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Franklin Township Zoning Resolutions

Clermont County, Ohio

Original amendments adopted in May 1987

Amendments adopted and revised:
January 1994
April 2005
May 2007



BK: 2056 PG: 295

Board of Franklin Township Trustees
3432 Love Road
Felicity, Ohio 45130

I, hereby, certify that this copy of the Franklin Township
Zoning Resolution is a true and accurate copy.

Dated: April 18, 2007

Stephanie Napier
Franklin Township Clerk



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Franklin Township Zoning Resolution

A RESOLUTION, for the purpose of promoting public health, safety, morals, and general welfare; to secure the most appropriate use of land; and to facilitate adequate but economic provisions of public improvements, all in accordance with a comprehensive plan; the board of Trustees of the Township finds it necessary and advisable to regulate the location, size and use of buildings and other structures; percentages of lot areas which may be occupied; set back building lines; size of yards, courts and other open spaces; and the use of the land for trade, unincorporated area of the Township into districts or zones.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF FRANKLIN TOWNSHIP, CLERMONT COUNTY, STATE OF OHIO

Article 1

Purpose

Section 101 –

For the purpose of promoting public health, safety, morals, comfort or general welfare; to secure the most appropriate improvements all in accordance with the provisions of CHAPTER 519, TOWNSHIP ZONING of the revised code of Ohio, it is hereby provided as follows:

Article 2



District and Boundaries Thereof

Section 200 – Districts

In order to classify regulate and restrict the location of industries, residences, recreation, trades and other land uses in the location of buildings designated for specified number of stories and other structures hereafter erected or altered; to regulate and limit the percentages of lot areas which may be occupied, set back building lines, sizes of yards and other open spaces within and surrounding such buildings, the density of population; the territory of Franklin Township, Clermont County, Ohio, is hereby divided into "Districts."

Section 201 – District Maps

The boundaries of these Districts are indicated upon the "District Map". This map is made a part of this Resolution. The said District Map of Franklin Township, Clermont County, shall be as much a part of this resolution as if the notations, references and other matters set forth by said map were all fully described therein. The district Map is properly attested and is on file in the offices of the Franklin Township Trustees.

Section 202 – District Boundaries

The district boundary lines of said map are intended to follow either streets or alleys bounded approximately by such street, alley or lot lines, the street or alley or lot shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the map. The district boundary lines shall be determined by the use of the scale appearing on the Zoning District map or by dimensions.

Section 203 – Vacation or Public Way

Whenever any street, alley or public way is vacated by official action of the Board of County Commissioners of Clermont County, 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 districts.



Article 3

Definitions

Section 300 – Definitions

The words which are defined are those which have a special or limited meaning as used in this zoning resolution and might not otherwise be clear. Words whose meaning is self-evident as used in this zoning resolution are not defined here.

Section 301 – Accessory Building or Use

Any building or use, other than the principal building or use, directly incident to or required for the enjoyment of the permitted use of any premisses; also as specifically designated under the zoning district regulations of the zoning resolution.

Section 302 – Agriculture

The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry.

Section 303 – Agricultural Structures

Any structure or building accessory to the principal agricultural use of the land, farm dwellings, however, are principal buildings.

Section 304 – Alterations

Any change or addition to the supporting members of the foundation of a structure.

Section 305 – Commercial Floor Area

Floor area which is devoted to the storage and display of merchandise, the performance of consumer services, or the circulation and accommodation to customers.

Section 306 – Consumer Services

Sale of any service to individual customers for their own personal benefits, enjoyment, or convenience, and for the fulfillment of their own personal needs, for example, consumer services, include the provisions of the personal services such as cleaning, barbering, the provisions of lodging, entertainment, specialized instruction, financial services, transportation, and similar services.

Section 307 – Dwelling

Any building or portion, thereof, occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin trailer or trailer coach or other temporary or transient structure or facility.

- A. Single Family – A detached, independently standing building occupied exclusively for residential purposes by one family or housekeeping unit.

- B. Two Family – A detached, independently standing building occupied or constructed exclusively for residential purposes by not more than two (2) families or housekeeping units.
- C. Multi-Family – A detached, independently standing building occupied or constructed to be occupied by more than two (2) families or housekeeping units.
Townhouses, patio homes, or any other attached residential use structure or building employing the use of common party walls.

Section 308 – Dwelling Units

One room, or a suite of two (2) or more rooms, designed for or used by one family or housekeeping units for living and sleeping purposes and which includes permanently installed cooking and lawfully required sanitary facilities.

Section 309 – Height of Structure

The vertical distance measured from the average finished grade at the front building line to the highest point of the structure.

Section 310 – Home Occupation

An accessory use of a dwelling unit for gainful employment in a limited number of traditional and customary occupations. Such uses and occupations include, but are not necessarily limited to the following:

- A. Use of a premises by a physician, surgeon, dentist, lawyer, clergyman, engineer, architect, real estate agent or Realtor for the consultation or emergency treatment, but not for the general practice of his/her profession.
- B. Music or dancing teachers, provided that the instruction shall be limited to one pupil at a time except for occasional groups.
- C. Fine arts and craft studios.
- D. Dressmaker, seamstresses.
- E. Child day care, limited to not more than five (5) children unrelated to the resident. **Permitted home occupations shall not in any event be deemed to include:**
 - A. Veterinary hospital or clinic
 - B. Barbershops, beauty shops or personal services
 - C. Medical Clinics
 - D. Dancing Schools
 - E. Nursery Schools
 - F. Repair or service shops
 - G. Research Activities
 - H. Antique or gift shop

In addition to the use limitations applicable in the zoning district in which located, all home occupations shall be to the following limitations:

- A. No person other than members of the immediate family residing on the premises shall be engaged in such occupation; however, one (1) non-resident may be employed as support personnel.
- B. The use of the dwelling unit for the home occupation shall clearly incidental and subordinate to it's use for residential purposes by it's occupants:
- C. The use shall not utilize more than twenty-five percent (25%) of the gross floor area, but not to exceed five hundred (500) square feet; provided, however, this limitation does not apply to child and day care.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principle building.
- E. **No home occupation shall be conducted in any accessory building.**
- F. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any such need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this resolution, and shall not be located in a required front yard.
- G. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or cause fluctuations in the line voltage off the premises.

Section 311 – Junk

A term collectively used for scraps or pieces or accumulation of paper, glass, metal, appliances, fixtures, furniture, abandoned, unusable or unlicensed motor vehicles and similar refuse.

Section 312 – Junkyard

Any land or structure use for a salvaging operation, including, but not limited to, the collection, dismantlement, storage and salvage of any unlicensed vehicles, waste, scrap or discarded materials.



Section 313 – Lot

A parcel of land under one ownership devoted to a common use or occupied by a single principle building plus accessory structures.

Corner Lot – A lot which abuts on two intersecting streets at their intersection.

Double-Frontage Lot – Any lot other than a corner lot which abuts on two streets.

Lot Line – The boundary dividing a lot from a right-of-way, adjoining lot or other adjoining tract of land. Front, rear, and side lot lines are self-explanatory.

Lot of Record – A lot which is recorded in the office of the County Recorder.

Section 314 – Manufactured Home

"Manufactured Home": as defined in section 4501.01 (0) as follows: Means any non-self propelled vehicle transported in one or more sections, which in traveling mode, is eight (8) body feet or more width or forty (40) feet or more in length or, when erected on site, three hundred twenty (320) or more square feet, and which is built on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained 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 onsite. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows.

Section 315 – Manufactured Home Park

"Manufactured Home Park": as defined in section 3733.01 (A) of the Ohio Revised Code as follows; means any tract of land upon which three or more manufactured homes used for habitation are parked either free-of-charge or for revenue purposes, and includes any roadway, building, structure, vehicle or enclosure used or intended for use as part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three or more manufactured homes are parked thereon if the roadway is dedicated to the local government authority.

"Manufactured home park" does not include any tract of land used solely for the storage or display for sale of manufactured homes or solely as a temporary park-camp.

Section 316 – Nonconforming Structure or Use

A structure or use of any premises which does not conform with all the provisions of this Zoning Resolution but which existed before it's designations as nonconforming by the adoption or amendment of this Resolution.

Section 317 – Outdoor

Refers to that which is not within a building.



Section 318 – Planned Development Project

A complex of structures and uses planned as an integral unit of development rather than as single structures on single lots.

Section 319 – Premises

A lot or other tract of land under one ownership and all the structures on it.

Section 320 – Processing

Manufacturing, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. **Processing does not refer to the fabrication of structures.**

Section 321 – Public-Service Building

Any building necessary for the operation and maintenance of a public utility.

Section 322 - Retail Sales

Sale of any product or merchandise to customers for their own personal consumption and use, not for resale.

Section 323 – Skirting

A visible foundation or cover specifically manufactured for the purpose of shielding the area between the floor of a mobile home and the ground from public view. Skirting should be made of the same material as the mobile home itself and should be of the same color and texture as the main structure.

Section 324 – Sleeping Room

A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.

Section 325 – Special Use

A use which must receive special approval by the Board of Zoning Appeals if delegated, in order to be permitted in a zoning district.

Section 326 – Street, Road or Thoroughfare

A public way or part thereof used for vehicular traffic. References in this resolution to local, collector or arterial streets mean those streets specifically designated as such by the official Clermont County thoroughfare plan.

Section 327 – Structure

Any combination of materials fabricated to fulfill a function in a fixed location on the land; includes buildings.



Section 328 – Use

Use broadly refers to the activities which take place on any land or premises and also refers to the structures thereon and designed for those activities.

Section 329 – Variance

A departure from the strict conformance with the dimensions and area regulations which may be approved by the Board of Zoning Appeals.

Section 330 – Yard

The open space surrounding the principle building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this zoning resolution. Yards are further defined as follows:

Front Yard - That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principle building, which line shall be designated as the front yard line.

