



# PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON MARCH 26, 2024

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## Franklin Township – Zoning Text Amendments

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**APPLICANT:** Franklin Township Zoning Commission  
981 Hopewell Road  
Felicity, OH 45120

**REQUEST:** Update and modifications to the Franklin Township Zoning Resolution

**PROPOSED TEXT AMENDMENTS:** See attached Exhibit A for full Zoning Resolution Text Amendment

**CONTENT OF REPORT:**

Exhibit A: Franklin Township Updated Zoning Resolution

Exhibit B: Township Meeting Minutes

Exhibit C: Summary of Franklin Township Zoning Resolution Update

**STAFF ANALYSIS:**

Franklin Township has proposed a modified and updated Zoning Resolution that has been fully modified the existing resolution. Some highlights of the update are as follows:

- Reorganize and Reformat the Zoning Resolution
  - Modernize format and illustrate key concepts
- Modernize Development Standards
  - Mobile homes, trailers, camper regulations.
  - Parking of Recreational and Commercial Vehicles.
- Improve sign and off street parking standards.
- Create development standards and format them in a table.
- Clarify the zoning roles and procedures.
- Improve use district structure, use regulations, and definitions.
- Add procedure for similar use determination.
- Add use specific regulations for principal and accessory uses and structures.
- Update to temporary uses, planned development districts, nonconforming use standards.
- Update to general provisions regarding agricultural use guidelines and exemptions, landscaping and buffers, and environmental performance standards.
- Update to measurements, computations, and exceptions.

*A full summary of Franklin Township Zoning Resolution Updates is included as Exhibit C attached at the end of this report.*

The text amendments do not conflict with Clermont County Subdivision Regulations. The updated Zoning Resolution is a modified and modernized version of the existing Zoning Resolution in Franklin Township and as the Township does not have a comprehensive or land use plan acts as the guiding principles for land use direction in the Township. The zoning text amendment is being proposed alongside a zoning map amendment that request to correct mapping errors from the zoning map creation.

The proposed text amendments are not in conflict with the provisions established in Section 519.12 of the Ohio Revised Code relative to the Township Zoning Authority and are consistent with actions meant to protect and preserve public health and safety. As the recommendation of the Planning Commission is nonbinding staff acknowledges that the proposed text amendments are permissible and the Township has the authority to process them according to their discretion.

**RECOMMENDATION:**

Staff recommends a motion to **RECOMMEND APPROVAL** as to form of the Franklin Township Text Amendments as submitted.

Exhibit A

# FRANKLIN TOWNSHIP RESOLUTION

Clermont County, Ohio

**ADOPTION DRAFT** February 23, 2024



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# ARTICLE 1 INTENT AND INTERPRETATION

## Section 100 Enactment

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Be it resolved by the Township Trustees of Franklin Township, Clermont County, State of Ohio, that it finds it necessary and advisable to regulate the location, size, height and use of buildings and other structures; percentages of lot areas which may be occupied; setback building lines; size of yards, courts, and other open spaces; and the uses of land for residences, business, industrial, recreation or other purposes and for such purposes, divides the unincorporated area of Franklin Township into zones or districts and hereby so enacts this Resolution.

## Section 101 Title

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This Resolution shall be known and may be cited and referred to as the “Resolution of Franklin Township, Clermont County, Ohio.”

## Section 102 Purpose

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This Resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; conserving and protecting property and values; securing the most appropriate use of land; facilitating adequate and economical provisions for public improvement; and providing a method of administration and prescribing penalties for the violations of provisions hereafter described all as authorized by the provisions of the Articles and the Sections thereunder of the Ohio Revised Resolution (ORC).

## Section 103 Authority

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This Resolution is enacted pursuant to the powers and authority granted under the provisions of the Ohio Revised Resolution, ORC Section 519.02, said Section providing as follows: Township Trustees may regulate building and land use in unincorporated territory.

## Section 104 Jurisdiction

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The provisions of this Resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Franklin Township, Clermont County, Ohio.

## Section 105 Repeal of Conflicting Resolutions

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All Resolutions in conflict with this Resolution or inconsistent with the provisions of this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

## **Section 106 Interpretation and Conflicts**

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- A. For purposes of interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements required to promote the purpose of this Resolution.
- B. When provisions of this Resolution are inconsistent with one another or with the provisions found in another adopted Resolution, the more restrictive provisions shall govern.
- C. Where this Resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations, or Resolutions, the provisions of this Resolution shall control provided it complies with the ORC.

## **Section 107 Relationship with Private-Party Agreements**

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- A. This Resolution is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this Resolution proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third-party private agreements, the provisions of this Resolution shall govern.
- B. In no case shall the Township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

## **Section 108 Zoning Certificate Required**

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- A. Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used or changed in use, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged, or altered except in compliance with the regulations herein specified for the applicable zoning district.
- B. No land, building, structure, or premises shall be occupied or change occupancy, and no building or part thereof, or other structure, hereafter located, erected, moved, reconstructed, extended, enlarged or altered shall be occupied or used in part or any work be started until a zoning certificate is issued by the Zoning Inspector stating that the building, structure, premises or use is in compliance with the provisions of the Resolution.
- C. Any building or structure to be located, erected, moved, reconstructed, extended, enlarged, or altered shall have frontage as required by this Resolution on a dedicated, improved street or road.
- D. A zoning certificate shall not be issued for construction, use, or change in occupancy on land within any subdivision until such subdivision has been approved by the Clermont County Planning Commission, or other county agency with approval authority, and recorded with the appropriate county authority.

- E. Unless specifically exempted, it shall be unlawful for a property owner to use or to permit the use of any structure, building, or land, or part thereof, hereafter erected, created, changed, converted, or enlarged, wholly or partly, until a zoning certificate is issued by the Zoning Inspector in accordance with *Section 302: Zoning Certificate*.
- F. Existing uses, lots, buildings, and structures that do not comply with this Resolution will be subject to the provisions of *Article 6: Nonconforming Uses*.

## **Section 109 Burden of Proof**

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The burden of demonstrating that an application or any development subject to this Resolution complies with applicable review and approval standards is on the applicant. The burden is not on the Township or other parties to show that the standards have been met by the applicant or person responsible for the development.

## **Section 110 Effective Date**

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This Resolution shall become effective from and after the date of its approval and adoption, as provided by law.

## **Section 111 Separability**

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If any part of this Resolution is held to be unconstitutional or invalid, such decision shall not affect the validity of this document as a whole, or the remaining parts of this Resolution.



- B.** Even though not referenced in this Article, other boards, commissions, government agencies, and non-government agencies may be asked by the Zoning Inspector, the Zoning Commission, the Township Board of Zoning Appeals, or the Township Trustees, to review some applications, including, but not limited to, map amendments (rezonings), text amendments, appeals, variances, conditional uses, and Planned Developments.

## **Section 202 Township Trustees**

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For the purpose of this Resolution, the Franklin Township Trustees, hereafter referred to as the Township Trustees, shall have the following duties:

- A.** Initiate proposed amendments to this Resolution text and/or the official zoning map;
- B.** Review and decide on all proposed zoning text and map amendments to this Resolution;
- C.** Review and decide on preliminary development plans and for Planned Developments (PDs); and
- D.** Perform all other duties as specified in ORC Article 519 and as specified in this Resolution.

## **Section 203 Zoning Commission**

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The Township Trustees, for the purpose and intent of this Resolution, has hereby created and established the Franklin Zoning Commission, hereafter referred to as the Zoning Commission.

- A.** Appointment and Organization
  - 1.** The Township Trustees shall appoint members of the Zoning Commission. The Zoning Commission shall be composed of five members who reside in the unincorporated area of Franklin Township, Clermont County, Ohio.
  - 2.** Members shall serve five-year terms with the term of one member expiring each year.
  - 3.** Each member shall serve until his or her successor is appointed and qualified.
  - 4.** Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the Township Trustees, upon written charges filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given the opportunity to be heard and answer such charges.
  - 5.** Vacancies shall be filled by appointment by the Township Trustees and shall be for the time remaining in the unexpired term.
- B.** Roles and Powers
  - 1.** Initiate proposed amendments to this Resolution and/or the official zoning map;

- 2.** Review all proposed zoning text and map amendments to this Resolution and make recommendations to the Township Trustees;
- 3.** Review and make recommendations to the Township Trustees regarding preliminary development plans;
- 4.** Review and approve final development plans as they relate to a proposed PD;
- 5.** Perform all other powers conferred upon Zoning Commissions in ORC Article 519, or as authorized by the Township Trustees in compliance with this Resolution and state law; and
- 6.** Serve on committees or subcommittees as appointed by the Township Trustees.

**C.** Alternates

- 1.** The Township Trustees may appoint up to two alternate members to the Zoning Commission for a term of five years each.
- 2.** An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission.
- 3.** An alternate member shall only take the place of a regular member during a public hearing (where a vote is required) if the alternate was present for all portions of the public hearing, including all presentations and testimony.
- 4.** If an alternate takes the place of a regular member during a public hearing, the regular member that was absent for the hearing shall not participate in future portions of the same public hearing.
- 5.** An alternate member shall meet the same appointment criteria as a regular member.

**D.** Bylaws

The Zoning Commission may organize and adopt bylaws for its own governance provided they are consistent with law or with any other Resolution of the Township.

**E.** Meetings

- 1.** Meetings shall be held at the call of the chair, or the acting chair, and at such other times as the Zoning Commission may determine.
- 2.** All meetings shall be open to the public, except as exempted by law.
- 3.** The Zoning Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be filed in the office of the Zoning Inspector.

**F.** Quorum and Decisions

- 1.** Any combination of three or more regular or alternate members of the Zoning Commission shall constitute a quorum.
- 2.** The Zoning Commission shall act when at least three members concur. Action by the Zoning Commission requires a majority vote by a quorum.
- 3.** A tie vote shall result in a failure of the motion.
- 4.** Non-decision items, such as continuance or approval of minutes, shall require a majority of the quorum to concur.

## **Section 204 Board of Zoning Appeals**

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The Township Trustees, for the purpose and intent of this Resolution, has hereby created and established the Franklin Township Board of Zoning Appeals, hereafter referred to as the BZA.

### **A. Appointment and Organization**

- 1.** The Township Trustees shall appoint members of the BZA. The BZA shall be composed of five members who reside in the unincorporated area of Franklin Township, Clermont County, Ohio.
- 2.** Members shall serve five-year terms with the term of one member expiring each year.
- 3.** Each member shall serve until their successor is appointed and qualified.
- 4.** Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the Township Trustees, upon written charges filed with the Township Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The members shall be given the opportunity to be heard and answer such charges.
- 5.** Vacancies shall be filled by appointment by the Township Trustees and shall be for the time remaining in the unexpired term.

### **B. Roles and Powers**

The BZA shall have the following roles and powers:

- 1.** To hear and decide appeals where it is alleged by the appellant that there is error in an order, requirement, decision, grant, or refusal made by the Zoning Inspector, other Township official, or administrative body of the Township in the interpretation or enforcement of the provisions of this Resolution.

- 2.** To hear and decide, in accordance with the provisions of this Resolution, applications filed for conditional uses. In granting a conditional use, the BZA may impose such conditions, safeguards, or restrictions upon the premises benefited by the conditional use as may be necessary to comply with the standards set out in *Section 304: Appeals, Variances, and Conditional Uses* in order to reduce or minimize potentially injurious effects of such conditional use upon the property in the neighborhood and to carry the general purpose and intent of the Resolution. The BZA shall have the power to revoke a conditional use if evidence shows that the use is not in compliance with the specific conditions of approval for the conditional use.
- 3.** To authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this Resolution will not be contrary to the public interest.
- 4.** To authorize the completion, restoration, reconstruction, in whole or in part, extension, or substitution of nonconforming uses.
- 5.** To hear and provide an interpretation of the zoning map whenever there is a question of how the zoning districts are applied to the zoning map.
- 6.** To perform all other powers conferred upon Township boards of zoning appeals in ORC Article 519, or as authorized by the Township Trustees in compliance with this Resolution and state law.

**C.** Alternates

- 1.** The Township Trustees may appoint up to two alternate members to the BZA for a term of five years each.
- 2.** An alternate member shall take the place of an absent regular member at any meeting of the BZA.
- 3.** An alternate member shall only take the place of a regular member during a public hearing (where a vote is required) if the alternate was present for all portions of the public hearing, including all presentations and testimony.
- 4.** If an alternate takes the place of a regular member during a public hearing, the regular member that was absent for the hearing shall not participate in future portions of the same public hearing.
- 5.** An alternate member shall meet the same appointment criteria as a regular member.

**D.** Bylaws

The BZA may organize and adopt bylaws for its own governance provided they are consistent with law or with any other Resolution of the Township.

**E.** Meetings



- 1.** Meetings of the BZA shall be held at the call of the chair, or the acting chair, and at such other times as the BZA may determine.
- 2.** The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per ORC Section 519.15.
- 3.** All meetings of the BZA shall be open to the public, except as exempted by law.
- 4.** The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the office of the Zoning Inspector and shall be a public record, unless exempted by law.
- 5.** The BZA may call upon any Township department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

**F. Quorum and Decisions**

- 1.** Any combination of three regular or alternate members of the BZA shall constitute a quorum.
- 2.** The BZA shall act by Resolution when at least three members concur. Every decision shall be accompanied by findings of fact, based on testimony and evidence, and specifying the reason for granting or denying the application.
- 3.** Non-decision items, such as continuance or approval of minutes, shall require a majority of the quorum to concur.

## **Section 205 Zoning Inspector**

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**A. Roles and Powers**

- 1.** The Township Trustees shall appoint a Zoning Inspector who shall have the following roles and powers:
  - a.** To enforce this Resolution. All officials and employees of the Township shall assist the Zoning Inspector by reporting to him/her upon new construction, reconstruction, land uses, or upon seeing violations.
  - b.** To review applications for zoning certificates and to ensure compliance with this Resolution in accordance with *Section 302: Zoning Certificate*.
  - c.** To issue a zoning certificate, after written request from the owner or tenant, for any building or premises existing at the time of enactment of this Resolution, certifying the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.
  - d.** To keep adequate records of all applications and decisions on said applications.

- e.** To keep an accurate record of the zoning map.
  - f.** To issue citations for any zoning violations and keep adequate records of all violations.
  - g.** To conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Resolution.
  - h.** To revoke a zoning certificate or approval issued contrary to this Resolution or based on a false statement or misrepresentation on the application.
- 2.** The Township Trustees may also appoint additional Zoning Inspector personnel to assist the Zoning Inspector in such roles and powers.

**B. Decisions**

- 1.** A decision of the Zoning Inspector may be appealed to the BZA.
- 2.** The Zoning Inspector shall have appropriate forms for appeal available at the time of denial.

## **Section 206 Fees, Violations, and Remedies**

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**A. Fees**

The Township Trustees shall by this Resolution establish a schedule of fees for zoning certificates, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Zoning Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector and may only be altered or amended by the Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no find action shall be taken on any application, appeal, or administrative procedure.

**B. Unlawful Activity**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, maintain, or use any building or land in violation of any regulation or any provision of this Resolution or any amendment or supplement thereto adopted by the Township Trustees.

**C. Violation and Penalties**

Any person, firm, or corporation who violates any regulation, provision, amendment, or supplement of this Resolution, fails to obey any lawful order of the Zoning Inspector issued in pursuance thereof, or otherwise violates ORC Section 519, may be fined and/or found guilty of a minor misdemeanor in accordance with the ORC. Each and every day during which a violation occurs may be deemed a separate offense.

**D. Remedies**

**ARTICLE 2: Administrative Roles and Authority**

Section 206: Fees, Violations, and Remedies

2-23-2024

In case any building is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of any regulation, provision, amendment or supplement of this Resolution, the Township Trustees, the Zoning Inspector, the County Prosecutor or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change maintenance or use.

# ARTICLE 3 DEVELOPMENT REVIEW PROCEDURES

## Section 300 Purpose

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The purpose of this Article is to identify the development review procedures used in the administration of this Resolution.

## Section 301 Common Review Requirements

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The requirements of this Article shall apply to all applications and procedures subject to development review under this Resolution, unless otherwise stated.

### A. Authority to File Applications

- 1.** The person having legal authority to act in accordance with the approval sought shall file an application for any review in accordance with this Resolution. The person having legal authority shall be the record owner or the duly authorized agent of the record owner and may be required to provide proof of such authority at the time of application.
- 2.** The Zoning Commission and Township Trustees may initiate zoning text and map amendments under this Resolution with or without an application from the property owner who may be affected.

### B. Applications Contents

#### 1. Submittal Requirements

Applications required under this Resolution shall be submitted in a form and in such numbers as established by the Zoning Inspector and made available to the public.

#### 2. Submission Fees

- a.** Applications shall be accompanied by a fee as established by Resolution of the Township Trustees and made available to the public.
- b.** The Township shall charge appropriate fees for the review or issuance of zoning certificates, conditional uses, appeals, variances, zoning amendments, and other applicable permits and procedures to cover the costs of inspection, investigation, legal notices, and other expenses incidental to the enforcement of this Resolution. Such fees shall be paid to Franklin Township, and shall be paid in accordance to the fee schedule as established by the Township Trustees.

#### 3. Complete Application Determination

- a.** The Zoning Inspector shall only initiate the review and processing of applications submitted under this Article if such application is determined to be complete.

## ARTICLE 3: Development Review Procedures

### Section 301: Common Review Requirements

2-23-2024

- b.** The Zoning Inspector shall make a determination of application completeness within five business days of the application filing.
- c.** If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Resolution.
- d.** If an application is determined to be incomplete, the Zoning Inspector shall provide notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected in a future re-submittal application.
- e.** If the applicant fails to re-submit a complete application within 60 days of the notice provided by the Zoning Inspector pursuant to Section 301.B.3.d, unless an extension is granted by the Zoning Inspector, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. No reconsideration of an incomplete application shall occur after expiration of the 60 day period, and an applicant in need of further development approval under the Resolution shall, pursuant to all of the original requirements of *Section 301B: Applications Contents*, submit a new application and filing fee.
- f.** If any false or misleading information is submitted or supplied by an applicant on an application, that application shall be deemed incomplete.

#### **C.** Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under this Resolution, the Zoning Inspector shall determine the order and timing of review. The Zoning Inspector may authorize a simultaneous review of applications.

#### **D.** Conduct of Public Hearing

##### **1.** Rights of All Persons

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

##### **2.** Continuance of Public Hearing or Deferral of Application Review

- a.** An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Zoning Inspector prior to the publication of notice as may be required by this Resolution. The Zoning Inspector may grant such requests, in which case, the application will be considered at the next regularly scheduled meeting.

- b.** A request for deferral of consideration of an application received by the Zoning Inspector after publication of notice of the public hearing as required by this Resolution shall be considered as a request for a continuance of the public hearing and may only be granted by the review or decision-making body.
- c.** The review body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place.

**3. Withdrawal of Application**

Any request for withdrawal of an application shall be either submitted in writing to the Zoning Inspector or made through a verbal request by the applicant prior to action by the review or decision-making body.

- a.** The Zoning Inspector shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this Resolution.
- b.** If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this Resolution, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.
- c.** In all cases where the applicant has requested the withdrawal of an application, the application fee paid shall not be refunded.

**E. Examination and Copying of Application and Other Documents**

Documents and/or records may be inspected and/or copied as provided for by state law.

**F. Computation of Time**

- 1.** In computing any period of time prescribed or allowed by this Resolution, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by Franklin Township where the Township offices are closed for the entire day.
- 2.** When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- 3.** When the Township offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by Franklin Township in which the Township administrative offices are closed for the entire day.

## Section 302 Zoning Certificate

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### A. Zoning Certificate Applicability

A zoning certificate shall be required for any of the following unless otherwise specifically exempted:

- 1.** New construction or structural alteration of any building or structure, including accessory buildings and structures;
- 2.** Change in use of an existing building (including tenant finishes), structure, accessory building, lot, or portion thereof, including nonconforming uses but excluding changing to any agricultural use;
- 3.** Change in the use of land to a use of a different classification;
- 4.** Occupancy and use of vacant land or buildings, excluding agricultural land or buildings;
- 5.** New decks and porches, or expansions of existing decks or porches, that are 18 inches or more in height;
- 6.** All exterior swimming pools with a water depth greater than 18 inches, except for temporary pools that are removed or emptied within 24 hours;
- 7.** Home occupations, accessory uses, and temporary uses;
- 8.** Permanent or temporary signs unless exempted in *Section 903: Exempt Signs*; or
- 9.** Any structure or improvement that is required to obtain a zoning certificate prior to the issuance of a building permit from the Clermont County Building Department.

### B. Zoning Certificate Review Procedure

#### 1. Step 1 – Application

The applicant shall submit the required number of copies of the following to the Zoning Inspector prior to submitting for a building permit from the Clermont County Building Department:

- a.** Zoning certificate application and applicable forms available from the Township offices or Township web site;
  - b.** All such forms, plans, maps, and information as may be prescribed for that purpose by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record; and
  - c.** All required fees as established in the Fee schedule.
- #### 2. Step 2 – Review and Decision

- a.** The Zoning Inspector shall review each complete application and either approve and issue the zoning certificate or deny the application within 30 days of the application (Step 1).
- b.** Zoning certificate applications submitted for a site subject to an approved moratorium shall not be reviewed, and no decision made, within the period of time that the moratorium is in place.
- c.** Upon approval, the Zoning Inspector shall issue a signed zoning certificate and maintain a copy of the certificate for Township records.
- d.** If the Zoning Inspector denies an application, the inspector shall state in writing the reasons for the action taken.
- e.** If the application is denied, the applicant may submit a revised application and site plan for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with *Section 304: Appeals, Variances, and Conditional Uses* of this Resolution.

**3.** Step 3 – Zoning Compliance Inspection

- a.** A zoning compliance inspection shall be required after completion of the work authorized by the zoning certificate. A zoning compliance inspection shall be required for any of the following:
  - i.** Occupancy of a new nonresidential building or structure after completion of construction.
  - ii.** Occupancy or change of occupancy of an existing nonresidential building or structure.
  - iii.** Change of use in any nonresidential building.
  - iv.** A zoning compliance inspection shall not be required for agricultural uses.
- b.** The Zoning Inspector should conduct a zoning compliance inspection to ensure that the project has been completed according to the approved zoning certificate and plans.
- c.** The zoning compliance inspection shall be scheduled at least two weeks prior to expected occupancy and/or opening for business.
- d.** The Zoning Inspector shall provide the applicant with findings from the zoning compliance inspection within 24 hours of the initial inspection.
- e.** The applicant shall notify the Zoning Inspector when corrections, if needed, have been made based on the initial inspection. Additional inspections shall be scheduled if deemed necessary by the Zoning Inspector.



- f.** Upon passing the zoning compliance inspection, the Zoning Inspector shall notify the applicant and the Clermont County Building Department of inspection passage so that the certificate of occupancy may be issued when all other approvals and inspections are complete.

**C. Review Criteria**

- 1.** All applications for a zoning certificate shall demonstrate conformity with the provisions of this Resolution.
- 2.** No zoning certificate shall be issued to any applicant or for any property that is in violation of any provision of this Resolution until such violation is corrected or eliminated to the satisfaction of the Zoning Inspector unless said application is being made to bring the property into conformance with this Resolution.
- 3.** No zoning certificate shall be issued without written certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public central sewer system or, in the absence thereof, by a private on-site sewage disposal or containment system approved by the Ohio Environmental Protection Agency (OEPA) and/or the Clermont County Combined Health District, as applicable. The Zoning Inspector may waive this requirement if prior proof of service was provided for development of a subdivision.
- 4.** No zoning certificate shall be issued without certification from the appropriate applicable permitting authority that it shall be sufficiently served by a public or private central water supply system, or in the absence thereof, by a private on-site water supply well or other means approved by the OEPA and/or the Clermont County Combined Health District, as applicable. The Zoning Inspector may waive this requirement if prior proof of service was provided for development of a subdivision.
- 5.** No zoning compliance inspection shall be approved by the Zoning Inspector for the occupancy of any building, structure or improvement to the land or any lot which has been approved for platting or re-platting, until all subdivision plans have been approved, the final plat recorded, the zoning requirements met, and the performance bond posted to guarantee installation of all the required improvements.

**D. Amendments or Modifications**

- 1.** Incidental changes from an approved zoning certificate are permissible and the Zoning Inspector may grant changes, provided such change has no discernible impact on neighboring properties or the general public. Amendments or modifications to an approved zoning certificate may require the payment of a fee as established in the fee schedule.
- 2.** All other requests for changes will be processed as a new application, which require the submission of a new fee.
- 3.** An applicant or property owner requesting changes shall submit a written request to the Zoning Inspector, itemizing the proposed changes, unless waived by the Zoning Inspector.

**E. Expiration**

- 1.** Construction shall commence within 6 months and shall be substantially completed, and a certificate of occupancy issued by the building department within 12 months of the date upon which the zoning certificate was issued unless the owner of the property has established a vested right under the laws of Ohio to the use for which the original zoning certificate was issued.
- 2.** Construction shall not be required to comply with the time limits established in *Section 302.E.1* above if the Zoning Inspector has authorized an alternative commencement or substantial completion date as part of the zoning certificate application review process. If the Zoning Inspector has authorized an alternative commencement or substantial completion date as part of the zoning certificate application review process, construction shall commence and be substantially completed within those time limits established by the Zoning Inspector.
- 3.** For the purposes of *Section 302.E.1* above, construction shall not be deemed to have commenced until the excavation necessary for placement of the structure's foundation is no less than 100% complete, as determined by the Zoning Inspector.
- 4.** Failure to commence construction within 6 months and substantially complete construction within 12 months or any alternative time limits approved by the Zoning Inspector shall result in the expiration of the zoning certificate unless the applicant requests and receives an extension from the Zoning Inspector. Applications shall be required to apply for an extension no later than 30 days prior to the date of expiration of the original zoning certificate, unless waived by the Zoning Inspector. Factors to be considered by the Zoning Inspector when determining whether to grant an extension shall include:
  - a.** The length of additional time necessary to complete construction;
  - b.** Additional time is needed for review by other agencies having jurisdiction on the project;
  - c.** The reason for the delay;
  - d.** Good faith on the part of the applicant;
  - e.** The existence of or potential for any substantial detriment to adjoining property as a result of the extension; and
  - f.** Conformance with this Resolution.
- 5.** Upon expiration of a zoning certificate, a new zoning certificate application, including all applicable fees, shall be required before construction or resumption of construction can begin.
- 6.** Actions taken by the Zoning Inspector on requests for extensions may be appealed to the BZA.

**F. Temporary Zoning Certificates**

The Zoning Inspector may issue a temporary zoning certificate in accordance with the temporary use regulations (*Section 410*) of this Resolution and the zoning certificate review procedure established above.

**G. Revocation of a zoning certificate**

The Zoning Inspector shall hereby have the authority to revoke an approved zoning certificate if the information submitted as part of the application is found to be erroneous or fraudulent after the certificate has been issued. Any revocation of an approved zoning certificate by the Zoning Inspector may be appealed to the BZA.

## **Section 303 Zoning Text and Map Amendments**

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**A. Amendment Initiation**

**1. Amendments or supplements to the Resolution may be initiated by:**

- a.** Motion of the Zoning Commission;
- b.** Passage of a Resolution by the Township Trustees; or
- c.** By the filing of an application by one or more of the owners (or their agents) of property within the area proposed to be changed or affected by the proposed amendment.

**B. Review Procedure**

**1. Step 1 – Pre-application Conference**

- a.** If initiated by property owners, the applicant is required to meet with the Zoning Inspector to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this Resolution prior to the submission of the application.
- b.** Discussions that occur during a pre-application conference or a preliminary meeting with Township staff are not binding on the Township and do not constitute official assurances or representations by Franklin Township or its officials regarding any aspects of the plan or application discussed.

**2. Step 2 – Application**

- a.** Applications for any change of district boundaries, classifications of property as shown on the zoning map, or changes to the Resolution text shall be filed with the Zoning Commission by submitting the application to the Zoning Inspector.
- b.** The application shall include all such forms, maps, and information as may be prescribed for that purpose by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.



- a.** Upon receipt of the recommendation from the Zoning Commission (Step 4), the Township Trustees shall set a time for a public hearing on such proposed amendment.
- b.** The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
- c.** For an amendment that intends to rezone or redistrict 10 or fewer parcels of land, notification shall be given in accordance with ORC Section 519.12 to all owners of property within and contiguous to and directly across the street from the area of the proposed amendment. If the amendment alters the text of the Resolution or rezones or redistricts more than 10 parcels of land as listed on the county auditor's current tax list, a published notice is required in accordance with ORC Section 519.12.
- d.** Within 20 days after its public hearing, the Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification of them. If the board denies or modifies the Zoning Commission's recommendations, the majority vote of the board shall be required.

**C. Effective Date and Referendum**

- 1.** Any amendment adopted by the Township Trustees shall become effective 30 days after the date of such adoption.
- 2.** A referendum of any amendments may be undertaken within the 30 days after the date of the Township Trustees' decision in accordance with ORC Section 519.12.

**D. Review Criteria**

The following criteria shall be used in recommendations and decisions regarding zoning amendments:

- 1.** The amendment is consistent with the Franklin Township Land Use Plan, other plans or development policies that have been adopted by the Township Trustees;
- 2.** The amendment is consistent with the purpose of the Resolution;
- 3.** Where more than one zoning district is available to implement the land use designation, the applicant must justify the zoning being sought and show that it is best suited for the specific site, based upon the policies of the Township; and
- 4.** Any other substantive factor deemed appropriate by the Zoning Commission or Township Trustees.

**E. Planned Development**

Planned Developments (PDs) shall be subject to the review procedure established in *Article 5: Planned Development*.

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**Section 304 Appeals, Variances, and Conditional Uses**

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**A. Review Procedure**

The review procedure for appeals, variances, and conditional uses shall be as follows:

**1. Step 1 – Application**

An application for variances, conditional uses, appeals, or other review over which the BZA has original jurisdiction under *Section 204: Board of Zoning Appeals* may be made by any property owner, including an authorized agent, or by a governmental officer, department, or board.

**a. Special Application Requirements for Appeals**

- i.** An appeal to the BZA may be taken by any person aggrieved by a decision of the Zoning Inspector or by any administrative officer of the Township in interpreting or applying the provisions of this Resolution. Such appeal shall be taken within 20 days of receipt of notification of the decision in question, by filing with the Zoning Inspector and with the BZA, a notice of appeal specifying the grounds thereof including applicable sections of the Resolution.
- ii.** The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed from was taken.
- iii.** The filing of an appeal shall stay all proceedings unless the Zoning Inspector or any affected person certifies to the BZA that, by reason of facts pertaining to the matter in question, a stay, in their opinion, would cause imminent peril to life or property. When such certification is made, proceedings shall not be stayed except by order granted by the BZA.

**b.** The Zoning Inspector shall transmit a copy of the application to the BZA.

**c.** All applications shall be submitted with the required fees as established in the fee schedule.

**2. Step 2 – Public Hearing with the Board of Zoning Appeals**

**a.** Upon application (Step 1), the BZA shall fix a reasonable time for the public hearing on any application or appeal, give at least 10 days of notice in writing to the parties in interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.

**b.** Written notice shall be given to all property owners contiguous to and directly across the street from the subject property.

**c.** Any party may appear in person or by an appointed representative at a hearing for an appeal or application.

- d.** Upon the day for hearing any application or appeal, the BZA may adjourn the hearing to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application or appeal. In the case of an adjourned hearing, persons previously notified, and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

**3.** Step 3 – Decision

- a.** Within 30 days after the hearing concludes (Step 2), the BZA shall decide on the application or appeal.
- b.** A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him/her, and he/she shall incorporate the terms and conditions of the decision in the certificate to the applicant or appellant, whenever the BZA authorizes a zoning certificate.
- c.** For appeals, the BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.
- d.** In authorizing a variance or conditional use, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the BZA may deem necessary in the interest of the furtherance of the purposes of this Resolution. In authorizing a variance or conditional use with attached conditions, the BZA may require such evidence and guarantee or bond as it may deem to be necessary, that the applicant is and will comply with the attached conditions.
- e.** Failure to comply with the conditions of a decision shall be deemed a violation of this Resolution.
- f.** Any party adversely affected by a decision of the BZA may appeal the decision to the Court of Common Pleas in Clermont County pursuant to ORC Article 2506.

**B.** Appeal Review Criteria

An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this Resolution, state law, or federal law.

**C.** Variance Review Criteria

- 1.** The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this Resolution will result in practical difficulty for an area/dimensional variance.
- 2.** The following factors shall be considered and weighed by the BZA to determine practical difficulty:
  - a.** Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
  - b.** Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - c.** Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
  - d.** Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
  - e.** Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
  - f.** Whether special conditions or circumstances exist as a result of actions of the owner;
  - g.** Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
  - h.** Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
  - i.** Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.
- 3.** No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

**D. Conditional use Review Criteria**

In reviewing conditional uses, the BZA shall consider the following:



- 1.** The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;
- 2.** The use is in accordance with the objectives of the adopted land use plan or development policies and Resolution; and
- 3.** The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- 4.** The BZA shall also consider the following as applicable to the application:
  - a.** The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood;
  - b.** The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;
  - c.** The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;
  - d.** The capacity of adjacent streets and intersections to handle increased traffic in terms of traffic volume and patterns;
  - e.** The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;
  - f.** The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential or real fire or other hazards created by the proposed use;
  - g.** The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;
  - h.** The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;
  - i.** The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation; and
  - j.** Any other physical or operational feature or characteristic that may affect the public health, safety, and welfare.

**E.** Expiration

- 1.** For conditional uses, the applicant shall have 12 months from the date of approval to receive an approved building permit and start construction or the conditional use shall be deemed null and void.
- 2.** For variances, the applicant shall have 12 months from the date of approval to receive an approved building permit and start construction or the variance approval shall be deemed null and void.
- 3.** Applicants may submit one request for an extension of six months to the BZA.

