

# **FRANKLIN TOWNSHIP**

## **PORTAGE COUNTY, OHIO**



*Sketch courtesy of Kenneth McGregor, [www.artarmory.com](http://www.artarmory.com)*

# **ZONING RESOLUTION 2022**

Includes Updates through August 18, 2022

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FRANKLIN TOWNSHIP ZONING RESOLUTION**

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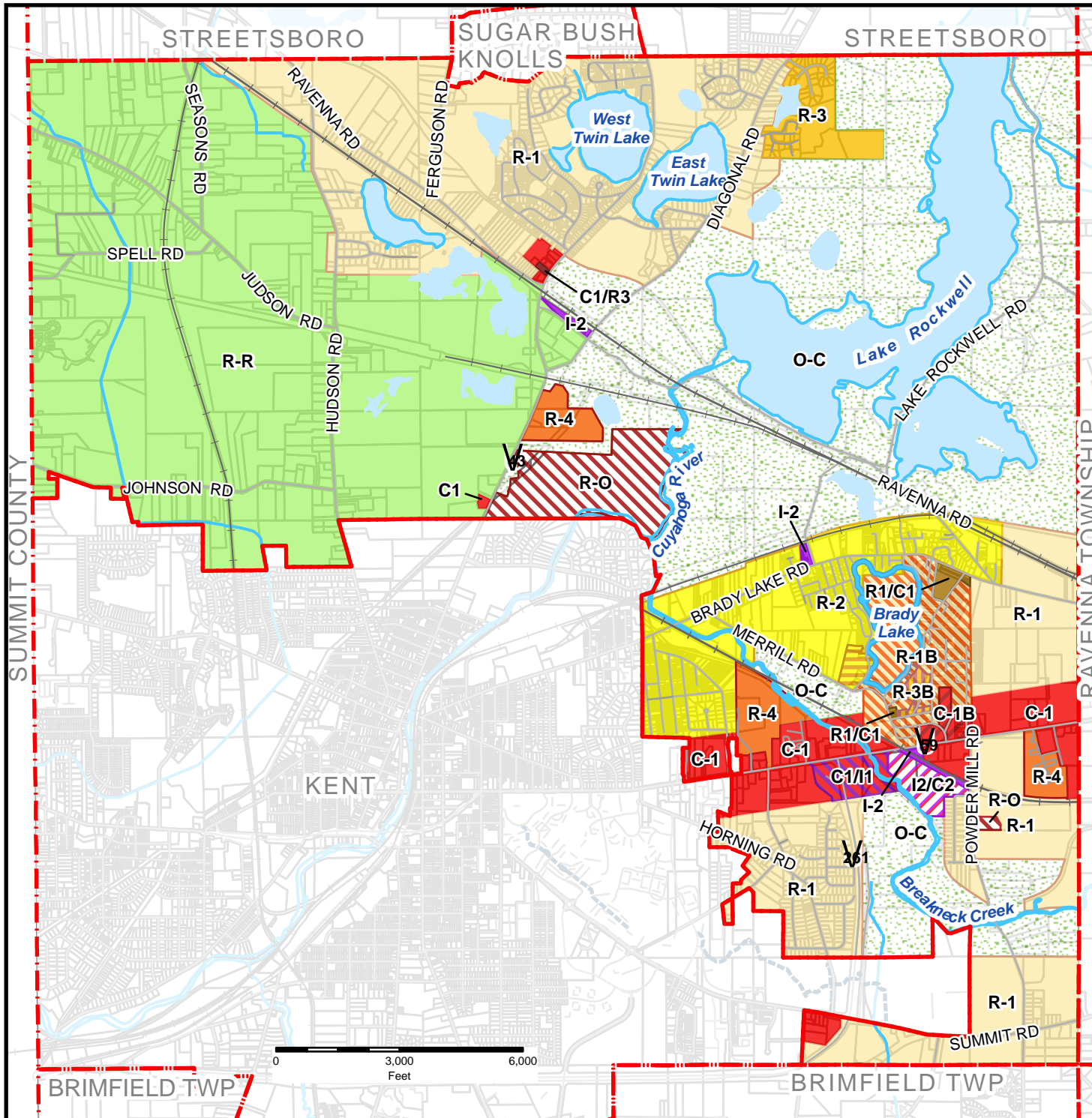
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# Franklin Township



## Zoning 2022

- O-C** Open Space Conservation
- R-R** Rural Residential
- R-1** Low Density Residential
- R-1B** Low Density Residential Brady Lake District
- R-1/C-1** Mixed Low Density Residential/Commercial
- R-2** Medium Density Residential
- R-2B** Medium Density Residential Brady Lake District
- R-3** High Density Residential
- R-3B** High Density Residential Brady Lake District
- R-4** Multi-Family Residential
- C-1** Local Commercial
- C-1B** Local Commercial Brady Lake District
- C-1/R-3** Mixed Commercial/Residential
- C-1/I-1** Mixed Commercial/Industrial Research & Office
- I-2** Industrial
- I-2/C-2** Mixed Industrial/Service Commercial
- R-O** Research-Office



Amended map approved January 11, 2022  
 Resolution #2020-29; 2021-24; 2022-01  
 Parcels: Portage County GIS, 2021



Prepared by Portage County Regional Planning  
 Commission, January 2022

**Franklin Township Zoning Resolution**  
**Chapter 1 - Title, Authorization, Purpose**

**CHAPTER 1**  
**TITLE, AUTHORIZATION, PURPOSE**

**Section 100.00            Title**

This resolution shall be known, cited and referred to as "The Zoning Resolution of Franklin Township, Portage County Ohio," the "Franklin Township Zoning Resolution, "the "Zoning Resolution" or the "Resolution."

**Section 101.00            Purpose**

The purposes of this Zoning Resolution:

- A. To promote and protect the public health, safety, convenience, general welfare and morals of the Township by regulating the use of buildings, other structures and land for residential, commercial, industrial, public or other uses.
- B. To regulate the intensity of development; including height, design and location of structures.
- C. To regulate and limit population density.
- D. To divide the land within the Township into districts, according to the use of land and buildings, and the intensity of such use, as may be deemed best suited to carry out the purposes of this Zoning Resolution.
- E. To provide procedures for the administration and enforcement of this Zoning Resolution.

**Section 102.00            General Objectives**

This Zoning Resolution is intended to achieve the following objectives:

- A. To protect and enhance the character and value of the agricultural, residential, commercial, industrial, institutional and public uses, and insure their orderly and beneficial development.
- B. To protect the rural character of the Township.
- C. To protect and preserve the historical and cultural resources of the Township.
- D. To provide adequate open spaces for light, air and outdoor uses.
- E. To minimize congestion in the public streets and to ensure efficient and safe traffic circulation.
- F. To prevent the overcrowding of the land.
- G. To prevent uncoordinated development.
- H. To provide for the orderly growth and development of the Township.

**Franklin Township Zoning Resolution**  
**Chapter 1 - Title, Authorization, Purpose**

- I. To encourage land use patterns that conserve the natural resources.
- J. To safeguard the public against flood damage and to prevent damage to environmentally sensitive areas.
- K. To protect ground water quality.

**Section 103.00            Authorization**

This Resolution is authorized by the Constitution and Revised Code of the State of Ohio, Chapter 519.

**Section 104.00            Interpretation**

The provisions of this Zoning Resolution shall be construed to achieve the purposes and objectives for which they are adopted. In interpreting and applying the provisions of this Zoning Resolution, these provisions shall be held to be the minimum requirements necessary in the interest of the public health, safety, morals and general welfare. If, any of these requirements are found to be incompatible or inconsistent with another requirement of this Resolution, the more restrictive requirement shall apply.

It is not intended that this Zoning Resolution interfere with or abrogate and annul existing provisions of other laws, except those specifically repealed by this Resolution, or any private restrictions placed upon the property by covenant, deed, easement or other private agreement. However, where this Zoning Resolution may conflict with the requirements of any other lawfully adopted rules, regulations or resolutions, the most restrictive, or that imposing the higher standards shall govern and be applied.

**Section 105.00            Compliance**

After the effective date of this Zoning Resolution, no buildings, structures, uses of land, or lots of record shall be established, altered, moved, divided or maintained except in accordance with the provisions of this Zoning Resolution. Existing buildings, structures and uses of land that do not comply with the regulations of this Zoning Resolution are illegal or nonconforming pursuant to Chapter 5, Nonconforming Uses and Structures.

**Section 106.00            Repeal of Existing Resolution**

The Zoning Resolution for Franklin Township adopted and made effective on **04/27/1976** and as subsequently amended, together with the Zoning Districts Map that is part of that Zoning Resolution is hereby repealed and amended to read as set forth in this Zoning Resolution.

**Section 107.00            Severability**

**Franklin Township Zoning Resolution**  
**Chapter 1 - Title, Authorization, Purpose**

If, any provision of this Zoning Resolution is held to be unconstitutional or otherwise invalidated by any court of competent jurisdiction, the remaining provisions shall not be invalidated and shall remain in full force and effect.

**Section 108.00            Effective Date**

The effective date of this Zoning Resolution is **01/08/2009**.

## **CHAPTER 2 ADMINISTRATIVE PROCEDURES AND ENFORCEMENT**

### **Section 200.00           Administrative Procedures and Enforcement**

#### **Section 200.01           Purpose**

This chapter sets forth the procedures to be followed in obtaining certificates and other legal administrative approvals under this Resolution.

#### **Section 200.02           Zoning Certificates Required**

No land may be “changed in use” without a zoning certificate issued by the Zoning Inspector. No building or other structure shall be erected, moved, added to, demolished, altered, or established without a zoning certificate, issued by the Zoning Inspector. The Township has two types of zoning certificates and application and review procedures for each.

- A. A Zoning Certificate is required if the proposal is for a permitted use/structure. The Zoning Inspector shall proceed to conduct the application and plan review as further described in Section 201.00.
- B. A Conditional Zoning Certificate is required if the proposal is for a conditionally permitted use/structure. The Board of Zoning Appeals shall conduct the application and plan review as detailed in Section 202.00.

All Zoning Certificates shall be issued only in conformity with the provisions of this Resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding approval for an appeal, variance, or conditional use. Whenever the Zoning Inspector issues a Zoning Certificate a placard shall also be issued. The placard is to be posted in a conspicuous place on the subject property, attesting to the fact the planned activity is in conformance with the provisions of this Resolution.

#### **Section 200.03           Submission of Application**

All applications for a Zoning Certificate or a Conditional Zoning Certificate shall be submitted to the Zoning Inspector. The Zoning Inspector will only accept and process an application that is complete and includes the proper application fee as established by the Township Trustees.

#### **Section 200.04           Procedures for Filing an Application**

Any application for a Zoning Certificate or a Conditional Zoning Certificate shall be submitted in accordance with the appropriate procedures as described in this Chapter.

#### **Section 200.05           Change in Use Determination**

For the purpose of interpreting the term “change in use” for determination of whether a Zoning

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Certificate or a Conditional Zoning Certificate is required as specified in 200.02, it shall be identified in the following manner:

**A. Residential Uses**

The residential use categories are, but not limited to: single-family, two-family, three-family, and multi-family. A “change in use” status will exist when a residential structure is converted from one use category to another.

**B. Commercial, Industrial and other Non-residential Uses**

A “change in use” status will exist when:

1. The previous use of a structure, building, land or portion thereof has ceased and the new or converted use is not the same as that previous use; or
2. The existing use of a structure, building, land or portion thereof is proposed to be converted to a different use.

**Section 200.06            Submission to the Director of Transportation**

As required by Ohio Revised Code, Section 5511.01, the Zoning Inspector shall give notice by certified mail to the Director of Ohio Department of Transportation (ODOT) before any Zoning Certificate or administrative review is approved concerning land in the following locations:

- A. Within 300 feet of the center line of a proposed new state highway or existing state highway for which changes are proposed;
- B. Within a radius of 500 feet from the point of intersection of said center line with any public road or highway.

The Township Zoning Inspector, Zoning Commission, or the Board of Zoning Appeals, shall not approve such request for one hundred twenty (120) days from the date notice is received by the Director or during any extension of time that may be agreed to between the Director and the property owner.

If the Director notifies the Township that he shall proceed to acquire the land, then the responsible zoning authority shall not approve the zoning request. However, if the Director notifies the Township that the acquisition is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension of time agreed upon by the Director, then the local zoning authority shall proceed with the zoning request in accordance with the provisions of this Resolution.

**Section 200.07            Inspections of Improvements**

The Zoning Inspector shall inspect the layout of all buildings in the field to determine

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compliance with the Resolution. This shall be done before any excavation of the foundation is completed. A follow-up inspection may be made to ensure proper location of the foundation. The applicant shall notify the Zoning Inspector when the construction of the foundation is going to be started.

**Section 200.08            Certificate of Zoning Compliance**

The applicant shall notify the Zoning Inspector when the building is ready for occupancy or use. The Zoning Inspector shall conduct a review and determine compliance with the conditions for a conditionally permitted use.

The Zoning Inspector shall sign a Certificate of Zoning Compliance or issue a notice of refusal to sign within 14 days of notification. The Zoning Inspector shall also state in writing the item(s) of noncompliance for the refusal to issue a Certificate of Compliance. If no action is taken within the 14-day time period, the applicant can use said premises. A record shall be kept in the Office of the Fiscal Officer of the Township.

**Section 200.09            Expiration of Any Zoning Certificate**

- A. If work described in any Zoning Certificate, including change of use, has not begun within twelve (12) months from the date of issuance, the Zoning Certificate shall expire. Expiration dates shall be noted on the Zoning Certificates. For projects requiring construction, construction shall be considered begun when excavation and piers or footers of the structure included in the application have been completed.
- B. If the work described in any Zoning Certificate has not been substantially completed within 2 years of the date of issuance, the certificate shall expire. Substantially completed requires that at a minimum the following items are completed: finished roof, windows installed, the siding or other exterior finish materials of the principal and accessory buildings/structures is completed and the final grade of the site is completed.
- C. The Zoning Inspector and the applicant may agree to an extension of time based on reasonable circumstances that precluded the applicant from beginning or substantially completing construction. The circumstances and facts must be submitted to the Zoning Inspector in writing. A schedule for completion of work shall be submitted.

The Zoning Inspector may consult with the Zoning Commission, and any other department, agency, public body, official, company, and/or individual to determine whether the request for an extension of time is based on reasonable circumstances.

If such extension is granted, the Zoning Inspector shall notify the affected person(s) in writing of such extension and the time frame for completion of work.

- D. All proposed construction must be completed within 2 years of issuance of any Zoning Certificate. Any construction not completed, as defined in Item B of Section 200.09, shall be considered abandoned and may be declared a nuisance and subject to resubmission to the

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certificate review process.

**Section 200.10            Schedule of Fees, Charges and Expenses**

The Township Trustees shall, by Resolution, establish a schedule of fees, charges and expenses and a collection procedure for Zoning Certificates, amendments, appeals, variances, Conditional Zoning Certificates, and other matters pertaining to the administration and enforcement of this Resolution requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Township Fiscal Officer and of the Zoning Inspector and may be altered or amended only by the Township Trustees by resolution. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

**Section 200.11            Special Studies and Costs**

When the Zoning Commission or Board of Zoning Appeals finds it necessary to cause special studies to be made, the applicant shall bear all reasonable direct and related costs. Reasonable refers to standard fees for the type of expertise and studies for the region.

**Section 201.00            Zoning Certificates for Permitted Uses**

**Section 201.01            Purpose**

The purpose of this Section is to establish application and review procedures for the Zoning Inspector to determine compliance with the provisions of this Resolution for any permitted land use and/or building and structure. The review is intended to benefit both the applicant and the community by ensuring that:

- A. All of the elements required in this Resolution are presented in the application materials, and
- B. The design, location and relationship of the proposed land use and/or building and structure will be in compliance with the requirements of this Zoning Resolution.

**Section 201.02            Procedures for Filing an Application**

Any application for a Zoning Certificate shall be submitted in accordance with the provisions of this Section of the Resolution.

**Section 201.03            Application Requirements**

- A. Applications for Zoning Certificates shall be submitted on Township Zoning Certificate Application Forms.
- B. The application fee as established by the Township Trustees.

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C. The application shall include the following items at a minimum:

1. Name, address and phone number of the applicant and owner.
2. The application shall be signed by the owner.
3. The proposed number of bedrooms, dwelling units, occupants, employees, and other uses.
4. Copies of any approvals granted for uses and structures involved which required prior review and approval by the Board of Zoning Appeals.
5. Permanent Parcel Number
6. Any other pertinent data as may be necessary to determine compliance with and provide for the enforcement of this Resolution, such as:
  - a. Sewage disposal permit issued by either the County Health Department, County Water Resources Department or EPA for improvements that require or may increase the volume of sewage disposal.
  - b. Driveway /road culvert permit from the agency or department, such as ODOT, County Engineer, or Township, with the authority to allow access onto the roadway for any proposed driveway.
  - c. Wetlands Disturbance Permit from the agency or department, such as the Army Corps of Engineers or the State of Ohio, with the authority to allow the disturbance of any wetland area.
  - d. Proof of compliance with the County's Flood Damage Prevention Regulations if site improvements are to be located within a Flood Hazard Area.
  - e. Water well permit from the County Health Department for wells, or a permit from the County Water Resources indicating a connection with the central water system.
7. Zoning Certificates for Single-family Dwellings, Two-family Dwellings, and Accessory Uses

Applications for the construction or alteration of a single-family dwelling and a two-family dwelling, which is located on an individual lot of record or any accessory use permitted in association with a single-family dwelling, which is located on an individual lot of record shall include following:

One (1) copy of a plot plan drawn accurately depicting the area to be built upon or utilized by the proposed structure(s)/land use. The plan need not be professionally drawn provided the plan is legible and drawn or sketched to a consistent scale. The plan shall include the following items at a minimum:

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- a. Property boundary lines and the exact dimensions and area of the lot to be built upon or utilized.
  - b. The location of all existing structures and uses on the parcel.
  - c. The location, dimensions, height, and the bulk of all structures to be erected and the land area to be utilized.
  - d. The intended use of all lands and structures.
  - e. Location and design of driveway.
  - f. Location, names and existing widths of adjoining streets or highways.
  - g. A plan showing how storm water and erosion will be managed and controlled on site. The applicant shall utilize “Best Management Practices” in the design and management of storm water and erosion/sediment control systems.
  - h. Location of any proposed landscaping in accordance with the requirements of Chapter 9.
8. Zoning Certificates for All Other Permitted Uses (New Construction Only)

Applications for permitted uses not described in subsection 7 above, shall include following:

- a. General vicinity map at a scale of 1” = 1,000 feet or 1” = 2,000 feet and shall show proposed development in relation to existing streets, subdivisions, landmarks and community facilities.
- b. A map of the site showing the existing elevation contours at 2’ intervals.
- c. A map of the site showing the finished grade contours of the site at 2’ intervals.
- d. One (1) copy of a plot plan drawn accurately depicting the area to be built upon or utilized by the proposed structure(s)/land use. The plan shall be professionally drawn. The plan shall include the following items at a minimum:
  1. Property boundary lines and the exact dimensions and area of the lot to be built upon or utilized.
  2. The location of all existing structures and uses on the parcel.
  3. The location, dimensions, height, and the bulk of all structures to be erected and the land area to be utilized.

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4. The intended use of all lands and structures.
5. Location and design of all entrances and exists and the on-site circulation.
6. Parking and loading areas including dimensions, locations and numbers of all parking and loading spaces.
7. Location, names and existing widths of adjoining streets or highways.
8. The location of yards, open space, and parking spaces with the number of parking and loading spaces and dimensions as required by Chapter 8. All handicapped spaces shall be clearly identified.
9. Exact dimensions and locations of any existing or proposed signage. If the signage is to be illuminated, the plan shall show the area (on site and surrounding properties) that the proposed lighting will effect along with a description of the appropriate methods (e.g. shielding, luminance) that will be used to eliminate glare on any street or highway.
10. A plan showing how storm water and erosion will be managed and controlled on site. The applicant shall utilize “Best Management Practices” in the design and management of storm water and erosion/sediment control systems. This plan shall show all existing wetlands, ponds, streams, springs, lakes, drainage channels and the directional flow of all watercourses.
11. Location of any proposed landscaping in accordance with the requirements of Chapter 9.

**Section 201.04          Review Procedures for Permitted Uses**

- A. The Zoning Inspector shall review the submitted application to determine compliance with all pertinent requirements of this Resolution.
- B. The Zoning Inspector may consult with the Zoning Commission, and any other department, agency, public body, official, company, and/or individual to determine whether the application complies with the requirements of this Resolution.
- C. Within 30 business days after the receipt of a completed application, the Zoning Inspector shall issue a Zoning Certificate if such application is in compliance with this Zoning Resolution. If the application does not comply with the requirements of this Resolution, the Zoning Inspector shall give notice of denial, stating the reasons in writing for such denial and cite the sections of this Zoning Resolution that the application would violate.
- D. The Zoning Inspector shall return a signed and dated copy of the plans to the applicant indicating either “approval” or “disapproval.” The Zoning Inspector shall retain a copy of the plans similarly marked for the official Township record.

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**Section 202.00            Reviews for Conditional Zoning Certificates, Appeals and Variances**

**Section 202.01            Purpose**

The purpose of this section is to establish the review criteria and procedures for the Board of Zoning Appeals to evaluate conditionally permitted uses, appeals and variances in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community by ensuring that:

- A. All of the elements required in this Resolution are presented in the application materials.
- B. The design, location and relationship of the proposed land use and/or building and structure will not cause negative impact to one another, the site, the surrounding properties, and the community.

**Section 202.02            Procedures for Filing an Application**

- A. An application for a Conditional Zoning Certificate, Appeal or Variance shall be submitted to the Zoning Inspector in accordance with the provisions of this Resolution.
- B. An application for a Conditional Zoning Certificate or a Variance may be filed at any time.
- C. An application for an Appeal may be filed by any person aggrieved or by any officer of the Township affected, or by any decision of the administrative officer within twenty (20) days of a decision by the Zoning Inspector or administrative official.
- D. Upon receipt of an application, the Zoning Inspector shall transmit it to the Board of Zoning Appeals along with all documents constituting the full record.

**Section 202.03            Information Required With the Application**

- A. Conditional Zoning Certificates
  - 1. Applications shall be submitted on Township Conditional Use Certificates Application Forms.
  - 2. The application fee as established by the Township Trustees.
  - 3. The application shall include the following items at a minimum:
    - a. A statement supported by substantiating evidence regarding the requirements listed in Chapter 6, Section 601.01.
    - b. Name and address of the owner(s) of record.

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- c. The application shall be signed by the owner.
  - d. A list of property owners adjoining and within 300 feet of the property lines of the subject property, as they appear on the County Auditor's current tax list and the mailing addresses of those owners.
  - e. Name and address of person and/or firm that prepared the plan(s) for the application.
  - f. Proposed density of units (for residential development).
  - g. A schedule for the proposed improvements of the site and buildings, including all proposed phases.
  - h. Any deed restrictions, protective covenants, and other legal instruments or devices to be used to control the use, development and maintenance of the land, and the improvements thereon.
  - i. Permanent Parcel Number.
  - j. One (1) copy of current tax map(s) of the subject property and surrounding area.
  - k. Zoning District of the subject property.
  - l. Description of existing use(s).
  - m. Description of the proposed use(s), including the proposed hours of operation and the expected day and night volume of patrons, deliveries and traffic volume (vehicles per day).
  - n. Any other information required to determine full compliance with the zoning regulations.
4. Required Plans with the Application

All plans required in this Section shall be prepared by a professional engineer, architect, or surveyor, as applicable and shall have their respective seal on the plans.

- a. Three (3) copies of architectural plans for the development or modifications to existing structures, showing the following items:
  - 1. Exterior elevations.
  - 2. Building floor plans.
  - 3. Proposed exterior materials.

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- b. Three (3) copies of the site plan which shall be drawn at a scale of not less than 1" = 100 feet for the development showing the following items:
  - 1. General vicinity map at a scale of 1" = 1,000 feet or 1" = 2,000 feet and shall show proposed development in relation to existing streets, subdivisions, landmarks and community facilities.
  - 2. Property boundary lines.
  - 3. Elevation contours at 2' intervals.
  - 4. Traffic and circulation plans.
  - 5. Adjacent streets and roads, widths of right of ways.
  - 6. Parking and loading areas including dimensions, locations and numbers of all parking and loading spaces.
  - 7. Proposed signage locations, height, dimensions and materials, including signs proposed to be painted on structures.
  - 8. Surface drainage and storm water retention and/or detention basins.
  - 9. All existing structures and uses.
  - 10. Existing wetlands, ponds, streams, springs, lakes, drainage channels and the directional flow of all watercourses.
  - 11. All areas subject to flooding or storm water overflow.
  - 12. Wooded areas, areas in agriculture, and any other special natural features other than in Section 202.03.A.3.b.10.
  - 13. Any proposed fences, screens, walls or other landscaping features and the design and materials to be used.
  - 14. Open spaces proposed, clearly delineated.
  - 15. Type and screening details for all waste disposal containers shall be shown.
  - 16. All existing and proposed public and private sidewalks, driveways, and paths.
- c. Three (3) copies of the following plans (when applicable) which shall be drawn at a scale of not less than 1" = 100 feet for the development showing the following items:
  - 1. Landscaping plan, including parking lot landscaping, in accordance with the

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requirements of Chapter 7.

2. Utilities plan and location of existing utilities and easements.
3. Lighting Plan showing the exact dimensions and locations of any proposed illuminated signage or area lighting (e.g. parking lot) along with a description of the appropriate methods (e.g. shielding, luminance) that will be used to eliminate glare and not impair the visibility of neighbors and/or the safe movement of traffic on any street or highway.
4. On-site vehicle and pedestrian circulation plan.
5. Final Grading Plan, if present elevation of the site is to be altered.
6. Storm Water Management and Erosion Control Plans. The applicant shall utilize “Best Management Practices” in the design and management of storm water and erosion/sediment control systems.

**B. Appeals and Variances Applications**

1. Applications shall be submitted on Township Zoning Appeal/Variance Application Forms.
2. The application fee as established by the Township Trustees.
3. The application shall include the following items at a minimum:
  - a. Name, address and phone number of applicant(s).
  - b. The application shall be signed by the owner.
  - c. Description or nature of the appeal or variance.
  - d. Legal description of the property accompanied by a copy of the most current Portage County Tax Map showing the subject property.
  - e. Narrative statements, maps and/or drawings establishing, substantiating the rationale for the appeal or variance request, the section(s) of this Resolution that the applicant requests to be varied.
  - f. A list of property owners adjoining and within 300 feet of the property lines of the subject property, as they appear on the County Auditor’s current tax map and the mailing addresses of those owners. This information is available at <http://www.co.portage.oh.us/auditor.htm>.

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**Section 202.04            Basis of Determination**

**A. Conditional Zoning Certificates**

The Board of Zoning Appeals shall review the application and plans submitted and facts presented to ensure that the proposed development or use shall satisfy the general standards and the specific standards pertinent to each proposed development or use. The Board of Zoning Appeals may also impose additional, written, conditions and safeguards deemed necessary to insure that the intent or objectives of the general standards are and will be observed. The evaluation to require any additional conditions shall be based on the general standards of Section 601.01.A.

**B. Appeals and Variances.**

Before an appeal or variance may be granted, the Board of Zoning Appeals shall find by a preponderance of reliable, probative, and substantial evidence submitted at the hearing, and only from such evidence that the applicable standards of this Resolution are or will be satisfied by the proposed development or use.

With respect to variance requests, the Board of Zoning Appeals may impose such additional, written, conditions on the proposed development or use as it deems to insure that the intent and objectives of this Resolution are and will be observed. The evaluation to grant a variance shall be based on the following standards and the Board of Zoning Appeals shall find that:

**1. Standards for a Use Variance**

- a. The hardship is not self created.
- b. The variance is necessary due to special conditions.
- c. A literal enforcement of this Resolution will not result in an actual unnecessary hardship to the applicant in the reasonable use of their property.
- d. If the use variance is granted, that the spirit and intent of this Resolution will be observed and substantial justice is done.
- e. The approval of the variance will not have an adverse impact on the immediate neighborhood *and* community land use.
- f. The property owner did not purchase the property with the knowledge of the zoning restrictions on the use of the property.
- g. No use variance shall be granted where the proposed development or use would be contrary to a use prohibited under Chapter 4, Section 403.00 Prohibited Uses

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**2. Standards for an Area Variance**

On application for an area variance, the Board of Zoning Appeals shall review the evidence submitted at the hearing in light of the following standards:

- a. Whether the property will yield a reasonable return or can there be a beneficial use of the property without the variance.
- b. Whether the variance is substantial.
- c. Whether the essential character of the neighborhood would be substantially altered or would adjoining properties suffer a substantial detriment as a result of the variance.
- d. Whether the variance will adversely affect the delivery of governmental services.
- e. Whether the property owner purchased the property with the knowledge of the zoning restriction.
- f. Whether the problem can be solved by some manner other than the granting of the variance.
- g. Whether the variance preserves the spirit and intent of the Zoning Resolution and would substantial justice would be done by the granting of the variance.

**Section 202.05      Review Procedures**

- A. The Board of Zoning Appeals shall hold a public hearing within 30 days after the receipt of a complete application. A notice shall be publicized in at least one (1) newspaper of general circulation in the Township, at least 10 days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.
- B. A written notice of such hearing shall be mailed by first class mail to the parties in interest, at least 10 days before the date of the hearing. The notices shall contain the same information as required of notices published in newspapers as specified in Section 202.06.A.
- C. The Board of Zoning Appeals may consult with the Zoning Commission, and any other department, agency, public body, official, company, and/or individual to determine whether the application complies with the requirements of this Resolution.
- D. The Board of Zoning Appeals shall take action within a reasonable time, but generally not more than 30 days from the date of the initial public hearing. The Board of Zoning Appeals may continue any hearing. If the time and place of a continued hearing is publicly announced at the public hearing, then no further notice of the hearing shall be required.
- E. The decision of the Board of Zoning Appeals shall be announced at the public hearing. A copy of the Board of Zoning Appeals' decision shall be transmitted to the applicant and to

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the Zoning Inspector. Such decision shall be binding on the Zoning Inspector. The decision of the Board of Zoning Appeals shall include one of the following:

1. Approve.
  2. Approve with conditions.
  3. Disapprove.
  4. A written agreement with the applicant to extend the review period. This agreement shall include the date the Board of Zoning Appeals must take action on the issue.
- F. No application which had been denied wholly or in part by the Board of Zoning Appeals shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by the Board of Zoning Appeals.
- G. Any final decision of the Board of Zoning Appeals may be appealed to the Common Pleas Court of Portage County pursuant to Ohio Revised Code, Chapter 2506. Such appeal shall not stay any enforcement action or proceeding on such decision appealed from, unless and until otherwise ordered by the Common Pleas Court.

**Section 203.00           Planned Unit Development (PUD) Review Procedures**

**Section 203.01           Purpose**

The purpose of this section is to establish the review procedures for Planned Unit Development (PUD), as well as provide general site planning guidelines. This is to ensure that the elements required in this Resolution are in a PUD plan and that the design, location and relationship of all elements to one another, to the site and to abutting parcels, are appropriate to achieve the intent and goals of this Resolution.

**Section 203.02           Authority for Planned Unit Development Plan Review**

Planned Unit Developments are reviewed for approval by the Board of Zoning Appeals. This authority is derived from Ohio Revised Code Section 519.021.C. The Board of Zoning Appeals shall conduct the reviews for all Planned Unit Development plans to come before it, as set forth in this section and all applicable sections of this Zoning Resolution.

**Section 203.03           Procedures for Making Application**

- A. Applications for a PUD plan review may be obtained from the Franklin Township Zoning Inspector. Three copies shall be completed. The applicant shall keep one (1) copy, return two (2) copies to Zoning Inspector, one (1) of which will be given to the Zoning Inspector to pass on to the Chairperson of the Board of Zoning Appeals.