Rear Yard - That portion of the yard extending the full width of the lot and measured between the rear lot lines and a parallel line tangent to the nearest part of the principle building.

Side Yard - Those portion of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principle building.



Article 4

General Provisions

Section 400 - Existing Buildings and Uses Not Affected

Any building, structure, or use existing at the time of the enactment of this resolution may be continued, even though such building, structure or use does not conform with the provisions of this resolution. However, if any such non-conforming use is voluntarily discontinued for two (2) years or more, any future use of said land or structure shall be in conformity with the zoning regulations of the district in which the land and/or structure is located.

Section 401 - Restoring Unsafe Buildings

Nothing herein shall be construed as preventing the strengthening or restoring to a safe condition of any part of the building or structure declared unsafe by the building inspector or from complying with hidden lawful requirements.

Section 402 - Approved Water Supply and Sewage Disposal Facilities

It shall be unlawful to locate, erect or construct any building or structure to be used for human habitation without provisions of an approved water supply and approved sanitary waste disposal facilities. Wherever existing water and/or sanitary sewer mains are accessible, connections shall be made. Individual water supply and sanitary waste disposal facilities may be used only upon the approval of the Clermont County Health District or the Ohio E.P.A.A. certificate of approval for individual systems shall be obtained from the Health District of Ohio E.P.A. prior to the filing of an application for a zoning permit or certificate of occupancy and such Health district or E.P.A. certification shall accompany each such application.

Section 403 - Uses Not Provided For

Any use specifically not mentioned in this Resolution shall be assumed prohibited.

Section 404 - One Principal Building Allowed

Only one principal building and its customary accessory buildings shall hereinafter be erected on any lot.

Section 405 - Obstructions to Visions at Street Intersections Prohibited

Within the triangular or other shaped area formed on a lot by a straight line connecting the right-of-way lines of an intersecting street and a railroad or the right-of-way lines of two right-of-way lines, there shall be no obstructions to vision between a height of two and one-half (2-1/2) feet and height of ten (10) feet above the shrubbery, signs, marquees, and other obstructions to vision but it does not prohibit a necessary retaining wall.



Section 406 - Front Yard Requirements for Corner Lots

Corner lots shall meet the front yard requirements of the district or districts in which they are located on both the street considered as the front street and the street considered as the side street.

Section 407 - Front Yard Requirements for Double Frontage Lots

Double frontage lots shall meet the front yard requirements of the district or districts in which they are located on both of the streets upon which they front.

Section 408 - Required Yard Not to be Used by Another Building

No part of a yard required about any building 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 building.

Section 409 - Noise and Contamination

- A. For the protection of the health, safety and general welfare of the community, no use of land or real property, whether for private, commercial or any other purpose whatever, shall create at or beyond the property line conditions of nuisance and/or hazard as regard to noise, smoke dust, liquid effluent and/or other pollutant or contaminate in excess of those specified in current Clermont County, State of Ohio, or Federal regulations applying to places of residence, recreation or employment. The prevailing regulations shall be interpreted as that which results in the lowest level of noise or contamination.
Regardless of the proposed level of emissions, however, the incineration of hazard waste materials is not a permitted use in Franklin Township.
- B. The above regulations shall not apply to uses existing prior to the adoption of this resolution, however, all changes, alterations, increases, extensions or expansions of prior uses undertaken subsequent to the adoption of this resolution which result in conditions of nuisance or hazard in excess of specified levels, shall constitute violations.
- C. Any uses undertaken subsequent to the effective date of this resolution, or any prior use changed, altered, increased, expanded or extended subsequent to the effective date of this resolution, which becomes non-conforming by reason of more stringent County, State or Federal regulations becoming current, shall not be considered in violation until one year after the effective date of such regulations.
- D. No abandoned, wrecked, dismantled or totally disabled automobiles, trucks, trailers, aircraft, discarded furniture, appliances or miscellaneous materials or junk shall be permitted to remain exposed on the premises in any district, other than in approved junkyards, for a period of more than thirty (30) days.
- E. Motor vehicles self-propelled vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any zoned property other than in an enclosed building, except for permitted salvage or junk yards or vehicle sales.



Section 410 - Farm Markets

Farm markets 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, are permitted in any district zoned for agricultural, industrial, residential or commercial purposes, provided said use complies with the following requirements:

1. Buildings or structures used for farm markets shall not exceed five hundred (500) square feet in total floor area.
2. All buildings, structures, displays or vehicles from which items are sold, displayed or exchanged shall be setback from the road right of way a minimum of fifty (50) feet.
3. A minimum of four (4) parking spaces, excluding parking spaces for employees, shall be provided.
4. The entrance or exits to the parking area shall be located a minimum of fifty (50) feet from any street intersection.

Section 411 - Erosion and Sedimentation Control Measures

1. The smallest practical area of land shall be exposed at any one time during the development process.
2. When soil is exposed during the development process, the exposure shall be kept to the shortest period of time.
3. Mulching, fencing, and/or berming, or any combination thereof, shall be utilized to minimize soil erosion during development.
4. Sediment basins or silt traps shall be installed and maintained in order to remove sediment from runoff water.
5. Adequate on site provisions shall be made to accommodate site runoff due to grading.
6. Vegetation cover, trees, and structures shall be installed and built as soon as practical after the completion of grading.
7. Whenever possible, natural vegetation and trees, especially older clusters of six or more trees extending 15 feet from the ground, shall be protected and retained.
8. "All site work, excavation, and grading activities shall comply with the provisions established in the *Water Management and Sediment Control Regulations for Clermont County*, and shall also conform to the rules and regulations of all other state and/or federal agencies of jurisdiction."

Section 412 - Provision of Sidewalks

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. Sidewalks shall be a minimum width of four feet.
4. Alternative pedestrian pathways will be considered by the Zoning Commission for subdivisions of fewer than 10 lots, or within residential planned unit developments.
5. Should these standards be in conflict with adopted subdivision regulations, the latter shall prevail.



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Section 413 - Private Streets

For developments proposed to be served by private streets, the minimum ingress/egress easement width shall be 40 feet unless a higher standard is required by adopted subdivision regulations.

Section 414 - Public Improvements

Any proposed development which requires the construction of such public improvements as streets, curbs, gutters, sidewalks, sanitary sewers, storm sewers, water lines, and street trees, among others shall be designed and constructed so as to conform to adopted subdivision regulations.

Section 415 - Hillside Development on Slopes of 20% or More

1. New development shall be clustered in order to preserve open space.
2. Building shall fit into the hillside, as opposed to altering the hillside to fit individual buildings.
3. Cut and fill shall be minimized.
4. Narrow, split level, meandering roads shall be built as an alternative to moving excessive amounts of earth in order to provide the most direct route.
5. Emphasis shall be placed on establishing storm water runoff systems that can minimize not only the velocity, but the amount of on site water flow.
6. Results of soil borings and geological analysis shall accompany all development requests.
7. Lesser densities than would otherwise be allowed on flat or gently rolling ground shall be reflected in all proposed site plans.

Section 416 - Keeping of Equine Animals in Residential Districts

1. Equine animals shall be permitted on an accessory use basis in acres.
2. Equine animals shall be prohibited on platted lots of one-acre or less, and regulated agriculture and buildings on lots between one and five acres.
3. The owner of one or more horses shall be required to provide adequate fencing as well as a barn or stable.
4. All horse related structures shall be required to maintain a 50 foot setback from any lot line or street right-of-way.

Section 417 - Home Owner and Property Owner Associations

1. All common interest subdivisions shall, by recordation of the following documents, provide for the establishment of either Homeowner or Property Owner Association.
 - (A) Articles of Incorporation
 - (B) Declaration of Covenants, Conditions, and Restrictions, and
 - (C) By-Laws

2. While these documents shall not be required to be submitted until after approval of a final development plan, it shall be the prerogative of Franklin Township to request that the Declaration of Covenants, Conditions, and Restrictions be submitted to the Zoning Administrator and legal counsel for review and comment prior to being recorded.
3. Prior to the construction of any common interest subdivision, Franklin Township shall be provided with a copy of the recorded documents.
4. Provisions for the establishment of a sinking fund shall be provided within the recorded documents in order to adequately cover both the short and long-term maintenance of all commonly owned streets and structures, open space and recreational amenities, and landscape improvements, including any required sprinkler systems.
5. The recorded Covenants, Conditions, and Restrictions shall also include a statement to the effect that each owner has the right to enforce the By-Laws and Covenant, Conditions, and Restrictions against any person having an interest in the common area subdivision.

Section 418 - Buffer Areas

1. All landscape buffer areas shall have an opaqueness of 80% or more, and shall be maintained at a minimum height of six feet.
2. The planting of evergreen trees and shrubs shall be emphasized.
3. The minimum width of a landscaped buffer shall be eight (8) feet.
4. Whenever any non-residential landscape buffer area is located adjacent to an off street parking area of driveway, all landscaping shall be protected by a suitable concrete, asphalt, or bumper block barrier.
5. Whenever a required landscape buffer area is located adjacent to an off street parking area or driveway, all landscaping shall be protected by a suitable concrete, asphalt, or bumper block barrier.
6. No landscaped buffer area shall obstruct clear views when placed close to a public right-of-way.
7. Walls and fences may also be approved as buffers between incompatible land uses, and areas with a significant difference in density.



8. All landscaped buffer areas shall be maintained in both the healthy and attractive state.
9. If a buffer consists of fencing, all materials shall be periodically painted or stained, kept looking attractive, and maintained in order to insure structural safety.
10. If a buffer consists of a wall, all materials shall be periodically maintained in order to insure structural safety.



Article 5

Zoning District Regulations

The following Zoning Districts, as established in Article 11, have been formulated to realize the general purpose of this resolution.

Section 500 - "A" Agricultural District

Purpose

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.