## ARTICLE 4 ZONING DISTRICTS AND USE REGULATIONS

### Section 400 Purpose

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The purpose of this Article is to establish zoning districts in order to:

- A. Realize the general purpose set forth in the Franklin Township Resolution;
- B. Classify, regulate and restrict the location of industries, residences, recreation, trades, and other land uses and the location of building designated for specified uses;
- C. Regulate height, number of stories, and size of buildings and other structures hereafter erected or altered;
- D. Regulate and limit the percentages of lot areas which may be occupied; and
- E. Establish building setback lines, size of yards, and other open spaces within and surrounding such buildings.

### Section 401 Limitations on Principal Structures

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In any residential district or on any lot used for residential purposes, unless otherwise provided, no more than one principal structure may be constructed per lot, except that more than one structure may be constructed for educational institutions and religious places of worship permitted in residential district. The standards of this section shall apply to buildings, structures, and lots in Franklin Township. Violation of these standards shall be considered a violation of this Resolution.

### Section 402 Outside Storage of Material in Residential Districts

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In any residential district, no person shall store, collect, leave, deposit, maintain, reserve, put aside for future use, permit, allow in a yard area, except in a completely enclosed building or structure, the following:

- A. Lumber or other building materials except those related to a project for which a current building permit has been issued and for firewood for the personal use of the resident;
- B. Automotive parts, including tires;
- C. Materials used in the construction trade;
- D. Household appliances;
- E. Furniture capable of harboring rodent; or
- F. Junk or salvage.

### Section 403 Establishment of Zoning Districts

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For the purposes stated above, the unincorporated territory of Franklin Township is hereby divided into the zoning districts established in the table below. The regulations are uniform for each class or kind of building or structure or use throughout each district, except in the Planned Development District.

**Table 403-1: Zoning Districts**

Abbreviation	District Name
A	Agricultural District
CR	Countryside Residential District
R-1	Rural Residential District
R-2	Suburban Residential District
B-1	Neighborhood Business District
I-1	Industrial District
M-H-P	Manufactured Home Park District
PD	Planned Development District

## **Section 404 Official Zoning District Map**

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The boundaries of the zoning districts are shown upon the official zoning map of the unincorporated areas of the Township, which map and all notations thereon are incorporated herein and are made a part of this Resolution. The zoning map and all notations, references, and other matters shown thereon constitute a part of this Resolution and have the same force and effect as if fully described or illustrated herein. The Official Zoning District Map shall remain on file with Franklin Township.

### **A. Zoning District Boundary Interpretation**

Where uncertainty exists with respect to the boundaries of the various districts shown on the zoning map, the following rules apply:

- 1.** Where the districts designated on the zoning map are bounded approximately by street or alley pavement edges or right-of-way lines, such lines shall be construed to be the boundary of the districts.
- 2.** Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines. Where the districts on the zoning map are bounded approximately by lot lines, such lines shall be construed to be the boundary of districts unless the boundaries are otherwise indicated on the zoning map.
- 3.** In un-subdivided property, the district boundary lines on the zoning map shall be determined by dimensions or the use of the scale appearing on the zoning map.
- 4.** The Zoning Inspector shall make the determination with respect to measuring district boundary lines. The decision of the Zoning Inspector may be appealed to the BZA.

### **B. Street Vacation**

1. Wherever any street, alley, or public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended district.
2. Where no zoning exists for the vacated right-of-way, the Township Trustees, Zoning Commission or property owner shall initiate a zoning map amendment to establish a zoning district(s) for the vacated street, alley, or public way.

## **Section 405 Zoning District Purpose Statements**

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The following are the statements of purpose for each of the zoning districts established in this Resolution.

**A. A Agricultural District.**

The purpose of the "A" Agricultural district is to conserve the rural character of Franklin Township by promoting the protection of existing farmland while limiting the amount of non-agricultural land use.

**B. CR Countryside Residential District.**

The purpose of the "CR" Countryside Residential district is to permit primarily low-density residential development in rural areas not served by public sewer and water.

**C. R-1 Rural Residential District.**

The purpose of the "R-1" Rural Residential District is to provide areas for low density single family detached housing in those areas of Franklin Township which are not served by public or private water systems and must depend on on-site individual water collection and sewage system.

**D. R-2 Suburban Residential District.**

The purpose of the "R-2" Suburban Residential District is to provide areas for medium density single family detached housing in those areas of Franklin Township which are served by both water and sanitary sewer systems, either publicly or privately owned.

**E. B-1 Neighborhood Business District.**

The purpose of the "B-1" Neighborhood Business District is to provide land for neighborhood-oriented businesses with a variety of commercial uses which are a convenience to residents of Franklin Township. Because they are often located within close proximity to areas zoned for agriculture and residential uses, Neighborhood Business Districts require restrictions to avoid possible conflicts in the land use relationships.

**F. I-1 Industrial District.**

The purpose of the "I-1" Industrial District is to provide lands for various light industrial, manufacturing and warehouse uses which are compatible within the rural nature of Franklin Township and which place only limited demands on the street and utility systems.

**G. M-H-P Manufactured Home Park District.**

The purpose of the "M-H-P" District is to provide areas of Franklin Township which are suitable for the development of well-planned manufactured home parks.

**H. PD Planned Development District.**

The purpose of the PD Planned Development District is as set forth in *Article 5*.

## **Section 406 Permitted Use Table**

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The Permitted Use Table sets forth the principally permitted uses within the zoning districts. The abbreviations used in the table are described as follows.

**A. Permitted Use (P)**

- 1.** A "P" in a cell indicates that a use category is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations.
- 2.** Uses permitted with conditions under this category are approved administratively by the Zoning Inspector pursuant to the zoning certificate review procedure or during site plan review, if applicable.

**B. Permitted Uses with Use Specific Standards (PS)**

- 1.** A "PS" in a cell indicates that a use category is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with use-specific standards are subject to all other applicable regulations of this Resolution.
- 2.** Uses permitted with use-specific standards under this category are approved administratively by the Zoning Inspector pursuant to the zoning certificate review procedure or during site plan review, if applicable.

**C. Conditional Use (C)**

- 1.** A "C" in a cell indicates that a use category is allowed only if reviewed and approved as a conditional use by the Board of Zoning Appeals in accordance with these Zoning Regulations.
- 2.** Conditional Uses are subject to all other applicable regulations of this Resolution including the use specific standards referenced in the "Use-Specific Standards" column.

**D. Prohibited Uses (Blank Cells)**

**ARTICLE 4: Zoning Districts and Use Regulations**

Section 406: Permitted Use Table

2-23-2024

A blank cell indicates that a use is prohibited in the respective zoning district. Additionally, any use that is not listed is considered prohibited unless the Zoning Inspector makes a determination that the use is similar to an existing use in accordance with these Zoning Regulations.

**E. Numerical References (Last Column)**

The numbers contained in the “Additional Requirements” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Additional Requirements” column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and /or a permitted use with use specific standards.

**Table 406-1: Permitted Use Table**

Use	Zoning Districts							Specific Use Standards
	A	CR	R-1	R-2	B-1	I-1	M-H-P	
P = Permitted Use PS = Permitted Use with Use Specific Standards C = Conditional Use								
<b>AGRICULTURAL USES</b>								
Agriculture – Raising of Crops	P	P	P	P				
Agriculture – Raising of Livestock	P	PS	PS	PS				408.A.1
<b>RESIDENTIAL USES</b>								
Adult Family Home or Small Residential Facility	P	P	P	P				
Adult Group Home or Large Residential Facility				P				
Dwelling, Multi-Family				C				408.B.1
Dwelling, Single Family	P	P	P	P	C			408.B.2
Dwelling, Townhouse				C				408.B.3
Dwelling, Two Family								408.B.3
Institutional Housing		C	C	C				408.B.4
Non-Permanently Sited Manufactured Home Park							PS	408.B.5
Permanently Sited Manufactured Home	PS	PS	PS	PS				408.B.6
<b>BUSINESS USES</b>								
Adult Entertainment Establishment								
Agribusiness & Greenhouses	C				P	P		408.C.1
Bakery					P			
Bar or Tavern					P			408.C.2
Bed and Breakfast	C	C	C	C				408.C.3
Building Material Sales					P	P		

**Table 406-1: Permitted Use Table**

Use	Zoning Districts							Specific Use Standards
	A	CR	R-1	R-2	B-1	I-1	M-H-P	
P = Permitted Use PS = Permitted Use with Use Specific Standards C = Conditional Use								
<b>AGRICULTURAL USES</b>								
Business Services					P	P		
Building Trades						P		
Convenience Business					P			
Club, Lodge or Other Social Meeting Place	C	C			PS	PS		408.C.4
Conference Center, Assembly Hall, or Banquet Facility					P	P		
Day Care Center		C	C	C	P			408.C.5
Dry Cleaner					P			
Equipment Rental					C	C		
Family Day Care Home		C	C	C				
Financial Institution					P			
Funeral Home					P			
Garden or Landscape Supply Store					P			
Hotel or Motel					P			
Indoor Commercial Recreation or Entertainment Facility					P			
Kennel	C	C			PS			408.C.6
Laundry or Laundromat					P			
Lumber Yard						P		
Marijuana Business					C			
Medical and Dental Center or Outpatient Clinic					P	P		
Micro Brewery					P	P		
Micro Distillery					P	P		
Office					P	P		
Off-Premises Outdoor Advertising (Billboards)	PS				PS	PS		913
Outdoor Commercial Recreation or Entertainment Facility	C				C	C		408.C.7
Outdoor Theater (Drive-In)					C			408.C.8
Paint Shop					P	P		
Personal Service					P	P		
Printing Shop					P	P		
Restaurant					PS	C		408.C.9
Retail Business					P			



ARTICLE 4: Zoning Districts and Use Regulations

Section 406: Permitted Use Table

2-23-2024

**Table 406-1: Permitted Use Table**

Use	Zoning Districts							Specific Use Standards
	A	CR	R-1	R-2	B-1	I-1	M-H-P	
P = Permitted Use PS = Permitted Use with Use Specific Standards C = Conditional Use								
<b>AGRICULTURAL USES</b>								
Self-Storage Facility					C	P		408.C.10
Sheet Metal Shop						P		
Stable, Public					C	C		
Tattoo/Piercing Parlor or Studio					P			
Travel Trailer Camp	PS	PS	PS					408.C.11
Travel Trailer Overnight Port	PS	PS	PS					408.C.12
Trailer, or Farm Implement Sales and Service					P	P		
Vehicle Fuel Sales					C			408.C.13
Vehicle Service and Repair					PS			408.C.14
Vehicle, Truck Sales, or Rental					PS			408.C.15
Veterinary Hospital or Clinic					PS	PS		
Wholesale Business					P	P		
<b>INDUSTRIAL AND WAREHOUSE USES</b>								
Brewery					C	P		
Concrete Mixing						C		408.D.1
Construction Services and Storage Yards						PS		408.D.2
Distillery					C	P		
Gravel or Sand Extraction	C					C		
Gravel, Sand, Material Storage						C		408.D.3
Heavy Manufacturing						C		408.D.4
Junkyard						C		408.D.5
Light Manufacturing						P		
Mining						C		408.D.6
Office-Warehouse						P		
Research and Development Facility or Laboratory						P		
Sawmill						P		
Truck Terminal						P		
Warehousing, Distribution or Storage Facility						P		
<b>PUBLIC AND INSTITUTIONAL USES</b>								
Cemetery	C	PS	PS	PS	PS	PS	PS	408.E.1

**Table 406-1: Permitted Use Table**

Use	Zoning Districts							Specific Use Standards
	A	CR	R-1	R-2	B-1	I-1	M-H-P	
P = Permitted Use PS = Permitted Use with Use Specific Standards C = Conditional Use								
<b>AGRICULTURAL USES</b>								
Community Garden	PS	PS	PS	PS	PS	PS	PS	408.E.2
Educational Institution		C	P	P	P			408.E.3
Hospital					P			
Park or Recreation Facility	C	C	PS	PS	PS	PS	PS	408.E.4
Public and Government Building or Use	PS	PS	PS	PS	P	P	PS	408.E.5
Religious Place of Worship		C	PS	PS	PS	PS		408.E.6
Telecommunication Tower	P	C	C	C	P	P	P	408.E.7

**Section 407 Similar Use Determination**

- A. Where there is a proposed use that is not currently listed in the permitted use tables of this Resolution, the Zoning Inspector may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.
- B. The Zoning Inspector should consider the nature, operation, and function of the use in his/her determination of an appropriate district.
- C. The Zoning Inspector may find that the use is not compatible with any existing zoning district and not permit the use under the current Resolution or, as an alternative, the Zoning Inspector may make a recommendation to the Zoning Commission that a new district and/or new provisions be adopted through the zoning text amendment procedure, pursuant to this Resolution.

**Section 408 Use Specific Regulations**

- A. Agricultural Uses:
  - 1. Raising of Livestock
    - a. The raising of livestock shall be prohibited on lots of less than one acre in lot area. Except for the accessory keeping of chickens as regulated in *Section 409.E.9: Keeping of Chickens*.
    - b. Lots that are larger than one acre in area shall be subject to the provisions of *Section 704: Agricultural Use Guidelines and Exemptions*.
- B. Residential Uses

**ARTICLE 4: Zoning Districts and Use Regulations**

Section 408: Use Specific Regulations

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**1. Dwellings, Multi-family:**

There shall be adequate fire extinguishing facilities as approved by the Franklin Township Fire and Rescue Department appropriate for the height of multifamily dwellings.

**2. Dwelling, Single Family**

**a.** Single family dwellings and manufactured homes on individual lots of 43,560 square feet with at least 150 feet of frontage on a public street or road.

**b.** The dwelling shall have a minimum usable floor area of 1,400 square feet excluding garage, carport, porch, or basement.

**3. Dwelling, Townhouse or Two Family Dwelling.**

The following standards shall apply to townhouse dwellings in the R-2 Districts:

**a.** Minimum lot area of one acre.

**b.** Minimum of 150 feet of frontage on a public right-of-way.

**c.** Maximum project density six units per one acre excluding public right-of-way.

**d.** Each unit shall have a 40-foot setback from the project boundary.

**e.** Maximum height of all buildings shall be 35 feet.

**f.** Minimum of two off-street parking spaces shall be located within a fully enclosed attached structure.

**g.** Minimum of two unenclosed, paved surface parking spaces shall be provided for each unit.

**h.** Any townhouse structure in the R-2 District shall be set back at least 75 feet from any adjacent A, CR, or R-1 District.

**i.** Minimum front yard setback from a private street shall be 35 feet from the edge of pavement.

**j.** Minimum of 25 feet between attached single family homes.

**4. Institutional Housing:**

**a.** Minimum lot area of five acres.

**b.** Shall have direct ingress and egress from an arterial or collector street and shall not use a local residential street as the principal access route.

**5. Non-Permanently Sited Manufactured Home**

- a.** No zoning certificate shall be issued unless the non-permanently sited manufactured home is for the expansion of a previously approved non-permanently sited manufactured home park.
- b.** No zoning certificate shall be issued unless a site plan for the use has first been approved in accordance with the Ohio Public Health Council rules as administered and enforced by the Ohio Department of Health, or as otherwise delegated thereby for permitting through the Clermont County Public Health District and licensed by and in accordance with applicable rules of the State of Ohio.
- c.** A manufactured home park shall only contain the following:
  - i. Single family residential use of rented or leased spaces accessed by private streets and driveways as individual sites for temporary placement of mobile homes or other types of non-permanently sited manufactured homes, or
  - ii. Accessory buildings and uses for the manufactured home park including clubhouse, administrative office, laundry and swimming pool, and other similar on-site facilities for the exclusive use of the park residents and their guests.
- d.** Minimum District Size, Configuration, Frontage Setback, Buffering, and Density:
  - i. Minimum lot area of five acres.
  - ii. Minimum of 200 feet of frontage on a public right-of-way.
  - iii. Minimum setback of 100 feet is required from any adjacent residential district.
  - iv. The closest placement of any manufactured home shall be 50 feet to the front property, 25 feet to the side property line and 40 feet to the rear property line of the manufactured home park boundary.
  - v. The maximum coverage of individual lots shall be 80% of the lot area, including buildings, parking areas, and driveways.
  - vi. The average distance between manufactured homes shall be 15 feet, with a minimum of 12 feet.
  - vii. Each manufactured home lot shall have the following minimum yards:
    - 1. Front yard – 20 feet.
    - 2. Side yard – combined 15 feet.
    - 3. Rear yard – 15 feet.
  - viii. A buffer no less than 15 feet wide and six feet in height consisting of evergreen or solid landscaping, or solid board fencing around the perimeter of the non-permanently sited manufactured home.
  - ix. The maximum density shall be 10 units per acre.

**ARTICLE 4: Zoning Districts and Use Regulations**

Section 408: Use Specific Regulations

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x. Individual home lots shall comply with the following standards:

1. Not less than 3,000 square feet.
2. At least 30% of all lots shall be 3,600 square feet.
3. At least 30% of all lots shall be 4,000 square feet.
4. At least 10% of all lots shall be at least 5,000 square feet.

- e. A Minimum of one tree with a minimum caliper of 2 inches shall be planted in the interior of the manufactured home park for each home in the park. Trees may be clustered if designed.
- f. No individual home site in a manufactured home park shall be subdivided from or sold as own able or buildable lots independent of the overall manufactured homes park property that they are part of as a rentable or leasable space.
- g. Sanitary sewer, water supply and trash disposal provisions shall be designed, installed, operated and maintained in accordance with the Ohio Public Health Council rules adopted so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Clermont County Health District.
- h. The location and design of any required private driveway entrance from and/or exit to a public road shall be to the satisfaction of the Clermont County Engineer's Office or the Ohio Department of Transportation (ODOT), as applicable.

**6. Permanently Sited Manufactured Home**

- a. The structure shall be affixed to a permanent foundation and be connected to appropriate facilities.
- b. The structure, excluding any addition, shall have a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 960 square feet.
- c. The structure shall be manufactured after January 1, 1995.
- d. The title, if applicable, must be intended to be assessed and taxed as permanent real estate, not personal property. The title for such structure as a mobile home shall be surrendered to the county auditor when such is permitted for attachment onto its permanent foundation and such surrender shall be notice to the auditor to tax the structure as real property from that day forward.
- e. The indicia of mobility (i.e. temporary axles, trailer tongue, running lights) shall be removed upon placement upon the foundation.
- f. The structure shall not be located in a manufactured home park as defined in ORC Section 3733.01.

**C. Business Uses**

**1. Animal Hospital/ Veterinary Clinics:**

- a.** All soundproofed structures shall have a minimum setback of 50 feet from any abutting residential district.
- b.** All non-soundproofed structures shall have a minimum setback of 100 feet from any abutting residential district.
- c.** If the animal hospital or veterinary clinic includes a kennel use for the temporary boarding of animals for purposes other than medical or dental treatment, it shall also be subject to the standards in *Section 408C.6: Kennel*.

**2. Bars or Taverns:**

- a.** Minimum setback of 100 feet from any abutting residential district.
- b.** Shall have direct ingress and egress from an arterial or collector street.

**3. Bed and Breakfast Establishments:**

- a.** The owner or caretaker shall reside on the property.
- b.** All such uses shall be located in a single family dwelling consistent in character (e.g., height, scale, setbacks, massing, etc.) with the surrounding residential uses, and shall not include facilities for receptions, weddings, or other events.
- c.** Parking areas shall be located behind the bed and breakfast establishment.
- d.** Parking areas shall be screened from adjacent residential uses by landscaping and/or fencing as determined by the Board of Township Trustees.
- e.** The establishment shall conform to state health and building code requirements and shall show proof of inspection or proof of proper operating licenses by the state and/or county.
- f.** The facility shall be limited to no more than four guestrooms with a maximum guest capacity as determined by fire and building regulations.
- g.** No external vending machines shall be allowed.

**4. Clubs, Lodges, or other Social Meeting Places:**

- a.** Minimum lot area of two acres.
- b.** Minimum Setback of 50 feet from any abutting residential district.
- c.** Minimum of 100 feet for any parking area from any abutting residential district.
- d.** Shall have direct ingress and egress from an arterial or collector street.

- 5.** Day Care Center
  - a.** Provision shall be made for the off-street loading and unloading of children attending the school or center.
  - b.** Play lots shall be completely secured and fenced and shall be located no closer than 50 feet to any property line.
  
- 6.** Kennel:
  - a.** Minimum setback of 100 feet from side and rear lot lines, except that when located adjacent to a residential district, the following additional restrictions shall apply:
    - i. All non-soundproofed structures or areas where animals are confined shall have a minimum setback of 500 feet from any residential district.
    - ii. Soundproofed buildings shall have a minimum setback of 100 feet from any residential district.
    - iii. All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall that is a minimum of six feet in height and located within 50 feet from the principal structure.
    - iv. Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 7:00 a.m. of the following day.
    - v. There shall be no burial or incineration of animals on the premises.
  
- 7.** Outdoor Commercial Recreation or Entertainment Facilities:
  - a.** Minimum setback of 100 feet for all enclosures, pools, and buildings from any residential district.
  - b.** Any additional uses or structures that add to or change the scope of the original zoning approval shall go through the conditional use procedure laid out in *Section 304: Appeals, Variances, and Conditional Uses*.
  
- 8.** Outdoor Theater (Drive-In)

There shall be separate entrance and exit ways which shall be not less than 60 feet apart and no closer than 25 feet to any adjoining property line.
  
- 9.** Restaurants:
  - a.** Minimum setback of 100 feet from any abutting residential district.
  - b.** All audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 200 feet of any adjacent residential dwelling unit.

**10. Self-Storage Facility:**

- a.** Minimum lot area requirement of two acres.
- b.** Minimum Setback of 100 feet from any abutting residential district.
- c.** The only commercial uses permitted on-site shall be the rental of storage space and the pick-up and/or deposit of goods on the property in storage. No part of a self-storage facility or storage space shall be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment, or to conduct similar activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on-site.
- d.** A commercial accessory dwelling unit may be permitted in connection with office/watchman purposes.
- e.** A solid wall shall be required around the perimeter of the storage area. All storage units with access from the exterior of the building shall be located behind the screen wall.
- f.** Ornamental gates may be used for ingress and egress.
- g.** Driveways:
  - i.** All one-way driveways shall provide for one 10-foot parking lane and one 15-foot travel lane.
  - ii.** All two-way driveways shall provide for one 10-foot parking lane and two 12-foot travel lanes .
  - iii.** Parking lanes may be eliminated when driveways do not directly serve storage spaces.
- h.** Signs identifying the nature of the self-storage shall not exceed 15 feet in height nor 40 feet in area. Signage shall be limited to one sign for each property line abutting a street right-of-way.
- i.** All storage on the property shall be kept within enclosed buildings.

**11. Travel Trailer Camp**

- a.** No zoning certificate shall be issued unless a site plan for the use has first been approved in accordance with the Ohio Public Health Council rules so regarding, as administered and enforced by the Ohio Department of Health, or as otherwise delegated thereby for permitting through the Clermont County Combined Health District.
- b.** A Travel Trailer Camp shall only contain the following:



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- i. Recreation parks, recreation camps, recreational vehicle park, and temporary park camps, wherein one or more travel trailers, motor homes, truck campers or other types of dependent or self-contained recreational vehicles or otherwise portable camping units, such as tents, can be placed on leased or otherwise contracted spaces for recreation, vacation purposes, as defined in *Article 11: Definitions*.
  - ii. Accessory buildings and uses customarily incidental to any of the above uses, including the sale of food and refreshments are permitted, provided such accessory facilities are only for exclusive use by the principal permitted use occupants and their guests.
- c. Minimum Size, Configuration, Frontage, Setback and Buffering**
- i. Minimum lot area of five acres.
  - ii. Minimum of 200 feet of frontage on a public right-of-way.
  - iii. Minimum setback of 100 feet is required from any residential district.
  - iv. A buffer no less than 15 feet wide and six feet in height consisting of evergreen or solid landscaping, or solid fencing.
- d. Duration of Placement or Occupancy**
- i. No placement of a recreational vehicle or portable camping unit, or occupancy thereof by the same tenant shall exceed 120 days in any 12-month period following the beginning of placement or occupancy, unless otherwise specified by the Ohio Department of Health.
  - ii. Otherwise, permanent occupancy of such a single family residence is prohibited, except by the managing operator and the immediate family members legally dependent thereon.
  - iii. The owner or operator of a permitted travel trailer camp shall maintain a constant record of each tenant or visitor, noting their name, date of stay, home address and the make, model year and license number of their vehicles, which shall be available for inspection by the Zoning Inspector or other law enforcement agencies.
- e.** No individual camping sites shall be subdivided from or sold as ownable or buildable lots independent of the overall recreation park, camp, or combined park-camp property that they are part of as rentable or leasable spaces.
- f.** Sanitary sewer, water supply and trash disposal provisions shall be designed, installed, operated, and maintained in accordance with the Ohio Public Health Council rules adopted so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Clermont County Public Health District.

- g.** The location and design of any required private driveway entrance from and/or exit to a public road shall be to the satisfaction of the Clermont County Engineer's Office or ODOT, as applicable.
- h.** All aspects of development internal to a site in a travel trailer camp are subject to plan approval and subsequent licensing of the developed use, in accordance with the Ohio Public Health Council rules so regarding, as administered by the Ohio Board of Health, and delegated thereby for enforcement by the Clermont County Public Health District.
- i.** The intensity of any exterior lighting relative to adjacent off-site residential use or district shall not exceed 0.2 footcandles at the border of a travel trailer overnight port, unless otherwise a lower threshold is specified by the Ohio Department of Health.

## **12.** Travel Trailer Overnight Port

- a.** No zoning certificate shall be issued unless a site plan for the use has first been approved in accordance with the Ohio Public Health Council rules so regarding, as administered, and enforced by the Ohio Department of Health, or as otherwise delegated thereby for permitting through the Warren County Combined Health District.

- b.** A travel trailer overnight port shall only contain the following:

- i. A travel trailer overnight port shall be operated for sole use as a parking area in which only self-contained recreational vehicles as defined in *Article 11: Definitions* for the purpose of providing vacationing travelers or other motoring transients with a place for temporary occupancy, for a fee or free.
- ii. Accessory buildings and uses such as clubhouses, laundry, swimming pool and other similar on-site support facilities are for exclusive use by the principal occupants and their guests.

- c.** Minimum Size, Configuration, Frontage, Setback and Buffering

A travel trailer overnight port shall comply with all of the following minimum site and development requirements:

- i. The site shall be at least five acres in size, not including the minimum required setback specified in *Section 408.C.12.c.iv* below.
- ii. The site configuration shall not exceed a one-to-five ratio of width-to-depth.
- iii. At least 100 feet frontage on a public road is required.
- iv. A setback of at least 100 feet is required from any residential district or property.
- v. A buffer not less than 15 feet wide and six feet in height consisting of evergreen or solid landscaping, or solid board fencing, shall be provided in the required setback distance in *Section 408.C.12.c.iv* above. The buffer is to screen the view from any existing or future residence located within 500 feet surrounding the site.

**ARTICLE 4: Zoning Districts and Use Regulations**

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- d.** No placement of a recreational vehicle or portable camping unit, nor occupancy thereof by the same tenant shall exceed 48 hours, except in the event of a bona-fide emergency due to illness or injury of the occupant or mechanical failure of their vehicle and excluding three-day weekends that include either a Friday or Monday that is a nationally observed holiday.
- e.** Sanitary Facilities
  - i.** A travel trailer overnight port shall provide for containment or conveyance of sewage waste from trailer holding tanks, in accordance with the specifications of the Ohio Public Health Council rules so regarding, subject to approval of the Ohio Department of Health.
  - ii.** Approval of the plan for the design, installation, operation, and maintenance of a sewage disposal containment and/or treatment facility is subject to approval by the Warren County Combined Health District, Clermont County Sanitary Engineer and/or the Ohio Public Health Council, as applicable, and shall comply with regulations HE 27.01-27.61, inclusive, of the Ohio Sanitary Code.
- f.** The location and design of any required private driveway entrance from and/or exit to a public road shall be to the satisfaction of the Clermont County Engineer or ODOT, as applicable.
- g.** Stormwater drainage for a travel trailer camp must be controlled to the satisfaction of the Clermont County Engineer.
- h.** All aspects of development internal to a site in a travel trailer overnight port are subject to plan approval and subsequent licensing of the developed use, in accordance with the Ohio Public Health Council rules so regarding, as administered by the Ohio Board of Health and delegated thereby for enforcement by the Clermont County Combined Health District.
- i.** The design of a travel trailer overnight port is subject to the review satisfaction of the local fire and emergency service provider, as to all applicable aspects of site development and use complying with related accessibility requirements and any other concern to such regard.
- j.** The intensity of any exterior lighting relative to adjacent off-site residential use or district shall not exceed 0.2 footcandles at the border of a travel trailer overnight port, unless otherwise a lower threshold is specified by the Ohio Department of Health.

**13. Vehicle Fuel Sales**

- a.** All fuels for sale are stored in underground tanks.
- b.** The sale of fuel is clearly incidental to the main retail activity conducted on the premises.

- c.** No automotive repair is conducted on the premises.

**14.** Vehicle Service and Repair:

- a.** All vehicle service or vehicle repair shall be performed and conducted in an enclosed structure.
- b.** All vehicles or parts shall be kept inside through the use of a solid fence, masonry wall or an enclosed structure.

**15.** Vehicle or Truck Sales and Rental:

Vehicle or truck sales or rental uses are subject to the following standards:

- a.** Minimum lot area of two acres.
- b.** A principal structure shall be located on the lot.
- c.** No auctions shall be permitted on the lot.
- d.** No outdoor speaker systems shall be permitted for uses that abut or are across the street from residential districts.
- e.** Delivery and loading shall not be permitted on a public street.
- f.** Minimum setback of 100 feet from an abutting residential district.
- g.** No storage or display of vehicles shall be permitted in any required landscape area.
- h.** Automotive service or repair, if permitted, shall be performed, and conducted in an enclosed structure.
- i.** One additional freestanding sign shall be permitted if multiple vehicle and dealerships share the lot, with a maximum of two signs. Each sign shall not exceed the sign area permitted per *Article 9: Signage Standards*.

**D.** Industrial and Warehouse Uses

**1.** Concrete Mixing:

- a.** Noises shall be muffled or otherwise controlled so as not to become objectionable due to intermittence, beat frequency, hammering, screeching, or shrillness. Sirens, whistles, or other devices maintained solely for public safety reasons or to serve public welfare are exempt from the above regulations relating to noise.
- b.** Vibrations will not be permitted which are discernable in adjoining residential area (without interments).
- c.** No person shall discharge into the atmosphere from any source or emission whatsoever any air contamination for a period or periods aggregating more than five minutes.

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- d.** No person shall emit odorous matter such as to cause an objectionable odor.
- e.** No person shall cause or permit the discharge from any source whatsoever such quantities of air contaminants of other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health, or safety of any such persons or the public which causes or have a tendency to cause injury or damage to business or property.
- f.** Direct or sky-reflecting glare will not be permitted. This restriction will not apply to signs permitted in this Resolution.

**2.** Construction Services and Storage Yards:

All outdoor storage of equipment, supplies, and materials shall be screened and directed to the rear of the property.

**3.** Gravel, Sand, Material Storage:

- a.** Storage areas shall be no closer than 75-feet to any adjoining property line (exclusive of property lines on which the principal activity is conducted).
- b.** All storage areas shall be screened on the perimeter by a solid fence, wall, or natural vegetation not less than six feet in height.

**4.** Heavy Manufacturing:

- a.** Noises shall be muffled or otherwise controlled so as not to become objectionable due to intermittence, beat frequency, hammering, screeching, or shrillness. Sirens, whistles, or other devices maintained solely for public safety reasons or to serve public welfare are exempt from the above regulations relating to noise.
- b.** Vibrations will not be permitted which are discernable in adjoining residential area (without interments).
- c.** No person shall discharge into the atmosphere from any source or emission whatsoever any air contamination for a period or periods aggregating more than five minutes.
- d.** No person shall emit odorous matter such as to cause an objectionable odor.
- e.** No person shall cause or permit the discharge from any source whatsoever such quantities of air contaminants of other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health, or safety of any such persons or the public which causes or have a tendency to cause injury or damage to business or property.
- f.** Direct or sky-reflecting glare will not be permitted. This restriction will not apply to signs permitted in this Resolution.

**5.** Junkyard:

- a.** Junk yards shall be located not less than 300 feet from any road, street, residence, school, hospital, or institution for human care.
  - b.** Junk yards shall be enclosed on all sides by a sold metal fence or wall not less than eight feet in height.
- 6.** Mining:
  - a.** Time Requirements:
    - i. Development and/or construction of the site must begin within two years of approval of the Conditional Use.
    - ii. Extraction of the minerals, coal, or other organic materials as outlined in the original plan, and for which the mining district was established must be actively underway within five years of the approval of the Conditional Use.
  - b.** Plans & Standards:
    - i. Annual inspections by Mine Safety and Health Administration (MSHA), EPA and any other governing or regulatory body responsible for the oversight of such matters and shall submit a copy of the findings to the Zoning Inspector within 30 days for records.
    - ii. All expenses incurred for the inspections and subsequent repairs are the responsibility of the owner.
    - iii. Any division or sale of the property that affects the area, setbacks, buffers shall constitute a breach of the minimum requirements for the Conditional Use and will signal a halt to all mining operations on the site.
    - iv. Applicant shall follow all MSHA Codes, 30 CFR § 57.1 et seq.
    - v. The location and design of any required private driveway entrance from and/or exit to a public road shall be to the satisfaction of the Clermont County Engineer's Office or ODOT, as applicable.
    - vi. Storage and usage of explosives shall follow MSHA Codes, 30 CFR § 57.1 et seq.
    - vii. Reclamation Plan shall follow MSHA Code, 30 CFR § 57.1 et seq.
  - c.** Minimum District Size, Configuration, Frontage, Setback and Buffering
    - i. Minimum lot area of 600 acres.
    - ii. Mining activity shall have a Minimum setback of 500 feet is from all property lines.
    - iii. Minimum setback for any accessory building outside of the direct mining operation from all property lines shall be 2,000 feet.
    - iv. A continuous buffer consisting of a mixture of grass- covered contoured hills across any property lines including road frontage, except for ingress and egress.

