

The following are definitions applicable to terms used in the Chapter 28.

- (A) **Banner:** Any sign of lightweight plastic, fabric or similar material that is mounted to a pole or a structure at one or more edges. National flags, state or local governmental flags or the official flag of any institution shall not be considered banners.
- (B) **Beacon:** Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same parcel as the light source; also, any light with one or more beams that rotate or move.
- (C) **Cumulative Signage:** The act of adding together the square footage of all sign face(s) that meet the same definition classification on a parcel.
- (D) **Dedication Marker:** Any sign constructed of rigid materials; masonry, metal or glass, indicating any or all of the following: a) name of the building or facility; b) date of construction/dedication; c) name of owner(s); d) name of contractor(s); e) name of benefactor(s); f) name of deceased person and mounted permanently to a building or gateway entrance, or affixed to the ground.
- (E) **Pennant:** Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a pole, rope, wire, or string, usually in series, designed to move in the wind.
- (F) **Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.
- (G) **Sign, Animated:** Any sign that uses movement or change of lighting to depict action or create a special effect or scene.
- (H) **Sign, Billboard:** Any sign that has a face greater than 32 square feet in size.
- (I) **Sign, Building:** Any sign attached to any part of a building.
- (J) **Sign, Canopy:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area.

- (K) **Sign, Changeable Copy:** Any sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. a sign on which the entire message fails to be shown at one time, or if the message appears less than two (2) seconds shall be considered an animated sign and not a changeable copy sign for the purposes of this resolution. a sign on which the only copy that changes is an electronic or mechanical indication of time or temperature shall be considered a “time and temperature” portion of a sign and not a changeable copy nor animated sign for the purposes of this resolution.
  
- (L) **Sign, Face:** The surface of a sign that bears a message, either in words or graphics.
  
- (M) **Sign, Freestanding:** Any sign that is supported on the ground by the installation of upright(s), pole(s), post(s) or the like at a fixed location. This fixed location is evidenced by: an attachment to the ground requiring a compaction of soil around the supports.
  
- (N) **Sign, Ground:** Any sign where the entire bottom of the sign is in contact with or within six inches of the ground. This type of sign is independent of and not supported by, any other structure.
  
- (O) **Sign, Incidental:** Any sign that has a purpose secondary to the use of the parcel on which it is located.
  
- (P) **Sign, Non-Conforming:** Any sign that does not conform to the requirements of this resolution.
  
- (Q) **Sign, Portable:** Any sign not permanently attached to the ground. These signs may be placed on or temporarily attached to the ground. Temporary attachment is evidenced by a lack of soil compaction around the support, ability to remove the support without the use of tools or equipment. These signs are designed to be transported, and include but not limited to: signs with integrated supports, signs that are attached to stakes that are driven in the ground, wheeled signs; signs converted to “A” or “T” frames; menu and sandwich board signs; balloons used as signs; umbrellas used for advertising. Signs; attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business.
  
- (R) **Sign, Projecting:** Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.
  
- (S) **Sign, Roof:** Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure.

- (T) **Sign, Snipe:** Any sign that is fastened to a fence, tree, utility pole or traffic sign pole in the public right-of-way.
- (U) **Sign, Suspended:** Any sign that is suspended from the underside of a horizontal surface and is supported by such surface.
- (V) **Sign, Wall:** Any sign attached parallel to, and within six inches of, a wall, painted on the wall surface, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.
- (W) **Sign, Window:** Any sign that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**SEC. 28.03** Applicability:

- A. A sign may be erected, placed, established, painted, created, or maintained in the township only in conformance with the standards, procedures, exemptions, and other requirements of this resolution.
- B. The effect of this resolution as more specifically set forth herein, is:
  - 1. To establish a permit system to allow a variety of types of signs in office, commercial and industrial zones, and a limited variety of signs in residential zones, subject to the standards and the permit procedures of this resolution.
  - 2. To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective parcels on which they are located, subject to the substantive requirements of this resolution, but without a requirement for permits.
  - 3. To prohibit all signs not expressly permitted by this resolution.
  - 4. To establish criteria for non-conforming signage.
  - 5. To provide for the enforcement of the provisions of this resolution.

**SEC. 28.04** Computations:

The following principles shall control the computation of sign area and sign height.

- A. Computation of the area of individual signs.
  - 1. The area of a sign face shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that can encompass the sign. This area will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of

the display or used to differentiate the sign from the backdrop or structure against which it is placed.

2. The area of the sign shall not include any supporting framework, bracing, or decorative fence or wall when it is incidental to the display itself.
3. The supporting framework, bracing, or decorative fence or wall shall conform to the maximum height requirement established for signs when the sign is located in the clear sight triangle (CST).
4. A listing of signs that are prohibited, allowed without a permit or allowed with a permit by zoning classification are identified in tables 28.00 and 28.01.
5. The maximum sign face in square feet, for signs that do not require a permit and signs that require a permit are identified in tables 28.02 and 28.03.
6. When the term cumulative signage is utilized in the tables, the following will regulate its calculation:
  - a. All signs meeting the definition of the identified sign classification shall be measured.
  - b. The individual sign areas shall be added together.
  - c. The allowable sign area without a permit shall be subtracted from the total and produce a remaining sign area figure.
  - d. The remaining sign area figure shall be used to determine the appropriate status of the sign(s) as related to the threshold between needing and not needing a permit.

#### B. Computation of area of multi-faced signs.

- .1. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.
  1. When two sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such faces are part of the same sign structure and are equal to or less than 24 inches apart, the sign area shall be computed by the measurement for the larger of the two faces.
  2. When two sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such faces are part of the same sign structure and are more than 24 inches apart, the sign area shall be computed by the measurement of both faces.

C. Computation of height.

1. The height of a sign shall be computed as the distance from the base of the sign at the normal grade, to the top of the highest attached component of the sign.
2. Normal grade shall be construed to be the lower of:
  - a. Existing grade prior to construction.
  - b. The newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign.
3. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of the public street or the grade of the land at the principal entrance to the principal structure on the parcel, whichever is lower.

D. Computation of maximum total permitted sign area per zoning classification.

1. The permitted sum of the area of all individual signs on a parcel shall be computed by applying the formula contained in table 28.00 and table 28.01, maximum total sign area, to the lot frontage, building frontage, or wall area, as appropriate for the zone in which the parcel is located.
2. Lots fronting on more than one street are allowed the permitted sign area for each street frontage.
3. The total sign area that is oriented toward a particular street may not exceed the portion of the parcel's total sign area allocation that is derived from the lot, building or wall area frontage on the street.

**SEC. 28.05** Allowable Signs:

Signs shall be allowed on parcels in the township only in accordance with Tables 28.00 and 28.01.

