

# Article 8

## Zoning Resolution Districts

### 810 Agricultural Districts

The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the District Regulations for the Agricultural "A1" District.

### 811 Principal permitted uses

A building or premises shall be used only for the following purposes:

- A. Agriculture, including greenhouses and the agricultural building and structures.
- B. Churches and other places of worship, Sunday school buildings and Parish houses.
- C. Public elementary and high schools or private schools with a curriculum the same as ordinarily given in public elementary and high schools, and having no rooms regularly used for housing and sleeping rooms.
- D. Public owned and operated properties.
- E. Public and private forests, wildlife reservations or similar conservation projects, fishing lakes, recreational areas including the usual building therefor and the sale of food and refreshments.
- F. Cemeteries.
- G. Golf courses, including such buildings, structures and uses as are necessary for their operation.
- H. Hospitals and institutions of an educational, religious, charitable or philanthropic nature, provided however, that such buildings shall be located upon sites containing an area of five (5) or acres and occupy no more than ten (10) per cent of the total area of the lot.
- I. Public recreational buildings, public community buildings and public community fire houses, including such structures and uses as are necessary for their operation.
- J. The keeping of farm animals or poultry.
- K. Single and two (2) family residences including manufactured homes having a minimum usable floor area of one thousand (1,000) square feet excluding garage, basement, decks, porches, an unenclosed porches on individual lots if such lots

contain:

1. Thirty-two thousand, six hundred seventy (32,670) square feet or three fourths ( $\frac{3}{4}$ ) acre when served by public sanitary sewers or forty-three thousand, five hundred sixty (43,560) square feet or one (1) acre when not served by sanitary sewers.
  2. Lots shall also have a minimum of fifty (50) feet of frontage on a public or private road or street.
- L. Private grass landing fields shall be permitted in agriculture areas if not in conflict with county or state laws.

## **812 Conditional uses requiring Appeals Board authorization**

The following uses shall be considered conditional uses and will require written approval of the Board of Appeals. The Board of Appeals may attach such conditions and safeguards as it deems necessary to protect the character of the District.

- A. The extraction of minerals by a landowner for the landowner's own noncommercial use where such material is extracted and used in an unprocessed form on the same tract of land. The Appeals Board may grant approval if it determines that the removal of minerals does not exceed one acre of land excavated during twelve successive calendar months. Also, proposed use shall not constitute a fire hazard, nor emit smoke, noise, odor or dust which would be obnoxious or detrimental to neighboring properties. The land owner shall also submit a plan for the restoration of the disturbed area.
- B. Commercial radio and television transmitters and antennas.
- C. Beauty parlor, barber shop, home occupations, music school, dancing school, business school or school of any kind with organized classes or similar activity
- D. Rear Residences located on the same, undivided parcel as a primary residence (See Article One, Section 190, "Definitions").
- E. Private Clubs, lodges, private recreational buildings, and private community buildings, including such structures and uses as are necessary for their operation to assure such uses do not infringe upon the general welfare of the people in the district in which such operations are proposed to be located.
- F. Bed and Breakfast Facilities
- G. Group Homes; as licensed under State Law.

## **813 Accessory building and uses customarily incidental to any of the**

### **above uses including:**

- A. A private garage/car port.
- B. The keeping of customary household pets.
- C. Roadside stands, offering for sale only agricultural products. Stands shall be removed during any season for the period when they are not in use.

### **814 Height regulations**

- A. No building shall exceed two and one half (2½) stories or thirty-five (35) feet in height.
- B. Public, semi-public service buildings, hospitals, institutions or schools, may be erected to a height not exceeding sixty (60) feet and churches and temples seventy five (75) feet if the building is set back from required yard line at least one and one half (1.5) feet for each foot of building height.
- C. Church spires, domes, flagpoles, aerials, windmills, fire towers, belfries, monuments, tanks, watch towers, or necessary mechanical appurtenances may be erected if set back from the required yard line at least one and one half (1.5) feet for each foot of height.

### **815 Setbacks**

- A. Front Yard
  - 1. There shall be a minimum set back of seventy-five (75) feet from the right-of-way line of any road or street for any house or building. If the average setback distance of three (3) or more houses within five hundred (500) feet on each side is greater than the above distance, then any new home must be set back the average of said houses, except that no house shall be required to set back more than one hundred (100) feet.
  - 2. In the residence districts when forty (40) per cent or more of the frontage on the same side of the street between two (2) intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more six (6) feet, no building shall project beyond the average front yard so established, but this Resolution shall not be interpreted to require a front yard of more than one hundred (100) feet.
  - 3. Where lots have double frontage, the required front yard shall be on both streets and to allow for the maximum state highway requirements, the Board shall affix, at determined high density traffic areas, special set backs.
  - 4. Where a lot is located at the intersection of two (2) or more streets, there

shall be a front yard on each side of the corner lot, except that the buildable width of such lot shall not be reduced to less than forty (40) feet, and any accessory building shall not project beyond the front yard line on either street. (Refer to paragraph 3 above.)