- v. Minimum buffer height of 15 feet.
- vi. Minimum buffer width of 50 feet.
- vii. The owner shall be responsible for the maintenance of the buffer area.

**E. Public and Institutional Uses**

**1. Cemetery:**

- a.** All structures, except for grave markers, shall have a minimum setback of 200 feet from any abutting residential district.
- b.** The cemetery shall be a minimum of 20 acres.

**2. Community Garden:**

- a.** The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- b.** The name and telephone number of the owner and any designated caretaker of the property, along with a copy of the operating rules shall be kept on file with the zoning administrator.
- c.** The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- d.** There shall be no retail sales on site.
- e.** No enclosed building or structures shall be permitted on the site unless the structure is for maintenance of the property.
- f.** Benches, bike racks, raised/accessible planting beds, picnic tables, garden art, rain barrel systems, children's play areas and similar equipment may be permitted.

**3. Educational Facility and Educational Institution:**

- a.** Minimum lot area of five acres.
- b.** Minimum Setback of 200 feet from any abutting residential district

**4. Park or Recreation Facility:**

- a.** All structures, public swimming pools, and ball fields shall have a minimum setback of 50 feet and all parking areas shall have a minimum setback of 100 feet from any abutting residential district. This standard shall not apply to fences associated with this use. Areas devoted to a golf course including tee areas and greens shall not be subject to this setback.

- b.** Private recreation facilities within residential districts shall be a minimum of 30 acres and shall be fenced on all sides.
- c.** Parks and recreational facilities in residential districts shall have primary access along an arterial or collector street.

**5.** Public and Government Building or Use:

The following standards shall apply to fire stations:

- a.** Front yard, side yard and rear yard requirements for the district are met.
- b.** Enough area shall be set aside for future parking spaces, for a minimum of 40 vehicles, with a parking space provided at any given time for each member of the fire company. If an assembly hall is included in the building, additional parking spaces shall be provided.

**6.** Religious Place of Worship:

In residential districts, a minimum building setback of 100 feet from the sides and rear lot line.

**7.** Telecommunication Tower:

The purpose of this section is to regulate the placement, construction, and modification of telecommunication facilities and their support structures in order to protect the public health, safety, welfare, and morals, while at the same time not unreasonably interfering with the competitiveness in the wireless telecommunications industry in the region.

This Section shall only apply to the review of wireless telecommunication facilities in residential zoning districts pursuant to Section 519.211 of the Ohio Revised Code.

**a.** Procedure for Telecommunication Towers in Residential Districts:

- i. Any person who plans to construct a telecommunications tower in a residential zoning district shall provide written notice in accordance to Section 519.211 of the Ohio Revised Code.
- ii. If the Township Trustees receives notice from a property owner in accordance with ORC Section 519.211 or if a board member makes an objection to the proposed location of the telecommunications tower within 15 days after the date of mailing of the notice sent under ORC Section 519.211, the Township Trustees shall request that the township fiscal officer send the person proposing to construct the facility written notice that the tower is subject to the power conferred by and in accordance with ORC. The notice shall be sent no later than five days after the earlier of the date the Township Trustees first receives such a notice from a property owner or the date upon which a board member makes an objection. Upon the date of mailing of the notice to the person, Sections 519.02 to 519.25 of the ORC shall apply to the facility. Such tower or facility shall be subject to a Conditional Use review pursuant to *Section 304: Appeals, Variances, and Conditional Uses*.



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- iii. If the Township Trustees receives no notice under ORC Section 519.211 within the time prescribed by that division or no board member has an objection as provided under ORC Section 519.211 within the time prescribed by that subsection, the tower shall be permitted as-of right pursuant to the applicable Sections of this zoning Resolution.

**b. Review Standards for Conditional Use Towers:**

- i. The proposed site meets the minimum site development standards for the applicable zoning district.
- ii. The maximum height of the tower shall be 200 feet.
- iii. The lot on which the tower is to be located shall be owned or leased by the telecommunications tower company, and the parcel shall be of sufficient size to allow the minimum setback from this parcel's lot line to the base of the telecommunication tower. The minimum setback shall be a 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet of distance from the tower base to the nearest lot line and/or closest unrelated structure). The equipment shelter shall comply with minimum setback requirements for the established zoning district. New structures not related to the telecommunication facility cannot be added within the area of the tower's parcel. If the parcel on which the tower is located has road frontage, the tower must be located 300 feet from the right-of-way.
- iv. Proof shall be provided by the applicant in a form satisfactory to the Board that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to the Ohio Department of Transportation, the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC), or the successors to their respective functions.
- v. In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing towers. This shall include, but not be limited to, a certified mail announcement to all other tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on a tower, unless available space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of co-location versus new construction, any FCC limitations on tower sharing preclude co-location and a list of their existing equipment in the area.
- vi. The Board shall require a bond to cover tower removal and full site restoration after discontinued use.
- vii. The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Monopole installations are recommended.

- viii. No telecommunication facility shall be located within a "wetland" as defined by federal law.
- ix. A telecommunication facility shall not be located upon a property listed on a federal, state, or local historic register, or be mounted on a building or structure listed on a federal, state, or local historic register.
- x. No advertising sign(s) shall be permitted anywhere on a telecommunication tower, equipment building, and appurtenances or on the site.
- xi. There shall be no outdoor storage of equipment or other items on the site except during the facility construction period or to supply emergency power to the facility only during a power outage.
- xii. The owner/operator of the telecommunication facility shall, by January 15th of every year from the date of issuance of the zoning certificate, file a declaration with the Zoning Inspector, including verification that the radio frequency (electromagnetic) emissions are in compliance with the current FCC regulations. The appropriate fee(s) will be included to permit the continuing operation of every facility, which is subject to these regulations.
- xiii. The maximum cumulative total size of all equipment buildings accessory to a telecommunication tower or antenna on a parcel shall be 800 square feet. All telecommunication equipment shelters shall be configured to appear as one building on any one parcel.
- xiv. The applicant shall demonstrate to the township that it is licensed by the FCC and shall notify the township of any special conditions conveyed by the license.
- xv. One fence, not less than six feet in height, shall fully enclose all parts of the facility, including but not limited to, the base of the tower, guy wires, base of guy wires, and building. Gates shall be locked at all times when the facility is unattended by an agent of the telecommunication provider.
- xvi. A landscaped buffer area, not less than 15 feet in depth shall be placed between the fence surrounding the telecommunication facilities and the public right-of-way and any adjacent properties with a direct view of the facilities, other than the tower itself. The 15 feet landscaped buffer shall be of hardy evergreen shrubbery not less than six feet in height and of a density to obstruct the view. The landscaping shall be continuously maintained and promptly restored, if necessary.
- xvii. Telecommunication towers shall not be artificially lighted unless required by the FAA or other applicable federal or state authority. When so required, it shall be oriented inward, so as not to project onto surrounding residential properties. In any case, overall site illumination shall be such that measurements along the perimeter of the site shall not exceed 0.20 foot-candles.

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- xviii. The applicant (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give notice of such ceasing of operation to the Township Trustees. Facilities shall be removed from the site within 12 months of ceasing operations. Resale or renting of facilities is permissible only to other cellular communications systems subject to obtaining a zoning certificate.

#### C. Telecommunications Equipment Mounted on Existing Structures:

An antenna for a telecommunication facility may be attached to an existing residential building two and one-half stories in height or to an existing non-residential structure, excluding residential accessory structures, subject to the following conditions:

- i. The antenna shall not extend more than 10 feet above the roof of the existing building or top of the existing structure.
- ii. If the applicant proposes to locate the telecommunications equipment in a separate telecommunications equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district.
- iii. Vehicular access to the equipment shelter shall be via the existing road circulation system.

## Section 409 Accessory Use and Structure Regulations

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### A. Purpose

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

### B. General Provisions

The following general provisions apply to all accessory uses or structures.

1. The structure or use shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
2. The structure or use shall be located on the same lot as the principal use for which it serves.
3. Unless otherwise stated in this section, a zoning certificate shall be required prior to construction or establishment of an accessory use or structure.
4. An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of this Resolution.

5. Unless permitted by the Zoning Commission or Township Trustees as part of a PD approval, accessory uses and structures shall be prohibited in any open space area dedicated as part of a PD, except buildings for the storage of equipment or maintenance items for the open space.
6. Accessory structures on properties with a lot area of five acres or more and used for agricultural purposes shall be exempt from these regulations. To be exempt, the building should be one which is necessary for, or customarily used in conjunction with, the specific agricultural use that is active on the property. Such structures include, but are not limited to, barns, greenhouses, and other buildings that are specifically designed for agricultural uses. Although such a structure may have some incidental use for other than agricultural activities, the principal use of the structure must be agricultural.

**C. Permitted Accessory Uses**

Permitted Accessory Uses lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in *Table 409-1: Permitted Accessory Use Table*.

**1. Permitted Use (P):**

A “P” in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted accessory uses and structures are subject to all other applicable regulations of this Resolution, including the additional standards set forth in this section.

**2. Permitted Use with Use-Specific Standards (PS):**

A “PS” in a cell indicates that an accessory use or structure is allowed by-right in the applicable zoning district if it meets the additional standards set forth in the numerically referenced sections in the last column of *Table 409-1: Permitted Accessory Use Table*. Permitted uses and structures with use-specific standards are subject to all other applicable regulations of this Resolution. Accessory uses and structures permitted with use-specific standards under this category are approved administratively by the Zoning Inspector pursuant to the zoning certificate review procedure (where required).

**3. Conditional Use (C):**

A “C” in a cell indicates that, in the respective zoning district, an accessory use or structure is permitted if reviewed and approved as a conditional use pursuant to *Section 304: Appeals, Variances, and Conditional Uses*.

**4. Prohibited Uses (Blank Cells):**

A blank cell indicates that the listed accessory use or structure is prohibited in the applicable zoning district.

**5. Zoning Certificate Required:**

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The “Zoning Certificate Required” column identifies if a zoning certificate is required for the applicable accessory use or structure in districts where it is permitted.

**6. Yards Permitted:**

The “Yards Permitted” column identifies in which yards the applicable accessory use or structure is permitted.

**7. Additional Requirements (Last Column):**

The numbers contained in the “Additional Requirements” column are referenced to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the “Additional Requirements” column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

**Table 409-1: Permitted Accessory Use Table**

Use	Zoning Districts							Zoning Certificate Required	Yards Permitted	
	A	CR	R-1	R-2	B-1	I-1	M-H-P		F = Front S = Side R = Rear	Use Specific Standards
P = Permitted Use PS = Permitted Use with Use Specific Standards C = Conditional Use Accessory Apartment	PS	PS	PS	PS				Yes	S or R	409.E.1
Amateur Radio Transmitter / Antenna	PS	PS	PS	PS			PS	Yes	S or R	409.E.2
ATM					P	P		Yes	F, S, or R	
Beekeeping	PS	PS	PS	PS			PS	No	S or R	409.E.3
Caretaker Dwelling					P	P		Yes	S or R	
Community Garden	PS	PS	PS	PS	PS	PS	PS	Yes	F, S, or R	409.E.4
Detached Accessory Building	P	P	P	P	P	P		Yes	R	
Drive-Through Facility					PS	PS		Yes	S or R	409.E.5
Drop-Off Box					PS	PS		No	S or R	409.E.6

**Table 409-1: Permitted Accessory Use Table**

Use	Zoning Districts							Zoning Certificate Required	Yards Permitted		Use Specific Standards
	A	CR	R-1	R-2	B-1	I-1	M-H-P		F = Front	S = Side	
P = Permitted Use PS = Permitted Use with Use Specific Standards C = Conditional Use											
Accessory Apartment	PS	PS	PS	PS				Yes	S or R	409.E.1	
Dumpster or Refuse Container	PS	PS	PS	PS	PS	PS	PS	No	S or R	409.E.7	
Home Occupation	PS	PS	PS	PS			PS	Yes	Inside principal bldg.	409.E.8	
Keeping of Chickens	P	PS	PS	PS				No	S or R	409.E.9	
Outdoor Dining Area					PS	PS		Yes	F, S, or R	409.E.10	
Outdoor Wood Furnace	PS							Yes	S or R	409.E.11	
Porch or Deck	PS	PS	PS	PS	PS	PS	PS	Yes	F, S, or R	409.E.12	
Private or Public Swimming Pool	PS	PS	PS	PS			PS	Yes	S or R	409.E.13	
Retail Sales					PS	PS		Yes	Inside principal bldg.	409.E.14	
Roadside Stand	PS	PS	PS	PS	PS	PS		Yes	F, S, or R	409.E.15	
Satellite Dish	PS	PS	PS	PS	PS	PS	PS	Yes	F, S, or R	409.E.16	
Small Wind Energy Conservation System	PS	PS	PS	PS	PS	PS	PS	Yes	R	409.E.17	
Solar Panels	PS	PS	PS	PS	PS	PS	PS	See Section 409.E.18	R or on roof of principal structure	409.E.18	
Stable, Private	PS							Yes	S or R	409.E.19	
Tennis Court or Other Game Court	PS	PS	PS	PS	PS	PS	PS	Yes	S or R	409.E.20	

**Table 409-1: Permitted Accessory Use Table**

Use	Zoning Districts							Yards Permitted		
	A	CR	R-1	R-2	B-1	I-1	M-H-P	Zoning Certificate Required	F = Front S = Side R = Rear	Use Specific Standards
P = Permitted Use PS = Permitted Use with Use Specific Standards C = Conditional Use										
Accessory Apartment	PS	PS	PS	PS				Yes	S or R	409.E.1
Tree House, Play Set, or Trampoline	P	P	P	P			P	No	R	
Unenclosed Patio	P	P	P	P	P	P	P	No	R	
Other Accessory Uses	C	C	C	C	PS	PS	C			409.E.21

**NOTES:**

- For the purposes of the placement of accessory uses or structures on a corner lot, the side yard located opposite of the front door of the structure shall be considered the rear yard; and for through lots, the front yard located to the rear of the structure shall be considered the rear yard.
- ATMs and drive-through facilities shall be permitted in the stated zoning district when they are accessory to the building containing the principal use. The zoning certificate approval may be part of the zoning certificate application for the principal use.

**D. Setback, Yard Coverage, and Height Requirements**

The following setback, yard coverage, and height requirements apply to all accessory uses and structures unless more restrictive standards are specified in *Section 409.E: Use-Specific Standards*.

- An accessory structure may be erected as an integral part of a principal building, or it may be connected thereto by a breezeway or other similar structure.
- An accessory structure may be detached from the principal building.
- Accessory structures that are structurally connected to the principal structure, either as an extension of the principal use or through a breezeway, shall meet the setback requirements of the applicable zoning district. Such requirements shall not apply to unenclosed patios.
- Accessory uses or structures shall be set back a minimum of five feet from any lot line unless otherwise specified.

5. *Table 409-1: Permitted Accessory Uses* identifies the yards in which accessory uses are permitted to be located as it relates to a standard interior lot.

**E. Use-Specific Standards**

1. **Accessory Apartment:**

Accessory apartments shall comply with the following standards:

- a. Accessory apartments are allowed as accessory uses only to single family detached dwellings and are not allowed as accessory uses to two family dwellings, townhouse dwellings, multi-family dwellings, or manufactured homes.
- b. The principal dwelling shall be occupied by its owner.
- c. Not more than one accessory apartment shall be allowed per single family dwelling.
- d. An accessory apartment may be within or attached to the principal dwelling (e.g., a downstairs apartment), or exist within or as a detached structure (e.g., an apartment above a detached garage or a guesthouse).
- e. An accessory apartment attached to the principal dwelling shall have an operative interconnecting door with the principal dwelling and shall have a principal access only from the side or rear yard of the principal dwelling.
- f. The gross floor area devoted to an accessory apartment shall not exceed 35% of the total gross floor area of the principal dwelling to which it is accessory. The floor area of an accessory apartment shall not be included as part of the floor area of the principal dwelling for calculation purposes of applying limits on home occupations or similar limits imposed by this code.
- g. The use of a manufactured home, recreational vehicle, or a similar vehicle as an accessory apartment unit is prohibited.
- h. At least one, but no more than two, off-street parking spaces shall be provided for an accessory apartment in addition to off-street parking required for the principal dwelling.
- i. The addition of an accessory apartment to a single family detached dwelling shall not change the status of the dwelling as a single family detached dwelling or the lot as the site of a single family dwelling for purposes of applying intensity and dimensional standards.

2. **Amateur Radio Transmitter or Antenna:**

Noncommercial amateur radio antenna structures for use by amateur radio operators licensed by the FCC shall be authorized for use by licensed amateur radio operators in all residential districts, provided that:



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- a.** The plans for all new and altered amateur radio towers shall be prepared by a certified professional engineer or in accordance with the tower manufacturer's guidelines for installation. The applicant must show evidence that the proposed facility will have sufficient structural strength to support the radio tower and related equipment.
  - b.** Amateur radio towers 35 feet and under shall be set back a minimum distance of five feet from the rear and side property lines but may not project into any front yard of the residence.
  - c.** In order to make reasonable accommodations for amateur radio towers, there shall be a height limit of 35 feet in all residential areas.
    - i.** An additional height limit up to 70 feet for amateur radio towers may be granted when the tower setback meets a ratio of one foot from the base of the tower to all adjoining property boundaries for every one foot of tower height up to 70 feet.
    - ii.** Height measurements shall be taken from the top of the tower or the highest antenna to the finished grade.
  - d.** Amateur radio towers shall not be artificially lighted unless required by the FAA or other applicable federal or state authorities. When so required, lighting shall be oriented upwards, so as to not project onto surrounding residential properties. In any case, overall site illumination shall not exceed 0.20 footcandles along the perimeter of the site.
  - e.** Permission for the amateur radio tower resides with the applicant for the specific property and does not transfer to a different site or to new owners of the property. New owners may apply to the township for permission to retain the tower for amateur radio antenna under this provision. The applicant (or its successors) shall within 30 days of ceasing operation of the amateur radio or tower, provide written notice of abandonment to the Zoning Inspector. An amateur radio tower may not stand longer than 12 months following abandonment.
- 3. Beekeeping:**
- Beekeeping is permitted provided that:
- a.** The principal use is a single family dwelling.
  - b.** No more than two hives are permitted on lots less than one acre.
  - c.** A beehive shall be kept no closer than 10 feet to any lot line and no closer than 25 feet to any residential structure on an adjacent lot or shall comply with the setbacks of the applicable zoning district, whichever is greater.
  - d.** The front of any beehive shall face away from the property line of the adjoining residential property closest to the beehive.

- e.** A solid fence or dense hedge, known as a flyaway barrier, at least five feet in height shall be placed around the beehive. A boundary fence or hedge at least five feet in height may be used to meet this requirement. No such flyaway barrier shall be required if all beehives are located at least 25 feet from all property lines and for beehives that are located on porches or balconies at least 10 feet above grade, except if such porch or balcony is located less than five feet from a property line.
- f.** No Africanized bees may be kept on a property.
- g.** A supply of fresh water shall be maintained in a location readily accessible to all beehives on the property.
- h.** These regulations do not apply to agricultural uses exempted.

**4.** Community Garden:

- a.** Community gardens may be allowed as an accessory use when associated with public or institutional principal use (e.g., religious institution or educational facility).
- b.** Community gardens shall be subject to the provisions of *Section 408.E.2*.

**5.** Drive-Through Facility:

The following standards shall apply to businesses that contain a drive-through facility, regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

**a.** General Standards:

- i. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 300 feet of any residential dwelling unit.
- ii. All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area, shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- iii. An opaque fence or screen between four and six feet in height shall be constructed along any property line abutting a residential district.

**b.** Stacking Space and Lane Requirements:

- i. The number of required stacking spaces shall be as provided for in *Table 409-2: Stacking Space Requirements*.
- ii. Stacking spaces do not count towards the parking spaces required in accordance with *Article 10: Parking, Loading, and Circulation*.

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- iii. Stacking lanes shall be provided for any use having a drive-through facility and shall comply with the following standards:
  - 1. Drive-through stacking lanes shall have a minimum width of 10 feet.
  - 2. Stacking lanes shall be set back 25 feet from rights-of-way.
  - 3. Stacking spaces shall be a minimum of nine feet by 18 feet in size.

**Table 409-2: Stacking Space Requirements**

Activity	Minimum Stacking Spaces (Per Lane)	Measured From
Financial Institution or ATM	5	Teller or Window
Fuel or Gasoline Pump Island	2	Pump Island
Full Service Automotive Washing Establishment	6	Outside of Washing Bay
Restaurant	6	Pick-Up Window
Self-Service Automotive Washing Establishment	2	Outside of Washing Bay
Other	As determined by the Zoning Inspector	

**C. Menu Board Signs:**

- i. One menu board sign for each stacking lane shall be allowed provided it does not exceed 35 square feet in sign area. Any additional attachments such as pictures or photographs of food and other items shall be included within the maximum signage area.
- ii. Menu board signage shall not be included in the total calculated allowed signage for a property.
  - 1. No menu board sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.
  - 2. Illuminated menu board signs shall be internally illuminated.
  - 3. Menu boards shall be reviewed and approved as part of the zoning certificate for the drive-through facility or, when a menu board is to be added, as part of a separate zoning certificate application.

**6. Drop-off Box:**

Drop-off boxes and dumpster style recycling collection containers for public use are permitted in accordance with the following standards:

- a.** A drop-off box may be located in any yard area but shall not be located in any area that is required to be landscaped.
  - b.** Drop-off boxes must be placed on a hard paved surface and located outside of driveways and parking spaces required in conformance with *Article 10: Parking, Loading, and Circulation*.
  - c.** Drop-off boxes must either be enclosed or kept in a clean, new appearing condition.
  - d.** Drop-off boxes which are not kept within an enclosure shall not have dents, any deformation to the outside painted surface, any dirt or residue on the outside surface, graffiti, etc.
  - e.** If two or more drop-off boxes are kept on a site, all boxes shall be kept within a common enclosure. The common enclosure for multiple boxes shall not be located in any area that is required to be landscaped, nor shall it be located in front yard or corner side yard areas. No more than three boxes may be kept on a single site.
  - f.** Each drop-off box shall be limited in size to 10 cubic yards and shall have a lid.
  - g.** Recycling collection containers for private, on-site use only are considered trash and/or garbage collection areas.
- 7.** Dumpster or Refuse Containers.
- a.** The dumpster shall be screened at a minimum on three sides to a height that fully screens the use by a solid fence or masonry wall.
  - b.** In the A, CR, R-1, and R-2 Districts, dumpsters or refuse containers are only allowed for permitted or conditionally permitted non-residential uses or multi-family dwellings.
- 8.** Home Occupation:
- Home occupations shall be subject to the following conditions in addition to any other applicable use standards of the applicable zoning district:
- a.** A person whose principal employment is outside of the home but who temporarily works out of a home office shall not be considered as operating a home occupation subject to these standards.
  - b.** Home occupations shall be clearly incidental and subordinate to the use of the property for residential purposes and shall be completely conducted within the dwelling.
  - c.** The external appearance and/or use of the structure or lot in which the home occupation is conducted shall not be altered to indicate the presence of the home occupation.

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- d.** There shall be no outside storage of any kind related to the home occupation and only commodities made on the premises may be sold on the premises. No display of the products shall be visible from the street.
- e.** No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupation, shall be created.
- f.** No equipment, process, materials, or chemicals which create offensive noises, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances shall be utilized in the home occupation.
- g.** Not person who is not a resident of the premises may participate in the home occupation as an employee.
- h.** No more than one home occupation shall be permitted within any single dwelling unit.
- i.** Delivery of any materials necessary for a home occupation shall be limited to automobiles, light duty trucks (e.g., typical FedEx or UPS home delivery vans and trucks) or vans.
- j.** No building or structure shall be used to operate a business, store equipment used for a business, or serve as a location where multiple employees meet or park prior to going to work off-site.
- k.** Hours of operation for a home occupation that entails client visits or incoming deliveries is restricted to no earlier than 8:00 a.m. and no later than 8:00 p.m. each day of the week.
- l.** No sign, other than one non-illuminated nameplate, two square feet in area and mounted flat on the front face of the dwelling or on a driveway lamppost, shall be erected or maintained on the premises.
- m.** In those instances when the Zoning Inspector denies an application, or if the Zoning Inspector is uncertain of the appropriateness of a proposed home occupation, the matter may be appealed or taken to the Board of Zoning Appeals for interpretation.
- n.** The following are examples of permitted home occupations:
  - i.** Clerical and other similar business services;
  - ii.** Instruction in music, dance or other type of teaching that does not require an expansion in parking;
  - iii.** The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office oriented occupations;
  - iv.** Artists, sculptors, photographers, and other providers of home crafts;

- v. Barber shop/beauty salon with a maximum of one chair;
- vi. A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
- vii. Any similar use as determined by the Zoning Inspector.

**9. Keeping of Chickens:**

The keeping of up to six chickens is permitted provided that:

- a.** The principal use is a single family dwelling.
- b.** No person shall keep any rooster.
- c.** No person shall slaughter any chickens for commercial sales.
- d.** The chickens shall be provided with a covered enclosure for protection from the elements.
- e.** Chickens must always be confined within a fenced area of the yard at all times.
- f.** A covered enclosure or fenced area shall be located no closer than 25 feet to any residential structure on an adjacent lot or shall comply with the setbacks of the applicable zoning district, whichever is greater.

**10. Outdoor Dining Area:**

- a.** Outdoor dining areas in a public right-of-way shall be prohibited.
- b.** Outdoor dining area on a private property shall be regulated as follows:
  - i. An outdoor dining area may be allowed as an accessory use to a restaurant with an indoor eating area on the same site; provided the outdoor dining area shall not replace any off-street parking, loading, or landscaping areas as may be required by this code.
  - ii. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to an area that is closed to vehicular traffic, no railing or fencing shall be required.
  - iii. Umbrellas, or other protective elements, that shelter diners from the elements shall be secured so as not to create a hazard.
  - iv. Enclosing an outdoor dining area either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a zoning certificate.
  - v. There shall be no use of electronics (e.g., televisions, radios, or speakers) in the outdoor dining areas that generate noise.

- c.** The location of outdoor dining areas is subject to review by the township to ensure that access to the building and pedestrian walkways are not obstructed.

**11. Outdoor Wood Furnaces:**

Outdoor wood furnaces shall only be permitted as an accessory use on lots with a minimum lot area of five acres.

**a.** Setbacks:

- i. A minimum of 100 feet from all lot lines;
- ii. A minimum of 200 feet from the boundaries of all recorded subdivisions with lots less than five acres in size; and
- iii. A minimum of 200 feet from all residential dwellings not located on the property where the outdoor wood furnace will be situated.

**b.** Permitted and Prohibited Fuels:

- i. Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.
- ii. The following fuels are strictly prohibited in new or existing outdoor wood furnaces:
  - 1. Wood that has been painted varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.
  - 2. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
  - 3. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers.
  - 4. Rubber, including tires or other synthetic rubber-like products.
  - 5. Any other items not specifically allowed by the manufacturer or this section.

**c.** Nonconforming Use:

Outdoor wood furnaces that were installed prior to the effective date of this amendment shall be permitted to continue. However, if the existing outdoor wood furnace does not meet the standards of this section, the outdoor wood furnace shall be considered a nonconforming use subject to Article 3: Nonconforming Uses.

**12. Porch or Deck:**

- a.** Porches or decks that are enclosed (with screening or other materials), have a roof, or that are physically attached to the principal structure shall meet the setback requirements for principal buildings in the applicable zoning district.
- b.** Unenclosed porches and decks may encroach into required setbacks.
- c.** Porches or decks that are less than 18 inches in height do not require a zoning certificate.

**13.** Private Swimming Pool or Public Swimming Pool:

- a.** The swimming pool shall be set back a minimum of 20 feet from any property line. This setback shall be measured from the edge of the pool water.
- b.** The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four feet in height and maintained in good condition with a self-closing, self-latching gate that can be locked.
- c.** Above grade pool walls may be counted toward the height of the required fence.
- d.** Any swimming pool for the use of occupants of multi-family dwellings containing over three dwellings or those that are accessory to a nonresidential use shall meet the structural and sanitary requirements of the Ohio Department of Health.
- e.** The swimming pool shall be intended and used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- f.** Portable swimming pools, including hard-sided and soft-sided pools, with a diameter greater than 12 feet or with an area no greater than 100 square feet do not require a zoning certificate.
- g.** Installation of an automatic, mechanical swimming pool cover over an inground pool in lieu of the required fencing shall require approval of a Conditional Use by the Board of Zoning Appeals. In addition to the criteria in Section 304, the Board of Zoning Appeals shall consider whether the proposed swimming pool cover complies with ASTM F1346-91, or the latest regulation, regarding safety standards.

**14.** Retail Sales:

- a.** Principal uses in the applicable zoning district may include some retail sales provided:
- b.** The floor area dedicated to retail sales is less than 10% of the total building floor area;
- c.** The retail sales take place in the principal building; and
- d.** The retail sales are related to the services rendered, products stored, or products produced as part of the principal use.



**15. Roadside Stand:**

- a.** A roadside stand shall only be permitted where at least 50% of the total value sold from the stand is derived from produce raised on farms owned or operated by the stand operator in a normal crop year.
- b.** Off-street parking shall be provided as required.
- c.** One ground-mounted sign may be permitted provided it does not exceed 12 square feet in sign area, six feet in height.
- d.** No illuminated signs are permitted.

**16. Satellite Dish:**

- a.** Satellite dishes that exceed one meter in diameter shall be subject to the following standards:
  - i. Satellite dishes may be erected or installed on the ground of any property.
  - ii. Ground-mounted satellite dishes shall be setback a minimum five feet from all lot lines.
  - iii. Satellite dishes shall be prohibited in the front yards of any property on which it is located.
  - iv. Installation of these types of satellite dishes shall require a permit.
  - v. The maximum height of the satellite dish shall be 12 feet.
- b.** Satellite dishes smaller than one meter do not require zoning approval.

**17. Small Wind Energy System:**

- a.** Small wind energy systems that are attached to a roof or structure are permitted provided that the measurement from the average grade to the tip of the blade of the system does not exceed the maximum height of buildings permitted in the applicable zoning district.
- b.** Stand-alone small wind energy systems may be permitted on lots with a minimum lot area of one acre. The pole or supporting structure shall be set back a minimum of 50 feet from any lot line.
- c.** The maximum height shall be 75 feet measured from the average grade to the highest point on the blade.
- d.** The height and location of a stand-alone small wind energy system shall be such that if the system were to collapse it would fall within the boundaries of the subject lot.

**18. Solar Panels:**

- a.** Roof-mounted solar panels shall not count toward the maximum number of accessory structures permitted on the property and shall not require a zoning certificate.
- b.** Freestanding solar panels shall be limited to a maximum height of five feet and shall be located in the rear yard. Such freestanding solar panels shall count toward the maximum number of accessory structures permitted on the property and shall require a zoning certificate.

**19.** Stable, Private:

A private riding stable shall only be permitted as an accessory use on lots with a minimum area of five acres.

**20.** Tennis Court or Other Fame Court:

Minimum setback of five feet from all lot lines.

**21.** Other Accessory Uses:

- a.** Other accessory uses in a residential zoning district shall be subject to a conditional use review.
- b.** Other accessory uses in a nonresidential zoning district may be permitted by the zoning Inspector if they are customarily found in conjunction with and required for the full utilization and economic viability of the principal business use.
- c.** The zoning Inspector shall have the authority to determine that a proposed accessory use (not otherwise defined in *Table 409-1: Permitted Accessory Uses* shall be subject to conditional use review.

## **Section 410 Temporary Use Regulations**

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**A.** Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

**B.** Permitted Temporary Uses and Structures

*Table 410-1: Temporary Uses and Structures* summarize allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

**Table 410-1: Temporary Uses and Structures**

Use	Allowable Duration	Zoning Certificate Required	Use Specific Standards
Construction Dumpster	For construction use – Until issuance of a certificate of occupancy by the building department. For use during temporary cleaning, clearing, or renovations - 60 days per calendar year	No	<i>411.C</i>
Construction Office or Trailer	Until issuance of a certificate of occupancy by the building department	Yes	<i>411.D</i>
Gravel Surface Parking Lots	Until issuance of a certificate of occupancy by the building department	No	
Real Estate Sales/ Model Homes	While lots are for sale	Yes	<i>411.E</i>
Seasonal Agricultural Sales	120 days per calendar year	Yes	<i>411.F</i>
Temporary Housing During Construction		Yes	<i>411.G</i>
Temporary Special Events		Yes	<i>411.H</i>
Temporary Storage During Construction		Yes	<i>411.I</i>
Temporary Storage in a Portable Container	Maximum of 14 consecutive days	Yes	<i>411.J</i>
Temporary Structure for Public or Institutional Uses	3 years	Yes	<i>411.K</i>

## **Section 411 Temporary Use and Structure Standards**

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**A. General Standards**

- 1.** All temporary uses or structures shall be reviewed in accordance with this section and all other applicable sections of this Resolution.
- 2.** All temporary uses or structures shall:
  - a.** Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

- b.** Be compatible with the principal uses taking place on the site;
- c.** Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- d.** Not include permanent alterations to the site;
- e.** Not maintain temporary signs associated with the use or structure after the activity ends;
- f.** Not violate the applicable conditions of approval that apply to a site or use on the site;
- g.** Not interfere with the normal operations of any permanent use located on the property; and

**B.** Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.

**C.** Construction Dumpsters:

Temporary trash receptacles or dumpsters shall be located outside public right-of-way and shall comply with the following standards:

- 1.** Not be located within a floodplain or otherwise obstruct drainage flow; and
- 2.** Not be placed within five feet of a fire hydrant or within a required landscaping.
- 3.** Minimum of five feet from the property line.