- A. If the letter "n" appears for a sign type in a column, such sign is allowed, no permit is required in the zoning classification represented by that column.
- B. If the letter "p" appears for a sign type in a column, such sign is allowed, a permit is required in the zoning classification represented by that column. Special conditions may apply.
- C. If the word "Prohibited" appears for a sign type in a column, such sign is prohibited in the zoning classification represented by that column.
- D. A sign designated by a "n" or "p" in Tables 28.00 and 28.01 shall be allowed only if:

1. The sum of the area of all building and freestanding signs on the parcel does not exceed the maximum permitted sign area as identified in Table 28.02 or 28.03.
2. The size, location, and number of signs on the parcel conform to the requirements by sign type.
3. When a sign complies with more than one classification, the more restrictive number and dimensions apply.

**SEC. 28.06** Permit Required:

- A. If a sign requiring a permit under the provision of this resolution is to be placed, constructed, erected, or modified on a parcel, the owner or agent of the parcel shall secure a sign permit prior to the construction, placement, erection, or modification of such sign in accordance with the requirements of Section 28.12
- B. No sign shall be erected in the public right-of-way except in accordance with Section 28.09.
- C. No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this resolution.

**Table 28.00** Signage by Classification: n = no permit required, p = permit

Sign type	Open Space Rural Residence "OSR-1" Zone	Residence "R-1" Zone	Conditional Uses In A Residential Zone	Township Residence "TR-1" Zone	Suburban Residence "SR-1" Zone
Canopy	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Changeable copy	Prohibited	Prohibited	(p)	Prohibited	Prohibited
Freestanding	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)
Freestanding	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)
Ground	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)
Ground	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)
Incidental	(n)	(n)	(n)	(n)	(n)
Portable	Cumulative Signage <= 16 sq ft (n)	Cumulative Signage <= 16 sq ft (n)	Cumulative Signage <= 16 sq ft (n)	Cumulative Signage <= 16 sq ft (n)	Cumulative Signage <= 16 sq ft (n)
Portable	Cumulative Signage > 16 sq ft (p)	Cumulative Signage > 16 sq ft (p)	Cumulative Signage > 16 sq ft (p)	Cumulative Signage > 16 sq ft (p)	Cumulative Signage > 16 sq ft (p)
Projecting	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Roof	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Suspended	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)
Suspended	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)
Wall	Prohibited	Prohibited	(p)	Prohibited	Prohibited
Window	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)
Window	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)

**Table 28.00 Continued** Signage by Classification: n = no permit required, p = permit required

Sign type	Residence "R-1A" Zone	Residence "R-2" Zone	Residence "R-3" Zone
Canopy	Prohibited	Prohibited	Prohibited
Changeable copy	Prohibited	Prohibited	Prohibited
Freestanding	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)
Freestanding	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)
Ground	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)
Ground	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)
Incidental	(n)	(n)	(n)
Portable	Cumulative Signage <= 16 sq ft (n)	Cumulative Signage <= 16 sq ft (n)	Cumulative Signage <= 16 sq ft (n)
Portable	Cumulative Signage > 16 sq ft (p)	Cumulative Signage > 16 sq ft (p)	Cumulative Signage > 16 sq ft (p)
Projecting	Prohibited	Prohibited	Prohibited
Roof	Prohibited	Prohibited	Prohibited
Suspended	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)
Suspended	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)
Wall	Prohibited	Prohibited	Prohibited
Window	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)	Cumulative Signage <= 4 sq ft (n)
Window	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)	Cumulative Signage > 4 sq ft (p)

**Table 28.01 Signage by Classification: n = no permit required, p = permit required**

Sign type	Office "O" zone	Neighbor-hood Business "B-1" zone	General Business "B-2" zone	Light Industry "M-1" zone	Heavy Industry "M-2" zone
Canopy	(p)	(p)	(p)	(p)	(p)
Changeable copy	(p)	(p)	(p)	(p)	(p)
Freestanding	Cumulative Signage <= 4 sq ft (n)				
Freestanding	Cumulative Signage > 4 sq ft (p)				
Ground	Cumulative Signage <= 4 sq ft (n)				
Ground	Cumulative Signage > 4 sq ft (p)				
Incidental	(n)	(n)	(n)	(n)	(n)
Portable	Cumulative Signage <= 16 sq ft (n)				
Portable	Cumulative Signage > 16 sq ft (p)				
Projecting	Prohibited	Prohibited	(p)	(p)	(p)
Roof	Prohibited	Prohibited	Prohibited	(p)	(p)
Suspended	Cumulative Signage <= 4 sq ft (n)				
Suspended	Cumulative Signage > 4 sq ft (p)				
Wall	(p)	(p)	(p)	(p)	(p)
Window	Cumulative Signage <= 4 sq ft (n)				
Window	Cumulative Signage > 4 sq ft (p)				

**Table 28.02 Residential Signage Allowances**  
 \*CST (clear sight triangle) see Section 3.192

Sign type	Sign Specifications	Open Space Rural Residence "OSR-1" Zone	Residence "R-1" Zone	Conditional Uses In A Residential Zone	Township Residence "TR-1" Zone
	Maximum sign area per site no permit required (n)	35 sq ft	35 sq ft	45 sq ft	35 sq ft
	Maximum sign area per site permit required (p)	36 sq ft	36 sq ft	36 sq ft	36 sq ft
Changeable copy	Number	Prohibited	Prohibited	1 per road frontage	Prohibited
	Maximum height of letters	Prohibited	Prohibited	18 inches	Prohibited
	Maximum face area	Prohibited	Prohibited	30 square ft	Prohibited
	Height for freestanding changeable Copy	Prohibited	Prohibited	Prohibited from CST Outside of CST max 10 ft	Prohibited
	Height for ground changeable copy	Prohibited	Prohibited	Max 3 ft in CST Outside of CST max 5 ft	Prohibited
	Setback from R.O.W.	Prohibited	Prohibited	5ft minimum, equal to the height of supporting framing	Prohibited
	Setback from adjoining property	Prohibited	Prohibited	Equal to its height	Prohibited
Freestanding	Number	1 per road frontage	1 per road frontage	1 per road frontage	1 per road frontage
	Maximum face area	24 square ft	24 square ft	24 square ft	24 square ft
	Height	Prohibited from CST Outside of CST max 10 ft	Prohibited from CST Outside of CST max 10 ft	Prohibited from CST Outside of CST max 10 ft	Prohibited from CST Outside of CST max 10 ft
	Setback from R.O.W.	10 feet	10 feet	10 feet	10 feet
	Setback from adjoining property	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing
Ground	Number	1 per road frontage	1 per road frontage	1 per road frontage	1 per road frontage
	Maximum face area	24 square ft	24 square ft	24 square ft	24 square ft
	Height	Max 3 ft in CST Max 5 ft outside of CST	Max 3 ft in CST Max 5 ft outside of CST	Max 3 ft in CST Max 5 ft outside of CST	Max 3 ft in CST Max 5 ft outside of CST
	Setback from R.O.W.	5 ft	5 ft	5 ft	5 ft
	Setback from adjoining property	Equal to the height of the sign	Equal to the height of the sign	Equal to the height of the sign	Equal to the height of the sign