5. On any corner lot, no fence, structure, or planting shall be permitted within twenty (20) feet of any "corner" or stop line marker so as to interfere with visibility of the cross street. (See Traffic Visibility Diagram on page 3-8.)

**B. Side Yard**

There shall be a side yard on each side of a single-family dwelling; each yard shall have a width of not less than thirty (30) feet.

**C. Rear Yard**

There shall be a rear yard having a depth of not less than thirty (30) feet.

- D. Reference Article 2 also for any General Provisions regarding area setbacks.**

## **816 Detached Garages**

Detached garages, located no more than twelve (12) feet from the main structure, and used for the sole purpose of storing up to two (2) private vehicles may be built in the side yard next to a main building. A detached garage shall not be more than five hundred and seventy-six (576) square feet, and shall not be less than three hundred (300) square feet, and shall not be more than twelve (12) feet at the peak; must be totally enclosed on all four sides with one double, or two single overhead doors and may not encroach into the front setback line. A detached garage shall not be less than thirty feet from any side or rear lot line. Any other type of structure shall be regulated as an Accessory Building.

## **818 Accessory building regulations**

Accessory buildings, except roadstands, and temporary buildings which are not part of the main building, shall be built in the rear yard and not less than three (3) feet from the rear and side lot lines. An accessory building which is not part of the main building shall not occupy more than thirty (30) percent of the required rear yard. Busses, mobile homes, and semi-tractor trailers shall not be permitted as an accessory use.

## **819 Projections**

- A. Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground of the first story may project into a required yard, provided these projections are at least five (5) feet from the adjacent side lot line.

- B. Open or lattice enclosed fire escapes, fireproof stairways and balconies opening upon fire towers may project into a yard not more than five (5) feet. The ordinary projections of chimney and flues are permitted.
- C. An open unenclosed or screened porch, or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.

## **820 Residential “R1” District**

The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the District Regulations for the Residential “R1” District.

## **821 Principal permitted uses**

- A. Any use or structure permitted and as regulated in the Agricultural District except as hereinafter modified.
- B. Single and two (2) family dwellings.

## **822 Conditional uses requiring Appeals Board authorization**

- A. Beauty parlor, barber shop, home occupations, music school, dancing school, business school or school of any kind with organized classes or similar activity.
- B. Specialized animal raising: Pigeon, rabbit and other similar animals.
- C. Cemeteries, provided they are adjacent to or are an extension of existing cemeteries.
- D. Private radio and television transmitters and antennas extending above the peak of the residence.

## **823 Irregularly shaped parcels of ground**

On applications where a parcel of ground with an irregular shape having more than the required acreage necessary within this district, but having less than the necessary road frontage required for placement of a residence is submitted, the required frontage width shall begin at that point in depth where the irregular parcel meets the minimum building frontage requirements. The setback, side and rear area requirements of this District shall begin at said point.

## **824 Minimum floor area**

The minimum useable floor area of a single family residence shall not be less than one-thousand (1000) square feet, excluding garage, basement, decks, porches and

unenclosed porches.

## **825 Accessory uses**

- A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages and stables, under conditions specified herein, provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk giving access to such activity. The boarding of animals or the keeping of fowl or farm animals is permitted in a building at least one hundred (100) feet distant from every lot line.
- B. Gardening, the raising of vegetables or fruits and the keeping of domestic or farm animals exclusively for the use of personal enjoyment of residents of the premises and not for commercial purposes, provided that any heating plant and any structure in which farm animals are kept shall be located not less than one hundred (100) feet from every lot line.
- C. Summer houses and living quarters, without kitchen facilities, of persons employed on the premises and not rented or otherwise used as a separate building.
- D. Any accessory use of structures permitted and as regulated in the Agricultural District, except that the raising or keeping of fowl, domestic or farm animals shall not be permitted on any lands used or platted for residential purposes except as stated in Article 825, Paragraphs A and B.
- E. The office or studio in the residence of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher, or other member of a recognized profession, but not including a beauty parlor, barber shop, music school, dancing school, business school or school of any kind with organized classes or similar activity, provided that not more than one half ( $\frac{1}{2}$ ) of the floor area of one (1) floor of the dwelling is devoted to such office or studio: that no such use shall require internal or external alterations or involve construction features not customary in dwellings: that the entrance to such office or studio shall be from within the dwelling.
- F. Customary home occupation such as handicraft, dressmaking, millinery, laundering, preserving and home cooking, provided that such occupations shall be converted solely by residence occupants in their residence and provided that not more than one quarter ( $\frac{1}{4}$ ) of the area of one (1) floor of said residence shall be used for such purpose. That no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings and that the entrance to the space devoted to such use shall be from within the dwelling.
- G. The keeping of not more than two (2) roomers or boarders by a resident family.