Principal Permitted Uses

1. All agricultural activity, including the following:
 1. Animal and poultry husbandry
 2. Crop production
 3. Dairying and pasturage
 4. Floriculture and viticulture
2. Single Family Dwellings

Conditional Uses Requiring Board Authorization

1. Cemeteries
2. Golf Courses
3. Kennels, including over night boarding
4. Private recreation areas such as fishing lakes and riding trails
5. Public Parks
6. Quarries, mines and gravel pits
7. Bed and Breakfasts

Accessory Buildings and Uses

1. Barns and stables
2. Garages
3. Home occupations
4. Living quarters for persons employed on the premises
5. Roadside stands
6. Signs

Area Regulations

1. **Front yards:** The minimum setback for all buildings, excepting roadside stands, shall be 70 feet.
2. **Side yards:** A minimum setback of 30 feet on each side shall be required for all principal structures, and 10 feet for all accessory structures.



3. **Rear yards:** Minimum setbacks of 50 feet shall be required for all principal structures, and 10 feet for all accessory structures.
4. **Height:** No building shall be permitted to exceed two and one half stories or 35 feet.
5. **Intensity of Uses:** (a) every lot shall have a minimum width of 200 feet at the building line.
(b) every lot shall consist of a minimum of 2 (two) acres.

Minimum Floor Area

Each dwelling unit shall be attached to a permanent foundation, and shall contain a minimum usable floor area of 1,400 square feet, excluding space used for garages, porch, and basement purposes.

Special Provisions

1. Off-street parking, as opposed to the provision of on-street parking, shall be required to serve individual roadside stands in order to not only minimize traffic conflicts, but to maximize vehicular, as well as pedestrian safety.
2. Temporary living quarters, including manufactured homes, are permitted when a permanent residence is under construction. Such living quarters requires issuance of a Zoning Permit, which shall remain valid for a period of one (1) year, and may be renewed for a maximum of one (1) year period of time upon written application to the Board of Township Trustees. Temporary living quarters shall comply with all yard setback requirements, and shall satisfy all requirements of the Sanitary Regulations of the Clermont County Board of Health.
3. Fishing lakes shall be enclosed by a 6-foot fence and be gated in order to prohibit unauthorized access.
4. Kennels shall not place outdoor runs, pens, or cages within 300 feet of any residential structure located on a separate lot.

Section 501 - Countryside Residential District

Purpose

To permit primarily low density residential development in rural areas not served by public sewer and water.

Principal Permitted Uses

1. Agriculture, including the following:
 1. Animal and poultry husbandry
 2. Crop production
 3. Dairying and pasturage
 4. Floriculture and viticulture
2. Single family dwellings

Conditional Uses

1. Bed and breakfast facilities
2. Churches and other places of worship
3. Day Care centers
4. Kennels, including overnight boarding
5. Nursing homes
6. Public parks, playgrounds, and ball fields
7. Schools

Accessory Buildings

1. Barns and stables
2. Garages
3. Home occupations
4. Roadside stands
5. Signs
6. Swim clubs

Area Regulations

1. **Front yards:** The minimum setback for all buildings, excepting roadside stands, shall be 70-feet. Minimum setback for roadside stands and signs shall be 10-feet from the edge of the right-of-way.
2. **Side yards:** A minimum setback of 30-feet on each side shall be required for all principal structures, and 15-feet for all accessory structures.
3. **Rear yards:** Minimum setback of 50-feet shall be required for all principal structures, and 20-feet for all accessory structures.
4. **Height:** No building shall be permitted to exceed to and one-half stories or 35-feet.



Intensity of Uses

- (a) every lot shall have a minimum width of 200-feet at the building line
- (b) every lot shall consist of a minimum of five (5) acres

Minimum Floor Area

Each dwelling unit shall be attached to a permanent foundation, and shall contain a minimum useable floor area of 1,800 square feet, excluding space used for a garage, porch, and basement purposes.

Special Provisions

- 1. Off-street parking, as opposed to the provision of on-street parking, shall be required to serve individual roadside stands in order to not only minimize traffic, but to maximize vehicular, as well as pedestrian safety.
- 2. Bed and Breakfast facilities shall be owner occupied, and shall limit the sale of food and/or beverages to their overnight guests.
- 3. Kennels shall not place outdoor runs, pens or cages within 300 feet of any residential structure located on a separate lot.

Section 502 - "R-1" Rural Residential District

Purpose

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.

Principle Permitted Uses

- 1. Agriculture as defined in Article 11 of this resolution
- 2. Single family dwellings and manufactured homes on individual lots of 43,560 square feet or one (1) acre with at least 150 feet of frontage on a public street or road and said dwelling shall have a minimum usable floor area of 1,400 square feet excluding garage, carport, porch or basement.

These restrictions, as set forth, will assist in allowing the community, as a whole, the ability to carry out the "purpose" as set forth in Article 1 of this resolution, and further to preserve resources, aesthetics and community standards. Such restrictions are proper pursuant to Section 519.02 of the Ohio Revised Code.

- 3. Churches and other places of worship and buildings for religious teachings
- 4. Public and private schools



Conditional Uses Requiring Board Authorization

1. Nursery schools and child care centers under the following conditions:
 - 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 fifty (50) feet to any property line.
2. Hospitals, rest homes, nursing homes and institutions of educational, religious, charitable or philanthropic nature under the following conditions.
 - a. Such facilities shall be located on lots containing no less than five (5) acres.
 - b. Buildings shall occupy not more than ten percent (10%) of the area of the lot.

Accessory Buildings and Uses Customarily Incidental to any Permitted Use

All accessory buildings and uses as permitted and under the same conditions as permitted in the "A" Agricultural District.

Area Regulations

1. **Front yards:** There shall be a minimum setback of fifty (50) feet for any permitted uses in the "R-1" Residential District; such setback shall be measured from the street right-of-way.
2. **Side yards:** There shall be a minimum side yard of twenty (20) feet on both sides of any primary structure.
3. **Rear yards:** There shall be a minimum rear yard of forty (40) feet for any primary structure.

Intensity of Use

1. **Width:** Every lot or tract of land shall have a minimum width of 150 feet at the building line.
2. **Area:** Every lot or tract of land shall have a minimum area of one (1) acre.

Accessory Building Regulations

Accessory Buildings and structures shall be located in the rear yard and not less than ten (10) feet from the rear or side lot lines. No accessory building may occupy more than twenty-five percent (25%) of the required rear yard. Garages; private, non-commercial radio and television antennas, including dish antennas; may be located in the front yard area, provided the main building exceeds the minimum setback requirements by at least forty percent (40%) and provided that the garage or antenna meets the minimum front yard setback required of a building in the "R-1" District.

Uses Prohibited

All uses not specifically permitted in this section are prohibited in the "R-1" Rural Residential District.



Section 503 - "R-2" Suburban Residential District

Purpose

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.

Principle Permitted Uses

All uses and structures as permitted in the "R-1" Rural Residential District.

Conditional Uses Requiring Board Authorization

All conditional uses as permitted and regulated in the "R-1" Rural Residential District.

Accessory Buildings and Uses Customarily Incidental to any Permitted Use

All accessory buildings and uses as permitted and under the same conditions as permitted in the "R-1" Residential District.

Area Regulations

1. **Front yards:** There shall be a minimum setback of fifty (50) feet for any permitted uses in the "R-2" Residential District.
2. **Side yards:** There shall be a minimum side yard of ten (10) feet on both sides of any primary structure.
3. **Rear yards:** There shall be a minimum rear yard of thirty (30) feet for any primary structure.

Intensity of Use

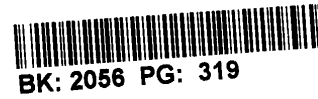
1. **Width:** Every lot or tract of land shall have a minimum width of 120 feet at the building line.
2. **Area:** Every lot or tract of land shall have a minimum area of thirty-thousand (30,000) square feet.

Accessory Building Regulations

All accessory building and uses shall comply with the yard and area regulations as established in the "R-1" Rural Residential District.

Uses Prohibited

All uses not specifically permitted in this section are prohibited in the "R-2" Suburban Residential District.



Section 504 - "B-1" Neighborhood Business District

Purpose

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 maximum restrictions to avoid possible conflicts in the land-use relationships.

Principle Permitted Uses

1. Any local retail business such as a grocery, fruit or vegetable store, drugstore, carry-out bakery (provided all products are sold at retail on the premises) and like activities.
2. Personal service uses, such as barber shops, beauty parlors, photographic studios, dressmaking, tailoring, shoe repair, repair of household appliances, dry cleaning and pressing and other such services.
3. Coin operated laundry and dry cleaning establishments.
4. Banks, office buildings and offices.
5. Restaurants (other than drive-in or drive-thru establishments), bars and similar eating and drinking establishments.
6. Any other retail business or service establishments which is determined by the board of Zoning Appeals to be of the same general character as the permitted uses.
7. Billboards, outdoor advertising signs and structures.
8. Any use or structure permitted and as regulated in the "B-1" District, except as herein modified.
9. Automobile, truck, trailer, and farm implement establishments, for display, hire, sale or major repair, including sales lots, provided all operations other than display and sales, shall be conducted within a completely enclosed building.
10. Bar, restaurant, cocktail lounge, night club, billiard parlor, pool hall, bowling alley, dance hall, skating rink, theater and similar enterprises.
11. Drive-in eating and drinking establishments, summer gardens and restaurants including entertainment and dancing.
12. Hotels, motels and motor hotels.
13. Gasoline, filling stations including facilities for the repair of automobiles and trucks.

Conditional Uses Requiring Board Authorization

The sale of gasoline and other motor vehicle fuels including kerosene, under the following conditions:

- n) All fuels for sale are stored in underground tanks
- o) The sale of fuel is clearly incidental to the main retail activity conducted on the premises.
- p) No automotive repair is conducted on the premises



Outdoor theaters under the following conditions:

- a) There shall be separate entrance and exit ways which shall be not less than sixty (60) feet apart and no closer than twenty-five (25) feet to any adjoining property line.