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- B. A fee for a PUD plan review shall accompany the application copy submitted to the Board of Zoning Appeals Chairperson and shall be payable to the Franklin Township Trustees (See Section 200.10 Schedule of Fees, Charges and Expenses).
- C. The Board of Zoning Appeals may cause special studies to be made or seek expert advice including local emergency services such as, but not limited to, fire department, ambulance service, Township's legal counsel, Portage County Engineer, Portage County Regional Planning Commission, and the Portage County Soil and Water Conservation District. The cost of securing expert advice or studies shall be borne by the applicant, and shall generally not exceed the sum of two thousand - dollars (2,000.00), that sum shall be on deposit with and payable to, Franklin Board of Township Trustees, upon request of the Board of Zoning Appeals. However, in exceptional situations where, in the judgment of the Board of Zoning Appeals the scale or complexity of the PUD proposal warrants additional testing or review, the Board of Zoning Appeals may request the Franklin Township Trustees to set the deposit requirement to a greater amount.

**Section 203.05            Data Required with Application**

The application shall include documentation to ensure compliance with the standards and criteria set forth in this Section and all applicable sections of this Resolution to determine compliance with the PUD District requirements. The PUD plan shall be submitted for the entire project and shall indicate any proposed construction phasing, if applicable. As part of the review process, the applicant is encouraged to arrange a walkover of the parcel with the Board of Zoning Appeals, at the discretion of the Board of Zoning Appeals. The application and documentation shall include, but is not limited to the following:

- A. Identification of existing site characteristics, including a general depiction of:
  - 1. Boundaries of the area proposed for development, dimensions and total acreage.
  - 2. Contour lines at vertical intervals of not more than 10 feet, highlighting ridges, rock outcroppings and other significant topographical features.
  - 3. Location of wetlands (and potential wetlands), the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and other water courses.
  - 4. Existing soil classifications.
  - 5. Locations of all wooded areas, tree lines, hedgerows, and specimen trees.
  - 6. Delineation of existing drainage patterns on the property, existing wells and well sites.
  - 7. Description of significant existing vegetation by type of species, health, quality, etc.
  - 8. Existing buildings, structures and other significant manmade features on the site and

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within 200 feet of the project boundary.

9. Description of all structures and areas of known or potential historical significance.
  10. Existing view sheds and identification of unique vistas.
- B. The preliminary site plan shall be professionally drawn at a scale not less than 1" = 100', except that projects over 200 acres may be drawn at a scale of 1" = 200', and shall include:
1. A summary table of the proposed development including the total acreage, the number and type of buildings and structures, as well as the density or intensity by type of building or structure (e.g. single-family residential, 2 dwelling units/acre, 1,500 square feet retail commercial, 400 square feet recreational pavilion, etc.), and restricted open space acreage.
  2. A sketch layout of proposed lots, if any.
  3. The location of the restricted and any proposed recreational facilities.
  4. The location of all natural features to be conserved and any required setback areas.
  5. The location of all natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.
  6. The general location of any public street right-of-ways, private roadways, and common easements used for accessibility.
  7. The location of any proposed utility easements.
  8. An outline of the method to perpetually preserve the restricted open space, which indicates:
    - a. The structure of the Association, if this is the mechanism to be used.
    - b. Membership requirements.
    - c. Financial responsibilities.
  9. A description of the project's phasing including the phased construction of open space improvements.

C. Review For Completeness

Within ten business days of receiving the application, the Zoning Inspector shall review the application to determine that the application includes all the items required in Subsection A above. If the application is deemed complete and the application fee paid, the Zoning

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Inspector shall officially accept the application on that date and transmit it to the Board of Zoning Appeals.

**Section 203.05            Administrative Review Process**

- A. Once a complete PUD application has been properly received and filed, the Board of Zoning Appeals shall proceed as follows:
1. The Chairman or his/her designee shall contact the applicant within 15 days to review and set a date for an initial hearing to review the PUD.
  2. Set a date(s) for a subsequent hearing(s) (such as for a site walkover and/or for further discussions on the plan) at the convenience of the Board of Zoning Appeals.
  3. All pertinent objectives, uses, requirements, guidelines, and standards shall be considered by the Board of Zoning Appeals in determining whether or not to grant approval of the PUD.
- B. The Board of Zoning Appeals must act upon the PUD within ninety (90) days from the date the application was determined complete, or the parties may agree in writing to an extended review period. The Board of Zoning Appeals shall take action on the submitted PUD by either:
1. Approving the PUD as submitted; or,
  2. Approving the PUD subject to specific conditions being included in the PUD that were not originally submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
  3. Deny approval of the PUD.
- C. Upon completion of a PUD Plan review that is acceptable and approved by the Board of Zoning Appeals, the applicant shall be so notified by first class mail. If approval was granted under Section B.2, the applicant shall submit three (3) revised copies of the PUD professionally drawn to scale and other related documents. All revised materials shall be endorsed as required by these requirements. If approval was granted under Section B.1, then all required materials are already in the possession of the Board of Zoning Appeals.
- The Board of Zoning Appeals Chairperson shall then sign each of the PUD copies and issue a Certificate of Approval as a statement of acceptance and approval by the Township. The signed copies of said approved PUD and the Certificate of Approval shall be distributed as follows: one to the applicant, one to the Zoning Inspector and one to the Board of Zoning Appeals Secretary.
- D. If the PUD is disapproved, the applicant shall be notified by first class mail with the reason(s) for disapproval. The plan may not be resubmitted to the Board of Zoning Appeals

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for one (1) year from the official decision, unless revisions are made to address the reasons for disapproval.

- E. The Zoning Inspector shall be responsible for monitoring the compliance of the PUD as approved by the Board of Zoning Appeals.

**Section 203.06            PUD Implementation Timing**

Applicant shall obtain a Conditional Zoning Certificate from the Zoning Inspector within twelve (12) months from the date the Conditional Zoning Certificate approval was issued. Failure to obtain the Conditional Zoning Certificate shall cause the approved PUD plan to be invalid and the applicant must resubmit the PUD plan and application in conformity with the current Resolution.

- A. All proposed improvements, such as, but not limited to, road construction, central utilities and recreational amenities shall be completed within two (2) years of the date that the Certificate of Approval was issued.
- B. The applicant may request in writing from the Board of Zoning Appeals an extension of time. The request for the extension of time shall state the reasons why additional time is required.

**Section 203.07            Noncompliance with Regulations**

A PUD development plan found to be in violation of the requirements of this Resolution shall be subject to action as described in Section 205.00.

**Section 204.00            Amendments**

**Section 204.01            Purpose**

The purpose of this Section is to provide the Zoning Commission and the Township Trustees with the procedures to amend, supplement, or repeal these regulations and/or the boundaries of any zoning district or the classification of any property.

**Section 204.02            Initiation of Zoning Amendment**

Amendments to this resolution may be initiated in one of the following ways:

- A. By adoption of a motion by the Zoning Commission.
- B. By adoption of a resolution by the Township Trustees and certification to the Zoning Commission.
- C. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

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**Section 204.03            Contents of Application for Zoning Map Amendment**

Applications for amendments to the Official Zoning Map adopted as part of this Resolution shall contain at least the following information:

- A. The name, address and phone number of the applicant.
- B. The nature of the proposed amendment.
- C. A statement of the reason for the proposed amendment.
- D. The present land use(s).
- E. The present Zoning District Classification.
- F. The proposed use(s).
- G. The proposed Zoning District Classification.
- H. A map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning district boundary lines and such other items as the Zoning Inspector may require.
- I. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where 10 or more parcels are to be rezoned.
- J. A statement on the ways in which the proposed amendment relates to the Township Comprehensive/Land Use Plan.
- K. Are there any environmental features associated with the site; i.e. known wetlands, flood plains or endangered or threatened species? If yes, how would the rezoning affect these conditions?
- L. Is there water and sewer to the proposed rezoning area? Is there adequate capacity?
- M. Will the rezoning require consideration for road improvements; i.e. a turning lane or deceleration lane? Traffic signaling?
- N. Is public transportation available to the proposed rezoning area?
- O. Is the proposed rezoning compatible with the existing uses in the surrounding area?

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**Section 204.04            Zoning District Amendment Initiated by the Zoning Commission or Township Trustees**

Zoning District Amendments initiated by the Zoning Commission or Township Trustees shall include all items of Section 204.03.

**Section 204.05            Zoning Text Amendments**

Amendments to modify or repeal any portion(s) of this Resolution, other than the Official Zoning Map, shall include at least the following information:

- A. The proposed change including text to be added, changed, and /or deleted.
- B. A statement of the reason(s) for the proposed amendment.
- C. A statement explaining the ways in which the proposed amendment relates to the Township Comprehensive Land Use Plan.
- D. A statement explaining how the proposed text would result in an improved Zoning Resolution.

**Section 204.06            Transmittal to the Zoning Commission**

Immediately after the adoption of a Trustee resolution or the filing of an application for an amendment, it shall be certified and transmitted to the Zoning Commission together with all documents relative to the amendment proposed.

**Section 204.07            Submission to Regional Planning Commission**

Within 5 days after the adoption of a motion, certification of a resolution, or the filing of an application, the Zoning Commission shall transmit a copy of such motion, resolution, or application together with the text and any maps pertaining to the amendment to the Portage County Regional Planning Commission (RPC).

The RPC shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to the Zoning Commission. The recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed amendment.

**Section 204.08            Public Hearing by the Zoning Commission**

The Zoning Commission shall schedule a public hearing, after the adoption of their motion, the certification and transmittal of a resolution from the Board of Trustees, or the filing of an application, for a zoning amendment. Said hearing shall be not less than 20 or more than 40 days from the date of adoption of such motion, certification of such resolution, or filing of such application.

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**Section 204.09            Notice of Public Hearing by First Class Mail**

Before holding a public hearing as required in Section 204.08, written notice of such hearing shall be given by the Zoning Commission; if, the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the County Auditor's current tax list. The notice of the hearing shall be by first class mail, mailed at least ten days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned or redistricted to the addresses of those owners appearing on the County Auditor's current tax list. The failure of delivery of that notice shall not invalidate any such amendment.

The content of the notice shall be in accordance with the criteria listed in Section 204.10.A.

**Section 204.10            Notice of Public Hearing by Newspaper**

Before holding the public hearing as required in Section 204.08, a notice of such hearing shall be given by the Zoning Commission and published in at least one (1) or more newspapers of general circulation in the Township at least 10 days before the date of said hearing as follows:

- A. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the County Auditor's current tax list, the published and mailed notices shall set forth the time, date, and place of the public hearing and include all of the following:
1. A statement indicating that the Zoning Commission will be conducting the hearing.
  2. A statement indicating that the motion, resolution, or application is an amendment to the Zoning Resolution.
  3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the County Auditor's current tax list.
  4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property.
  5. The time and place where the motion, resolution, or application proposing to amend the Zoning Resolution will be available for examination for a period of at least ten days prior to the hearing.
  6. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail.
  7. A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action.

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8. Any other information requested by the Zoning Commission.
- B. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:
1. A statement indicating that the Zoning Commission will be conducting the hearing on the proposed amendment.
  2. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution.
  3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing.
  4. The name of the person responsible for giving notice of the hearing by publication.
  5. A statement that, after the conclusion of the hearing, the matter will be submitted to the Board of Township Trustees for its action.
  6. Any other information requested by the Zoning Commission.

**Section 204.11          Recommendation by the Zoning Commission**

Within 30 days after the public hearing, as required by Section 204.08, the Zoning Commission shall recommend to the Board of Township Trustees one of the following:

- A. The amendment be approved as requested.
- B. The amendment be approved with modifications.
- C. The amendment be denied.

The written decision of the Zoning Commission shall indicate the specific reasons upon which the recommendation is based, to include the basis for their determination and that the proposed amendment is or is not consistent with the Township Comprehensive Land Use Plan.

The Zoning Commission shall submit their recommendation together with the motion, application, or resolution involved, the text and map pertaining to the proposed amendment, and the recommendation of the Portage County Regional Planning Commission to the Board of Township Trustees.

**Section 204.12          Public Hearing by the Board of Township Trustees**

Within 30 days from the receipt of the recommendation from the Zoning Commission, the Board

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of Trustees shall hold a public hearing. Notice of such public hearing shall be given by the Trustees, as follows:

- A. If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:
  1. A statement indicating that the Board of Township Trustees will be conducting the hearing.
  2. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution.
  3. A list of the addresses of all properties to be rezoned or redistricted by the proposed amendment and of the names of owners of those properties, as they appear on the County Auditor's current tax list;
  4. The present zoning classification of property named in the proposed amendment and the proposed zoning classification of that property;
  5. The time and place where the motion, application, or resolution proposing to amend the Zoning Resolution will be available for examination for a period of at least ten days prior to the hearing;
  6. The name of the person responsible for giving notice of the hearing by publication, by mail, or by both publication and mail;
  7. Any other information requested by the Board of Township Trustees.
- B. If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the County Auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:
  1. A statement indicating that the Board of Township Trustees will be conducting the hearing on the proposed amendment.
  2. A statement indicating that the motion, application, or resolution is an amendment to the Zoning Resolution;
  3. The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;
  4. The name of the person responsible for giving notice of the hearing by publication;
  5. Any other information requested by the Board of Township Trustees.

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**Section 204.13            Action by the Board of Trustees**

Within 20 days after the public hearing as required by Section 204.12, the Board of Township Trustees shall either:

- A. Adopt the recommendations of the Zoning Commission.
- B. Adopt the recommendations of the Zoning Commission with modifications.
- C. Deny the recommendations.
- D. In the event the Board of Trustees denies or modifies the recommendations of the Zoning Commission, a majority vote of the Board of Trustees is required.

**Section 204.14            Effective Date and Referendum**

Such amendment adopted by the Board of Township Trustees shall become effective within 30 days after the date of such adoption unless, within 30 days after the adoption of the amendment, 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 most recent general election at which a Governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election that occurs at least 75 days after the petition is filed.

No Amendment, for which such referendum vote has been requested, shall be put into effect unless a majority of the votes cast on the issue are 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.

**Section 204.15            Filing of Amendments with County Recorder and Regional Planning Commission**

Within five (5) working days after an amendment's effective date, the Board of Township Trustees shall file the text and maps of the amendment in the Office of the County Recorder and with the Regional Planning Commission. The failure to file any amendment, as required by this Section does not invalidate the amendment and is not grounds for an appeal of any decision of the Board of Zoning Appeals.

**Section 205.00            Enforcement**

**Section 205.01            Complaints Regarding Violations**

The Zoning Inspector is responsible to investigate all violations or complaints of alleged

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violations of this Resolution. Any person may file a written complaint regarding a violation with the Zoning Inspector. The complaint shall state fully the cause and basis of the violation. The Zoning Inspector shall record the complaint and conduct an investigation within 5 days of receiving the complaint. If a violation exists, the Zoning Inspector shall take action to resolve the violation as provided for in this Resolution.

**Section 205.02            Entry and Inspections of Property**

The Zoning Inspector is authorized to make inspections of properties and structures at any reasonable hour, for the purposes of enforcing this Resolution. Prior to entry to any property or structure, the Zoning Inspector shall attempt to obtain the permission of the owner/occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor to secure a valid search warrant or other means prior to entry.

**Section 205.03            Notice of Violation**

Whenever the Zoning Inspector determines that there is a violation of any provision of this Resolution, a warning shall be issued and shall serve as notice of a violation. Such notice shall:

- A. Be in writing.
- B. Identify the violation.
- C. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution that are being violated.
- D. State that the violation shall be corrected in a timely manner as specified by the Zoning Inspector. The party in violation has up to 30 days to correct the violation, unless an extension of time is agreed upon by the Zoning Inspector and the party in violation.

**Section 205.04            Service of Notice of a Violation**

Service of a notice of a violation shall be sent by certified mail deposited in the U.S. Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with an endorsement that the envelope is unclaimed, then service shall be sent by ordinary mail. The service shall be deemed complete when the fact of mailing is entered into the record; provided the ordinary mail envelope is not returned by the postal authorities or the envelope is returned indicating delivery is unavailable.

**Section 205.05            Penalties/Fines**

- A. No building or structure shall be located, erected, constructed, reconstructed, enlarged, changed, demolished, maintained or used and no land shall be used in violation of this Resolution. Each day of continuation of any violation of this Resolution shall be deemed a separate offense.

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- B. Whoever violates any provision of this Resolution or the Ohio Revised Code, Section 519.01- 519.25, inclusive, shall be fined not more than \$500.00 for each offense.
- C. If there are any violations of this Resolution, the Board of Township Trustees, with the assistance of the Zoning Inspector, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such lawful location, erection, construction, reconstruction, enlargement, alteration or use.

## **CHAPTER 3 DISTRICT REGULATIONS**

### **Section 300.00            Establishment of Districts**

The unincorporated territory of Franklin Township, Portage County, Ohio, is hereby divided into zone districts. All regulations are uniform for each building, structure, or use within each zone district.

### **Section 300.01            Types of Districts**

For the purpose of promoting the public health, safety, and morals of the community, Franklin Township is hereby divided into zoning districts. Each zoning district shall be of such number, area, shape, kind, common unity of purpose, and adaptability of uses that are deemed most suitable to carry out the purpose of this Resolution. Except as otherwise specified in this Resolution, all new non-contiguous districts must consist of a minimum of twenty-five (25) acres.

For the purpose of this Resolution, the Township of Franklin is divided into the following districts:

- O-C    Open Space – Conservation District
- R-R    Rural Residential District
- R-1    Low Density Residential District
- R-1B   Low Density Residential, Brady Lake District
- R-1/C-1 Mixed Use Low Density Residential, Local Commercial District
- R-2    Medium Density Residential District
- R-2B   Medium Density Residential Brady Lake District
- R-3    High Density Residential District
- R-3B   High Density Residential, Brady Lake District
- R-4    Multi Family Residential District
- C-1    Local Commercial District
- C-1B   Local Commercial, Brady Lake District

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C-1/R-3 Mixed Use Local Commercial High Density Residential District

C-1/I-1 Mixed Use Local Commercial, Industrial Research and Office District

C-2 Service/Commercial District

I-1 Industrial Research and Office District

I-2 Industrial District

I-2/C-2 Mixed Use Industrial, Service/Commercial District

R-O Research and Office District

**Section 300.02 Official Zoning Map**

The districts established in Section 300.01 shall be shown on the Official Zoning Map, which together with all data, references, explanatory material, and notations shown thereon, is hereby made a part of this Resolution. A legal copy of this map is on file in the office of the Township Fiscal Officer.

A word description of the limits of each such zone is annexed hereto by schedule. Any changes in such map hereafter made shall be key numbered to marginal references thereon, with date of change and reference to Trustees' minutes authorizing such change, initialed by the Zoning Inspector. In event of discrepancy between map and minutes of adoption or amendment the minute record shall control.

**Section 300.03 Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply.

**A. Where Boundaries Approximately Follow Streets, Alleys, or Highways**

Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be such district boundaries.

**B. Where Boundaries Parallel Street Right-of-Way Lines, Alley Lines, or Highway Right-of-Way Lines**

Where district boundaries are so indicated that they are approximately parallel to the center lines of right-of-way lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning

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map.

**C. Vacation of Public Ways**

Whenever any street or public way is vacated in the manner authorized by law the Zoning Districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all areas included in the vacation shall thereafter be subject to all regulations of the extended Districts.

**Section 301.00            O-C Open Space-Conservation District**

**Section 301.01            Purpose**

This district is established for the purpose of avoiding the problems created by intensive development of areas having excessively high water tables, which are subject to flooding, or which are topographically unsuited for urban type uses. This district may also be used to preserve and protect areas having distinctive geologic, topographic, botanic, historic, or scenic areas; and to conserve natural resources and tracts of land.

**Section 301.02            Uses**

Within an O-C Open Space-Conservation District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

**A. Permitted Uses**

**1. Residential Uses**

Single-family dwelling.

**2. Open Space/Recreation Uses**

a. Agricultural uses as regulated in Section 402.00.

b. Parks for passive recreational facilities in compliance with Section 415.00.

**3. Community Facilities**

Adult family home in compliance with Section 419.00.

**4. Accessory Uses**

a. Home employment, subject to the provisions of Section 407.00.

b. Accessory buildings – as regulated in Section 405.06.

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- c. Signs – As regulated in Chapter 7.

**B. Conditionally Permitted Uses**

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

**1. Residential Uses**

Planned Residential Developments (PRD), subject to the provisions of Section 601.01.B Subsection 56.

**2. Open Space/Recreational Uses**

- a. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 26, 30, 31.
- b. Commercial stables, subject to the provisions of Section 601.01.B Subsections 2, 4, 5, 11.

**3. Community Facilities**

- a. Churches and other buildings for the purpose of religious worship, subject to the provisions of Section 601.01.B Subsections 42.
- b. Governmentally owned and/or operated building or facility, other than those listed in Item 4, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- c. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31.

**4. Other Uses**

- a. Non-commercial land filling to change grade and/or elevation of property; subject to

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the provisions of Section 601.01.B subsections 54.

- b. Extraction and Mining operations, subject to the provisions of Section 601.01.B Subsections 47.
- c. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures, subject to the provisions of Section 601.01.B Subsection 60.

5. Accessory Uses

- a. Home Based Businesses, subject to the provisions of Section 601.01.B Subsections 48.

**Section 301.03          Lot Requirements**

- A. Minimum Lot Area per Dwelling Unit – Five (5) gross acres.
- B. Minimum Lot Width at Building Line – Three hundred (300) feet.
- C. Minimum Lot Frontage – Sixty (60) feet.

**Section 301.04          Yard Requirements**

- A. Minimum Front Yard Depth – One hundred (100) feet.
- B. Minimum Rear Yard Depth – Fifty (50) feet.
- C. Minimum Side Yard Width on Each Side
  - 1. Principal Building – Twenty-five (25) feet.
  - 2. Accessory Building – Ten (10) feet.

**Section 301.05          Maximum Building Height**

- A. Main building: Thirty-five (35) feet.
- B. Accessory buildings: As specified in Section 405.06.

**Section 301.06          Minimum Living Floor Area**

Minimum living floor area of 1,000 square feet on the first floor, per individual dwelling unit.

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**Section 302.00            R-R Rural Residential District**

**Section 302.01            Purpose**

The purpose of this district is to accommodate low density residential development in areas where the underground water supply or the soil conditions for septic tanks are inadequate to accommodate a higher density and to accommodate a low-density residential development that typically occupy large open land areas in order to preserve the rural-like features and character of certain portions of the Township.

**Section 302.02            Uses**

Within an R-R Rural Residential District, no building, structure, or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

**A. Permitted Uses**

**1. Residential Uses**

Single-family dwelling.

**2. Open Space/Recreation Uses**

a. Agricultural uses as regulated in Section 402.00.

b. Parks for passive recreational facilities in compliance with Section 415.00.

**3. Community Facilities**

Adult family home in compliance with Section 419.00.

**4. Accessory Uses**

a. Home employment, subject to the provisions of Section 407.00.

b. Accessory buildings – as regulated in Section 405.06.

c. Signs – As regulated in Chapter 7.

**B. Conditionally Permitted Uses**

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

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1. Residential Uses

Planned Residential Developments (PRD), subject to the provisions of Section 601.01.B Subsection 56.

2. Open Space/Recreational Uses

- a. Cemeteries, subject to the provisions of Section 601.01.B Subsection 43.
- b. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 26, 30, 31.

3. Community Facilities

- a. Churches and other buildings for the purpose of religious worship, subject to the provisions of Section 601.01.B Subsections 42.
- b. Governmentally owned and/or operated building or facility, other than those listed in Item 4, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- c. Public, Private, and parochial schools, subject to the provisions of Section 601.01.B Subsections 57.

4. Other Uses

- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- b. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures, subject to the provisions of Section 601.01.B Subsection 60.

5. Accessory Uses

Home Based Businesses, subject to the provisions of Section 601.01.B Subsections 48.

**Section 302.03      Lot Requirements**

- A. Minimum Lot Area – Two (2) net acres.
- B. Minimum Lot Width at Building Line – One hundred fifty (150) feet.

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C. Minimum Lot Frontage – Sixty (60) feet.

**Section 302.04          Yard Requirements**

A. Minimum Front Yard Depth – One hundred (100) feet.

B. Minimum Rear Yard Depth – Fifty (50) feet.

C. Minimum Side Yard Width on Each Side

1. Principal Building – Twenty-five (25) feet.

2. Accessory Building – Ten (10) feet.

**Section 302.05          Maximum Building Height**

A. Main building: Thirty-five (35) feet.

B. Accessory buildings: As specified in Section 405.06.

**Section 302.06          Minimum Living Floor Area**

Minimum living floor area of 1,000 square feet on the first floor, per individual dwelling unit.

**Sections 303-309 Intentionally left blank for future use.**

**Section 310.00          R-1 Low Density Residential District**

**Section 310.01          Purpose**

This district is established to accommodate low density single-family residential dwellings. The stipulated densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewage and water systems, streets, schools, and other community facilities and services.

**Section 310.02          Uses**

Within an R-1 Low Density Residential District, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. Residential Uses

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Single-family dwelling.

2. Open Space/Recreation Uses

- a. Agricultural uses as regulated in Section 402.00.
- b. Parks for passive recreational facilities in compliance with Section 415.00.

3. Community Facilities

Adult family home in compliance with Section 419.00.

4. Accessory Uses

- a. Home employment, subject to the provisions of Section 407.00.
- b. Accessory buildings – as regulated in Section 405.06.
- c. Signs – As regulated in Chapter 7.

B. Conditionally Permitted Uses

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein, subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

1. Residential Uses

Planned Residential Developments (PRD), subject to the provisions of Section 601.01.B Subsection 56.

2. Open Space/Recreational Uses

Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31.

3. Community Facilities

- a. Churches and other buildings for the purpose of religious worship, subject to the provisions of Section 601.01.B Subsections 42.

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- b. Governmentally owned and/or operated building or facility, other than those listed in Item 4, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- c. Public, private, and parochial schools, subject to the provisions of Section 601.01.B Subsections 57.

4. Other Uses

- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- b. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures, subject to the provisions of Section 601.01.B Subsection 60.

5. Accessory Uses

Home Based Businesses, subject to the provisions of Section 601.01.B Subsections 48.

**Section 310.03      Lot Requirements**

- A. Minimum Lot Area – 20,000 square feet, excluding any portion within the right-of-way of any street, alley, road, or thoroughfare or that land lying under a natural body of water or wetland.
- B. Minimum Lot Width at Building Line – One hundred (100) feet
- C. Minimum Lot Frontage – One hundred (100) feet

**Section 310.04      Yard Requirements**

- A. Minimum Front Yard Depth – Forty-five (45) feet
- B. Minimum Rear Yard Depth – Fifty (50) feet
- C. Minimum Side Yard Width – Twelve (12) feet

**Section 310.05      Maximum Building Height**

- A. Main building: Thirty-five (35) feet.
- C. Accessory buildings: As specified in Section 405.06.

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**Section 310.06            Minimum Living Floor Area**

Minimum living floor area of 1,200 square feet on the first floor, per individual dwelling unit.

**Section 311.00            R-1B Low Density Residential, Brady Lake District**

**Section 311.01            Purpose**

The purpose of the Residential “R-1B” District is to encourage the establishment of low density single family dwellings not to exceed three (3) dwelling units per gross acre. Centralized sewer facilities are required, unless a single-family without centralized sewer is one and one-half (1 1/2) acres.

**Section 311.02            Uses**

**A. Permitted Uses**

**1. Single family dwellings**

In a Residential “R-1B” District no building, structure, or premises shall be used and no building or structure shall be erected which is not intended to be used as a single-family dwelling.

**2. Accessory Uses**

- a. Accessory buildings: as regulated in Section 405.06.
- b. Signs—as regulated in Chapter 7.
- c. Rooms may be rented or room and board furnished to not more than two (2) unrelated persons in a single-family dwelling, provided no sign is used to advertise such use.

**B. Conditionally Permitted Uses**

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein, subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

**1. Residential Uses**

Planned Residential Developments (PRD), subject to the provisions of Section 601.01.B Subsection 56.

**2. Open Space/Recreational Uses**

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Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31.

**3. Community Facilities**

- a. Churches and other buildings for the purpose of religious worship, subject to the provisions of Section 601.01.B Subsections 42.
- b. Governmentally owned and/or operated building or facility, other than those listed in Item 4, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- c. Public, private, and parochial schools, subject to the provisions of Section 601.01.B Subsections 57.

**4. Other Uses**

- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- b. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures, subject to the provisions of Section 601.01.B Subsection 60.

**5. Accessory Uses**

Home Based Businesses, subject to the provisions of Section 601.01.B Subsections 48.

**Section 311.03      Lot Requirements**

**A. Minimum Lot Area**

- 1. Single-family dwelling with centralized sewer—14,520 square feet.
- 2. Single-family dwellings without centralized sewer—one and one half (1 1/2) acres

**B. Minimum Lot Frontage—Eighty (80) feet.**

**Section 311.04      Yard Requirements**

- A. A building shall set back from the street the average distance of other building on the street, provided that in plats for future development, setback lines shall be fifty (50) feet

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from the right-of-way.

- B. Side yard—minimum side yard width shall be ten (10) feet.
- C. Rear yard—rear yard building shall conform to the established setback line on that street, provided that in plats for future development, setback lines shall be forty (40) feet from the lot line.
- D. No boat, camper trailer or recreational vehicle shall be stored in any required front or side yard nor between any dwelling and road right-of-way abutting the lot on which the dwelling is located, except that any boat, camper trailer, or recreational vehicle may be located in the rear yard but not closer than five (5) feet to any property line abutting the rear yard.

**Section 311.05            Maximum Building Height**

No structure shall exceed thirty-five (35) feet in height.

**Section 311.06            Minimum Living Space**

No single family dwelling shall be occupied having less than 1040 square feet of usable floor area per dwelling unit, exclusive of porches, patios, breezeways, garages, basements, hallways or other attached structure not intended for human occupancy.

**Section 311.07            Parking Requirements**

As regulated in Chapter 8.

**Section 312.00    R-1/C-1 Mixed Use Low Density Residential, Local Commercial District**

**Section 312.01            Purpose**

This district is to accommodate a mix of low density single-family residential dwellings and/or to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. The stipulated residential densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewage and water systems, streets, schools, and other community facilities and services. In the commercial aspect of this district, it is intended that the design will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

**Section 312.02            Uses**

Within a R-1/C-1 Mixed Residential Commercial District, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

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**A. Permitted Uses**

**1. Residential Uses**

Single-family dwelling.

**2. Commercial/Professional Services Uses**

- a. Administrative, executive, accounting, clerical and drafting offices.
- b. Food and drink preparation and processing for sale on premises including, but not limited to bakeries, cafes, candy stores, delicatessens, grocery stores, meat markets, restaurants (sit down, carry out and/or drive thru), pizza shops, and ice cream parlors.
- c. Personal Services Establishments<sup>1</sup> including but not limited to barber shops, beauty salons, dry cleaning and laundry agency.
- d. Professional and Business Offices including, but not limited to accountants, architects, interior designers, lawyers, dentists, doctors, insurance agents, real estate brokers, travel agents and printing/copying services.
- e. Retail establishments including, but not limited to antiques stores, clothing and shoe stores, florists, gift shops, nurseries and green houses, office supply, furniture, hardware, drug stores, electronic stores, art and craft supply stores, jewelry stores.

**3. Open Space/Recreation Uses**

- a. Agricultural uses as regulated in Section 402.00.
- b. Parks for passive recreational facilities in compliance with Section 415.00.

**4. Other Uses**

- a. Other uses not covered similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.
- b. If the intended use is BOTH Residential and Commercial in nature, then the most restrictive part of either code shall be applied.

**5. Community Facilities**

Adult family home in compliance with Section 419.00.

**6. Accessory Uses**

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<sup>1</sup> Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

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- a. Home employment, subject to the provisions of Section 407.00.
- b. Accessory buildings – as regulated in Section 405.06. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the Zoning District.
- c. Signs – As regulated in Chapter 7.

**B. Conditionally Permitted Uses**

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein, subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

**1. Residential Uses**

Planned Residential Developments (PRD), subject to the provisions of Section 601.01.B Subsection 56.