### **830 Residential “R2” District**

The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the District Regulations for the Residential “R2” District.

### **831 Principal permitted uses**

- A. Any use of structures permitted and as regulated in the Residential (R1) District.
- B. Single family, two (2) family and multiple dwellings on lots within an area served by a public or community sewage disposal system and provided the following minimum lot width and area requirements shall be completed.
  - 1. Single Family Dwellings: One hundred fifty (150) feet width; thirty-two thousand six hundred seventy (32,670) square feet or three fourths (3/4) of one (1) acre of lot area.
  - 2. Two (2) Family Dwellings: One hundred fifty (150) feet width; thirty-two thousand six hundred seventy (32,670) square feet or three fourths (3/4) of one (1) acre of lot area.
  - 3. Multi-Family Dwellings: One hundred fifty (150) feet width with a minimum of five thousand (5,000) square feet of lot area per unit and a minimum lot area of forty three thousand, five hundred sixty (43,560) square feet or one (1) acre.
- C. Conversion of single family dwellings into two family dwellings provided these conform with the lot area frontage and yard requirements for such two family dwellings in the Article, (refer to height and area requirements).

### **832 Accessory uses**

Any accessory use of structures permitted and as regulated in the Residential "R1" District.

### **833 Irregularly shaped parcels of ground**

On applications where a parcel of ground with an irregular shape having more than the required acreage necessary within this district, but having less than the necessary road frontage required for placement of a residence is submitted, the required frontage width shall begin at that point in the depth where the irregular parcel meets the minimum building frontage requirements. The setback, side and rear area requirements of this District shall begin at said point.

### **840 Retail business “B1” District**

The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the district's regulations in the Retail Business "B1"

District.

## **841 Intent**

The intent of the Retail Business District is to provide for the establishment of areas for retail convenience goods and services which would tend to meet the daily needs of local residents of one (1) or more neighborhoods.

## **842 Principal permitted uses**

The following uses shall be permitted:

- A. Barber shops
- B. Beauty shops
- C. Opticians
- D. Photographers
- E. Tailor and dressmaking shops
- F. Pharmacies
- G. Medical and dental offices
- H. Self service laundry and dry cleaning station, (not including commercial laundries and dry cleaning plants)
- I. Non-profit clubs, lodges, and community halls
- J. Banks
- K. Garden centers and hardware stores
- L. Farm produce stands
- M. Food stores
- N. Liquor stores
- O. Retail bakery, (not including commercial bakeries serving other areas)
- P. Specialty shops including:
  - 1. Art supplies
  - 2. Books and stationary

- 3. Dry goods and notions
- 4. Sporting goods
- 5. Jewelry and gifts
- 6. Music supplies
- 7. Antiques and crafts
- Q. Offices, professional and business
- R. Restaurants, including drive-in and fast food types
- S. Gasoline stations - providing tanks are buried beneath the ground. Automobile minor repairs when conducted inside the building.

### **843 Conditional uses requiring Appeals Board authorization**

Any use not specifically permitted in this District, but which is of the same general character and intent of this District, shall be considered to be a conditional use and will require a conditional use permit from the Board of Zoning Appeals.

### **844 Setbacks**

- A. The front setback for all uses permitted in this District shall be seventy-five (75) feet from right-of-way line.
- B. A minimum side yard of three (3) feet shall be required, unless a lot or parcel of land adjoins an Agricultural or Residential District, in which case a side yard of thirty (30) feet shall be required.
- C. A rear yard having a depth of not less than twenty (20) percent of the lot depth shall be provided, except that no rear yard shall be less than twenty (20) feet.
- D. Whenever a plan for Clermont County shall have been adopted showing proposed future widths of streets or proposed widening of an existing highway or street, structures or buildings shall be setback from the proposed right-of-way line.
- E. There shall be a landscape buffer screen area providing an adequate site, noise and air pollution barrier between the uses permitted in this District and any adjacent Agricultural or Residential Districts. Landscape buffer screens shall be provided and maintained in accordance with Article 2, Section 220.
- F. Where lots have double frontage, the required front yard shall be on both streets and to allow for the maximum state highway requirements the Board shall affix

special setbacks at determined high density traffic areas to coincide with changing highway requirements.