**Table 28.02 Continued Residential Signage Allowances**  
 \*CST (clear sight triangle) see Section 3.192

Sign type	Sign Specifications	Suburban Residence "SR-1" Zone	Residence "R-1A" Zone	Residence "R-2" Zone	Residence "R-3" Zone
	Maximum sign area per site no permit required (n)	35 sq ft	35 sq ft	35 sq ft	35 sq ft
	Maximum sign area per site permit required (p)	36 sq ft	36 sq ft	36 sq ft	36 sq ft
Changeable copy	Number	Prohibited	Prohibited	Prohibited	Prohibited
	Maximum face area	Prohibited	Prohibited	Prohibited	Prohibited
	Height for freestanding changeable Copy	Prohibited	Prohibited	Prohibited	Prohibited
	Height for ground changeable copy	Prohibited	Prohibited	Prohibited	Prohibited
	Setback from R.O.W.	Prohibited	Prohibited	Prohibited	Prohibited
	Setback from adjoining property	Prohibited	Prohibited	Prohibited	Prohibited
Freestanding	Number	1 per road frontage			
	Maximum face area	24 square ft	24 square ft	24 square ft	24 square ft
	Height	Prohibited from CST Outside of CST max 10 ft	Prohibited from CST Outside of CST max 10 ft	Prohibited from CST Outside of CST max 10 ft	Prohibited from CST Outside of CST max 10 ft
	Setback from R.O.W.	10 feet	10 feet	10 feet	10 feet
	Setback from adjoining property	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing
Ground	Number	1 per road frontage			
	Maximum face area	24 square ft	24 square ft	24 square ft	24 square ft
	Height	Max 3 ft in CST Max 5 ft outside of CST	Max 3 ft in CST Max 5 ft outside of CST	Max 3 ft in CST Max 5 ft outside of CST	Max 3 ft in CST Max 5 ft outside of CST
	Setback from R.O.W.	5 ft	5 ft	5 ft	5 ft
	Setback from adjoining property	Equal to the height of the sign			

**Table 28.02 Continued Residential Signage Allowances**

Sign type	Sign Specifications	Open space Rural Residence “OSR-1” Zone	Residence “R-1” Zone	Conditional Uses In A Residential Zone	Township Residence “TR-1” Zone	
Incidental	Number	5 total	5 total	10 total	5 total	
	Maximum face area	3 sq ft	3 sq ft	3 sq ft	3 sq ft	
	Height	Max 5 ft	Max 5 ft	Max 5 ft	Max 5 ft	
	Setback from R.O.W.	25 ft	25 ft	25 ft	25 ft	
	Setback from adjoining property	25 ft	25 ft	25 ft	25 ft	
Portable	Number	Cumulative Signage	Cumulative Signage	Cumulative Signage	Cumulative Signage	
	Maximum face area	32 sq ft	32 sq ft	32 sq ft	32 sq ft	
	Number of times per year permit can be issued	2	2	2	2	
	Length of permit in days per cycle	45	45	45	45	
	Height	Maximum 3 ft if in CST	Maximum 3 ft if in CST			
		Outside of CST max 5 ft	Outside of CST max 5 ft			
	Setback from R.O.W.	10 ft	10 ft	10 ft	10 ft	
Setback from adjoining property	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	
Suspended	Number	1 per road frontage				
	Maximum face area	24 square ft	24 square ft	24 square ft	24 square ft	
	Height	Prohibited from CST	Prohibited from CST	Prohibited from CST	Prohibited from CST	
		Outside of CST max 10 ft				
Setback from R.O.W.	10 feet	10 feet	10 feet	10 feet		
Setback from adjoining property	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	
Wall	Number	Prohibited	Prohibited	1 per road frontage	Prohibited	
	Area	Prohibited	Prohibited	32 sq ft	Prohibited	
	Height	Prohibited	Prohibited	35 ft	Prohibited	
	Setback from R.O.W.	Prohibited	Prohibited	50 ft	Prohibited	
	Setback from adjoining property	Prohibited	Prohibited	Equal to structure setback	Prohibited	
Window	Number	Cumulative Signage	Cumulative Signage	Cumulative Signage	Cumulative Signage	
	Area	16 sq ft	16 sq ft	16 sq ft	16 sq ft	

**Table 28.02 Continued Residential Signage Allowances**

Sign type	Sign Specifications	Residencee “R-1A” Zone	Residencee “R-2” Zone	Residencee “R-3” Zone	
Incidental	Number	5 total	5 total	5 total	
	Maximum face area	3 sq ft	3 sq ft	3 sq ft	
	Height	Max 5 ft	Max 5 ft	Max 5 ft	
	Setback from R.O.W.	25 ft	25 ft	25 ft	
	Setback from adjoining property	25 ft	25 ft	25 ft	
Portable	Number	Cumulative Signage	Cumulative Signage	Cumulative Signage	
	Maximum face area	32 sq ft	32 sq ft	32 sq ft	
	Number of times per year permit can be issued	2	2	2	
	Length of permit in days per cycle	45	45	45	
	Height	Maximum 3 ft if in CST	Maximum 3 ft if in CST	Maximum 3 ft if in CST	Maximum 3 ft if in CST
		Outside of CST max 5 ft	Outside of CST max 5 ft	Outside of CST max 5 ft	Outside of CST max 5 ft
	Setback from R.O.W.	10 ft	10 ft	10 ft	
Setback from adjoining property	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing		
Suspended	Number	1 per road frontage	1 per road frontage	1 per road frontage	
	Maximum face area	24 square ft	24 square ft	24 square ft	
	Height	Prohibited from CST	Prohibited from CST	Prohibited from CST	
		Outside of CST max 10 ft	Outside of CST max 10 ft	Outside of CST max 10 ft	
	Setback from R.O.W.	10 feet	10 feet	10 feet	
Setback from adjoining property	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing		
Wall	Number	Prohibited	Prohibited	Prohibited	
	Area	Prohibited	Prohibited	Prohibited	
	Height	Prohibited	Prohibited	Prohibited	
	Setback from R.O.W.	Prohibited	Prohibited	Prohibited	
	Setback from adjoining property	Prohibited	Prohibited	Prohibited	
Window	Number	Cumulative Signage	Cumulative Signage	Cumulative Signage	
	Area	16 sq ft	16 sq ft	16 sq ft	