**D.** Construction Office or Trailer:

One trailer used as a temporary construction office within a subdivision or nonresidential development which is being developed provided:

- 1.** The subdivision shall be at least five acres. No minimum is established for nonresidential construction sites.
- 2.** A zoning certificate has been issued for the placement of the trailer within the subdivision or development site.
- 3.** The trailer is incidental to and located within the subdivision or site that is subject to development.
- 4.** The placement of the trailer shall conform to all setback requirements for the district in which it is located. In no case shall the trailer be located in the public right-of-way or in proposed or completed roadways.
- 5.** Only one such trailer shall be permitted for each phase of development of the subdivision or nonresidential development.

**ARTICLE 4: Zoning Districts and Use Regulations**

**Section 411: Temporary Use and Structure Standards**

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- 6.** The trailer shall have a parking area with a minimum of one parking space and one additional parking space for each employee within the trailer.
- 7.** The parking area will be surfaced with gravel and the entrance/exit to the parking area shall be paved. This requirement may be waived by the Zoning Inspector for good cause shown.
- 8.** All doors and entries to the trailer shall be secured and lighted as required by the zoning Inspector.
- 9.** Sales activity shall not be conducted at or within the trailer but only such activities as may be related to the development of the subdivision or nonresidential site shall be permitted.
- 10.** A sketch plan shall be submitted to the Zoning Inspector showing the dimensions of the lot or other land upon which the trailer is located and showing compliance with other location requirements of this subsection.
- 11.** The trailer shall be removed when 75% of the lots within the phase of development have been developed.
- 12.** A deposit is made with Franklin Township in an amount set forth upon the township fee schedule. The deposit shall be returned when the trailer is permanently removed. Should the trailer not be removed within the period set forth, then the township may apply the deposit to defray the cost of removing the trailer.

**E. Real Estate Sales Office:**

One temporary sales office or trailer is permitted in a residential district provided:

- 1.** The subdivision shall consist of at least five acres.
- 2.** A zoning certificate has been issued for the placement of the trailer within the subdivision.
- 3.** The trailer is incidental to and located within the subdivision subject to development.
- 4.** The trailer may not be placed within the subdivision until an application for construction of a model home within the subdivision has been issued. In no case shall the trailer be located in the public right-of-way, or in proposed or completed roadways. The trailer shall be removed upon completion of the model home.
- 5.** Placement of the trailer shall conform to all the setback requirements for the district in which it is located.
- 6.** Only one such trailer shall be permitted in a subdivision.
- 7.** The trailer shall have a parking area with a minimum of four parking spaces and one additional parking space for each employee who works within the trailer.
- 8.** The entrance to the parking area shall be from an interior street within the subdivision.

- 9.** The parking area will be surfaced with gravel and the entrance/exit to the parking area shall be paved. This requirement may be waived by the Zoning Inspector for good cause shown.
- 10.** All doors and entries to the trailer shall be secured and lighted as required by the Zoning Inspector.
- 11.** Only one wall sign which is attached to the trailer shall be permitted. The sign shall not exceed 32 square feet in size.
- 12.** A sketch plan is submitted to the Zoning Inspector setting forth the dimensions of the lot or other land within the subdivision upon which the trailer is placed and in compliance with the location requirements of this subsection.
- 13.** A deposit is made with Franklin Township in an amount set forth upon the township fee schedule. The deposit shall be returned when the trailer is permanently removed. Should the trailer not be removed within the period set forth, then the township may apply the deposit to defray the cost of removing the trailer.

**F. Seasonal Agricultural Sales:**

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

**1. Location:**

- a.** The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking space availability.
- b.** The display or storage of goods for sale shall not occur within the public right-of-way, or within 200 feet of a dwelling.

**2. Range of Goods Limited:**

The range of goods or products available for sale shall be limited to non-processed products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, and firewood; bees and beekeeping products; seafood; and dairy products.

**3. Hours of Operation:**

- a.** The hours of operation of the seasonal sale of agricultural products shall be from 7:30 a.m. to 10:00 p.m., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

**G. Temporary Housing During Construction:**

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A zoning certificate shall be issued for temporary housing on the lot on which a building is being erected provided:

- 1.** A building permit has been issued for construction of a residence on the same lot or tract of ground, and that actual construction has commenced before the temporary housing is placed on the property.
- 2.** The temporary housing shall be located behind the residence site.
- 3.** Before occupying the temporary housing, it shall be connected to the sewage disposal system required for the residence under construction.
- 4.** The electrical service for the temporary housing shall meet the requirements of the applicable building codes.
- 5.** The temporary housing shall be securely anchored to the ground.
- 6.** A safe and substantial set of entrance steps of steel, wood or concrete shall be installed.
- 7.** A deposit is made with Franklin Township in an amount set forth upon the township fee schedule. The deposit shall be returned when the temporary housing is permanently removed. Should the temporary housing not be removed within the period set forth, then the township may apply the deposit to defray the cost of removing the temporary housing.
- 8.** The temporary housing may be occupied for a period of six months and an additional six-month period if the Zoning Inspector and the Clermont County Building Inspector are satisfied that work is progressing, and additional time is required for completion of the residence. Occupancy of the temporary housing will not be permitted for longer than one year.
- 9.** The temporary housing must be vacated, and its sewer and electrical connection removed within 30 days after the residence is approved for occupancy or at the end of one year, whichever occurs first, at which time the temporary housing shall either be removed from the premises, or located on the premises in accordance with *Section 1007: Parking of Recreational and Commercial Vehicles*.

**H.** Temporary Special Events:

- 1.** A zoning certificate for temporary special events such as festivals, circuses, concerts, and similar uses shall only be required if tents or structures are required on the applicable lot where the event will occur.
- 2.** The zoning certificate shall be valid for no more than two weeks provided the event meets the following conditions:
  - a.** For a lot that is zoned residentially or that is within 500 feet of a residential zoning district, there shall be a limit of two temporary special events per lot, per calendar year.

- b.** The applicant receives other applicable permits from the Clermont County Building Department and the Franklin Township Fire and Rescue Department.
- c.** The plans receive approval by the Clermont County Sheriff's Office for the purpose of protecting the public safety.

- 3.** Temporary tents for outdoor sales may be permitted for a 14-day period once every 90 days.
- 4.** Buildings and structures for circuses, carnivals, or similar transient enterprises shall be located a minimum of 500 feet from any residential district.

**I.** Temporary Storage During Construction:

One trailer used as a temporary storage of tools and materials used for construction is permitted on a lot on which a building is being constructed provided:

- 1.** A building permit has been issued for the construction of a residence on the same lot or tract of land upon which the trailer is situated and actual construction has commenced.
- 2.** A zoning certificate has been issued for the placement of the trailer on the lot or other tract of ground.
- 3.** The placement of the trailer shall comply with the front and side yard setback requirements for the district within which it is placed.
- 4.** A sketch plan is submitted to the Zoning Inspector showing the dimensions of the property upon which the trailer is to be placed with front, side and rear lot dimensions and showing compliance with the location requirements of this subsection.
- 5.** The trailer may remain for a period of one year from the date of issuance of the zoning certificate. Upon application to the Zoning Inspector, the trailer may remain an additional period of six months provided that the construction of the residence is progressing, and additional time is required for completion of the residence.
- 6.** A deposit is made with Franklin Township in an amount set forth upon the Franklin Township fee schedule. The deposit shall be returned when the trailer is permanently removed. Should the trailer not be removed within the required time period set, then the township may apply the deposit to defray the cost of removing the trailer.

**J.** Temporary Storage in a Portable Shipping Container:

Storage containers that are loaded with materials and placed on a property for the purpose of temporarily storing materials are permitted with the following regulations:



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- 1.** Portable storage containers shall be kept in the driveway of the property at the furthest accessible point from the street. The location of the portable storage container on a driveway shall not obstruct visibility nor block the sidewalk. If no driveway is present, approval from the Zoning Inspector for the placement of the portable storage container prior to its delivery is required.
- 2.** Only one portable storage container shall be placed at any residential property at one time.
- 3.** The Zoning Inspector, upon good cause shown, may approve a one-time extension of the zoning certificate for an additional 14 days. Portable storage containers shall not be located on any parcel for a period exceeding 28 days per calendar year.

**K.** Temporary Structures for Public or Institutional Uses:

Temporary structures serving public or institutional uses shall comply with the following standards:

**1.** Location:

- a.** The use shall be located to the side or rear of the principal structure(s) and at least five feet from any other structure.
- b.** The use shall not be permitted within required off-street parking spaces, required open space areas, or required landscaping areas.

**2.** Standards:

- a.** Under skirting or other materials shall be used to prevent unauthorized access underneath the structure.
- b.** Parking shall be provided for the temporary structure in conformance with *Article 10: Parking, Loading, and Circulation*.

**3.** Approval and Duration:

- a.** This use is permitted if approved by the Zoning Inspector and may remain on the site for no more than three years. This period may be renewed for two additional years, for good cause shown, upon approval of a written request, submitted to the Zoning Inspector at least 30 days prior to the expiration of the zoning certificate. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than five years.

# ARTICLE 5 PLANNED DEVELOPMENT

## Section 500 Planned Development Objectives

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The Planned Development (PD) District and the associated planning and development regulations as set forth and referred to herein are designed to achieve the following objectives:

- A. Provide flexibility in the regulation of residential, commercial and office land development;
- B. Encourage a variety of housing and building types, a compatible mix of commercial and residential development, and creative site design;
- C. Encourage provision of useful open space, and preservation of valuable and unique natural resources;
- D. Provide a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, prevents the disruption of natural drainage patterns, and contributes to the ecological wellbeing of the community;
- E. Promote efficiency through a more effective use of land than is generally achieved through conventional residential and/or commercial development resulting in substantial savings through shorter utilities, streets and other public services;
- F. Provide a residential and/or commercial development pattern in harmony with land use density, transportation facilities, community facilities, and objectives of the Franklin Township Growth Policy Plan; and
- G. Provide opportunities for alternate energy and utility uses, such as wind and solar energy generation uses as principal uses, to be sited, designed, and operated consistent with the community character and growth policies of Franklin Township.

## Section 501 Provisions Governing Planned Developments

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### A. General

Because of the special characteristics of Planned Developments, special provisions governing the developments of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of this Resolution, the provisions of this Article shall prevail for the development of land for Planned Developments. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Resolution.

### B. Construction

No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permits shall be issued until approval of the PD Final Development Plan by

the Zoning Inspector in conformance with the requirements of this *Article 5: Planned Development* provisions have been met.

## **Section 502 Uses Permitted**

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Only those uses listed below may be proposed for development under the Planned Development approach. Compatible residential, public, retail, office and quasi-public uses may be combined provided that the proposed mixture of uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare.

- A. Single family detached dwellings.
- B. Two family dwellings.
- C. Religious places of worship, educational institutions, libraries, or museums.
- D. Buildings and property owned or for the use of Township, County, State, or Federal governments.
- E. Buildings or structures of recreational, cultural, or service type.
- F. Hospitals, provided any buildings or structures are not located closer than 200 feet to any residence, dwelling, educational institution, or religious place of worship, provided, further, that the site for such hospital shall not be less than 5 acres in area.
- G. Golf courses and driving ranges, but not including miniature golf courses. Tennis courses, but not those to be operated for commercial purposes.
- H. Multiple family dwellings (i.e., those containing three or more dwelling units).
- I. Attached single family dwellings (i.e., condominiums and townhouses).
- J. Any permitted use in the B-1 Business District.

## **Section 503 Recommended Minimum Project Area**

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It is recommended that the gross area of the tract to be developed under the Planned Development approach should be a minimum of 10 acres.

## **Section 504 Definitions**

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The following words and phrases shall have the following meanings applicable to Planned Developments.

- A. “Common Open Space” is a parcel of land or any area of water, or a combination of land and water within the site designed and intended for the use or enjoyment of occupants of the Planned Development, or consistent with use as described in *Section 506: Open Space in Planned Developments* may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants but shall not include rights-of-way and required private yards;
- B. “Landowner” shall mean the legal or beneficial owner or owners of all of the land proposed to be included in a Planned Development. The holder of an option or contract to purchase, a lessee or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purposes of this Article;
- C. “Plan” shall mean the written and graphic submission for a Planned Development, including a Preliminary Development Plan (denoting a prospectus for development), Final Development Plan, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, density of development, private streets, ways and parking facilities, common open space and public facilities.
- D. “Planned Development” (PD) is an area of land, controlled by a Landowner, to be developed as a single entity for a variety of dwelling units and/or other uses, the Plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one zoning district created, from time to time, under the provisions of the Franklin Township Zoning Resolution; and
- E. “Professional Consultant” shall mean a person who possesses the knowledge and skills, by reason of education, training, and experience to comprehend the full nature and extent of the project in question regarding its social, economic, physical, environmental and design characteristics and implications in order to foster a unified plan for development. The professional consultant may be a registered architect, landscape architect, engineer, planner, or equivalent.

## **Section 505 Project Ownership**

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The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

## **Section 506 Open Space in Planned Developments**

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### **A. Common Open Space**

No less than 20% of the gross acreage in any Planned Development shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in *Section 506.B*. Required open space shall be readily accessible and usable by occupants of the approved development.

### **B. Disposition of Common Open Space**

The required amount of common open space land reserved under a Planned Development shall be held in corporate ownership by owners or the Homeowners Association of the project area for the use of each owner who buys property within the development or under exceptional circumstances be dedicated to the Township, following consent and approval by the Township, and retained as common open space for public parks, recreation, and related uses. All land dedicated to the Township must meet the Franklin Township Board of Trustees requirements as to size, shape, and location. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication to the Township unless such land or right-of-way is usable as a trail or other similar purposes and approved by the Franklin Township Board of Trustees. A Homeowners Association (HOA), or other appropriate management entity for non-residential use projects, shall be established and in place prior to the development of any land within a PD with the open space(s) under their control being denoted on the record plat and identified as “non-buildable” other than for HOA approved uses.

**C. Maintenance of Open Space**

- 1.** A Homeowners Association, or other appropriate management entity for non-residential use projects, shall be responsible for maintenance of open space and other required amenities within the proposed PD. A Homeowners Association shall be established, and the Bylaws and Articles of Incorporation shall be recorded at the time of approval of the Final Development Plan, prior to issuance of a Zoning certificate or approval of a record plat.
- 2.** The Franklin Township Board of Trustees may require a maintenance bond be provided for the benefit of the HOA or an escrow account established by the developer for maintenance and upkeep of all common areas until the HOA has established matching funds covering 100% of the bond.

**D. Lots to Have Access to Common Open Space**

- 1.** Every residential property developed under the Planned Development approach should be designed to easily access common open space or similar areas. Open space areas shall be accessible to all residents and dwelling units and shall be conveniently located in relation to dwelling units. This does not limit the creation or protection of buffer areas not intended for active use. Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance. The Franklin Township Board of Trustees may require that natural amenities, such as but not limited to, ravines, rock, outcrops, wooded area, tree or shrub specimens, unique wildlife habitat, ponds, streams, and marshes be preserved as part of the open space system.
- 2.** Common open space within non-residential use areas shall be designed to provide maximum benefit to the users of the development and should not be provided in unusable fragments. The design of the open space should create open space areas that are accessible and oriented to pedestrian activity.

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**Section 507 Utility Requirements**

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7. The square footage of all dwelling units, attached and detached units, within a PD shall be a minimum of 1,400 square feet unless modifications are agreed upon at the time of PD approval.
8. Non-residential Uses. Each lot in a PD intended for a non-residential use is recommended to have the following minimum standards. Variable standards may be granted by the Township if considered appropriate. If not, minimum standards from the perimeter property line shall be:
  - a. Lot size 15,000 square feet
  - b. Lot width at building line 100 feet
  - c. Front yard 40 feet
  - d. Side yards 20 feet on each side
  - e. Rear yard 40 feet from rear lot line
  - f. Parking setback from right-of-way 10 feet
  - g. Parking setback from other lot lines 5 feet
  - h. The impervious surface ratio of the non-residential portion of a PD should not exceed 0.75. This standard is provided to encourage development of landscape areas throughout the non-residential development, and to encourage preservation of existing trees and landscape areas where possible.
9. Other Development Controls for Non-residential Uses. The following development controls shall be applied to non-residential uses within a PD:
  - a. Parking and loading requirements shall be in accordance with the provisions set forth in *Article 10: Parking, Loading, and Circulation* of this Resolution or as approved on the Preliminary or Final Plan.
  - b. No outdoor sales or display of any materials shall be permitted in the PD unless approved as a part of the Preliminary or Final Plan.
  - c. No lighting shall be permitted which will have unreasonable glare from any use located in the PD onto any street or into an adjacent property. A lighting plan illustrating the proposed location, height, pole and fixture type, design, lamp, and photometric plan shall be approved on the Preliminary or Final Plan or shall comply with the regulations of *Section 801.B: Outdoor Lighting* as minimum standards.
  - d. All business activities permitted within the PD shall be conducted within a completely enclosed building, except for the following:
    - i. Off-street parking and loading and/or unloading areas.
    - ii. Outside play areas as part of child day care centers, churches, and schools.



- iii. Accessory seating area for eating establishments.
- iv. Open air display areas located on the same lot as the primary permitted uses. Such an area shall be clearly identified on the PD plan as “outside display area”.
- v. Fuel Dispensing.
- vi. Other activities as approved on the Preliminary or Final Plan.
- vii. Mechanical equipment, whether ground or roof mounted, shall be screened from view from public rights-of-way.
- viii. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.
- ix. No use producing unreasonable objectionable odors, noise, or dust shall be permitted within 500 feet from the boundary of any residential zone.
- x. All waste receptacles shall be contained in an area screened on three sides by a six foot tall solid wood or masonry enclosure. The fourth side is to contain steel enforced wood gates. The standards in *Section 409.E.7: Dumpster or Refuse Containers* shall be used to establish minimum design standards.
- xi. Signage is to be consistent with *Article 9: Signage Standards* of this Resolution or as approved on the Preliminary or Final Plan.
- xii. Landscaping/Screening shall be as approved on the Preliminary or Final Plan. The standards in *Section 713 Landscaping and Buffers* and *Section 1004.E: Interior Parking Area Landscaping* shall be used to guide landscape requirements.

## **Section 509 Height Requirements**

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It is recommended that heights of principle use structures in the PD shall not exceed 40 feet and that heights of accessory structures shall not exceed 15 feet.

## **Section 510 Street Design**

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The design of streets is significant in determining the character of Planned Developments. The following conditions are recommended standards within Planned Developments.

- A.** Streets should have a minimum pavement width of 28 feet for collector streets and 24 feet for local/cul-de-sac streets.
- B.** Width of private streets are to be reviewed by the Township based on input from the Township fire and maintenance departments, and the County.
- C.** Parking should be limited to one side of the street, mandated to be located opposite the fire hydrants.

- D. Sidewalks should be provided on both sides of public streets.
- E. The Township shall evaluate the proposed off-street parking to determine if adequate parking is provided and may require additional improvements if deemed necessary.
- F. Landscape islands and/or irrigation systems proposed in public rights-of-way shall be reviewed and approved by the Township, including the Township maintenance and fire department.
- G. On existing primary regional arterial street, the minimum spacing between access points shall be one-quarter mile, or as approved by the Township and the Clermont County Engineer's Office.
- H. At any new development, there shall be required the construction of a frontage road and/or the construction of an internal roadway system whose access points onto the primary regional arterial street satisfy the spacing requirements.

## **Section 511    Principal Use Energy System Development Controls**

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The following development controls shall be applied to principal use energy system uses within a PD:

- A. An applicant for a proposed principal use energy system shall provide the Township with the following items and/or information when applying for a Planned Development:
  - 1. An engineering report that shows:
    - a. The total size and height of the proposed solar or wind energy system.
    - b. Data specifying the megawatt size and generating capacity in megawatts of the solar or wind energy system.
    - c. Hazardous materials containment and disposal plan.
  - 2. A site drawing showing the location of the solar or wind energy system including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
  - 3. Evidence of compliance with applicable setback and all other applicable development standards.

- 4.** Maintenance. Solar or wind facilities must be maintained in good working order at all times. The owner of the property and owner of the solar or wind facilities shall, within 30 days of permanently ceasing operation of a solar or wind facility, provide written notice of abandonment to the Township. An unused solar or wind facility may stand no longer than three months following abandonment. All costs associated with the dismantling/demolition of the solar or wind facility and associated equipment shall be borne by the property owner. A solar or wind facility is considered abandoned when it ceases transmission of electricity for 60 consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing solar or wind facility and, in the case of ground mounted solar energy systems installed returning the property to a graded, seeded and/or landscaped state similar to its condition prior to the construction/installation.
- 5.** Any other information or materials reasonably requested by the Township.

**B.** Small Solar Facilities.

A PD intended for a Small Solar Facility is recommended to have the following minimum standards. Variable standards may be granted by the Township if considered appropriate, If not, the minimum shall be:

- 1.** Height. The maximum height of any structure at any point shall not exceed 15 feet.
- 2.** Visual Buffer. Small Solar Facilities shall have a visual buffer of natural vegetation, plantings, and/or fencing that provides reasonable visual screening to reduce view of and noise from the Small Solar Facilities on adjacent lots and from any public right-of-way shall be provided.
- 3.** Lighting. The Small Solar Facility must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways. Any lighting shall meet the lighting restrictions of this Resolution.
- 4.** Noise. Any Small Solar Facility shall comply with the noise standards of *Section 718: Environmental Performance Standards* of this Resolution.
- 5.** Setbacks. A Small Solar Facility shall have a perimeter setback of a minimum of 50 feet.
- 6.** Building Permits. All Small Solar Facilities and parts thereof shall obtain all applicable required building permits from the County.
- 7.** Advertising. Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.

- 8.** Road Use Maintenance Agreement. The property owner shall provide for the adequate maintenance and protection of Township maintained, protected, or managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Small Solar Facility as detailed further in a road use and maintenance agreement (“RUMA”) with the Township. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.
- 9.** Safety Services. The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from the applicable fire department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Small Solar Facility is located.
- 10.** Glare. Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
- 11.** Any fencing and/or screening installed in connection with the Small Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be maintained in good repair and in an aesthetic manner at all times.
- 12.** Other Restrictions. A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.

## **Section 512 Planned Development Review Procedures**

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Because of the distinctive nature of Planned Developments, the review process may consist of a simultaneous zoning review and Clermont County subdivision review. Applications for PD’s shall be processed in two steps as follows:

### **A. Step #1 Application for Planned Development**

The required number of copies of the application material for Planned Development consistent with the submission requirements shall be filed with the Township Zoning Inspector and processed in the same manner as any change of zone application. The Zoning Inspector upon receipt of the Application Material for Planned Development, shall transmit copies of said plans to the County Planning Commission, the Township Zoning Commission, and the Franklin Township Board of Trustees. The County Planning Commission, upon receipt of the application for Planned Development shall:

- 1.** Address itself to the zoning aspect of the PD application, determining if the site is appropriate for the type and magnitude of land use proposed, and

**ARTICLE 5: Planned Development**

Section 512: Planned Development Review Procedures

2-23-2024

- 2.** Simultaneously review the PD application and required information for a map amendment to a Planned Development to determine if the drawings satisfy the requirements as specified in the Township Submission Requirements. The review of the Preliminary Development Plan shall include review for general consistency with the Clermont County Subdivision Regulations including but not limited to proposed lot configuration, street layout, right-of-way width, pedestrian circulation, cul-de-sac length and traffic impacts of the proposed PD on the existing street network. This review process will require dissemination of the necessary drawings to the appropriate County agencies for their review and comments.
- 3.** The Township recommends that the applicant for a residential PD complete the design review for a subdivision with the County prior to, or simultaneous with, application for the PD Preliminary Plan/Zone Change approval by the Township.

The comments and recommendations of the County Planning Commission, the comments of associated County agencies, and the recommendation by the Township Zoning Commission shall be transmitted to the Franklin Township Board of Trustees for the final decision on the application for the Planned Development. The Franklin Township Board of Trustees shall notify the County Planning Commission immediately of their action on the zone map amendment.

**B. Step #2 Final Development Plan**

A Final Development Plan for the entire development or the first phase of the development if acceptable, must be approved within 18 months of the Franklin Township Board of Trustees Preliminary Development Plan approval unless an 18-month extension of time is granted by such Board. If a Final Development Plan is not filed within this time period, the Township shall follow the procedures established in *Section 514: Phasing and Delay in Construction*. The Township recommends that the applicant complete formal subdivision review by the County prior to obtaining final approval by the Township for the Final Development Plan.

The required number of copies of a Final Development Plan shall be submitted to the Township Zoning Administrator for each phase of the project proposed to be developed. The Final Development Plan shall provide details regarding the construction of improvements within the PD and shall be in accordance with the submission requirements for Final Development Plans. The Zoning Administrator, upon receipt of a Final Development Plan, shall transmit copies of said plans to the Zoning Commission, to the Township Board of Trustees, and retain one file copy. If the Clermont County Planning Commission has not completed its formal subdivision review of the development, copies of the Final Development Plan shall also be transmitted to its office for review.

The comments of the County Planning Commission and associated County agencies shall be transmitted to the Township Zoning Commission for a decision on the Final Development Plan. The Township shall notify the County Planning Commission immediately of its action.

**C. Application for Planned Development/Preliminary Development Plan Requirements – Step #1**

**1. Petition Procedures**

- a.** A petition for PD district may be made by the owner(s) of record or by a person(s) acting on behalf of the owner(s) of record of the subject parcel, with the owner's written consent. The owner of each parcel of land within the proposed PD shall be required to sign a Statement of Acknowledgment and consent as provided by Franklin Township within the application packet.
  - b.** The petition and related information shall be filed with the Township Zoning Inspector who shall transmit copies of the petition to the Zoning Commission secretary and may be transmitted to the County Planning Commission.
  - c.** In addition to the standard requirement fixed by this Resolution and the rules of the Zoning Commission for applications for a change of zone, additional information as required in the submission requirements and instructions per map amendments to Planned Developments shall also be submitted.
- 2.** Consideration of PD Petition by Zoning Commission
- a.** The Township Zoning Commission shall hold a public hearing on the petition.
  - b.** At the public hearing the petitioner shall present evidence regarding the following characteristics of the proposed development:
    - i. The general character and substance;
    - ii. Objectives and purposes to be served;
    - iii. Compliance with all applicable Township ordinances, regulations, and standards;
    - iv. Scale and scope of development proposed;
    - v. Development schedules including a prospectus detailing the phasing of the project;
    - vi. Compliance with any land use plans adopted by the Township;
    - vii. The proposed development shall have a continuous boundary with all proposed development contained within a contiguous area;
    - viii. Evidence that the proposed Preliminary Development Plan complies with the Subdivision Regulations of Clermont County; and
    - ix. Mitigation techniques for anticipated traffic impacts.
  - c.** The Zoning Commission may also require that the petitioner provide information at the public hearing concerning economic feasibility of the proposed uses, school districts and boundaries, recreation facilities and costs/revenues for the Township, and environmental impact.



- 3.** The proposed development shall be adequately served by public facilities and services such as but not limited to streets, police and fire protection, drainage course, water and sanitary facilities, refuse disposal, and sidewalks; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services;
- 4.** Common open space, other common properties and facilities, individual properties, and all other elements of a PD are so planned that they will achieve a unified open space and recreation area system with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands;
- 5.** The petitioner shall have made provision to assure that public and common areas will be or have been irrevocably committed for that purpose with notations of such commitment being denoted on the record plat. Provisions shall be made for financing of improvements shown on the plan for open space and other common areas, and that proper maintenance of such improvements is assured;
- 6.** Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard, the Township shall consider, among other things: convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; the construction of any roadway improvements necessary to mitigate the impact of the development, and the general character and intensity of the existing and potential development of the neighborhood;
- 7.** The mix of housing unit types and densities, or in the case of non-residential development, the mix of uses and intensities, shall be acceptable in terms of compatibility, issues of privacy, and similar measures;
- 8.** Where applicable, the convenience type retail or office development within the project shall be appropriately located within the PD such that the vehicular traffic generated by those uses does not affect adjacent neighborhoods or the residential portions of the development;
- 9.** The Township shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed uses, will not adversely affect adjacent and neighboring lands and uses;
- 10.** The proposed development shall create a minimum disturbance to natural features and land forms;
- 11.** The property shall have adequate access to public streets. The plan shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable; and
- 12.** Pedestrian circulation shall be provided within the site, and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the site, where applicable.

**E.** Application for Final Development Plan Requirements – Step #2



- 1. Petition Requirements**
  - a.** A Final Development Plan shall be submitted for approval for each phase of a PD as delineated on the approved Preliminary Development Plan. Each Final Development Plan shall meet all applicable provisions of the Township Zoning Resolution, the submission requirements, and shall conform to the approved Preliminary Development Plan and to all conditions attached thereto.
  - b.** The Final Development Plan, in addition to customary engineering depiction of the area, monuments, etc., shall also include all of the information required by the submission requirements and instructions for Final Development Plans;
  - c.** The plans and drawings required by the submission requirements and instructions may be combined in any suitable and convenient manner so long as the data required is clearly indicated on one or more of said plats. A separate plat for each element is not necessary, but may be provided at the option of the applicant; and
  - d.** Sketches of the exteriors of several representative buildings in the project shall be provided as requested by the Township. It is intended that neither uniformity of architectural style nor unnecessary diversity thereof be a prerequisite to approval, but the developer is encouraged to exercise ingenuity in achieving a harmonious entity without undue attention to consistency. The purpose of this Section is to permit development flexibility greater than that permitted by other sections of this ordinance.
- 2. Consideration of Final Development Plan**
  - a.** The Final Development Plan shall be submitted to the Township Zoning Commission for review. The Zoning Commission shall approve, modify, or deny the Plan with any conditions that may be appropriate within 60 days of the filing date, unless the applicant has agreed to an extension to the deadline.
  - b.** The Zoning Commission may request review by the County Planning Commission and other agencies along with information regarding the project's submittals for subdivision review.

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## **Section 513    Financing Responsibility**

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No building permits shall be issued for construction within a PD District until required improvements are installed or performance bond posted in accordance with the same procedures as provided for by the Board of County Commissioners. Other requirements may also be established from time to time by the Board of County Commissioners.

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## **Section 514    Phasing and Delay in Construction**

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Development may be phased as delineated on the approved development plan, subject to the following requirements:

- A. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services and open spaces and recreation facilities;
- B. The Township may require, as part of a Final Development Plan review of a phase of a PD, that land shown as open space on the approved area plan be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved PD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve; and
- C. Development shall be started and shall be diligently pursued in the manner and sequence shown on the approved plan with the timing of each subsequent phase following the submitted prospectus.
- D. As a condition for approval, the developer shall produce a prospectus for construction of said development. If the construction for said development has not started by the designated time, or if progress is not in conformity to the prospectus, the developer shall so state the cause in writing and request from the Township an extension of time. For the purpose of this Article, "beginning of construction" means possession of a valid building permit for construction in the development.
- E. Failure of the developer to follow the plans approved by the Township for the Planned Development Project will be cause for permit approvals to be suspended until the development conforms to such plans, or revoked if such conformity is not established within six months of a suspension for nonconformity. Upon revocation of a permit, the landowner and lessees shall be subject to the penalties provided by law and by this Resolution for land use not permitted.
- F. Expiration and Extension of Approval Period:
  - 1. In the event that a Final Development Plan has not been approved within 18 months of the Franklin Township Board of Trustees approval of the Preliminary Development Plan, the Preliminary Plan shall no longer be valid and shall expire, unless an extension is granted by the Township. A Zoning certificate shall not be issued until a valid Preliminary Plan is approved in the same manner as the previous Preliminary Plan. Under this scenario the PD zoning designation of the property shall remain in effect awaiting a new Preliminary Development Plan, or until appropriate action is taken to amend the zoning of the property in accordance with *Section 303: Zoning Text and Map Amendments*.
  - 2. In the event that construction of the development is not started within two years from the effective date of approval of the Final Development Plan by Franklin Township, the Final Development Plan shall no longer be valid and shall expire, unless an extension is granted by the Township. A Zoning certificate shall not be issued until a valid Final Development Plan is approved in the manner required by this Article.

- 3.** In the event that a Final Development Plan is not approved within 18 months of the expiration of the Final Development Plan, the Preliminary Development Plan shall expire. A Zoning certificate shall not be issued until a valid Preliminary Plan is approved in the manner required by this Article. Under this scenario the PD zoning designation of the property shall remain in effect awaiting a new Preliminary Development Plan, or until appropriate action is taken to amend the zoning of the property in accordance with *Section 303: Zoning Text and Map Amendments*.
- 4.** To request an extension of a Preliminary Development Plan or Final Development Plan, the developer or property owner shall notify the Township in writing stating the cause of delay of construction and request from the Township an extension in time and a change in the prospectus. The Zoning Commission, after reviewing the PD time extension request shall recommend to the Franklin Township Board of Trustees that either an extension of time be granted, that the plan be allowed to expire, or that the area of the PD be considered for zone map amendment to a district considered appropriate based upon the recommendations of any land use plans adopted by the Township and the development patterns generally occurring in the vicinity of the property. The Board of Trustees shall consider the recommendation of the Zoning Commission, and either grant an extension of the PD, allow the plan to expire, or initiate the necessary process to amend the zoning of the property.