- G. There shall be no projection beyond the setback lines as determined above.

## **845 Intensity of use**

No minimum lot width or size shall be required in the Retail Business "B1" District for business use provided that public sewers are utilized. If public sewers are not available, a lot size of one (1) acre with a lot width at the building line of one hundred fifty (150)

## **850 Commercial "C1" District**

The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the District Regulations for the Commercial "C1" District.

## **851 Intent**

The purpose of the Commercial District is to establish areas with adequate facilities and access to major transportation corridors for light manufacturing, wholesale and community retail businesses which would not be incompatible with the overall, rural atmosphere of Jackson Township.

## **852 Principal permitted uses**

- A. Establishments, including sales lots, for the display, hire, sale, and major repair of automobiles, trucks, trailers, and farm implements. All operations other than display and sales shall be within an enclosed building.
- B. Trucking and truck terminals, including storage warehouses and transfer facilities.
- C. Motels, provided that access is from a state or federal highway.
- D. Full service laundry and dry cleaning establishments.
- E. Lumber and building material sales yards, millwork and prefabrication; building material sales, storage yards, and woodworking plants.
- F. Appliance, small engine and small tool repair.
- G. Commercial food processing and packaging.
- H. Agricultural feed mill and related product sales.

- I. Machine shops and light manufacturing of precision instruments.
- J. Commercial baseball fields, swimming pools and similar open air recreation uses, and structures and facilities if located at least one hundred and fifty (150) feet from any residence.
- K. Contractor equipment storage yard or plant such storage yard and plant shall be located at least two hundred (200) feet from Residential Districts and one hundred (100) feet from adjoining property lines.
- L. Drive-in, eating and drinking establishments, summer gardens and roadhouses, including entertainment and dancing.
- M. Bar, cocktail lounge, night club, billiard and pool halls, bowling alleys, dance hall, roller skating rink and similar establishments.
- N. Miniature golf courses and golf driving ranges.

### **853 Conditional uses requiring Appeals Board authorization**

The following uses and any use not specifically permitted in this District, but which is of the same general character and intent of this District, shall be considered conditional uses in the Commercial "C1" District and will require conditional use permit from the Board of Zoning Appeals.

- A. Neighborhood shopping centers and other groupings of commercial buildings where there is a development of five (5) or more retail or service establishments under single ownership, provided:
  - 1. The applicant presents plans and specifications for the proposed use in a form suitable for making the determination required herein.
  - 2. There is approval of a plan of access to the highway from the agency responsible for the maintenance of the highway.
  - 3. The entrance and exits shall be located where possible so as to afford unobstructed sight distance for five hundred (500) feet in each direction along the highway.
  - 4. All other applicable provisions of this Resolution are met.
- B. Drive-in theaters subject to the same conditions and restrictions as follows:
  - 1. The applicant presents plans and specifications for the proposed use in a form suitable for making the determination required herein.
  - 2. There is approval of a plan of access to the highway from the agency responsible for the maintenance of the highway.

3. The entrance and exits shall be located, where possible, so as to afford unobstructed sight distance for five hundred (500) feet in each direction along the highway.
  4. All buildings and structures (except fences) shall be at least one hundred (100) feet from any property line.
  5. The picture screen shall not face or be placed so it may be viewed from any major highway and shall be screened from view by trees or fences from adjacent roads.
  6. Provisions shall be made to subdue speaker sounds when the theater abuts a Residential District.
  7. All other applicable provisions of this resolution are met.
- C. Equipment rental
- D. Self Storage in a totally enclosed structure

## **854 Setbacks**

- A. The front setback for all uses permitted in this district shall be seventy-five (75) feet from right-of-way line.
- B. A minimum side yard of three (3) feet shall be required, unless a lot or parcel of land adjoins an Agricultural or Residential District, in which case a side yard of thirty (30) feet shall be required.
- C. A rear yard having a depth of not less than twenty (20) percent of the lot depth shall be provided, except that no rear yard shall be less than twenty (20) feet.
- D. Whenever a plan for Clermont County shall have been adopted showing proposed future widths of streets or proposed widening of an existing highway or street, structures or buildings shall be set back from the proposed right-of-way line.
- E. There shall be a landscape buffer screen area providing an adequate site, noise and air pollution barrier between the uses permitted in this District and any adjacent and Agricultural or Residential District. Landscape buffer screen shall be provided and maintained in accordance with Article 2, Section 220.
- F. Where lots have double frontage, the required front yard shall be on both streets and to allow for the maximum state highway requirements the Board shall affix special setbacks at determined high density traffic areas to coincide with changing highway requirements.

