

Article 2

General Provisions

200 Interpretations and Modifications:

Requirements and regulations specified in this Resolution shall be subject to the exceptions, modifications, and interpretations set forth in this article.

- A. Existing lots of record. In any District where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record as of the effective date of this Resolution, irrespective of its area or width, provided the owner of such lot does not own any adjoining property, except that no lot shall be deemed to be less than one hundred (100) feet wide for the calculation of yard requirements, and provided, further:

1. The sum of the side yard widths on any such lot need not exceed thirty (30) percent of the width of the lot, but in no case shall the width of any side yard be less than ten (10) percent of the width of the lot; provided, however, that on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than ten (10) feet or twenty (20) percent of the frontage, whichever is the greater.
2. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than twenty (20) feet.

- B. Height

The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, state towers on scenery lots, calling towers, ornamental towers and spires, chimneys, elevator machine rooms, smokestacks, conveyors and flag poles, except where the height of such structures will constitute a hazard to the safe landing and take-off of military, public, commercial, and private aircraft at an established airport.

- C. Area requirements

In any district, where public sanitary sewers are not accessible, the otherwise specified lot area and frontage requirements, if less than the following, shall be: lot area: 43,560 square feet or one (1) acre; lot frontage at building line: one hundred fifty (150) feet.

D. Front Yards

1. When forty (40) percent or more of the frontage on one side of the street between two (2) intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the District, no building shall project beyond the average front yard so established, provided, however, that a front yard depth shall not be required to exceed fifty (50) percent in excess of the front yard otherwise required in the District in which the lot is located.
2. On lots having double frontage created by a side street or street in the rear of the lot, the required front yard depth shall be provided on both streets.
3. In all districts, no fence, structure, or planting higher than three (3) feet above the established street grades shall be maintained within twenty (20) feet of any street intersection.
4. An open, uncovered porch, patio, or paved terrace may project into a required front yard for a distance of not more than ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.
5. In any "R" District where the natural grade of a lot within the required front yard has an average slope of such a degree or percent of slope that it is not practical to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Resolution, such garage may be located within such front yard, but not in any case closer than twenty (20) feet to the street right-of-way line, nor closer than forty-five (45) feet to the center line of the street.
6. Filling station pumps and pump islands may be located within a required yard, provided they are not less than fifteen (15) feet from any street line and not less than fifty (50) feet from the boundary of any Residential District.

E. Side Yards

1. On a corner lot, the width of the yard along the side streets shall not be less than any required front yard on such a street, provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet.
2. No accessory building shall project beyond a required yard line along any street.
3. Where dwelling units are erected above commercial establishments, no side yard is required except when required for the commercial building.
4. A porte-cochere or canopy may project into a required side yard, provided every part of such port-cochere or canopy is unenclosed and not less than seven (7) feet from any side lot line.

5. For the purpose of side yard regulation, a two-family (2) dwelling or multiple dwelling shall be considered as one (1) building occupying one (1) lot.
6. An owner of a dwelling erected prior to the effective date of the initial Resolution of 1972 shall be permitted to enlarge or structurally alter such dwelling to provide additional enclosed space for living or garage purposes, provided, however, that no side yard shall be reduced to less than twenty five (25) feet.

F. Rear Yards

1. Where a lot abuts upon an alley, one-half (1/2) the alley width may be considered as part of the required rear yard.
2. In any "R" District one accessory building not exceeding fourteen (14) feet in height, may occupy not to exceed twenty (20) percent of the required rear yard or six hundred (600) square feet, whichever is greater, plus one (1) lawn building or storage shed not to exceed one hundred and twenty (120) square feet in area nor ten (10) feet in height may occupy space in the rear yard. No accessory building shall be closer than ten (10) feet to the main building, nor closer than three (3) feet to any rear lot line and the side yard setbacks to be the same as required for the main building.

Unenclosed parking spaces may occupy not to exceed ninety (90) percent of the area of required rear yard.

3. In any "R" District miscellaneous structures such as radio transmission or receiving towers, windmills, television reception towers or any other structures of similar nature, excluding public utilities, that exceed twenty (20) feet in height shall be set back from all property lines a distance at least equal to their total height.
4. See illustrations "Roof Types and Building Height" on page 2-9, "Lot Terms" on page 2-10, "Basement and Story" on page 2-11, and Table "Height and area requirements" on page 2-12.

201 Uses prohibited

Privately owned or operated landfills, auto junk yard, salvage operation, recycling center, incinerator, manufactured home park, mobile home park, trailer park, or camps shall be prohibited in Jackson Township, Clermont County, Ohio.

210 Agricultural use

Nothing contained in this resolution confers any powers on any township zoning commission, board of township trustees, or board of zoning appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no zoning certificate shall be required for any such building or structure.

211 Land use

No building, dwelling, or structure shall be erected, converted, enlarged, reconstructed or structurally altered nor shall any building, structure or land be used which does not comply with all the districts regulations established by this resolution for the district in which the building or land is located.