## **Section 515 Performance Guarantees**

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Guarantees to assure completion of site improvements shall be provided in accordance with the requirements of the Franklin Township Zoning Resolution, or as otherwise required by the Township.

## **Section 516 Adjustments to Planned Developments**

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- A.** Major Changes. Major changes to an existing Planned Development, modifications from the Preliminary Development Plan, or revisions to a Final Development Plan for a tract of land in which development has not already begun or is not completed, in light of technical or engineering considerations, shall include the following. If the Zoning Commission determines a proposed modification to be a major change, then the modification shall be reviewed in accordance with the procedures specified in *Section 512.A: Step #1 Application for Planned Development*.
  - 1.** A significant change in density or intensity.
  - 2.** Changes in the outside boundaries of the Planned Development.
  - 3.** Significant modification of the type, design, location, or amount of land designated for a specific land use or open space.
  - 4.** Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations.

5. A modification to the minimum setbacks or building sizes of the approved Preliminary Development Plan.

All changes not deemed to be major changes shall be considered minor changes.

- B. Minor Changes to an approved Preliminary Development Plan or Minor Changes to an approved Final Development Plan. All modifications from an approved Preliminary Development Plan or minor changes to an approved Final Development Plan not determined to be major changes as described above shall be subject to the approval procedures set forth in *Section 512.B: Step #2 Final Development Plan*.

## **Section 517 Required Charges**

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- A. The applicant shall be responsible for the expenses incurred by the Township in reviewing the PD Application, development plans or any modifications to the development plans. Such expenses may include items such as the cost of professional and review services, including expenses and legal fees in connection with reviewing the plan and preparing reports, the publication and mailing of public notice in connection therewith and any other reasonable expenses directly attributable thereon.
- B. At the time of submitting each PD application, Preliminary and Final, to the Zoning Inspector, the Zoning Inspector may require the applicant to make a deposit with the Township Fiscal Officials in the amount equal to the estimated cost of the Township's expense, or as specified on the application forms. When this deposit has been depleted to 33%, another deposit will be requested.
- C. Failure to pay the above costs and fees within 30 days of invoice will stop all processing of the PD District application.

The Zoning Inspector shall not approve a Final Development Plan by signing the required record plat until all fees, bonds or other obligations have been paid by the applicant.

## **ARTICLE 6 NONCONFORMING USES**

### **Section 600 Purpose**

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Within the districts established by this Resolution or by amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendments. It is the intent of this Article to permit these non-conformities to continue until they are removed, but not to encourage the survival. It is further the intent of this Resolution that, except as provided herein, nonconformities shall not be enlarged upon, expanded, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. When governmental action results in the creation of or an increase in the degree of a nonconformity, the Zoning Inspector shall administratively authorize such conveyance of property by affixing his/her signature to the recorded plat denoting such conveyance, while acting on the behalf of the Township.

### **Section 601 Incompatibility of Nonconforming Uses**

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Nonconforming uses are declared by this Resolution to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

### **Section 602 Avoidance of Undue Hardship**

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To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution. Actual building construction is hereby defined to include the placing of construction material in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

### **Section 603 Single Nonconforming Lot of Record**

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In any district where dwellings are permitted, a single-family detached dwelling may be erected on any lot or parcel of record on the auditor's tax plats at the effective date of adoption or amendment of this Resolution, irrespective of its area, or width, or both, provided the applicable yard and other open space requirements of this Resolution are met.

## **Section 604 Non-Confirming Lots of Record in Combination**

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If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width an area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

## **Section 605 Nonconforming Uses of Land**

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Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided the following:

- A.** No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- B.** No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution.
- C.** If any such nonconforming uses of land are voluntarily discontinued or abandoned for more than two years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
- D.** No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

## **Section 606 Nonconforming Structures**

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Where, at the time of adoption of this Resolution, lawful structures exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided the following:

- A.** No such nonconforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- B.** Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building.
- C.** Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for that district, and the nonconforming use may not thereafter be resumed.

- D. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

### **Section 607 Termination of Nonconforming Use Through Discontinuance**

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When any nonconforming use is voluntarily discontinued or abandoned for more than two years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed.

### **Section 608 Termination of Nonconforming Use by Damage or Destruction**

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In the event that any nonconforming building or structure is destroyed by any means to the extent of more than 50% of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of 50% or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

- A. A Zoning certificate pertaining to such restoration shall be applied for and issued within 120 days of such destruction, and rebuilding shall be diligently pursued to completion.
- B. Such restoration shall not cause a new non-conformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

### **Section 609 Repairs and Maintenance of Nonconforming Structures**

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The Zoning Inspector may upon his/her own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure, or use is a valid nonconforming use. One copy of the certificate shall be maintained by the Zoning Inspector as a public record. One copy shall be returned to the owner and/or applicant. There shall be no fee charged for such a certificate. The certificate shall specify the reasons why the use is a nonconforming use including the following:

- A. A description of the extent and kind of use made of the property in question;
- B. The portion of the structure or land used for the nonconforming use; and
- C. The extent that dimensional requirements are nonconforming.
- D. All certificates for nonconforming uses are granted to the owner of the subject property and do not run with the land.

## **Section 610    Expiration of a Nonconforming Use or Structure**

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- A.** Notwithstanding the foregoing provisions to the contrary, a nonconforming use or structure may be increased or improved, regardless of the applicable zoning district, where the owner of such use can demonstrate through application to the BZA that the manner in which the useable area of the nonconforming use or structure will be increased or improved will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood upon compliance with specified conditions.
  
- B.** The BZA shall review a request to expand a nonconforming use or structure pursuant to the variance procedure in *Section 304: Appeals, Variances, and Conditional Uses*, and shall be subject to the review criteria of this section.



## ARTICLE 7 GENERAL PROVISIONS

### Section 700 Purpose

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The purpose of this Article is to establish general conditions that shall be applied to all lots and all uses as indicated to protect the public health, safety, and welfare in the enforcement of this Resolution.

### Section 701 Administrative Standards

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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, and then the decision shall be made so that the result will not be contrary to the purposes and intentions of this Resolution.

### Section 702 Compliance with Regulations

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No structure shall be constructed, erected, placed, or maintained and no land use commenced or continued within Franklin Township except as specifically, or by necessary implication, authorized by this Resolution. Conditional uses shall be allowed only by certificate granted by the BZA 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 elsewhere in this Resolution.

### Section 703 Land Uses

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No structure shall be erected, converted, enlarged, re-constructed or altered, nor shall any structure or land be used which does not comply with the regulations established by this Resolution for the district in which the structure or land is located.

### Section 704 Agricultural Use Guidelines and Exemptions

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- A. Except as otherwise provided in this Section, ORC Sections 519.02 to 519.25 confer no power on any Zoning Commission, Township Trustees, or BZA 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.

- B.** A Township Zoning Resolution, or an amendment to such Resolution, may, in any platted subdivision approved under ORC Section 711.05, 711.09, or 711.10, or in any area consisting of fifteen or more lots approved under ORC Section 711.131 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 regulate:
- 1.** Agriculture on lots of one acre or less.
  - 2.** Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres by: set back building lines; height; and size.
  - 3.** Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least 35% of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under ORC Section 4503.06. After 35% of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to ORC Section 519.19.
  - 4.** Subsection (B) of this Section confers no power on any Zoning Commission, Township Trustees, or BZA to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five acres.
- C.** This Section confers no power on the Zoning Commission, Township Trustees, or BZA to prohibit in a district zoned for agricultural, industrial, residential, or commercial uses, the use of any land for:
- 1.** A farm market where 50% 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. However, a board of township trustees, as provided in ORC Section 519.02 of the Revised Code, may regulate such factors pertaining to farm markets as size of the structure, size of parking areas that may be required, set back building lines, and egress or ingress, where such regulation is necessary to protect the public health and safety.
  - 2.** Biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under ORC Sections 5713.30 to 5713.37 for real property tax purposes. As used in division (C)(2) of this section, "biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in ORC Section 5713.30.
  - 3.** Biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under ORC Sections 5713.30 to 5713.37 for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both.

- 4.** Agritourism. However, the Township Trustees, as provided in ORC Section 519.02, may regulate such factors pertaining to agritourism, except farm markets as described in (C)(1) of this Section, as size of a structure used primarily for agritourism, size of parking areas that may be required, setback building lines for structures used primarily for agritourism, and egress or ingress where such regulation is necessary to protect public health and safety.
- a.** Nothing in division (C)(4) of this Section confers power on the Zoning Commission, Township Trustees, or BZA to require any parking area to be improved in any manner, including requirements governing drainage, parking area base, parking area paving, or any other improvement.
  - b.** Nothing in division (C)(4) of this Section confers power on the Zoning Commission, Township Trustees, or BZA to prohibit the use of any land or the construction or use of buildings or structures that are used primarily for vinting and selling wine that are located on land any part of which is used for viticulture as provided in division (A) of this Section.
  - c.** As used in division (C)(3) of this Section, "biologically derived methane gas" has the same meaning as in ORC Section 5713.30.
  - d.** As used in division (C)(4) of this Section, "agritourism" has the same meaning as in ORC Section 901.80.
- D.** Nothing in this Section prohibits the Zoning Commission, Township Trustees, or BZA from regulating the location of medical marijuana cultivators, processors, or retail dispensaries or from prohibiting such cultivators, processors, or dispensaries from being located in the unincorporated territory of the township.
- E.** All agricultural buildings and structures used for dairying and animal husbandry on parcels less than five acres shall be located no closer than 75 feet to an adjoining property line. Poultry shall be excluded from this regulation.
- F.** Agricultural uses that are located in an "improved platted subdivision" shall comply with the requirements of this section and all other applicable provisions of this resolution.
- 1.** No agricultural uses except the growing of crops, fruits, vegetables, flower, and plants are permitted on lots of less than one acre located within an improved platted subdivision.
  - 2.** All buildings or structures incidental to the use of land for agricultural purposes on lots located in improved platted subdivision that are one acre, but less than five acres, shall comply with the following:
    - a.** Any building or structure in which five or fewer animals that are owned or used for agricultural purposes are housed shall be set back a minimum of 75 feet from any other lot in an improved platted subdivision.



Per ORC Section 519.211, no part of this Resolution shall confer any power on the Township Trustees, Zoning Commission, or BZA, to regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.

## **Section 707 Pending Application for Building Permits**

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Nothing herein contained 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 month period and not discontinued until completion, except for reasons beyond the builders control.

## **Section 708 Public Improvements**

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Any proposed development which requires the construction of public improvements including but not limited to streets, curbs, gutters, sidewalks, sanitary sewers, storm sewers, water lines, and street trees shall be designed and constructed so as to conform to the adopted Subdivision Regulations of Clermont County.

## **Section 709 Setbacks**

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For the purpose of this Resolution, no street or road right-of-way shall be considered to be part of a lot when determining building setbacks.

## **Section 710 Landfills**

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Privately owned or operated landfills and/or junk yards, shall be prohibited in Franklin Township, Clermont County, Ohio, excepting such places where such uses are completely conducted and entirely enclosed within a building.

## **Section 711 General Property Maintenance Requirements**

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**A. Yards:**

- 1.** All yards and lots shall be kept free of overgrown grasses, debris, junk, junk vehicles, and other materials that may cause a fire, health, or safety hazard, or general unsightliness.
- 2.** No owner or person in control of a parcel, dwelling, business, building or premises shall allow grass, weeds, noxious weeds, brush or similar vegetation to remain on the premises at such a height and density as to constitute harborage, actual or potential, for rodents or vermin.

- a. For the purpose of this section, a height of 12 inches constitutes a potential hazard.
- b. The forgoing shall not apply to premises or part thereof on which such growth may be reasonably demonstrated to be for agricultural, horticultural, or natural prairie or wooded areas.

3. All plant materials, especially trees and shrubs, afflicted with decay, disease, insect infestation, or otherwise considered dangerous to other plants material shall be removed or appropriately treated. All sound plant materials, especially trees and shrubs, shall be properly maintained and not evidence signs of neglect.
4. Certain vegetative areas shall be exempt from this provision including, but not limited to properly maintained and active bioswales, detention basins, and rain gardens.

**B. Hazards:**

Hazards and unsanitary conditions shall be eliminated. The storage of flammable or hazardous materials must conform to the ORC and the requirements of the OEPA.

**C. Inoperable or Unlicensed Vehicles:**

1. No junk, inoperable, unlicensed, or unregistered vehicle shall be located on any property, except when stored within a completely enclosed building or when such storage is permitted as a principal use in the applicable zoning district.
2. Except as permitted elsewhere in this Resolution, no person shall use any property in any district for the purpose of parking, keeping, or storing any inoperable motor vehicle. As used in this section, parking, keeping, or storing of any inoperable motor vehicle means and includes storing, maintaining, collecting, depositing, reserving, allowing to stand, or permitting to remain, one or more inoperable motor vehicles at any place other than in a fully enclosed garage.

## **Section 712 Fences, Walls, and Hedges**

---

Fences, walls, and hedges are permitted in all districts, subject to the following conditions.

**A. Exemptions**

If engaged in agricultural operations or activities, properties which are five acres or more in size shall be exempt from these provisions, however the provisions of *Section 801.A* in regard to maintaining a safe sight triangle must be adhered to.

**B. Location**

No fence, wall or hedge shall be closer than two feet to any right-of-way line.

**C. Height**

Fences and walls shall not exceed eight feet in height in the rear and side yards and shall not exceed four feet in height in any required front yard, including corner lots. Within the I-1 Industrial Districts, fences may be up to 10 feet in height in the front, side and rear yards, however fences located in the front yard must be set back from the right of way no less than a distance equal to the required front yard setback of such district unless the fence is designed to be no more than 50 % opaque.

**D. Materials**

- 1.** Fences shall not contain an electric charge except when located in the A Agricultural District or on properties with an agricultural use.
- 2.** Barbed wire shall only be permitted in the A Agricultural District and the I-1 Industrial District or on properties with an agricultural use or sharing an adjacent lot line with an agricultural use and then only on the top of a perimeter fence. Such fence shall be in accordance with the provisions of ORC Section 971.

**E. Opacity**

No fence located in a required front yard shall be greater than 50% opaque. This restriction also applies to fences located within required front yard setbacks on corner lots.

**F. Sight Distance**

No fence, wall, or hedge shall violate the sight distance requirements found in *Section 801.A*.

**G. Permits**

Fences shall require a fence zoning certificate. The applicant shall be responsible for assuring that the fence is legally erected on his/her property.

## **Section 713 Landscaping and Buffers**

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**A. Purpose**

The purpose of these regulations is to provide minimum standards involving the development of land to provide attractive views from roads and adjacent properties; to screen from view visually undesirable uses; to require screening between incompatible land uses and to protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

**B. Applicability**

This section shall apply to new property development and any collective substantial expansion of existing structures, except for individual single-family dwellings and two-family dwellings (duplexes). Substantial expansion of existing structures shall be defined based on the criteria established in *Table 713-1* below:

**Table 713-1: Substantial Expansions**

When Existing Structure is...	A Substantial Expansion is...
0 - 1,000 Square feet	50% or Greater
1,001 - 10,000 Square feet	40% or Greater
10,001 - 25,000 Square feet	30% or Greater
25,001 - 50,000 Square feet	20% or Greater
50,001 Square feet and larger	10% or Greater

**C. General Requirements for Submission**

Any property to which this Section applies shall submit a landscape and buffer plan to the Zoning Inspector as part of the zoning certificate process required in *Section 302*. Landscape and buffer plans shall be prepared by a nursery and/or certified by a design professional practicing within their areas of competence unless it is determined by the Zoning Inspector that the limited scale of the project does not warrant the intricacy of professional design submittals. The site plan shall contain the following information:

- 1.** Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements at a minimum of 1" = 20' and shall include the following minimum information:
  - a.** North arrow and scale.
  - b.** The name of applicant/owner.
  - c.** The name, address, and phone number of the person or firm responsible for the preparation of the buffering plans.
  - d.** The dates the plans are submitted or revised.
  - e.** All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
  - f.** All existing plant material to be removed or retained and all new landscaping materials to be installed.
  - g.** All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.





**Table 713-2: Buffer Requirements**

When...	Is Proposed to Abut...	A Minimum Buffer of...
Any business land use	Any A, CR, R-1, R-2 zone or residential PD	10 feet in width containing a wall or fence four to eight feet in height, and/or landscape screen. The landscape screen shall contain evergreens such as spruce, pine or firs at least six feet in height at the time of planting, or a continuous hedge at least four feet high to provide a permanent visual buffer. The buffer shall be placed adjacent to the property line in order to maximize screening of the adjacent use while allowing any required maintenance of the buffer to be performed without encroaching on the adjacent property. Fences in the I-1 District may be 10 feet in height.
Any industrial land use	Any A, CR, R-1, R-2, PD, or B-1 zone	
Any multi-family land use	Any A, CR, or R-1 zone or residential PD	
Any institutional land use (including assisted living facilities, educational institutions and religious places of worship)	Any A, CR, R-1, R-2 zone or residential PD	

**G. Screening and Buffering**

In order to provide protective screening and buffers for residentially zoned areas adjacent to nonresidential areas, the Zoning Inspector shall require a wall, fence or greenbelt to be provided by the nonresidential property owner in accordance with the following:

- 1.** Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.
- 2.** Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.
- 3.** The Zoning Inspector may waive the requirement for a wall, fence, or greenbelt if equivalent screening is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions.

**H. Modifications**

The BZA shall have the authority to modify any of the requirements in this section in considering an individual site with respect to changes in elevation, environmental impact, durability of plant material, aesthetic appeal, and any other factor that will provide a compatible buffer or screen with the surrounding neighborhood at the time of application.

## **Section 714 Carports**

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For the purpose of this Resolution, an attached or detached carport is considered the same as an attached or detached garage.

## **Section 715 Conversions of Dwellings**

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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.

## **Section 716 Private Streets**

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For developments served by private streets, the minimum development standards required by the Resolution based upon a private street right-of-way width of not less than 40 feet and shall conform to the requirements of this Resolution for the district in which such lot is located exclusive of street right-of-way. When such private street serves as access to two or more dwelling units, or business, commercial, industrial, or other such uses, the developer shall notify the County Engineer giving them the name of the private street and the name of the development. The County Engineer will be requested to place the street name/s and the name of the development on the County Engineers official street guide map as notice to all, including emergency vehicles. House numbers shall not be issued until the private streets and/or development are approved by the Township Trustees.

## **Section 717 Temporary Use of Trailers, Recreational and Other Vehicles**

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In all Districts, storing a utility trailer, travel trailer, camper, recreational vehicle or boat shall be permitted providing that no habitation be maintained, and no business conducted therein while such vehicle is so parked or stored, however occupying one such vehicle for a period of 30 days or less and deemed vacationing or recreation shall not be prohibited. Should the occupation of one such vehicle extend beyond a 30-day period a permit will be required from the Zoning Inspector for an additional period of 60 additional days. The Zoning Inspector, if deems it necessary, shall seek a ruling of the BZA. Not more than one such vehicle shall be permitted during the same time. All such vehicles shall

be parked within the setback lines for the district where the vehicle is being stored, and in the case of residential zoned districts shall be parked behind the rear building line of the residential dwelling.

## **Section 718 Environmental Performance Standards**

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### **A. Purpose**

It is the purpose of these standards and regulations to provide for the peaceful and quiet enjoyment of property and to set forth regulations so that no use shall be constructed or operated so as to create a nuisance or to create any noxious, objectionable or other undesirable effect on persons or property outside said uses' lot line. Materials used and products produced shall be adequately housed, shielded, or screened so that the health, safety and welfare of persons occupying the property or adjacent properties are not jeopardized.

### **B. Applicability And Compliance**

These standards and regulations are applicable to all land uses in all zoning districts in the Township, and both initial and continued compliance is required. Any condition or land use falling under the jurisdiction of the standards of this Resolution and not in conformance with these standards shall be brought in full compliance immediately upon discontinuance of the existing use of land, structure, or building. Any change in the principal use of land, structure or building shall constitute a discontinuance and be fully subject to these standards and provisions.

### **C. Noise**

No activity on private property shall emit noise in excess of sound levels indicated in the table below that creates a nuisance to surrounding properties. Sound levels shall be determined using a sound level meter designed to give measurements designated as dBA or dB(A). Measurements may be taken, at the discretion of the Zoning Inspector, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property.

**Table 718-1: Maximum Permitted Exterior Sound Levels**

Source Property		Receiving Property		
Noise Source	Time	Residential	Business	Industrial
Residential	Daytime <sup>1</sup>	65 dBA	65 dBA	65 dBA
	Nighttime <sup>2</sup>	55	55	55
Business	Daytime <sup>1</sup>	65	70	70
	Nighttime <sup>2</sup>	55	60	60
Industrial	Daytime <sup>1</sup>	65	70	75
	Nighttime <sup>2</sup>	55	65	75

Notes:  
 1 Daytime shall be considered as the hours between 7:00 a.m. and 10:00 p.m.  
 2 Nighttime shall be considered as the hours after 10:00 p.m.

**D. Exemptions**

- 1.** The following noise levels shall be exempt from the noise provisions during the daytime only:
  - a.** Firearms discharge.
  - b.** Legal blasting.
  - c.** Temporary construction activity and equipment.
  - d.** Installation of utility equipment.
  - e.** Lawn mowers, chain saws and garden equipment.
  
- 2.** The following noise sources shall be exempt from the noise provisions at all times:
  - a.** Aircraft.
  - b.** Railroads.
  - c.** Emergency vehicles and equipment.
  - d.** Weather or other natural disaster warning devices.
  - e.** Bells, chimes or carillons operating continuously for not more than five minutes.
  - f.** The repair of essential utility services.
  - g.** Officially sanctioned parades or other events.
  - h.** Agricultural related activities.

**E. Vibrations**

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on or outside the property line of the property on which the use is located.

**F. Glare**

Any operation producing intense light or heat, including high temperature processes such as combustion or welding shall not be visible beyond any lot line bounding the property wherein the use is conducted. All exterior lighting on private property shall be positioned to extend glare away from adjacent properties or right-of-way. Furthermore, no activity on private property shall generate light that creates a nuisance to surrounding properties, as determined by the Zoning Inspector.

**G. Odor**

The emission of noxious odors beyond the lot line shall not violate the standards and regulations of any local, state, or federal agency having jurisdiction in this matter.

**H. Air and Water Pollutants**

The emission of air and water pollutants shall not violate the standards and regulations of any local, state, or federal agency having jurisdiction in this matter.

**I. Hazardous Materials**

The storage, utilization and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the standards and regulations of any local, state, or federal agency having jurisdiction in this matter.

**J. Electrical Disturbances**

No activity will be permitted which emits electrical disturbances adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance and shall comply with all applicable FCC regulations and standards.

**K. Radioactivity**

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.

# ARTICLE 8 AREA AND DEVELOPMENT STANDARDS

## Section 800 Measurements, Computations, Exceptions

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### A. Lot Area Measurements

1. The area of a lot includes the total horizontal surface area within the lot's boundaries.
2. The area of a panhandle on a flag lot when narrower than 50 feet and other narrow appendages to lots with less than 50 feet of width, shall not count toward the minimum lot area requirement for the applicable zoning district.

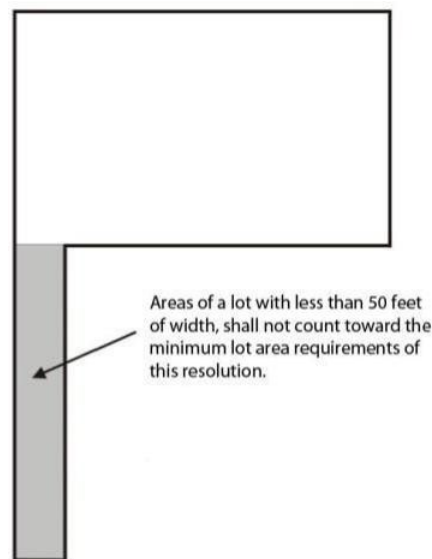


Figure 8-A: Areas Not Contributing to the Minimum Lot Area Requirement.

3. For nonconforming lots, see *Article 6: Nonconforming Uses*.
4. With the exception of approval of a smaller lot as part of a PD Overlay District or governmental acquisition of land, no lot shall be reduced in area so that the lot area per dwelling unit, lot width, yards, building area, or other requirements of this Resolution are not met.

### B. Setbacks and Yards:

#### 1. Required Yard Not To Be Used By Another Structure

No part of a yard required for a structure for the purpose of complying with the provisions of this Resolution shall be included as part of a yard required by this Resolution for another structure.

#### 2. Measurements:

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this Resolution.

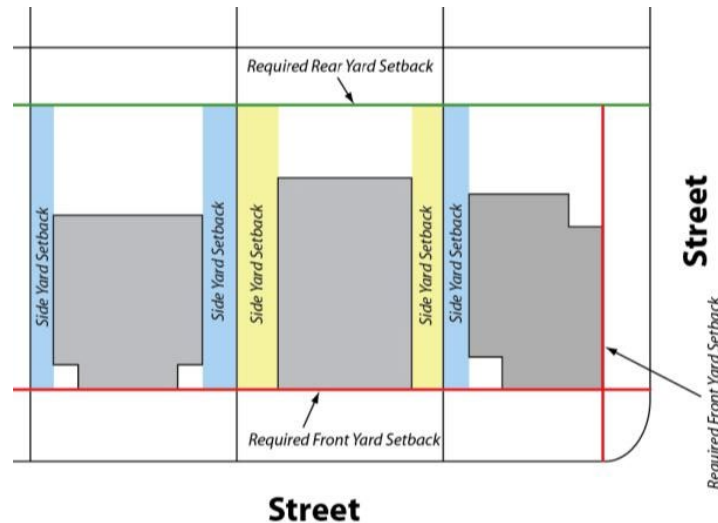


Figure 8-B: Measurement of Typical Front, Side, and Rear Yard Setbacks

**3. Yards and Obstructions:**

**a.** Every part of a required yard shall be open to the sky and unobstructed except:

1. As otherwise provided in this section;
2. For accessory buildings as allowed in *Section 409: Accessory Use and Structure Regulations*;
3. For the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting into the yard a distance not to exceed 12 inches;
4. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet; and
5. The ordinary projections of chimneys and flues may be permitted by the Clermont County Building Department when placed so as not to obstruct light and ventilation but not closer than two feet to any lot line.

**b.** Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground (first story) may project into a required front or rear yard but shall maintain a minimum of seven feet in setback from the front lot line and three feet from all other lot lines.

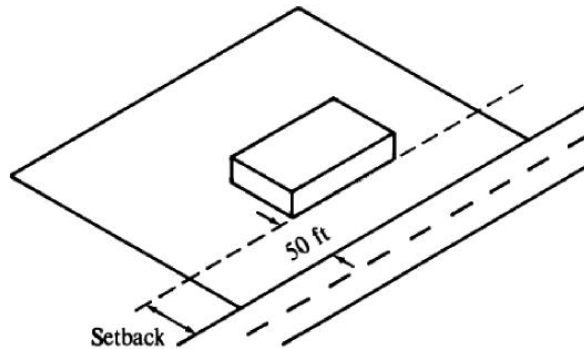
**c.** An open unenclosed porch, or paved terrace may project into a front yard for a distance not exceeding five feet but cannot encroach upon the setbacks.



- d.** Awnings and canopies may extend into any required setback but shall maintain a minimum setback of one foot from all lot lines.

**4.** Front Yard Setback:

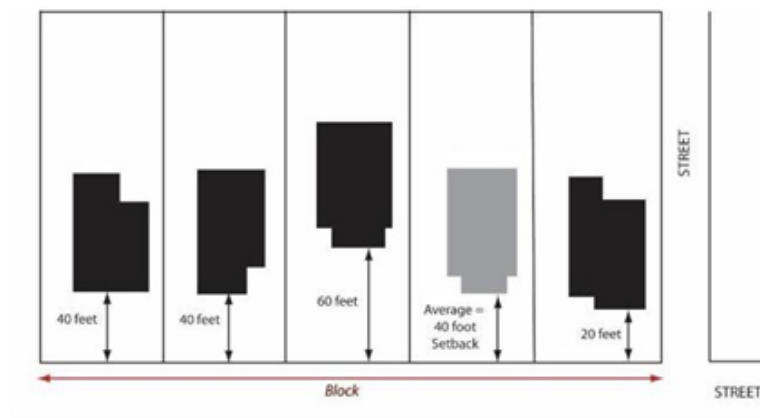
- a.** Unless otherwise noted, the required minimum front yard setback shall be measured from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street.



**Figure 8-C: Measurement of 50-Foot Front Yard Setback**

**b.** Front Yard Modifications:

In areas where 50% of the street frontage on any block is occupied by principal buildings erected prior to the effective date of this Resolution, the minimum required front yard setback shall not be less than the average depth of the existing front yards along that same block frontage.

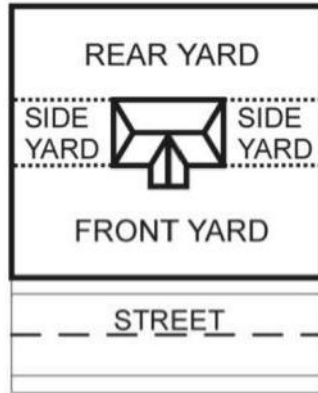


**Figure 8-D: Setback Averaging Along a Block for Lots of Record**

**5.** Interior Lots:

- a.** The lot line located along the street shall be the front lot lines and the front yard setback shall be applied.

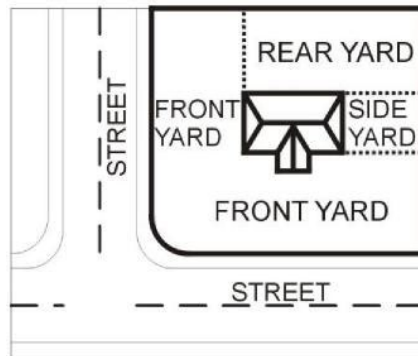
- b.** The lot line located directly behind the rear of the structure shall be the rear lot line and the rear yard setback shall be applied.
- c.** All other lot lines shall be considered the side lot line, and the side yard setback shall be applied.



**Figure 8-E: Typical Yard Locations for an Interior Lot**

**6. Corner Lots:**

- a.** On corner lots, the required minimum front yard setback shall be provided from each street or section thereof.
- b.** The lot line that runs parallel with the rear façade of the building shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line.
- c.** All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines.

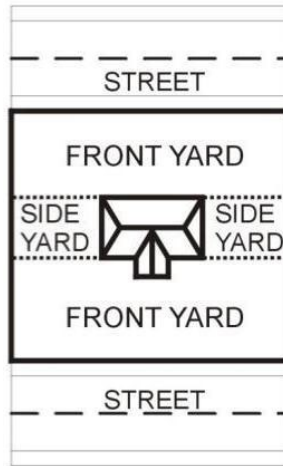


**Figure 8-F: Typical Yard Locations for a Corner Lot**

**7. Through Lots:**

- a.** Where a lot is considered a through lot, the required minimum front yard setback shall be provided on all lot lines that abut a street.

- b.** The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line.
- c.** For the purposes of allowing accessory uses in a rear yard, the front yard that is located to the rear of the house shall be considered the rear yard.



**Figure 8-G: Typical Yard Locations for a Through Lot**

- 8.** Flag or Panhandle Lots:
  - a.** Flag or panhandle lots shall not be used to avoid the construction of a street.
  - b.** The panhandle shall have a minimum street frontage as required in the applicable zoning district.
  - c.** The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot.
  - d.** The panhandle portion of the lot shall not be used for storage, nor shall any structures be permitted in such portion of the lot.

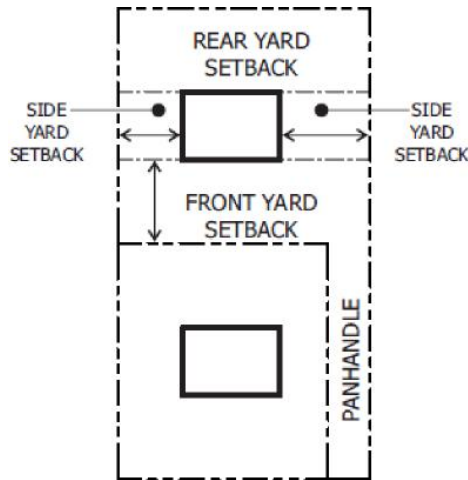


Figure 8-H: Typical Yard Locations for a Flag or Panhandle Lot

**9.** Cul-de-Sac or Curved-Street Lot:

- a.** For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line.

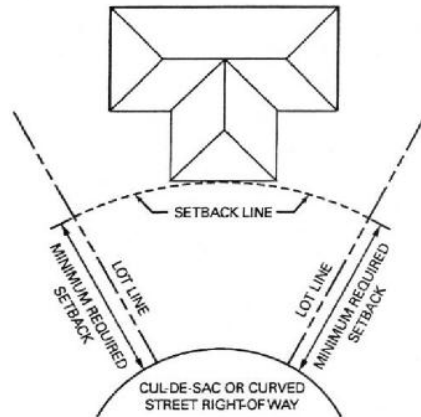


Figure 8-I: Setback Line of a Lot with Frontage on a Curved Street or Cul-De-Sac

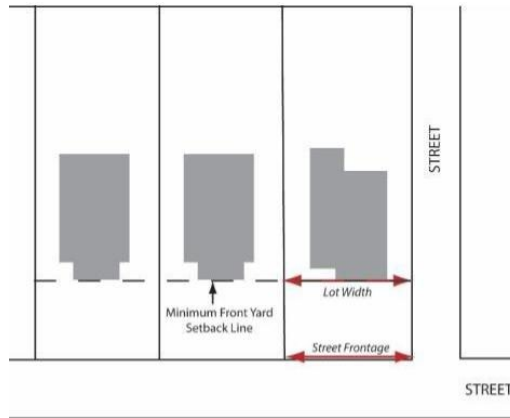
- b.** On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

**10.** Other Lot Types:

For any type of irregular lot not addressed in this section, the Zoning Inspector shall determine the location of the front, side, and rear yard taking into consideration the effect on adjoining properties.