**Table 28.03 Office, Business and Industrial Sign Allowances**  
 \*CST (clear sight triangle) see Section 3.192

Sign type	Sign specifications	Office “O” zone	Neighborhood Business “B-1” zone	General Business “B-2” zone	Light Industry “M-1” zone	Heavy Industry “M-2” zone
	Maximum sign area per site no permit required (n)	35 sq ft				
	Maximum sign area per site permit required (p) for single frontage parcels	144 sq ft	180 sq ft	228 sq ft	280 sq ft	280 sq ft
	Maximum sign area per site permit required (p) for multiple frontage parcels	216 sq ft	270 sq ft	342 sq ft	420 sq ft	420 sq ft
Canopy	Number	4 per road frontage				
	Maximum face area	12 sq ft	12 sq ft	12 sq ft	16 sq ft	16 sq ft
	Height	20 ft max				
	Setback from R.O.W.	45 ft				
	Setback from adjoining property	5 ft less than the required building setback	5 ft less than the required building setback	5 ft less than the required building setback	5 ft less than the required building setback	5 ft less than the required building setback
Changeable copy	Number	1 per road frontage				
	Maximum height of letters	18 inches				
	Maximum face area	40 sq ft				
	Height for freestanding changeable Copy	Prohibited from CST  If outside of CST max 10 ft	Prohibited from CST  If outside of CST max 10 ft	Prohibited from CST  If outside of CST max 10 ft	Prohibited from CST  If outside of CST max 10 ft	Prohibited from CST  If outside of CST max 10 ft
	Height for ground changeable copy	Max 3 ft in CST  Max 5 ft outside of CST	Max 3 ft in CST  Max 5 ft outside of CST	Max 3 ft in CST  Max 5 ft outside of CST	Max 3 ft in CST  Max 5 ft outside of CST	Max 3 ft in CST  Max 5 ft outside of CST
	Setback from R.O.W.	5ft minimum, equal to the height of supporting framing	5ft minimum, equal to the height of supporting framing	5ft minimum, equal to the height of supporting framing	5ft minimum, equal to the height of supporting framing	5ft minimum, equal to the height of supporting framing
	Setback from adjoining property	Equal to the height of supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing

**Table 28.03 Continued Office, Business and Industrial Sign Allowances**

Sign type	Sign specifications	Office “O” zone	Neighborhood Business “B-1” zone	General Business “B-2” zone	Light Industry “M-1” zone	Heavy Industry “M-2” zone
Freestanding	Number	Parcels with less than or equal to 500 feet of frontage: 1 per frontage. Parcels with more than 500 feet of frontage: 2 per frontage	Parcels with less than or equal to 500 feet of frontage: 1 per frontage. Parcels with more than 500 feet of frontage: 2 per frontage	Parcels with less than or equal to 500 feet of frontage: 1 per frontage. Parcels with more than 500 feet of frontage: 2 per frontage	Parcels with less than or equal to 500 feet of frontage: 1 per frontage. Parcels with more than 500 feet of frontage: 2 per frontage	Parcels with less than or equal to 500 feet of frontage: 1 per frontage. Parcels with more than 500 feet of frontage: 2 per frontage
	Maximum face area	48 sq ft	48 sq ft	48 sq ft	80 sq ft	80 sq ft
	Height	Prohibited from CST  Outside of CST max 10 ft	Prohibited from CST  Outside of CST max 10 ft	Prohibited from CST  Outside of CST max 10 ft	Prohibited from CST  Outside of CST max 35 ft	Prohibited from CST  Outside of CST max 35 ft
	Setback from R.O.W.	10 ft	10 ft	10 ft	50 ft min 100 ft from any intersection of any state or federal highway	50 ft min 100 ft from any intersection of any state or federal highway
	Setback from adjoining property	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	150 ft min 300 ft from any school, library, religious institution, or public park	150 ft min 300 ft from any school, library, religious institution, or public park
Ground	Number	Parcels with less than or equal to 500 feet of frontage: 1 per frontage. Parcels with more than 500 feet of frontage: 2 per frontage	Parcels with less than or equal to 500 feet of frontage: 1 per frontage. Parcels with more than 500 feet of frontage: 2 per frontage	Parcels with less than or equal to 500 feet of frontage: 1 per frontage. Parcels with more than 500 feet of frontage: 2 per frontage	Parcels with less than or equal to 500 feet of frontage: 1 per frontage. Parcels with more than 500 feet of frontage: 2 per frontage	Parcels with less than or equal to 500 feet of frontage: 1 per frontage. Parcels with more than 500 feet of frontage: 2 per frontage
	Maximum face area	56 sq ft				
	Height	Max 3 ft in CST  Max 5 ft outside of CST	Max 3 ft in CST  Max 5 ft outside of CST	Max 3 ft in CST  Max 5 ft outside of CST	Max 3 ft in CST  Max 5 ft outside of CST	Max 3 ft in CST  Max 5 ft outside of CST
	Setback from R.O.W.	5 ft				
	Setback from adjoining property	Equal to the height of the sign				
Incidental	Number	10 per parcel				
	Maximum face area	3 sq ft				
	Height	Max 5 ft				
	Setback from R.O.W.	25 ft				
	Setback from adjoining property	25 ft				

**Table 28.03 Continued Office, Business and Industrial Sign Allowances**

Sign type	Sign specifications	Office "O" zone	Neighborhood Business "B-1" zone	General Business "B-2" zone	Light Industry "M-1" zone	Heavy Industry "M-2" zone
Portable	Number	Cumulative Signage	Cumulative Signage	Cumulative Signage	Cumulative Signage	Cumulative Signage
	Maximum face area	32 sq ft	32 sq ft	32 sq ft	32 sq ft	32 sq ft
	Number of times per year permit can be issued	2	2	2	2	2
	Length of permit in days per cycle	45	45	45	45	45
	Height	Maximum 3 ft if in CST	Maximum 3 ft if in CST	Maximum 3 ft if in CST	Maximum 3 ft if in CST	Maximum 3 ft if in CST
	Setback from R.O.W.	10 foot	10 foot	10 foot	10 foot	10 foot
	Setback from adjoining property	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing	Equal to the height of the supporting framing
Projecting	Number	Prohibited	Prohibited	1 per parcel	1 per parcel	1 per parcel
	Maximum face area	Prohibited	Prohibited	18 sq ft	18 sq ft	18 sq ft
	Height	Prohibited	Prohibited	35 ft	35 ft	35 ft
	Setback from R.O.W.	Prohibited	Prohibited	50 ft	50 ft	50 ft
	Setback from adjoining property	Prohibited	Prohibited	Equal to building setback	Equal to building setback	Equal to building setback
Roof	Number	Prohibited	Prohibited	Prohibited	1 per parcel	1 per parcel
	Maximum face area	Prohibited	Prohibited	Prohibited	50 sq ft	50 sq ft
	Height	Prohibited	Prohibited	Prohibited	35 ft	35 ft
	Setback from R.O.W.	Prohibited	Prohibited	Prohibited	50 ft	50 ft
	Setback from adjoining property	Prohibited	Prohibited	Prohibited	Equal to building setback	Equal to building setback
Wall	Number	Cumulatively determined, dependent on the area used per sign and the maximum area allowed for the entire site.	Cumulatively determined, dependent on the area used per sign and the maximum area allowed for the entire site.	Cumulatively determined, dependent on the area used per sign and the maximum area allowed for the entire site.	Cumulatively determined, dependent on the area used per sign and the maximum area allowed for the entire site.	Cumulatively determined, dependent on the area used per sign and the maximum area allowed for the entire site.
	Area	1.5 sq ft for each lineal foot of width of the building, or part of building occupied by the enterprise. The sq ft shall not exceed the maximum area allowed to the entire site.	1.5 sq ft for each lineal foot of width of a building, or part of building occupied by the enterprise. The sq ft shall not exceed the maximum area allowed to the entire site.	1.5 sq ft for each lineal foot of width of a building, or part of building occupied by the enterprise. The sq ft shall not exceed the maximum area allowed to the entire site.	1.5 sq ft for each lineal foot of width of a building, or part of building occupied by the enterprise. The sq ft shall not exceed the maximum area allowed to the entire site.	1.5 sq ft for each lineal foot of width of a building, or part of building occupied by the enterprise. The sq ft shall not exceed the maximum area allowed to the entire site.
	Height	35 ft	35 ft	35 ft	35 ft	35 ft
	Setback from R.O.W.	50 ft	50 ft	50 ft	50 ft	50 ft
	Setback from adjoining property	Equal to structure setback	Equal to structure setback	Equal to structure setback	Equal to structure setback	Equal to structure setback
Window	Number	No more than 25% of total window area	No more than 25% of total window area	No more than 25% of total window area	No more than 25% of total window area	No more than 25% of total window area
	Cumulative area	32 sq ft	32 sq ft	64 sq ft	64 sq ft	64 sq ft

