

## CHAPTER 204 SPECIAL PROVISIONS

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### CROSS REFERENCES

Ch. 205 Permitted and Conditional Uses

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#### 204.01 ADULTS-ONLY ENTERTAINMENT ESTABLISHMENT

Adults-Only Entertainment Establishment, as defined in Sec. 102.02 and including Adult Book Stores and Adult Motion Picture Theaters, shall be allowed in the Community Service District, subject to approval in accordance with Ch. 107, except that such use shall not be permitted within one-thousand (1,000) feet of the following areas and/or structures:

1. Residential Zoning Districts or Residential Uses.
2. Churches and Houses of Worship.
3. Schools and all other Educational Institutions.
4. Parks, Playgrounds and other Recreational Facilities.

Such use shall not be permitted within one-thousand (1,000) feet of another such Adults-Only Entertainment Establishment, including Adult Book Stores and Adult Motion Picture Theaters.

#### 204.02 AGRICULTURE - PERMITTED REGULATIONS

Within any platted subdivision or in any area consisting of fifteen (15) or more lots, subdivided under the *Subdivision Regulations of Franklin County, Ohio*, that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the Township shall regulate:

1. Agriculture on lots of one (1) acre or less.
2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one (1) acre but not greater than five (5) acres by: setback building line, height, and size.

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3. Dairying and animal and poultry husbandry as to use on lots greater than one (1) acre but not greater than five (5) acres when at least thirty-five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes. After thirty-five percent (35%) of the lots are so developed, existing dairying and animal and poultry husbandry as a use shall be considered nonconforming use of land and buildings or structures (ORC 519.21).

### **204.03 AIRPORTS**

1. The applicant shall present sufficient evidence that the design and location of the airport satisfied all of the applicable requirements of the Federal Aviation Administration, and the Ohio Department of Transportation, Division of Aviation, and Franklin County.
2. The applicant shall provide proof that all appropriate air rights and/or easements have been secured from surrounding property owners and in all runway paths.
3. The location of buildings, hangars, or other structures shall meet or exceed the minimum setback requirements of the district in which the airport is located.
4. The location and capacity of all off-street parking and loading areas and the location of vehicular access to public streets shall be approved by the Board of Zoning Appeals.
5. All airports shall have water supply and wastewater disposal facilities approved by the Ohio EPA.
6. Appropriate visual and noise screening of the hanger and terminal areas from existing surrounding development shall be provided as per Chapter 304.
7. The airport shall be at least seventeen hundred and fifty (1750) feet from any existing residence or residential district.
8. Commercial or industrial uses shall be prohibited unless a conditional use permit is granted for each use.
9. Evidence shall be submitted to show the facility complies with all airport zoning regulations in effect.

### **204.04 BED AND BREAKFAST INNS**

Bed and Breakfast Inns shall be allowed as a conditional use in any agricultural and any residential zoning district and residential portion of a Planned Unit Development District, subject to approval in accordance with Ch. 107 and provided the following standards are met:

1. There shall be no more than four (4) separate guest rooms within a single family dwelling that are utilized by bed and breakfast guests nor more than twenty-five (25) percent of a dwelling's net floor area shall be allocated for this purpose, whichever is greater. A guest room shall contain no less than one-hundred (100) square feet of living space, not including closets, for two guests and thirty (30) square feet for each additional guest up to a total of four (4) guests per room.
2. The owner/operator of the bed and breakfast shall live full-time on the inn's premises. Such owner/operator shall be the owner of record of no less than fifty (50) percent interest of the property in question.
3. Written approval from fire and health officers shall be required for each conditional use application requesting approval for a bed and breakfast inn. Each guest room shall contain a separate installed smoke detector alarm approved by the fire officer. No premises shall be utilized for a bed and breakfast inn unless there are at least two (2) separate exits to the outdoors.

