

# Article 11

## Special Provisions

### 1100 Drive-in service

Commercial establishments, which by their nature create lines of customers waiting to be served within vehicles, shall be provided with off-street waiting areas based upon at least twenty (20) feet in length for each vehicle and at least ten (10) feet lane width with a minimum of the following:

- A. Drive-through restaurants, drive-through beverage docks, and similar commercial establishments shall provide no less than twelve (12) window approach waiting areas per pick-up window.
- B. Commercial establishments such as banks, savings and loan offices or other similar money windows shall provide no less than seven (7) window approach waiting areas person window or transaction point.
- C. Self-serve automobile washing facilities shall provide no less than five (5) waiting areas per stall. All other automobile washing facilities shall provide a minimum of ten (10) waiting areas.
- D. Automobile service stations and other establishments that disperse motor fuel at retail shall provide no less than two (2) waiting areas for each accessible side of fuel pump island. Fuel pumps shall not be located closer than fifteen (15) feet of a clear visibility area at a corner lot as defined in Article 2, Section 240. The minimum required waiting area shall not be within the clear visibility area.

### 1101 Temporary amusement parks

- A. Temporary amusement parks shall be permitted in the "A" Agricultural District by the Board of Zoning Appeals and guided by the requirements of this Section and by the general purposes of this Resolution.
- B. Temporary amusement parks shall be allowed only when shown that the atmosphere and weather conditions are such that no danger would result to the public from their erection and usage. Certification of the safety of such devices and equipment must be made in writing to the Board of Zoning Appeals.
- C. No operation of such use shall be allowed after 11:30 p.m. on weekends and 9:30 p.m. during the week.
- D. No usage shall be allowed to continue for a period in excess of ten (10) days.

## **1102 Temporary recreational vehicle occupied**

In the Agricultural district, Residential "R-1" and Residential "R-2" districts, storing a trailer, camper, recreational vehicle or boat shall be permitted providing that no habilitation be maintained and no business conducted therein while such vehicle is so parked or stored, however, occupying such vehicles for short periods of time deemed vacationing or recreation shall not be prohibited. Should the occupation of such a vehicle extend beyond a thirty (30) day period a permit will be required from the Zoning Administrator for an additional period of occupancy and if he so deems it necessary may seek a ruling of the Board of Zoning Appeals.

## **1103 Cemetery**

Any cemetery established after the effective date of this Resolution must contain no less than twenty (20) acres. Grounds must be landscaped so as to be an asset to the District in which is located.

## **1104 Temporary buildings**

In all Districts, a certificate shall be obtained from the Zoning Administrator for placement of a construction trailer or temporary building for uses incidental to construction work for a period of one (1) year, providing the owner has a building permit and shows evidence of continued progress. The unit shall be removed upon completion or abatement of the construction work or at the end of the year period.

## **1110 Private swimming pools**

Private swimming pools which meet the following conditions may be allowed in the Agricultural "A" or any Residential "R" district as an accessory use.

- A. The pool is intended for, and is used solely for, the enjoyment of the occupants and/or guests of the principal use of the property on which it is located.
- B. It shall not be located closer than twenty (20) feet to any property line and shall be located behind the building set-back line.
- C. The depth of the swimming pool shall be clearly marked at each end of the pool and the depth in feet shall be clearly marked along the side of the pool for each foot of depth.
- D. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height, must be constructed of a substantial material, be a minimum of

five (5) feet from the edge of the pool, and shall be maintained in good condition with a gate and lock except for above-ground pools with fencing which meets the provisions of subparagraph E below.

- E. The fencing for an aboveground pool under four (4) feet may be located on the outer pool walls. The combined height of the pool wall and fence shall be a minimum of four (4) feet above ground, the four (4) foot wall of the above-ground pool shall fulfill the requirement of a four (4) foot wall. All pool access points are to be provided with a lockable fence gate and a removable or retractable ladder to prohibit access to the pool when not in use.
- F. An Automatic Safety Cover, permanently installed on an in-ground pool, and meeting all the ASTM F 1346-91 standards governing such installations, shall be permitted in lieu of a traditional four (4) foot high fence. A professional plan detailing the installation shall be presented to the Zoning Administrator for approval before a pool permit can be issued.
- G. The drains for draining the pool shall be so located that the water will not flow onto the property of an adjoining property owner so as to constitute a nuisance or a health hazard.

