

RECORD OF RESOLUTIONS

Resolution No. 5025 Passed May 22, , 2017

**CLEARCREK TOWNSHIP
WARREN COUNTY, OHIO**

**A RESOLUTION TO INITIATE EXHIBIT 2017-1, AN AMENDMENT THAT
REFINES STANDARDS FOR CHAPTER 3 DEFINITIONS, CHAPTER 5
GENERAL PROVISIONS, CHAPTER 5.5 OPEN SPACE RURAL RESIDENCE
ZONE "OSR-1", CHAPTER 5.75 RESIDENCE ZONE "R-1", CHAPTER 6
TOWNSHIP RESIDENCE ZONE "TR-1", CHAPTER 16 PARKING AND
LOADING REGULATIONS AND CHAPTER 21 BOARD OF ZONING
APPEALS FOR THE CLEARCREEK TOWNSHIP, WARREN COUNTY,
OHIO, ZONING CODE**

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

NOW THEREFORE BE IT RESOLVED by the Board of Clearcreek
Township Trustees that the statutory process to amend the text of the Clearcreek
Township, Warren County, Ohio, Zoning Code be initiated for the purpose of updating
definitions and refining standards for Chapters: 3, 5, 5.5, 5.75, 16 and 22 as identified in
EXHIBIT "2017-1" attached herewith and deemed a part of this Resolution as if fully
rewritten herein.

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

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

Resolution adopted at a regular public meeting conducted May 22, 2017.

**THE BOARD OF
CLEARCREEK TOWNSHIP TRUSTEES**

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

Ed Wade

St Muterspaw

[Signature]

CHAPTER 3 DEFINITIONS

AMEND SEC. 3.028 Agritourism: AGRICULTURALLY RELATED EDUCATIONAL, ENTERTAINMENT, HISTORICAL, CULTURAL OR RECREATIONAL ACTIVITY, INCLUDING YOU-PICK OPERATIONS OR FARM MARKETS, CONDUCTED ON A FARM THAT ALLOWS OR INVITES MEMBERS OF THE GENERAL PUBLIC TO OBSERVE, PARTICIPATE IN OR ENJOY THAT ACTIVITY.

~~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.~~

ADD SEC. 3.3102 FARM BASED TOURISM: ACTIVITIES CONDUCTED ON A FARM AND OFFERED TO THE PUBLIC OR TO INVITED GROUPS FOR THE PURPOSE OF RECREATION, EDUCATION, ENTERTAINMENT, HOSPITALITY, OR OTHERWISE UNABLE TO BE CLASSIFIED AS AGRITOURISM. 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. ENTERTAINMENT: (CONCERTS, BARN DANCES, HAUNTED HOUSE, HAUNTED HAYRIDE, MINIATURE GOLF, TODDLER RIDES, PLAY GROUND AREAS, SCAVENGER HUNTS, CRAFT FAIR, ANTIQUE SHOWS, ART SHOWS).**
- 3. HOSPITALITY SERVICES: (BED & BREAKFAST, RETREAT CENTER, ASSEMBLY AREA, COUNTRY WEDDINGS, PARTY RECEPTIONS, PICNIC, CAMPFIRES, FAMILY REUNIONS, CATERING, COUNTRY STORE, GIFT SHOP, FAIR FOOD, CAMPING).**

4. OTHER SIMILAR USES AS DETERMINED APPROPRIATE BY THE BOARD OF ZONING APPEALS.

ADD: SEC. 3.431: LIVE SEX ACT BUSINESS: ANY BUSINESS IN WHICH ONE OR MORE PERSONS MAY VIEW, OR MAY PARTICIPATE IN, A LIVE SEX ACT FOR CONSIDERATION. A "LIVE SEX ACT" IS ANY ACT WHEREBY ONE OR MORE PERSON ENGAGES IN A LIVE PERFORMANCE OR LIVE CONDUCT WHICH CONTAINS ORAL SEXUAL CONTACT OR SEXUAL INTERCOURSE. "ORAL SEXUAL CONTACT" MEANS ORAL CONTACT WITH THE PENIS, VULVA OR ANUS. "SEXUAL INTERCOURSE" MEANS PENETRATION INTO THE PENIS, VULVA OR ANUS BY ANY PART OF THE BODY OR BY ANY OBJECT OR MANUAL MASTURBATORY CONTACT WITH THE PENIS OR VULVA. "CONSIDERATION" MEANS THE PAYMENT OF MONEY OR THE EXCHANGE OF ANY ITEM OF VALUE FOR: (A) THE RIGHT TO ENTER THE BUSINESS PREMISES OR ANY PORTION THEREOF; OR (B) THE RIGHT TO REMAIN ON THE BUSINESS PREMISES OR ANY PORTION THEREOF; OR (C) THE RIGHT TO PURCHASE ANY ITEM PERMITTING THE RIGHT TO ENTER, OR REMAIN ON, THE BUSINESS PREMISES OR ANY PORTION THEREOF; OR (D) THE RIGHT TO A MEMBERSHIP GRANTING THE RIGHT TO ENTER, OR REMAIN ON, THE BUSINESS PREMISES OR ANY PORTION THEREOF. LIVE SEX ACT BUSINESS MAY INCLUDE, BUT ARE NOT LIMITED TO, SEXUAL ENCOUNTER ESTABLISHMENTS AND SEXUAL ENCOUNTER CENTERS AS THEY ARE DEFINED HEREIN.