G. There shall be no projection beyond the setback lines as determined above.

### **855 Intensity of use**

A minimum lot size of three fourths (3/4) of an acre with sewers, one (1) acre without sewers and a minimum lot width at the building line of one hundred fifty (150) feet shall be required in the Commercial "C1" District for uses permitted in this Section.

### **860 Industrial "I1" District**

The regulations set forth in the following sections, or set forth elsewhere in this Resolution, when referred to in this, Section, are the district regulations in the Industrial "I1" District.

### **861 Intent**

The intent of the Industrial "I1" District is to provide for planned industrial or manufacturing uses which require extensive community facilities and direct or marginal access; or industrial roads to primary thoroughfares; and which are not incompatible with the overall rural atmosphere of Jackson Township

### **862 Principal permitted uses**

All permitted uses in the Industrial "I1" District are subject to the standards listed in Section 863 as well as conditions of use which may be imposed by the Jackson Township Board of Zoning Appeals.

- A. Major manufacturing, processing, warehousing and major research or testing operations.
- B. Sexually Oriented Businesses as described and regulated in Article 13.
- C. Quarries, Mining, and Gravel Pits as described and regulated in Article 11, Section 1160.

### **863 Conditional uses requiring Appeals Board authorization**

The conditional uses in the Industrial "I1" District shall include but not be limited to other uses similar to storage, repair, manufacturing or industrial processes including food processing which by the nature of materials, equipment and processes utilized, are not objectionable.

## 866 Standards

Before the issuance of a certificate for the construction of an industrial building, structure or usage in the Industrial "I1" District, plans for such building, structure, or any type of uses above, on, and/or below the surface, along with an outline of the process utilized in the manufacturing or assembly of the product or an explanation of the nature of the business to be conducted, shall be presented to the Board of Zoning Appeals. In determining if the proposed use is in compliance with the intent of this Section, the Board of Appeals shall be guided by the following standards:

A. Fire Hazards:

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved (refer to the State of Ohio Fire Code).

B. Radioactivity or Electrical Disturbance:

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

C. Noise:

Objectionable noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Disaster, emergency or warning sirens or related apparatus used solely for public purposes are exempt from this requirement.

D. Vibrations:

No vibration shall be permitted which is discernible without instruments on any lot or property, other than the lot or property on which the vibration is generated.

E. Air Pollution:

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

F. Glare:

No direct or reflected glare shall be permitted which is visible from any property outside the "I1" Industrial District or from any street.

G. Erosion:

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

H. Water Pollution:

Water pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency. The Board of Zoning Appeals, in making its determination, may solicit advice from the U.S. Soil Conservation Service, Clermont County Planning Commission, Ohio Environmental Protection Agency and such other agencies as it may deem necessary.

## **868 Setbacks**

- A. The front setback for all uses permitted in this District shall be one hundred (100) feet from the right-of-way line.
- B. A minimum side yard of twenty (20) feet shall be required, unless a lot or parcel of land adjoins an Agricultural or Residential District, in which case a side yard of one hundred (100) feet shall be required.
- C. A rear yard having a depth of not less than twenty (20) percent of the lot depth shall be provided, except where the lot adjoins a Residence District, in which case a rear yard of one hundred (100) feet shall be required.
- D. Whenever a plan for Clermont County shall have been adopted showing proposed future widths of streets or proposed widening of an existing highway or street, structures or buildings shall be set back from the proposed right-of-way line.
- E. There shall be a landscape buffer screen area providing an adequate site, noise and air pollution barrier between the uses permitted in this District and any adjacent Agricultural or Residential District. Landscape buffer screens shall be provided and maintained in accordance with Article 2, Section 220.
- F. Where lots have double frontage, the required front yard shall be on both streets and to allow for the maximum state highway requirements the Board shall affix special setbacks at determined high density traffic areas to coincide with changing highway requirements.
- G. There shall be no projection beyond the setback lines as determined above.

## **869 Intensity of use**

A minimum lot size of three (3) acres and a minimum lot width at the building line of two hundred fifty (250) feet shall be required in the Industrial "I1" District for industrial uses permitted in this Section.