**SEC. 28.07** Design, construction, and maintenance:

- A. All signs shall be designed, constructed and maintained in accordance with the following standards:
1. All signs shall comply with the applicable provisions of the uniform building code and the electric code established by Warren County.
  2. Except for flags, portable signs and window signs conforming in all respects with the requirements of this resolution, all signs shall be constructed on permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.
  3. Maintenance of an existing sign face, support structure, electrical elements, message changes do not require a permit, unless modified pursuant to section 28.12 (A) (1).

**SEC. 28.08** Signage plan:

A. Signage plan.

For any parcel on which the owner proposes to erect one or more signs requiring a permit, the owner must submit to the zoning department an accurate plot plan containing the following:

1. A minimum scale of 1" = 20'.
2. North arrow.
3. Name of the applicant and/or owner.
4. Name, address and phone number of person or firm who prepared the signage plan.
5. Property lines, the public right-of-way, buildings, parking lots, sidewalks, driveways, and landscape buffer materials.
6. Type of sign(s).
7. Computations to determine the maximum sign face for the sign(s).
8. Computations to determine the height of the sign(s).
9. Types of other signs on the lot, if any, and the location of existing sign(s) that requires a permit.
10. Specification of the total sign area utilized on the site.
11. List the total calculated area for signs needing a permit and the total calculated area for signs not needing a permit.
12. Representation of setbacks to all property lines for all sign(s) requiring a permit.
13. Graphic representation of the sign face with dimensions specified for the new sign(s).

- B. If the plan has met all of the requirements established in Section 28.07 as well as the requirements from the applicable Tables 28.02 or 28.03 a permit shall be issued for the requested signs. If the submittal fails to meet the requirements as outlined in Section 28.07, Table 28.02 or Table 28.03 a letter shall be sent to the applicant stating reasons why a permit will not be issued.
- C. Window signs on signage plans.

An individual signage plan that includes window signs shall indicate the areas of the windows to be covered by these signs. The general type of the window signs; paper affixed to the window, painted, etched on glass or some other material hung inside the window, shall be noted. The applicant need not specify the exact dimension or nature of every window sign.

**SEC. 28.09** Signs in the public right-of-way:

- A. No signs shall be allowed in the public right-of-way, except for the following;
  - 1. Permanent signs including: public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information, and direct or regulate pedestrian or vehicular traffic.
  - 2. Informational signs of a public utility regarding its poles, lines, pipes or facilities.
- B. Other signs forfeited, Signs in the public right-of-way:
  - 1. Any sign placed in the public right-of-way will be confiscated. If the owner of the sign is readily identifiable (name, address, phone number, email address posted on the sign), he or she will be informed of the zoning violation in one of two ways: verbally or in writing. The verbal technique will be through on-site direct personal contact or through phone contact/ message. A copy of the sign regulations will be provided in the format requested by the sign owner; electronic or printed copy. The written technique will be through leaving a form letter at the main structure on the property, regular mail, fax or email. A letter will identify the type of sign and the location from which the sign was removed. A copy of the sign regulations will accompany the written correspondence. Regardless of the technique utilized, the sign owner will be requested to claim the property within thirty (30) days from the date of confiscation. Signs which do not identify the owner or signs not claimed within thirty (30) days from the date of confiscation will be deemed abandoned property and destroyed.

2. Additional notice will be given to property owners that are contiguous to the right-of-way from which a sign was confiscated, if he or she is found to not also be the owner of the sign. The property owner will be informed of the zoning violation in one of two ways: verbally or in writing. The verbal technique will be through on-site direct personal contact or through phone contact/message. A copy of the sign regulations will be provided in the format requested by the sign owner; electronic or printed copy. The written technique will be through regular mail, fax or email. A letter will identify the type of sign and the location from which the sign was removed. A copy of the sign regulations will accompany the correspondence. Regardless of the technique the property owner will also have the opportunity to claim the property within thirty (30) days from the date of confiscation. Signs which are not claimed by the property owner within thirty (30) days from the date of confiscation will be deemed abandoned property and destroyed.

**SEC. 28.10** Signs exempt from regulation under this resolution:

The following signs shall be exempt from regulation:

- A. Flags, emblems and insignia of any governmental agency or political subdivision; displays of a religious nature.
- B. Dedication markers.
- C. Mailbox identification when such is made an integral part of such mailbox by its permanent attachment, provided that such identification and mailbox is necessary for regular mail delivery by the u.s. postal service or identification by emergency personnel.
- D. Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or resolution.
- E. Any sign inside a building, not attached to a window or door, that is not legible from more than three feet beyond the parcel line on which such sign is located.
- F. Traffic control signs on private property, such as stop, yield, and similar signs, the face of which meet department of transportation standards.

**SEC. 28.11** Signs prohibited:

A. All signs not expressly permitted under this resolution or exempt from regulation pursuant to 28.10 are prohibited. Such signs include but are not limited to:

1. Beacons.
2. Pennants and banners.
3. Inflatable signs and tethered balloons.
4. Snipe signs.
5. Any existing illegal non-conforming signs.

6. Any sign attached to, painted on or placed on a vehicle and located in such a manner as to serve as a portable sign.
7. Any sign that has spinning devices or elements, which revolve, rotate, whirl or otherwise make use of motion.
8. All signs that emit vapor/smoke and/or noise.