ADD: SEC. 3.64052: SEXUAL ENCOUNTER ESTABLISHMENT AND SEXUAL ENCOUNTER CENTERS: 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.

- (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.~~

CHAPTER 5 GENERAL PROVISIONS

AMEND SEC. 5.09 Deleted AGRITOURISM SHALL BE SUBJECT TO SITE PLAN REVIEW BY THE BOARD OF ZONING APPEALS.

ADD: SEC. 5.19: THE CULTIVATION, PROCESSING AND THE DISPENSARY SALE OF MEDICAL MARIJUANA, AS DEFINED IN OHIO REVISED CODE CHAPTER 3796, IS PROHIBITED IN ALL ZONING CLASSIFICATIONS.

ADD: SEC. 5.20: LIVE SEX ACT BUSINESSES ARE PROHIBITED IN ALL ZONING CLASSIFICATIONS.

CHAPTER 5.5 OPEN SPACE RURAL RESIDENCE ZONE "OSR-1" REGULATIONS

AMEND SEC. 5.524(G) ~~Agritourism~~ FARM BASED TOURISM

CHAPTER 5.75 RESIDENCE ZONE "R-1" REGULATIONS

AMEND SEC. 5.7524(G) ~~Agritourism~~ FARM BASED TOURISM

CHAPTER 6 TOWNSHIP RESIDENCE ZONE "TR-1" REGULATIONS

AMEND SEC. 6.024(D) ~~Agritourism~~ FARM BASED TOURISM

CHAPTER 16 PARKING AND LOADING REGULATIONS

AMEND 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:

USE

Dwelling, one (1) and two (2) family

PARKING SPACE REQUIRED

Two (2) for each dwelling unit

and summer cottages	
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
Educational Facilities	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
Hospital, sanitarium, convalescent home, nursing home, rest home, home for the aged or similar institution	One (1) for each three (3) beds
<u>USE</u>	<u>PARKING SPACE REQUIRED</u>
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

USE

PARKING SPACE REQUIRED

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 FARM BASED TOURISM	Total number of participants to the event divided by four (4) will determine the minimum number of temporary agricultural parking spaces

AMEND SEC. 16.05 (B) Surface and lighting:

- A. 1. 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. 2. All temporary ~~agritourism~~ FARM BASED TOURISM 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. 3. 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. 4. 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. 5. Parking and Loading Regulations, Service Equipment
 - F. A. 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. 1. A continuous one hundred (100) percent opaque hedge, fence, wall or earth form is required to enclose any service equipment on all sides.
 - b. 2. The buffer shall exceed the height of the service equipment by at least one (1) foot.
 - c. 3. 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.

CHAPTER 21 BOARD OF ZONING APPEALS

AMEND 21.01 (G) (H) 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.

ADD 21.01 (G) AGRITOURISM SITE PLAN REVIEW:

1. THE PARCEL, ON WHICH THE AGRITOURISM USE IS PROPOSED, MUST BE ENROLLED IN THE CURRENT AGRICULTURAL USE VALUE (CAUV) SYSTEM THROUGH THE WARREN COUNTY AUDITOR'S OFFICE.
2. THE SITE PLAN SHALL CONTAIN THE FOLLOWING INFORMATION FOR THE PROPOSED/EXISTING AGRITOURISM USE(S):
 - A. LOCATION FROM ALL PROPERTY LINES FOR ALL AGRITOURISM STRUCTURES.
 - B. SIZE DIMENSIONS (LENGTH & WIDTH) OF ALL AGRITOURISM STRUCTURES.
 - C. LOCATION AND SIZE DIMENSIONS (LENGTH & WIDTH) OF AGRITOURISM PARKING AREAS.
 - D. LOCATION AND SIZE DIMENSIONS (LENGTH & WIDTH) OF EXISTING AND PROPOSED DRIVEWAYS UTILIZED FOR THE AGRITOURISM USE.