## **1120 Community or club swimming pools**

Community and club swimming pools are permitted in all districts as a conditional use and shall comply with the following conditions and requirements.

- A. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- B. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line.
- C. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall must be constructed of a substantial material. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

## **1130 Farm ponds/lakes**

- A. Ponds/lakes located at least seventy-five (75) feet from the right-of-way do not require fencing.
- B. Ponds/lakes located less than seventy-five (75) feet from the right-of-way must be completely fenced, minimum four (4) feet high.

## 1140 Water Source Protection Overlay District

### A. Purpose and intent

It is the purpose of this Article to safeguard the public health, safety and welfare of the citizens and institutions of Jackson Township and Clermont County by reducing risks of contamination. The Water Source Protection Overlay District lies within the watershed of the East Fork of the Little Miami River. Certain land uses and activities within the Overlay District can contaminate water within the watershed.

### B. Extent and designation

These regulations apply to all land uses and activities located or proposed within the area delineated as the Water Source Protection Overlay District on the Jackson Township Zoning Map.

### C. Permitted uses

The permitted uses and regulations within the Water Source Protection Overlay District shall be those of the underlying zoning district unless otherwise regulated or prohibited by the provisions of the Overlay District.

### D. Prohibited uses

The following specific uses are prohibited:

1. Facilities for the permanent storage, disposal, collection or transfer of hazardous wastes (as defined under Federal Resource Conservation and Recovery Act (RCRA), Subpart D, 40 CFR 261.30; 261.31; 261.32; 261.33), infectious wastes, toxic wastes as determined in the Ohio Revised Code, Chapter 3750, or radioactive materials;
2. Sanitary landfills, demolition fills for the disposal of building materials or construction debris, landfills comprised of fly ash or boiler ash, and collection and transfer facilities for solid wastes.
3. Wood-preserving operations using formulations of chrome-copper-arsenate (CCA), pentachlorophenol (PENTA), creosote or other chemicals if disposed of would be defined as hazardous wastes under the Federal Resource Conservation and Recovery Act (RCRA) or hazardous substances under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).
4. Battery processing and reprocessing not intended to exclude the collection of batteries for recycling at service stations.

5. Processing, reprocessing, storage and disposal of PCB-containing substances.
6. Manufacturing and production of paving, roofing and other construction materials, using asphalt- or petroleum-based coating or preserving materials.
7. Metal industries that manufacture, produce, smelt or refine ferrous or non-ferrous metals.
8. Manufacturing or production of hazardous materials. These materials include any hazardous substance or hazardous waste as listed in the following federal regulations:
  - a. Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302, Extremely Hazardous Substances List (40 CFR 300, App. A and B).
  - b. Comprehensive Environmental Response Compensation and Liability Act, Superfund (CERCLA) of 1980, Hazardous Substances List (40 CFR 302, Table 302.4).
  - c. SARA of 1986, Section 313, Toxic Chemicals List (40 CFR Section 372.45).
  - d. Federal Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Waste Lists (P and U Categories) (40 CFR Section 261.33 (e) and (f)).
  - e. Radioactive materials or wastes.

E. Exemptions and exceptions

The following exemptions and exceptions to the provisions of Section D, prohibited uses, shall apply within the Water Resource Protection Overlay District.

1. Any non-agricultural or non-residential operation that utilizes, stores, generates or otherwise includes at any given time hazardous substances in quantities greater than the Final Reportable Quantities as provided in the list of Hazardous Substances and Reportable Quantities of the Comprehensive Environmental Response Compensation and Liability Act, Superfund (CERCLA) of 1980, Hazardous Substances List (40 CFR 302, Table 302.4), provided a building, site, and operational plan pursuant to the requirements of Section F of this article has been reviewed by and approved by the Jackson Township Board of Trustees.

2. The transportation of any hazardous, toxic or infectious substances provided the transporting vehicle is in transit.
3. The use of any hazardous substances solely as a fuel in a vehicle fuel tank or as a lubricant in a vehicle.
4. Agricultural production of crops and livestock.
5. Fire, police, emergency medical services, emergency management center facilities, public utilities, and electrical transformers.
6. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.
7. Office uses.
8. Repairing or maintaining of existing facility or improvements on lands within the Overlay District consistent with the provisions of this Resolution with regard to non-conforming uses.
9. Residential activities.

F. Plan review

To screen for such other uses or terms for uses, no use shall be permitted in this district without first submitting a site plan and formal request for a Zoning Resolution change to include the requested use to the Zoning Inspector for Zoning Commission review.

