

CERTIFICATE OF RESULT OF ELECTION ON QUESTION OR ISSUE

Revised Code, Section 3501.11

State of Ohio

County of Warren

The Board of Elections of Warren County hereby

certifies that at the election held in Clearcreek Township (Subdivision)

in said county on November 6, 1973 the (Date of election)

vote cast on the following issue was as fo

Issue _____

(Tax lev

To provide a zoning code 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, convenience and general welfare, all in accordance with the provision of Section 519 of the Ohio Revised Code.

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.

To establish restrictions in order to attain these objectives by adopting a zoning code which will revise the districts into which

Votes Seven hundred and twen (For, yes, etc.—as on ballot)

Votes Three hundred and fort (No, against, etc.—as on ballot)

Total vote cast on issue: 1073 (Number)

Witness our official signatures at Lebanon, Ohio in

said county, this 13th day of November, 19 73.

Paul Linkers Chairman

Franklin Perry
Stanley E. Pitt

Attest: Wm. Redford Jr Clerk

BOARD OF ELECTIONS

Warren County, Ohio

CHAPTER 6

RURAL RESIDENCE ZONE "R-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 Rural Residence "R-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, Provided that
 1. No sign other than a nameplate two (2) square feet in area shall be erected or maintained on the premises.
 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. Schools, Public and Private, from nursery schools through colleges having curriculum equivalent to public school curricula.
 - D. Church, Sunday School and other places of worship, shall be one hundred (100) feet from any property line except the front lot line, and buildings shall be at least minimum residential size.
 - E. Community Fire House, Provided:
 1. Front yard, side yard and rear yard requirements for the 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 20, Zoning Code.
 - F. Hospitals 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)

SEC. 6.02
(cont'd)

acres and that such buildings shall not occupy over ten percent (10%) of the total area of the site.

- G. Rest 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.
- H. 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 (3) three Days each sale, the items sold were not acquired for the sale and a zoning permit is obtained prior to said sale.
- I. Clubs, including country clubs, swimming and tennis clubs, provided that any structures, except fences shall be at least fifty (50) feet from 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.
- J. Publicly owned or operated properties including parks, playgrounds and community centers.
- K. Recreation area, private or charitable, provided a minimum of thirty (30) acres is used and fenced on all sides.
- L. Public and private forests and wildlife reservations or similar conservations projects, including the usual buildings therefore.
- ✓ M. A private garage or parking spaces.
- N. Cemeteries: Provided any mausoleum therein, shall be at least two hundred (200) feet from every property line and provided further that any cemetery shall contain an area of twenty (20) acres or more.
- ✓ O. The keeping of animals, exclusive of swine and poultry as pets, provided, however, that any building or enclosure built for such pets shall be at least eighty-five (85) feet from every property line.
- P. Stables, private only - no beast or space for hire.
- Q. Roadside stands, offering for sale only local agricultural products of which at least seventy-five percent (75%) of the total value sold are produced upon the premises. A sign advertising such products not exceeding twelve (12) square feet in area may be used. Ample off-street or off-road parking space shall be provided to take care of all vehicles visiting the roadside stand. See Section 27.01D.
- R. Bulletin boards for public, charitable or religious institutions not exceeding twelve (12) square feet of area. See Section 27.01D.
- S. Accessory buildings and uses customarily incidental to any of the above uses, including quarters for people employed on the premises.

SEC. 6.02
(cont'd)

F. Temporary buildings and signs incidental to construction, which buildings and signs shall be removed upon the completion or abandonment of the construction work.

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

Yards

- A. There shall be a 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.
- E. No accessory building shall project into any required front, side or rear yard.

SEC. 6.05 ✓

Intensity of use: Every lot or tract of land shall have a minimum width of one hundred (100) feet frontage and an area of not less than one-half (1/2) acre.

SEC. 6.06

Minimum size: The minimum size of any house exclusive of Porches, garages, and Breezways shall be nine hundred sixty (960) Square feet of floor space on the first floor of a one-family two (2) bedroom dwelling and an additional one hundred fifty square feet of floor space for each additional bedroom.

Sec. 6.07
Amendment

Trailers, garages, basements or temporary structures may be used for human occupancy for a period of six (6) months only, and may be occupied only for ~~said~~ six (6) months while a permanent house is being constructed on the same lot.

REQ'D OF RESOLUTIONS

Dayton Legal Blank, Inc., Form No. 30045

Resolution No. 2980

Passed November 10, 2005

CLEARCREEK TOWNSHIP
WARREN COUNTY, OHIO

A RESOLUTION TO Approve EXHIBIT 2005-2, A MAP AMENDMENT THAT CHANGES THE ZONING CLASSIFICATION FROM RESIDENCE ZONE "R-1" TO OPEN SPACE RURAL RESIDENCE ZONE "OSR-1" FOR A TOTAL OF EIGHT THOUSAND THREE HUNDRED NINETY-SEVEN AND SEVENTY-SEVEN HUNDREDTHS (8397.77) ACRES OF LAND.