**2. Commercial/Professional Services Uses**

- a. Animal Hospitals, Veterinary Offices and Clinics, subject the provisions of Section 601.01.B Subsection 40.
- b. Bars, taverns and nightclubs, subject to the provisions of Section 601.01.B Subsections 2, 5, 17.
- c. Car Wash, subject to the provisions of Section 601.01.B Subsection 41.
- d. Funeral Homes, subject to the provisions of Section 601.01.B Subsection 45.
- e. Gasoline Stations and/or Auto Service Center, subject to the provisions of Section 601.01.B Subsection 46.
- f. Hotels and motels, including accessory uses, to such operation, provided that all accessory uses are within the same building, subject to the provisions of Section 601.01.B Subsections 2, 5, 8, 23.
- g. Planned Business Developments, subject to the provisions of Section 601.01.B Subsection 56.

**3. Open Space/Recreational Uses**

Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies,

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and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31.

**4. Community Facilities**

- a. Churches and other buildings for the purpose of religious worship, subject to the provisions of Section 601.01.B Subsections 42.
- b. Day Care Centers, to include Type A Children Day-Care Home, Children Day Care Centers and Adult Daycare Facilities, subject to the provisions of Section 601.01.B Subsection 44.
- c. Fraternal, social, social services, union and civic organizations, subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 5, 7, 11, 14, 17, 31.
- d. Governmentally owned and/or operated building or facility, other than those listed in Item 4, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- e. Public, private, and parochial schools, subject to the provisions of Section 601.01.B Subsections 57.
- f. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31.
- g. Institutions for human medical care--hospitals, clinics, congregate care/assisted living facilities, homes for the aged, and philanthropic institutions, subject to the provisions of Section 601.01.B Subsections 49.

**5. Other Uses**

- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- b. Other uses similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.
- c. Park and ride lots, subject to the provisions of Section 601.01.B Subsection Subsections 5, 17, 25, 55.

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- d. Wireless telecommunication service facilities, subject to the provisions Section 601.01.B Subsection 60.

6. Accessory Uses

Home Based Businesses, subject to the provisions of Section 601.01.B Subsections 48.

**Section 312.03          Lot Requirements**

A. Residential:

- 1. Minimum Lot Area – 20,000 square feet, excluding any portion within the right-of-way of any street, alley, road, or thoroughfare or that land lying under a natural body of water or wetland.
- 2. Minimum Lot Width at Building Line – One hundred (100) feet
- 3. Minimum Lot Frontage – One hundred (100) feet

B. Commercial:

- 1. Minimum Lot Area – Consistent with the Development Plan
- 2. Minimum Lot Width at Building Line – Consistent with the Development Plan
- 3. Minimum Lot Frontage – Consistent with the Development Plan

**Section 312.04          Yard Requirements**

A. Residential:

- 1. Minimum Front Yard Depth – Forty-five (45) feet
- 2. Minimum Rear Yard Depth – Fifty (50) feet
- 3. Minimum Side Yard Width – Twelve (12) feet

B. Commercial:

- 1. Minimum Front Yard Depth – Fifty (50) feet.
- 2. Minimum Rear Yard Depth – Twenty-five (25) feet.
- 3. Minimum Side Yard Width – Fifty (50) feet when adjacent to a residential district and on the side adjacent to the residential district only.

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**Section 312.05          Maximum Building Height**

- A. Main building: No structure shall exceed thirty-five (35) feet in height.
- B. Accessory buildings: As specified in Section 405.06.

**Section 312.06          Residential Minimum Living Floor Area**

Minimum living floor area of 1,200 square feet on the first floor, per individual dwelling unit.

**Section 312.07          Parking and Loading Requirements**

As regulated in Chapter 8.

**Section 313.00          R-2 Medium Density Residential District**

**Section 313.01          Purpose**

The purpose of this district is to provide for single and two-family residences at a density of two to four dwelling units per net acre.

**Section 313.02          Uses**

Within an R-2 Medium Density Residential District no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. Residential Uses

- a. Single-family dwelling
- b. Two-family dwelling

2. Open Space/Recreation Uses

- a. Agricultural uses as regulated in Section 402.00.
- b. Parks for passive recreational facilities in compliance with Section 415.00.

3. Community Facilities

Adult family home in compliance with Section 419.00.

4. Accessory Uses

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- a. Home employment, subject to the provisions of Section 407.00.
- b. Accessory buildings – as regulated in Section 405.06.
- c. Signs – As regulated in Chapter 7.

**B. Conditionally Permitted Uses**

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

**1. Residential Uses**

Planned Residential Developments (PRD), subject to the provisions of Section 601.01.B Subsection 56.

**2. Open Space/Recreational Uses**

Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 26, 30, 31.

**3. Community Facilities**

- a. Churches and other buildings for the purpose of religious worship, subject to the provisions of Section 601.01.B Subsections 42.
- b. Day Care Centers, to include Type A Children Day-Care Home, Children Day Care Centers and Adult Daycare Facilities, subject to the provisions of Section 601.01.B Subsection 44.
- c. Governmentally owned and/or operated building or facility, other than those listed in Item 4, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- d. Public, Private, and parochial schools, subject to the provisions of Section 601.01.B Subsections 57.

**4. Medical Facilities**

Institutions for human medical care--hospitals, clinics, congregate care/assisted living

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facilities, homes for the aged, and philanthropic institutions, subject to the provisions of Section 601.01.B Subsections 49.

5. Other Uses

- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- b. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures, subject to the provisions of Section 601.01.B Subsection 60.

6. Accessory Uses

Home Based Businesses, subject to the provisions of Section 601.01.B Subsections 48.

**Section 313.03      Lot Requirements**

A. Minimum Lot Area

1. Single-family dwelling – Eleven thousand (11,000) square feet.
2. Two-family dwelling – Twenty-two thousand (22,000) square feet.
3. All other uses: 35,000 square feet.

B. Minimum Lot Width at Building Line

1. Single-family dwelling – Eighty (80) feet.
2. Two-family dwelling and all other uses – One hundred (100) feet.

C. Minimum Lot Frontage – Fifty (50) feet.

**Section 313.04      Yard Requirements**

A. Minimum Front Yard Depth – Thirty (30) feet.

B. Minimum Rear Yard Depth – Thirty (30) feet.

C. Minimum Side Yard Width – Ten (10) feet.

**Section 313.05      Maximum Building Height**

A. Main building: Thirty-five (35) feet.

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B. Accessory buildings: As specified in Section 405.06.

**Section 313.06          Minimum Living Floor Area**

Minimum living floor area of 1,000 square feet on the first floor, per individual dwelling unit.

**Section 314.00          R-2B Medium Density Residential, Brady Lake District**

**Section 314.01          Purpose**

The purpose of the Residential “R-2B” District is to encourage the establishment of low density single family and two-family dwellings not to exceed four and one-half (4 ½) dwellings per acre. Centralized sewer facilities are required unless a single-family dwelling without centralized sewer is one and one-half (1 ½) acres in size or two-family dwellings without centralized sewer is two and one-half (2 ½) acres in size.

**Section 314.02          Uses**

A. Permitted Uses

1. Single family dwelling
2. Two-family dwelling

No building, structure, or premises shall be used and no building, structure, or premises shall be erected which is not intended to be used as either a single-family dwelling or a two-family dwelling.

3. Accessory Uses in Residential “R-2B” Districts

- a. Accessory buildings as regulated in Section 405.06.
- b. Signs as regulated in Chapter 7.
- c. Rooms may be rented, or room and board furnished to not more than two (2) unrelated persons in a single-family dwelling, provided no sign is used to advertise such use.

B. Conditionally Permitted Uses

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

1. Residential Uses

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Planned Residential Developments (PRD), subject to the provisions of Section 601.01.B Subsection 56.

**2. Open Space/Recreational Uses**

Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 26, 30, 31.

**3. Community Facilities**

- a. Churches and other buildings for the purpose of religious worship, subject to the provisions of Section 601.01.B Subsections 42.
- b. Day Care Centers, to include Type A Children Day-Care Home, Children Day Care Centers and Adult Daycare Facilities, subject to the provisions of Section 601.01.B Subsection 44.
- c. Governmentally owned and/or operated building or facility, other than those listed in Item 4, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- d. Public, Private, and parochial schools, subject to the provisions of Section 601.01.B Subsections 57.

**4. Medical Facilities**

Institutions for human medical care--hospitals, clinics, congregate care/assisted living facilities, homes for the aged, and philanthropic institutions, subject to the provisions of Section 601.01.B Subsections 49.

**5. Other Uses**

- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- b. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures, subject to the provisions of Section 601.01.B Subsection 60.

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6. Accessory Uses

Home Based Businesses, subject to the provisions of Section 601.01.B Subsections 48.

**Section 314.03      Lot Requirements**

A. Minimum Lot Area

1. Single family dwelling with centralized sewer—14,520 square feet.
2. Single family dwelling without centralized sewer—one and one-half (1 ½) acres.
3. Two family dwelling with centralized sewer—19,300 square feet.
4. Two family dwelling without centralized sewer—two and one-half (2 ½) acres.

B. Minimum Lot Frontage

1. Single family—80 feet.
2. Two family—90 feet.

**Section 314.04      Yard Requirements**

- A. A building shall set back from the street the average distance of other buildings on the street, provided that in plats for future development, setback lines shall be fifty (50) feet from the right-of-way.
- B. Side yard—minimum side yard width shall be ten (10) feet.
- C. Rear yard—Rear yard buildings shall conform to the established setback line on that street, provided that in plats for future development, setback lines shall be forty feet (40') from the lot line.
- D. No boat, camper trailer or recreational vehicle shall be stored in any required front or side yard nor between any dwelling and road right-of-way abutting the lot on which the dwelling is located, except that any boat, camper trailer or recreational vehicle may be located in the rear yard but not closer than five (5) feet to any property line abutting the rear yard.

**Section 314.05      Maximum Building Height**

No structure shall exceed thirty-five (35) feet in height.

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**Section 314.06            Minimum Living Space**

- A.     No single-family dwelling shall be occupied having less than 1040 square feet of usable floor area per dwelling unit, exclusive of porches, patios, breezeways, garages, basements, hallways or other attached structures not intended for human occupancy.
- B.     No two-family dwelling shall be occupied having less than 960 square feet of usable floor area per dwelling unit, exclusive of porches, patios, breezeways, garages, basements, hallways or other attached structures not intended for human occupancy.

**Section 314.07            Parking Requirements**

As regulated in Chapter 8.

**Section 315.00            R-3 High Density Residential District**

**Section 315.01            Purpose**

The purpose of this district is to provide for high-density residential development in built-up portions of the community, thereby providing for the orderly extension of public facilities by encouraging high-density residential development to take place in these areas at densities up to twelve (12) dwelling units per net acre.

**Section 315.02            Uses**

Within an R-3 High Density Residential District, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses

1. Residential Uses

- a. Single-family dwelling.
- b. Two-family dwelling
- c. Three-family dwellings.

2. Open Space/Recreation Uses

- a. Agricultural uses as regulated in Section 402.00.
- b. Parks for passive recreational facilities in compliance with Section 415.00.

3. Community Facilities

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- a. Adult family home in compliance with Section 419.00.
- b. Home day care for children and adults in compliance with Section 418.00.
- c. Residential facility for up to eight residents in compliance with Section 420.00.

4. Accessory Uses

- a. Home employment, subject to the provisions of Section 407.00.
- b. Accessory buildings – as regulated in Section 405.06.
- c. Signs – As regulated in Chapter 7.

B. Conditionally Permitted Uses

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

1. Residential Uses

- a. Multi-family developments, subject to the provisions of Section 601.01.B Subsection 53.
- b. Planned Residential Developments (PRD), subject to the provisions of Section 601.01.B Subsection 56.

2. Open Space/Recreational Uses

Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 26, 30, 31.

3. Community Facilities

- a. Churches and other buildings for the purpose of religious worship, subject to the provisions of Section 601.01.B Subsections 42.
- b. Day Care Centers, to include Type A Children Day-Care Home, Children Day Care Centers and Adult Daycare Facilities, subject to the provisions of Section 601.01.B

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Subsection 44.

- c. Fraternal, social, social services, union and civic organizations, subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 5, 7, 11, 14, 17, 31.
- d. Governmentally owned and/or operated building or facility, other than those listed in Item 4, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- e. Group residential facility, subject to the provisions of Section 601.01.B Subsections 52.
- f. Public, private, and parochial schools, subject to the provisions of Section 601.01.B Subsections 57.

4. Medical Facilities

Institutions for human medical care--hospitals, clinics, congregate care/assisted living facilities, homes for the aged, and philanthropic institutions, subject to the provisions of Section 601.01.B Subsections 49.

5. Other Uses

- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- b. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures, subject to the provisions of Section 601.01.B Subsection 60.

6. Accessory Uses

Home based businesses, subject to the provisions of Section 601.01.B Subsections 48.

**Section 315.03          Lot Requirements**

A. Single-Family Dwelling:

- 1. Minimum Lot Area – Eleven thousand (11,000) square feet.
- 2. Minimum Lot Width at the Building Line – Eighty (80) feet.
- 3. Minimum Lot Frontage – Fifty (50) feet.
- 4. Minimum Front Yard Depth – Thirty (30) feet.
- 5. Minimum Rear Yard Depth – Thirty (30) feet.

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6. Minimum Side Yard Width – Ten (10) feet.
7. Maximum Building Height – Thirty-five (35) feet.

**B. Two-Family Dwelling:**

1. Minimum Lot Area – Twenty-two thousand (22,000) square feet.
2. Minimum Lot Width at Building Line – One hundred (100) feet.
3. Minimum Lot Frontage – Fifty (50) feet.
4. Minimum Front Yard Depth – Thirty (30) feet.
5. Minimum Rear Yard Depth – Thirty (30) feet.
6. Minimum Side Yard Width – Ten (10) feet.
7. Maximum Building Height – Thirty-five (35) feet.

**C. Three-family and Multifamily Dwelling:**

1. Minimum Lot Area – Twenty-two thousand (22,000) square feet plus two thousand (2,000) square feet for each dwelling unit over three (3).
2. Minimum Lot Width at the Building Line – One hundred (100) feet.
3. Minimum Lot Frontage – One hundred (100) feet.
4. Minimum Usable Open Space – At least twenty-five (25) percent of the actual lot area shall be devoted to usable open space.
5. Minimum Front Yard Depth – Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
6. Minimum Rear Yard Depth – Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
7. Minimum Side Yard Width – Ten (10) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
8. Maximum Building Height – Thirty-five (35) feet.

**D. All Other Uses:**

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1. Minimum Lot Area –Thirty-five thousand (35,000) square feet.
2. Minimum Lot Width at the Building Line – One hundred (100) feet.
3. Minimum Lot Frontage – One hundred (100) feet.
4. Minimum Usable Open Space – At least twenty-five (25) percent of the actual lot area shall be devoted to usable open space.
5. Minimum Front Yard Depth – Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
6. Minimum Rear Yard Depth – Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
7. Minimum Side Yard Width – Ten (10) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
8. Maximum Building height – Thirty-five (35) feet.

## Section 315.04      **Parking and Loading Requirements**

As regulated in Chapter 8.

## Section 315.05 Maximum Building Height

- A. Main building: Thirty-five (35) feet.
- B. Accessory buildings: As specified in Section 405.06.

## Section 315.06 Minimum Living Floor Area

- ### A. Single-family and two-family residential dwelling

Minimum living floor area of 1,000 square feet on the first floor, per individual dwelling unit.

- B. Multi-family, minimum floor area per dwelling unit:

- |                      |                 |
|----------------------|-----------------|
| 1. Efficiency        | 500 square feet |
| 2. One (1) Bedroom   | 600 square feet |
| 3. Two (2) Bedroom   | 700 square feet |
| 4. Three (3) Bedroom | 800 square feet |

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5. Four (4) Bedroom                      900 square feet

**Section 316.00              R-3B High Density Residential, Brady Lake District**

**Section 316.01              Purpose**

The purpose of the Residential “R-3B” District is to permit the establishment of medium density one family, two family, and multi-family dwellings, not to exceed eight (8) dwelling units per acre. Centralized sewer facilities are required unless otherwise specified in this article.

**Section 316.02              Uses**

**A.      Permitted Uses**

1. Single family dwelling
2. Two family dwelling
3. Multi-family dwelling in Residential “R-3B” Districts no building/structure or premises shall be used and no building, no structure or premises shall be erected which is not intended to be used for residential purposes.
4. Accessory Uses
  - a. Accessory buildings as regulated in Section 405.06.
  - b. Signs – As regulated in Chapter 7.
  - c. Rooms may be rented, or room and board furnished to not more than two (2) unrelated persons in a single-family dwelling, provided no sign is used to advertise such use.

**B.      Conditionally Permitted Uses**

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

1. Residential Uses
  - a. Multi-family developments, subject to the provisions of Section 601.01.B Subsection 53.
  - b. Planned Residential Developments (PRD), subject to the provisions of Section 601.01.B Subsection 56.

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2. Open Space/Recreational Uses

Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 26, 30, 31.

3. Community Facilities

- a. Churches and other buildings for the purpose of religious worship, subject to the provisions of Section 601.01.B Subsections 42.
- b. Day Care Centers, to include Type A Children Day-Care Home, Children Day Care Centers and Adult Daycare Facilities, subject to the provisions of Section 601.01.B Subsection 44.
- c. Fraternal, social, social services, union and civic organizations, subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 5, 7, 11, 14, 17, 31.
- d. Governmentally owned and/or operated building or facility, other than those listed in Item 4, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- e. Group residential facility, subject to the provisions of Section 601.01.B Subsections 52.
- f. Public, private, and parochial schools, subject to the provisions of Section 601.01.B Subsections 57.

4. Medical Facilities

Institutions for human medical care--hospitals, clinics, congregate care/assisted living facilities, homes for the aged, and philanthropic institutions, subject to the provisions of Section 601.01.B Subsections 49.

5. Other Uses

- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- b. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures, subject to the provisions of Section 601.01.B Subsection 60.

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6. Accessory Uses

Home based businesses, subject to the provisions of Section 601.01.B Subsections 48.

**Section 316.03      Lot Requirements**

A. Minimum Lot Area

1. Single family dwellings with centralized sewer—14,520 square feet.
2. Single family dwelling without centralized sewer—one and one-half (1 ½) acres.
3. Two family dwelling with centralized sewer—19,300 square feet.
4. Two family dwelling without centralized sewer—two and one-half (2 ½) acres
5. Multi-family dwelling (centralized water and sewer required)—22,500 square feet plus 1/8 acres (5440 square feet) per dwelling unit.

B. Minimum Lot Frontage

1. Single family—80 feet.
2. Two family—90 feet.
3. Multi-family dwelling—100 feet.

C. Yard Requirements

1. Front yard—in the R-3B Residential District a building shall set back from the street the average distance of other buildings on the street, provided that in plats for future development, setback lines shall be fifty (50) feet from the street right of way.
2. Side yard—minimum side yard width shall be ten (10) feet.
3. Rear yard—Rear yard buildings shall conform to the established setback line on that street, provided that in plats for future development, setback lines shall be thirty-five (35) feet from the lot line.
4. No boat, camper trailer or recreational vehicle shall be stored in any required front or side yard nor between any dwelling and road right-of-way abutting the lot on which the dwelling is located, except that any boat, camper trailer, or recreational vehicle may be located in the rear yard but not closer than five (5) feet to any property line abutting the rear yard.

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**Section 316.04    Maximum Building Height**

No structure shall exceed thirty-five (35) feet in height.

**Section 316.05    Minimum Living Space**

- A. No single family dwelling shall be occupied having less than 1040 square feet of usable floor area per dwelling unit, exclusive of porches, patios, breezeways, garages, basements, hallways or other attached structures not intended for human occupancy.
- B. No two family dwelling shall be occupied having less than 960 square feet of usable floor area per dwelling unit, exclusive of porches, patios, breezeways, garages, basements, hallways or other attached structures not intended for human occupancy.
- C. No multi-family dwelling shall be occupied having less than 650 square feet of usable floor area per dwelling unit, exclusive of porches, patios, breezeways, garages, basements, hallways or other attached structures not intended for human occupancy.

**Section 316.06    Parking Requirements**

As regulated in Chapter 8.

**Section 317.00            R-4 Multi-Family Residential District**

**Section 317.01            Purpose**

The purpose of this district is to provide for high-density multi-family and apartment style residential development in built-up portions of the community at densities up to twelve (12) dwelling units per net acre.

**Section 317.02            Uses**

Within an R-4 Multi-Family Residential District, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

- A. Permitted Uses
  - 1. Residential Uses
    - a. Multi-family dwellings.
  - 2. Open Space/Recreation Uses
    - a. Agricultural uses as regulated in Section 402.00.

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b. Parks for passive recreational facilities in compliance with Section 415.00.

3. Community Facilities

a. Adult family home in compliance with Section 419.00.

b. Home day care for children and adults in compliance with Section 418.00.

c. Residential facility for up to eight residents in compliance with Section 420.00.

4. Accessory Uses

a. Home employment, subject to the provisions of Section 407.00.

b. Accessory buildings – as regulated in Section 405.06.

c. Signs – As regulated in Chapter 7.

B. Conditionally Permitted Uses

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

1. Residential Uses

a. Multi-family developments, subject to the provisions of Section 601.01.B Subsection 53.

b. Planned Residential Developments (PRD), subject to the provisions of Section 601.01.B Subsection 56.

2. Open Space/Recreational Uses

Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 26, 30, 31.

3. Community Facilities

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- a. Churches and other buildings for the purpose of religious worship, subject to the provisions of Section 601.01.B Subsections 42.
- b. Day Care Centers, to include Type A Children Day-Care Home, Children Day Care Centers and Adult Daycare Facilities, subject to the provisions of Section 601.01.B Subsection 44.
- c. Fraternal, social, social services, union and civic organizations, subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 5, 7, 11, 14, 17, 31.
- d. Governmentally owned and/or operated building or facility, other than those listed in Item 4, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- e. Group residential facility, subject to the provisions of Section 601.01.B Subsections 52.
- f. Public, private, and parochial schools, subject to the provisions of Section 601.01.B Subsections 57.

4. Medical Facilities

Institutions for human medical care-hospitals, clinics, congregate care/assisted living facilities, homes for the aged, and philanthropic institutions, subject to the provisions of Section 601.01.B Subsections 49.

5. Other Uses

- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- b. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures, subject to the provisions of Section 601.01.B Subsection 60.

6. Accessory Uses

Home based businesses, subject to the provisions of Section 601.01.B Subsections 48.

**Section 317.03      Lot Requirements**

A. Single-Family Dwelling:

- 1. Minimum Lot Area – Eleven thousand (11,000) square feet.
- 2. Minimum Lot Width at the Building Line – Eighty (80) feet.

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3. Minimum Lot Frontage – Fifty (50) feet.
4. Minimum Front Yard Depth – Thirty (30) feet.
5. Minimum Rear Yard Depth – Thirty (30) feet.
6. Minimum Side Yard Width – Ten (10) feet.
7. Maximum Building Height – Thirty-five (35) feet.

**B. Two-Family Dwelling:**

1. Minimum Lot Area – Twenty-two thousand (22,000) square feet.
2. Minimum Lot Width at Building Line – One hundred (100) feet.
3. Minimum Lot Frontage – Fifty (50) feet.
4. Minimum Front Yard Depth – Thirty (30) feet.
5. Minimum Rear Yard Depth – Thirty (30) feet.
6. Minimum Side Yard Width – Ten (10) feet.
7. Maximum Building Height – Thirty-five (35) feet.

**C. Three-Family Dwelling:**

1. Minimum Lot Area – Twenty-two thousand (22,000) square feet plus two thousand (2,000) square feet for each dwelling unit over three (3).
2. Minimum Lot Width at the Building Line – One hundred (100) feet.
3. Minimum Lot Frontage – One hundred (100) feet.
4. Minimum Usable Open Space – At least twenty-five (25) percent of the actual lot area shall be devoted to usable open space.
5. Minimum Front Yard Depth – Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
6. Minimum Rear Yard Depth – Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
7. Minimum Side Yard Width – Ten (10) feet plus one (1) foot for each two (2) feet of

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building height in excess of two stories above grade.

8. Maximum Building Height – Thirty-five (35) feet

**D. Multifamily Dwelling:**

1. Minimum Lot Area – Twenty-two thousand (22,000) square feet plus two thousand (2,000) square feet for each dwelling unit over three (3).
2. Minimum Lot Width at the Building Line – One hundred (100) feet.
3. Minimum Lot Frontage – One hundred (100) feet.
4. Minimum Usable Open Space – At least twenty-five (25) percent of the actual lot area shall be devoted to usable open space.
5. Minimum Front Yard Depth – Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
6. Minimum Rear Yard Depth – Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
7. Minimum Side Yard Width – Ten (10) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
8. Maximum Building Height – Sixty-five (65) feet.

**E. All Other Uses:**

1. Minimum Lot Area –Thirty-five thousand (35,000) square feet.
2. Minimum Lot Width at the Building Line – One hundred (100) feet.
3. Minimum Lot Frontage – One hundred (100) feet.
4. Minimum Usable Open Space – At least twenty-five (25) percent of the actual lot area shall be devoted to usable open space.
5. Minimum Front Yard Depth – Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
6. Minimum Rear Yard Depth – Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
7. Minimum Side Yard Width – Ten (10) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.

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8. Maximum Building height – Sixty-five (65) feet.

**Section 317.04          Parking and Loading Requirements**

As regulated in Chapter 8.

**Section 317.05          Maximum Building Height**

- A. Main building: Sixty-five (65) feet.
- B. Accessory buildings: As specified in Section 405.06.

**Section 317.06          Minimum Living Floor Area**

- A. Multi-family, minimum floor area per dwelling unit
- |                      |                 |
|----------------------|-----------------|
| 1. Efficiency        | 500 square feet |
| 2. One (1) Bedroom   | 600 square feet |
| 3. Two (2) Bedroom   | 700 square feet |
| 4. Three (3) Bedroom | 800 square feet |
| 5. Four (4) Bedroom  | 900 square feet |

**Sections 318-319 Intentionally left blank for future use**

**Section 320.00          C-1 Local Commercial District**

**Section 320.01          Purpose**

This district is established to provide for uses principally to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. It is intended that the design of this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

**Section 320.02          Uses**

Within a C-1 Local Commercial District, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

- A. Permitted Uses
- |  |
|--|
| 1. Commercial/Professional Services Uses |
|--|

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- a. Administrative, executive, accounting, clerical and drafting offices.
- b. Food and drink preparation and processing for sale on premises including, but not limited to bakeries, cafes, candy stores, delicatessens, grocery stores, meat markets, restaurants (sit down, carry out and/or drive thru), pizza shops, and ice cream parlors.
- c. Personal Services Establishments<sup>2</sup> including but not limited to barber shops, beauty salons, dry cleaning and laundry agency.
- d. Professional and Business Offices including, but not limited to accountants, architects, interior designers, lawyers, dentists, doctors, insurance agents, real estate brokers, travel agents and printing/copying services.
- e. Retail establishments including, but not limited to antiques stores, clothing and shoe stores, florists, gift shops, nurseries and green houses, office supply, furniture, hardware, drug stores, electronic stores, art and craft supply stores, jewelry stores.

2. Other Uses

- a. Other uses not covered similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.

3. Accessory Uses

- a. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the Zoning District.
- b. Signs – As regulated in Chapter 7.

B. Conditionally Permitted Uses

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

1. Commercial/Professional Services Uses

- a. Animal Hospitals, Veterinary Offices and Clinics, subject the provisions of Section 601.01.B Subsection 40.
- b. Bars, taverns and nightclubs, subject to the provisions of Section 601.01.B

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<sup>2</sup> Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

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Subsections 2, 5, 17.

- c. Car Wash, subject to the provisions of Section 601.01.B Subsection 41.
- d. Funeral Homes, subject to the provisions of Section 601.01.B Subsection 45.
- e. Gasoline Stations and/or Auto Service Center, subject to the provisions of Section 601.01.B Subsection 46.
- f. Hotels and motels, including accessory uses, to such operation, provided that all accessory uses are within the same building, subject to the provisions of Section 601.01.B Subsections 2, 5, 8, 23.
- g. Planned Business Developments, subject to the provisions of Section 601.01.B Subsection 56.

**2. Open Space/Recreation Uses**

- a. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31.

**3. Community Facilities**

- a. Churches and other buildings for the purpose of religious worship, subject to the provisions Section 601.01.B Subsections 42.
- b. Day Care Centers, to include Type A Children Day-Care Home, Children Day Care Centers and Adult Daycare Facilities, subject to the provisions of Section 601.01.B Subsection 44.
- c. Fraternal, social, social services, union and civic organizations, subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 5, 7, 11, 14, 17, 31.
- d. Governmentally owned and/or operated building or facility, other than those listed in Item 10, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- e. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of

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Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31.

- f. Institutions for human medical care--hospitals, clinics, congregate care/assisted living facilities, homes for the aged, and philanthropic institutions, subject to the provisions of Section 601.01.B Subsections 49.

4. Other Uses

- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- b. Other uses similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.
- c. Park and ride lots, subject to the provisions of Section 601.01.B Subsection Subsections 5, 17, 25, 55.
- d. Wireless telecommunication service facilities, subject to the provisions Section 601.01.B Subsection 60.

**Section 320.03          Lot Requirements**

- A. Minimum Lot Area – Consistent with the Development Plan
- B. Minimum Lot Width at Building Line – Consistent with the Development Plan
- C. Minimum Lot Frontage – Consistent with the Development Plan

**Section 320.04          Yard Requirements**

- A. Minimum Front Yard Depth – Fifty (50) feet.
- B. Minimum Side Yard Width – Fifty (50) feet when adjacent to a residential district and on the side adjacent to the residential district only.
- C. Minimum Rear Yard Depth – Twenty-five (25) feet.

**Section 320.05          Maximum Building Height**

No structure shall exceed thirty-five (35) feet in height.

**Section 320.06          Parking and Loading Requirements**

As regulated in Chapter 8.

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**Section 321.00            C-1B Local Commercial, Brady Lake District**

**Section 321.01            Purpose**

The purpose of the Commercial “C-1B” District is to encourage the establishment of areas for convenience business uses which tend to meet the daily needs of the residents of the community. Centralized sewer facilities are required.

**Section 321.02            Uses**

**A. Permitted Uses**

1. Personal services, including barber and beauty shops, shoe repair shop, tailor and dress maker.
2. Offices, including doctor, dentist, government, real estate, insurance, engineering, lawyers, architects, accountants and other professionals.
3. Food sales, including supermarket.
4. Drug Store.
5. Clothing and apparel store, furniture store, interior decorators, appliance store, florist and gift shop and hardware store.
6. Bank.
7. Signs—As regulated in Chapter 7.
8. Dry-cleaning and Laundry Agency.
9. Preparation and processing of food and drink to be retailed on premises; including bakery, delicatessen, meat market, confectionary, soda fountain, dairy store, restaurants (sit down, carry out and/or drive thru), or taverns.

**B. Conditionally Permitted Uses**

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

1. Commercial/Professional Services Uses
  - a. Animal Hospitals, Veterinary Offices and Clinics, subject the provisions of Section 601.01.B Subsection 40.

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- b. Bars, taverns and nightclubs, subject to the provisions of Section 601.01.B Subsections 2, 5, 17.
- c. Car Wash, subject to the provisions of Section 601.01.B Subsection 41.
- d. Funeral Homes, subject to the provisions of Section 601.01.B Subsection 45.
- e. Gasoline Stations and/or Auto Service Center, subject to the provisions of Section 601.01.B Subsection 46.
- f. Hotels and motels, including accessory uses, to such operation, provided that all accessory uses are within the same building, subject to the provisions of Section 601.01.B Subsections 2, 5, 8, 23.
- g. Planned Business Developments, subject to the provisions of Section 601.01.B Subsection 56.

**2. Open Space/Recreation Uses**

- a. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31.

**3. Community Facilities**

- a. Churches and other buildings for the purpose of religious worship, subject to the provisions Section 601.01.B Subsections 42.
- b. Day Care Centers, to include Type A Children Day-Care Home, Children Day Care Centers and Adult Daycare Facilities, subject to the provisions of Section 601.01.B Subsection 44.
- c. Fraternal, social, social services, union and civic organizations, subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 5, 7, 11, 14, 17, 31.
- d. Governmentally owned and/or operated building or facility, other than those listed in Item 10, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- e. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving

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ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31.