Neighborhood shopping centers and other commercial complexes where there is a development of five (5) or more retail or service establishments on one single parcel of land under the following conditions:

- a) Ingress and egress to the center is limited to two points and shall be located no closer than seventy-five (75) feet apart or closer than twenty-five (25) feet to any adjoining property line.
- b) Parking areas shall be located no closer than twenty-five (25) feet to any public right-of-way or have direct access to or from any public street.

Mini storage warehouses under the following conditions:

- a) Driveways: All one-way driveways shall provide for one ten (10) foot parking lane and one fifteen (15) foot travel lane.

All two-way driveways shall provide for one ten (10) foot parking lane and two twelve (12) foot travel lanes.

Parking lanes may be eliminated when driveways do not directly serve storage cubicles.

- b) Signs: Signs identifying the nature of the mini-warehouse shall not exceed fifteen (15) feet in height nor forty (40) square feet in area. Signage shall be limited to one sign for each property line abutting a street right-of-way.
- c) Storage: All storage on the property shall be kept within enclosed buildings.
- d) Storage Only: No business activities other than rental of storage units shall be conducted on the premises.

Accessory Buildings and Uses Customarily Incidental to any Permitted Use

One apartment or living quarters within the same building as the retail business or service establishment intended solely for the proprietor, members of the immediate family of the proprietor, or any employee at that business located in the building.



Temporary outdoor promotional sales, including sales of Christmas trees, are permitted on any lot used for retail business with temporary storage and sales display outside of an enclosed building. Such sales shall be permitted for a period not to exceed thirty (30) days in any one calendar year.

Other accessory uses and structure customarily accessory and incidental to any principle permitted use.

Area Regulations

1. **Front yards:** There shall be a minimum setback of fifty (50) feet for any building, accessory building or structure (other than fuel pumps and free standing signs) measured from the right-of-way line, fuel pumps and free standing signs shall be set back a minimum of twenty-five (25) feet measured from the right-of-way.
2. **Side yards:** There shall be a minimum side yard of twenty-five(25) feet on both sides of any building or structure, including accessory buildings and structures.
3. **Rear yards:** There shall be a rear yard having a depth of not less than forty-five (45) feet.

Intensity of Use

1. **Width:** Every lot or tract of land shall have a minimum width of 125 feet at the building line.
2. **Area:** Every lot or tract of land shall have a minimum area of 3/4 of an acre or 32,670 square feet.

Accessory building and uses, including temporary promotional sales, signs and fuel pumps, shall be located in the rear yard and not less than twenty-five (25) feet from any side or rear lot lines. No accessory building or structures, or combination thereof, may occupy more than fifty (50) percent of a required rear yard.

Uses Prohibited

Section 505 - "I-1" Industrial District

Purpose

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.



Principle Permitted Uses

1. Assembly of small electrical appliances, small industrial and electronic instruments, accessories and devices.
2. Laboratories, experimental, photo, film or testing.
3. Manufacture of pottery or ceramic products, using only previous pulverized clay and kilns fired by electricity or gas.
4. Manufacture, fabrication and maintenance of electric and neon signs, billboards commercial advertising structures, light sheet metal products including heating and ventilating ducts and the like; and also including plumbing, heating or electrical contracting business.
5. Manufacture of small precision instruments, watches and clocks, printed circuits, toys, novelties, and rubber and metal hand stamps.
6. Printing, lithographing, type composition, ruling and binding establishments.
7. Plastic products manufacturing, but not including the processing of raw materials.
8. Storage and warehousing, including mini-storage facilities, except the storage of inflammable liquids above ground in amounts more than 600 gallons and the storage of hazardous wastes.
9. Retail lumber sales and storage yard including mill work and pre-fabrication.
10. Building material sales and storage yard including the sale and storage of coal but not including concrete mixing.
11. Warehouses, truck terminals, trucking, carting, express or hauling terminal or transfer establishments, including the storage of vehicles.
12. Bottling of soft drinks, creamery and dairy operations, ice cream and candy manufacturing and ice plants.

Conditional Uses Requiring Board Authorization

Major manufacturing; processing, central mixing plants for cement, mortar, plaster or paving materials; mills; foundries and metal fabrication plants; above ground storage facilities for inflammable liquids in excess of 600 gallons; slaughterhouses and stockyards under the following conditions:

- 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 (5) 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.

The storage of sand, gravel or other raw materials, the storage of equipment or vehicles of an earth moving or construction nature; finished products or components of finished products, outside a completely enclosed building or on lots other than those on which the manufacturing, assembly or principle activity of the permitted use occurs under the following conditions:

- a) Storage areas shall be no closer than 75-feet to any adjoining property line (exclusive of property lines on which the principle 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 (6) feet in height.

Junk Yards under the following conditions:

- 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 (8) feet in height.

Any other industrial or manufacturing activity which, in the opinion of the Board of Zoning Appeals, is of similar nature and which can meet the standards established in paragraph one under the Conditional Uses Requiring Board Authorization section.



Accessory Buildings and Uses Customarily Incidental to any Permitted Use

Structures for the inside storage of materials or equipment used directly in the manufacture of products on the premises.

Canteens or cafeterias solely for employees working on the premises.

Area Regulations

1. **Front yards:** There shall be a minimum setback of sixty (60) feet for any building, or structure. Required setbacks shall be measured from the street right-of-way.
2. **Side yards:** There shall be a minimum side yard of thirty (30) feet on both sides of any structure, including accessory buildings or structures.
3. **Rear yards:** There shall be a minimum rear yard of less than fifty (50) feet.

Intensity of Use

1. **Width:** Every lot or tract of land shall have a minimum width of 200 feet at the building line.
2. **Area:** Every lot or tract of land shall have a minimum area of two (2) acres or 87,120 square feet.

Accessory Building Regulations

Accessory buildings and uses shall be located in the rear yard and not less than thirty (30) feet from any side lot line or twenty (20) feet from the rear lot line.

Uses Prohibited

All uses not specifically permitted in this section are prohibited in the "I-1" Industrial District.

Section 506 - M-H-P (Manufactured Home Park)

Purpose

The purpose of the M-H-P (Manufactured Home Park) is to provide areas of Franklin Township which are suitable for the development of well-planned manufactured home parks.

Approval Procedures

Manufactured home parks shall be located only in Manufactured Home Park Districts (M-H-P) and shall be developed according to general standards and regulations found in this resolution.



General Standards for Manufactured Home Parks

The Zoning commission and the Board of Township Trustees shall review the particular facts and circumstances of each proposed manufactured home park in terms of the following standards and shall find adequate evidence showing that the manufactured park development:

1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate; in appearance with the existing, intended or planned character of the general vicinity and that such use will not change the essential character of the same area. Further, upon review of the Franklin Township Zoning Inspector, it is reported that such use will not change, diminish, or devalue the established character of the area.
2. Will not be hazardous or detrimental to existing or future neighboring uses.
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal and schools or that the person or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such service. This directly corresponds to Article 3, Section 315 of these zoning resolutions and to Section 3733.01 of the Ohio Revised Code, recognizing the importance of access to public roadways to permute the best interest of the public.
4. Will be consistent; with the intent and purpose of the Resolution and the policy plan.
5. Will have vehicular approaches to the properties which shall be so designed as not to create an interference with the traffic on surrounding public streets or roads.
6. Will not result in the destruction, loss or damage of natural, scenic or historic feature of major importance.

Manufactured Home Parks

1. Manufactured home parks, according to the Ohio Revised Code, shall be defined as any tract of land upon which three or more manufactured homes used for habitation purposes are parked.
2. Accessory uses such as managers office, maintenance equipment storage area, coin-operated laundry facilities, incidental storage facilities, recreation facilities, and clubhouses shall be permitted.
3. The minimum area required for the establishment of a manufactured home park shall be five acres.
4. The minimum lot width for manufactured home parks shall be 200-feet.
5. The closest placement of any manufactured home to a front or rear yard property line shall be 50-feet and 40-feet respectively.
6. The closest placement of any manufactured home to a side yard property line shall be 25-feet.

7. The maximum coverage of individual lots within a manufactured home park shall not exceed 80% of the total lot area. Said coverage shall specifically include all buildings, parking areas, and driveways.
8. The maximum permitted height for buildings in a manufactured home park shall be one story or 12-feet.
9. A minimum of two off-street parking spaces shall be required for each manufactured home located in a manufactured home park.
10. One monument sign identifying a manufactured home park shall be permitted to be located at it's entrance. The maximum height of such sign shall be eight feet. The maximum sign area for each face of a monument sign shall be 100 square feet.
11. All monument signs shall be placed in a landscaped area which extends a minimum distance of 7-feet from the base of said sign.
12. Buffer strips of not less than 15-feet in width and 6-feet in height shall be established and permanently maintained along all of the peripheral boundaries of a manufactured home park. Prior to start of any construction, the Zoning Commission shall approve the landscape plans for all proposed buffer strips.
13. At least one tree, have a caliper of two or more inches (at dbh), shall be planted in the interior of each manufactured home park for each manufactured home which is located within said park. Trees may be clustered, spaced individually, or represent a combination of the two. Such planting shall, prior to placement, be approved by the Zoning Commission.
14. The maximum net density permitted in a manufactured home park shall be ten (10) units per acre. While no individual home site shall be permitted to be less than 3,000 square feet, at least 30% of all lots shall be at least 3,600 square feet in area, 30% of all lots shall be 4,000 square feet in area, and 10% of all manufactured home sites shall be 5,000 square feet or more in area.
15. An average distance of at least 15-feet shall be required between manufactured homes. However, the minimum shall be 12-feet.
16. Roadways within manufactured home parks shall be paved to a width of not less than 20 feet. Furthermore, each manufactured home shall be connected to a roadway by an access drive having a width of at least 15-feet.
17. All utilities, included, but not limited to water, sewer, gas, electric, and telephone, shall be placed underground, and shall be connected to individual manufactured homes.
18. Each manufactured home lot shall be governed by the following minimum requirements:
 - A. Front yard setback: 20-feet
 - B. Side setback: combined total of 15-feet
 - C. Rear setback: 15-feet

19. All manufactured home parks shall be annually licensed and inspected by the Clermont County General Health District.
20. None of the above standards shall apply where a manufactured home park has previously been established as a result of the application of different requirements.