WHEREAS all public hearings, public notices to property owners, and the recommendation of the Warren County Regional Planning Commission for the Zoning Map amendment application have been conducted and made pursuant to the Clearcreek Township Zoning Resolution and Section 519.12 Ohio Revised Code; and,

WHEREAS the proposed rezoning request from Rural Residence Zone "R-1" to Open Space Rural Residence Zone "OSR-1" was APPROVED by the Zoning Commission after the conclusion of that public hearing held on August 2, 2005, with the following modification: remove 09-35-176-0012 (10.33 acres) and 09-35-176-0020 (13.03 acres) from the request due to a staff mapping error. These parcels are part of the preliminary approved Ullrich Subdivision; and,

WHEREAS on July 9, 2005 the Text Amendment 2005-1 became valid that renamed the zoning classification of Rural Residence "R-1" to Residence "R-1"; and,

WHEREAS, On August 30, 2005 the Clearcreek Township Board of Trustees conducted a public hearing to review Map Amendment Exhibit 2005-2. The Trustees moved to recess the request until September 19, 2005; and,

WHEREAS, On September 19, 2005 the Clearcreek Township Board of Trustees continued a public hearing to review Map Amendment Exhibit 2005-2. The Trustees moved again to recess the request until a revision to the OSR-1 Text could be occur; and,

WHEREAS, On October 27, 2005 the Clearcreek Township Board of Trustees directed staff to set the date for the public hearing to be November 10, 2005 at 7:00 PM and to notify all property owners and participates of the public hearing; and,

NOW THEREFORE, BE IT RESOLVED by the Board of Clearcreek Township Trustees that the said application for Open Space Rural Residence Zone "OSR-1" for a total of 8398.77 acres, be Approved.

Dr. McDonald moved to adopt the foregoing Resolution. Mr. Lamb seconded the motion and upon the call of the roll the following vote resulted:

Mr. Wade- yea
Dr. McDonald- yea
Mr. Lamb- yea

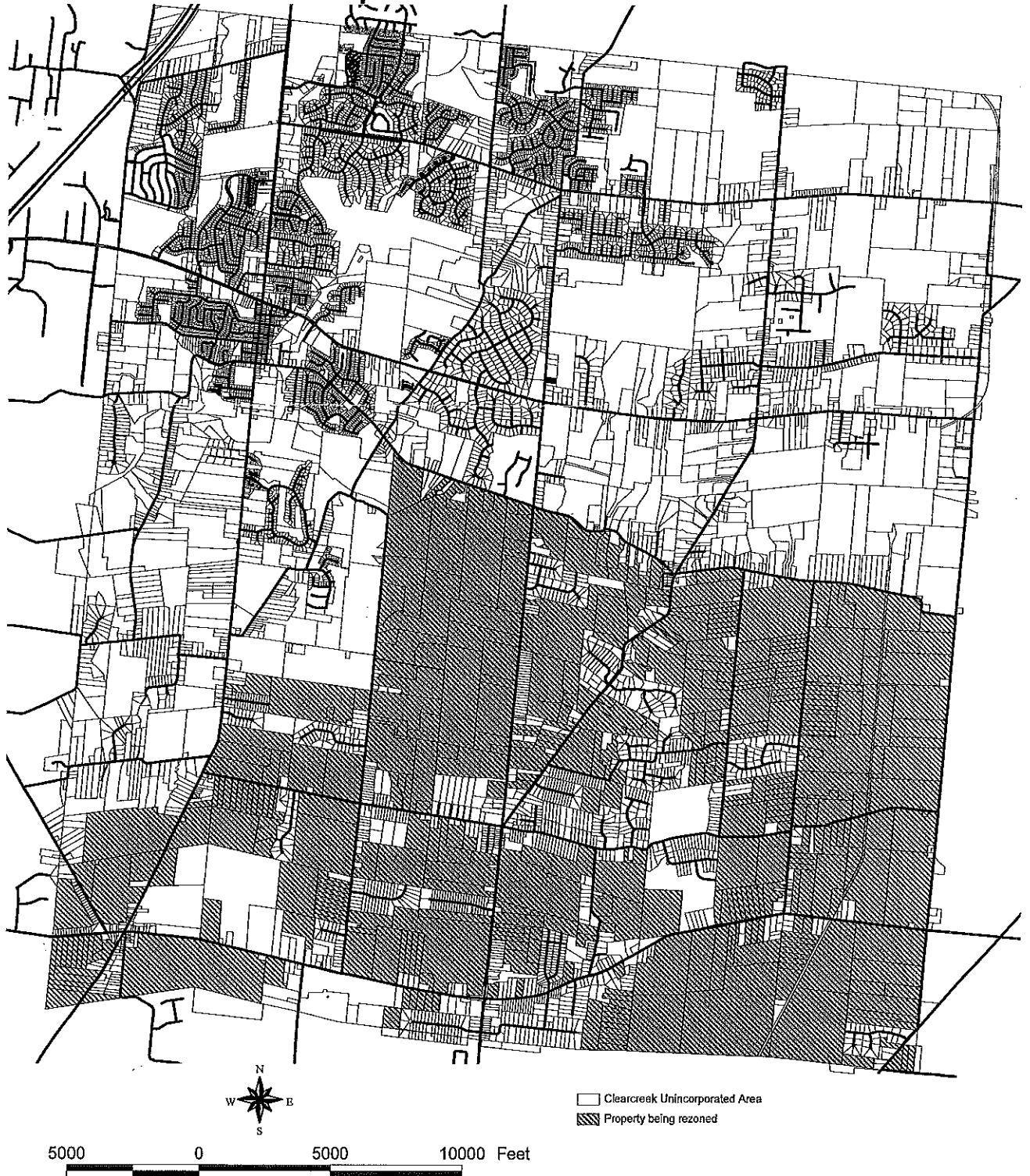
Resolution adopted at a regular pubic meeting conducted November 10, 2005.

THE BOARD OF CLEARCREEK
TOWNSHIP TRUSTEES

[Signature]
[Signature]
[Signature]

EXHIBIT "B"

Clearcreek Township,
Warren County, Ohio
Rezoning of more than ten
parcels of land as listed on
the county auditor's current tax list.
Map Amendment 2005-2.



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.