- f. Institutions for human medical care--hospitals, clinics, congregate care/assisted living facilities, homes for the aged, and philanthropic institutions, subject to the provisions of Section 601.01.B Subsections 49.

4. Other Uses

- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- b. Other uses similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.
- c. Park and ride lots, subject to the provisions of Section 601.01.B Subsection Subsections 5, 17, 25, 55.
- d. Wireless telecommunication service facilities, subject to the provisions Section 601.01.B Subsection 60.

**Section 321.03      Lot Requirements**

- A. Minimum Lot Frontage—80 feet.
- B. Minimum Lot Area—14,520 sq. feet.

**Section 321.04      Yard Requirements**

- A. Front yard—minimum front yard depth shall be thirty-five (35) feet measured from the street right-of-way
- B. Side yard – minimum side yard width shall be ten (10) feet.
- C. Rear yard—minimum rear yard depth shall be forty-five (45) feet.

**Section 321.05      Maximum Building Height & Size**

- A. No structure shall exceed thirty-five (35) feet in height.
- B. No structure shall exceed 5,000 square feet in gross area.

**Section 321.06      Parking and Loading Requirements**

As regulated in Chapter 8.

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**Section 322.00            C-1/R3 Mixed Use Local Commercial High Density Residential District**

**Section 322.01            Purpose**

This district is established to accommodate a mix of high density multi-family residential dwellings and or to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs. The stipulated densities are intended to provide for areas of suburban character in the community and to prevent excessive demands on sewage and water systems, streets, schools, and other community facilities and services and the design of this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

**Section 322.02            Uses**

Within a C-1/R-3 Mixed Commercial Residential District, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

**A. Permitted Uses**

**1. Residential Uses**

- a. Single-family dwelling.
- b. Two-family dwellings.
- c. Three-family dwellings.

**2. Commercial/Professional Services Uses**

- a. Administrative, executive, accounting, clerical and drafting offices.
- b. Food and drink preparation and processing for sale on premises including, but not limited to bakeries, cafes, candy stores, delicatessens, grocery stores, meat markets, restaurants (sit down, carry out and/or drive thru), pizza shops, and ice cream parlors.
- c. Personal Services Establishments<sup>3</sup> including but not limited to barber shops, beauty salons, dry cleaning and laundry agency.
- d. Professional and Business Offices including, but not limited to accountants,

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<sup>3</sup> Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

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architects, interior designers, lawyers, dentists, doctors, insurance agents, real estate brokers, travel agents and printing/copying services.

- e. Retail establishments including, but not limited to antiques stores, clothing and shoe stores, florists, gift shops, nurseries and green houses, office supply, furniture, hardware, drug stores, electronic stores, art and craft supply stores, jewelry stores.

**3. Open Space/Recreation Uses**

- a. Agricultural uses as regulated in Section 402.00.
- b. Parks for passive recreational facilities in compliance with Section 415.00.

**4. Other Uses**

- a. Other uses not covered similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.
- b. If the intended use is BOTH Commercial and Residential in nature, then the most restrictive part of either code shall be applied.

**5. Community Facilities**

- a. Adult family homes in compliance with Section 419.00.
- b. Home day care for children and adults in compliance with Section 418.00.
- c. Residential facility for up to eight residents in compliance with Section 420.00.

**6. Accessory Uses**

- a. Home employment, subject to the provision of Section 407.00.
- b. Accessory buildings—as regulated in Section 405.06.
- c. Commercial related accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal buildings and conform with the purpose of the Zoning District.
- d. Signs—As regulated in Chapter 7.

**B. Conditionally Permitted Uses**

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed

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herein, subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

1. Residential Uses

- a. Multi-family developments, subject to the provisions of Section 601.01.B Subsection 53.
- b. Planned Residential Developments (PRD), subject to the provisions of Section 601.01.B Subsection 56.

2. Commercial/Professional Services Uses

- a. Animal Hospitals, Veterinary Offices and Clinics, subject to the provisions of Section 601.01B Subsection 40.
- b. Bars, taverns, and nightclubs, subject to the provisions of Section 601.01.B Subsection 2, 5, 17.
- c. Car Wash, subject to the provisions of Section 601.01.B Subsection 41.
- d. Funeral Homes, subject to the provisions of Section 601.01 B Subsection 45.
- e. Gasoline Stations and/or Auto Service Center, subject to the provisions of Section 601.01.B Subsection 46.
- f. Hotels and motels, including accessory uses, to such operation, provided that all accessory uses are within the same building, subject to the provisions of Section 601.01.B Subsections 2, 5, 8, 23.
- g. Planned Business Developments, subject to the provisions of Section 601.01. B Subsection 56.

3. Open Space/Recreational Use

- a. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provision of Section 601.01. B Subsections 1, 2, 4, 5, 17, 31.

4. Community Facilities

- a. Churches and other buildings for the purpose of religious worship, subject to the

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provisions of Section 601.01. B Subsection 42.

- b. Governmentally owned and/or operated building or facility, other than those listed in Item 4, subject to the provision of Section 601.01. B Subsection 2, 3, 4, 5, 7, 8, 11.
  - c. Public, private, and parochial schools, subject to the provisions of Section 601.01.B Subsection 57.
  - d. Day Care Centers, to include Type A Children Day-Care Home, Children Day Care Centers and Adult Group Home, subject to the provisions of Section 601.01.B Subsection 44.
  - e. Fraternal, social, social services, union and civic organizations, subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 5, 7, 11, 14, 17, 31.
  - f. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31.
  - h. Institutions for human medical care-hospitals, clinics, congregate care/assisted living facilities, homes for the aged and philanthropic institutions, subject to the provisions of Section 601.01.B Subsections 49.
  - i. Group residential facility, subject to the provisions of Section 601.01.B Subsections 52.
  - j. Institutions for human medical care-hospitals, clinics, congregate care/assisted living facilities, homes for the aged and philanthropic institutions, subject to the provisions of Section 601.01.B Subsection 49.
5. Other Uses
- a. Non-commercial land fillings to change grade and/or elevation of property; subject to the provision of Section 601.01.B Subsections 54.
  - b. Wireless telecommunication services facilities proposed by a public utility company and subject to local zoning procedures, subject to the provisions of Section 601.01.B Subsection 60.
  - c. Other uses similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.

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- d. Park and ride lots, subject to the provisions of Section 601.01.B Subsections 5, 17, 25, 55.

6. Accessory Uses

Home Based Businesses, subject to the provisions of Section 601.01.B Subsection 48.

**Section 322.03          Lot, Yard & Height Requirements**

**A. Residential**

1. Single-Family Dwelling:

- a. Minimum Lot Area—Eleven thousand (11,000) square feet.
- b. Minimum Lot Width at the Building Line—Eighty (80) feet.
- c. Minimum Lot Frontage—Fifty (50) feet.
- d. Minimum Front Yard Depth—Thirty (30) feet.
- e. Minimum Rear Yard Depth—Thirty (30) feet.
- f. Minimum Side Yard Width—Ten (10) feet.
- g. Maximum Building Height—Thirty-five (35) feet.

2. Two-Family Dwelling:

- a. Minimum Lot Area—Twenty-two thousand (22,000) square feet.
- b. Minimum Lot Width at Building Line—One hundred (100) feet.
- c. Minimum Lot Frontage—Fifty (50) feet.
- d. Minimum Front Yard Depth—Thirty (30) feet.
- e. Minimum Rear Yard Depth—Thirty (30) feet.
- f. Minimum Side Yard Width—Ten (10) feet.
- g. Maximum Building Height—Thirty-five (35) feet.

3. Three-family and Multifamily Dwelling:

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- a. Minimum Lot Area—Twenty-two thousand (22,000) square feet plus two thousand (2,000) square feet for each dwelling unit over (3).
  - b. Minimum Lot Width at the Building Line—One hundred (100) feet.
  - c. Minimum Lot Frontage—One hundred (100) feet.
  - d. Minimum Usable Open Space—At least twenty-five (25) percent of the actual lot area shall be devoted to usable open space.
  - e. Minimum Front Yard Depth—Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stores above grade.
  - f. Minimum Rear Yard Depth—Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
  - g. Minimum Side Yard Width—Ten (10) feet plus one (1) foot for each two (2) feet of building height in excess of two stores above grade.
  - h. Maximum Building Height—Thirty-five (35) feet;
4. All Other Residential Uses:
- a. Minimum Lot Area—Thirty-five thousand, (35,000) square feet).
  - b. Minimum Lot width at the Building Line—One hundred (100) feet.
  - c. Minimum Lot Frontage—One hundred (100) feet.
  - d. Minimum Usable Open Space—At least twenty-five (25) percent of the actual lot area shall be devoted to usable open space.
  - e. Minimum Front Yard Depth—Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
  - f. Minimum Rear Yard Depth—Thirty (30) feet plus one (1) foot for each two (2) feet of building height in excess of two stories above grade.
  - g. Minimum Side Yard Width—Ten (10) feet plus one (1) foot for each of two (2) feet of building height in excess of two stores above grade.
  - h. Maximum Building Height—Thirty-five (35) feet.

**B. Commercial**

- 1. Minimum Lot Area – Consistent with the Development Plan

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2. Minimum Lot Width at Building Line – Consistent with the Development Plan
3. Minimum Lot Frontage – Consistent with the Development Plan
4. Minimum Front Yard Depth – Fifty (50) feet
5. Minimum Rear Yard Depth – Twenty-five (25) feet
6. Minimum Side Yard Width – Fifty (50) feet when adjacent to a residential district and on the side adjacent to the residential district only.
7. Main building: Thirty-five (35) feet.
8. Accessory Buildings: As specified in Section 405.06.

**Section 322.04 Minimum Living Floor Area**

**A. Residential:**

1. Single-family and two-family residential dwelling minimum living floor area of 1,000 square feet on the first floor, per individual dwelling unit.
2. Multi-family, minimum floor area per dwelling unit
  - a. Efficiency 500 square feet
  - b. One (1) Bedroom 600 square feet
  - c. Two (2) Bedroom 700 square feet
  - d. Three (3) Bedroom 800 square feet
  - e. Four (4) Bedroom 900 square feet

**Section 322.05 Parking and Loading Requirements**

As regulated in Chapter 8.

**Section 323.00 C-1/I-1 Mixed Use Local Commercial, Industrial Research and Office District**

**Section 323.01 Purpose**

This district is established to provide for uses principally to accommodate the sale of convenience retail goods and personal services purchased frequently for daily or weekly needs.

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It is intended that the design of this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic. This district is also to provide an environment for and conducive to the development and protection of modern, administrative facilities and research institutions that are office-like in physical appearance and service requirements.

**Section 323.02            Uses**

Within this C-1/I-1 Local Commercial, and Industrial Research and Office District, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

**A. Permitted Uses**

**1. Commercial/Professional Services Uses**

- a. Administrative, executive, accounting, clerical and drafting offices.
- b. Food and drink preparation and processing for sale on premises including, but not limited to bakeries, cafes, candy stores, delicatessens, grocery stores, meat markets, restaurants (sit down, carry out and/or drive thru), pizza shops, and ice cream parlors.
- c. Personal Services Establishments<sup>4</sup> including but not limited to barber shops, beauty salons, dry cleaning and laundry agency.
- d. Professional and Business Offices including, but not limited to accountants, architects, interior designers, lawyers, dentists, doctors, insurance agents, real estate brokers, travel agents and printing/copying services.
- e. Retail establishments including, but not limited to antiques stores, clothing and shoe stores, florists, gift shops, nurseries and green houses, office supply, furniture, hardware, drug stores, electronic stores, art and craft supply stores, jewelry stores.

**2. Research/Office Uses**

- a. Administrative, executive, financial, accounting, clerical, and drafting offices.
- b. Institutions for human medical care--hospitals, clinics, mental health care facilities, nursing homes, child day-care centers, homes for the aged and philanthropic institutions.

**3. Other Uses**

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<sup>4</sup> Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

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- a. Other uses not covered similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.
- b. If the intended use is BOTH Commercial and Industrial in nature, then the most restrictive part of either code shall be applied.

4. Accessory Uses

- a. Accessory buildings and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the Zoning District, as regulated in Section 405.06.
- b. Signs – As regulated in Chapter 7.

B. Conditionally Permitted Uses

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

1. Commercial/Professional Services Uses

- a. Animal Hospitals, Veterinary Offices and Clinics, subject the provisions of Section 601.01.B Subsection 40.
- b. Bars, taverns and nightclubs, subject to the provisions of Section 601.01.B Subsections 2, 5, 17.
- c. Car Wash, subject to the provisions of Section 601.01.B Subsection 41.
- d. Funeral Homes, subject to the provisions of Section 601.01.B Subsection 45.
- e. Gasoline Stations and/or Auto Service Center, subject to the provisions of Section 601.01.B Subsection 46.
- f. Hotels and motels, including accessory uses, to such operation, provided that all accessory uses are within the same building, subject to the provisions of Section 601.01.B Subsections 2, 5, 8, 23.
- g. Planned Business Developments, subject to the provisions of Section 601.01.B Subsection 56.

2. Research/Office Uses

- a. Office and drafting supplies, subject to the provisions of Section 601.01.B

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Subsections 3, 5, 11, 16, 17.

- b. Planned Industrial Developments, subject to the provisions Section 601.01.B Subsection 56.
- c. Reproduction and duplicating facilities, and other complimentary office services, subject to the provisions of Section 601.01.B Subsections 3, 5, 11, 16, 17.
- d. Research, experimental or testing laboratory facilities, which are determined to be consistent with the intent of this district subject to the provisions of Section 601.01.B Subsections 3, 5, 11, 16, 17.

**3. Open Space/Recreation Uses**

- a. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31.

**4. Community Facilities**

- a. Churches and other buildings for the purpose of religious worship, subject to the provisions Section 601.01.B Subsections 42.
- b. Day Care Centers, to include Type A Children Day-Care Home, Children Day Care Centers and Adult Daycare Facilities, subject to the provisions of Section 601.01.B Subsection 44.
- c. Fraternal, social, social services, union and civic organizations, subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 5, 7, 11, 14, 17, 31.
- d. Governmentally owned and/or operated building or facility, other than those listed in Item 10, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- e. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31
- f. Institutions for human medical care—hospitals, clinics, congregate care/assisted

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living facilities, homes for the aged, and philanthropic institutions, subject to the provisions of Section 601.01.B Subsections 49.

**5. Other Uses**

- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- b. Other uses similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.
- c. Park and ride lots, subject to the provisions of Section 601.01.B Subsection Subsections 5, 17, 25, 55.
- d. Wireless telecommunication service facilities, subject to the provisions Section 601.01.B Subsection 60.
- e. Mini/self storage facilities, subject to the provisions of Section 601.01 B Subsection 51.
- f. Truck Terminals, subject to the provisions Section 601.01.B Subsection 59.

**Section 323.03      Lot Requirements**

**A. Commercial Uses**

- 1. Minimum Lot Area – Consistent with the Development Plan
- 2. Minimum Lot Width at Building Line – Consistent with the Development Plan
- 3. Minimum Lot Frontage – Consistent with the Development Plan

**B. Industrial Uses**

- 1. Minimum Lot Area – Forty thousand (40,000) square feet.
- 2. Lot Area Ratio – Principal and accessory buildings shall not occupy more than 40% of the lot area.
- 3. Minimum Lot Width – One hundred and twenty (120) feet.
- 4. Minimum Frontage – Eighty (80) feet.

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**Section 323.04          Yard Requirements**

**A. Commercial Uses**

1. Minimum Front Yard Depth – Fifty (50) feet.
2. Minimum Side Yard Width – Fifty (50) feet when adjacent to a residential district and on the side adjacent to the residential district only.
3. Minimum Rear Yard Depth – Twenty-five (25) feet.

**B. Industrial Uses**

1. Minimum Front Yard Depth – Sixty (60) feet.
2. Minimum Rear Yard Depth – Fifty (50) feet.
3. Minimum Side Yard Width – Twenty-five (25) feet.
4. Side Yard Width and Rear Yard Depth Requirements Adjacent to Residential Districts - The minimum side yard shall not be less than the minimum requirements in said residential district. The first twenty-five (25) feet abutting the side or rear property line shall be landscaped and maintained. The remaining space shall be open and not used for any storage other than parking of vehicles.

**Section 323.05          Maximum Building Height**

**A. Commercial Uses:**

1. No structure shall exceed thirty-five (35) feet in height.

**B. Industrial Uses:**

1. Main building: Forty (40) feet.
2. Accessory buildings: As specified in Section 405.06.

**Section 323.06          Parking and Loading Requirements**

As regulated in Chapter 8.

**Section 324.00          C-2 Service/Commercial District**

**Section 324.01          Purpose**

This district is established to provide for general services, entertainment and to accommodate for

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the sale of convenience retail goods. It is intended that the design of this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

**Section 324.02            Uses**

Within a C-2 Service/Commercial District, no building, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

**A. Permitted Uses**

**1. Commercial/Professional Services Uses**

- a. Administrative, executive, accounting, clerical and drafting offices.
- b. Food and drink preparation and processing for sale on premises including, but not limited to bakeries, cafes, candy stores, delicatessens, grocery stores, meat markets, restaurants (sit down, carry out and/or drive thru), pizza shops, and ice cream parlors.
- c. Personal Services Establishments<sup>5</sup> including but not limited to barber shops, beauty salons, dry cleaning and laundry agency.
- d. Professional and Business Offices including, but not limited to accountants, architects, interior designers, lawyers, dentists, doctors, insurance agents, real estate brokers, travel agents and printing/copying services.
- e. Retail establishments including, but not limited to antique stores, clothing and shoe stores, florists, gift shops, nurseries and green houses, office supply, furniture, hardware, drug stores, electronic stores, art and craft supply stores, jewelry stores.

**2. Other Uses**

- a. Other uses not covered similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.

**3. Accessory Uses**

- a. Accessory building and uses incidental to primary use. Such uses shall be situated on the same lot with the principal building and conform with the purpose of the Zoning District.

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<sup>5</sup> Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

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- b. Signs—As regulated in Chapter 7.

**B. Conditionally Permitted Uses**

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below.

**1. Commercial/Professional Service Uses**

- a. Adult Entertainment Uses, subject to the provisions of Section 601.01B Subsection 39.
- b. Animal Hospitals, Veterinary Offices and Clinics, subject the provisions of Section 601.01B Subsection 40.
- c. Bars, taverns and nightclubs, subject to the provisions of Section 601.01.B Subsections 2, 5, 17.
- d. Car Wash, subject to the provisions of Section 601.01B. Subsection 41.
- e. Funeral Homes, subject to the provisions of Section 601.01B Subsection 45.
- f. Gasoline Stations and/or Auto Service Center, subject to the provisions of Section 601.01B Subsection 46.
- g. Governmentally Owned and/or operated building or facility, subject to the provisions of Section 601.01B Subsections 2, 3, 4, 5, 7, 8, 11.
- h. Planned Business Developments, subject to the provisions of Section 601.01B Subsection 56.

**2. Community Facilities**

- a. Fraternal, social, social services, union and civic organizations, subject to the provisions of Section 601.01B Subsections 1, 2, 3, 5, 7, 11, 14, 17, 31.

**3. Other Uses**

- a. Non-commercial land fillings to change grade and/or elevation of property; subject to the provisions of Section 601.01B Subsections 54.
- b. Other uses similar in character to those listed in this section shall come before the Board of Zoning appeals for ruling.

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- c. Park and Ride Lots, subject to the provisions of Section 601.01B Subsection 5, 17, 25, 55.
- d. Pet cemetery, subject to the provisions of Section 601.01B Subsection 43.
- e. Wireless telecommunication service facilities, subject to the provisions Section 601.01B Subsection 60.

**Section 324.03            Lot Requirements**

- A. Minimum Lot Area—Consistent with the Development Plans
- B. Minimum Lot Width at Building Line—Consistent with the Development Plans
- C. Minimum Lot Frontage—Consistent with the Development Plans

**Section 324.04            Yard Requirements**

- A. Minimum Front Yard Depth—Fifty (50) feet.
- B. Minimum Side Yard Width—Fifty (50) feet when adjacent to a residential district and on the side adjacent to the residential district only.
- C. Minimum Rear Yard Depth – Twenty-five (25) feet.

**Section 324.05            Maximum Building Height**

No structure shall exceed thirty-five (35) feet in height.

**Section 324.06            Parking and Loading Requirements**

As regulated in Chapter 8.

**Sections 325-329 Intentionally left blank for future use**

**Section 330.00            I-1 Industrial Research and Office District**

**Section 330.01            Purpose**

The purpose of this district is to provide an environment conducive to the development and protection of modern administrative facilities and research institutions that are office like in physical appearance and service requirements as well as to provide for and accommodate light industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling, and distribution, free from encroachment of residential, retail, and institutional uses unless otherwise specified in this ordinance. The uses allowed are those which, because of their normally unobjectionable characteristics, can be in relatively close proximity to residential and

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commercial districts.

**Section 330.02            Uses**

Within an I-1 Industrial Research and Office District, no buildings, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

**A. Permitted Uses**

**1. Research/Office Uses**

- a. Administrative, executive, financial, accounting, clerical, and drafting offices.
- b. Institutions for human medical care--hospitals, clinics, mental health care facilities, nursing homes, child day-care centers, homes for the aged and philanthropic institutions.

**2. Accessory Uses**

- a. Accessory buildings incidental to the principal use, as regulated in Section 405.06.
- b. Accessory uses clearly incidental to the uses permitted on the same premises.
- c. Signs – As regulated in Chapter 7.

**B. Conditionally Permitted Uses**

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

**1. Research/Office Uses**

- a. Office and drafting supplies, subject to the provisions of Section 601.01.B Subsections 3, 5, 11, 16, 17.
- b. Planned Industrial Developments, subject to the provisions Section 601.01.B Subsection 56.
- c. Reproduction and duplicating facilities, and other complimentary office services, subject to the provisions of Section 601.01.B Subsections 3, 5, 11, 16, 17.
- d. Research, experimental or testing laboratory facilities, which are determined to be consistent with the intent of this district subject to the provisions of Section 601.01.B Subsections 3, 5, 11, 16, 17.

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**2. Open Space/Recreational Uses**

- a. Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational facilities and/or uses, but excluding such commercial recreational uses as drive-in theaters, miniature golf courses, golf-driving ranges, rifle ranges, skeet-shooting ranges, pistol ranges or other ranges for the use of firearms. Uses permitted under this category shall be subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 31.

**3. Other Uses**

- a. Governmentally owned and/or operated building or facility, other than those listed in Item 2, subject to the provisions of Section 601.01.B Subsections 2, 3, 4, 5, 7, 8, 11.
- b. Mini/self storage facilities, subject to the provisions of Section 601.01 B Subsection 51.
- c. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsection 54.
- d. Other uses similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.
- e. Park and ride lots, subject to the provisions of Section 601.01.B Subsection Subsections 5, 17, 25, 55.
- f. Truck Terminals, subject to the provisions Section 601.01.B Subsection 59.
- g. Wireless telecommunication service facilities, subject to the provisions Section 601.01.B Subsection 60.

**Section 330.03      Lot Requirements**

- A. Minimum Lot Area – Forty thousand (40,000) square feet.
- B. Lot Area Ratio – Principal and accessory buildings shall not occupy more than 40% of the lot area.
- C. Minimum Lot Width – One hundred and twenty (120) feet.
- D. Minimum Frontage – Eighty (80) feet.

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**Section 330.04          Yard Requirements**

- A. Minimum Front Yard Depth – Sixty (60) feet.
- B. Minimum Rear Yard Depth – Fifty (50) feet.
- C. Minimum Side Yard Width – Twenty-five (25) feet.
- D. Side Yard Width and Rear Yard Depth Requirements Adjacent to Residential Districts - The minimum side yard shall not be less than the minimum requirements in said residential district. The first twenty-five (25) feet abutting the side or rear property line shall be landscaped and maintained. The remaining space shall be open and not used for any storage other than parking of vehicles.

**Section 330.05          Maximum Building Height**

- A. Main building: Forty (40) feet.
- B. Accessory buildings: As specified in Section 405.06.

**Section 330.06          Parking and Loading Requirements**

As regulated in Chapter 8.

**Section 331.00          I-2 Industrial District**

**Section 331.01          Purpose**

This district is established to provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling, and distribution, free from encroachment of residential, retail, and institutional uses. The uses allowed are those which because of their normally unobjectionable characteristics, can be in relatively close proximity to residential and commercial districts.

**Section 331.02          Uses**

Within an I-2 Industrial District, no buildings, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

- A. Permitted Uses
  - 1. Office/Industrial Uses
    - a. Administrative, executive, financial, accounting, clerical, and drafting offices.
    - b. The following types of manufacturing, processing, servicing, assembly or repair

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facilities, which will not be injurious or offensive to adjacent properties, and consistent with the purpose of this district:

- i. Lumber yards.
  - ii. Grain elevators.
  - iii. Soft drink processing.
  - iv. Railroad facilities.
- c. Warehousing (all storage or warehousing shall be entirely within enclosed structures).

2. Accessory Uses

- a. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
- b. Accessory uses clearly incidental to the uses permitted on the same premises.
- c. Signs - As regulated in Chapter 7.

B. Conditionally Permitted Uses

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

1. Office/Industrial Uses

- a. Any use conditionally permitted in the I-1 District.
- b. Contractors yards and other types of storage facilities, subject to the provisions of Section 601.01.B Subsections 2, 5, 17, 18, 19, 25, 35.
- c. Recycling center, subject to the provisions of Section 601.01.B Subsections 3, 5, 16, 17.
- d. Planned Industrial Developments, subject to Section 601.01.B Subsection 56.

2. Other Uses

- a. Mini/self storage facilities, subject to the provisions of Section 601.01.B Subsection 51.

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- b. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsection 54.
- c. Other uses similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.
- d. Park and ride lots, subject to the provisions of Section 601.01.B Subsection Subsections 5, 17, 25, 55.
- e. Wireless telecommunication service facilities, subject to the provisions Section 601.01.B Subsection 60.

**Section 331.03 Lot Requirements**

- A. Lot area- No individual lot size shall be less than two (2) acres.
- B. Lot Area Ratio- Principal and accessory buildings shall not occupy more than forty (40) percent of the lot area.

**Section 331.04 Yard Requirements**

Yard requirements are exclusive of parking areas.

- A. Front Yard- A minimum of seventy-five (75) feet from any point along a public street right-of-way.
- B. Side Yards- (a) Side yards shall be fifty (50) feet each, except that no industrial building shall be located closer than one hundred (100) feet to any agricultural or residential district, (b) no parking area shall be located closer than fifty (50) feet to any agricultural or residential district. Fifty (50) feet of the required minimum distance shall be landscaped with trees, shrubs, and grass.
- C. Rear Yard- Fifty (50) feet, subject to exception above.
- D. Side or rear yard requirements may be reduced or waived where a rail right-of-way or waterfront abuts the property only upon the approval of the Board of Zoning Appeals.

**Section 331.05 Maximum Building Height**

- A. Main building: Forty (40) feet.
- B. Accessory Buildings: As specified in Section 405.06.

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**Section 331.06 Parking and Loading Requirements**

- A. Parking and loading space shall not occupy any part of a required yard, subject to Section 331.04 above. On-site driveways, parking and loading facilities shall not at any time exceed, at any boundary, the normal amount of dust and dirt created by traffic at any public road adjoining the property.
- B. As regulated in Chapter 8.

**Section 331.07 Outdoor Storage Yards**

Outdoor storage for above uses must be located in rear yard and completely screened from adjoining properties by a solid fence or wall, a minimum of six (6) feet in height and compatible with the structure, or in an enclosed structure. No materials shall be stored so as to project above the fence or wall.

**Section 332.00 I-2/C-2 Mixed Use Industrial, Service/Commercial District**

**Section 332.01 Purpose**

This district is established to provide for and accommodate industrial uses in the fields of repair, storage, manufacturing, processing, wholesaling, and distribution, free from encroachment of residential, retail, and institutional uses. This district is also to provide for general services, entertainment and to accommodate for the sale of convenience retail goods. It is intended that this district will encourage groupings of establishments located on a unified site providing adequate off-street parking facilities as well as an efficient and safe method of handling vehicular and pedestrian traffic.

**Section 332.02 Uses**

Within the I-2/C-2 Industrial, Service/Commercial District, no buildings, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

**A. Permitted Uses**

**1. Office/Industrial Uses**

- a. Administrative, executive, financial, accounting, clerical, and drafting offices.
- b. The following types of manufacturing, processing, servicing, assembly or repair facilities, which will not be injurious or offensive to adjacent properties, and consistent with the purpose of this district:
  - i. Lumber yards.

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- ii. Grain elevators.
  - iii. Soft drink processing.
  - iv. Railroad facilities.
  - c. Warehousing (all storage or warehousing shall be entirely within enclosed structures).
2. Commercial/Professional Services Uses
- a. Administrative, executive, accounting, clerical and drafting offices.
  - b. Food and drink preparation and processing for sale on premises including, but not limited to bakeries, cafes, candy stores, delicatessens, grocery stores, meat markets, restaurants (sit down, carry out and/or drive thru), pizza shops, and ice cream parlors.
  - c. Personal Services Establishments<sup>6</sup> including but not limited to barber shops, beauty salons, dry cleaning and laundry agency.
  - d. Professional and Business Offices including, but not limited to accountants, architects, interior designers, lawyers, dentists, doctors, insurance agents, real estate brokers, travel agents and printing/copying services.
  - e. Retail establishments including, but not limited to antique stores, clothing and shoe stores, florists, gift shops, nurseries and green houses, office supply, furniture, hardware, drug stores, electronic stores, art and craft supply stores, jewelry stores.
3. Other Uses
- a. Other uses not covered similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.
  - b. If the intended use is BOTH Industrial and Commercial in nature, then the most restrictive part of either code shall be applied.
4. Accessory Uses
- a. Accessory buildings incidental to the principal use which do not include any activity conducted as a business.
  - b. Accessory uses clearly incidental to the uses permitted on the same premises.
  - c. Signs - As regulated in Chapter 7.

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<sup>6</sup> Personal Services are those services frequently needed by residents in the immediate neighborhood and township in general.

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**B. Conditionally Permitted Uses**

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below:

**1. Office/Industrial Uses**

- a. Any use conditionally permitted in the I-1 District.
- b. Contractors yards and other types of storage facilities, subject to the provisions of Section 601.01.B Subsections 2, 5, 17, 18, 19, 25, 35.
- c. Recycling center, subject to the provisions of Section 601.01.B Subsections 3, 5, 16, 17.
- d. Planned Industrial Developments, subject to Section 601.01.B Subsection 56.

**2. Commercial/Professional Service Uses**

- a. Adult Entertainment Uses, subject to the provisions of Section 601.01B Subsection 39.
- b. Animal Hospitals, Veterinary Offices and Clinics, subject the provisions of Section 601.01B Subsection 40.
- c. Bars, taverns and nightclubs, subject to the provisions of Section 601.01.B Subsections 2, 5, 17.
- d. Car Wash, subject to the provisions of Section 601.01B. Subsection 41.
- e. Funeral Homes, subject to the provisions of Section 601.01B Subsection 45.
- f. Gasoline Stations and/or Auto Service Center, subject to the provisions of Section 601.01B Subsection 46.
- g. Governmentally Owned and/or operated building or facility, subject to the provisions of Section 601.01B Subsections 2, 3, 4, 5, 7, 8, 11.
- h. Planned Business Developments, subject to the provisions of Section 601.01B Subsection 56.

**3. Community Facilities**

- a. Fraternal, social, social services, union and civic organizations, subject to the

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provisions of Section 601.01B Subsections 1, 2, 3, 5, 7, 11, 14, 17, 31.