Principal Permitted Uses

Single family dwellings including manufactured homes which shall be required to have a minimum usable floor area of 600-feet. All such dwellings shall be equipped with skirting and generally approved for such use.

Accessory Building Regulations

Accessory buildings and structures shall be located near the rear yard and not less than ten (10) feet from the rear or side lot lines. No accessory building may occupy more than thirty (30) percent of the required rear yard.

Section 507 – Manufactured Homes

Classification of Manufactured Homes

Class A: New and used manufactured homes certified as meeting the Manufactured Home Construction and Safety Standards of the Department of Housing and Urban Development (HUD) and approved as meeting acceptable similarity appearance standards and performance standards as specified in this section.

Class B: New and used manufactured homes certified as meeting either the HUD standards as specified for Class A Manufactured Homes or certified as meeting a prior code adopted by the State of Ohio and found on inspection to be in good condition and safe and fit for residential occupancy.

Class C: Used manufactured homes, whether or not certified as meeting HUD or prior state codes, found on inspection to be in poor condition and unsafe/unfit for residential occupancy. All manufactured homes not classified as Class A or Class B manufactured homes.

Manufactured Homes on Individual Lots or Parcels of Land

Manufactured Homes approved and classified as Class A either individually or by specific model shall be permitted in all districts permitting single family dwellings and shall be designated as a single family residential use in such districts, subject to the requirements and limitations applying generally to residential use including minimum lot size, lot width, yard and off-street parking, acceptable similarity appearance standards and such other requirements of this resolution that apply to such residential uses.



Class C: Manufactured homes shall be prohibited on individual lots or parcels of land in all districts.

Standards for Class A Manufactured Homes

Standards for determination of acceptable similarity of appearance standards for Class A Manufactured Homes:

The following standards shall be used in the determination of acceptable similarity of appearance between manufactured homes and residences constructed on-site; to assure that such manufactured homes placed on a permanent foundation will be comparable, in appearance, with site built housing that has been or may be constructed on adjacent or nearby locations:

- A.) Class A manufactured homes shall have a minimum usable floor area of 1,150 square feet excluding garage or basement.
- B.) All Class A manufactured homes shall have a pitch roof and shall not be less than two and one-half (2-1/2) of rise for each foot of horizontal run. All Class A manufactured homes shall have an overhang of not less than eight inches (8") front (door side) and rear.
- C.) All Class A manufactured homes shall be installed on a foundation in accordance with minimum foundation requirements.
- D.) The wheel, axles and metal frame shall be screened from the bottom of the manufactured home to the foundation by concrete on masonry (minimum of 8" wide) wall which shall be connected to the manufactured home by a slip joint frost rail. The wall must be installed prior to occupancy of the Class A manufactured home being placed on site. Wall must be maintained at all times while the Class A manufactured home is on the lot.
- E.) All Class A manufactured homes require the foundation to comply with standards which are supplied by the Zoning Inspector. (Refer to forms 601-a1, 601-b, 601-c, 602, and 603 attached). Application for foundation inspection shall be submitted with the zoning certificate application.
- F.) Inspection of footers shall be made prior to being poured to ensure compliance to the minimum footer requirements. Approval or denial certificate will be issued, the applicant must request footer inspection forty-eight (48) hours in advance.

Any inspector who is commissioned by the zoning commissioner for the purpose of conduction of these inspections, shall first be approved by the Zoning Inspector based upon that individual's experience in these particular areas of construction.



- G.) An Occupancy Certificate is required prior to occupancy of a manufactured home the applicant must apply for final zoning certificate three (3) days prior to occupancy at this point a final certificate will be issued.
- H.) If Class A manufactured homes are removed for more than twenty-four (24) months, all foundation and block walls above ground grade must be removed and restored to original grade.

Parking of a House Trailer or Manufactured Home in any district forty-eight (48) hours or longer period of time shall be prohibited except for small utility trailers and except that one (1) trailer may be stored in an enclosed garage, or other accessory building. Provided that such shall not be occupied as a residence or any business conducted in connection therewith while such a trailer is parked or stored, and to insure compliance therewith, a zoning certificate shall be required.

Standards for Class B Manufactured Home Replacement

Standards for determination of acceptable similarity of appearance standards for Class B Manufactured Homes:

The following standards shall be used in the determination of acceptable similarity of appearance between existing and replacement of Class B manufactured homes:

- A.) Class B manufactured homes shall only be replaced on lot in the same position that the non-conforming home had previously set. In replacement of a Class B manufactured home with a larger home than had existed, extension of the home in any direction that reduces required front, rear or side yard requirements must have Board of Appeals approval.
- B.) Class B replacement manufactured homes non-conforming use less than twenty (20) feet wide across the narrowest portion shall require the wheels, axles, and metal frame members to be screened from the bottom of the manufactured homes foundation by manufactured home skirting and slip-joint frost rail and must be maintained at all times. The manufactured home skirting must be installed on the manufactured home being placed on site.
- C.) All Class A manufactured homes being replaced that are of greater square footage shall meet minimum foundation requirements and require the foundation form as set forth in the foundation requirements supplies by the Zoning Inspector (refer to form 601-a, 601-b, 601-c, 602 and 603 attached). Application must be completed meeting minimum requirements and submitted with Zoning Certificate Application.
- D.) Inspection of footers shall be made prior to being poured to insure compliance to the minimum footer requirements. Approval or denial certificate will be issued, the applicant must request footer inspection 48 hours in advance.

Any inspector who is commissioned by the zoning commissioner for the purpose of conduction of these inspections, shall first be approved by the Zoning Inspector based upon that individual's experience in these particular areas of construction.

- E.) Class B manufactured homes being replaced on equal square footage may be located on existing pad/foundation and not required to meet minimum foundation requirement.
- F.) Class B manufactured homes being replaced of equal square footage shall require the wheels, axles, and metal frame members be screened from the bottom of the manufactured to the foundation by manufactured home skirting and slip joint frost rail and must be maintained at all times. The manufactured home skirting must be installed on the manufactured home being placed on-site.
- G.) An Occupancy Certificate is required prior to occupancy of all Class B manufactured homes. The applicant must apply for Final Zoning Certificate three (3) days prior to occupancy. At this point a Final Certificate will be issued.
- H.) If Class B manufactured homes are removed for more than twenty-four (24) months, all foundation and block walls above ground grade must be removed and restored to original grade.

Parking of a House Trailer or Manufactured Home in any district 48-hours or longer period of time shall be prohibited except for small utility trailers and except that one(1) trailer may be stored in an enclosed garage, or other accessory building, providing that such shall not be occupied as a residence or any business conducted in connection therewith while such trailer is parked or stored and to insure compliance therewith, a Zoning Certificate shall be required.

Standards governing Development Requests

The Zoning Commission and Board of Zoning Appeals shall consider all of the following when deciding whether to approve, approve with conditions, or deny a development request:

1. Existing streets and roads leading to the proposed development are, or can be made adequate, to safely accommodated traffic.
2. Proposed vehicular points of ingress and egress are adequate to safely accommodate turning and stacking movements into and out of the subject property.
3. Existing or proposed utility services are adequate.
4. The proposed use is compatible with surrounding uses, and will not create any adverse impact.
5. The proposed architecture and building material will not negatively impact surrounding properties.



6. The proposed development preserves, to the greatest extent possible, the historical and environmental features of the property.
7. Light, noise, dust, odors, and unsightly visual impacts generated by the proposed use will not have an adverse effect on neighboring properties.
8. Proposed hours of operations will not lead to compatibility problems.
9. Proposed buffering and screening is adequate to protect adjacent land uses from adverse impacts.
10. The proposed development is consistent with the land use goals and objectives adopted by Franklin Township including, but not limited to, implementation of one or more of the following:
 - (a) a balance between new single family detached homes and manufactured homes will be provided.
 - (b) a mix of housing price points will be provided
 - (c) a mix of residential lot sizes will be provided
 - (d) a mix of home sizes will be provided
 - (e) one or more amenities will be provided
 - (f) the provision of useable open space will be emphasized
 - (g) rural character will, to the greatest extent possible, be preserved

Article 6



BK: 2056 PG: 332

Enforcement

Section 600 – Zoning Inspector

It shall be the duty of the Franklin Township Zoning Inspector, who shall be appointed by the Franklin Township Board of Trustees, to enforce this resolution. It shall also be the duty of all officials and employees of the township to assist the Zoning Inspector by reporting to him when new construction, reconstruction, land uses, or upon seeing violations.

Appeal from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals, as provided in Article 7.

Section 601 – Filing Plans

Every application for a Zoning Certificate shall be accompanied by a dimensional sketch or scale plan indicating the shape, size, height and location in exact relation to all property lines and to the lines of all buildings or structures to be erected, altered, or moved of any building or structures already on the lot.

Section 602 – Zoning Certificates

- A. It shall be unlawful for an owner to use or 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 shall have been issued by the Zoning Inspector. Such certificate shall show that such building or premises or a part thereof, and the proposed use thereof are in conformity with the provisions of the resolution. No permit for excavation or construction shall be issued by the Zoning Inspector unless the plans, specifications, and the intended use conform to the provisions of this resolution.

Construction shall begin within six (6) months of issuance of Zoning Certificate and said certificate shall expire within twelve (12) months of issuance. A six (6) month extension, if needed, may be granted. Application for extension must be submitted to the Zoning Inspector thirty (30) days prior to expiration of initial certificate.