**C.** Lot Width and Street Frontage Measurements:

1. Lot width is the distance between the side lot lines measured along the front yard setback line.



**Figure 8-J: Measurement Location of Lot Width and Street Frontage**

2. The street frontage is the distance between the side lot lines measured at the point of the street right-of-way.
- D. Height Measurement and Exceptions:
1. Height Measurement:
    - a. Where specified in stories, building height shall be measured in number of stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, and at-grade structured parking. This excludes features that are less than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.
    - b. Where specified in feet, the building height shall be measured from the average grade at the corners of the structure to the highest point on the roof, regardless of roof type.



**Figure 8-K: Measurement of Building or Structure Height**

- c. The height of all other structures shall be measured from the lowest grade adjacent to the structure to the highest point of the structure.

**2. Exceptions to Height Limits:**

Height limitations stipulated in this Resolution shall not apply:

- a.** To barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision); to church spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, flag poles; to parapet walls extending not more than four feet above the limiting height of the building.
- b.** To bulkheads, elevator penthouses, water tanks, monitor and lookout towers, provided:
  - 1. The height of any such structure shall not be greater than the number equal to the height of the first story of the principal structure; and
  - 2. The total footprint of the structure shall not exceed 60% of the footprint of the principal structure and shall have the same materials as the principal structure unless an alternative material is approved by the Zoning Inspector.

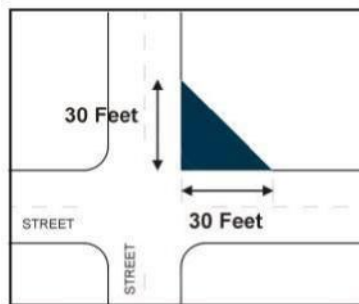
**Section 801 General Site Development Standards:**

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**A. Height Limit at Street Corners (Traffic Safety Visibility Triangle)**

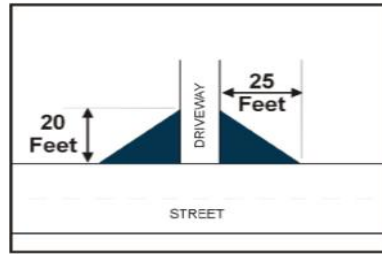
Development proposed adjacent to any public or private street, in every district, shall be designed to provide a clear visibility area for pedestrian and traffic safety.

- 1.** A traffic safety visibility triangle area, which may include private property and/or public right-of-way, is a triangle area defined by measuring 30 feet from the intersection of the extension of the front and side street curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property.



**Figure 8-L: Traffic Safety Visibility Triangle for Intersecting Streets**

- 2.** For intersections of streets and driveways, the traffic safety visibility area shall be created by measuring 25 feet from the edge of the driveway along the street and 20 feet along the driveway, perpendicular from the street. This requirement shall not apply to lots with single-family or two-family dwellings.

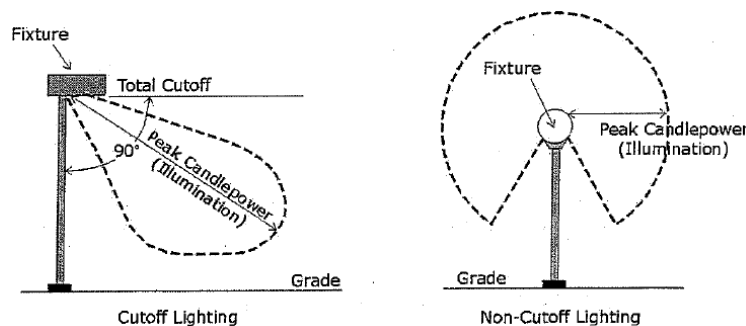


**Figure 8-M: Traffic Safety Visibility Triangle for Driveway and Street Intersections**

3. No structure, sign, or landscape element shall exceed 30 inches in height, measured from the top of the curb, within the traffic safety visibility area, unless approved by the Zoning Inspector.
  4. An exception to this requirement shall be for existing trees where the canopy is trimmed to a minimum of eight feet above grade.
- B. Outdoor Lighting**
1. Purpose
 

The purpose of this outdoor lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties while continuing to provide for safe and secure environments.
  2. Applicability
 

The regulations of this Section shall apply to all lighting that illuminates the exterior of a building, structure, open space, parking and loading areas, or other feature of a lot. These regulations shall apply to those uses or activities that require a zoning certificate.
  3. Lighting Standards
    - a. All outdoor lighting shall be designed, located, and mounted at heights no greater than 12 feet above grade for non-cutoff lights and 24 feet above grade for cutoff lights. See *Figure 8-N*.



**Figure 8-N: Cutoff and Non-cutoff Lighting Fixtures**

- b.** Variation of heights greater than as specified above shall be subject to approval by the BZA based upon a lighting plan designed by an architect or engineer citing reasons for variations and methods used to comply with other Sections of this Article.
  - c.** Outdoor lights shall be shielded so that substantially all the directly emitted light falls within the property line.
  - d.** Lighting levels at the property line shall not exceed 1.0 footcandles, except if adjacent to a residential district or use, the lighting levels shall not exceed 0.5 footcandles at the property line adjoining such use or district. However, at driveways and entrances additional footcandles may be permitted if determined by the Zoning Inspector that site conditions warrant such an increase for safety reasons.
- 4.** A plan illustrating proposed light fixture type, style, height, and a photometric plan illustrating proposed illumination on the site and at the property lines shall be submitted for approval for all uses that require a zoning certificate, unless determined by the Zoning Inspector that the scope of the project does not warrant such review.
- 5.** No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.
- 6.** Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area. Such uniform lighting shall be illustrated in the required lighting plan.
- 7.** Non-cutoff lighting affixed to a wall shall be prohibited.
- 8.** In the case of an existing fixture, a nonconforming use of lighting may continue until the luminaire is replaced unless such fixture is a nuisance or considered to be a safety hazard.

## **Section 802 Site Development Standards for Residential Zoning Districts:**

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**A.** *Table 802-1* establishes the minimum site development standards for residential zoning districts.

- 1.** All dwellings shall have at least one story above ground level.
- 2.** There shall not be more than one principal building on an individual lot except as otherwise permitted as part of a Planned Development District.
- 3.** Floor Area Requirements:

In order to promote healthy living conditions and to stabilize the value and character of residential areas, dwelling units shall be erected, altered, moved, maintained and occupied only in accordance with the following minimum floor area requirements. For the purposes of calculating the floor area, all areas within basements, garages and any attached or detached accessory building or structure shall not be included.



**ARTICLE 8: Area and Development Standards**

Section 802: Site Development Standards for Residential Zoning Districts:

2-23-2024

- a.** The total minimum floor area for a single-family dwelling unit shall be 1,400 square feet, except in the CR District the minimum single-family dwelling unit shall be 1,800 square feet.
- b.** The total minimum floor area for a dwelling unit in a two-family dwelling or multi-family dwelling shall be 700 square feet per unit.

**4.** Conversion of Dwelling to More Units

A residence may not be converted to accommodate an increased number of dwelling units unless:

- a.** The number of dwelling units in the principal building is permitted in the applicable zoning district.
- b.** The lot will still meet all applicable lot area, setback, and use standards as established in this Resolution.
- c.** The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
- d.** The conversion is in compliance with all other relevant codes and resolutions.

**Table 802-1: Site Development Standards for Residential Zoning Districts Table**

District	Minimum Lot Area (1)(2)	Minimum Lot Width (ft)	Minimum Setbacks			Maximum Building Height (ft)(3)	Maximum Occupancy of Rear Yard
			Front	Side	Rear		
<b>Agricultural District (A)</b>	87,120 SF (2 acres)	200	70	30	50	35	30%
<b>Countryside Residential District (CR)</b>	217,800 SF (5 acres)	200	70	30	50	35	30%
<b>Rural Residential District (R-1)</b>	43,560 SF (1 acre)	150	50	20	40	35	25%
<b>Suburban Residential District (R-2)</b>	30,000 SF (0.69 acres)	120	50	10	40	35	25%
<b>Mobile Home Park District (M-H-P)</b>	See Section 408B.5.						

Notes:

- 1. SF = square feet
- 2. The Clermont County General Health District may require a larger lot area than established for the applicable zoning district if an on-site wastewater system (e.g., septic system) is required.
- 3. Building heights are maximum heights except as provided in Section 800D.2.

## Section 803 Site Development Standards for Nonresidential Zoning District

- A. *Table 803-1* establishes the minimum site development standards for non-residential zoning districts.
1. There can be more than one principal building on an individual lot. When multiple principal buildings are located on an individual lot, the spacing between the buildings shall be reviewed and approved by the Franklin Township Fire Chief or their designee.
  2. The maximum impervious surface coverage shall be calculated by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of stormwater by the total lot area. Impervious surfaces include, but are not limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

**Table 803-1: Site Development Standards for Non-Residential Zoning Districts Table**

District	Minimum Lot Area (1)	Minimum Lot Width (ft)	Minimum Setbacks			Max. Building Height (ft)(2)
			Front (ft)	Side (ft)	Rear (ft)	
<b>Neighborhood Business District (B-1)</b>	32,670 SF (0.75 acre)	125	50	25	45	50
<b>Industrial District (I-1)</b>	87,120 SF (2 acres)	200	60	30	50	50

Notes:  
 1. SF = square feet  
 2. Building heights are maximum heights except as provided in *Section 800.D.2*.

# ARTICLE 9 SIGNAGE STANDARDS

## Section 900 Purpose

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The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of the designated areas. It is further intended to reduce sign and advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs over hanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

## Section 901 General Provisions

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### A. Compliance and Enforcement:

No sign shall be erected, displayed, relocated, or altered unless it is in full compliance with the regulations for the zoning district in which it is located, and meets all applicable provisions of this Article. It shall be the responsibility of the Zoning Inspector to enforce the provisions of this Article regarding all signage which is in violation of the requirements of this Article. In such instances, the tenant and the property owner of the sign in violation shall bear the full cost of removal, along with any penalty assessed.

### B. Sign Zoning Certificate:

No sign, except as specifically exempted in *Section 903*, shall be permitted unless an application for a sign zoning certificate has first been filed and approved by the Zoning Inspector. Said application shall include, but not be limited to:

1. A site plan and/or building elevation drawn to scale showing the location of the proposed signage on the lot or building, including required setbacks;
2. A detailed sign drawing which identifies the type of construction, method of illumination, dimensions, copy, and method of mounting and/or erecting;
3. The written consent of the tenant and property owner or his or her authorized agent; and
4. Permit fees as required.

### C. Maintenance:

All signs and component parts thereof, as well as braces, cables, poles, uprights, and other supporting structures shall be kept in good repair and shall be maintained in a safe, clean, and attractive condition. Should any sign become unsafe or be abandoned, the person or party

responsible for maintaining the sign shall proceed to either remove or repair said sign within 30 days of the receipt of written notice from the Zoning Inspector.

**D. Standards:**

All signs shall be designed and constructed in a manner that:

- 1.** Supports the weight of the sign;
- 2.** Prevents significant movement due to wind; and
- 3.** Is in full conformance with both the National Electrical Resolution and the Ohio Basic Building Code.

**E. Traffic Hazards:**

In accordance with *Section 801.A* of this Resolution, no sign shall be erected within the required sight triangle of any intersection, nor shall any sign be erected within the public right of way unless specifically exempted in *Section 903*. Where permitted, such signs shall not obstruct clear and free vision, or, by reason of position, shape, or color, interfere with any authorized traffic sign, signal, or device. In addition, no sign shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal or device, phrase, symbol, or character.

**F. Illuminated and Attention Getting Signs:**

With the exception of allowed electronic information boards, all illuminated signs shall employ only light which emits constant intensity. In no instance shall a sign be placed so as to direct or permit light beams or glare to be cast directly upon a public right-of-way or an adjoining property. Furthermore, no sign shall be permitted to be displayed which includes parts or elements which, by revolving, rotating, whirling, spinning, flashing, blinking, or other means, could become a distraction.

**G. Miscellaneous Sign Limitations:**

No sign shall be located on a vacant lot except for the purpose of advertising the lot for sale or lease or prohibiting trespassing or hunting.

**H. Clearance:**

The bottom edge of any freestanding pole or pylon sign erected on any property used for vehicular movement or parking shall be located at least 10 feet above any paved area.

**I. Setbacks:**

All signs, with the exception of those classified as temporary, shall be required to be placed a minimum of 10 feet back from the edge of the designated right-of-way.

**J. Noncommercial Sign and Message Substitution:**

- 1.** Wherever a commercial sign is allowed or permitted under this chapter, an owner may place a noncommercial sign, subject to the time, place and manner provisions of this Article, without applying for a sign zoning certificate and/or paying a fee that otherwise would be required for the placement of a commercial sign on the lot.
- 2.** The owner of any sign which is otherwise allowed by this Article may substitute noncommercial copy in lieu of any other commercial or noncommercial copy. This substitution of copy may be made without any additional approval or permitting. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any noncommercial message over any other noncommercial message. This provision prevails over any more specific provision to the contrary.
- 3.** Message substitution under this section does not:
  - a.** Create a right to increase the total amount of signage on a parcel, lot or land use;
  - b.** Affect the requirement that a sign structure or mounting device be properly permitted under this Article;
  - c.** Allow a change in the physical structure of a sign or its mounting device; or
  - d.** Authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a non-commercial message.

## **Section 902 Temporary Signs**

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- A.** Temporary signs include banners, A-Frame type signs, yard signs, and other temporary signs as permitted herein.
- B.** Standards that Apply to All Temporary Signs
  - 1.** Residential Zoning Districts.

Two temporary signs are permitted per lot at one time, and such temporary signs shall conform to the applicable regulations in this article. Such signs shall not exceed 16 square feet in area and six feet in height.
  - 2.** Non-Residential Zoning Districts (including the Agricultural Zoning District).

Two temporary signs are permitted per lot at one time, and such temporary signs shall conform to the applicable regulations in this article. Such signs shall not exceed 36 square feet in area and 10 feet in height.
  - 3.** For properties under construction, a maximum of two temporary signs are permitted at any one time that each have a maximum sign area of 36 square feet in area and 10 feet in height. Such signs are permitted for the duration of construction.

4. For properties not under construction, temporary signs shall be displayed no more than twice per year, per lot, 90 days at a time.
5. Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured by any means to any permanent sign, accessory structure, light pole, utility pole, utility wire, tree/landscaping material, or by any means to protrude above the roof of a structure.
6. Temporary signs shall be durable, weather-resistant, and be able to withstand wind without the aid of additional weighted materials (blocks, stones, sandbags, etc.) that are not part of the original sign structure.
7. Temporary signs shall not be illuminated by anything other than daylight or ambient lighting.
8. If a freestanding temporary sign is used (such as an A-Frame Sign) on any sidewalk, a minimum of four-foot pedestrian clearance shall be maintained around the sign. Such signs shall also only be displayed during business hours.
9. A zoning certificate is not required for temporary signs.

## **Section 903 Exempt Signs**

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The following signs shall not require a permit, but are subject to all applicable restrictions contained herein:

- A. Temporary noncommercial speech signs.
- B. Signs bearing no commercial message and installed by employees or officials of a township, city, county, state, or federal agency in the course of their governmental duties.
- C. Governmental signs for identification, control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public utility companies for the purpose of identification or public safety.
- D. Flags, emblems, and insignia. A zoning certificate shall be required for a flagpole that will exceed the maximum building height permitted in the district by five feet or more, however, no fee shall be required.
- E. Signs within a stadium, theater, building, arena, or other structure, provided that such signs can be viewed only by persons within such stadium, theater, building, arena, or other structure.
- F. Signs not visible from the public right-of-way as determined by the Zoning Inspector.
- G. Architectural features that are either part of the building or part of a freestanding structure are not considered signs and are thus exempt from these regulations. Architectural features include any construction attending to, but not an integral part of the sign, and which may consist of landscape or building or structural forms that enhance the site in general.

- H. Holiday decorations for religious or national holidays. Such decorations may blink, flash, or move. No such holiday decorations shall interfere with traffic, present any hazard, or be detrimental to public health, safety, or morals.
- I. Routine maintenance of any sign, not involving structural changes to the sign.
- J. Changes of message, either manually or electronically, on a message board or reader board, subject to limitations in this chapter.

## **Section 904 Prohibited Signs and Displays**

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- A. The following types of signs are specifically prohibited.
  - 1. Pennants, feather flags, streamers, inflatable characters or objects, and similar type devices.
  - 2. Signs which employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention, other than electronic message boards pursuant to the requirements of this article.
  - 3. Portable signs.
  - 4. Beacons and searchlights.
  - 5. Signs attached to, painted on, or placed on a stationary vehicle, trailer, or other licensed or unlicensed vehicle or conveyance which is located in such a manner to serve exclusively as a permanent, temporary, or portable sign.
  - 6. Promotional balloons filled with helium, gas, air, or any other gaseous material either suspended from or affixed to a structure, vehicle, or ground.
  - 7. Roof signs.
  - 8. Billboards, except as permitted by the Ohio Revised Code. See *Section 913: Off-Premises Outdoor Advertising Signs*.
- B. Prohibited Sign Locations.
  - 1. Sign locations shall be in accordance with the regulations of this Article or the Zoning District in which the sign is to be located. Under no circumstances shall a sign (other than those specifically exempted by this article) be located in a right-of-way or applied to trees, utility poles, fences, supporting structures for street signs and other governmental signs, bus shelters, benches, trash receptacles, newspaper vending machines or boxes, or any other portable or temporary supporting device. Trash receptacles, newspaper vending machines and similar devices may contain the identification of the owner of such device.
  - 2. No sign shall be erected in such a manner as to obstruct free and clear vision to any public thoroughfare or traffic flow along a designated parking lot aisle way for use by the general public.

## **Section 905 Nonconforming Signs**

---

Any sign which no longer conforms to these provisions but legally existed at the time of the adoption of this Article, and which has not been voluntarily discontinued or abandoned for more than two years shall, in accordance with *Article 6: Nonconforming Uses* of this Resolution, shall be deemed legally nonconforming. Such a sign, if properly maintained, may be continued but may not be moved, enlarged, increased, or extended to occupy a greater area. Where a legal nonconforming sign has been damaged to more than one half its total reconstruction value it shall neither be repaired nor replaced. Whenever a nonconforming sign is structurally altered, relocated, or replaced, it shall immediately conform to the requirements of this Article.

## **Section 906 Classifications of Signs**

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Unless otherwise indicated, the following types of signs shall be allowed to be displayed in all zoning districts pending issuance of a sign zoning certificate:

**A. Freestanding or pylon:**

Any sign which is suspended or supported by one or more poles, uprights, or braces in or upon the ground. Such signs shall not exceed 25 feet in height. Such signs shall not be permitted in all residential zoning districts.

**B. Monument:**

Any ground mounted sign whose foundation or base sits directly upon the ground. Such signs shall have a maximum height of eight feet above ground level.

**C. Wall:**

Any sign which is attached to or painted on to the exterior surface of a building or structure and does not extend more than eight inches beyond the surface of such building or structure.

**D. Window:**

Any sign, picture, symbol, or combination thereof which is painted, glued, taped, suspended, or otherwise affixed to a window. Such signs shall not be limited in number but shall not be permitted to exceed 30% of total window area.

## **Section 907 Permitted Sign Area by Sign Type**

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The following signs shall be allowed subject to review and issuance of a zoning certificate.

**A. Canopy:**

Any sign placed on an unenclosed roof structure which is supported by poles or columns. A canopy sign can have an area up to 20 square feet per side.

**B. Circulation and Directional:**



Any sign intended to promote orderly vehicular movement directly onto or within the premises. A circulation or directional sign can have an area of up to eight square feet.

**C. Electronic Information Board:**

Any sign which incorporates the use of lights, neon, liquid crystal display, or other device to display a message or pattern that informs people about information items such as, but not limited to, time, prices, temperature, and events. An electric message board can have an area up to 60 square feet.

**D. Menu Board:**

Any sign which displays menu items and pricing generally not intended to be viewed from a public street or right-of-way. A menu board can have an area up to 25 square feet.

**E. Development Entry:**

Any sign which is incorporated into an entry feature which identifies the name of the development. A development entry sign can have an area up to 32 square feet.

**F. Window:**

Any sign which is painted, glued, taped, or otherwise affixed to a window. The maximum size of a window sign shall be 30% of the window surface area.

## **Section 908 Permitted Sign Area for Freestanding, Monument, and Wall Signs**

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No individual sign or combination of freestanding, monument, or wall signs shall be permitted to exceed 100 total square feet of sign area per street frontage in any residential zoning district, or 150 total square feet of sign area per street frontage in any agricultural zoning district. In business and industrial zoning districts, the maximum amount of total sign area permitted shall be 200 square feet per street frontage.

For purposes of determining maximum allowable sign area, the following methodology shall be used:

- A.** Two square feet of sign area will be permitted for every one lineal foot of building facing the street where an address is displayed.
- B.** An automatic bonus of 20% will be permitted for a sign which is situated on a corner lot.
- C.** Freestanding and monument signs shall be limited to one per road frontage.
- D.** A maximum of three wall signs shall be permitted on individual buildings.

## **Section 909 Signs Permitted in Individual Zoning Districts**

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- A.** Agricultural and residential uses permitted or conditional permitted in the A, CR, R-1, R-2, and PD Districts shall be permitted temporary signs, window signs, and subdivision entry signs.

- B. Nonresidential uses permitted or conditional permitted in the A, CR, R-1, and R-2 Districts shall be permitted temporary signs, window signs, circulation/directional signs, wall signs, and ground signs.
- C. Nonresidential uses permitted in a Planned Development shall be permitted signs as approved on the development plans by the Board of Trustees.
- D. Residential uses permitted or conditionally permitted in the B-1 and I-1 Districts shall be permitted temporary signs, window signs, and development entry signs.
- E. Nonresidential uses permitted or conditionally permitted in the B-1 and I-1 Districts shall be permitted temporary signs, window signs, development entry signs, circulation/directional signs, menu board signs, canopy signs, wall signs, and freestanding signs.

## **Section 910 Relocating Signs**

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If any legally permitted sign is moved from one location to another, a new sign zoning certificate shall first be obtained.

## **Section 911 Alterations or Enlargements of Signs**

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The alteration or enlargement of any legally existing sign shall comply with the requirements of this Article and shall first require the issuance of a new sign zoning certificate.

## **Section 912 Misrepresentation of Information**

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Any sign not constructed as represented on an approved sign zoning certificate application shall be construed as a misrepresentation of facts and a violation of the Resolution. In such instances, the sign in violation shall be removed or the error in violation corrected within 14 days of receipt of a notice of zoning violation.

## **Section 913 Off-Premises Outdoor Advertising Signs**

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### **A. Outdoor Advertising Signs area a Business Use**

Outdoor advertising signs are hereby classified as a business use and, in compliance with ORC Section 519.20, are permitted in all nonresidential districts and on lots that are used for agricultural purposes.

### **B. Prohibited Locations**

Outdoor advertising signs are prohibited along a national or state scenic byway, as identified by the Ohio Department of Transportation and all non-interstate roads.

### **C. Sign Area**

No outdoor advertising sign shall exceed 300 square feet in area per side and no more than two sides.

**D. Sign Height**

No outdoor advertising sign structure shall exceed 25 feet in height.

**E. Sign Location and Setbacks**

All outdoor advertising signs shall comply with the following setbacks:

- 1.** The minimum roadway distance between outdoor advertising signs is 2,000 feet.
- 2.** All outdoor advertising signs shall be located at least 100 feet from any property line.
- 3.** All outdoor advertising signs shall be located at least 500 feet from uses such as residential dwellings, parks, natural preserves, scenic roadways, educational institutions, cemeteries, historic sites or areas, hospitals, institutional housing, or public or government buildings.
- 4.** All outdoor advertising signs along interstate highways shall conform to the regulations established in ORC Chapter 5516.
- 5.** All outdoor advertising signs shall meet the minimum setback requirements of the zoning district and all properties where such signs are located shall meet the applicable minimum lot area.

**F. Proof of Other Regulations Compliance**

Outdoor advertising signs shall comply with all regulations set forth in this chapter and this zoning code. Outdoor advertising signs shall comply with all other local, state, and federal permitting procedures.

**G. Landscaping**

1. Outdoor advertising signs shall be erected in a landscaped setting that has a minimum size equal to, or exceeding, twice the sign face area.
2. The landscaped area shall include one tree and two shrubs per 20 square feet of sign area.
  - a.** Trees shall be a minimum of eight feet high and two inches in caliper at installation.
  - b.** Shrubs shall be a minimum of three gallon pot size with a minimum of 18 inches in height and spread at installation.

**H. Illumination**

- 1.** Outdoor advertising signs located within 1,000 feet of a residential district shall not be illuminated.

- 2.** Outdoor advertising signs located in a nonresidential district may be externally illuminated through cutoff fixtures located external to the sign face and no internal light sources or light producing elements in the sign face or message media shall be permitted.
- 3.** Illumination shall be concentrated upon the area of the sign face so as to prevent glare upon the roadway or adjacent properties.
- 4.** A photometric plan shall be provided, and light shall not trespass beyond the site to exceed 0.2 footcandles when adjacent to residential property or 1.0 footcandles when adjacent to a nonresidential property.
- 5.** Flashing or intermittent lighting is prohibited.

**I. Changeable Messages**

An electronic changeable message is not permitted on an off-site advertising sign.

# ARTICLE 10 PARKING, LOADING, AND CIRCULATION

## Section 1000 Purpose

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The purpose of this Article is to:

- A. Relieve congestion on the streets by requiring that parking, loading, and associated circulation be provided on property and off streets in relation to the parking demand generated by the property user;
- B. Promote safety and convenience for people by requiring that vehicular use areas and driveways be located and constructed according to good standards for visibility and accessibility;
- C. Encourage the incorporation of alternative modes of transportation by emphasizing pedestrian circulation and encouraging provision of bicycle parking; and
- D. Protect the visual amenities and values of residential areas by the visual screening of large parking areas and by limiting the parking and storage of vehicles, boats, trailers, and trucks in residential areas.

## Section 1001 Applicability

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All vehicular use areas (e.g., parking spaces, loading spaces, stacking spaces, driveways, etc.) shall be provided in conformance with the provisions of this Article prior to occupying or using any building, structure, land, or portion thereof.

### A. New, Expanded and Existing Uses

The requirements of this Article shall apply to the following:

- 1. A zoning certificate application for the construction of a new building.
- 2. When a building or use constructed or established after the effective date of this Resolution is changed in use or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of 10% or more in the number of existing parking spaces required by this Resolution, such spaces shall be provided based on the enlargement or change.
- 3. When a building or use existing prior to the effective date of the Resolution is enlarged in floor area or changed in use to create a need for 50% or more parking spaces required by this Article than required for such a building or use as it existed prior to the enlargement or change, said building or use shall then and thereafter comply with the parking regulations of this Article.
- 4. Where an expansion of a vehicular use area is proposed.

5. Any vehicular use areas now serving such existing buildings or uses shall not be reduced below the requirements established in this Article in the future.

**B. Plan Review**

For any off-street parking, loading, or vehicular use area required under this Article with five or more parking spaces, a plan shall be submitted with the application for a zoning certificate. The required contents of the plan shall be as established by the Zoning Inspector.

**C. Maintenance**

1. All vehicular use areas shall be maintained and kept free from debris, litter, junk, or rubbish.
2. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition.
3. The duty to provide and maintain all parking, loading, or other vehicular use areas shall be the responsibility of the property owner where the vehicular use areas are required. The owner shall maintain all paved surfaces and repair any disintegration of the surface by patching or resealing when such disintegration takes place.

**D. Storage**

All vehicular use areas for nonresidential uses shall not be used for the continuous storage of a vehicle for more than 48 hours visible from a public right-of-way, except where expressly permitted in this Resolution as accessory to the principal use of the lot.

**E. Drainage**

All vehicular use areas shall provide for the proper drainage of surface water in accordance with all applicable federal, state, and county runoff control and sediment abatement regulations, to prevent the drainage of such water onto adjacent properties and onto sidewalks.

**F. Other Uses within Required Vehicular Use Areas**

No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any vehicular use area. Outdoor display, sales, or storage of any merchandise within any required vehicular use area shall not be permitted.

**G. Surfacing**

1. All vehicular use areas shall be graded and paved with asphalt or concrete surface unless otherwise provided in this Article.
2. Residential subdivision parcels on roadways greater than 35 MPH shall be required to have a minimum 25-foot-deep apron that shall be surfaced with an asphaltic, Portland cement binder, or other like pavement.
3. Pavers or porous pavement systems that allow for stormwater drainage to pass through or grass to grow through them may be permitted for use in up to 50% of the parking areas and aisles in nonresidential districts, and up to 100% in residential districts.

**H. Striping**

The individual parking spaces and loading spaces shall be striped according to the approved layout of the vehicular use area.

**Section 1002 Off-Street Parking Regulations**

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**A. Units of Measure**

The following rules shall apply when computing parking spaces:

**1. On-Street Parking:**

On-street parking spaces shall not be counted toward off-street parking space requirements.

**2. Multiple Uses:**

Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.

**3. Area Measurements:**

**a.** Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building, measuring from the exterior surface of exterior walls or from the centerline of walls separating buildings, including all such space except porches, garages or parking area, areas occupied by mechanical equipment, toilet or rest rooms and any basement or cellar space used for storage or incidental purposes.

**b.** When calculating the required parking and fractional spaces result, the parking spaces required shall be construed to be the nearest whole number.

**4. Occupancy- or Capacity-Based Standards:**

**a.** For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on a single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable, and whichever results in a greater number of parking spaces.

**b.** In hospitals, bassinets shall not be counted as beds.

**c.** In the case of benches, pews, and similar seating accommodations, each 24 inches thereof shall be counted as one seat for the purpose of determining the parking requirements.

**5. Stacking Spaces:**

Vehicle stacking spaces that are required for drive-through facilities shall not count toward the off-street parking requirements of this section, and shall be in accordance with *Section 409.E.5: Drive-Through Facility*.

**6. Unlisted Uses:**

- a.** Upon receiving an application for a use not specifically listed in the parking schedule below, the Zoning Inspector shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regard to use, size and intensity of use.
- b.** If the Zoning Inspector determines that there is no listed use similar to the proposed use, intensity, or size, they may refer to the estimates of parking demand based on recommendations from parking studies prepared by the Institute of Traffic Engineers (ITE), Urban Land Institute (ULI), and/or the American Planning Association (APA).

**B. Required Number of Parking Spaces**

- 1.** *Table 1002-1: Minimum Off-Street Parking Standards* defines the number of parking spaces required for each use within Franklin Township.
- 2.** The applicant may request up to a 15% reduction in the number of parking spaces required in *Table 1002-1: Minimum Off-Street Parking Standards* without requiring a variance. Such request shall be considered by the Zoning Inspector during the zoning certificate review process.
- 3.** Applicants may propose fewer parking spaces than provided in this section through the use of shared parking or off-site parking as established in *Section 1003: Alternative Parking Options*.