4. Other Uses

- a. Mini/self storage facilities, subject to the provisions of Section 601.01.B Subsection 51.
- b. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01.B Subsections 54.
- c. Other uses similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.
- d. Pet cemetery, subject to the provisions of Section 601.01B Subsection 43.
- e. Park and ride lots, subject to the provisions of Section 601.01.B Subsection Subsections 5, 17, 25, 55.
- f. Wireless telecommunication service facilities, subject to the provisions Section 601.01.B Subsection 60.

**Section 332.03          Lot Requirements**

A. Industrial Uses:

1. Lot area – No individual lot size shall be less than two (2) acres.
2. Lot Area Ratio – Principal and accessory buildings shall not occupy more than forty (40) percent of the lot area.

B. Commercial Uses:

1. Minimum Lot Area—Consistent with the Development Plans
2. Minimum Lot Width at Building Line—Consistent with the Development Plans
3. Minimum Lot Frontage—Consistent with the Development Plans

**Section 332.04          Yard Requirements**

A. Industrial Uses Yard requirements (exclusive of parking areas)

1. Front Yard – A minimum of seventy-five (75) feet from any point along a public street right-of-way.
2. Side Yards – (a) Side yards shall be fifty (50) feet each, except that no industrial building

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shall be located closer than one hundred (100) feet to any agricultural or residential district, (b) no parking area shall be located closer than fifty (50) feet to any agricultural or residential district. Fifty (50) feet of the required minimum distance shall be landscaped with trees, shrubs, and grass.

3. Rear Yard – Fifty (50) feet, subject to exception above.
4. Side or rear yard requirements may be reduced or waived where a rail right-of-way or waterfront abuts the property only upon the approval of the Board of Zoning Appeals.

**B. Commercial Uses:**

1. Minimum Front Yard Depth—Fifty (50) feet.
2. Minimum Side Yard Width—Fifty (50) feet when adjacent to a residential district and on the side adjacent to the residential district only.
3. Minimum Rear Yard Depth – Twenty-five (25) feet.

**Section 332.05            Maximum Building Height**

**A. Industrial Uses:**

1. Main building: Forty (40) feet.
2. Accessory buildings: As specified in Section 405.06.

**B. Commercial Uses:**

1. No structure shall exceed thirty-five (35) feet in height.

**Section 332.06 Parking and Loading Requirements**

- A. Parking and loading space shall not occupy any part of a required yard, subject to Section 332.04 above. On-site driveways, parking and loading facilities shall not at any time exceed, at any boundary, the normal amount of dust and dirt created by traffic at any public road adjoining the property.

**B. As Regulated in Chapter 8.**

**Section 332.07 Outdoor Storage Yards**

Outdoor storage for above uses must be located in rear yard and completely screened from adjoining properties by a solid fence or wall, a minimum of six (6) feet in height and compatible with the structure, or in an enclosed structure. No materials shall be stored so as to project above the fence or wall.

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**Section 333.00            R-O Research and Office District**

**Section 333.01            Purpose**

The purpose of this district is to provide an environment exclusively for and conducive to the development and protection of modern, administrative facilities and research institutions that are office-like in physical appearance and service requirements.

**Section 333.02            Uses**

Within an R-O Research and Office District, no buildings, structure or premises shall be used, arranged to be used, or designed to be used except for one or more of the following uses:

A. Permitted Uses

None

B. Conditionally Permitted Uses

The Board, upon application which shall be treated as an appeal from denial of Zoning Certificate by the Zoning Inspector, may grant Conditional Zoning Certificates for uses listed herein subject to the general requirements of Chapter 6 and to the specific requirements of Chapter 6 referred to below.

1. Research/Office Uses

- a. Administrative, executive, financial, accounting, clerical and drafting offices.
- b. Office and drafting supplies, subject to the provisions of Section 601.01.B Subsections 3, 5, 11, 16, 17.
- c. Research, experimental or testing laboratory facilities, which are determined to be consistent with the intent of this district subject to the provisions of Section 601.01.B Subsections 3, 5, 11, 16, 17.

2. Accessory Uses

- a. Accessory building incidental to the principal use.
- b. Accessory uses clearly incidental to the uses permitted on the same premises.
- c. Signs—As regulated in Chapter 7.

3. Other Uses

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- a. Non-commercial land filling to change grade and/or elevation of property; subject to the provisions of Section 601.01B Subsection 54.
- b. Other uses similar in character to those listed in this section shall come before the Board of Zoning Appeals for ruling.
- c. Wireless telecommunication service facilities, subject to the provisions Section 601.01B Subsection 60.

**Section 333.03            Lot Requirements**

- A. Minimum Lot Area—Forty thousand (40,000) square feet.
- B. Lot Area Ratio—Principal and accessory building shall not occupy more than forty (40) percent of the lot area.
- C. Minimum Lot Width—One hundred and twenty (120) feet.
- D. Minimum Frontage—Eighty (80) feet.

**Section 333.04            Yard Requirements**

- A. Minimum Front Yard Depth – Sixty (60) feet.
- B. Minimum Rear Yard Depth – Fifty (50) feet.
- C. Minimum Side Yard Width – Twenty-five (25) feet.
- D. Side Yard Width and Rear Yard Depth Requirements Adjacent to Residential Districts - The minimum side yard shall not be less than the minimum requirements in said residential district. The first twenty-five (25) feet abutting the side or rear property line shall be landscaped and maintained. The remaining space shall be open and not used for any storage other than parking of vehicles.

**Section 333.05            Maximum Building Height**

- A. Main Building: Forty (40) feet.
- B. Accessory buildings: As specified in Section 405.06.

**Section 333.06            Parking and Loading Requirements**

As regulated in Chapter 8.

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**CHAPTER 4  
GENERAL PROVISIONS**

**Section 400.00            General Provisions**

**Section 401.00            Purpose**

The purpose of this chapter is to provide for requirements that address health and safety concerns and other types of issues that are the same for all zoning districts, or for more than one district.

**Section 402.00            Uses Exempt from Regulations**

**A. Agricultural Uses**

1. Nothing contained in this Resolution shall prohibit the use of land, buildings or structures and/or the location or construction of buildings and structures for agricultural purposes, except as specified in Section 422.00.
2. A Zoning Certificate shall not be required for any agricultural use as specified in Section 402.00.A.1. However, a signed affidavit stating that the purpose of the building is for agricultural use only is required, prior to construction. The affidavit must be signed by the Zoning Inspector.
3. Farm dwellings and other accessory buildings and structures shall conform to the requirements of the applicable zoning district.

**B. Public Utilities and Railroads**

Public utilities will be governed in accordance with Ohio Revised Code, Section 519.211 and any amendments made thereto. Wireless Telecommunications Service Facilities classified as a public utility located in any residential zoning district are subject to the provisions of Chapter 6 and Section 601.01.B subsection 150.f. applicable.

**Section 403.00            Prohibited Uses**

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this Resolution, and any additional conditions or requirements prescribed, is or may become hazardous, unsanitary, noxious, or offensive due to, but not limited to, the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, electrical interference, refuse matter, or water carried wastes.

In addition, the following uses are prohibited in all zoning districts:

- A. Any vehicle used for residential purposes, as opposed to recreational purposes;
- B. Tents or cabins used for residential purposes, as opposed to recreational purposes;

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- C. Boarding houses;
- D. Recreational vehicle parks;
- E. Junk yards;
- F. Automobile wrecking yards;
- G. Manufactured Home Parks;
- H. Unless exempt as an agricultural use in compliance with all applicable state and federal regulations, the keeping, or maintaining of a wild and dangerous animal by any person shall be deemed a public nuisance due to the health and safety risk to the public and domesticated animals, and such use shall not be considered an accessory use within any zoning district.
- I. No person shall harbor, maintain or control a wild animal, a dangerous domesticated animal, or an undomesticated animal, except for an exotic animal, as defined in this Resolution.
- J. Permanent Shipping/Storage containers. However, temporary shipping/storage containers may be allowed for a maximum of 60 days in all zoning districts.

**Section 403.01          Prohibited Uses in Residential Districts**

- A. Transient Lodging

**Section 404.00          Environmental Protection Requirements**

**Section 404.01          Purpose**

The purpose of these requirements is to ensure that the development of any parcel of land and/or structure within the township is compatible with the environment and to protect the quality of the environment in any location where the characteristics of the environment are of significant public value and are vulnerable to damage. The environmental protection requirements are designed to protect the public and property owners from:

- A. Unsafe buildings on unstable land which would be caused by uncontrolled development.
- B. Significant damage or destruction of prominent hillsides and/or valleys caused by improper development thereof.
- C. Significant damage to the economic value and efficiency of operation of existing properties and/or new developments.
- D. Soil erosion and stream siltation.

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E. Damage/destruction of nontidal wetlands which will involve the following nuisance/hazardous activities:

1. Blocking flood flows, destroying flood storage areas, or destroying storm barriers, thereby raising flood heights or velocities on other land and increasing flood damages.
2. Causing water pollution through any means, including location of wastewater disposal systems in wet soils; unauthorized application of pesticides, herbicides and algacides; disposal of solid wastes or storm water runoff at inappropriate sites; or the creation of areas that are not stabilized.
3. Increasing erosion.
4. Increasing runoff sediment and storm water. In addition, activities in or affecting nontidal wetlands shall not destroy natural wetland functions important to the general welfare by:
  - a. Decreasing breeding, spawning, nesting, wintering, feeding or other critical habitat for fish and wildlife including rare, threatened and endangered plant and animal species and commercially and recreationally important wildlife.
  - b. Interfering with the exchange of nutrients needed by fish and other forms of wildlife.
  - c. Decreasing groundwater recharge.
  - d. Destroying sites needed for education and scientific research as outdoor biophysical laboratories, living classrooms and training areas.
  - e. Interfering with public rights in waters and the recreation opportunities for hunting, fishing, boating, hiking, bird watching, photography, camping and other activities in nontidal wetlands.
  - f. Destroying aesthetic and property values.

**Section 404.02            Applicability**

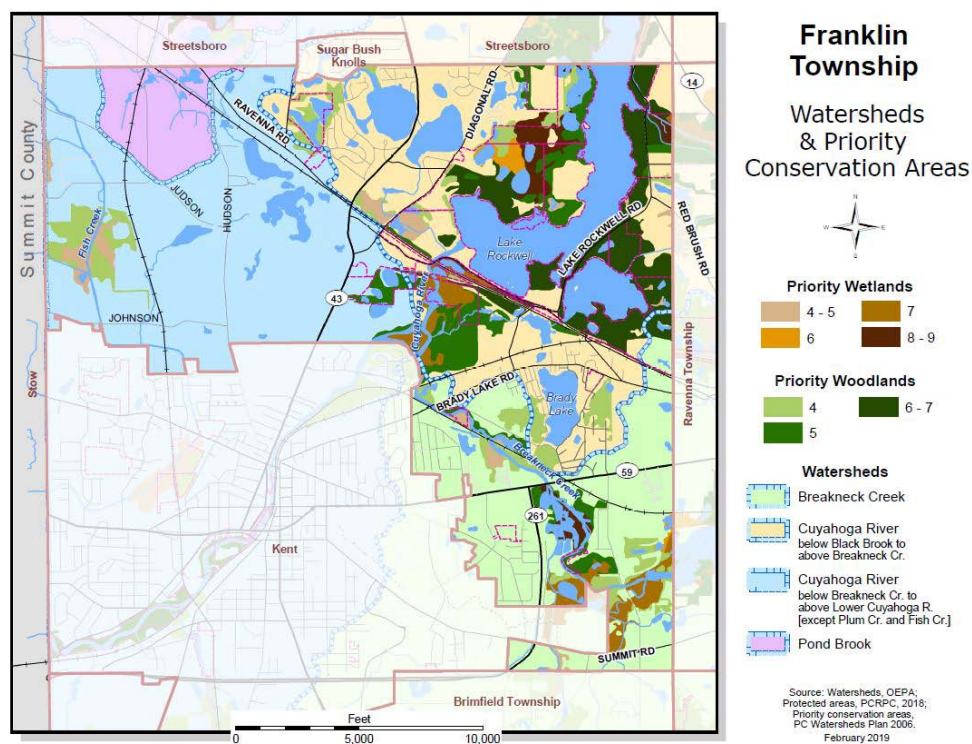
Where applicable by this Resolution, requirements imposed herein shall be in addition to those of the zoning district. Areas of applicability shall be based on the following at a minimum:

- A. Areas with (on site inspection may also be required) soils with hydric inclusions from U.S. Soil Conservation Service, Soil Survey of Portage County.
- B. Flood plains/flood hazard areas: from Federal Emergency Management Agency, Community Flood Hazard Maps, 1984, or the most current available flood plain maps.

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- C. Wetlands: National Wetlands Inventory, U.S. Department of Interior, 1977, or most recent Wetlands Maps, on-site delineations approved by the U.S. Army Corps of Engineers or Watersheds and Priority Conservation Areas Map (see Map 2, Section 404.02).
- D. Areas of steep slopes: U.S. Soil Conservation Service, Soil Survey of Portage County; U.S.G.S. Topographic Quadrangle Maps, or most recent contour data.
- E. Forested/Wooded areas: 2007 Watersheds and Priority Conservation Areas Map (see Map 2, Section 404.02).
- F. Ponds, lakes, streams, ditches: U.S. Soil Conservation Service, Soils Survey of Portage County; Portage County Highway Map, Portage County Engineer; or most current available Aerial Photos.

**Map 2**  
**Watersheds & Priority Conservation Areas**



**Section 404.03      General Standards**

Prior to the commencement of any development, plans and other information reasonably necessary to identify and verify the existence of any of the natural resource features noted above shall be submitted to the Zoning Inspector. All plans for development shall account for such features and shall fully comply with the environmental protection standards applicable to each feature of Section 404.05. Site alterations, regrading, filling, and clearing of vegetation prior to the submission and approval of such plans shall be a violation.

**Section 404.04      Development Regulated with the Environmental Protection**

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- A. Any use/activity of land or buildings/structures that may be detrimental to the natural, scenic and environmental characteristics described herein are regulated by the provisions of this Resolution and subject to the review process set out below.
- B. If any of the above uses/activities or construction involves site plan review, as indicated under Chapter 3, then environmental review shall occur in conjunction with the site plan review in addition to the underlying district regulations and other sections of this Resolution.
- C. All other activities/uses not subject to site plan review of land or structures posing a detriment to environmental resources and in violation of this Resolution shall require review by the Zoning Inspector to determine the extent of potential by existing environmental impacts.

The Zoning Inspector may utilize other governmental agency resources to assist in this determination such as Soil & Water Conservation District office, County Engineer or Regional Planning. If negative, detrimental impacts are proposed or occurring, the Zoning Inspector may order corrective actions be taken to assure the above environmental resources will not be negatively impacted.

**Section 404.05            Environmental Protection Standards**

**A. Flood Hazard Areas**

All floodplains shall be permanent open space, and may be used for non-intensive recreational uses. No buildings or structures are permitted to be located within a floodway. The types of uses permitted in the floodway are listed below:

- 1. Agriculture.
- 2. Public or private parks and outdoor recreational facilities, which should be limited to playfields, ball fields, trails, and other similar unimproved amenities.
- 3. Fencing that allows the passage of water.
- 4. Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt, pervious concrete, combinations of geotextiles with sand, gravel, or sod.

**B. Steep Slopes**

- 1. 18% to 25% Slope

At least 70% of such areas shall remain as permanent open space. No more than 30% of such areas shall be developed and/or re-graded or stripped of vegetation.

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2. More than 25% Slope

At least 85% of such areas shall remain as permanent open space. No more than 15% of such areas shall be improved, stripped of vegetation or have the gradient changed. Erosion control plans shall be approved by Portage Soil & Water Conservation District Office and must then be followed if affecting those slopes.

C. Wetlands

1. Definition

The U.S. Fish and Wildlife Service, a Bureau in the Department of Interior, has developed a wetland definition and classification system for the primary purpose of inventorying the nation's wetlands. This definition emphasizes three key attributes of wetlands: wetland vegetation (hydrophytes); hydrology (the degree of flooding or soil saturation); and hydric soils (periodically flooded and/or saturated soils). The Service has developed a list of plants occurring in the nation's wetlands, and the U.S.D.A. Soil Conservation Service has prepared a list of hydric soils to help further define wetlands. The National Wetlands Inventory completed in 1977 is also used to define wetland areas.

2. Activities Regulated

Dredging, filling, grading, draining, unnatural flooding, excavation or construction in a wetlands area, or on lands immediately abutting, adjoining or affecting said area if such activity upon these adjacent areas is incompatible with the preservation of those wetlands in their natural state is prohibited. Wetlands are regulated by the U.S. Army Corps of Engineers and the U.S. EPA through Section 404 of the Clean Water Act. Prior to conducting any of the above activities affecting a wetland, the Army Corps of Engineers response shall be required to be submitted to the Zoning Inspector. The response will determine the action that will be allowed. Violation of this regulation could be considered a violation of federal law as well as township law and subject to both federal and township penalties.

If the U.S. Army Corp of Engineers does not respond in a timely manner the Zoning Inspector may require the owner/lessor to obtain verification of wetland/boundary through field assessment by a qualified biologist, botanist, etc.

3. Wetlands Protection

Maintain or create an upland buffer of natural native species vegetation of at least the following depth adjacent to (from the typical high-water mark of) all category 1, 2 and 3 wetlands that are to be retained on the site. Individual building lot boundaries and/or any portion of septic systems shall not infringe into this buffer zone.

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- a. Category 1 - Twenty-five (25) foot buffer required. Wetlands are categorized by low species diversity, no significant habitat, limited potential to achieve beneficial wetland functions, a predominance of non-native species, and/or hydrological isolation.
- b. Category 2 – Fifty (50) foot buffer required. Wetlands support moderate habitat or hydrological or recreational function but are generally without the presence of, or habitat for rare, threatened, or endangered species.
- c. Category 3 – Seventy-five (75) foot of wooded buffer and up to 100 foot of non-forested buffer required. Wetlands provide superior habitat and hydrological functions that contain habitat for rare, threatened, or endangered species such as mature forested wetlands, vernal pools, bogs and fens. Category 3 wetlands should receive the largest amount of buffer.

4. Uses Permitted in Non-tidal Wetlands

The following uses shall be allowed as a right within a nontidal wetland to the extent that they are not prohibited by any other Resolution or law and provided they do not require structures, grading, fill, draining or dredging except as provided herein or authorized by special permit:

- a. Conservation or preservation of soil, water, vegetation, fish, shellfish and other wildlife.
- b. Outdoor recreational activities, including hunting, fishing, trapping, bird watching, hiking, boating, horseback riding, swimming, canoeing, skeet and trap shooting.
- c. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and seeds in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require alteration of the nontidal wetland by changing existing nontidal wetland water conditions or sources, tilling of soil or planting of crops.
- d. Forestry practices limited to the thinning and harvesting of native timber in accordance with a forest management plan that incorporates best management practices approved by the State Forester or Soil & Water Conservation Office pursuant to regulations or guidelines.
- e. The continued cultivation of agricultural crops, provided no nontidal wetlands are subject to cultivation where no such use existed five years prior to the effective date of application.
- f. The occasional pasturing of livestock provided manure does not degrade the wetland.
- g. Commercial fishing and trapping.

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- h. Education, scientific research and nature trails.
- i. Uses by right that do not require a special permit that may involve filling, flooding, draining, dredging, ditching or excavating to the extent specifically provided below:
  - 1. Maintenance or repair of lawfully located roads or structures and of facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telegraph, telecommunication or other services, provided that such roads, structures or facilities are not materially changed or enlarged and written notice prior to the commencement of work has been given to the zoning office. The work is to be conducted using best management practices to ensure that flow and circulation patterns and chemical and biological characteristics of the wetland are not impaired and that any adverse effect on the aquatic environment will be minimized.
  - 2. Limited ditching, tiling, dredging, excavating, or filling done solely for the purpose of maintaining or repairing existing drainage systems necessary for the cultivation of agricultural crops, provided the maintenance, or repair activity does not result in the impairment, alteration, or loss of nontidal wetlands not previously used for agricultural purposes.
  - 3. Limited excavating and filling necessary for the repair and maintenance of piers, walkways, observation decks, duck blinds, wildlife management shelters, boat houses, and other similar water related structures, provided that they are built on pilings to allow unobstructed flow of water and preserve the natural contour of the nontidal wetland, except as authorized by special permit.
  - 4. Other uses may only be considered after the U.S. Army Corps of Engineers has determined jurisdiction and the appropriate course of action.

**D. Unstable Soils**

Soils which are indicated as unstable and/or subject to slippage shall not be built upon to protect personal and real estate property and lives. On site test borings may be utilized to verify the exact extent of such soil units.

**E. Forested/Wooded Areas**

**1. Purpose of Regulation/Protection**

To provide for the protection, preservation, proper maintenance and use of woodlands located in this township in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation and air quality, and/or from the destruction of the natural habitat.

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2. Regulated Activities

- a. Clearcutting of woodlands is prohibited unless the woodlands are tree farms with monocultures (single species, same age) or the owner/lessee has a logging plan approved by the State Forester or the Soil Conservation District Office. Such plan shall follow the Best Management Practices for Forest Management.
- b. Cutting of forest/woodlands in other areas shall also be done according to best management practices which include selective, rotational cutting, and utilizing sustained yield management.

The owner/lessee shall have a conservation plan approved by the Soil Conservation Service or State Forester.

- c. No more than 50% of any individual lot shall be cleared of trees for development purposes unless it can be demonstrated such additional clearance is the minimum clearance necessary to achieve a buildable lot due to other environmental constraints (i.e., wetlands, priority woodlands 5, 6, and 7 as depicted on Map 2 in Section 404.02) or due to other building, zoning or health code requirements.

F. Rivers, Lakes, Ponds and Drainage Ways

Purpose of Regulating

To provide for the protection, proper maintenance, and use of rivers, perennial streams, ponds, ditches and other drainage ways streams in order to minimize disturbance to them and to prevent damage from erosion, turbidity or siltation, unnatural flooding, a loss of fish or other beneficial aquatic organisms or a loss of wildlife and vegetation.

1. Regulations

a. Rivers and Perennial Stream Channels

A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than 25 feet, measured from the high water mark on each side of the river or stream bank. Small streams without clearly defined high water marks can be measured from the centerline. The required buffer may be increased based upon the type of stream, slope of the stream banks, surrounding soils, vegetation, land uses, and the function of the stream, but in general shall not exceed 300 feet. In making a determination on the appropriate buffer width, the Zoning Commission may consult with technical experts such as the Soil and Water Conservation District Staff, Portage Park District Staff, County Engineer, Regional Planning Commission, or others qualified to provide a recommendation to the Zoning Commission.

b. Lakes and Ponds

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All such areas shall be permanent open space. No development or diversion of these bodies of water shall be permitted except to provide required roads. Filling shall be permitted only in conjunction with the deepening of a lake or pond and shall be permitted only if surface area and flood retention capabilities are not reduced, provided that such activity within the lake or pond is not considered subject to provisions and federal law under jurisdiction of the U.S. Army Corps of Engineers, Ohio EPA or any other state or federal laws.

c. Lake Shorelines

The area within 100 feet of the shoreline shall contain no more than 15% impervious surfaces. At least 75% of all such areas shall be permanent open space.

d. Pond Shorelines

The area within 50 feet of the shoreline shall contain no more than 15% impervious surfaces. At least 75% of all such areas shall be permanent open space.

e. Drainage Ways/Ditches

There shall be no alteration, filling, dredging or damming of any stream or drainage way without submission and review of such plan to: Township Trustees, County Engineer, Portage Soil and Water Conservation District Office, U.S. Army Corps of Engineers. Proof of the positive impacts on such action will be required to be submitted. No such action shall occur until approvals have been granted by the appropriate above authorities.

**Section 405.00            Supplementary Regulations**

**Section 405.01            Permitted Uses**

No building shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used in a manner which does not comply with the District provisions established by these regulations for the Districts in which the building or land is located. Uses which are omitted from these Regulations, not being specifically permitted, shall be considered prohibited until, by amendment such uses are written into these Regulations.

**Section 405.02            Height Regulations**

Except as otherwise specified in this Resolution, the maximum building height shall be measured from finished grade to the eaves.

**Section 405.03            Permitted Height Exceptions**

Except as specifically stated in other parts of these regulations no building shall be erected,

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converted, enlarged, reconstructed or structurally altered to exceed the height limit hereinafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts and screens, flagpoles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. No such roof structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such structure have a total area greater than twenty-five percent (25%) of the roof area of the building; nor shall such structure be used for any purpose other than a use incidental to the main use of the building, except that radio, television, and wireless aerials or masts may be erected to any height.

Public or semipublic buildings, when permitted in a District, may be erected to a height not to exceed forty-five (45) feet, except that churches and temples may be erected to a height not to exceed seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each floor of additional building height above the height limit otherwise provided in the District in which the building is located.

**Section 405.04        Lots, Yards, and Open Space Areas**

**A. Required Lots, Yards, and Open Space**

No area of land that has been counted or calculated as part of a side yard, rear yard, front yard, or other open space that is required may be counted or calculated to satisfy the yard or other open space requirement of or for any other building.

**B. Usable Open Space**

Whenever required, usable open space shall be unobstructed to the sky and shall not be devoted to service driveways or off-street parking and loading areas.

**C. Reduction of Area or Space**

1. No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the required minimum.
2. Any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further.

**D. Construction in Easements**

1. Easements for installation, operation and maintenance of utilities and drainage facilities are to be reserved as shown on each plat when recorded or otherwise established.
2. Within these easements, no permanent building or structure shall be placed or permitted

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which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement.

3. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.

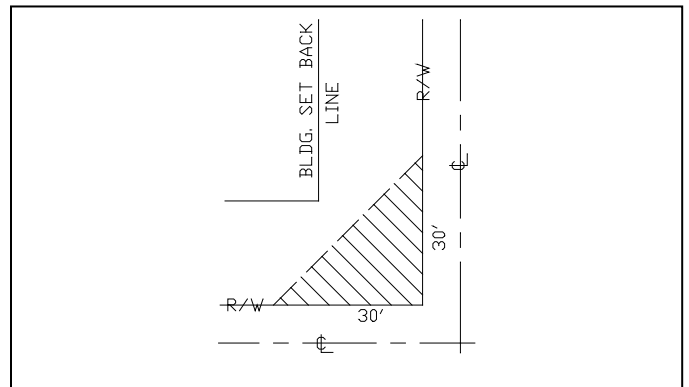
**E. Corner Lots or Lots with Any Number of Yards Fronting on a Street**

**1. Required Yards Facing Streets**

On a corner lot or a lot with any number of yards fronting on a street, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the zoning district for which such structures are located.

**2. Visibility at Corner Lots**

No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points 30 feet from the intersection of the street lines. Shade trees which are pruned at least eight (8) feet above the established grade of the roadway, so as not to obstruct clear view by motor vehicle drivers, may be maintained.



**3. Projection into Side Yard Areas**

Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the level of the ground floor may project into a required side yard, provided these projections be distant at least six (6) feet from the adjacent lot line.

**F. Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts**

Unless otherwise specified, any nonresidential building or use that is located or conducted on a commercially or industrially zoned parcel of land shall be no closer than 100 feet to any lot line of a residential district.

**G. Lot Width to Depth Ratio for Lots Located Within a Residential Zoning District**

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Except as otherwise specified, any lot created within the O-C, R-R, R-1, R-2, R-3 or R-4 Zoning Districts after the effective date of this Resolution, that is less than 5 acres, shall have a depth, which is no greater than four and one-half (4-1/2) times the lot's width measured at the minimum building set back line.

**H. Maximum Lot Coverage**

Except as otherwise specified, the maximum lot coverage on any lot shall not exceed 20% of the total lot area.

**Section 405.05      Principal Building**

- A. Except as otherwise specified in this Resolution, every principal building, regardless of use, shall be located on a lot having the required frontage on a public street or a private street built to County or City of Kent Subdivision Regulation Specification, whichever is applicable.
- B Minimum Distance for Buildings Intended for Human Habitation from Oil and Gas Facilities:
  - 1. All buildings intended for human habitation, place of assembly, education or occupancy by the public shall be located at least 300 feet from any well head, separator units, storage tank and tank battery.
  - 2. No habitual structure for human habitation, place of assembly, education or occupancy by the public shall be located within 25 feet of a plugged well.

**Section 405.06      Regulations of Accessory Buildings and Structures**

- A. Except as otherwise specified in this Resolution, all lots shall be permitted a maximum of two accessory buildings or structures, excluding attached and detached garages, in association with a principal building provided that:
  - 1. A Zoning Certificate is required.
  - 2. The total combined gross floor area of the accessory buildings and/or structures shall meet the following requirements.
    - a. Accessory 1 – in all districts for lots up to one and one-half (1-1/2) acres in size, the aggregate gross floor area shall not exceed 768 square feet.
    - b. Accessory II - in all districts for lots greater than one and one-half (1-1/2) acres in size, the aggregate gross floor area shall not exceed 2,000 square feet.
  - 3. It shall not contain or be used as a dwelling unit.
  - 4. It shall be made of durable all-weather materials.

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5. It shall not be located in the front yard area.
6. It shall be limited to sixteen (16) feet in height
7. If any dimension is greater than 12 feet by 16 feet and/or 192 total square feet, then it shall be placed on a permanent frost-free foundation.
8. It shall be setback a minimum of ten (10) feet from the rear and side lot lines, and shall not be located closer than fifteen (15) feet from the principal building.
9. For lots less than 11,000 square feet, it shall be setback a minimum of five (5) feet from the rear and side lot lines, and shall not be located closer than fifteen (15) feet from the principal building.

**B. Attached and Detached Garages**

One attached or detached garage structure is permitted per principal residential dwelling unit. A detached garage shall not exceed 50% of the gross floor area of the principal residential dwelling on the lot.

**C. Outdoor Hydronic Furnaces**

A typical Outdoor Hydronic Furnace burns wood to heat water that is piped underground to a nearby building and/or structure (i.e. residence, accessory building, swimming pool, hot tub) resulting in heat and/or hot water. An Outdoor Hydronic Furnace resembles a small shed with a smokestack, and is located on the outside of the building or structure to be heated.

A number of studies recognized by the Environmental Protection Agency have determined that the emissions of particulate matter from an Outdoor Hydronic Furnace can be a health hazard. These studies have indicated that the heavy smoke released close to the ground, where it often lingers, exposes people to health risks and the smoke is reported as causing other nuisances as well. Therefore, in order to mitigate the harmful effects associated with the use of an Outdoor Hydronic Furnace, no person shall operate an Outdoor Hydronic Furnace, except in full compliance with the following requirements:

1. A zoning certificate is required.
2. No person shall operate an Outdoor Hydronic Furnace in such a manner as to create a nuisance.
3. Minimum lot size shall be 2-1/2 acres.
4. The Outdoor Hydronic Furnace shall be located in the rear yard.
5. The Outdoor Hydronic Furnace shall be located at least 50 feet from the nearest property line.

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6. More than one building and/or structure on the site may be serviced from either a single Outdoor Hydronic Furnace or by multiple Outdoor Hydronic Furnaces. An Outdoor Hydronic Furnace shall be located at least 25 feet from any building or structure on the lot that it is not providing service to.
7. Time of Operation and Setbacks
  - a. An Outdoor Hydronic Furnace may only operate between September 15 and May 15.
  - b. If an Outdoor Hydronic Furnace is to be operated year-round, then the Outdoor Hydronic Furnace shall be placed no closer than 200 feet from the nearest building intended for human habitation, place of assembly, education, occupancy by the public that is located on the surrounding properties.
8. Allowable Fuel Material

No person that operates an Outdoor Hydronic Furnace shall use a fuel other than the following:

  - a. Clean dry wood that has no paint, stains or other types of coatings and wood that has not been treated with, but not limited to copper chromium arsenate, creosote or
  - b. Wood pellets made from clean wood.
  - c. Home heating oil in compliance with the applicable sulfur content limit or natural gas may be used as starter fuel for dual-fuel for Outdoor Hydronic Furnaces.
  - d. If a corn burner then corn may be used as a fuel.
9. Visible Emission Standards
  - a. No person shall cause or allow visible emissions from any Outdoor Hydronic Furnace to exceed an average of twenty percent (20%) opacity for six consecutive minutes in any one-hour period of normal operation.
  - b. No person shall cause or allow visible emissions from any Outdoor Hydronic Furnace to exceed forty percent (40%) opacity for twenty consecutive minutes during the startup period. This only includes initial firing of the Outdoor Hydronic Furnace. This does not apply to refueling.
10. Smoke Stack Height

All Outdoor Hydronic Furnaces shall have a permanent smoke stack/chimney that is at least five feet higher than the peak of any roof of an inhabited building within 150 feet of the chimney location.