214 Temporary recreational vehicle occupied

In the agriculture district, resident "R-1" and residence "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 the Zoning Administrator may seek a ruling of the Board of Zoning Appeals.

216 Resolution effective date

The minimum yards and other open space provisions contained in this resolution for each and every building existing at the effective date of this resolution shall not be encroached upon or considered as yard or open space requirements or density of population requirements for any other building.

218 Nuisance prohibited

No, inoperable, wrecked, unlicensed vehicles; abandoned, discarded, unsafe manufactured homes; inoperable machinery or equipment, including abandoned or inoperable agricultural equipment; discarded furniture, appliances, machine parts or junk or other miscellaneous materials shall be permitted to remain other than within a totally enclosed structure on the premises in any district with the exception of farm implements currently being used in agriculture.

220 Buffers

Where buffers are required between two (2) different land uses, a buffer screen shall be used to provide an adequate site, noise and pollution barrier. Depressions, raised berms, landscaping, fencing or any combination thereof are satisfactory methods to create such a barrier.

Where a landscape buffer screen is used, an evergreen planting screen shall be used to provide an adequate barrier. The plant material used shall be a minimum height of four (4) feet at the time of planting and shall be planted in an arrangement in order to provide an immediate effect. Deciduous and semi-deciduous plant material may be used with evergreens to provide an immediate effect and accent in color. In all cases where plant material is used as a buffer screen, the plants shall be placed in such a manner that the mature growth of such plants is a minimum distance of three (3) feet from said property lot line or public right-of-way. See illustration "Buffers" on page 2-13.

221 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.

222 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.

232 Compliance with regulations

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the unincorporated area of the township except as specifically, or by necessary implication, authorized by this Resolution. Conditional uses shall be allowed only by certificate granted by the Zoning Board of Appeals upon finding that the specified, allowable conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication. Violators of these provisions will be prosecuted and penalized to the fullest extent as described in Article 3, Section 360.

234 Administrative standards

Whenever, in the course of administration and enforcement of this Resolution, it is necessary or desirable to make any administrative decision, which is not specifically addressed by this Resolution, the decision shall be made so that the result will not be contrary to the purpose and intentions of this Resolution.

236 Conversion of dwellings

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Resolution, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open space, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter with the article applying to such district.

240 Traffic visibility across corner lots

In any district in order to provide a clear view of intersecting streets to motorists there shall be provided a triangular area of clear vision between the heights of two and one half (2 1/2) feet and ten (10) feet above the grade at the two street center lines. No fence, structure, structural support or planting shall be erected or maintained within this triangular clear vision zone that would materially affect visibility.

This triangle area of clear vision shall be formed by the street right-of-way lines on the near side of the streets and a diagonal across the corner intersection these street right-of-way lines twenty (20) feet from their corner intersection as measured along the right-of-way lines. If no established right-of-way line exists the assumed right-of-way line shall be located not less than twenty-five (25) feet from the centerline of each street. (See diagram on page 2-9)

242 Essential services

Essential services, such as the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, main drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public health or safety or general welfare, but not including buildings, shall be permitted as authorized and regulated by law and other resolutions of the Township Trustees, it being the intention hereof to exempt such essential services from the application of this Resolution.

244 Pending application for building permit

Nothing herein obtained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof, for which official approvals and/or required building permits have been granted before the enactment of this Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution and completion thereof carried on in a normal manner within the subsequent six (6) month

period and not discontinued until completion, except for reasons beyond the builder's control.

246 Private streets

For developments served by private streets, the minimum yard, lot widths, parking spaces, open spaces, including lot area per family required by the Resolution based upon a private street right-of-way width of fifty (50) feet shall conform to the requirements of this Resolution for the district in which such lot is located exclusive of three (3) or more dwelling units, or business, commercial, industrial or other such areas.

248 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 per 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 Section 240, this Article. The minimum required waiting area shall not be within the clear visibility area.

250 Required trash area

All commercial, industrial, business and multi-family residential buildings of more than four (4) units that have exterior trash or garbage collection area shall enclose at least three (3) sides by a solid wall or solid fence adequate in height to screen the containers and provide for vehicular access to and from such areas. Certificate is required.

254 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 said 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.

256 Roadways

For the purpose of this Resolution, no street or road right of way shall be considered to be part of a lot. The right of way of any street, except as otherwise specified in the official highway plan for Clermont County, Ohio, shall be deemed to be fifty (50) feet in width.

258 Permitted uses revoked

Any use permitted in this resolution shall be revoked and discontinued if because of lighting, dust, odors, smoke, gas, noise, fumes, flame, vibration, or physical deterioration it becomes a hazard to the neighborhood in which the use is located.

260 Frontage

Every lot with an area of less than five (5) acres shall front on a public street, and shall have a minimum street frontage of twenty-five (25) feet. Lot width at the building line shall be a minimum of one hundred and fifty (150) feet. This section shall not apply to any lot five (5) acres or more in size.

262 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 disturbances.