- B. Under written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of the enactment of this Resolution certifying, after inspection, the extent and kind use made of the building or premises and whether such use conforms to the provisions of this Resolution.



- C. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this resolution. The issuance of a certificate of occupancy in no way relieves the recipient from compliance with all the requirements of this resolution and other regulations.

Temporary Certificate of Occupancy

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period of not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

Record of Zoning Certificate of Occupancy

The Zoning Inspector shall maintain a record of all zoning certificates of occupancy, and copies shall be furnished, upon request and upon payment of established fees, to any person.

- D. **Entry and Inspection of Property**

The Zoning Inspector is authorized to make inspections of properties and structure in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of the Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. Written notice shall be placed by the Zoning Inspector upon the door of the residence which specifically states the date and time that a return visit will be made within ten (10) days of posting of that notice. If there is no response, such inspection will be made on the date and time contained within the notice.

Section 603 – Conditions Under Which Certificates are Required

A Zoning Certificate shall be required for any of the following, except as herein provided:

- A. Construction or structural alteration of any building, including accessory buildings, by excluding any agricultural building.
- B. Change in use of existing building or accessory building to a use of a different classification, excluding changing to any agricultural uses.
- C. Occupancy and use of vacant land excluding agricultural land.
- D. Change in the use of land to a use of different classification.
- E. Any change in the use of a non-conforming use.

Section 604 – Application and Issuance of Zoning Certificates

- A. Written application for a Zoning Certificate for the construction of a new building or for a structural alteration of an existing building shall be made before the application for a Clermont County Building Permit. Said Certificate shall be issued within ten (10) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Resolution.
- B. Written application for a Zoning Certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a non-conforming use, as herein provided, shall be made to the Zoning Inspector; if the proposed use is in conformity with the provisions of the Resolution, the certificate, therefore, shall be issued within fifteen (15) days after the application for the same has been made.

Section 605 – Zoning Certificates for Non-conforming Uses

A Zoning Certificate shall be required for all lawful non-conforming uses of land or buildings created by adoption of this resolution. Application for such certificate for a non-conforming use shall be filed with the Zoning Inspector by the owner or lessee of the building or land occupied by each non-conforming use within one (1) year of the effective date of this Resolution. It shall be the duty of the Zoning Inspector to issue a certificate for a lawful non-conforming use, and failure to apply for such certificate for a non-conforming use may be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this Resolution.

Section 606 – Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any regulation in or any provisions of this resolution or any amendment or supplement thereof adopted by the Trustees of Franklin Township. Any person, Firm or Corporation violating any regulation in or any provision of this resolution or any amendment or supplement thereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues, may be deemed a separate offense, pursuant to ORC 519.23 AND 519.99.

Section 607 – Violations - Remedies

In case any building is or 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 this resolution or any amendment or supplement thereto, the Zoning Inspector, the county Prosecutor, or any adjacent property owner who would be specifically damaged by such violation, in addition to the other remedies provided by law, may institute injunctions, mandamus, abatement, or any other appropriate action, actions proceedings or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, enlargement, change maintenance or use.

Article 7

Board of Zoning Appeals

Section 700 – Organization and Procedure

Appointment

A Township board of appeals is hereby created. The board shall consist of five (5) members, to be appointed by Township Trustees. Members shall be residents of Franklin Township, Clermont County, Ohio. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for non-performance of duty, misconduct in office or other causes by the Trustees, upon written charges having been filed with the Trustees and after a public hearing has been held regarding such charges. A copy of the charges having been served upon the member so charged will be provided to the member at least ten (10) days prior to the hearing, either personally or by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filed by the Trustees and shall be for the unexpired term.

Organization and Procedure

The Board shall organize and adopt laws for its own government not inconsistent with laws or with other Resolutions of the Township.

1. Meetings of the Board shall be held at the call of the chairman and at such other times as the Board may determine. The Chairman, or in his absence, the Acting-Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board 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 immediately filed with the Township Clerk and shall be a public record.
2. Quorum. Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning Inspector, or to decide in favor of an applicant in any matter of which the Board has original jurisdiction under this resolution or to grant any variance from the requirements stipulated in this resolution.



Applications

An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be taken by any property owner including tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector who shall transmit same to the Board.

Appeals

- A. An appeal to the Board may be taken by any person or by an officer of the Township affected by any decisions of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Zoning Inspector and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal has been filed with it that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than a restraining order which may be granted by the Board or the court of equity, after the notice to the officer from whom the appeal is taken and on due cause shown.
- C. The Board may, in conformity with the provisions of the Article, 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 the end; shall have all powers of the Zoning Inspector from whom the appeal is taken.

Section 701 – Hearings

The Board shall fix a reasonable time for the hearing of appeal, give public notice thereof, by one publication in a newspaper of general circulation in the county at least ten days prior to the hearing and at least ten (10) days notice to parties in interest, and decide upon the appeal within a reasonable time after it is submitted. Each application or notice of appeal shall be accompanied by the fee payable to the Township Zoning Fund; herein specified at this hearing, any party may appear in person or by attorney.

The Hearings of the Board shall be public.

Upon the day for the hearing, any application or appeal, the Board may continue the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of a continued hearing, persons previously notified and persons already heard, need not be notified of the resumption of said hearing unless the Board so decides.



Section 702 – Decisions of the Board

- A. The Board shall decide all Applications and appeals within thirty (30) days after the final hearing thereon.
- B. A certified copy of the Board's decision shall be transmitted to all parties in interest, such decisions shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.
- C. A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall certify on the record.

Section 703 – Powers of the Board of Appeals

Conditional Uses

- 1. The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, applications, filed as hereinbefore provided, for conditional uses, for interpretation of the Zoning Map, or for decisions upon other special questions on which the Board is authorized by this resolution to pass. In considering the application for a conditional use, or interpretation of the Zoning Map, the Board shall give due regard to the nature and conditional use or, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation – in addition to those expressly stipulated in this resolution for the particular conditional use – as the Board may deem necessary for the protection of the adjacent properties and the public interest.
- 2. In addition to permitting the conditional uses herein before specified, the Board shall have the power to permit the following conditional uses.
 - a.) **Non-Conforming Uses:**
 - 1. The substitution for non-conforming use existing at the time of enactment of this resolution, for another non-conforming use, if no structural alterations except those required by law or resolution, are made.
 - 2. The moving, reconstruction, extension, enlargement, or alteration of non-conforming buildings or structures upon the lot occupied by such buildings or structures or on an adjoining lot providing that such lot was under the same ownership as the lot in question at the same time the use of the building or premises became non-conforming, and that such changes are necessary and incidental to such existing non-conforming buildings or structures and shall not create a combined ground floor expansion in excess of one hundred percent (100%) of that existing at the time of the use of such buildings or structures



became non-conforming and provided that the expansion of the land area so used at the time of the premises became a non-conforming and provided that such extension or expansion shall, in any case, be undertaken within five (5) years of the enactment of this Resolution and further that the extension or enlargement shall not extend the provisions of this Resolution with respect to any adjoining premises.

b.) Extension of Use on Border of District

The extension of the use or building into a more restricted district immediately adjacent thereto but not more than twenty-five (25) feet beyond the dividing line of the two districts, under such conditions as well safeguard development in the more restricted district.

c.) Interpretation of District Map

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Resolution. In case of any question as to the location of any boundary line between Zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a final determination shall be made by said Board.

d.) Administrative Review and Variances

1. Administrative Review

The Board shall have the power to hear and decide appeals, filed as herein provided, where is alleged by the appellant that there is error; in any order, requirement, decision, grant, or refusal made by the Zoning Inspector or other official in the interpretation or of the provisions of the Resolution.

2. Variances

The Board shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest; but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this resolution would cause undue and unnecessary hardship.

3. Where, by reason of the narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this resolution or by reason of exceptional topographic conditions or other extraordinary situation of condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of



this Resolution would involve practical difficulties or would cause hardship, and so that the spirit and purpose of this Resolution shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interests of the furtherance of the purpose of the resolution and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem necessary that the conditions attached are being and will be complied with.

4. No such variance in the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all the following facts and conditions exist.
 - a.) That there are exceptional or extra-ordinary circumstances applying to the property in question or to the intended use of this property that do not apply generally to the other properties or classes of uses in the same zoning district.
 - b.) That such variance is necessary for the preservation and enjoyment of substantial property rights, possessed by other properties in the same zoning district and in the same vicinity.
 - c.) That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purpose of this resolution of the public interest.
5. No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought one or the other or in combination is so general or recurrent a nature as to make reasonable practicable the formulation of a general regulation for such conditions; or situation.
6. No variance shall be considered or granted by the Board which would allow a change in use of a parcel, building or structure where such change could be accomplished by redistricting of the subject property.
7. General
In exercising its power, the Board may, in conformity with the provisions of State Statutes and of this Resolution, reverse or affirm wholly or partly, or modify the order, requirement, decision or determination appealed from, and make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the office from whom the appeal is taken.

Article 8

Interpretation, Purpose and Conflict

Section 800

In interpreting and applying the provisions of this Resolution, they shall be held to the minimum requirements for the promotion of public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any resolution, rule, regulation or permit previously adopted or issued, and not in conflict with any of the provisions of this Resolution, of which shall be adopted or issued, pursuant to the law relating to the use of buildings nor intended by this Resolution to interfere or abrogate or annul any easement, covenants or other agreements between parties; provided however, that where this Resolution imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other resolution or agreements, the provisions of this Resolution shall control.



Article 9

District Changes and Resolution Amendments

Section 900 – Initiation of Amendments or Supplements

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of the resolution therefore by the Board of Township Trustees, or by the filing of an application therefore by one or more owners or lessees of property within the area proposed to be changed, or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees shall, upon the passage of such Resolution, certify it to the Township Zoning Commission.