The following information must be written and mapped and submitted with the zoning resolution change:

1. Description of the proposed use including type of use or activity, products produced and Standard Industrial Code (S.I.C.)
2. A complete list of the types and volumes of all hazardous materials and fuels used, stored, processed, handled or disposed, as required to be provided to the Clermont County Local Emergency Planning Committee.
3. Description of types of wastes generated and method of disposal including solid wastes, hazardous wastes, sewage, and non-sewage wastewater discharges. Location of private drinking water supply wells within two hundred (200) feet of the property line and within two hundred (200) feet of a water body or water course.
4. If hazardous materials will be stored onsite, or if hazardous wastes will be generated, the following information shall also be submitted in addition to other required information.

- a. Location of public water supply sources within one thousand (1,000) feet of the property boundaries.
- b. A Storm Water Management Plan consistent with the requirements of the Clermont County Water Management and Sediment Control Regulations.
- c. A site plan and building plan showing hazardous materials loading, storage handling and process areas, floor drains, process vents, sewage disposal and waste storage or disposal areas.
- d. A spill prevention, monitoring and mitigation plan.
- e. Other information that is required to determine the potential impact of the proposed use on the drinking water within the East Fork Watershed including hydrogeologic information.

## **1150 Flood (F) District**

The flood district is established to prevent permanent human habitation of lands subject to periodic floods, which because of their nature constitute a threat to life and property.

### **A. Principal permitted uses**

The following uses and no others shall be permitted in the Flood District:

- 1. Agricultural operations; but not the spreading, accumulation, feeding, or the use of garbage in any manner on the open surface of the ground. Buildings in which animals are housed shall be at least five hundred (500) feet from any residence.
- 2. Forestry and farm buildings except for human habitation.
- 3. Public and private recreation areas to include: parks, play grounds, picnic grounds, golf courses, fishing lakes and boat docks. Outdoor rifle or skeet shooting ranges, baseball and football stadiums, and sports areas may be permitted, subject to the approval by the Board of Zoning Appeals. Circus, carnival, and similar portable amusement enterprises, provided no structure, tent, or apparatus may be located closer than five hundred (500) feet to any residence, school, or church.

### **B. Except as otherwise stipulated in this Section, any and/or all other permitted uses in this District shall be a minimum distance of two hundred (200) feet from a residence or residence district, dwelling, school, church, or institution for human care. For structure height, yard, and lot sizes see Article 8, Section 815 inclusive.**

## 1160 Quarries, Mining, and Gravel Pits

Quarries, mining, and gravel pits shall be permitted, but only in the Industrial (I1) District and then only when permitted as a conditional use by the Board of Zoning Appeals. In addition to the other requirements imposed by this Resolution, the following requirements shall be met.

### A. Submission of additional information

Six (6) copies of the additional information required shall be submitted with the conditional use application and shall include:

1. Name of the owner or owners of land from which the operation is being carried on.
2. Name of the applicant making request for such a permit.
3. Name of the person or corporation conducting the actual operation.
4. Location, description, and size of the area from which the removal is to be made.
5. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person, or corporation. The processing plant shall be located as to minimize the problems of dust, dirt, and noise insofar as is reasonably possible.
6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. General description of the equipment to be used.
9. Method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding area within four hundred (400) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.

### B. Development standards

1. No part of the quarrying, mining operation, or gravel pit shall be closer than two hundred (200) feet to any property line, road, or street.
2. For the protection of public safety; the individual, firm, or corporation in charge of the operation shall erect and maintain a metal fence at least eight (8) feet in height around the entire area and said fence shall be suitably posted advising the public of the operation contained herein and stating that no trespassing is permitted. Such fence shall be buffered from public view.
3. Roads leading into the quarry, pit, or mine shall be kept free of dust and mud and in adequate condition for the traffic carried. Roads exiting the quarry, pit, or mine shall be paved with a durable and dustless surface adequate for the traffic carried. Roads exiting the facility shall contain at least two (2) 60° curves and be paved with a durable and dustless surface at least one hundred (100) feet from the public right-of-way to prevent mud and gravel from entering onto the public right-of-way.
4. Any excavated area adjacent to the right-of-way of any public street or road shall be back-filled for a distance of one hundred fifty (150) feet from the right-of-way line.
5. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration
6. The Board of Appeals is authorized to impose such requirements with respect to providing additional adequate conditions as it may deem necessary and appropriate.