**SEC. 28.12** General permit procedures:

- A. The following procedures shall govern the application for, and issuance of, all new or modified “p” sign permits under this resolution. Signs identified as “p” on Table 28.00 and 28.01 shall be erected, installed, or created only in accordance with a duly issued and valid sign permit from the zoning department.
  1. Modification for the purpose of this section shall mean:
    - A. Change of face area of the sign.
    - B. Change in the height of the sign.
    - C. Change in the location of the sign.
    - D. Change of lighting technique and fixtures to the sign.
  2. Requirement of a plot plan as stated in Section 28.08.
  3. The applicable fees shall accompany each submittal for a sign permit.
- B. Inspection.
  1. The zoning inspector shall inspect each parcel for which a permit for a new sign or modification of an existing sign has been submitted.
  2. If construction of the sign has not been initiated by the twelfth month anniversary date of the permit, such permit shall lapse and become void.
  3. If the construction is complete and in full compliance with the building and electrical codes, the zoning inspector shall affix to the premises a permanent symbol identifying the sign (s) and the applicable permit by number or reference.

**SEC. 28.13** Signs without permits and non-conforming signs:

- A. Except as otherwise provided herein, the owner of any parcel on which exists a sign that does not conform to the requirements of this resolution or for which there is no previously issued valid sign permit shall be considered in violation of the zoning resolution.
- B. Signs existing on effective date.
  1. Signs for which a valid zoning permit has been issued prior to July 14, 2001 and do not conform to this amendment shall be considered legal non-conforming signs.
  2. Signs for which a valid zoning permit has not been issued shall be considered illegal non-conforming signs.
- C. Legal non-conforming signs

1. In the event that a legal non-conforming sign is voluntarily discontinued for two (2) years or more, any future use thereof shall be in conformity with the provisions of this code.
2. When a legal non-conforming sign is damaged by fire, explosion, act of god, or public enemy to the extent of more than sixty (60) percent of the cost of reproducing, it shall not be restored, unless authorized by the board of zoning appeals under Section 21.01 (D).
3. When an owner of a legal non-conforming sign requests a modification as identified in Section 28.12 (A) (1) that will not bring the sign into compliance with the required minimums of this section, an application must be submitted to the board of zoning appeals for approval according to Section 21.01 (D).

**SEC. 28.14** Violations:

Any of the following shall be a violation of this resolution and shall be subject to the enforcement remedies and penalties provided by this resolution:

- A. To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or parcel on which the sign is located.
- B. To install, create, erect, or maintain any sign requiring a permit, without first procuring a permit.
- C. To fail to remove any sign that is installed, created, erected, or maintained in violation of this resolution, or for which the sign permit has lapsed.

## CHAPTER 29

### OUTDOOR LIGHTING REGULATIONS

#### **SEC. 29.01** Findings and Intent:

##### A. Findings

The Clearcreek Township Board of Trustees find:

1. Establishing standards for outdoor lighting promotes the safety and general welfare of the community to such an extent as to justify a demand for lighting regulations.
2. Outdoor lights benefit the community by:
  - a. Providing a sense of safety through the illumination of parking lots and fuel service canopies.
  - b. Promoting commerce through sign illumination.

##### B. Intent

This chapter shall be construed and implemented to achieve the following intents and purposes of the Clearcreek Township Board of Trustees:

1. To reduce sky glow generated from parking lots, fuel service canopies and signs.
2. To reduce glare to vehicular and pedestrian traffic through the proper placement of lighting fixtures.
3. To reduce light trespass on adjoining properties and public right-of-way from property owners that illuminate parking lots, fuel service canopies and signs.
4. To promote safe and efficient use of off-street parking facilities and other vehicular use areas by establishing standards for their illumination.

#### **SEC. 29.02** Applicability:

The provisions of this chapter apply to all parking lots, fuel service canopies and illuminated signs when:

- A. A new land use is established after October 6, 2001;
- B. When an existing building, structure or parking lot is expanded;
- C. The use of an existing building, structure or parking lot is intensified, either as the result of a zone change or through the elimination of a non-conforming use.

**SEC. 29.03** Light plan requirements:

A lighting plan is required before a zoning permit is issued for a structure if the property has a parking lot, fuel service canopy and/or an illuminated sign.

- A. Plans must be at least a minimum scale of 1" = 20' and shall include the following information:
1. North arrow and scale.
  2. Name of the applicant and/or owner.
  3. The name, address, and phone number of the person or firm who prepared the lighting plan.
  4. The existing zoning and land use.
  5. The existing zoning and land use of all adjoining properties.
  6. Property lines, easements, and dedicated rights-of-way.
  7. Contour lines if the grade exceeds a six (6) percent slope.
  8. All existing and proposed parking lots, fuel service canopies and signs to be illuminated.
  9. Specifications for all proposed luminaire(s) including photometric data.
  10. Proposed mounting height of luminaire(s).
  11. All calculations for intensity of lighting shall be expressed in footcandles and noted on the required grid plan.

**SEC. 29.04** Standards:

A. General standards

1. All outdoor luminaire(s) shall be designed, located, installed and directed in such a manner as to reduce light trespass to adjoining properties and the rights-of-way.
2. Adjacent to residentially zoned property, no direct light source shall be visible at the property line at ground level.
3. The use of timers, dimmers and/or sensors are encouraged to be used to reduce overall energy consumption and to eliminate unneeded illumination.
4. Electric service to outdoor luminaire(s) shall be underground unless the luminaire(s) are mounted directly to utility poles; or in the case of building-mounted luminaire(s), are served by wiring inside the building.
5. The horizontal illumination of all outdoor luminaire(s) shall be measured after dusk.
6. The horizontal illumination of all outdoor luminaire(s) shall be measured at grade and four (4) feet above grade.

- B. Specifications on lighting for parking lots
1. Luminaire(s) shall have less than or equal to a seventy (70) degree cut off angle:
    - a. In residential zones
      1. The maximum luminaire mounting height shall be fifteen (15) feet.
      2. The minimum intensity of illumination shall be .5 footcandles.
      3. A uniformity ratio of 4:1 shall exist.
    - b. In non-residential zones
      1. The maximum luminaire mounting height shall be twenty (20) feet.
      2. The minimum intensity of illumination shall be .6 footcandles.
      3. A uniformity ratio of 4:1 shall exist.

- C. Specifications on lighting for fuel service canopies
1. The areas around the pump islands and directly under the fuel service canopy shall have a minimum intensity of illumination of 2.0 footcandles.
  2. Areas not directly under the fuel service canopy shall conform to section 29.04 (B).
  3. A uniformity ratio of 4:1 shall exist.
  4. Luminaire(s) mounted on a fuel service canopy shall be recessed or flush with the bottom surface of the fuel service canopy.
  5. The luminaire(s) shall be shielded to less than an eighty-five (85) degree cut off angle.
  6. The luminaire(s) shall not be mounted on the top or sides of the fuel service canopy, except for internally illuminated signs.