Section 901 – Application Procedure for Change in Zoning Districts

- A. Application for any change of district boundaries or classification of property as shown on the Zoning Map, shall be submitted to the commission, at its public office, upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the commission, so as to assure the fullest practicable presentation of the facts for the permanent record. Each such application shall be signed by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the application. Applications for amendments initiated by the commission shall be accompanied by its motion pertaining to such proposed amendment.

- B. **Names and Addresses of Adjacent Property Owners**
Any person or persons desiring a change in the Zoning classification of property shall file, with the application for such change a statement giving names and addresses of the owners of all property lying within 200-feet of any part of the property the zoning classification of which is proposed to be changed.

Section 902 – Public Hearing of Zoning Commission

- A. Upon the adoption of a motion by the Zoning Commission, or the certification of a resolution by the Board of Trustees, or filing of an application for an amendment or supplement, the Township Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) or more than forty (40) days from the date of the adoption of such motion or the certification of such resolution or the date of the filing of such application notice of such hearing shall be given to the Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing.

- B. Written notice of the hearing shall be mailed by the Zoning Commission to all owners of the property within the area to be redistricted and to all owners within 200-feet of the area to be redistricted by certified mail fifteen (15) days before such hearing to the address of the property, provided however, that if the redistricting involved more than ten (10) parcels of land shown on the tax duplicate of the county, then notification of the property owners shall not be required. The failure, of delivery of any notice required herein shall not invalidate any amendment or supplement.
- C. Submission of Amendments or Supplements to County Planning Commission
Within five (5) days after the adoption of a motion or the certification of a resolution or the filing of an application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County Planning Commission.

The County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission on such proposed amendment or supplement.
- D. The Township Zoning Commission shall, within thirty (30) days after it's hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and shall submit such recommendation of the County Planning Commission thereon to the Board of Township Trustees.

Section 903 – Public Hearing of Township Trustees

The Board of Township Trustees shall, upon receipt of recommendation from the Township Zoning Commission, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendations from the Township Zoning Commission, Notice of such public hearing shall be given by the Board by one publication in one or more newspapers of general circulation in the Township, at least fifteen (15) days before the date of such hearing.

Written notice of the hearing shall be mailed by the Township Clerk to all owners of the property within the area to be redistricted to all owners within 200-feet of the area to be redistricted by certified mail fifteen (15) days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the County or to the address of the property, provided, however, that if the redistricting involves more than ten (10) parcels of land as shown on the tax duplicate of the County, then notification of the property owners shall not be required, the failure of delivery of any notice required herein shall not invalidate any amendment or supplement.



Section 904 – Action of Township Trustees

Within twenty (20) days after it's public hearing the Board shall either adopt or deny the recommendation of the Zoning Commission, or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission, the unanimous vote of the Board shall be required.

Section 905 – Effective Date and Referendum

- A. An amendment or supplement adopted buy the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the Zoning Plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last proceeding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.
- B. No amendment or supplement for which a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

Article 10

Fees



Section 1000 – Fees

The Township shall charge appropriate fees for the issuance of Zoning Certificates, Conditional Use Certificates, Application for Interpretation, Variances and Amendment Applications to cover the cost of inspection, investigation, legal notices and other expenses incidental to the enforcement of this resolution. Such fees shall be paid to the appropriate Township Official and shall be paid in accordance to the Official Zoning Fee Schedule as established by the Franklin Township Trustees and posted at the Franklin Township Hall.



BK: 2056 PG: 345

Article 11

Validity

Section 1100 – Validity

If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. All resolutions or parts of the Resolution of Franklin Township, in conflict with any regulations, provision, amendment or supplement of this resolution, are to the extent of such conflict hereby repealed.

Article 12

Planned Development



BK: 2056 PG: 346

Planned Developments shall be regulated as follows:

A. Objectives for Planned Developments

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

1. Provide flexibility in the regulation of residential, commercial and office land development.
2. Encourage a variety of housing and building types, a compatible mix of commercial and residential development and creative site design;
3. Encourage provision of useful open space, and preservation of valuable and unique natural resources;
4. 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 well being of the community;
5. 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, and
6. Provide a residential and/or commercial development pattern in harmony with land use density, transportation facilities, community facilities, and objectives of the Growth Management Plan.

B. Provisions Governing Planned Developments

1. 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.



BK: 2056 PG: 347

2. 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 Township Zoning Commission in conformance with the requirements of this Article 12, "PD" Planned Development Provisions have been met.

C. Uses Permitted

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.

1. Single family detached dwellings;
2. Two family dwellings;
3. Religious places of worship, educational institutions, libraries, or museums;
4. Buildings and property owned or for the use of Township, County, State, or Federal governments;
5. Buildings or structures of recreational, cultural or service type;
6. 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;
7. Golf courses and driving ranges, but not including miniature golf courses. Tennis courses, but not those to be operated for commercial purposes
8. Multiple family dwellings (i.e., those containing three or more dwelling units);
9. Attached single family dwellings (i.e., condominiums and townhouses).
10. Any permitted use in the B-1 Neighborhood Business District.

All uses shall be approved by the Township as part of the development plan review process

D. Minimum Project Area

The gross area of the tract to be developed under the Planned Development approach shall be a minimum of ten (10) acres.

E. Definitions

1. "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 of enjoyment of occupants of the Planned Development, or consistent with use as described in this Article 12.H. Common Open Space 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;
2. "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 purpose of this Article;
3. "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;
4. "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

5. "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.

F. Project Ownership

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.

G. Common Open Space

No less than twenty (20) percent 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 H. All required open space shall be readily accessible and usable by occupants of the approved development.

H. 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 Board of Township Trustee's requirements as to size, shape, and location. Public utility and similar easements and right-of-ways 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 Board of Township 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.

I. Maintenance of Open Space

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 Homeowner's 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.

The Board of Township Trustees may require a maintenance bond be provided for the benefit of the Homeowner's Association or an escrow account established by the developer for maintenance and upkeep of all common areas. The bond or escrow shall not be released until Home Owner's Association has established matching funds covering 100% of the bond.

J. Utility Requirements

Underground utilities, including telephone and electrical systems, are required within the limits of all Planned Developments. Appurtenances to these systems which can be effectively screened may be exempt from this requirement.

K. Planned Development

Planned Developments may be developed following the provisions of L-N of this Section.

L. Minimum mandatory Lot Sizes, Setbacks, Building Line Widths, Dwelling Square Footages and maximum mandatory Density Levels.

Minimum requirements with respect to lot sizes, setbacks, building line widths, and dwelling square footages shall be duly noted on the record plat.

1. "Single Family". Each lot intended for a single family detached dwelling is to have a recommended minimum area of 10,000 square feet and a recommended minimum width at the building line of 75 feet.

- a. Front yard 35 ft. from right-of-way
- b. Side yards 5 ft. minimum side yard; minimum building separation of 15 feet; and
- c. Rear yard 35 ft. from rear lot line.



2. "Two Family". Each lot intended for a two family dwelling is mandatory to have minimum area of 15,000 square feet and a minimum width at the building line of 100 feet. Variable setbacks may be granted by the Township if considered appropriate. If not, minimum setbacks shall be:

- a. Front yard 35 ft. from right-of-way;
- b. Side yards 25 ft. total; 10 ft. minimum on one side; and
- c. Rear yard 35 ft. from rear lot line

3. "Multi-Family" dwellings and "Attached Single Family" dwellings. Multi-family and attached single family dwelling units, including apartments, attached townhouse and condominium units, may be incorporated into a proposed Planned Development, if the Township finds that such use will be consistent with the character of the area, compatible with surrounding uses, and in compliance with the standards of this chapter. The Township may allow higher density for mixed use development when determined to be of benefit to the project. PD in no case shall the complex of multi-family structures, including paved area, utilize more than 60% of the net acreage allocated to such complex. In areas where townhouses or attached condominiums are developed, a maximum of eight (8) townhouse units in any contiguous group is mandatory. Variable setbacks may be granted by the Township for each multi-family dwelling or attached single family building if considered appropriate. If not, minimum setbacks from the perimeter property line shall be:

- a. Front yard 50 ft. from the public right-of-way; or 30 feet from a private right-of-way easement.
- b. Side yards 50 ft. on each side; and
- c. Rear yard 50 ft. from rear lot line
- d. Between buildings 25 ft. between buildings.

4. "Non-residential Uses". Each lot intended for a non-residential use shall have a minimum area of 15,000 square feet and a minimum width at the building line of 100 feet. Yard setbacks shall be a follows:

- a. Front yard 40 ft.
- b. Side yards 20 ft. on each side;
- c. Rear yard 40 ft. from rear lot line;
- d. Parking setback from right-of-way 10 ft.; and
- e. Parking setback from other lot lines 5 ft.

5. The square footage of all dwelling units, attached and detached units, within a PD shall be a minimum of 1400 square feet unless modifications are agreed upon at the time of PD approval.



- 6. The total residential density of the PD shall be established on the NET acreage of the residential portion of the PD, excluding any areas of commercial, office, or non-residential use (including open space lots). Slopes greater than 20%, existing public right of ways, and existing utility easements shall be subtracted from the total acreage to calculate net density. The total maximum mandatory net residential density of PD's shall be 3 D.U.A. (dwelling units per acre).

EXAMPLES TO BE USED FOR CALCULATING NET DENSITY

#1 100 gross acres (including min. of 20% open space or 20 acres)
 - 15 acres of >20% slope
 - 5 acres of existing public r-o-w and/or utility easements
 80 net acres..... 80 x 3 D.U.A. = 240 (max. number of dwelling units)
 80 net acres - 20 acres of open space = 60 acres (max. 240 d/u to be built on max. of 60 acres)

#2 100 gross acres (including min. of 20% open space or acres)
 - 0 acres of >20% slope
 - 0 acres of existing public r-o-w and/or utility easements
 100 net acres 100 x 3 D.U.A. = 300 (max. number of dwelling units)
 100 net acres - 20 acres of open space = 80 acres (max. 300 d/u to be built on max. of 80 acres)

- 7. The impervious surface ratio of the non-residential portion of a PD should not exceed .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.
- 8. 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 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.