**Table 1002-1: Minimum Off-Street Parking Standards**

Use	Number of Required Spaces
<b>Agricultural Uses</b>	
Agriculture – Raising of Crops and Livestock	No parking spaces required
<b>Residential Uses</b>	
Adult Family Home or Small Residential Facility	1.5 spaces per bedroom not counting garages
Adult Group Home or Large Residential Facility	1.5 spaces per bedroom not counting garages
Dwelling, Multi-Family	2.0 spaces per dwelling unit
Dwelling, Single Family	2.0 spaces per dwelling unit
Dwelling, Townhouse	2.0 spaces per dwelling unit
Dwelling, Two Family	2.0 spaces per dwelling unit
Institutional Housing	1.0 space per 3 bedrooms
Non-Permanently Sited Manufactured Home	2.0 spaces per dwelling unit
Permanently Sited Manufactured Home	2.0 spaces per dwelling unit
<b>Business Uses</b>	
Agribusiness and Greenhouse	1.0 space per 300 square feet plus 1.0 space per 1,500 square feet of outdoor sales or display area



**Table 1002-1: Minimum Off-Street Parking Standards**

<b>Use</b>	<b>Number of Required Spaces</b>
Animal Hospital or Veterinarian Clinic	1.0 space per 250 square feet
Bakery	1.0 space per 250 square feet
Bar or Tavern	1.0 space per 100 square feet
Bed and Breakfast	1.0 space per guest room plus requirement for dwelling unit
Building Material Sales	
Building Trades	
Club, Lodge or Other Social Meeting Place	1.0 space per 125 square feet
Conference Center, Assembly Hall, or Banquet Facility	1.0 space per 100 square feet
Day Care Center	1.0 space per 500 square feet
Dry Cleaner	1.0 space per 250 square feet
Equipment Rental	2.0 spaces plus 1.0 space per 300 square feet
Family Day Care Home	2.0 spaces in addition to that required for the dwelling unit
Financial Institution	1.0 space per 200 square feet
Funeral Home	1.0 space per 50 square feet
Garden or Landscape Supply Store	1.0 space per 300 square feet plus 1.0 space per 1,500 square feet of outdoor sales or display area
Hotel or Motel	1.0 space per room or suite, plus 1.0 space per 200 square feet of commercial or public meeting space
Indoor Commercial Recreation or Entertainment Facility	1.0 space per 200 square feet or 1.0 space per 5 persons at maximum capacity, whichever is greater
Kennel	1.0 space per 400 square feet
Laundry or Laundromat	1.0 space per 400 square feet
Lumber Yard	1.0 space per 400 square feet
Medical or Dental Center or Outpatient Clinic	1.0 space per 200 square feet
Office	1.0 space per 250 square feet
Outdoor Commercial Recreation or Entertainment Facility	1.0 space per 5,000 square feet of land area or 1.0 space per 3 persons at maximum capacity, whichever is greater
Outdoor Theater (Drive-In)	
Paint Shop	1.0 space per 3 employees
Personal Service	
Printing Shop	1.0 space per 3 employees
Restaurant	1.0 space per 100 square feet
Retail and Service Commercial Use	1.0 space per 250 square feet
Roadside Stand	1.0 space per 250 square feet; minimum of 2.0 spaces
Self-Storage Facility	3.0 spaces plus 1.0 space per 50 units
Sexually Oriented Business	1.0 space per 250 square feet
Sheet Metal Shop	1.0 space per 3 employees
Stable, Public	1.0 space per 2 stalls
Tattooing/Piercing Parlor	2.0 spaces per station or service chair

**Table 1002-1: Minimum Off-Street Parking Standards**

Use	Number of Required Spaces
Travel Trailer Camp or Overnight Port	1.0 space per camping unit site; such space may be part of each travel trailer parking area
Truck, Trailer or Farm Implement Sale and Service	1.0 space per 1,000 square feet of indoor display area and 1.0 space per 3,000 square feet of outdoor display area
Vehicle Fuel Sales	1.0 space per point-of-sale fuel pump filling area
Vehicle Repair	1.0 space per 300 square feet for facilities under 5,000 square feet.
Vehicle Sale or Rental	1.0 space per 400 square feet of indoor display area and 1.0 space per 3,000 square feet of outdoor display area; this does not include spaces for display of vehicles for sale, lease or rent.
Vehicle Service	1.0 space per 300 square feet for facilities under 5,000 square feet.
Vehicle Washing Facility	2.0 spaces plus stacking spaces as required per <i>Section 409.E.5.</i>
Wholesale Business	2.0 spaces plus 1.0 space per 300 square feet over 1,000 square feet
<b>Industrial and Warehouse Uses</b>	
Concrete Mixing	See <i>Section 1002.B.4.</i>
Contractor Office and Storage Use	1.0 space per 200 square feet plus 1.0 space per 5,000 square feet of storage area
Gravel or Sand Extraction	See <i>Section 1002.B.4.</i>
Gravel, Sand, Material Storage	
Heavy Manufacturing	1.0 space per 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used
Junkyard	See <i>Section 1002.B.4.</i>
Light Manufacturing	1.0 space per 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used
Mining	
Office-Warehouse	1.0 space per 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used
Research and Development Facility or Laboratory	1.0 space per 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used
Sawmill	See <i>Section 1002.B.4.</i>
Truck Terminal	See <i>Section 1002.B.4.</i>
Warehousing, Distribution, or Storage Facility	1.0 space per 2 employees on the maximum working shift plus space to accommodate all trucks and other vehicles used
<b>Public and Institutional Uses</b>	
Ball Field	30.0 spaces per field

**Table 1002-1: Minimum Off-Street Parking Standards**

Use	Number of Required Spaces
Basketball Court	5.0 spaces per court
Golf Course	8.0 spaces per hole
Golf Driving Range	2.0 spaces per tee
Miniature Golf Course	2.0 spaces per hole
Racquetball, Handball and Tennis Court	5.0 spaces per court
Swimming Pool (Not Associated with a Residence)	1.0 space per 50 square feet of swimming area including water, lawn, deck, and bathhouse
Park or Playground Not Otherwise Specified	1.0 space per 10,000 square feet of park or playground area
Cemetery	1.0 space per four seats in a chapel or place of assembly
Community Garden	No parking spaces required
Educational Institution	1.0 space per 10 seats in auditorium or main assembly room, or 1.0 space per classroom, whichever is greater
	High Schools or Colleges, 1.0 space per 8 seats in auditorium or main assembly room, or 3.0 spaces per classroom, whichever is greater
Hospital	1.0 space for every three patient beds
Recreation Facility, or Open Space	1.0 space per 10,000 square feet of park, recreation, or open space
Public and Government Building or Use	
Religious Place of Worship	1.0 space per 4 fixed seats in the main assembly room
Telecommunication Tower	1.0 space per provider

**4. Uses With Variable Parking Demand Characteristics and Unlisted Uses**

For some listed uses, *Table 1002-1* refers to this subsection because the use has widely varying parking and loading demand characteristics, making it difficult to establish a single appropriate off-street parking or loading standard. On receiving an application proposing such a use, or proposing a use not expressly listed in *Table 1002-1*, the Zoning Inspector is authorized to:

- a.** Apply the minimum off-street parking space requirement specified in *Table 1002-1* for the listed use that is deemed most similar to the proposed use; or
- b.** Establish the minimum off-street parking space requirement by reference to standard parking resources published by the National Parking Association or the American Planning Association (APA); or

- C.** Establish the minimum off-street parking space requirement based on a parking demand study prepared by the applicant that estimates parking demand based on the recommendations of the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data, and that includes relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

**C.** Bicycle Parking Spaces:

The following standards for bicycle parking are recommended and are not required.

- 1.** All nonresidential uses containing 50 parking spaces or more should provide two bicycle parking spaces for each 50 parking spaces provided, or fraction thereof.
- 2.** Bicycle racks or other accommodation to allow locking of bicycles should be provided and placed within reasonable access to the main entrance.
- 3.** The space should be at least two feet wide by six feet long in size.
- 4.** The location of bicycle racks should not obstruct access to building entrances.

**D.** Parking Requirements for Physically Disabled

Applicants shall provide parking spaces for the physically disabled as required by the Ohio Basic Building Code and shall include all necessary markings, striping, and signage.

## **Section 1003 Alternative Parking Options**

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The following are methods of accommodating parking as an alternative to constructing the required number of parking spaces on an individual lot.

**A.** Shadow Parking:

A portion of the required parking spaces may remain landscaped and unpaved or paved with porous pavement provided that the parking and unpaved areas comply with the following standards.

- 1.** No more than 30% of the required number of parking spaces may be designated for shadow parking.
- 2.** The plans submitted with the zoning certificate application shall denote the location and layout of that portion of the parking area that is deemed currently not required. The plan shall indicate that the “shadow” parking spaces will be constructed according to this Resolution in the event that the Zoning Inspector makes a finding, at any time, that all or any portion of this parking is necessary.

**ARTICLE 10: Parking, Loading, and Circulation**

Section 1003: Alternative Parking Options

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- 3.** At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that grass pavers or reinforced turf may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.
- 4.** At no time shall any portion of the required parking or loading that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this Article.
- 5.** The owner shall initiate construction of the approved "future" parking area, as identified on the approved plan, within three months of the receipt of a certified letter or a letter through normal postal service (if the certified letter is not accepted) sent to the owner of record from the Zoning Inspector, identifying that such parking is determined to be necessary.

**B. Shared Parking:**

A portion of the required parking spaces may be located on an adjacent property if the parking area complies with the following:

- 1.** Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- 2.** The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request.
- 3.** Shared parking may be approved if:
  - a.** Enough spaces are provided to meet the highest demand of the participating uses.
  - b.** The uses are located adjacent to each other.
  - c.** Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Zoning Inspector, documenting the nature of uses and the times when the individual uses will operate to demonstrate the lack of potential conflict between them.
  - d.** The shared parking space shall be located not more than 300 feet from a public or institutional use, or not more than 500 feet from another use, from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.

- e.** A legal shared parking agreement is submitted and approved by the Franklin Township Legal Counsel, that provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity uses the spaces during evening hours). This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
- f.** The approved shared parking agreement shall be filed with the application for a zoning certificate and shall be filed with the Clermont County Recorder and recorded in a manner as to encumber all properties involved in the shared parking agreement.
- g.** No zoning certificate will be issued until proof of recordation of the agreement is provided to the Zoning Inspector.
- h.** Shared parking shall not account for more than 50% of the required parking spaces as established in *Section 1002.B*.

**C.** Off-Site Parking

A portion of the required parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with the following standards:

- 1.** Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, hospitals, bars, or convenience stores and other convenience-oriented uses.
- 2.** No off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- 3.** Off-site parking shall not be permitted on a vacant lot in a residential zoning district.
- 4.** If an off-site parking area is not under the same ownership as the principal use served, a written off-site parking agreement shall be required.
- 5.** An off-site parking agreement shall be submitted and approved as to form by the Franklin Township Legal Counsel. This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
- 6.** The off-site parking agreement approved by the Franklin Township Legal Counsel and shall be filed with the application for a zoning certificate and shall be recorded as a deed restriction or covenant in a manner as to encumber all properties involved in the off-site parking agreement.
- 7.** A zoning certificate shall not be granted until proof of recordation of the agreement is provided to the Zoning Inspector.

- 8.** Required parking spaces reserved for persons with disabilities shall not be in an off-site parking facility.
- 9.** Off-site parking shall be used and maintained solely for parking if the use, as recorded and approved, exists. The off-site parking agreement may be terminated when the additional site is no longer necessary, there is a change of use, or the approved conditions are no longer applicable.
- 10.** Obtain approval or termination from the Zoning Inspector.

## **Section 1004 Design Standards for Parking Areas**

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Unless otherwise specified, the standards of this section shall apply to all parking lots or vehicular use areas that are subject to this Article.

**A.** Location:

All driveways and open off-street parking areas shall comply with the following:

- 1.** All vehicles shall be parked in an open off-street parking space or garage.
- 2.** All parking spaces shall be connected to a public street by a driveway, except dwelling units which may be accessed from an alley.
- 3.** All required off-street parking spaces shall have direct access to an aisle or driveway without the need to move any other vehicle.
- 4.** Parking spaces shall be located on the same lot as the principal use they serve, unless the spaces meet the requirements of *Section 1003.B* or *Section 1003.C*.
- 5.** Parking for business or industrial uses in a nonresidential district shall not be permitted in residential districts.
- 6.** No part of a parking area for 10 or more vehicles shall be closer than 10 feet to the side lot line of any lot in a residential district.

**B.** Access:

- 1.** Cross access easements to adjacent parcels shall be provided to achieve better circulation throughout the Township and to minimize driveway cuts along public roads. If only one of the adjacent parcels is subject to review, this cross access easement requirement shall be established as a condition of the zoning certificate approval, prohibiting the applicant from denying cross access from adjacent parcels. At the establishment of the easement, shared maintenance agreements shall be filed with the Clermont County Recorder and provided to the Zoning Inspector for the Township files. All cross access easements shall comply with the county's access management requirements.

- 2.** No entrance to or exit from a parking area for 10 or more vehicles shall be closer than 50 feet to any street intersection.
- 3.** Driveways shall be located so loading and unloading activities will not hinder vehicular ingress and egress.
- 4.** To the maximum extent feasible, provisions for primary access along secondary streets shall be provided to minimize traffic congestion on primary arterial streets.
- 5.** The Township, with guidance from the Clermont County Engineer, may require the owner to provide acceleration and/or deceleration lanes where traffic volumes indicate the need for such improvements.
- 6.** Maneuvering aisle widths for parking areas shall be a minimum of 24 feet wide for two-way access aisles. The Township may allow a reduced width for one-way access aisles.

**C.** Parking Space Size:

Parking spaces shall contain an area of not less than 9 feet x 18 feet, exclusive of driveways and access drives.

**D.** Wheel Stops and Curbing:

- 1.** Continuous curbs of concrete, asphalt, stone, or other similar material at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures, unless the elimination of this curbing is required to adhere to stormwater management requirements.
- 2.** Continuous curbs shall be located a minimum of four feet from any structures, buildings, or walls to prevent a vehicle from hitting any structure at the edge of a parking area.
- 3.** Individual wheel stops may be provided in lieu of continuous curbing only when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area.
- 4.** Parked vehicles may overhang an interior landscaped area no more than two feet.
- 5.** The minimum height of a wheel stop device shall be five inches and the minimum distance from a wheel stop device to a property line or protected area shall be two and one-half feet. An internal, non-public raised sidewalk may function as a wheel stop device if the sidewalk is at least six feet.
- 6.** The Zoning Inspector may allow the use of bollards instead of curbing or wheel stops when determined by the Zoning Inspector to provide adequate protection from vehicular encroachment.

**E.** Interior Parking Area Landscaping

Landscaping shall be provided within the interior of parking areas in accordance with the provisions of this Article.



- 1.** Parking areas containing less than 20 parking spaces shall be exempt from the requirements of this Section.
  - a.** Where the total parking provided is in more than one location on a site and each location contains less than 20 parking spaces, each such area shall be exempt from this Section if separated on all sides by at least 20 feet of non-paved areas.
  - b.** Where an existing parking area containing less than 20 contiguous parking spaces is expanded and thereby contains 20 or more contiguous parking spaces, landscaping for the entire area shall be provided and not merely to the extent of its expansion.
- 2.** Landscaping shall be provided within or adjacent to parking areas. The total amount of landscaping required is 22 square feet per parking and stacking space. Interior and streetscape landscaping count toward the minimum square feet of landscaping required.
- 3.** All parking spaces must be within 125 feet of a landscaped area, and landscape areas shall be a minimum of 100 square feet in size.
- 4.** A minimum of one deciduous tree, a minimum of two inches in caliper, shall be provided for each 15 parking spaces, and three shrubs for each required tree. Any fractional number of trees should be calculated to the next highest whole number.
- 5.** All parts of unenclosed off-street parking areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs and/or trees, which shall be continuously maintained.

## **Section 1005 Mobility and Sidewalks**

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### **A. Sidewalks Along a Public Street:**

- 1.** Sidewalks shall be required on both sides of a street in all platted subdivisions of 50 or more dwelling units.
- 2.** Sidewalks shall be required on only one side of the street in all platted subdivisions containing 49 or fewer dwelling units.
- 3.** Any nonresidential use or building subject to the provisions of this Article and established after the effective date of this Resolution shall be required to provide a four-foot-wide sidewalk along all public streets for the full length of street frontage.
- 4.** Any established nonresidential use or building that is expanded more than 50% of the existing floor area after the effective date of this Resolution shall be required to install a four-foot-wide sidewalk along all public streets for the full length of street frontage.
- 5.** All sidewalks shall meet the minimum design requirements of the rules and regulations of the Clermont County Subdivision Regulations.

- B. Walkway Connections to Public Sidewalks for Nonresidential Uses:**
- 1.** There shall be one internal continuous sidewalk of at least four feet in width that provides a direct connection from the public street to the primary customer entrance or to the sidewalk along a multi-tenant building.
  - 2.** Lane striping may be used to designate pedestrian sidewalks.
  - 3.** At a minimum, all internal pedestrian walkways shall be constructed of a surface that is visually distinct from the parking area surface by use of pavers, scored or stamped concrete, or bricks. Applicants are strongly encouraged to physically separate internal walkways from the vehicular circulation drives.
  - 4.** Sidewalks shall be provided along any facade featuring a customer entrance.
    - a.** Such sidewalks shall maintain a clear pedestrian passage not less than five feet in width.
    - b.** Such sidewalks shall connect all customer entrances to other internal sidewalks.

## **Section 1006 Off-Street Loading Regulations**

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**A. Applicability:**

On the same premises with every building, structure, or part thereof, erected and occupied for commerce, industry, public assembly, or other uses involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for standing, loading, and unloading services in order to avoid undue interference with public use of the streets or alleys in conformance with this section.

**B. Number of Loading Spaces Required:**

The minimum number of loading spaces provided for various uses shall be as follows:

- 1.** Nonresidential uses in the B-1 District shall provide loading spaces as specified in *Table 1006-1*.

***Table 1006-1: Loading Space Requirements***

<b>Building Floor Area</b>	<b>Required Number of Loading Spaces</b>
Up to 30,000 square feet	1
Each additional 50,000 square feet	1

- 2.** Uses permitted in the (I-1) Industrial District shall provide loading spaces as specified in *Table 1006-2*.

**Table 1006-2: Loading Space Requirements**

<b>Building Floor Area</b>	<b>Required Number of Loading Spaces</b>
Up to 20,000 square feet	1
20,001 to 40,000 square feet	2
40,001 to 60,000 square feet	3
Each additional 100,000 square feet over 60,000 square feet	1

**C. Unlisted Uses:**

- 1.** Upon receiving an application for a use not specifically listed in this section, the Zoning Inspector shall apply the loading standard specified for the listed use that is deemed most similar to the proposed use in regard to use, size and intensity of use.
- 2.** If the Zoning Inspector determines that there is no listed use similar to the proposed use, intensity, or size, they may refer to the estimates of loading space demand based on recommendations from studies prepared by the Institute of Traffic Engineers (ITE), Urban Land Institute (ULI), and/or the American Planning Association (APA).
- 3.** Off-street loading spaces shall not count toward any minimum parking space requirements.

**D. Loading Space Design Standards:**

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:

**1. Location of Required Loading Spaces:**

- a.** Loading spaces shall be located on the same lot as the building or structure to which they are accessory.
- b.** No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any required front yard or across any lot lines of a more restrictive district while the vehicle is being loaded or unloaded.
- c.** No loading space shall be closer than 100 feet to any residential use or district.

**2. Dimensions:**

Loading spaces shall have a minimum width of 10 feet, a minimum length of 25 feet and a minimum vertical clearance of 14 feet.

**3. Access:**

- a.** Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The Zoning Inspector shall approve access to and from loading spaces.

- b.** No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.
  - c.** Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent the backing of trucks onto any street right-of-way.
- 4.** Screening:
  - a.** All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.
  - b.** The screening material shall be at least six feet in height and 100% opaque and shall satisfy any other buffer requirements of this Resolution.
- 5.** Surfacing:
 

All loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials.
- 6.** Drainage:
 

All loading space areas shall provide for the proper drainage of surface water in accordance with all applicable federal, state, and county runoff control and sediment abatement regulations, to prevent the drainage of such water onto adjacent properties and onto sidewalks.

## **Section 1007 Parking of Recreational and Commercial Vehicles**

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In any AG, CR, R-1, R-2 or MHP district, parking of a recreational vehicle, travel trailer or boat trailer shall be prohibited, except:

- A.** One recreational vehicle, one boat on a trailer, and one trailer may either be parked on the property or stored in a garage or other accessory building or rear yard, provided:
  - 1.** No occupancy for human habitation be maintained, and
  - 2.** No business conducted therein while such trailer is so parked or stored.
- B.** No more than one trailer may be placed, parked, or stored upon any lot, parcel, or other tract of land whether such trailer is authorized by *Section 1007.A.1* and *Section 1007.A.2* above.
- C.** The wheels of any trailer or similar transporting devices shall not be removed. No trailer shall be connected to the ground or any structure.
- D.** One licensed commercial vehicle, and/or one recreational vehicle, and/or one commercial trailer may be stored or parked on a lot of two acres in size or more in a residential district in compliance with the regulations below. Parking commercial vehicles on lots less than two acres in size in a residential district is not permitted.

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- 1.** Such vehicles must be parked in a manner as to not obstruct sidewalks and pedestrian pathways or the sight distance from vehicular traffic.
  - 2.** Infrequent, short-term parking of a commercial vehicle or trailer for conveying tools and materials to premises where labor using such tools is being performed, delivering goods to a residence, or moving furniture to or from a residence, during the time such parking is necessary, is hereby exempted from this section.
  - 3.** The occupant of the residence may have one commercial trailer on the premises which is accessory to the commercial vehicle normally parked on the property.
- E.** In addition to the provisions of this section, parking a recreational vehicle, travel trailer or boat trailer shall comply with the standards in *Section 717: Temporary Use Of Trailers, Recreational and Other Vehicles*.

# ARTICLE 11 DEFINITIONS

## Section 1100 Rules of Construction and Interpretation

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### A. Intent

All provisions, terms, phrases, and expressions contained in this Resolution shall be construed according to this Resolution's stated purpose.

### B. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

### C. References to Other Regulations, Publications, and Documents

Whenever reference is made to a Resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), Resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

### D. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Franklin Township, unless otherwise expressly stated.

### E. Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the township to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

### F. Technical Words

Technical words and phrases not otherwise defined in this Resolution that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### G. Mandatory and Discretionary Terms

The word "shall" is always mandatory, and the words "may" or "should" are always permissive.

### H. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events shall apply; and

- 2.** "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

**I. Tense and Usage**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

**J. Gender**

The masculine shall include the feminine, and vice versa.

**K. Meaning**

For this Resolution, words and phrases shall have the meanings set forth in this Article.

**L. Other Terms Not Defined**

Words and phrases not otherwise defined in this Resolution shall be construed according to the common and approved usage of American English.

## **Section 1101 Definitions**

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### **ACCESSORY STRUCTURE**

See STRUCTURE, ACCESSORY.

### **ACCESSORY USE**

See USE, ACCESSORY.

### **ADULT ENTERTAINMENT ESTABLISHMENT**

An establishment that has a significant portion of its daily function presenting adult material and/or entertainment.

### **ADULT ENTERTAINMENT**

The sale, rental, or exhibition, for any form of consideration, of books films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

### **ADULT FAMILY HOME**

A residence or facility, as defined and regulated in Article 3722 of the Ohio Revised Resolution, which provides accommodations for three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

### **ADULT GROUP HOME**

A residence or facility, as defined and regulated in Article 3722 of the Ohio Revised Resolution, which provides accommodations for six to sixteen unrelated adults and provides supervision and personal care services.

## **ADULT MATERIALS**

Any book, novelty, sexual paraphernalia, sex toy, sexual devise, magazine, periodical, newspaper, pamphlet, poster, print picture, slide, transparency, figure, image, description, motion picture film, video, phonographic record or tape, compact disc (CD), digital video disc (DVD), computer hardware or software, or other tangible thing that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

## **AGRICULTURE**

The use of land for agricultural purposes including farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry; including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production, and as defined in Section 519.01 of the Ohio Revised Resolution and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

### **A. AGRICULTURE, RAISING OF CROPS**

The use of land for agricultural purposes including farming; ranching; aquaculture; apiculture; horticulture; viticulture; including, but not limited to the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production, and as defined in Section 519.01 of the Ohio Revised Resolution.

### **B. AGRICULTURE, RAISING LIVESTOCK**

The use of land for agricultural purposes including the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; and any combination of the foregoing: the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production, and as defined in Section 519.01 of the Ohio Revised Resolution and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

## **AGRIBUSINESS**

Any commercial activity that primarily serves the agricultural community. Agricultural Services shall include tractor and farm implement and materials sales, grain elevators and farming machinery and agricultural equipment repair.



**AIRPORT**

Any runway, land area or other facility designed and used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

**ALLEY**

See THOROUGHFARE.

**ALTERATIONS, STRUCTURAL**

Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**APARTMENT UNIT**

A dwelling unit in an apartment building, intended, designed, or used as a residence by a single-family unit.

**APPLICANT**

A person commencing proceedings under this Resolution to affect the development or use of land for himself or for another, or for the reconstruction or construction of structures already built upon the land which may include but is not limited to the fee simple owner or the designee of the property owner bearing written authorization of the fee simple owner(s).

**ASSISTED LIVING FACILITY**

A residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical of this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility. See Institutional Housing.

**BASEMENT**

A story which is all or partly underground but having at least one-half of its height below the average level of the adjoining ground. Basement area shall not be included in the minimum square footage required for a dwelling unit.

**BED AND BREAKFAST ESTABLISHMENT**

Any owner-occupied home, or portion thereof, where lodging, with meals, is provided for compensation.

**BOARD OF ZONING APPEALS**

See TOWNSHIP BOARD OF ZONING APPEALS.

**BOARD OF TRUSTEES**

See TOWNSHIP BOARD OF TRUSTEES.

**BREWERY**

A large-scale facility for the brewing of beer and ale for sale on the premises, as well as for off-site sales and distribution, that produces more than 10,000 barrels annually and may include restaurant/bar space, tasking, or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverages.

**BUFFER YARD**

Any open space areas, landscaped areas, fences, walls, earthen berms, or any combination thereof, used to physically separate or screen one use or property from another to visually shield or block noise, light, or other nuisances.

**BUILDING**

Any structure having a roof supported by columns or walls, designed, or intended for the support, enclosure, shelter, or protection of persons, or animals, chattels, or property.

**C. ACCESSORY**

A subordinate building detached from but located on the same lot or on an adjoining lot of common ownership, as the principal building, the use of which is incidental and accessory to that of the main building or use.

**D. HEIGHT**

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

**E. SETBACK LINE**

A line parallel to the street right-of-way line at any story level of a building representing the minimum distance which all or any part of the building is set back from said right-of-way line.

**F. PRINCIPAL**

The building in which is conducted the main or principal use of the lot on which said building is situated.

**BUSINESS, CONVENIENCE**

Commercial establishments which cater to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. Uses in this classification tend to serve the daily needs of residents in the neighborhood and may include small bakeries, florists, coffee shops, convenience stores, self-serve laundromats, and neighborhood branches of financial institutions.

**BUSINESS, RETAIL**

Any commercial establishment selling goods, wares, or merchandise to the ultimate consumer for direct consumption or use and not for resale.

**BUSINESS SERVICES**

Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which serves and repairs appliances and machines used in homes and businesses.

**BUSINESS, WHOLESALE**

Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, or other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

**CEMETERY**

Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

**CHANNEL**

A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

**CLUB, LODGE OR OTHER SOCIAL GATHERING PLACE**

A club shall mean a nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but excludes religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

**COMMERCIAL ENTERTAINMENT FACILITY**

Any profit-making activity that is generally related to the entertainment field such as motion picture theaters, carnivals, comedy clubs, theaters, bingo, amusement parks, and similar entertainment facilities. Commercial entertainment facilities shall not include adult entertainment establishments.

**COMMUNITY GARDEN**

A single piece of land that is gardened collectively by a group of people that may include individual garden plots designated for individual gardens. Community gardens may be a principal or accessory use and may include related accessory uses as allowed for in this zoning resolution.

**CONDITIONAL USE**

See USE, CONDITIONAL.

**CONDITIONAL USE CERTIFICATE**

A certificate issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

**CONFERENCE CENTER, ASSEMBLY HALL OR BANQUET FACILITY**

A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

## **CONSTRUCTION SERVICES**

The offices related to building trades and construction contractors include, but not limited to, plumbing, electrical, heating, landscaping, excavating, roofing, and remodeling.

## **CONSTRUCTION SERVICES STORAGE YARDS**

The land, grounds or buildings used primarily for the storage of equipment, vehicles, machinery, building materials, paints, pipes, or electrical components used by the owner or occupant of the premises for the conduct of a construction service operation.

## **CONVALESCENT CARE FACILITY**

See INSTITUTIONAL HOUSING.

## **CORNER LOT**

See LOT TYPES.

## **CUL-DE-SAC**

A street having only one outlet for vehicular traffic (to another street) and where the other terminus is either a turnaround or is a dead-end or stub street to an adjacent, undeveloped property.

## **CULTIVATOR**

A person(s)/machine which is used to prepare land for planting, tending, or harvesting crops or plants.

## **DAY CARE CENTER**

A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, or other similar uses. Day care centers do not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period.

## **DENSITY**

A unit of measurement; the number of dwelling units per acre of land.

### **A. GROSS DENSITY**

The number of dwelling units per acre of land of the total land to be developed, except that density for Planned Developments shall be determined according to Article 6.

### **B. NET DENSITY**

The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, except that density for Planned Developments shall be determined according to Article 6.

### **C. DEVELOPER**

A person commencing proceedings under this Resolution to effect the development or use of land for himself or for another, or for the construction or reconstruction of structures already built upon the land.

**DISABLED VEHICLES**

One which is extensively damaged including but not limited to missing wheels, tires, motor, or transmission, apparently inoperable or unlicensed. The mere licensing of an otherwise inoperable or extensively damaged vehicle will not cause the vehicle to conform to this Resolution.

**DISPENSARY**

A store or other facility for the sale, purchase or dispensing of products.

**DISTILLERY**

a large-scale facility for distilling of spirits and liquor, including wine, for sale on the premises, as well as for off-site sales and distribution, that produces more than 50,000 proof gallons annually and may include restaurant/bar space, tasking, or retail space.

**DISTRICT**

A portion of the territory of the unincorporated areas of Franklin Township, within which certain uniform regulations and requirements or various combinations thereof, apply under the provisions of this Resolution.

**DRIVE-THROUGH FACILITY**

A building opening, including windows, doors, or other mechanical devices through which occupants of a motor vehicle receive or obtain a product or service.

**DWELLING**

A dwelling is any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more families, but not including a tent, trailer, or trailer coach, boarding or rooming house, hotel, or mobile home.

**A. DWELLING UNIT**

Space within a building comprised of living, dining, and sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

**B. MOBILE HOME**

Any non-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight feet or more in body width or 40 feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems therein. Calculations used to determine the number of square feet in a structure are based on the structure's exterior dimensions measured

at the largest horizontal projections when erected on site. These dimensions include all expandable rooms, cabinets and other projections containing interior space, but do not include bay windows.

**C. MODULAR HOME**

A detached, componentized, factory assembled, dwelling unit or units, designed for initial, one-time transportation over highways, for installation on a permanent foundation when arriving at the site; requiring only the assembly of units and the connection of mechanical subsystems (i.e., plumbing, sewer, electrical and fuel supply). The state certification must be presented with the application. A modular home shall be considered real property.

**D. MULTI-FAMILY**

A building consisting of three or more dwelling units, including condominiums with varying arrangements or entrances and party walls. Each dwelling unit shall be considered the residence of a single household, which may vary from building to building in ownership and possession rights and physical features.

**E. PERMANENTLY SITED MANUFACTURED HOME**

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards and which meets the following requirements for a permanently sited manufactured home:

- 1.** The structure is affixed to a permanent foundation and is connected to appropriate facilities. "Permanent foundation" means permanent masonry, concrete, or a locally approved footing or foundation, to which a manufactured or mobile home may be affixed.
- 2.** The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet subject to other minimum dwelling size standards applicable to the district.
- 3.** The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering.
- 4.** The structure was manufactured after January 1, 1995.
- 5.** The structure is not located in a manufactured home park as defined by Section 3733.01 of the Ohio Revised Resolution.

**F. SEMI-DETACHED**

A building containing two attached dwelling units that share a common wall at the lot line and that are on separate lots (includes Townhouses, Condominiums, Patio Homes, etc.).

**G. SINGLE-FAMILY**

A building consisting of a single dwelling unit only, separated from other dwelling units by open spaces.

**H. TOWNHOUSE**

A single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

**I. TWO-FAMILY**

A building consisting of two, and no more than two single-family dwelling units, which may be either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances.

**EASEMENT**

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his real property.

**EDUCATIONAL INSTITUTION**

A public or private facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools, technical and collegiate level courses.

**EQUIPMENT RENTAL**

An establishment providing the rental of tools, lawn and garden equipment, construction equipment, party supplies, and similar goods and equipment, but excluding equipment used for excavation, grading or similar tasks or processes.

**ESCORT AGENCY**

A person or business association that, for any form of consideration, furnishes, or offers to furnish an escort(s), guide(s), date(s), or companion(s) for another person.

**FAMILY**

A person living alone, or two or more persons not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

**FENCE**

A man-made yard structure, other than a building, used for decorative purposes or to form a barrier to light, sound, wind, snow, animals, vehicles, or pedestrians and is constructed of customary building materials.

## **FINANCIAL INSTITUTION**

Any building, property, or activity of which the principal use or purpose of which is the provision of financial services including, but not limited to banks, facilities for automatic teller machines (ATM's), credit unions, savings and loan institutions and mortgage companies.

## **FLEA MARKET**

An occasional or periodic market held on weekends or holidays located within an enclosed building or structure where groups of individual sellers offer goods, new or used, for sale to the public, not to include private garage or yard sales.

## **FLOOR AREA, GROSS**

The total floor area used for the main and accessory activities and storage area of the building served.

## **FLOOR AREA, NET**

The total floor area of a building, excluding stairwells, elevator shafts, equipment and mechanical rooms, and all floors below the first or ground floor, except when used or intended to be used for service to the public.

## **FLOOR AREA OF A NON-RESIDENTIAL BUILDING**

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows and fitting rooms and similar areas.

## **FLOOR AREA, USABLE**

Measurement of the usable floor area shall be the sum of the horizontal area of the floor(s) of the dwelling unit or building measured from the interior faces of the exterior walls. In the case of residential dwelling units, this area shall exclude basement floor area.

## **GARAGE, PRIVATE**

A detached accessory building or portion of a principal building used for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises. The design of the building shall include doors or openings of no less than 8 feet in width for vehicle access. An attached or detached carport shall be included in this definition.

## **GARAGE, PUBLIC**

A principal or accessory building other than a private garage, used for the parking or temporary storage of passenger automobiles, and in which no service shall be provided for recuperation.

## **GARDEN OR LANDSCAPE SUPPLY STORE**

A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.



**GOLF COURSE**

A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards and may include a clubhouse and shelter.

**GRAVEL AND SAND EXTRACTION**

An open land area where sand, gravel, stone, or rock fragments are mined or excavated for sale or off tract use.

**GROWTH MANAGEMENT PLAN**

A plan or any portion thereof adopted by the legislative authority of the Township of Franklin of Clermont County, Ohio, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. The plan establishes the goals, objectives and policies of the community and may also be referred to as the Franklin Township Land Use Plan or Comprehensive Plan.

**HEDGE**

A row of shrubs or bushes, whose intended purpose either at planting or maturity is to form a barrier to light, sound, wind, snow, animals, vehicles, and pedestrians.

**HIGHWAY DIRECTOR**

The director of the Ohio Department of Transportation.

**HOME OCCUPATION**

Any occupation, profession, use or activity which is customarily incidental to the principal residential use of the premises and is conducted by a resident occupant which does not alter the exterior of the property or affect the residential character of the neighborhood, and shall not serve as a gathering point for employees engaged in the business that takes place off the premises.