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4. No more than one (1) meal shall be served to each paying guest of the bed and breakfast inn and that meal shall be breakfast.
5. A paying guest may stay at a bed and breakfast inn for not more than seven (7) consecutive nights at any single visit nor more than a total of twenty-eight (28) nights in any given year.
6. Only one (1) kitchen facility shall be permitted per structure for which a conditional use is granted to operate a bed and breakfast inn. No cooking facilities shall be permitted in individual guest quarters.
7. A minimum of one (1) full bathroom, including shower, toilet and sink, shall be required for every two guest rooms to be available for the exclusive use of bed and breakfast paying guests.
8. A guest register listing the name, address, phone number, and dates of stay of all paying guests shall be maintained by the owner/operator and shall be made available for inspection by the Zoning Administrator.
9. Rental of the bed and breakfast inn for special gatherings such as wedding receptions and parties shall be prohibited in all residential zoning districts or properties adjacent to a residential zoning district.
10. Bed and breakfast inns shall not be permitted and a conditional use shall be revoked or suspended by Board of Zoning Appeals whenever the operation has been found by the Zoning Administrator to conflict with or violate public nuisance regulations under Ch. 307.
11. No more than two (2) individuals who are non-residents of the dwelling may be employed in the operation of a bed and breakfast inn, whether or not compensated.

### **204.05 BOARDING AND CARE OF ANIMALS**

Boarding and Care of Animals shall be allowed as a permitted use in the Agricultural, Conservation, and Open Space District (ACOS) and Community Service District (CS) provided such use occupies a lot of not less than five (5) acres and structures, pens or other enclosures so used shall not be within two hundred (200) feet of any property line.

### **204.06 BOARDING HOMES**

Boarding Homes shall be permitted as a conditional use in any residential zoning district, subject to approval in accordance with Ch. 107.

### **204.07 CELLULAR TELEPHONE TOWERS**

- A. Under Section 519.211 of the Ohio Revised Code, the Jackson Township Board of Trustees has the authority to approve, through the zoning process, the location of any tower that is owned or used by a public utility, used in the provision of cellular telephone communications service, and proposed to be located in an area zoned for residential use.
- B. Procedure to Determine Jurisdiction
  1. Notification. In the case of a public utility that plans to construct a tower in Jackson Township in an area zoned for residential use that is to be used in the provision of cellular telephone communications service, the public utility shall:

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- a. Provide written notice, by certified mail, of the public utility's intent to construct such tower and the information specified in this section to the owners of property, as listed on the Franklin County Auditor's current tax list, whose land is contiguous to or directly across the street from the property on which the public utility plans to construct the tower. If the notice is returned unclaimed or refused, the public utility shall mail the notice by regular mail. The failure of delivery of any such notice does not invalidate the notice.
- b. Provide written notice, by certified mail, to the Jackson Township Board of Trustees of the public utility's intent to construct a tower and the information specified in this section of the Resolution. The notice shall include verification that written notice has been provided to the owners of property whose land is contiguous to or directly across the street from the property on which the public utility plans to construct the tower.
- c. The notice referred to in this section shall state the public utility's intention to construct a tower, a description of the property sufficient to identify the location of the property on which the tower will be constructed and that if the property owner has an objection to the location of the tower, he/she may give notice to the Jackson Township Board of Trustees requesting that the tower location be the subject of zoning procedures contained in SEctions 519.02 to 519.25 of the Ohio Revised Code. Such request shall be made by the property owner by written notice to the Jackson Township Board of Trustees within fifteen (15) days of the mailing date of the notice to the property owner by the public utility.

### 2. Objections and Procedure

- a. If the Jackson Township Board of Trustees receive the notice from the property owner described in this Section or if a Jackson Township Trustee has an objection to the location of the tower, they or he/she shall request that the Jackson Township Clerk give written notice to the public utility, within twenty (20) days of the mailing date of the notice from the public utility described in this section, that the requirements of sections 519.02 to 519.25 of the Ohio Revised Code will be applicable to the proposed location of the tower.
- b. If no notice is received from the property owner described in this section or no objection is made by a Jackson Township Trustee, the construction of the tower shall not be subject to the requirements of sections 519.02 to 519.25 of the Ohio Revised Code.

### **204.08 CEMETERIES**

Cemeteries shall be allowed in any zoning district except R, SR, S, PR, and PUD Districts, subject to approval in accordance with Ch. 107, provided such use occupies a parcel of not less than forty (40) acres, provided interment shall not be within one hundred (100) feet of any property line, and provided any mausoleum, crematory or other structures shall not be located within three hundred (300) feet of any property line.