- D. Specifications on lighting for externally illuminated signs
1. Signs must be permanently mounted.
  2. The luminaire(s) shall be aimed and shielded so that light is directed only onto the sign face.
  3. The minimum intensity of illumination shall be 2 footcandles.
  4. A uniformity ratio of 2:1 shall exist.

- E. Specifications on lighting for internally illuminated signs
1. Signs must be permanently mounted.
  2. The minimum intensity of illumination shall be 2 footcandles.
  3. A uniformity ratio of 2:1 shall exist.

## **CHAPTER 30**

### **INTERIM DEVELOPMENT CONTROL (IDC)**

#### **SEC. 30.01 PURPOSE**

Interim Development Controls (IDC) are intended to temporarily regulate the establishment of uses, construction of new buildings, the issuance of zoning permits or certificates and other zoning-related approvals when it is determined that the maintenance of the status quo is necessary while studies or comprehensive plan (master plan) reviews are conducted to determine whether the adoption of amendments to the Zoning Code designed to better deal with growth and development in the Township are necessary and in the interests of the public health, safety, convenience, comfort, prosperity or general welfare of the Township and its citizens.

#### **SEC. 30.02 APPLICABILITY AND ZONING MAP DESIGNATOR**

An Interim Development Controls District may be applied on a temporary basis to any zoning district or geographic area in the Township. It is adopted as an amendment to the zoning map. The overlay district shall be shown on the zoning map by an IDC designator applied to the base district of designation. Where inconsistencies exist between the IDC overlay district regulations and other provisions of the Clearcreek Township Zoning Resolution, the IDC overlay district regulation shall apply.

#### **SEC. 30.03 ESTABLISHMENT OF IDC OVERLAY DISTRICTS OR AREA**

After receiving comments from the Warren County Regional Planning Commission and an affirmative recommendation from the Township Zoning Commission, the Board of Trustees may, by a majority vote, or in the case of a negative recommendation by the Township Zoning Commission, by unanimous vote, establish an IDC overlay District or Area on the finding that:

- (1) A study has been authorized and is underway for the purpose of considering amendment to the Zoning Code, the purpose of which may be defeated by development applications submitted prior to adequate time being available to consider and adopt the Zoning Code or zoning map amendment;
- (2) Consideration of the Zoning Code or zoning map amendments is necessary to preserve important features or characteristics of the Township articulated by the Board of Trustees in its Resolution;

- (3) The protection of the public interest requires that Interim Development Controls be imposed during the period of study and review by the Township Zoning Commission and The Clearcreek Township Board of Trustees.

#### **SEC. 30.04 IDC APPLICATION REVIEW GUIDELINE**

The Resolution to adopt an IDC overlay District must:

- (1) Specify which permit applications or Township actions and approvals are subject to the Interim Development Controls District regulation, and may include, without limitation:
  - (A) Township zoning review of subdivisions including minor subdivisions; preliminary plats; final plats; alternative plats; replats; or right-of-way dedication plats;
  - (B) Approvals or issuance of zoning certificates or zoning permits as a part of the building permitting process;
  - (C) Clearcreek Township Fire District approval or review of subdivisions;
  - (D) Zoning Commission and Township Board of Trustees consideration of planned unit developments or rezoning application;
  - (E) Township Zoning Inspector's review of building permit applications for zoning compliance.
- (2) Restrictions imposed by any Interim Development Controls Resolution on Township reviews and approvals identified in the Resolution adopting the Interim Development Controls District or Area shall not apply if the Township Zoning Inspector determines that:
  - (A) A completed building permit application was pending prior to the effective date of the Resolution;
  - (B) An application for preliminary subdivision approval was pending or approved prior to the effective date of the Resolution, in which case the township will cooperate in reviewing the application through all steps of the subdivision process, including both preliminary and final subdivision approval and the building permit process.

## **SEC. 30.05 INAPPLICABILITY OF INTERIM DEVELOPMENT CONTROLS**

The Resolution adopting an Interim Development Controls District or Area shall specify what if any approvals or what if any developments or applications for development approval within the District or Area, the controls shall not apply to, i.e., the type of development, the type of subdivision, the size of a subdivision, the stages of a planned unit development, or conditional use permits, area variance applications and non-conforming use hearings.

## **SEC. 30.06 INAPPLICABILITY TO PENDING PROJECTS**

In order to preserve the preexisting development rights in projects which are submitted for review prior to the adoption of an Interim Development Controls Resolution, a Resolution adopting an Interim Development Controls District or Area shall not apply to applications or requests for approvals that were filed prior to the effective date of the Resolution adopting the Interim Development Controls, provided that the respective application or request for approval was substantially complete (provided all information and documents required by the appropriate Resolution, was accompanied by any required filing fee and required only minor modification, addition or correction to receive approval) prior to the effective date of the Resolution.

## **SEC. 30.07 EXEMPTION APPLICATION**

A property owner may apply for an exemption from the Interim Development Controls by filing an application with the Township Zoning Inspector. The application shall be submitted on a form to be supplied by the Township Zoning Inspector and shall be accompanied by a plan of the proposed building(s) or subdivision, the general description of such proposed building(s) or subdivision, the names and addresses of the owners of all property within 500 feet of or adjacent to, including across the street from the property involved in the exemption application as they appear on the records of the office of the Auditor of Warren County, and the following information:

- (1) A plat showing the boundaries of the area subject to the request for exemption and providing details on the development or subdivision proposed to be exempted from the Interim Development Controls;
- (2) The location, and dimensions of all lots and the location, size, height and use of all proposed structures;
- (3) The location of all vehicular and pedestrian ways;
- (4) The location and type of all landscaping, walls and other forms of screening;
- (5) The location and surface treatment of all parking areas;

- (6) The number and types of dwelling units;
- (7) The existing trees, including their location, species, caliper and height in the subject area proposed to be removed. Trees less than two inches in caliper or eight feet in height need not be included;
- (8) A statement describing the impact the approval sought to be exempted from the Interim Development Controls would have on the historic, aesthetic and environmental fabric of the Township And how it would relate to the preservation of the rural residential character of the Township;
- (9) An explanation as to why the enforcement of the Interim Development Controls on the application would work a unique hardship on the applicant which would outweigh the public benefit of the temporary delay which would permit the development of an updated master plan for Clearcreek Township;
- (10) Where the application is based on a claim that the restrictions imposed by this Resolution result in a hardship approaching confiscation, the applicant shall submit an appraisal prepared by an independent appraiser qualified under Ohio law and following USPAP standards and presenting evidence of the value lost by the temporary delay in approval and processing associated with the controls imposed by this Resolution;
- (11) A statement documenting how the Interim Development Controls effect a confiscatory taking of the applicant's property rights; and such other information applicable to the proposed exception to the Interim Development Controls which the applicant believes may be helpful to the Township or which the Township Zoning Inspector reasonably requests due to its relevance to special circumstances affecting the property subject to the application;
- (12) If the application for exemption is based on the applicant's belief that the project is exempt under the provisions of Sections 30.04(2), 30.05 and 30.06 herein, the applicant must provide documentation of all prior submittals and/or approvals made or obtained prior to the effective date of this Resolution.