**HOSPITAL**

An institution providing health services primarily for human in-patient overnight or outpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

**HOTEL OR MOTEL**

A facility offering transient lodging accommodations on a daily rate to the general public and potentially providing additional accessory services such as restaurants, meeting rooms and recreational facilities.

**IMPERVIOUS SURFACE**

Any material that prevents the absorption of storm water into the ground.

**IMPERVIOUS SURFACE RATIO (ISR)**

A ratio derived by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of storm water by the total horizontal area of the lot. Impervious surfaces include, but are not limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel, or clay.

**INDOOR COMMERCIAL RECREATION OR ENTERTAINMENT FACILITY**

A recreational facility where all activities occur within a fully enclosed building, and which is operated for commercial profit. Such uses include, but are not limited to, bowling alleys, dance clubs, movie theaters, and indoor athletic clubs.

**INCIDENTAL**

An object or use necessarily found in connection with the principal structure or use, but subordinate and secondary thereto.

**INSTITUTION**

Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative, counseling, or other correctional services.

**INSTITUTIONAL HOUSING**

Housing for the elderly or infirm in which three or more unrelated individuals may live on a short-term or long-term basis and where both food and care are provided as compensation. Institutional housing includes, but is not limited to, elderly housing, nursing homes, assisted living facilities, convalescent care facility, and hospices. Institutional housing shall not include hospitals, medical offices, medical or dental clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured without long-term residency.

**JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS AND SALVAGE YARDS**

Any land, property, structure, building or combination of the same on which junk is stored or processed. Located either within an enclosed building or in the open, where discarded or inoperable vehicles, appliances, building materials, tires and other such material are collected, dismantled, stored and sold to be used as parts or for salvage. This term includes buildings or yards for the collection, sorting or processing of scrap metal.

**JUNK**

Scrap, abandoned, or discarded metal, paper, wood, plastic, rubber, glass, building materials, equipment, bottles, appliances, furniture, rags, trash, rubbish, inoperable motor vehicles or parts thereof, or similar materials/items.

**KENNEL**

Any lot or premises on which five or more domesticated animals, more than four months of age are housed, groomed, bred, boarded, trained, or sold or which offers provisions for minor medical treatments.

**LANDSCAPE CONTRACTOR**

See Construction Services.

**LAUNDRY OR LAUNDROMAT**

A facility where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patrons.

**LEGAL COUNSEL**

Clermont County Prosecutor’s Office or hired legal consultant and/or firm.

**LIVESTOCK**

Any hoofed mammal, including but not limited to horses, cattle, sheep, swine, goats, bison, llamas, and other species typically raised for food, fiber, or draft. “Livestock” also includes domestic fowl and game birds.

**LOADING SPACE, OFF-STREET**

Space logically and conveniently located for the bulk pick up and deliveries scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way and may be located within the facility they serve if appropriate access is provided.

**LOCATION MAP**

See VICINITY MAP.

**LOT**

A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, used, developed, or built upon.

**LOT COVERAGE**

The ratio of the enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**LOT FRONTAGE**

The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided for as indicated under “Yards” in this Resolution. Lot frontage requirements shall not apply to properties over five acres in size where an easement is used for access.

**LOT LINE**

The boundary of a lot separating it from adjoining public, common, or private land, including a public street.

**A. FRONT**

The lot line separating an interior lot from the street upon which it abuts; or the lot line of a corner lot upon which the building fronts.

**B. REAR**

A lot line parallel or within 45 degrees of being parallel to, and most distant from, the front lot line.

**C. SIDE**

A lot line which is neither a front nor rear lot line.

**LOT MEASUREMENTS**

A lot shall be measured as follows:

- A.** Depth of a lot shall be the horizontal distance between the front and rear lot lines.
- B.** Width of a lot shall be the horizontal distance between the side lot lines, measured at the building setback line.

**LOT OF RECORD**

A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**LOT TYPES**

Terminology used in this Resolution with reference to corner lots, interior lots and through lots is as follows:

**A. CORNER LOT**

Is a lot located at the intersection of two or more intersecting streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines, drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than 135 degrees.

**B. INTERIOR LOT**

Is a lot other than a corner lot with only one frontage on a street.

**C. REVERSED FRONTAGE LOT**

Is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

**D. THROUGH LOT**

Is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a double frontage lot.

**MAINTENANCE AND STORAGE FACILITY**

Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and materials for use on the property where they are stored.

**MANUFACTURING**

The process of making, assembling, adding value added improvements or fabricating raw materials by hand, machinery, or the combination thereof into finished or semi-finished parts or products.

**MANUFACTURED HOME**

See DWELLING, PERMANENTLY SITED MANUFACTURED HOME.

**MANUFACTURING, LIGHT**

A use engaged in the processing and manufacturing of materials and products predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assembly, treatment, packaging, incidental storage, sales, and distribution of such products which would not generate objectionable or hazardous elements such as smoke, odor, vibration, water pollution or dust.

**MANUFACTURING, HEAVY**

A use engaged in the processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, odor, vibration, water pollution, electromagnetic disturbances, radiation or dust.

**MARIJUANA BUSINESS**

Any business, laboratory or other enterprise that cultivates, processes, distributes or sells marijuana or any derivative of marijuana as defined by the Ohio Revised Code.

**MASSAGE**

A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching, or vibrating with the hand or any instruments for pay.

**MASSAGE ESTABLISHMENT**

Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder, or recreation centers and sports complexes.

**MEDICAL AND DENTAL CENTER OR OUTPATIENT CLINIC**

A building or facility used for the care, diagnosis, and treatment of sick, ailing, infirm and injured persons and those who need medical or surgical attention, but who are not provided with board or room not kept overnight on the premises.

### **MICRO BREWERY**

An establishment that is primarily used to produce beer and ale and must include restaurant/bar space, tasking or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any alcoholic beverage other than beer or ale. The brewery shall not produce more than 10,000 barrels of beer or ale per year.

### **MICRO DISTILLERY**

An establishment that is primarily used to produce spirits and liquor, including wine, in small quantities of a maximum of 52,000 cases or a maximum of 50,000 proof gallons annually and must include restaurant/bar space, tasking or retail space.

### **MINING**

The planned extraction and removal of minerals, coal, or other organic materials from the property for sale or transfer to any other property that is not part of the mining operation.

### **MOBILE HOME**

See DWELLING, NON-PERMANENTLY SITED MANUFACTURED HOME.

### **MOBILE HOME PARK**

Any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

### **MODULAR HOMES**

See DWELLING, MODULAR HOMES.

### **NONCONFORMING USE**

A building, structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the District or Zone in which it is situated.

### **NON-PERMANENTLY SITED MANUFACTURED HOME**

A manufactured home that is located within a manufactured home park in compliance with the standards of *Section 408B.6: Permanently Sited Manufactured Home*.

### **NURSERY, PLANT**

Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail or wholesale on the premises, and may include accessory products used for gardening or landscaping.

**NURSING HOME**

See INSTITUTIONAL HOUSEING.

**OFFICE**

A building or portion of a building wherein services are performed involving predominately administrative, professional, consultative, or clerical operations, that may include ancillary services for office workers.

**OPEN SPACE**

An area open to the sky which may be on the same lot as a building. The area may include, along with the natural environmental features, swimming pools, tennis courts and other recreational facilities. Streets, structures for habitation, and the like shall not be permitted in any required or designated open space.

**OUTDOOR COMMERCIAL RECREATION OR ENTERTAINMENT FACILITY**

A recreational facility where some or all activities occur outside of a structure, and which is operated for commercial profit. Such uses include, but are not limited to, private ball fields and commercial sports stadiums.

**OUTDOOR DISPLAY**

An outdoor arrangement of objects, items, products, or other material, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or services for sale.

**OUTDOOR STORAGE**

The keeping of goods, materials, or equipment in a location not enclosed by walls and a roof.

**OUTDOOR WOODFURNACE**

A freestanding outdoor unit that provides heat and/or hot water to buildings, swimming pools or hot tubs, through the heating of water by burning seasoned wood, wood pellets or corn with the hot water being circulated to and from the home or commercial building through underground, insulated piping. These units are also classified as hydronic heaters.

**OWNER**

An individual firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

**PARCEL**

See LOT.

**PARKING AREA OR LOT**

An area of ground upon a lot covered with a cementitious or asphaltic surface and used for the parking of vehicles.

**PARKING SPACE, OFF-STREET**

An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room but located totally outside of any street or alley right-of-way.

**PERFORMANCE STANDARD**

A criterion established to control the dust, effluent, smoke, fire and explosive hazards, glare, heat, noise, odor, toxic and noxious matter, vibrations, and other conditions created by, or inherent in uses of land or buildings.

**PERSON**

An individual, firm, partnership, association, joint venture, corporation, trust, or any other legal entity, including his, her or its agents.

**PERSONAL SERVICES**

Any commercial enterprise catering to the personal needs of a customer, such as, but not limited to those services provided by a barber, beautician, photographer, fitness trainer, seamstress or tailor, or at tattooing and piercing parlors or health and fitness facilities and including limited sales of products associated with such services.

**PLANNED DEVELOPMENT (PD)**

An area of land, in which a variety of housing types and commercial uses may be accommodated in a preplanned unified environment under more flexible standards, than those restrictions that would normally apply under standard zoning district guidelines, such as variable lot sizes, setbacks and density requirements. The procedure for approval of such development includes detailed submittals and requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

**PLANNING COMMISSION**

The Planning Commission of Clermont County.

**PLAT**

A map of a lot, parcel, subdivision, or development area on which the lines of each element are shown by accurate distances and bearings.

**PRINCIPAL USE**

The primary purpose or function that a lot serves or is proposed to serve.

**PRINTING SERVICES**



An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint, or offset printing equipment, including publishing, binding, and engraving.

**PROCESSORS**

A person(s), machine or company which treats, prepares, or handles a product.

**PROFESSIONAL SERVICES**

The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

**PUBLIC SERVICE FACILITY**

The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electric, gas, rail, transport, communication, public water, and sewage services.

**PUBLIC AND GOVERNMENT BUILDINGS OR USE**

Public parks, schools, and administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**PUBLIC WAY**

An alley, avenue, boulevard, bridge, channel, ditch easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity has a right, or which are dedicated whether improved or not.

**RECREATION, COMMERCIAL**

Any land or facility operated as a business and which is open to the general public for a fee that shall include, but not be limited to: roller blade rental, billiard parlors, video amusement arcades, pay-to-play athletic fields, ice skating rinks, tennis courts, swimming pools, fishing pay lakes, paint ball facilities, canoe liveries, etc.

**RECREATION, NON-COMMERCIAL**

Any land or facility operated by a governmental agency or non-profit organization and is open to the general public or members of the non-profit organization without a facility or entrance fee that shall include, but not be limited to: picnic areas, bike/hike trails, riding stables, and athletic fields.

**RECREATIONAL FACILITIES**

Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include but need not

be limited to miniature golf courses, amusement parks, stadiums, tennis courts, health and fitness facilities and bowling alleys.

## **RECREATIONAL VEHICLE**

A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation and vacation uses, but shall exclude manufactured homes, and is classified as follows:

### **A. FIFTH WHEEL TRAILER**

A vehicle that is of such size and weight as to be moveable without a special highway permit, that has a gross trailer area of 400 square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch originally installed in the bed of a truck.

### **B. MOTOR HOME**

A self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

### **C. PARK TRAILER**

A vehicle that is commonly known as a park model recreational vehicle, meets the American National Standards Institute A119.5 (1988) for park trailers, is built on a single chassis, has a gross area of 400 square feet or less when set up, is designed for seasonal or temporary quarters, and may be connected to facilities necessary for the operation of installed features and appliances.

### **D. TRAILER**

A vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle and includes any such vehicle that is formed and operated as a combination of a semitrailer and a vehicle of the dolly type, such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm, when drawn or towed on a public road or highway at a speed greater than 25 miles an hour and a vehicle that is designed and used exclusively to transport a boat between a place of storage and a marina or in and around a marina, when drawn or towed on a public road or highway for a distance of more than 10 miles or at a speed of more than 25 miles per hour. Trailer does not include a manufactured home or travel trailer as defined in this Resolution and is not considered a building, structure or dwelling outside of a manufactured home park.

### **E. TRAVEL TRAILER**

A non-self-propelled recreational vehicle that does not exceed the overall length of 35 feet, exclusive of bumper and tongue or coupling and contains less than 320 square feet of space when erected on site. Travel trailer includes a tent-type fold out camping trailer.

**F. TRUCK CAMPER**

A non-self-propelled vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. Truck campers do not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.

**RECREATIONAL VEHICLE, DEPENDENT**

A recreational vehicle other than a self-contained recreational vehicle.

**RECREATIONAL VEHICLE PARK**

A tract of land used for parking five or more self-contained recreational vehicles and includes any roadway, building, structure, vehicle or enclosure used or intended for use as part of the park facilities and any tract of land that is subdivided for lease or other contract of the individual lots for the express implied purpose of placing self-contained recreational vehicles for vacation, or business purposes, and does not include any tract of land used solely for storage or display for sale of self-contained recreational vehicles, or solely as a temporary park-camp.

**RECREATIONAL VEHICLE, SELF-CONTAINED**

A recreational vehicle that can operate independent of connections to sewer and water and has plumbing fixtures or appliances, all of which are connected to central holding tanks located within the vehicle.

**RECREATIONAL VEHICLE SITE**

A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

**RECREATIONAL VEHICLE STORAGE FACILITY**

A business devoted primarily to seasonal or year-round outdoor storage of recreational vehicles, including boats, campers and other items related to recreational use.

**RECYCLING CENTER**

An operation, potentially located within a fully enclosed building, utilized for the collection, initial processing and resale of aluminum, glass, paper, plastics, and other used materials.

**RELIGIOUS PLACES OF WORSHIP**

An institution that a congregation of people regularly attends to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held.

## **RESEARCH AND DEVELOPMENT FACILITY OR LABORATORY**

An establishment in which scientific research, investigation, testing, or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.

## **RESIDENTIAL FACILITY**

A home or facility, as defined and regulated in Section 5123.19 of the ORC, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Resolution, a county home or district home operated pursuant to Article 5155 of the Ohio Revised Resolution, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

## **RESIDENTIAL FACILITY, LARGE**

Residential Facility, Small shall mean a residential facility where there is supervision in a family setting of nine to 16 persons.

## **RESIDENTIAL FACILITY, SMALL**

Residential Facility, Small shall mean a residential facility where there is supervision in a family setting of six to eight persons.

## **REST HOME**

See INSTITUTIONAL HOUSING.

## **RESTAURANT**

An establishment with or without table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings or in non-disposable containers.

## **RESTAURANT, FAST FOOD**

An establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers, with or without table service, directly to the consumer in a ready-to-consume state.

## **RETAIL SALES**

Sale of any product or merchandise to customers for their own personal consumption and use, not for resale.

## **RIGHT-OF-WAY**

A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curb, lawn strips, sidewalks, lighting, and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas,

viaducts, and bridges. The right-of-way of any street, except as specified in the Official Highway Plan for Clermont County, Ohio, shall be deemed to be 50 feet in width.

**ROADSIDE STAND**

A temporary structure designed or used for the display or sale of agriculturally related products where 50% or more of the gross income received from the stand is derived from produce raised on farms owned or operated by the stand operator in a normal crop year.

**SAWMILL**

An operation or facility which has as its predominant purpose the sawing or planing of logs or trees into rough slabs and is sometimes referred to as a planing mill.

**SEAT**

For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

**SEATING CAPACITY**

The maximum seating capacity of the building as determined by the Ohio Building Resolution.

**SECONDARY DWELLING UNIT**

An additional dwelling unit, attached to a single-family dwelling, for residential purposes for related family members which is clearly subordinate to the primary unit.

**SELF-SERVICE STORAGE FACILITY**

A structure containing separate, individual, and private storage spaces of varying sizes that are owned, leased or rented, for varying periods of time, for the storage of customer's goods or wares.

**SETBACK LINE**

The required minimum horizontal distance between the building line and the related front, side, or rear property line in which no building, other than an accessory building or structure, may be located above ground.

**SEWERS, CENTRAL OR GROUP**

An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for single development, community, or region.

**SEWERS, ON-SITE**

A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**SHEET METAL SHOP**

A place for the assembly of metal parts, including blacksmith, welding, sheet metal, machine and boiler shops, that produce metal duct work, tanks, towers, cabinets and enclosures, metal doors and gates, and similar products.

**SHOULD**

Expresses that the application of such criteria, standard, or course of conduct is desired and essential unless commensurate criteria or standards are permitted or achieved.

**SIDEWALK**

That portion of the road right-of-way outside of the roadway, which is improved for the use of pedestrian traffic and therefore must be maintained in a manner that does not impede such traffic flow.

**SIGN**

Any surface, fabric, device, or display which bears lettered, pictured, or sculptured matter, including forms shaped to resemble any human, animal, or product, designed to convey information visually and which is exposed to public view. The term sign shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered a single sign.

**A. ABANDONED**

A sign, the use for which it represents, has been discontinued for any period of time.

**B. AREA**

*See Article 8.*

**C. BANNER**

Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plaster or fabric of any kind. National flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners.

**D. BILLBOARD**

A nonpoint-of-sale sign which advertises a business, organization, event, person, place, or thing unless such sign is more specifically defined herein. See SIGN, OFF-PREMISES.

**E. CANOPY**

A sign attached to the soffit or fascia of a canopy, of a covered entrance or walkway, or to a permanent awning or marquee.

**F. CHANGEABLE COPY**

A sign designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign. This shall also include the changing of copy on

billboards. Changeable copy shall include copy that is changed mechanically, electronically, or manually.

**G. CONSTRUCTION**

Any sign giving the project name, architect or engineer, contractor, lending institutions, materials supplier, or others engaged in work on the construction site on which the sign is located.

**H. DIRECTIONAL**

A non-commercial sign of an instructional nature, such as “parking”, “exit”, or “entrance”, displayed solely for the convenience of the public. No more than 25% of such sign shall be devoted to the name or logo of the property, business, or profession on the site and containing no business advertising, product trade name identification, or listing of any product sold or offered on or off the premises.

**I. ELECTRONIC MESSAGE**

A sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments.

**J. FREESTANDING**

Any sign which is supported by structures or supports in or upon the ground and independent of support from any building not to include portable or mobile signs.

**K. GROUND-MOUNTED**

A sign supported by direct contact with the ground, a permanent base, or rests upon one or more posts or supports that are no more than four feet high.

**L. ILLUMINATED**

Any sign illuminated in any manner by an artificial light source.

**M. MARQUEE**

Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building wall and generally designed and constructed to provide protection against the weather.

**N. MOBILE OR PORTABLE**

A sign which is affixed to a frame having wheels or capable of being carried, or otherwise portable, which does not have a permanent foundation and cannot withstand the stress and wind loads of the building Resolution and designed to stand free from a building or structure. Signs designed to be affixed to the surface of real estate shall be deemed freestanding signs and not mobile signs, but the mere removal of wheels or temporary securing of a sign to the surface of real estate shall not prevent its being a mobile sign.

**O. OFF PREMISE**

A sign that advertises goods, products, services, or facilities or diverts persons to a different location from where the sign is installed.

**P. POLE**

A sign which is supported by a pole or poles and designed to permit pedestrian or vehicular traffic thereunder.

**Q. POLITICAL**

A sign advocating action on a public issue or indicating a candidate for public office.

**R. PREMISE**

A sign identifying or advertising a business, person, activity, goods, products, or services located on the premise where the sign is installed and maintained.

**S. PROJECTING**

A sign, other than a wall sign, affixed to any building or wall whose leading edge extends beyond such building or wall.

**T. REAL ESTATE**

A sign which is used to offer for sale, rental, or lease of the premises or part of the premises on which the sign is placed.

**U. ROOF**

Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

**V. SNIPE**

Any sign of any material whatsoever that is attached in any way to a utility pole, tree or any object located or situated on public or private property.

**W. TEMPORARY**

A sign or searchlight of any type, including banners and pennants, to announce special events or sales, to announce the sale, lease, or rental of property, designed for use for a limited period of time.

**X. WALL**

A sign painted on or attached to and erected parallel to the face of or erected and confined within the limits of the outside wall of, any building and supported by such wall or building and which displays only one advertising surface.

**Y. WINDOW**



A sign painted, attached, or affixed inside or upon a window or doors of a building, facing the outside, or any sign placed, hung, or affixed on the inside of a premises which is intended to be seen from the exterior of the building.

**SMALL WIND ENERGY CONSERVATION SYSTEM**

An engine or motor having a drive shaft driven by the impulse air to create power for the site where such system is located. For the purposes of this Resolution, a small wind energy conservation system is one that creates under 100 Kilowatts of power.

**SOLAR ENERGY**

Radiant energy (direct, diffused, or reflected) received from the sun can be collected and converted into thermal or electrical energy.

**SOLAR ENERGY SYSTEM**

A system and associated facilities that collect solar energy.

**A. SOLAR FACILITY, LARGE**

A solar energy system and/or installation of electric generating plants that consist of solar panels and associated facilities designed for operation at a capacity of 50 megawatts or more. Large Solar Facilities are required to submit an application with the Ohio Power Siting Board (OPSB) the Public Utilities Commission of Ohio (PUCO), are required to meet OPSB regulations, and per Ohio Revised Code are not regulated by Township zoning regulations.

**B. SOLAR ENERGY SYSTEM, GROUND MOUNTED**

A solar energy system that mounts a solar panel or panels and facilities on or above the ground.

**C. SOLAR ENERGY SYSTEM, INTEGRATED**

A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.

**D. SOLAR ENERGY SYSTEM, ROOFTOP**

A solar energy system that is mounted to a structure or building's roof on racks.

**E. SOLAR FACILITY, SMALL**

A solar energy system and associated facilities with a single interconnection to the electrical grid and design for, or capable of, operation at an aggregate capacity of less than 50 megawatts.

**SOLAR PANEL**

A single photovoltaic panel or a group of photovoltaic panels that convert solar energy to electricity.

**SOLID WASTE**

As defined in Section 3734 of the Ohio Revised Code

## **SOLID WASTE DISPOSAL FACILITY**

It relates to the Solid Waste District of this Resolution mean any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

## **SOLID WASTE TRANSFER FACILITY**

As defined in Section 3734 of the Ohio Revised Code.

## **STABLE**

A structure for the keeping of livestock such as: horses, ponies, goats, or cows.

## **STORY**

That part of a building, other than a basement as defined herein, included between the finished floor and the finished floor next above, or, if no floor above, the space between the floor and the ceiling immediately above.

## **STORAGE OR UTILITY SHED**

An accessory structure devoted to the storage of household items, including lawn equipment, pool equipment, and similar domestic type belongings. The structure, by size and design, is not intended for the storage of automobiles, travel trailers and other such vehicles. If the structure is 25 square feet or less, it shall be classified as a utility shed.

## **STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground, or attachment of something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

## **STRUCTURE, ACCESSORY**

A subordinate structure detached from the main building on the same lot, or on an adjoining lot of common ownership, the use of which is incidental and accessory to that of the main building or principal use.

## **SUPPLY YARDS**

A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

## **SURFACE MINES**

See GRAVEL AND SAND EXTRACTION.

## **SWIMMING POOL, PRIVATE**

Any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their nonpaying guests but does not mean any impounding reservoir, basin, lake, pond, creek, or other similar natural body of water.

**SWIMMING POOL, PUBLIC**

Any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not fee is charged for use, but does not mean any private swimming pool or impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.

**TAVERN**

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food is available for consumption on the premises.

**TELECOMMUNICATION TOWER**

Any structure or device, including accessory structures, used to receive or transmit electromagnetic waves between cellular phones, pagers, and ground wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services or other structures that meets all of the criteria as established in the Ohio Revised Resolution, Section 519.211(B).

**TELECOMMUNICATIONS TOWER, HEIGHT.**

The height from the base of the structure to its top; including any antenna located thereon.

**THROUGH LOTS**

See LOT TYPES.

**TOWNSHIP BOARD OF ZONING APPEALS**

The Board of Zoning Appeals for Franklin Township.

**TOWNSHIP BOARD OF TRUSTEES**

The Franklin Township Board of Trustees.

**TOWNSHIP FISCAL OFFICER**

The person(s) responsible for maintaining the “official” text of this Franklin Township Resolution as established herein.

**TOWNSHIP ZONING COMMISSION**

The Zoning Commission of Franklin Township.

## **TOWNSHIP ZONING INSPECTOR**

The person(s) responsible for administering the regulations of the Franklin Township Zoning Resolution as established herein.

## **TRAILER AND FARM IMPLEMENT SALES AND SERVICES**

The sale or rental of new and/or used trailers or farm implements, including repair work except for incidental warranty repair of the same to be displayed and sold on the premises. The sale of used items must not include merchandise of such poor condition that it can no longer satisfy its intended purpose.

## **TRAILER or TRAVEL TRAILER**

See RECREATIONAL VEHICLE.

## **TRAVEL TRAILER CAMP**

Land on which one or more travel trailers and other recreational vehicles, dependent or self-contained, and otherwise portable camping units, such as tents, can be placed for a fee or for free, for use as temporary living quarters, which is intended primarily for vacationing and recreational use purposes and secondarily for brief stays by motoring transients or otherwise mobile travelers.

## **TRAVEL TRAILER OVERNIGHT PORT**

Land on which three or more self-contained recreational vehicles are parked, for a fee or for free, which is intended solely for one or two night stays by vacationing or otherwise transient recreational vehicle travelers.

## **USE**

The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

### **A. ACCESSORY USE**

A use located on the same zoning lot or adjacent lot of common ownership with the main building, other structure, or land, which is subordinate and related to that of the main building or principal use.

### **B. CONDITIONAL USE**

A use that owing to some special characteristics, may be permitted in a district but only after approval of the Board of Zoning Appeals, and may be subject to special requirements or conditions to ensure that the use and operation will not be detrimental to the public health, safety, or general welfare of the Township.

### **C. PRINCIPAL**

A use which is permitted, as of right, in a district for which a Zoning certificate shall be issued by the Zoning Inspector, provided that the applicant meets the applicable requirements of this Resolution.

**D. TEMPORARY**

A use established for a fixed period of time with the intent that such use will terminate upon expiration of the fixed time period unless permission to conduct the use is renewed.

**VARIANCE**

A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**VEHICLE, COMMERCIAL**

Any vehicle used or designed to be used for business or commercial purposes that includes, but is not necessarily limited to: a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, step van, tank truck, tar truck or other commercial type vehicle licensed by the state as a commercial vehicle or truck.

**VEHICLE FUEL SALES**

Buildings and premises where gasoline and other vehicle fuel, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail. Furthermore, the sale of convenience goods, such as prepackaged foods and drinks, may be permitted.

**VEHICLE SERVICE AND REPAIR**

Any building, structure, or premises in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of motor vehicles is conducted or rendered.

**VEHICLE OR TRUCK SALES OR RENTAL**

The sale or rental of new and/or used vehicles or trucks, but not including repair work except for incidental warranty repair of the same to be displayed and sold on the premises. The sale of used items must not include merchandise of such poor condition that it can no longer satisfy its intended purpose.

**VEHCILE WRECKING**

The dismantling, disassembling, or wrecking of used motor vehicles, mobile homes or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

**VETERINARY HOSPITAL OR CLINIC**

A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for treatment, observation and/or recuperation. This facility may also provide relevant services related to the daily care and wellbeing of healthy animals. If accessory services include a boarding kennel with outdoor runs, additional setback requirements will apply.

**VICINITY MAP**

A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Clermont County to better locate and orient the area in question.

**WALKWAY**

A dedicated public way, four feet or more in width, for pedestrian use only, whether along the side of a road.

**WAREHOUSE**

A building used primarily for the storage of goods and materials.

**WHOLESALE BUSINESS**

Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutions, or professional business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

**YARD**

A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

**A. FRONT**

A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

**B. REAR**

A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

**C. REQUIRED**

The minimum yard required between a lot line and building line or the line of any parking area or any other use requiring a yard to comply with the zoning regulations of the district in which the lot is located. A required yard shall be opened and unobstructed from the ground upward except for projections on buildings as permitted in this Resolution, and except for walks and landscaping and other permitted yard or site features.

**D. SIDE**

A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**ZONING CERTIFICATE**

A document, also known as a Zoning Permit, issued by the Zoning Department authorizing the use of lots, structures, uses of land and structures, and the characteristics of those uses.

**ZONING COMMISSION**

See ZONING COMMISSION.

**ZONING INSPECTOR**

See TOWNSHIP ZONING INSPECTOR.

# Exhibit B

## FRANKLIN TOWNSHIP MARCH 6, 2024 7:00 PM

Pledge of Allegiance was led by: Mr. Smith

Attendance: Mr. Smith, Mr. Wilson, and Mr. Hazelbaker  
Roll Call: Smith – yes; Wilson – yes; and Hazelbaker - yes

### **2024-039**

Motion to approve the Ohio Department of Transportation 2023 Township Highway System Mileage Certification.  
\*\*this motion was not approved. Trustees had questions regarding where the mileage was lost at per Certification.  
Jimmy will get more information from the Engineer's Office regarding this.

### **2024-040**

Motion to approve the Village of Chilo's payment and renew contract for salt and snow removal in the amount of \$500.00.

Motion made by: Wilson; 2<sup>nd</sup> by Hazelbaker  
Roll Call: Wilson – yes; Hazelbaker – yes; and Smith - yes

### **2024-041**

Motion to approve February Reports and to approve the following:

Last check approved Ck. #23472

Approve EFT 48-2024 thru 88-2024 and Ck. #23473 thru #23528

Total: \$190,465.03

Motion made by: Wilson; 2<sup>nd</sup> by Hazelbaker  
Roll Call: Wilson – yes; Hazelbaker – yes; and Smith - yes

### **2024-042**

Motion to adopt permanent appropriations resolution No. 2024-042.

Motion made by: Hazelbaker; 2<sup>nd</sup> by Wilson  
Roll Call: Hazelbaker – yes; Wilson – yes; and Smith - yes

### **2024-043**

Motion to resend 2024-039 back to the Ohio Dept. of Transportation for more information on loss of road mileage.

Motion made by: Wilson; 2<sup>nd</sup> by Hazelbaker  
Roll Call: Wilson – yes; Hazelbaker – yes; and Smith – yes

### **2024-044**

Motion to give the current updated draft of the Franklin Township Zoning Resolution to the Franklin Township Zoning Commission and Clermont County Planning Commission.

Motion made by: Wilson; 2<sup>nd</sup> by Hazelbaker  
Roll Call: Wilson – yes; Hazelbaker – yes; and Smith – yes

### **2024-045**

Motion to pass Resolution No. 2024-045 - Resolution of Necessity for the Improvement of Smyrna Road.

Motion made by: Wilson; 2<sup>nd</sup> by Hazelbaker  
Roll Call: Wilson – yes; Hazelbaker – yes; and Smith – yes

### **2024-046**

Motion to adjourn at 7:17 pm.

Motion made by: Wilson; 2<sup>nd</sup> by Hazelbaker  
Roll Call: Wilson – yes; Hazelbaker – yes; and Smith – yes



\_\_\_\_\_ Chris Smith, Trustee, Chairman

\_\_\_\_\_ Terry Wilson, Trustee, Vice-Chairman

\_\_\_\_\_ Bill Hazelbaker, Trustee

\_\_\_\_\_ Genia Bruan, Fiscal Officer



# Exhibit C

## Summary of Franklin Township Zoning Resolution Update

- A. Goals for Update – From Diagnosis
  - 1. Reorganize and Reformat the Zoning Resolution
    - a. Modernize Format
    - b. Illustrate Key Concepts
  - 2. Modernize Development Standards
    - a. Address Non-Typical Uses and Nuisance Properties
      - i. Multi-tiered approach to campers, mobile homes, trailers
        - Manufactured Home Park District
        - Travel Trailer Camp and Travel Trailer Overnight Port uses (summer camps)
        - Temporary Use of Trailers, Recreational and Other Vehicles – Section 717
        - Parking of Recreational and Commercial Vehicles – Section 1007
        - Recreational Vehicle definitions
      - ii. General Property Maintenance Requirements – Section 711
        - Outside Storage of Material in Residential District – Section 402
    - b. Improve Nonresidential Development Standards
      - i. Signs – Article 9
      - ii. Off street parking – Article 10
    - c. Create Development Standards Tables
  - 3. Clarify Zoning Roles and Procedures
    - a. Consolidate Procedures into Single Section – New Article 3
    - b. Clarify Roles and Responsibilities – New Article 2
  - 4. Improve the Use District Structure, Use Regulations and Definitions
    - a. Revision to District Structures
    - b. Reorganize Permitted and Conditional Uses
      - i. Table 406-1 Permitted Use Table
    - c. Consolidate and Modernize Code Definitions
- B. Other Significant Updates
  - 1. Similar Use Determination procedure – Section 407
  - 2. Use Specific Regulations – Section 408
  - 3. Accessory Use and Structure Regulations – Section 409
    - a. Permitted Accessory Use Table 409-1
    - b. Use-Specific Standards for Accessory Uses
  - 4. Temporary Use Regulations – Section 410
  - 5. Planned Development District changes – Article 5
    - a. Formatting
    - b. Principal Use Energy System Development Controls – Section 511
  - 6. Nonconforming Use standards – Article 6
  - 7. General Provisions – Article 7
    - a. Agricultural Use Guidelines and Exemptions – update to meet ORC
    - b. Landscaping and Buffers – Section 713

- c. Environmental Performance Standards – Section 718
- 8. Measurements, Computations, Exceptions – Section 800

C. Other Policy Issues

- 1. Adult Entertainment Establishments – defined but not permitted
- 2. Medical/Recreational Marijuana – future updates pending state legislation
- 3. Fences, Walls and Hedges – Section 712