#### **204.09 CHILD CARE CENTER**

Child Care Centers shall be allowed as a conditional use in any agricultural and any residential zoning district, subject to approval in accordance with Ch. 107, and permitted in the OI District, provided such use occupies a lot of not less than one (1) acre, provided such use is not located on a local street within a platted subdivision, and provided there is an outdoor play area of at least two hundred (200) square feet per child. Such play area shall be arranged in accordance with the provisions of the zoning district for accessory uses and shall be enclosed with a chain link fence or its equivalent in strength and protective character to a height of four (4) feet, but not more than six (6) feet.

#### **204.10 DRIVE-IN FACILITY**

Drive-in facilities shall be allowed in any commercial district except MUC and NC Districts, subject to approval in accordance with Ch. 107, and provided such use is developed in association with a permitted use and provided such drive-in facility is located at least fifty (50) feet from a residential zoning district or residential use.

#### **204.11 ELDERLY CARE**

Elderly Care uses, including convalescent rest home and homes for the aged, are allowed in any residential zoning district, subject to approval in accordance with Ch. 107, and permitted in the OI District, provided such use occupies a lot not less than five (5) acres and there is one (1) acre or more per twenty (20) beds.

#### **204.12 FARM MARKETS**

Farm markets shall be permitted in a district zoned for agricultural, industrial, residential, or commercial uses provided fifty percent or more 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. Farm markets shall comply with the size of structure, off-street parking, setback, and access standards of the appropriate district and sections of this Resolution (ORC 519.21).

#### **204.13 HOME CHILD CARE**

Home Child Care consistent with the licensing requirements of the State of Ohio for a Type B home, shall be permitted in a permitted single family use in any residential zoning district provided a resident provide day care services for one to six children only and no more than three of which are under the age of two. Any numbers or combinations of ages beyond these limitations would be considered a Child Care Center and would require a conditional use permit as per Ch. 107.

#### **204.14 HOSPITALS**

Hospitals shall be permitted in the CC, OI, and PCD Districts and shall be allowed as a conditional use in the NC District subject to approval in accordance with Ch. 107, provided such use occupies a lot not less than five (5) acres and there is one (1) acre or more per twenty (20) beds.

#### **204.15 IN-LAW SUITE**

In-Law Suites are allowed as a conditional use in a permitted single family use in any residential zoning district, subject to approval in accordance with Ch. 107, as a separate dwelling unit with independent cooking facilities in a single family residence, provided the occupants of the in-law suite are members of the household, and provided the in-law suite is an integral part of the principle structure and not located in an accessory structure.

#### **204.16 OPEN DISPLAY AND SALES**

Open display and sales shall be allowed as a conditional use in any commercial district except MUC and NC Districts, subject to approval in accordance with Ch. 107, and provided such use is developed in association with a permitted use and provided such open display and sales is screened from any adjacent residential zoning district or residential use.

#### **204.17 PRIVATE SCHOOLS**

Private schools shall be permitted in any residential zoning district and the OI District, provided such use occupies a lot not less than ten (10) acres in size and provided there is one (1) acre or more per twenty-five (25) day students and one (1) acre or more per fifteen (15) resident students.

#### **204.18 RELIGIOUS**

A Religious use, including churches or other places of worship, shall be permitted in any residential zoning district and any commercial district provided such use occupies a lot of not less than three (3) acres and provided that a minimum of one (1) additional acre of area is provided for each one hundred (100) seats or similar accommodations in the main assembly area above three hundred (300) seats, and provided such use is not located on a local street within a platted subdivision.

#### **204.19 RESIDENTIAL GROUP HOMES**

Residential Group Homes which meet the definition of household by containing no more than five (5) persons, excluding care-givers, unless all household members are related by blood, adoption or marriage, shall be permitted in any residential zoning district. Residential Group Homes with numbers of residents in excess of this amount shall be considered Boarding Home and must meet the applicable requirements of Sec. 204.06.

#### **204.20 STORAGE AND PROCESSING OF AGRICULTURAL PRODUCTS**

Grain elevator, mill or other facilities for the storage, sorting, or other preliminary processing of agricultural products including other than those produced on the premises shall be permitted in any agricultural and any commercial zoning district provided such use is not located within fifty (50) feet of a side or rear lot line, except when along a railroad right-of-way, and is not located within one hundred (100) feet of a residential zoning district or residential use.