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**11. Fencing Requirements**

The Outdoor Hydronic Furnace and the area containing the fuel materials may be enclosed by a fence that does not exceed six feet (6') in height and/or may be landscaped and be completely screened from view of any public street right-of-way or surrounding properties.

12. Provided such does not contradict any operating instructions and/or such warranties, such units must be secured on both openings in a manner during operation and/or non-operation to prevent unauthorized use

**D. Residential Wind Energy System Regulations**

The purpose of this section is to accommodate small wind energy systems in appropriate locations, while minimizing any adverse visual, safety, environmental and negative economic impact of the system on the community. In addition, this regulation provides a conditionally-permitted process for small wind energy systems to ensure compliance with the provisions of the requirements and standards established in these regulations.

A small wind energy system consists of a wind turbine, a tower, and associated controls or conversion electronics, which has a rated capacity of not more than 100kw and which is intended to primarily reduce on-site consumption of utility power.

**1. Height**

The total height of a small wind energy system is measured as the vertical distance from the ground level to the tip of the wind generator blade when the tip is at its highest point. It shall not exceed the following maximum height requirements:

**a. Wind Towers**

- i. properties less than ½ acre in size- not permitted
- ii. properties between ½ acre and one acre- maximum 40 feet
- iii. properties greater than 1 acre to 2 ½ acres- maximum 60 feet
- iv. properties greater than 2½ acres to 5 acres- maximum 80 feet
- v. properties greater than 5 acres in size- maximum 100 feet
- vi. all wiring from towers to home shall be underground

**2. Attachment to Existing Buildings**

Wind turbines may be affixed to the building or roof in a structurally sound manner and providing that:

- a. the total height of the turbine is less than 20 feet above the highest point of the building

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- b. the base of the turbine cannot be seen from the road right-of-way
- 3. Location

A small wind energy system shall only be located in the rear portion of any lot with the exception when the system is attached to a building and the base cannot be viewed from the roadway.
- 4. Tower Setbacks
  - a. Towers shall be located at least 120 percent of its height from any public right-of-way.
  - b. Towers shall be located at least 120 percent of its height from any overhead utility line except those lines directly serving the subject property.
  - c. Towers shall be located at least 120 percent of its height from all property boundaries.
- 5. Guy Wire Anchors

If guy wires are utilized as part of the tower design, the guy wire anchors shall be placed at least 50 feet from any of the abutting property boundaries.
- 6. Fencing

If the base of a tower is such that it is not climbable for a distance of 10 feet, as measured from the ground, fencing of the base is not required.

All access doors to wind turbines and electrical equipment must be kept locked to prevent entry by unauthorized persons.
- 7. Electrical Interference

The small wind energy system shall be RFI certified.
- 8. Noise

The maximum sound level permitted is addressed in Chapter 10 section 1000.01 of the Franklin Township Zoning Code.
- 9. Maintenance

The design and location of small wind energy systems shall ensure that all maintenance can be conducted from the installation site.
- 10. Abandonment

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- a. A small wind energy system that is out-of-service for a continuous 18 month period will be deemed to have been abandoned.
- b. The Zoning Inspector shall issue a Notice of Abandonment to the owner of the small wind energy system that is deemed to have been abandoned by certified mail.
- c. The owner shall have the right to respond to the Notice within 30 days from the Notice receipt date.
- d. If the owner provides information that demonstrates that the small wind energy system has not been abandoned, the Zoning Inspector shall withdraw the Notice of Abandonment and will notify the owner that the notice has been withdrawn.
- e. If the Zoning Inspector determines that the small wind energy system has been abandoned, the owner of said system shall remove the wind generator system at the owner's expense within 120 days of receiving the Notice of Abandonment.

**11. Zoning Permit Procedure**

An owner shall submit an application for a zoning permit for a small wind energy system.

**E. Solar Energy Systems**

Solar energy systems shall be conditionally permitted in all zoning districts in accordance with the requirements of this section.

**1. Allowable Number of Panels**

Any number of solar panels may be in operation on a single site in accordance with this section.

**2. Height**

- a. Solar panels shall comply with the maximum permitted height of the zoning district.
- b. If attached to existing buildings, the solar panels shall comply with the maximum permitted height of the zoning district.

**3. Location**

- a. A free standing solar energy system shall only be located in the rear yard portion on any lot. Solar energy systems attached to buildings shall have no such location regulations.

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- b. It is the property owner's responsibility to situate any solar collector so that a neighbor's trees or buildings do not block access to the sun at any time of the year.

4. Maintenance

When a solar energy system reaches the end of its useful life and can no longer function, the owner of the system shall remove the system within 120 days of the day on which the system last functioned. The owner is solely responsible for removal and proper disposal of the system and all costs, financial or otherwise.

F. Handicapped Ramps

Handicapped ramps should comply with setback limits unless the unique characteristics of the land prohibit compliance. Temporary ramps should be taken down when the need no longer exists.

G. Shipping/Storage Containers as Accessory Buildings

See "Prohibited Uses" in Section 403.00

**Section 405.07          Swimming Pools**

A. Private Family Swimming Pools

A private family swimming pool shall be permitted in accordance with the following requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
2. Temporary Pool, Wading/Kiddie – 18" in height or less in depth; cannot be erected before May 1<sup>st</sup> and must be dismantled by October 1<sup>st</sup>. If a temporary pool is left up beyond the above-mentioned dates, it becomes a permanent pool and the rules for permanent above ground pools shall apply. No Zoning Certificate is required for a temporary pool.
3. Pool, Above Ground, Temporary – A private above ground pool with the height of four (4) feet or less; cannot be erected before May 1<sup>st</sup> and must be dismantled by October 1<sup>st</sup>. If a temporary pool is left up beyond the aforementioned dates, it becomes a permanent pool and the rules for permanent above ground pools shall apply. No Zoning Certificate is required for a temporary pool. The location must abide by the zoning regulations for set backs for structures.
4. Pool, Above Ground and In Ground, Permanent – All permanent above ground and in

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ground swimming pools shall require a Zoning Certificate. The location must abide by the zoning regulations for set backs for structures. All above ground and in ground swimming pools shall be enclosed by a fence and have a gate with self-closing and self latching devices. The fence and gate shall be not less than four (4) feet and not over six (6) feet in height above ground level, commencing at grade level and extending vertically. The fence and gate shall be constructed in such a manner that a sphere with a diameter of four inches cannot be passed through any opening.

An accessory building may be used in or as part of such enclosure.

**B. Public Pools**

All public pools shall comply with all district setback requirements and the rules of the Ohio Department of Health, Ohio Administrative Code, Chapter 3701-31.

**Section 406.00          Roadway Design**

Any development may utilize either a public and/or private roadway network designed in accordance with the following specifications, unless otherwise specified in the Portage County Subdivision Regulations:

- A. Street alignments shall follow natural contours and be designed to conserve natural features.
- B. Locations of streets shall be planned to avoid excessive storm water runoff.
- C. The area of the project devoted to streets and related pavement shall be the minimum necessary to provide adequate and safe movement through the development.
- D. All roadways shall have a minimum improved surface of twenty-two (22) feet in width for the safe passage of emergency vehicles and fire apparatus.
- E. All roadways that are dead-end must have adequate space for all types of fire equipment to turn around at the end.

**Section 407.00          Home Employment**

Home occupations that are inconspicuous and incidental to the residential use of property are permitted in any residential dwelling subject to the following requirements:

**A. Permitted Types of Home Based Employment**

Any home employment at a residence that has minimal customer or client visits and no on premise employees.

**B. Administration**

- 1. A Zoning Certificate is required.

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2. In addition to the standard information required on the application, the applicant shall also include:
  - a. The property owners name and address if different than the resident.
  - b. The type of business and business activity.
  - c. The vehicles, if any, that are used in association with the home employment.

**C. Operating Standards**

1. The use shall be secondary in importance to the use of dwelling for residential purposes.
2. Such use shall be conducted entirely within a residential dwelling unit and/or permitted accessory building(s) and no use of yard space shall be permitted.
3. The basis of calculation for total area that may be used for the home employment is forty (40) percent of the gross floor area of the residential dwelling unit.
4. There shall be no storage of materials, supplies or equipment outside the principal location of the home employment.
5. There shall be no evidence of the home employment that is detectable from any road or adjacent property.
6. Such home employment shall only be conducted by inhabitants of the residence.
7. The total customer visits shall be limited to no more than 1 vehicle at any one time.
8. Any number of home employment occupations per dwelling unit and the associated accessory buildings are permitted, provided that all of the requirements stipulated herein shall be complied with collectively, as if determined for a single use on the site.

**Section 408.00            Keeping of Exotic Pets**

A person may harbor, maintain or control an exotic animal, as defined in this Resolution, providing the animal is properly secured in a tank or caged to prevent unwelcome release or escape.

**Section 409.00            Confinement of Wild Animals**

The prohibition listed in Section 403.09 for the keeping of wild animals shall not apply to the following uses, provided all federal, state, and other permits are first obtained and animal humane and safety standards are met:

1. Educational institutions accredited by the State of Ohio

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2. Veterinary clinics in temporary possession of these animals
3. Circuses
4. Parades

**Section 410.00            Fences, Walls, and Hedges**

Fences, walls and hedges are permitted in any required yard or edge of any yard provided:

- A. All fences, walls, hedges and berms or in any combination must be located on and able to be maintained on the owner's property.
- B. A Zoning Certificate is required.
- C. All fences and walls shall be constructed of durable materials and shall be installed to withstand the natural weather conditions. Fences and walls shall be maintained in good condition at all times. All hedges and/or other vegetative plants shall be maintained in good condition at all times. All dead or diseased plants must be replaced or removed. Failure to replace or remove dead or diseased plants constitutes a zoning violation subject to the penalty provisions of this Resolution.
- D. All fences and walls shall have the finished side facing out, with no structural supports visible from adjoining properties, or public street right-of-way unless the fence or wall is designed so that such supports are visible from both sides.
- E. Any fence, wall, hedge, and berm, or any combination along any side or rear property lines of any property in any zoning district may be permitted according to the following standards:
  1. Any fence, wall, hedge, and berm, or any combination shall not exceed six (6) feet in height above the finished grade in all zoning districts, except districts designated for industrial uses.
  2. Fences in residential districts shall be of a decorative design to include wrought iron, wood and chain link, but to exclude barbed wire, chicken wire and similar type fences, and shall be designed so that 25% of the surface shall be open to light and air. Decorative posts shall not exceed a height of five (5) feet in height.
  3. In districts designated for industrial uses, any fence, wall, hedge, and berm, or any combination shall not exceed 12 feet in height above the finished grade.
- F. Fences, walls, hedges and berms or any combination shall be permitted within the front yard of any property within in any zoning district in accordance with the following standards:

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1. No fence, wall, hedge, and berm or any combination shall exceed four (4) feet in height above the finished grade.
  2. Fences shall be of a decorative design to include wrought iron, wood and chain link, but to exclude barbed wire, chicken wire and similar type fences, and shall be designed so that 25% of the surface shall be open to light and air. Decorative posts shall not exceed a height of five (5) feet in height.
- G. No fence can be located within a public right-of-way, nor can it be located in an area that will obstruct the line of sight for any motorist or pedestrian.
- H. All fences, walls, hedges and informal plantings shall not become hazardous to neighboring uses or obstruct vision of motorists at intersections.
- I. Informal plantings (e.g. Deciduous or Evergreen trees) may be higher than six (6) feet in height.

**Section 411.00          Access Strip**

Each residential lot shall have a minimum frontage on a public or private street built to county specifications, of sixty (60) feet or more, as specified for the Zoning District, or an access strip to a road approved by the County Engineer. Such access strip must be at least sixty (60) feet in width along its entire length and must provide access to only one (1) parcel of land. A strip of land providing access to more than one (1) parcel of land shall be dedicated as a public or private street and shall be built to county specifications.

The above frontage standard may be reduced by the Board of Zoning Appeals for lots fronting on a permanent cul-de-sac, or a loop street.

**Section 412.00          Drainage Channels and Flood Plains**

Existing drainage channels and flood plains which are indicated on any land use and thoroughfare plan, flood hazard map or Township or County records, are essential for the maintenance for the health and general welfare of the people. Any encroachment upon, filling in or the destruction of these drainage channels or flood plains is a violation of this Resolution. In order to provide for the development of property for its best use, such as new subdivisions, the county engineer shall determine what facilities are adequate to maintain the prime purpose of the drainage channel or flood plain.

**Section 413.00          Storage, Utility & Trash Collection Areas**

Any outdoor storage areas, utility and mechanical equipment and trash collection or compacting areas of any commercial, industrial, institutional or multi-family residential use shall be completely screened from the view of any public street right-of-way and from view of any adjoining property.

- A. The required screening may be accomplished by a continuous solid fence, masonry wall, earthen berm, hedging, appropriate evergreen plant materials or combination, which is high enough to effectively screen the above mentioned items from view.

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- B. The design must allow convenient access for trash collection vehicles.
- C. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency or federal agencies responsible for the safe storage of the hazardous waste.
- D. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed of impervious materials.
- E. Trash shall be collected and removed from the site at least once a week.

**Section 414.00            Temporary Buildings for Construction Projects**

Temporary buildings for use incidental to construction work may be erected in any of the districts herein established; however, such temporary buildings shall be removed upon the completion or abandonment of the construction work.

**Section 415.00            Parks for Passive Recreational Facilities**

Parks for passive recreational uses may be established within any zoning district providing the following requirements and all other applicable requirements of this Resolution:

- A. Parks intended for passive recreational uses, such as, but not limited to wildlife and nature preserves, picnic areas, walking, hiking, biking, horseback riding, sledding and cross-country skiing, as well as other uses similar in character and potential impact may be located within any zoning district.
- B. Recreational facilities shall be designed in a manner that minimizes their impacts on adjacent properties and environmentally sensitive areas.
- C. Recreational uses and facilities shall be designed in a manner that will promote and protect public safety. This shall include effective security and safety lighting along pedestrian and bicycle routes and within parking lots and providing emergency telephone equipment when feasible.
- D. Outdoor lighting shall not cast any glare on adjacent residential properties, and shall comply with lighting standards of Section 1000.09.
- E. Activities shall be scheduled in a manner that will minimize any potential negative impacts to neighboring residential uses, especially any evening activities.
- F. It is desirable that parks and recreation areas be connected to residential neighborhoods and other areas of high usage with a multi-use circulation system designed to enhance transportation opportunities for pedestrians, cyclists, and other non-motorized users.

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**Section 416.00            Recreational Vehicles**

Outdoor storage of recreational vehicles shall be limited to one vehicle per dwelling unit in the R-1, R-1A, R-2, and R-3 Residential Districts, and shall be limited to two vehicles per dwelling unit in the R-R District.

**Section 417.00            Site Stabilization Requirements**

These requirements are established to manage the erosion and sedimentation that can occur on any site within the township that will have less than one (1) acre of disturbed land, by reducing the amount of time that the soil is left bare, reducing the velocity and controlling the flow of runoff water. Disturbed areas must be stabilized as specified in the following tables:

**Table 417.1  
Temporary Stabilization**

<b>Area Requiring Temporary Stabilization</b>	<b>Time Frame To Apply Erosion Controls</b>
Any disturbed areas within 50 feet of a surface water of the state and not at final grade.	Within two days of the most recent disturbance if the area will remain idle for more than 21 days.
For all construction activities, any disturbed areas that will be dormant for more than 21 days but less than one year, and not within 50 feet of a surface water of the State.	Within seven days of the most recent disturbance within the area.  For residential subdivisions, disturbed areas must be stabilized at least seven days prior to transfer of permit coverage for the individual lot(s).
Disturbed areas that will be idle over winter.	Prior to November 1.
Where vegetative stabilization techniques may cause structural instability or are otherwise unobtainable, alternative stabilization techniques must be employed.	

**Table 417.2  
Permanent Stabilization**

<b>Area Requiring Temporary Stabilization</b>	<b>Time Frame To Apply Erosion Controls</b>
Any areas that will lie dormant for one year or more.	Within seven days of the most recent disturbance.

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Any areas within 50 feet of a surface water of the state and at final grade.	Within two days of reaching final grade.
Any other areas at final grade.	Within seven days of reaching final grade within that area.

**Table 417.3  
Final Stabilization**

Final stabilization must be achieved on all portions of the site prior to the expiration of the zoning certificate, unless an extension of time has been approved by the zoning inspector.
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**Section 418.00          Home Day Care for Children and Adults**

**Home day care for children and adults** are permitted in the O-C, R-R, R-1, R-2, R-3, and C-1 Zoning Districts in accordance with the following provisions:

- A. A Zoning Certificate is not required for this use.
- B. Any residence may be used for the purposes of providing A Type B Child Day Care Home for up to six (6) children at any one time.
- C. Any residence in any zoning district may be used for the purposes of providing an adult day care home for up to five (5) adults at any one time.
- D. Home day care facilities are not intended to provide overnight accommodations.

**Section 419.00          Adult Family Home**

Adult family homes are permitted in the R-3 and C-1 Zoning Districts in accordance with the following provisions:

- A. A Zoning Certificate is required for this use.
- B. The site and structure shall meet the applicable state code requirements, including licensing requirements.
- C. An adult family home may provide room and board, personal care, overnight accommodations, etc.
- D. Any residence in any zoning district, except the Industrial Research and Office District and the Industrial District (I-1 and I-2) may be used for the purposes of providing an adult family home for up to up to five (5) adults at any one time.

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**Section 420.00            Residential Facility for Up to Eight Residents**

Residential facilities for up to eight residents are permitted in the R-3 and C-1 Zoning Districts in accordance with the following provisions:

- A. A Zoning Certificate is required for this use.
- B. The site and structure shall meet the applicable state code requirements, including licensing requirements.
- C. The residential facility may provide room and board, personal care, overnight accommodations, etc.
- D. Any residence in any zoning district, except the Industrial Research and Office District and the Industrial District (I-1 and I-2) may be used for the purposes of establishing a residential facility for up to up to eight (8) residents.

**Section 421.00            Business Displays**

In all Commercial Districts, all businesses, services, and merchandise displays shall be conducted within a completely enclosed building except as otherwise provided in this Resolution.

**Section 422.00            Agricultural Uses**

- A. Farm markets, farm roadside stands or winery may be established for the purpose of selling agricultural products, providing the following requirements are met:
  - 1. There shall only be one (1) farm market, farm roadside stand or winery permitted per farm.
  - 2. A farm market, farm roadside stand or winery shall comply with the side yard setback requirements of the district.
  - 3. A farm market or winery shall be located at least 30 feet from the road right-of-way.
  - 4. A farm roadside stand shall be located at least 10 feet from the road right-of-way.
  - 5. If the structure(s) is located within the front yard setback area of the property, the height of the structure(s) shall not exceed 15 feet.
  - 6. The floor area of a farm roadside stand shall not exceed 100 feet. A winery sales building and a farm market may be up to 2,000 square feet of floor area.
  - 7. Adequate ingress and egress and parking facilities are provided to allow cars to get off of

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the street and be able to turn around without creating a safety hazard or blocking oncoming traffic.

8. Construction materials of the farm market shall be of materials that would blend with the principal buildings and/or surrounding neighborhood.
  9. At least 50% of the gross income of the market must be derived from produce raised on the farm owned or operated by the market operator.
  10. At least fifty percent (50%) of the gross sales of the winery must be derived from wine produced and/or bottled at the winery.
  11. Signs are permitted in accordance with the provisions of Chapter 7.
- B. In a platted subdivision approved under Ohio Revised Code Sections 711.05, 711.09, or 711.10, or in any area of the Township consisting of at least 15 lots approved under Ohio Revised Code Section 711.131 that are contiguous to one another, or some of which are contiguous to one another on one side of a dedicated public road, and the balance are contiguous to one another on the opposite side of the same dedicated public road, agriculture can be regulated as follows:

On lots comprised of five (5) acres or less, agriculture uses shall comply with the following requirements:

1. Accessory buildings used for agriculture

Accessory buildings used for agricultural purposes shall comply with the requirements as set forth in Subsection 405.07, except as specified in Subsection 422.00.B.3.

2. Animals

- a. Dairying and animal and poultry husbandry, except for household pets, shall not be permitted on lots with less than one (1) acre in area.
- b. Dairying and animal and poultry husbandry shall be permitted on lots with a minimum of one (1) acre up to five (5) acres.

3. Shelter for Animals

The following regulations are established for the keeping of animals in accordance with Section 422.00.B.2.b.

- a. Whenever one or more animals are kept on a lot, a shelter shall be constructed on the lot.
- b. The area of the shelter shall not exceed three (3) percent of the lot area.

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1. Animal shelters and enclosures must be maintained and draining established to prevent ponding of water, insect breeding areas, and health hazards for animals and humans. The premises and shelters shall conform to the Sanitary Code of the Portage County Health District.

- c. Animal shelters shall be located no closer than:

1. 60 feet to street right-of-way.
2. 25 feet to a side or rear lot line.
3. 100 feet from any water well.

4. Fencing of Animals

Whenever one or more animals are kept outdoors on a lot, the following regulations are established for the keeping of animals in accordance with Section 422.00.B.2.b.

- a. A fence shall be required for animals such as, but not limited to horses, mules, donkeys, swine, cattle, buffalo, alpacas, llamas, goats and sheep.
- b. The fence shall be located a minimum of two (2) feet from any front, side, or rear lot line.
- c. A letter from the Ohio State University (O.S.U.) Extension Office shall be provided by the applicant stating that the intended fenced area will provide at least the minimum grazing area for grazing livestock in compliance with the latest “animal units” per acre standards set forth by O.S.U. Extension Service, based on the applicant’s intended use and types of pasture grasses to be planted.

5. Bee-keeping (Apiculture)

All bee-keeping activities shall be a minimum of 250 feet from any residence on surrounding parcels.

**CHAPTER 5  
NONCONFORMING USES**

**Section 500.00            Nonconforming Uses**

**Section 500.01            Purpose**

The purpose of this Section is to provide for the continuing use of land, buildings, and structures that do not conform to this Resolution, but which were in existence, before the adoption of this Resolution and any subsequent amendments. Any use or structure that was established in noncompliance with the requirements of Township's Zoning Resolution that were in effect at the time of the establishment of the use shall not become a legal nonconforming use.

**Section 520.02            Buildings Under Construction**

On the effective date of this Zoning Resolution or any amendment thereto, no changes are required in the plans, construction or designated uses of a building that does not comply with the requirements of the district in which it is located, provided that:

- A. Construction is commenced within 90 days after the issuance of such Certificate.
- B. The entire building shall be completed within two (2) years after the issuance of the Zoning Certificate.
- C. For the purposes of this Zoning Resolution, such construction shall be deemed an existing nonconforming use.
- D. Where demolition or removal of an existing building has been substantially begun in preparation to rebuilding, such demolition or removal shall be deemed to be actual construction provided that such work shall be completed within two (2) years of issuance of the Zoning Certificate.

**Section 520.03            Nonconforming Lots of Record**

On the effective date of this Zoning Resolution or any amendment thereto, a lot of record that does not comply with the lot area or width requirements in the District in which the lot is located may be used as follows:

**A. Single Nonconforming Lots of Record**

Any lot, which was platted prior to the enactment of this Resolution, that does not meet the requirements for yards or other open space, may be developed for a permitted use, building or structure of the applicable zoning district, provided that:

- 1. The responsible Health Authority must assure that the necessary requirements for sanitary sewage facilities and water can safely be accommodated.

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2. The proposed use will not encroach upon or into the required side yard, rear yard, front yard, or other open space of the applicable zoning district.

**B. Nonconforming Lots of Record in Combination**

If a vacant nonconforming lot adjoins one or more lots in common ownership on the effective date of this Resolution, or amendment thereto, such lots shall be combined to a conforming lot or more conforming lot as a prerequisite to development.

**C. Occupied Lots**

If already occupied by a building, such building shall be maintained and may be repaired, modernized, altered or enlarged provided that the building complies with the front, side and rear yard setbacks, and all other requirements of the district, except those that pertain to the lot area and lot width requirements.

**D. Increasing Nonconformity of Lots**

The nonconformity of lots shall not be increased in any manner, nor shall any division of any parcel be made which results in the creation of a lot not in compliance with the requirements of this Resolution.

**Section 520.04            Nonconforming Buildings or Structures**

Where a lawful structure or building exists at the effective date of adoption of this Resolution or amendments thereto, that could not otherwise be built under the terms of this Resolution, such building or structure may continue to be used or occupied by a use permitted in the district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

**A. Maintenance and Repair**

A nonconforming building or structure may be maintained and repaired provided that the cubic content area existing when it became nonconforming shall not be increased. Nothing in these Regulations shall prevent the strengthening or restoring to safe condition any building or part thereof declared to be unsafe by any official charged with protecting the public safety upon order of such official.

**B. Additions, Alterations and Reconstruction**

A nonconforming building or structure may be altered, improved, reconstructed, substituted, enlarged or extended one time only, provided that:

1. Any such alteration, improvement reconstruction, enlargement, or extension may not exceed 20% of the square footage of the gross floor area of the building or structure as it existed at the effective date of this Resolution.

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2. The alteration, improvement, reconstruction, substitution, or extension does not exceed a total cost of 50% of the fair market value of the building or structure. Evidence of the cost of the proposed alteration, improvement, reconstruction, substitution or extension shall be by construction estimate submitted by affidavit to the Zoning Inspector.
3. Where the land contains more than one building or structure, the combined square footage shall be considered.
4. No nonconforming building or structure may be enlarged or extended so that the building or structure will further encroach into or upon a minimum setback yard area or distance requirement of the applicable zoning district.

**C. Change in Principal Use of Building**

The principal use in a nonconforming building may be changed to any other use permitted in the district so long as the new use complies with all of the requirements of the zoning district.

**D. Moving of Structures**

If any nonconforming building/structure is moved, it shall thereafter conform to the requirements for the district in which it is moved.

**Section 520.05                    Continuance of a Nonconforming Use of Buildings and Land**

A nonconforming use may continue in the district in which it is located so long as it remains otherwise lawful and does not constitute a public nuisance.

**Section 520.06                    Change of a Nonconforming Use of Buildings and Land to another Nonconforming Use**

A nonconforming use of a building, structure or land shall not be changed or substituted to another nonconforming use unless the Board of Zoning Appeals decides that the proposed nonconforming use is in less conflict with the character and use of the applicable zoning district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Resolution.

**Section 520.07                    Change from Nonconforming Use**

A nonconforming building or use shall cease to be considered as such whenever it first comes into compliance with the regulations of the district in which it is located. Upon such compliance, no previous nonconforming use shall be made, resumed or reinstated.

**Section 520.08                    Abandonment of a Nonconforming Use of Buildings and Land**

A nonconforming use that has been discontinued for a period of two years shall be deemed

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abandoned, except when government action impedes access to the premises, and shall thereafter be used in conformity with the regulations of the district in which it is located.

**Section 520.09            Certificate of a Nonconforming Use**

If a use of property/structures was legally created or established and has since become nonconforming because of the establishment of or amendment to this Zoning Resolution, the Zoning Inspector shall issue a “Certificate of Nonconforming Use” to all known owners.

- A. No use of land, buildings or structures shall be made other than that specified on the “Certificate of Nonconforming Use” unless the use shall be in compliance with the requirements of the zoning district in which the property is located.
- B. A copy of each “Certificate of Nonconforming Use” shall be retained by the Zoning Inspector, who shall maintain a record of all such certificates.
- C. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming, or other facts that substantiate the nonconformity.

## CHAPTER 6 CONDITIONAL ZONING CERTIFICATES

### **Section 600.00            Conditional Zoning Certificates**

#### **Section 600.01            Purpose**

To provide for more detailed evaluation of each use conditionally permissible in a specific district. Considerations include, but are not limited to location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation must be part of the evaluation. Accordingly conditional uses shall conform to the requirements of Sections 301.02 and 602.00B and all other applicable requirements of this Resolution.

#### **Section 600.02            Application Procedures**

All applications for a Conditional Zoning Certificate shall be submitted to the Zoning Inspector in compliance with the provisions of Section 202.00.

#### **Section 600.03            Supplementary Conditions and Safeguards**

In granting approval for any conditional use, the Board of Zoning Appeals may also impose such additional conditions and safeguards as deemed necessary for the protection of individual property rights, and for insuring that the intent and objectives of this Resolution will be observed. Any violation of such conditions and safeguards, when made part of the terms under which the conditional use is granted, shall be deemed a violation of this Resolution.

#### **Section 600.04            Expiration of a Conditional Zoning Certificate**

A Conditional Zoning Certificate shall be deemed to authorize only one particular conditional use, and said certificate shall automatically be deemed in violation of this Resolution if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the certificate was issued, or if for any reason such use shall cease for more than two (2) years.

#### **Section 600.05            Terms and Assignment**

- A. Conditional Zoning Certificates are assigned only to the property specified on the application and may not be assigned to another property.
- B. Modifications to the terms under which a Conditional Zoning Certificate is granted shall require resubmission and shall constitute a new review by the Board of Zoning Appeals, subject to the provisions of Section 600.02.

#### **Section 601.01            Basis of Determination**

The applicant shall be required to establish by clear and convincing evidence that the general

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standards of this Article and the specific standards pertinent to each proposed use will be met throughout the period of proposed use. The Board may also impose such additional conditions and safeguards as it finds necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Resolution will be observed.

**A. General Standards**

The Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall require adequate evidence that use on the proposed location:

1. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Land Use Analysis and Thoroughfare Plan of current adoption;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will not be detrimental to property in the immediate vicinity or to the community as a whole;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
6. Will be in compliance with State, County, and Township regulations;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
8. Will not create excessive additional requirements at public cost for public facilities and services and not be detrimental to the economic welfare of the township.
9. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons and property by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
10. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of the township and local ecosystem.
11. Will be in compliance with Portage County Subdivision Regulations, County Board of Health Standards, and County Building Code and all other applicable federal, state, and

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local regulations.

**B. Regulations Pertaining to Conditionally Permissible Uses**

The following are the specific conditional use criteria and requirements for the uses conditionally permitted in this Resolution as provided for in Chapter 3. Nothing in this Section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements.

In addition to the general requirements as specified in Section 601.01.A, every conditional use shall meet the following specific requirements as specified in Chapter 3 for that particular use and district:

1. All structures and activity areas should be located at least one hundred (100) feet from all property lines.
2. Loudspeakers which cause a hazard or annoyance shall not be permitted.
3. All points of vehicular entrance or exit should be located no closer than two hundred (200) feet from the intersection of two (2) major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
4. There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
6. Elementary school structures should be located on a collector thoroughfare.
7. Developments should be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
8. Developments should be located adjacent to nonresidential uses such as churches, parks, industrial, or commercial districts.
9. Uses shall not require uneconomical extensions of utility services at the expense of the community.
10. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
11. Uses should be properly landscaped to be harmonious with surrounding residential uses.
12. Shall be enclosed by a fence six (6) feet or more in height for the entire periphery of the

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development. Fences shall be adequate to prevent trespass and shall be placed no closer than fifty (50) feet to the top or bottom of any slope. No sand or gravel shall be removed or stored or overburden stored within one hundred (100) feet of any lot line or street so that areas contiguous and adjacent thereto are not deprived of adequate lateral support. All work conducted in connection with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.