- 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 area shall be clearly identified on the PD plan as "outside display area".
 - v. Fuel Dispensing
- e. Mechanical equipment, whether ground or roof mounted, shall be screened from view from public right-of-ways.
- f. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.
- g. No use producing unreasonable objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
- h. All waste receptacles shall be contained in an area screened on three sides by a six (6) foot tall solid wood or masonry enclosure. The fourth side is to contain steel enforced wood gates.
- i. Signage is to be consistent with this Resolution or as approved on the Preliminary or Final Plan.
- j. Landscaping/Screening shall be as approved on the Preliminary or Final Plan.
 - i. Street trees: All streets, public or private, shall have street trees installed in the right-of-way on both sides of the road. Two (2) canopy trees per one hundred (100) linear feet of parkway, including driveway cuts, shall be provided. twenty (20) shrubs.
 - ii. All landscaping/screening shall meet the following standards:
 - aa. Canopy trees - 2.5 inch caliper
 - bb. Understory trees - 1.5 inch caliper
 - cc. Evergreen trees - 6 feet in height
 - dd. Shrubs - 5 gallon pots



M. Lots to Have Access to Common Open Space

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 uses. Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance. The Township Board may require, that are 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.

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.

N. Height Requirements

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

O. Street Design

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

1. Streets should have a minimum pavement width of 28 feet for collector streets and 24 feet for local/cul-de-sac streets.
2. Width of private streets are to be reviewed by the Township based on input from the Township fire and maintenance departments, and the County.
3. Parking should be limited to one side of the street, mandated to be located opposite the fire hydrants.
4. Sidewalks should be provided on both sides of the public streets.
5. On existing primary regional arterial streets, the minimum spacing between access points shall be one-quarter mile (1320 feet).
6. 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 restrictions.



P. Review Procedure

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 (2) steps as follows:

1. 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 Administrator and processed in the same manner as any change of zone application. The Zoning Administrator upon receipt of the Application Material for Planned Development, shall transmit copies of said plans to the County Planning Commission, to the Township Zoning Commission, the Township Board of Trustees, and retain one (1) file copy. The County Planning Commission, upon receipt of the application for Planned Development shall:

- a. 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
- b. 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.
- c. 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 Township Board of Trustees for the final decision on the application for Planned Development. The Board of Trustees shall notify the County Planning Commission immediately of their action on the zone map amendment.

2. Step #2 Final Development Plan

A Final Development Plan for the entire development or the first phase of the development if acceptable, must be filed within eighteen (18) months of the Board of Trustees' Preliminary Development Plan approval unless an eighteen (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 Article 12 - U. 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 (1) 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.

Q. 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 Administrator who shall transmit copies of the petition to the Zoning Commission and to the County Planning Commission.



- c. In addition to the standard requirement fixed by this Resolution and the rules of the Zoning Commission for application 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 after consideration by the County Planning Commission.
 - b. At the public hearing the petitioner shall present evidence regarding the following characteristics of the proposed development:
 - 1. The general character and substance;
 - 2. Objectives and purposes to be served;
 - 3. Compliance with all applicable Township resolutions, regulations, and standards;
 - 4. Scale and scope of development proposed;
 - 5. Development schedules including a prospectus detailing the phasing of the project;
 - 6. The proposed development shall have a continuous boundary with all proposed development contained within a contiguous area.
 - 7. Evidence that the proposed Preliminary Development Plan complies with the Subdivision Regulations of Clermont County; and
 - 8. 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.



- d. Evidence and expert opinion shall be submitted by the petitioner in the form of maps, charts, reports, models or other materials; and in the form of testimony by experts, as will clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for public display and for review by the Zoning Commission and other Township officials.
 - e. The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, Preliminary Development Plan and related required information pertaining thereto and the recommendation of the County Planning Commission thereon to the Board of Township Trustees.
3. Consideration of PD Petition by Board of Trustees
- a. The Board of Township Trustees shall, upon receipt of such recommendation set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.
 - b. The Board of Township Trustees shall, within twenty (20) days after the public hearing, approve, approve with modifications, or deny the petition for PD Preliminary Development Plan. If the Board denies or modifies the Zoning Commission's recommendation, the unanimous vote of the Board shall be required.
4. At the request of the applicant, the Zoning Commission or Board of Trustees may grant an extension in time limits required herein.
5. If land subdivision is involved, the development plans must satisfy the requirements of the Clermont County Subdivision Regulations. Formal subdivision approval must be granted by the County Planning Commission prior to the commencement of development of the PD.



R. Standards for Petition Review of PD Preliminary Development Plan

Using the information submitted by the petitioner and the findings of the County Planning Commission, the Zoning Commission shall review the application and report to the Board of Trustees their findings as to whether the petition meets the following standards.

1. The proposed development shall conform to the adopted Growth Management Plan, or represent a land use policy, which in the Zoning Commissions' opinion, is a logical and acceptable change in the adopted Master Plan;
2. The proposed development shall conform to the intent and all regulations, requirements and standards of a PD District;
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, suitable 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 Zoning Commission 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 Zoning Commission 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.

S. 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 Zoning Commission. 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 sixty (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.

T. Financing Responsibility

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.

U. Phasing and Delay in Construction

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

- 1. 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;
- 2. The Zoning Commission 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
- 3. 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.



4. As a condition for approval, the developer shall produce a prospectus for construction of said development that calls for construction to begin no more than one (1) year following Final Development Plan approval. 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. Failure to comply with the above condition will result in the plan no longer being valid, and any development of the subject property shall require a reconsideration of the development of the subject property as outlined in Article 12 Q. For the purpose of this chapter, "beginning of construction" means possession of a valid building permit for construction in the development.
5. 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 (6) months of a suspension for nonconformity. Upon revocation of a permit, the land owner and lessees shall be subject to the penalties provided by law and by this Resolution for land use not permitted.
6. Expiration and Extension of Approval Period: The approval of each phase of the Final Development Plan for a Planned Development District shall be for a period not to exceed one year to allow for the recording of the required subdivision plat and completion of the development plans for the project. If construction has not begun within one year or if progress is not in conformity with the prospectus, or if a Final Development Plan has not been filed within 18 months of the approval of the Preliminary Development Plan as requested by Article 12 P. 2, the developer shall notify the Township in writing stating the cause of such delay and request from the Township an extension in time and a change in the prospectus. The Zoning Commission, in reviewing the PD time extension may consult with the Clermont County Planning Commission, County Engineer and Health Department to determine if design, construction or other problems exist. Upon such review the Zoning Commission shall recommend to the Board of Township Trustees that either an extension of time be granted or that the area of the PD be considered for zone map amendment per the requirements of this Resolution and ORC 519.12 to a district considered appropriate based upon the recommendations of the Township Growth Management Plan 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 or initiate the necessary process to amend the zoning of the property.

V. Performance Guarantees

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.

W. Adjustments to Planned Developments

1. 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 as specified in Article 12 P.1.

- a. A significant change in density or intensity.
- b. Changes in the outside boundaries of the Planned Development.
- c. Significant modification of the type, design, location, or amount of land designated for a specific land use or open space.
- d. Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations.
- e. 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.

2. Minor Changes to an approved Preliminary Development Plan. All modifications from an approved Preliminary Development Plan not determined to be major changes as described above shall be

subject to the approval procedures set for in Article 12 P.2, except that changes to a specific condition of approval of the Preliminary Development Plan attached by the Board of Trustees shall be approved by the Board of Trustees during an administrative review of the Trustees.

3. Minor Changes to an approved Final Development Plan. Minor changes, as described above, to an approved Final Development Plan shall require approval by the Zoning Commission.

X. Required Charges

1. 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.
2. At the time of submitting each PD application, Preliminary and Final, to the Zoning Administrator, the Zoning Administrator may require the applicant to make a deposit with the Township Fiscal Officer in the amount equal to the estimated cost of the Township Fiscal Officer 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 thirty-three (33%), another deposit will be requested.
3. Failure to pay the above costs and fees within thirty days of invoice will stop all processing to the PD District application.
4. The Zoning Administration 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 13

Effective Date

Section 1300 - Effective Date

This Resolution shall be in full force and effect from and after the earliest period allowed by law.

Resolution #987-57

Adopted this 31st day of May, 1987

**Board of Township Trustees of Franklin Township Clermont County,
Ohio.**

Setback Regulations

	District	Front	Side	Rear
A	Agricultural	70 feet	30 feet	50 feet
R-1	Residential	50 feet	20 feet	40 feet
R-2	Residential	50 feet	10 feet	40 feet
B-1	Business	50 feet	25 feet	45 feet
I-1	Industrial	60 feet	30 feet	50 feet

Intensity Width

	District	Front	Acreage
A	Agricultural	200 feet	2 acre
R-1	Residential	150 feet	1 acre
R-2	Residential	120 feet	30,000 Square Feet
B-1	Business	125 feet	32,670 Square Feet
I-1	Industrial	200 feet	2 acres

Accessory Building Set Backs

	District	Front	Rear
A	Agricultural	10 feet	10 feet
R-1	Residential	10 feet	10 feet
R-2	Residential	10 feet	10 feet
B-1	Business	25 feet	25 feet
I-1	Industrial	30 feet	10 feet
	Manufactured Home Park	10 feet	10 feet

Maximum Occupancy of Rear Yard

	District	Percent
A	Agricultural	30%
R-1	Residential	25%
R-2	Residential	25%
B-1	Business	50%
I-1	Industrial	—
MHP	Manufactured Home Park	30%

Side yards are required on both sides of any principal structure.