### **SEC. 30.08 Public Hearing on Exemption Application**

The application for exemption shall be submitted by the Zoning Inspector to the Board of Zoning Appeals for its consideration for approval as a special exception to the Interim Development Controls at the first Board of Zoning Appeals meeting occurring no less than 30 days after the submission of the exemption application. Notice of the place, time and date of that hearing shall be provided to the applicant by the Township Zoning Inspector and to all owners of property within 500 feet of or adjacent to, including across the street from, the property involved in the exemption application by regular first class mail deposited with the post office no less than 14 days prior to the hearing of said application and the Township shall post a notice of said hearing in all typical places of posting utilized by Clearcreek Township to announce public hearings. The public hearing on the application shall proceed with the same formalities used by the Township Board of Zoning Appeals in considering variances and conditional uses. A record of the hearing shall be maintained sufficient to produce a verbatim transcript if there is an appeal.

### **SEC. 30.09 Standards for Review on Exemption Application**

An application for exemption from the Interim Development Controls shall be approved by the Clearcreek Township Board of Zoning Appeals if the Board finds that the proposed work or subdivision is in compliance with either of the two following standards:

- (1) The applicant establishes by clear and convincing evidence that the moratorium deprives the owner/applicant of all economically viable use of the property as defined by The Ohio Supreme Court In *Goldberg V. City Of Richmond Heights* (1988), 81 Ohio St.3d 207;
- (2) If an application for exemption challenges the Township Zoning Inspector's decision pursuant to Sections 30.03, 30.04 or 30.05 herein that the Interim Development Controls apply to a particular project, the Board may reverse the Township Zoning Inspector's decision if the Board finds that the application qualifies as exempt from this Resolution for one or more of the reasons stated in Sections 30.03, 30.04 or 30.05 herein;

The Resolution may specify other standards for exemption from a specific Interim Development Controls District or Area in the Resolution adopting said District or Area, by providing that an applicant may establish by clear and convincing evidence that the applicant's proposed development meets or exceeds the most restrictive terms then under study as a proposed amendment to the Zoning Resolution or other land use regulation or policy.

## **SEC. 30.10 APPEALS**

Appeals from a decision of the Clearcreek Township Board of Zoning Appeals shall first be brought to the Clearcreek Township Board of Trustees, which appeal must be filed within 30 days of the decision of the Board of Zoning Appeals by filing a notice of appeal with the clerk. The appellant shall provide, as a part of its appeal, a written transcript of the Board of Zoning Appeals hearing prepared by a court reporter who either attended the hearing or obtained a tape of the hearing from the Board and transcribed the hearing including all testimony, argument and discussion which occurred at the hearing. The appeal shall be heard at the next meeting of the Township Board of Trustees occurring at least 14 days after the filing of the record from the Board of Zoning Appeals, including the transcript of the hearing. The Township shall, within three working days of the filing of the record, mail notices of the hearing of the appeal to all who received notice of the original application and shall post notice of the appeal. Such notices shall state the date, time and location of the Township Board of Trustees hearing of the appeal. The Board of Trustees shall consider the appeal based on the record before the Board of Zoning Appeals and the arguments of the applicant or his, her or its counsel.

Appeals from decisions of the Board of Trustees on an exemption from the Interim Development Controls may be brought as an appeal from an administrative decision pursuant to Ohio Revised Code Chapter 2506.

## **SECTION 30.11 APPLICANT SHALL PAY COSTS**

The applicant for an exemption from the Interim Development Controls shall pay a filing fee of \$500 when filing the application described in Section 4 above. The appellant filing an appeal with the Clerk to The Board of Trustees shall not be required to pay a filing fee. However, the applicant or appellant shall be responsible for the expenses incurred by the Township in reviewing the application or appeal. Such expenses may include items such as the cost of professional services, including expenses and legal fees in connection with reviewing the application or appeal, the posting and mailing of public notices, the preparation of such transcripts and records as are necessary to process an appeal either to the Township Board of Trustees or pursuant to O.R.C. 2506, and any other reasonable expenses directly attributable to the review or appeal.

**SEC. 30.12    TERMINATION OR EXTENSION OF INTERIM DEVELOPMENT CONTROLS**

The Resolution adopting an Interim Development Controls District or Area shall specify the term of the controls, but in no event shall the initial Interim Development Controls Resolution be effective for more than 365 days. The term of the Interim Development Controls shall expire automatically on the last date of its term, unless prior to that date, the Board of Trustees has either revoked the Interim Development Controls Resolution or extended its term for an additional period of up to 90 days. No more than two extensions of up to 90 days a piece may be granted. No extension of the Interim Development Controls may be granted unless the Board of Trustees specifically finds that the studies of potential Zoning Code amendments or the update to the master plan that necessitated the adoption of the Interim Development Controls are progressing or that the additional time is necessary to complete the consideration of and adopt such recommendations resulting from the studies of the Zoning Code amendments contained in the master plan update.

**SEC. 30.13    INCORPORATION OF JUNE 10, 2004 TEMPORARY MORATORIUM**

The Interim Development Controls and the provisions related to those controls adopted on June 10, 2004, by Clearcreek Township Resolution #2758, establishing a temporary moratorium on new zoning approvals for lots and homes in subdivisions submitted for approval after the effective date of said Resolution #2758 are hereby adopted by incorporation as a part of the Clearcreek Township Zoning Code.

# CLEARCREEK TOWNSHIP, WARREN COUNTY, OHIO

## ZONING CODE AND AMENDMENTS

Original	August	31,	1953
Amended	March	10,	1955
Amended	July	22,	1955
Amended	October	13,	1956
Amended	February	23,	1958
Amended	April	05	1960
Amended	January	08	1962
Amended	March	15	1965
Amended	December	19,	1965
Amended	March	11,	1966
Amended	July	18,	1966
Amended	March	13,	1967
Amended	November	06,	1973
Amended	January	20,	1975
Amended	December	09,	1984
Amended	August	01,	1987
Amended	September	02,	1987
Amended	April	06,	1988
Amended	August	05,	1995
Amended	October	10,	1998
Amended	July	03,	1999
Amended	February	13,	2000
Amended	June	04,	2000
Amended	January	14,	2001
Amended	July	14,	2001
Amended	October	06,	2001
Amended	February	10,	2002
Amended	March	07,	2002
Amended	January	11,	2004
Amended	October	02,	2004
Amended	July	09,	2005
Amended	May	13,	2006
Amended	November	12,	2006
Amended	December	08,	2007
Amended	January	10,	2009
Amended	March	15,	2013
Amended	July	12,	2013
Amended	March	14,	2014
Amended	August	07,	2014
Amended	March	12,	2015
Amended	April	23,	2015
Amended	March	10,	2016