13. No rehabilitated slope shall exceed an angle with the horizontal of twenty-five (25) degrees.
14. Structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
15. All areas within any single development shall be rehabilitated progressively as they are worked out or abandoned, to a condition of being entirely lacking in hazards, inconspicuous, and blended with the general surrounding ground form so as to appear reasonably natural. Areas shall be completely and continually drained of water when not in use or not supervised by a watchman. All slopes and banks shall be reasonably graded and treated to prevent erosion or any other potential deterioration. Such operations shall be conducted so as not to leave or cause to exist spoil banks.
16. Truck routes shall be established for movement in and out of the development in such a way that it will minimize the wear on public streets and prevent hazards and damage to other properties in the community.
17. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
18. The area of use shall be completely enclosed by a six (6) foot fence (open or closed) and appropriately landscaped to be harmonious with surrounding properties.
19. Landscaping, parking, utility or service areas, driveways, walkways, and similar improvements should be compatible to each other and to the subject building or structure as well as to adjacent contributing properties, open spaces, green spaces, and the overall environment.
20. Developments should be located on or immediately adjacent to state highways.
21. Uses shall be permitted under the following conditions:
  - A. Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.
  - B. No more than two (2) driveway approaches shall be permitted directly from any

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thoroughfare and shall not exceed thirty (30) feet in width at the property line.

- C. If the property fronts on two (2) or more streets, the driveways shall be located as far from the street intersections as is practical.
  - D. At least a six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches.
- 22. Any temporary structures must be indicated as such on site plans submitted to the Board of Zoning Appeals for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Board of Zoning Appeals.
  - 23. Uses should be located on a major thoroughfare, adjacent to nonresidential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
  - 24. Uses shall be conducted not closer than one hundred (100) feet from any R-District. Where the I-District abuts upon but is separated from an R- District by a street, the width of the street may be considered as part of the required set back. The construction, operation, and maintenance of such uses shall be such that they will not be hazardous, noxious, or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matters, or water carried wastes.
  - 25. Truck parking areas, maneuvering lanes and access ways to public streets shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours.
  - 26. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted; and shall include such uses as refreshment stands, souvenir stands, and concession stands.
  - 27. No campsite shall be occupied by the same occupant or group and/or tent, trailer, or other camping equipment for a period longer than seven (7) consecutive days.
  - 28. Only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted as part of the park, recreational area, or campground. Included as such retail uses are refreshment stands, souvenir stands, concession stands, park office, and the limited sale of groceries when the customers are primarily the campers using the park.
  - 29. A minimum area of fifty (50) acres shall be required for a proposed under these regulations.
  - 30. All facilities and structures shall meet all county and/or State of Ohio health, building, electrical and other applicable codes.

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31. All activities, programs, and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbance or nuisance to surrounding properties, residents, or to the community in general.
32. No Zoning Certificate shall be issued until final site plans have been submitted and approved by the Board of Zoning Appeals. Said site plans shall show the following: drainage (including storm water), location of all buildings, fuel tanks (if any), off-street parking and service facilities, water supply, sanitation, walks, fences, walls, landscaping, outside lighting, traffic flow and its relation to abutting streets.
33. No Zoning Certificate shall be issued until the approval by the Ohio Environmental Protection Agency and County Health Department or the County Sanitary Engineer has been obtained concerning the proposed sanitary sewerage facilities.
34. The design and construction of all access drives, access points to public streets, and parking and service areas shall be approved by the Township Trustees.
35. All activities, except those required to be performed at fuel pumps, shall be carried on inside a building; if work is performed on a vehicle, said vehicle shall be entirely within a building.
36. All structures and activity areas shall be located at least thirty (30) feet from all property lines.
37. **INTENTIONALLY LEFT BLANK**
38. **INTENTIONALLY LEFT BLANK**
39. **Adult Entertainment Uses: Bookstores or Adult Video Stores, Adult Cabarets, Adult Motion Picture Theaters**
  - A. The proposed use shall not be contrary to the public interest or be injurious to nearby properties.
  - B. The proposed use shall not enlarge or encourage the development of a blighting influence.
  - C. Adult uses shall be located in accordance with the following distance requirements:
    1. A minimum of 500 feet from the boundaries of any lot containing a church, library, public park or playground, day care center, school or any other institution where children are kept day or night.
    2. A minimum of 500 feet from any other adult use.

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- 3. A minimum of 500 feet from any residentially zoned parcel in Franklin Township.
- D. Any display, device, or sign that depicts or describes specified sexual activities or specified anatomical areas shall be out of view of the public way and surrounding property.

**40. Animal Hospitals, Veterinary Offices and Clinics**

- A. The proposed use shall be located in a building having adequate soundproofing and odor control.
- B. Screening shall be provided on each side of the parking area that abuts or faces a residential lot.
- C. Facilities for the boarding of animals, i.e. pet away from home, not to exceed thirty days, must be well kept and not overcrowded.
- D. Any outdoor animal run or breeding area shall be enclosed by a fence of 6 feet in height. Limestone chips or equivalent base must be used. Run-off must be controlled on site.
- E. Premises shall be kept in a neat and sanitary manner by the daily removal of animal waste and the use of sprays and disinfectants to prevent an accumulation of flies, the spread of disease or offensive odor.
- F. Applicant shall demonstrate a working plan to prevent or alleviate any noise and odor problems emanating from the animals that may be staying overnight.
- G. Facilities must meet all applicable licensing requirements of the state and county.

**41. Car Washes**

- A. Shall be designed so as not to interfere with pedestrian traffic and not limit expansion of pedestrian oriented facilities.
- B. Facilities are not to be used for storage of vehicles.
- C. Where applicable, all car washes shall also comply with regulations for gasoline station and/or auto service facilities.
- D. Adequate on-site circulation patterns for autos and other motor vehicles waiting in line for service shall be provided so that there is no stacking in the road right of way.
- E. All mechanized washing, waxing, and drying of automobiles and other vehicles shall be within a building enclosed on at least two (2) sides.

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- F. The entrance and exit for this property shall not face any abutting property zoned for residential use.
- G. Any areas for manual drying, waxing, polishing and vacuuming of automobiles and other motor vehicles shall not conflict with on-site circulation patterns.
- H. Adequate provision shall be made for the control of steam, water and other by-products of this use not normally present in the surrounding environment.
- I. For car wash systems employing high-pressure spray
  - 1. They shall be arranged so as to contain all spray within the car wash structure.
  - 2. Exit aprons shall be equipped with grate drains and pitched for a minimum of twenty (20) feet toward the car wash structure at a gradient of at least 1/4 inch per foot or an alternative acceptable to the Board of Zoning Appeals which would prevent water washing into the streets and creating a hazard either on the street or on adjacent property or pedestrian area.
- J. All wash water disposal facilities including sludge, grit removal and disposal equipment shall be subject to the approval of the Board of Zoning Appeals and the County Sanitary Engineer (where sewer available), Federal and State EPA regulations, and shall conform with all State and County sanitary and health codes and shall be designed so as not to detrimentally effect the sewer system.
- K. When adjacent to a residential use, a fence that is a minimum of six (6) feet in height to a maximum of eight (8) feet in height constructed of material approved by the Board of Zoning Appeals shall be provided along the interior side and rear property lines to protect surrounding properties from light and noise and to eliminate blowing debris.
- L. All of the area to be utilized by the washing and drying operation, including all ingress and egress areas, shall be paved with concrete, asphalt, or similar materials.
- M. All required yard areas abutting streets and not used for vehicle maneuvering or parking shall be landscaped in compliance with landscaping requirements of Chapter 9.
- N. Stacking space shall be required to accommodate not less than four (4) automobiles waiting to be washed per washing stall. A space of eighteen (18) feet by nine (9) feet shall be deemed adequate for such required space per vehicle.
- O. In addition, parking requirements for employees shall be provided as required by Chapter 8.

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**42. Church, Temples other places of Worship**

- A. These facilities should have direct access to an arterial street or be located at the intersections of an arterial and/or a collector street so that significant amounts of traffic are not channeled through local residential streets.
- B. The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
- C. The church building shall be setback from any adjacent residential property line a minimum of fifty (50) feet.
- D. Parking shall not be permitted within fifty (50) feet of any side or rear property line.
- E. A cemetery shall not be considered an allowable use in conjunction with the church, unless it is an allowable use within the district.

**43. Cemetery**

The area proposed for a cemetery shall be used for cemetery purposes only, and shall meet the following requirements:

- A. Only memorial park cemeteries having grave markers flush with the surface of the ground shall be permitted. The term "marker" refers to the name of the deceased.
- B. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
- C. Minimum area required for a cemetery site to be forty (40) acres.
- D. A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.
- E. Pavement width of driveways shall be at least twenty (20) feet (ten feet per moving lane).
- F. Drives shall be usable shape, improved with bituminous, concrete, or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.
- G. Pavement is to be installed as development progresses and as indicated on the final plans approved by the Board of Zoning Appeals.
- H. Sufficient parking spaces shall be provided throughout the cemetery for guests and funeral processions so that their vehicles do not impede the flow of local traffic.

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- I. Area drainage and/or sanitary facilities are subject to approval by the County Board of Health and the County Sanitary Engineer prior to the issuance of a conditional use permit.
- K. Adequate screening with shrubs, trees or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings; such shrubs, trees, and hedges shall not be less than two (2) feet in height and must be maintained in good condition.
- L. Provisions shall be made for landscaping throughout the cemetery.
- M. Location of cemetery buildings and all other structures shall conform to front, side and rear yard building lines of the particular district in which it is located.
- N. No grave sites shall be located within one hundred (100) feet of the right-of-way lines of any publicly dedicated thoroughfare.
- O. A grave site shall not be within two hundred (200) feet of an existing residence unless the owner of such residence gives his written consent.
- P. No burial plots or facilities are permitted within any flood hazard area.
- Q. A trust fund of an amount set by the Board of Zoning Appeals shall be established by the cemetery developers for the perpetual maintenance of the cemetery grounds. Said trust fund shall be established before any burial spaces are sold or used and shall be held and invested by a financial institution mutually agreed upon by the developers and the Board of Township Trustees. A percentage of the money from the sale of each burial space shall be put into the maintenance trust fund. The percentage shall be an amount set by the Board of Appeals. Interest yielded by the fund shall be applied toward the maintenance of the cemetery grounds.

**44. Day Care Facilities for Children and Adults**

- A. The site and structure shall meet the applicable state code requirements, including licensing requirements.
- B. Day care centers shall not provide overnight accommodations.
- C. A Type “A” Child Day Care Home may accommodate up to 12 children at any one time.
- D. An Adult Day Care Facility may accommodate up to 16 adults at any one time.
- E. A drop-off/pick-up location that will not impede traffic on the site shall be provided to ensure the safety of the adults and children.

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- F. Outside areas for activities shall be fenced for the protection of the adults and children. Fencing height and design shall be approved by the Board of Zoning Appeals.

**45. Funeral Home**

- A. The building shall be designed so as to be harmonious with the setback and building design of existing uses in the neighborhood.
- B. Sites shall have a minimum of one (1) acre of land with a minimum lot width of one-hundred (100) feet, unless the district requires a greater area and/or lot width.
- C. The site and structure shall meet the applicable state and county code requirements, including licensing requirements (i.e. Crematory).
- D. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic. In addition, the plan shall show an off-street vehicle assembly area for funeral processions for at least twenty (20) vehicles. This area shall be in addition to the required off-street parking requirements.

**46. Gasoline Station and/or Auto Service Center**

- A. All activities except for fuel and air pump shall be carried on inside of the building.
- B. If property fronts on two (2) or more streets, driveways shall be located as far from the street intersection as practical.
- C. All areas for vehicular traffic and parking shall be paved.
- D. No junk, inoperative or unlicensed vehicles shall be permitted to remain outdoors on property except in a completely screened storage area.
- E. Gasoline stations located on a corner lot shall maintain the minimum lot frontage on both lot lines fronting on streets.
- F. Fuel pumps, aisles providing access around the fuel pumps and canopies shall comply with the parking setbacks set forth in Chapter 8.
- G. Except while being serviced at a pump island, no vehicle shall be parked between the pumps and the front property line.

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- H. Lighting shall comply with lighting standards of Section 1000.09 and shall be shielded to preclude light trespass. Recessed ceiling fixtures are preferred for canopies such as over fuel pumps.
- I. The Board of Zoning Appeals may limit the number of fuel pumps based on evaluation of site size, location, distance from residential uses, and traffic flow on the site and within the neighborhood and other relevant factors such as neighborhood impacts.
- J. Any ancillary use to the principal use must be reviewed and approved by the Board of Zoning Appeals prior to any construction or reconstruction related to such use (i.e. fast food service in gas station).

**47. Extraction and Mining Operations**

The removal of resources from the land may be permitted if approved by the Zoning Board of Appeals and if the following conditions listed below are complied with:

A. Exemptions

The following activities, to the extent specified herein, are exempt from the requirements of this section:

1. Excavation in conjunction with utility installation, which is to be back-filled.
2. Excavation in conjunction with road construction within the limits of the right-of-way when construction plans have been approved by either, local, county, state, or federal authority.
3. Excavation which by nature is of limited duration: e.g., graves, septic tanks, swimming pools, etc.
4. Agricultural drainage work incidental to agricultural operations and irrigation/stock watering ponds, if no material is removed from the property.
5. Excavation for structures, parking areas and rights-of-ways, when lines and grade plans have been approved by the Zoning Inspector.
6. Landscaping of property for aesthetic purposes that does not affect existing drainage, if no material is removed from the property.
7. Dredging operations under the jurisdiction of the U.S. Army Corps of Engineers, and/or other governmental authorities.
8. Excavation in conjunction with the drainage maintenance or improvements approved by either, local, county, state, or federal authorities.

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**B. Uses and Structures**

1. The following uses and structures are permitted in conjunction with a mineral or aggregate operation for material removed in situ, in accordance with these requirements:
  - a. Crushing, washing, and screening of mineral or aggregate material.
  - b. Stockpiling of mineral and aggregate materials and earth products.
  - c. An office, shop and/or other accessory structure used for the management and maintenance of mineral and aggregate extraction and processing equipment.
  - d. Sale of products produced from a mineral and aggregate extraction and processing operation.
  - e. One detached temporary dwelling unit (may be a manufactured dwelling) and accessory structures for a caretaker or watchman. (Note: To be removed upon close of operation).
  - f. Storage of running and operational equipment or machinery necessary for mineral or aggregates extraction or processing.
  - g. Storage of salvage vehicles and equipment for use to repair equipment for mineral and aggregates extraction and processing.
  - h. Storage of equipment or machinery and maintenance facilities related to mineral and aggregate resource extraction processing or transportation equipment.
  - i. Structures designed and constructed exclusively for solid mineral extraction, storage or processing, for which no future use is contemplated and no other use is practical or feasible, shall be demolished and removed at the expiration of the Mining Permit.
  - j. Mining through water.
  - k. Dewatering on a case by case basis.
2. The following uses and structures are not permitted:
  - a. Asphalt/concrete mixing or batch plants.
  - b. Sale or removal of topsoil (excess topsoil may only be sold or removed upon compliance with the requirements of Section 601.01.B.47.G.3).

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3. Signs – As regulated in Chapter 7.

**C. Procedures for Making Application**

1. Applications shall be submitted per Section 200.02.
2. Submit copies of application materials submitted to Ohio Department of Natural Resources, Division of Mineral Resource Management for mining permit for the subject area.
3. The cost of securing expert advice or studies shall be borne by the applicant.

**D. Conformance to the issued Conditional Use Certificate**

1. An approved solid mineral and aggregate extraction conditional zoning certificate may be revoked per Ohio Revised Code, Section 519.14 (D).
2. The Franklin Township Zoning Inspector shall be responsible for monitoring compliance with the Conditional Use Certificate requirements and the reclamation process.
3. All facilities and structures shall meet all local, county and State of Ohio health, building, electrical, and other applicable codes.
4. The use shall be considered abandoned if the Chief of Division of Mineral Resources Management issues an order declaring the mining area abandoned per Ohio Surface Mine Rules 1501:14-4-04.

**E. Development, Mitigation, Reclamation and Post Mining Use Plans**

Each application will include: detailed development and operation plans on how the applicant intends to develop the site, how the applicant intends to manage the operation, and, how the applicant intends to reclaim and reuse the site. The following items must be included for review as part of the application:

**1. Development Plan**

The Development Plan includes a site plan that shows the location of physical site features and extractive and process features.

- a. Drawings to a legible scale showing the following physical features of the site:
  1. Existing elevation at a scale of ten (10) foot contours.
  2. Location of wetlands and flood plains.

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3. Boundaries of all soil types.
4. Location of all existing significant natural, geographical and/or unique features:
  - a. Scenic views, with first priority given to scenic views from existing affronting and abutting public roadways.
  - b. Mature woodlands.
  - c. Endangered species and wildlife habitat areas.
  - d. Significant natural amenities such as tree stands, ponds, ravines and stream channels.
  - e. Historical, archaeological or cultural features.
  - f. Aquifer recharge areas.
5. Grading and erosion control and surface drainage plan.
6. Existing utilities.
7. Function and height of existing structures.
- b. Drawings to a legible scale showing the following extraction and processing features of the site:
  1. All areas to be mined.
  2. All buildings for mining activity and related non-mining uses and activities, including the function and height of these buildings.
  3. Power lines, underground utilities and easements, water supply lines, storm drainage lines and easements, sanitary sewers, and the treatment plant and distribution field, if treatment occurs on site.
  4. Roads, parking and loading areas, and entrances and exits to the site, indicating which portion of these are to be surfaced to retard dust and the type of surfacing.
  5. Railroad tracks and sidings.
  6. Water bodies and channels to be removed, shifted and created.
  7. Signs and entrance markers, including elevation drawings of identification signs.

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8. Exterior lighting standards and poles.
9. Fences, berms and landscaping provided for screening along the perimeter of the property.
10. Proposed routes used by gravel hauling trucks on public roads.
11. Probable location and expected maximum height of stockpiles of mined materials.
12. Location of loading areas, tipples, and waiting areas for trucks and railroad cars in relation to the stockpiles of mined materials.
13. Location of major machinery and conveyors for receiving and processing mined materials, including machinery for sifting, washing and grading of said materials.
14. Location of storage piles of topsoil and overburden removed from earlier phases of mined areas and temporarily being stored for replacement under the reclamation plan.

**2. Mitigation Plan**

The Mitigation Plan includes a site map, narrative and cross-section profiles that explain, illustrate and show mining procedures, practices, policies and methods.

- a. The site map will show the intended phases of the mining operations to be carried out over all portions of the tract. Near-term phases will be mapped precisely and long-distant phases will be mapped conceptually. The site map will show generalized expected contours or elevations estimated for the floor of the pit when mining is completed for each phase of operation before reclamation is started. The applicant will also provide cross-section profiles, which show the anticipated depth of extraction and ground slopes when mining is completed but before reclamation is started.

The site map and profiles will show the following:

1. The drainage from mined areas and stockpiles of materials.
2. How erosion, sedimentation and non-point source pollution, contamination of the water table and nearby water bodies, streams and rivers is avoided.
3. How turbidity of water bodies and nearby wetlands is avoided.
4. How the mine operator will prevent changes in local water table levels.

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5. How increases in the rate of storm runoff will be accommodated on the site.

b. The narrative description explains the following:

1. What actions the operator will employ to reduce noise, dust, litter and vibration.
2. Where safety fencing and what type of fencing will be if required.
3. Anticipated hours of operation.
4. Which portions of the site are to be reclaimed immediately after mining is completed within a period of one (1) year.
5. How the phased reclamation will conform to the approved site reclamation plan.
6. The estimated duration of the operation.
7. How stockpiles of material on mined-out phases will be exhausted within 1-3 years after mining them.

3. Reclamation and Post Mining Use Plan

The reclamation plan shows the interim restoration of the site prior to proposed permanent use of the site. The interim restoration plan is accompanied by a narrative that describes the range of possible post mining uses of the site. Ground contours, slopes and vegetation and other features on the site are designed to accommodate the proposed uses. A grading plan and landscape plan shall also be provided, which includes:

- a. In detail for near-term first phases of site reclamation and in conceptual detail for long-distant phases.
- b. A grading plan shall show 10 foot contours, as finished contours for near-term reclamation and a generalized probable contours for much later phases of reclamation.
- c. Show the final location and depth of mean high and low water pool or shorelines of lakes and streams.
- d. Location of storm drainage channels, swales, conduits, and the location of easements to be dedicated for storm drainage and public utilities.

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- e. Locations of right-of-ways.
- f. Requirements
  - 1. Reclamation is required within one (1) year from expiration date of a Conditional Use Certificate or the abandonment of the operation.
  - 2. All other reclamation requirements for surface mining or strip mining shall be approved by the Division of Mineral Resource Management.
  - 3. Applications for revisions submitted to the Division of Mineral Resource Management subsequent to the issuance of a Franklin Township Surface Mining or Strip Mining Certificate shall be presented to the Zoning Inspector.
  - 4. The reclamation plan shall ensure that the area will support vegetation capable of self-regeneration and plant succession.
  - 5. Reclamation shall be progressive to prevent erosion.
  - 6. All machinery and related equipment is to be removed.
  - 7. The operator shall grade, contour, or terrace the final slopes to a slope angle sufficient to achieve soil stability and control landslides, erosion, and sedimentation. Slopes with a slope angle of 14 degrees or less shall be presumed sufficient.
    - a. Resoiling shall occur in such a way that a diverse growth of vegetative cover can be raised and maintained. The cover will be capable of self-regeneration and plant succession.
    - b. Topsoil and subsoil will be removed and segregated in sufficient quantities so as to create soil depth and distributions as per the proposed plan for post mining use.
  - 8. Soil amendments such as lime, fertilizer and mulch shall be used to promote seed germination and growth.
  - 9. Permanent planting shall be completed upon completion of any required grading or resoiling except when these operations are completed in a season unsuitable for planting. In such a case, permanent planting shall be completed at the earliest possible time.
  - 10. To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall file a surety bond, cash, an irrevocable letter of credit, or certificates of deposit to Franklin Township in the amount, of ten thousand dollars

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(\$10,000.00). However, if the amount of land to be affected is more than twenty (20) acres, the applicant also shall file a surety bond, cash, an irrevocable letter of credit, or certificates of deposit in the amount of five hundred dollars (\$500.00) per acre of land to be affected that exceeds twenty acres.

**F. Development Standards**

**1. Area, Yard, and Height Requirements**

**a. Project Area**

1. All land shall be contiguous and shall not be divided into segments by: (1) any limited access highway, nor (2) any tract of land (other than streets or right-of-ways for pipelines or electric transmission lines).
2. All boundaries will be clearly and permanently flagged at intervals no greater than 250 feet.
3. The BZA will make a determination as to whether processing must be performed on-site or off-site. At a minimum, the following guidelines must be considered:
  - a. Processing may be performed on-site if the parcel size is greater than twenty (20) acres and the mining duration is greater than four (4) years.
  - b. Impact of processing and/or trucking on existing residences.
  - c. Overall impact on the township of truck traffic to haul material to off-site processing versus processing on-site, recognizing that processing off-site requires the same material to be hauled twice, once as raw material and the other as finished goods.
  - d. The BZA will make a determination as to whether processing and stockpiling materials not extracted in situ will be permitted.

**b. Setbacks**

1. The mineral and aggregate extraction operation shall have at least 200 feet of frontage on a road.
2. The extraction area shall meet the following minimum distances from:
  - a. Each side and rear lot line when lot edge is adjacent to:

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- i. Residential district - 250 feet, Condition 1
  - ii. Business district - 75 feet, Condition 2
  - iii. Industrial district - 50 feet, Condition 2
  - iv. If contiguous to an existing mining operation - 0 feet
    - 1. Condition 1 - the required berming and/or screening can be placed within the setback distance providing the berm starts at the setback line. (Ref. Section 601.01.B.47.G.3)
    - 2. Condition 2 - the required berming and/or screening can be placed no closer than 30 feet to the property line. (Ref. Section 601.01.B.47.G.3)
- b. From road right-of-way when lot edge is adjacent to:
- i. Residential district - 250 feet, Condition 1
  - ii. Business district - 200 feet, Condition 2
  - iii. Industrial district - 50 feet, Condition 1, or  
- 100 feet, Condition 2
  - iv. If contiguous to an existing mining operation
    - 50 feet, Condition 1, or  
- 100 feet, Condition 2
    - 1. Condition 1 - the required berming and/or screening can be placed within the setback distance providing the berm starts at the setback line. (Ref. Section 601.01.B.47.G.3).
    - 2. Condition 2 - the required berming and/or screening can be placed no closer than 30 feet to the road right-of-way. (Ref. Section 601.01.B.47.G.3).
- c. Processing areas of mineral and aggregate materials shall be located so as to minimize noise emission and visual impact.
- d. Office, shop, parking and/or other accessory structures shall be located behind the berm.

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- e. Storage areas for operational or non-operational equipment for the production and/or processing of mineral and aggregate materials shall be located behind the berm.
- f. A detached dwelling unit or manufactured dwelling and related accessory structures for a caretaker or watchman shall be at least 50 feet from any property line.

**2. Height**

The maximum height of any structure, or security lighting, except mineral and aggregate processing and extraction structures shall be fifty (50) feet or less. This restriction will not apply to transmission or communication equipment.

**3. Dewatering**

- a. Dewatering may be permitted on a case by case determination by the Board of Zoning Appeals. At a minimum, the following must be taken into consideration in making that determination:
  - 1. The effect of an additional dewatering site when pre-existing permitted dewatering sites are located in the general vicinity.
  - 2. See Section 601.01.B.47.G.1, Groundwater Contamination Prevention Measures and Hydrologic Determination Report.
  - 3. The number, location and monitoring of observation wells.
- b. If dewatering is permitted, observation wells will be used to indicate the extent of the decline of water levels and to prove the need for remedial action. These observation wells shall not be pumped or used for any purpose other than monitoring.

**4. Truck Hauling and Access**

- a. Not more than one entrance/exit is permitted, preferably located along a secondary road, which shall be located so as to avoid routing of vehicles to and from the mining operation over streets that primarily serve an abutting residential development. However, a temporary entrance/exit will be allowed if the primary entrance/exit is unusable due to conditions beyond the control of the mining operation. The use of the temporary entrance/exit shall be immediately discontinued once the primary entrance/exit is usable.
- b. A paved road from the entrance/exit to and from the area of operation shall be provided in order to minimize the deposit of dirt and gravel from all vehicles. This road construction shall be completed prior to the initial mining phase.

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Haul roads and cart ways shall be graded and maintained to meet Ohio EPA standards for airborne particulate control.

- c. Trucks shall be covered or loaded to minimize spillage.
- d. All tires will be washed before entering public roads.
- e. Any spillage shall be removed periodically throughout the day from public roads and at the end of each business day.

**G. Performance Standards**

**1. Groundwater Contamination Prevention Measures**

The operation shall be planned and conducted to:

- a. Minimize disturbance to the prevailing hydrologic balance in both the permit and adjacent areas.
- b. Prevent material damage to the hydrologic balance outside the permit area.
- c. Assure protection or replacement of water rights.
- d. The applicant will provide a description of the controls, which will be utilized to assure compliance with water quality, erosion control, sedimentation control, storm water management, and other applicable hydrologic controls.
- e. The use of monitoring wells will be used as one means to assure water quality levels and documented on a quarterly basis by an independent contractor.
- f. Mineral and aggregate extraction operations, materials storage and use, site access, fueling procedures, drainage, restoration activities and restoration uses shall be controlled so as to minimize to every extent possible the contamination of groundwater. Excavation below existing groundwater shall only be permitted in locations where the post mining use plan indicates a lake.
- g. In addition, extraction operations are to seal all shafts, bore holes, wells, and other openings that are intercepted during mining in such a manner that migration of waters is minimized.

**2. Hydrologic Determination Report Requirements**

The applicant will also provide a report attesting to the probable hydrologic consequences the proposed extraction operation will have on the subject site and the adjacent areas. If dewatering is not allowed, the report does not need to be prepared by a certified hydrologist. In either case, this report will include, but is

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not limited to providing the following information:

- a. The consequences of the proposed operation on the contents of dissolved and total suspended solids, total iron, total manganese, and pH.
- b. Whether adverse impacts may occur to the hydrologic balance.
- c. The impact the proposed operation will have on:
  1. Sediment yield from disturbed areas.
  2. Flooding or stream flow alteration.
  3. Ground water and surface water availability.
- d. The extent to which the proposed operations may proximately result in contamination, diminution, or interruption of an underground or surface source of water within the proposed extraction area or adjacent areas which is used for domestic, agricultural, industrial or other legitimate uses.
- e. If contamination, diminution, or interruption may result, provide a description of alternative sources of water that could be developed to replace existing sources. This would include information on water availability and suitability of alternative water sources for existing pre-extraction uses and approved post-extraction land use.

**3. Screening, Fencing, and Berm Requirements**

All of the requirements must be in place before the commencement of the solid mineral and aggregate extraction operations, provided, however that berms may be built from the site.

**a. Screening**

No grading, removal or disturbance of plant material shall be permitted within the setback except the area affected by the required screening from any lot line or road right-of-way. Adequate year-round screening with indigenous planting (for example, maple and pine trees) and perennial species with the ability of self generation shall be preserved or established, where ever possible, to screen the view of the site and all related equipment from any public road, residential area, and any existing noise-sensitive use located within 1,000 feet of the site perimeter. The appropriate type of screening and buffering shall be determined by the Board of Zoning Appeals.

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b. Fencing

Fencing shall be required to eliminate any safety hazards of the site for adjacent land uses. When fencing is required to eliminate a safety hazard, it shall be of cyclone type, a minimum of six (6) feet high. The location of fencing to eliminate a safety hazard shall be determined by the applicant and/or property owner.

c. Berms

Berms shall be constructed of overburden and topsoil, but must be finished with topsoil excavated from the subject site and planted as soon as weather permits with ground cover to prevent erosion. Vegetative growth must be maintained at all times. The intent is to use the berms as a primary topsoil storage area.

d. Visual Effects

The line of sight from residential districts to quarries, pits, extraction and processing areas, structures and stockpiles, loading areas, access roads and other facilities shall be interrupted so as to reduce to the maximum extent practicable the visual intrusion of surrounding properties not owned or leased by the owner or operator. The plan to be submitted with the application shall include line of sight and cross section studies demonstrating the manner in which the line of sight from surrounding properties, not owned or leased by the owner/operator, is to be interrupted. The type of visual screening and sequence in which it is to be done may be customized to suit each mining operation.

4. Airborne Particulate and Operational Nuisance

- a. Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, black smoke, noise, odors, or dust. It is recognized that the State of Ohio has expended extensive resources to ascertain acceptable environmental regulatory standards for the controls of the aforementioned.
- b. All equipment shall be properly muffled to reduce excessive noise.
- c. Crushers and similar noise generating equipment may be located below ground level, bermed, muffled by stockpiles or physically soundproofed to reduce noise levels.
- d. Crushers and similar noise generating equipment shall be located and situated to minimize noise intrusion onto other properties that are not used for mineral extraction. The following are ways to reduce noise levels from crushers and

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similar noise generating equipment:

1. Effective berm placement.
  2. Stockpile/overburden placement.
  3. Below ground level equipment placement
  4. Construction of wooden noise muffling barriers.
5. Blasting

Adjoining property owners shall be notified at least twenty-four (24) hours prior to any blasting.

**H. Hours of Operation**

The applicant shall provide a schedule of the expected operating hours, and shall be limited only to the following hours and days of the week:

1. Monday – Friday: 7:00 A.M. to 5:00 P.M.
2. Saturday: 8:00 A.M. to 1:00 P.M.

**48. Home Based Business**

**A. Purpose**

The Township recognizes the desire and need of some citizens to use their residence for business activities in order to provide the opportunity to be more directly involved in raising children while earning a living, and/or to provide an alternative means to be financially solvent. It further recognizes that home based businesses can serve to nurture the development of new innovative businesses, reduce vehicle trip generation rates, and serve as business incubators thereby improving the local economy while also recognizing the need to protect the surrounding areas from adverse impacts generated by these business activities.

**B. Administration**

Conditionally Permitted Home Based Businesses shall not be permitted until the Board of Zoning Appeals has approved said conditional zoning certificate.

**C. Permitted Home Based Businesses**

The following is a list of the types of home based businesses permitted under these regulations. It is recognized that this list is not totally inclusive. A determination of

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substantial similarity by the Board of Zoning Appeals will need to be made if the use or type of use is not listed:

1. Professionals, including but not limited to: architects, brokers, counselors, clergy, dentists, doctors, draftspersons and cartographers, engineers, insurance agents, accountants, editors, publishers, journalists, psychologists, contract management, graphic design, construction contractors, landscape design, surveyors, cleaning services, sales persons and manufacturers' representatives, and travel agents.
2. Personal services establishments, including barbershops, beauty salons, manicure and pedicure services, pet grooming, catering and chauffeuring services.
3. Instructional services, including music, dance, art and craft classes, and tutoring.
4. Studios for artists, sculptors, musicians, photographers and authors.
5. Workrooms for tailors, dressmakers, milliners, and craft persons, including weaving, lapidary, jewelry making, cabinetry and woodworking.
6. Repair services, including but not limited to: watch and clocks, small appliances, computers, electronic devices, lawnmowers, and small engines. (Excluding ATV's, Motorcycles, Boats, Jet Skis and other such motorized vehicles.)
7. Assembly, packaging of goods for sale or distribution.
8. Retail sales of goods and services.

**D. Prohibited Home Based Businesses**

The following types of home based businesses are specifically prohibited due to their potential impacts to the residential area. Some of those listed are regulated in other sections:

1. Adult Uses.
2. Restaurants, clubs, drinking establishments.
3. Motor vehicle repair shops.
4. Undertaking and funeral parlors.
5. Veterinarian clinics, animal hospitals.
6. Uses stipulated in Section 403.00 Prohibited Uses.

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**E. Conditions and Operating Standards for Home Based Business**

1. Use shall be conducted entirely within a residential dwelling unit and/or permitted accessory building(s) and there shall be no outdoor storage of materials of any kind connected with the Home Based Business.
2. The basis of calculation for total area that may be used for the home based business is twenty-five (25) percent of the gross floor area of the residential dwelling unit and up to an area that is equivalent to 100% of the gross floor area of the residential dwelling for space allocated for this use in any accessory buildings on the site.
3. Any number of home based businesses per dwelling unit and its accessory buildings are permitted, provided that all of the conditions stipulated herein shall be complied with collectively, as if determined for a single use on the site.
4. The total customer visits shall be limited to no more than two (2) vehicles at any one time.
5. The home based business shall have no more than two non-resident employees on the premises at any one time. The number of non-resident employees working at locations other than the home based business is not limited.
6. The home based business shall be limited to the outdoor parking of one commercial (1-ton limit) vehicle. All other commercial vehicles shall be parked within a completely enclosed building.
7. There shall be no visible evidence of such use from the street or adjacent property, except for one (1) unlighted sign as regulated by Section 1000.15 is permitted, with no other outward evidence of such use.
8. No home based business may manufacture, store or sell toxic or hazardous materials.

**49. Institutions for Human Medical Care, such as but not limited to Hospitals, Clinics, Mental Health Care Facilities and Nursing Homes**

- A. The site shall have direct access to a major thoroughfare, which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
- B. Unless a greater acreage is specified in the district requirements, the site shall be comprised of a minimum of two (2) acres, exclusive of road right-of-way.
- C. All buildings shall not be located within one-hundred (100) feet of any property line and/or road right-of-way.

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- D. Ambulance and delivery areas to be obscured from all residential property view with a solid, ornamental masonry wall at least six (6) feet in height to a maximum of eight (8) feet.
- E. Auxiliary uses, such as a pharmacy, gift shop, cafeteria and similar customarily related uses shall be allowed.
- F. Parking for professional and outpatient buildings shall be calculated as separate uses. No more than one-half (1/2) of the total number of parking spaces within a gated or restricted physician parking lot shall be included in the parking calculation.

**50. Integrated Planned Business Development**

An integrated planned business development which is a grouping of three (3) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:

- A. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
- B. The minimum setback building line shall be one hundred (100) feet measured from the street right-of-way line.
- C. Side yards and rear yards shall be required only on the perimeter of the planned development and shall be fifty (50) feet except that where the business development is adjacent to a residential zone the side and/or rear yard shall be seventy-five (75) feet on the side(s) abutting the residential zone only.
- D. All points of entrance and/or exit shall be located no closer than two hundred (200) feet to the intersection of two (2) thoroughfares.
- E. The minimum lot size shall be less than three (3) acres. Lots three acres and larger shall be regulated in accordance with Section 601.01.B.56.

**51. Mini Storage Facilities**

- A. Commercial activity shall be limited to the rental of storage units and the incidental uses related to the business. The servicing or repair of motor vehicles, boats, trailers, lawn mowers, or other similar equipment shall not be conducted on the premises. There shall be no other activities conducted on the premises.
- B. Businesses shall be limited to “dead storage” defined as personal property left for a period of time.
- C. There shall be no storage of live animals or carcasses, explosives, radioactive or

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hazardous materials, or any other materials prohibited by county, state or federal statutes.

- D. The operator shall provide suitable trash containers that are regularly serviced. All debris and trash must be in trash containers situated on the property in compliance with Section 413.00.
- E. Signs on sides of storage buildings and fences shall be limited to directional signs only. There shall be no commercial advertising. Signs shall be permitted on the office building (limited to 20 square feet for the business name) and at the entrance gate (limited to nine (9) square feet).
- F. Storm water runoff must be controlled so as not to adversely affect adjoining property owners.
- G. The following conditions apply to Outdoor Storage:
  - 1. Outdoor storage is limited to operable, non-commercial vehicles and watercraft, not to exceed 12 feet in height.
  - 2. Parking spaces shall be no less than 100 feet from the rear of the rearmost building.
  - 3. Outdoor storage shall be set back from the side yard lines a distance no less than the storage building side yard set back.
- H. Applicant shall construct and maintain a screen along the property borders to completely screen the storage facility from view of surrounding properties. Such screening shall be no less than six feet in height of trees and shrubs or fencing and comprised of material suitable to screen the view of the facility. The screening materials shall be located no closer than three feet from the side and rear yard boundaries. The screening shall not impair vehicular visibility at ingress and egress points.
- I. A gated entrance may be constructed provided it does not to exceed six (6) feet in height, and shall be located no closer to the road right-of-way than a distance equal to the minimum front yard setback.
- J. Off Street Parking
  - 1. One space for each 10 storage cubicles, equally distributed throughout the storage area shall be provided. This parking requirement can be met with the parking lanes as set forth in Section K below.
  - 2. One space shall be provided for every 25 storage cubicles at the office facility.

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**K. On-Site Circulation**

1. All one-way driveways shall provide for one 10-foot parking lane and one 16-foot travel lane. Traffic direction and parking shall be designated by signage and painting.
2. All two-way driveways shall provide for one 10-foot parking lane and two 13-foot travel lanes.
3. Parking lanes may be eliminated when the driveway does not serve storage cubicles.

**52. Group Residential Facility**

- A. Evidence shall be presented that the proposed facility meets the certification, licensing and approval requirements of the appropriate state agencies.
- B. The applicant shall comply with the applicable parking regulations of the Zoning Code for the type of residential structure and shall make adequate provision for on-site parking of vehicles used by visitors and the home supervisors.
- C. May provide room and board, personal care, overnight accommodations, etc. for up to 16 residents at any one time.

**53. Multi-Family Development**

- A. Vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
- B. Maximum possible privacy for each multi-family dwelling shall be provided through good design and use of proper building materials and landscaping. Visual privacy should be provided through structural screening and landscaping treatment. Auditory privacy should be provided through soundproofing.
- C. The architectural design of the multi-family facility should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern, and character.
- D. Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
- E. On-site circulation shall be designed to make possible adequate fire and police protection.
- F. In large parking areas, visual relief shall be provided through the use of tree planted and landscaped dividers, islands, and walkways. No parking or service areas shall be

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permitted between any street and the main building.

- G. Paved off-street parking and service areas shall be located to the side or rear of buildings; parking spaces shall contain at least two hundred (200) square feet and shall be provided at the rate of two (2) spaces per dwelling unit in each apartment building; all parking and service areas shall be paved with concrete, asphalt or equivalent, and shall be located no closer than twenty (20) feet from any residential structure. Paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of ten (10) vehicles or less capacity, and two-way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.
- H. The property must be served by centralized sewer and water facilities approved by the State and County Health Departments and operated and maintained according to the inspection and rules of the Portage County Health Department and the Portage County Sanitary Engineer's regulations.
- I. Dwelling structures shall be at least fifteen (15) feet apart.
- J. Usable open space of at least twenty (20) percent of the lot area, exclusive of parking areas and drives, shall be provided for the residents.

**54. Non-Commercial Land Filling to Change Grade and/or Elevation of Property**

The use of adding fill material onto a lot or parcel located in any zoning district, in order to change the grade and/or elevation of the property may be conditionally permitted in compliance with the following conditions:

- A. A Conditional Zoning Certificate is required for all projects in which the quantity of the material used exceeds three hundred (300) cubic yards or raises the existing natural grade by more than twelve (12) inches over an area encompassing more than ten (10) percent of the total lot or parcel.
- B. The use of the fill material shall not cause surface water to collect or to run off onto adjoining lands contrary to normal and natural drainage patterns.
- C. The fill material shall not result in off-site dust, grime, fumes, or odors above the levels existing prior to the filling operation.
- D. The fill material shall be properly compacted to ensure a stable surface and to prevent irregular settling and/or not to reduce the stability, or bearing capacity, of soils on adjoining properties.
- E. The material shall not degrade groundwater quality, nor result in negative impacts on groundwater quantity.

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- F. The use of the fill material shall not result in a reduction of light and air to the adjoining properties.
- G. The applicant shall provide proof that the fill material being used is not considered a hazardous, infectious or solid waste, and complies with all applicable county, state and federal agencies as acceptable fill material.
- H. The property owner is not permitted to charge a fee for any fill material being added to the site.
- I. The addition of fill material shall not amount to or represent itself to be in any form or fashion a landfill, construction and demolition debris collection/disposal facility, composting facility or similar facility.

**55. Park and Ride Lot**

- A. All proposed signage shall comply with all applicable federal, state and county regulations as well as the provisions of this Resolution.
- B. The park and ride lot shall comply with the following conditions:
  - 1. Only the parking spaces in excess of the minimum number of required parking spaces may be used for the purposes of creating a park and ride lot.
  - 2. If a shared parking agreement exists between parties, the agreement shall stipulate the number of parking spaces that are to be used for a park and ride lot. Each parking space shall be equivalent to one (1) parking space only.

**56. Planned Unit Development (PUD)**

**A. Purpose**

The Planned Unit Development (PUD) requirements are established to encourage and accommodate flexible land development practices in order to protect the Township's rural character, open space areas, water quality, environmentally sensitive lands, and wildlife habitats. These regulations are also designed to permit the location and operation of various combinations of residential, commercial, office, industrial and/or recreational land uses in specific areas of the Township. Additionally, the regulations further allow for the permanent preservation of a significant portion of the site from being developed, through the use of innovative land development techniques that are designed to advance the health and safety of Franklin Township.

**B. Objectives**

The PUD regulations are intended to achieve the following objectives:

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1. To allow flexible residential, commercial, office and industrial development, especially on sites that have natural features such as wetlands, natural ponds, marshes, steep slopes, rock outcroppings, floodplains and larger wooded areas, which will contribute to the environmental health of the Township.
2. To preserve the rural landscape and protect environmentally sensitive lands from the disruptive effects of conventional residential subdivision developments.
3. To allow a more flexible and economical development layout and street design.
4. To ensure the permanent preservation of open space, scenic views and vistas, rural lands and natural resources.
5. To promote economical and efficient use of land and reduce infrastructure costs through unified development in order to maximize conservation of open space.
6. To provide for accessible open space and recreation areas; and the creation of functional and interesting residential neighborhoods.
7. To encourage the preservation of historic and culturally important structures and sites, such as old buildings, barns and foundations.
8. To ensure that PUD developments are compatible with the surrounding land uses and comply with these objectives.

**C. Types of PUDs**

Planned Unit Developments are conditionally permitted in many areas of the Township. There are several types of Planned Unit Developments, each allowing for a different combination of land uses with appropriate regulations.

1. The Planned Residential Development (PRD) for residential and open space/recreational land uses.
2. The Planned Business Development (PBD) a mix of commercial/retail, office and open space/recreational land uses.
3. The Planned Industrial Park Development (IPD) is intended primarily for industrial, office and open space/recreational uses. This district also allows for limited commercial uses that are considered ancillary to the industrial land uses.
4. The specific areas of the Township that the various PUD's are conditionally permitted to be developed are indicated in Schedule 56.C.5.

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<b>Schedule 56.C.5</b> <b>Locations for Various PUD's</b>	
<b>Type of PUD</b>	<b>Location</b>
<b>PRD</b>	In any O-C, R-R, R-1, R-2, R-3, R-4 Zoning District.
<b>PBD</b>	In any C-1 or C-2 Zoning District.
<b>IPD</b>	In any R-O and I-1 Zoning District.

**D. Minimum Project Area**

The size of a tract of land proposed for a PUD shall be the minimum acres indicated in Schedule 56.D, but shall not include any area within any existing public street rights-of-way; except that parcels under the minimum acreage requirement may be deemed appropriate based on individual merits as determined by the Board of Zoning Appeals, provided that the proposed development shall meet the setback and restricted open space requirements of the particular PUD.

The area proposed for a PUD shall be in a single ownership or, if in multiple ownership, the application shall be filed jointly by all of the owners of the properties included in the proposed PUD.

<b>Schedule 56.D</b>								
<b>Type of PUD</b>					<b>Minimum Acreage Requirement per Zoning District</b>			
	<b>O-C</b>	<b>R-R</b>	<b>R-1</b>	<b>R-2</b>	<b>R-3 &amp; R-4</b>	<b>C-1 &amp; C-2</b>	<b>R-O</b>	<b>I-1</b>
<b>PRD</b>	20	20	10	15	5			
<b>PBD</b>						3		
<b>IPD</b>							5	5

**E. Uses**

The specific uses allowed for each type of PUD are listed in Schedule 56.E.4. A Zoning Certificate or a Conditional Zoning Certificate shall be required in accordance to Section 600.02 and all other applicable requirements of this Resolution for each use.

1. A use listed in Schedule 56.E.4 shall only be permitted as a principal use in the designated PUD when denoted by the letter "P" in compliance with the PUD requirements, and any additional requirements listed in this Section and all other corresponding requirements of this Resolution.
2. A use listed in Schedule 56.E.4 shall be permitted as a conditional use in the designated PUD when denoted by the letter "C". Therefore, for any proposed conditionally permitted use to be allowed in the corresponding PUD, the Board of

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Zoning Appeals must determine that all of the requirements and conditions, as set forth in this Section and all other corresponding Sections of this Resolution are satisfied.

3. A use may also be allowed as an accessory use subject to the use's permissibility as either a permitted or conditionally permitted use. Such use shall be permitted within the same building or within a subordinate building on the same lot, providing all PUD requirements and/or conditions satisfied.
4. Similar uses not specifically listed as either a permitted use or a conditionally permitted use must come before the Board of Zoning Appeals for approval.

<b>Schedule 56.E.4</b>			
	<b>PRD Planned Residential District</b>	<b>PBD Planned Business District</b>	<b>PID Planned Industrial District</b>
<b>A. Agricultural Uses:</b>			
1. Agricultural uses as regulated in Section 404.00.	P	P	P
<b>B. Residential Uses:</b>			
1. Single-Family Dwellings.	P	na	na
2. Two-Family Dwellings.	P	na	na
3. Three-Family Dwellings.	P	na	na
4. Multi-Family Dwelling subject to the provisions of Section 601.01.B Subsection 53.	C	na	na
5. Residential units located within buildings also containing commercial establishments.	na	na	na
6. Home Employment as regulated in Section 407.00.	P	na	na
7. Home Based Businesses, subject to of Section 601.01.B Subsections 48.	C	na	na
<b>C. Parks, Open Space and Accessory Uses:</b>			
1. Restrictive open space as required by these Regulations.	P	P	P

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	<b>PRD Planned Residential District</b>	<b>PBD Planned Business District</b>	<b>PID Planned Industrial District</b>
2. Recreational facilities, such as but not limited to bowling alley, indoor archery, handball, tennis, and skating facilities, golf courses, tennis clubs and associated dining facilities, subject to the provisions of Section 601.01.B Subsections 1, 2, 3, 4, 5, 17, 26, 30, 31.	C	C	C
3. Common open space as required by these Regulations.	P	P	P
4. Accessory buildings incidental to the primary use as regulated in Section 405.06.	P	P	P
5. Signs as regulated in Chapter 7.	P	P	P
<b>D. Commercial Uses:</b>			
1. Uses as permitted in the C-1 or C-2 Zoning District.	na	P	na
2. Uses as conditionally permitted and regulated in the C-1 or C-2 Zoning District.	na	C	na
<b>E. Research/Industrial Uses:</b>			
1. Uses as permitted in the R-O Zoning District.	na	na	P
2. Uses as permitted in the I-1 Zoning District.	na	na	P
3. Uses as conditionally permitted in the R-O Zoning District.	na	na	C
4. Uses as conditionally permitted in the I-1 Zoning District.	na	na	C

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<b>F. Other Uses:</b>			
1. Wireless telecommunication service facilities proposed by a public utility company and subject to local zoning procedures; subject to the provisions of Section 601.01.B Subsection 60.	C	na	na
2. Wireless telecommunication service facilities that are not public utilities subject to the provisions of Section 601.01.B Subsection 60.	na	C	C

**F. Residential Density/Non-residential Intensity**

**1. Permitted Residential Density and/or Non-residential Intensity**

The total number of residential dwellings permitted within a PUD development and/or the allowable intensity of commercial and/or industrial use of the site shall be based on the following formulas:

**a. Formula for Planned Residential Development (PRD)**

$$\{ TA - ( RA + OS + CNA ) \} * Z = PD$$

**b. Formula for Planned Business Development (PBD) and Planned Industrial Development (PID)**

$$TA - ( RA + OS + CNA ) = DA$$

**TA =** The total acreage of the proposed development area, excluding all acreage in existing road and other public right-of-ways.

**RA =** The assumed roadway acres necessary to develop site as a conventional subdivision. This figure will represent 10% of total gross acreage of the proposed development area, excluding any existing road right-of-way.

**OS =** The acreage required by the Portage County Subdivision Regulations for open space. Currently, this figure represents five percent (5%) of total gross acreage of the proposed development area, excluding acreage calculated for RA, unless otherwise stipulated in the Portage County Subdivision Regulations.

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This figure is only used on lots of twenty (20) acres or more in size

- CNA = The total acreage of the site comprised of the following Critical Natural Area characteristics and features: steep slopes of eighteen (18) percent or more; permanent bodies of water to include lakes, ponds, rivers, streams, etc.; wetlands, floodplains and areas of the site determined to contain threatened and/or endangered animal and plant species.
- C = Acreage to be utilized for commercial/office uses and required parking and shall be in accordance with Section 56.H.
- DA = Developable Acreage.
- Z = A numerical value is used to establish the base density of the PUD development. For residential uses the "Z" value represents the approximate number of dwelling units per developable acre, before the density bonus is added. The "Z" value shall correspond to the minimum permitted residential density of the underlying zoning district.
- PD = The permitted density, before adding a density bonus, for the PUD development.

**2. Special Residential Density Increase Along Newcomer Road**

The density of all of the properties fronting along Newcomer Road north of the City of Kent to the City of Streetsboro boundary may be increased up to four (4) dwelling units per developable acre, providing the development is serviced by Central sewer.

The "Z" value, for the formula listed in Item 1.a of this Section, shall be no greater than four (4), representing a maximum number of dwelling units per developable acre, except as provided for in Section 56.G.3.

**3. Bonus Provisions**

The residential density (measured in dwelling units) or allowable non-residential total floor area (measured in square footage) may be increased up to a total of ten percent (10%) when:

The topographical features and environmental constraints warrant the orientation and amount of street acreage to exceed more than ten percent (10%) of the total acreage of the site.

**4. Yield Plan Option**

In the event there is a discrepancy with the results of the formula, the applicant

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may present a yield plan in accordance with the following requirements:

- a. The yield plan shall be drawn to a scale of 1" = 100'.
  - b. The yield plan shall graphically show the proposed site developed in accordance with the conventional zoning requirements of the underlying zoning district the property is located in.
  - c. The yield plan shall identify all of the critical natural areas of the site in order for the Board of Zoning Appeals to determine the appropriate base residential density and the appropriate number of commercial, office and industrial locations and/or buildings in association with streets in a conventional style development, assuming the development were designed in accordance with the underlying zoning district's requirements.
  - d. The acreage intended for commercial/office in the Planned Residential Business District shall not include any acreage that is to be calculated for residential purposes.
5. The permitted number of dwelling units, business establishments and/or building lots is subject to all other applicable Township zoning, Portage County Health Department and OEPA requirements. The use of on-site sewage disposal systems shall be addressed on a preliminary basis by a percolation test of the proposed building sites and septic easement areas (if any). The results of these tests will govern the final number residential dwelling units and business establishments as well as their location within the proposed PUD development, where central sewer is not available.

**G. Density Impact**

The proposed type and density and/or intensity of use shall not result in an unreasonable increase in the need for or impact to public services, roads, and utilities. The proposed type, density and/or intensity of use shall not place an unreasonable impact to the development site, surrounding properties and owners, and the ecosystem. The Board of Zoning Appeals may require that the applicant prepare an impact statement documenting any environmental, traffic, or socio-economic impact resulting from the proposed density increases. An unreasonable impact shall not be mitigated and shall be considered a significant adverse effect on the quality of the surrounding community and the natural environment. The applicant may be required to prepare a quantitative comparison of the impacts to assist the Board of Zoning Appeals in choosing a site development option.

**H. Commercial/Office Space**

The area(s) of the site to be utilized for commercial/office uses may be located anywhere within the proposed development, excluding the areas designated as

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restricted open space or any critical natural areas (CNA).

**I. Restricted Open Space**

**1. Restricted Open Space Area Requirements**

The restricted open space shall be reserved in perpetuity for public and/or private open space in accordance with these requirements. The total amount of restricted open space may be calculated in one of two ways:

**a. 40% Restricted Open Space Area Allocation**

The required restricted open space for any PUD shall be a minimum of forty percent (40%) of the total gross acreage of the project site, unless the requirements of Section 56.I.1.b are satisfied.

**b. 25% Restricted Open Space Area Allocation**

1. The required restricted open space shall be a minimum of twenty-five percent (25%) of the total gross acreage of the project site, providing the requirements of Section 56.I.1.b are satisfied.
  2. At least fifty (50) percent of the required restricted open space area shall be improved for public and/or private active recreational facilities or for a combination of active and passive recreational facilities. The active recreational improvements shall include, but not limited to playground equipment, picnic tables, baseball diamonds and soccer fields including backstops and goal net supports, hard surface courts (basketball, tennis, etc.), swimming pools, hard surface hike and bike trails and crossings, recreational buildings and related parking facilities.
  3. Once completed, the required restricted open space area, including all of the recreational facilities and improvements shall be owned, maintained and controlled by the PUD's Association in compliance with Section 56.J.3.b or may be dedicated, in whole or in part, to a public entity in accordance with Section 56.J.3.a or Section 56.J.3.e.
  4. The construction of the recreational facilities and all related improvements shall begin with the initial phase of the PUD development and shall be completed and fully functional within two (2) years of the date of issuance of the Zoning Certificate.
2. Restricted open space shall be exclusive of all streets, but may be improved in accordance with Section 56.J. Significant natural areas and amenities such as forests, tree stands, wetlands, ponds, ravines and riparian areas and channels should be left in their natural state and considered part of the restricted open

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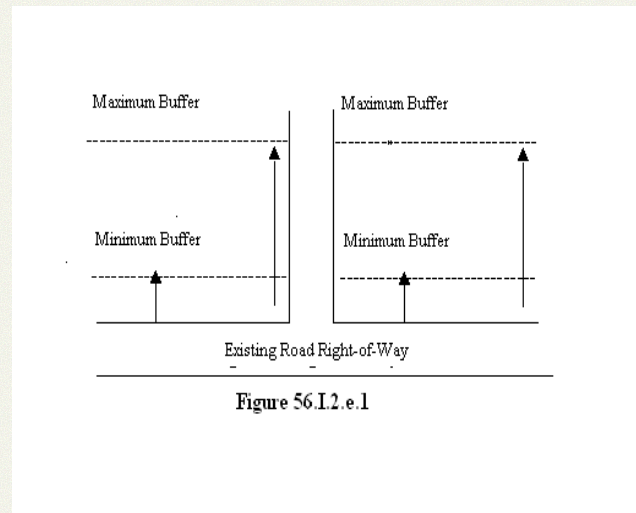
space. The design of the restricted open space area shall be governed by the following standards:

- a. Permanent bodies of water, wetlands and floodplains should comprise no more than fifty percent (50%) of total required open space area. The Board of Zoning Appeals may increase this amount up to seventy percent (70%) depending on the environmental feature's utility as a recreational asset to the PUD development.
- b. All restricted open space areas shall have a minimum width of fifty (50) feet, except for required restricted open space areas in compliance with Section 56.J.1 e.5 and areas of land designated as trails and paths. The trails and paths may be used to connect the larger qualifying open spaces areas.
- c. The Creation of Common Open Space
  1. Each development is required to set aside a minimum amount of restricted open space that shall be dedicated for public use or reserved for the common use of all property owners, employees, tenants and their guests within the proposed PUD as common open space.
  2. At a minimum, the amount of restricted open space area that shall be set aside as common open space shall be equivalent to the amount of land area required by the Portage County Subdivision Regulations, but in no case shall the amount of land set aside as common open space be less than one (1) acre. Additionally, the required minimum amount of land area set aside as common open space shall be suitable for both passive and active recreation and not be comprised of wetlands and floodplains.
  3. A greater amount of the restricted open space area may be provided by the applicant as common open space, which may contain wetlands and floodplains, providing the minimum standards set forth in Section 56.I.2.e.2 are complied with.
- d. Restricted open space shall include to the extent possible, a combination of the most sensitive and noteworthy natural scenic and cultural features such as:
  1. Scenic views, with first priority given to scenic views from existing affronting and abutting public roadways.
  2. Prime farmland.
  3. Forests.
  4. Aquifer recharge areas (i.e. wetlands, etc.).

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5. Highly permeable soils.
  6. Wildlife habitat areas.
  7. Historic, archaeological or cultural features.
- e. Preservation of Rural Character and the Natural Environment
1. A restricted open space buffer zone shall be created along the frontage of existing roads. The open space buffer depth shall be in accordance with the specifications of Schedule 56.I.2.e.1.

- a. A PUD that includes plans for allowing natural or manmade features, such as trees or hills alongside the roadways to further shield the view of the development from the existing roadway will be allowed a shallower buffer (see Figure 56.I.2.e.1).
  - b. A PUD that includes plans for unobstructed views from the existing roadway will be required to have a deeper buffer in order to minimize the perceived density of site improvements buffer (see Figure 56.I.2.e.1).
  - c. The depth of buffer zone shall be established early in the plan review process.
    1. A restricted open space buffer zone shall be created to protect the natural environment, in accordance with the requirements of Chapter 9.
    2. A septic easement area of up to one-half (.5) acre in size may be located within the restricted open space area with Portage County Health Department's approval. Any septic easement areas shall not encroach into environmental protection setback areas.



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<b>Schedule 56.I. 2.e.1</b>			
	<b>PRD</b>	<b>PBD</b>	<b>IPD</b>
1. Minimum open space buffers along an existing roadway, except as noted in Item 3.	60 feet	80 feet	80 feet
2. Maximum open space buffers along an existing roadway, except as noted in Item 4.	250 feet	250 feet	250 feet
3. Minimum open space buffers along: a. State Route 43 north of State Route 14. b. State Route 14 west of Infirmary Road	100 feet	100 feet	100 feet
4. Maximum open space buffers along: a. State Route 43 north of State Route 14. b. State Route 14 west of Infirmary Road	500 feet	500 feet	500 feet

**J. Standards for Restricted Open Space**

**1. General Standards**

The restricted open space required in Section 56.I shall comply with the following:

- a. Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
- b. Areas designated for restricted open space purposes may be:
  1. Preserved in its natural state.
  2. Designed and intended for the use and/or enjoyment of residents, tenants and their guests of the proposed development.
  3. Utilized for agricultural uses when authorized in a conservation easement or in the Association's covenants and restrictions.
- c. Restricted open space shall be interconnected on the site and with open space areas on abutting parcels wherever feasible.
- d. Sewage service, storm water management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, easements satisfactory to the appropriate agency/entity shall be established to require and enable maintenance of such facilities by the appropriate parties.
- e. Except as otherwise provided in this Section, in order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space include:
  1. Private roads and public road rights of way.

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2. Parking areas, access-ways, and driveways, other than for the uses and activities allowable in Section 56.K.
  3. Required setbacks or spacing requirements between buildings, structures, streets, parking areas and property boundaries.
  4. Land identified as a part of a building lot.
  5. Other small fragmented or isolated open space areas that have a dimension of less than fifty (50) feet in any direction, except as permitted in Section 56.I.2.b.
  - f. Any restricted open space intended to be dedicated as a common open space area for parks and recreational activities shall be of a usable size and shape for the intended purposes and easily accessible.
  - g. The maximum percentage of the total restricted open space area that may be developed/improved for active recreational activities shall be thirty-five (35) percent of the total open space, for those PUDs designed to have at least forty (40) percent of the total tract of land set aside as open space. At least fifty (50) percent of the total open space must be improved for those PUDs designed to have only twenty-five (25) percent of the tract of land set aside as open space.
  - h. Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, such as required setback areas, and both sides of new streets shall be landscaped with native species vegetation that is compatible with the natural characteristics of the site.
  - i. The restricted open space, including any recreational facilities that are to be constructed shall be clearly shown on all development plans.
2. Prohibition of Further Subdivision of Restricted Open Space

Restricted open space shall be prohibited from subdivision or development (except as permitted in Section 56.K) by deed restriction, conservation easement, or other agreement in a form acceptable to the Township's legal counsel, and duly recorded in the Office of the Recorder of Portage County.

3. Ownership of Restricted Open Space

Subject to such permanent restriction as set forth above, restricted open space in a conservation development may be owned by an association, the township, a land trust or other conservation organization recognized by the Township, or by a similar entity, or may remain in private ownership<sup>1</sup>. Such conveyances shall assure that the use of the restricted open space shall be in accordance with these PUD requirements. Only land not designated as common open space may be owned by

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a private party. All land in private ownership shall have a conservation easement placed upon it.

a. Offer of Dedication

The township may accept dedication in the form of fee simple ownership of the restricted open space.

b. Association

Restricted open space may be held by the members of an Owners Association or similar entity. The Township's legal counsel shall determine that, based on documents submitted with the development plan, the association's bylaws or code of regulations specify the following requirements:

1. Membership in the association shall be mandatory for all purchasers of lots in the development or units in the condominium and shall be required to pay dues and assessments required to maintain the open space and improvements.
2. The association shall be authorized under its bylaws to place liens on the property of owners who fall delinquent in payment of such dues or assessments.
3. The association shall be responsible for maintenance, control, and assurance of open space in its ownership.
4. The association shall make provisions in the bylaws for necessary repairs or replacements of septic system leach fields and other improvements located in the open space.

4. Transfer of Conservation Easements

With the permission of the Township, the owner(s) of the restricted open space may, in accordance with the provisions of ORC 5301.67-70, grant a conservation easement to any of the entities listed in ORC 5301.68, provided that:

- a. The entity is acceptable to the Township.
- b. The provisions of the conservation easement are acceptable to the Township.
- c. The conveyance contains appropriate provisions for assignment of the conservation easement to another entity authorized to hold conservation easements under ORC 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

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5. Private Ownership of Restricted Open Space

The Board of Zoning Appeals may allow for the restricted open space (not including common open space) to be retained by the applicant (i.e. farmland) or other private entity subject to all standards and criteria for restricted open space herein including its preclusion from being subdivided and/or developed.

6. Ownership of the Common Open Space

Common open space shall forever be accessible for use by all the property owners, tenants and their guests. Any transfer of ownership of the common open space shall be only to an Owners Association or dedicated to the public. Transfer of ownership to anyone other than to an Owners Association or other approved public entity shall be approved by the Board of Zoning Appeals and must be consistent with the intent of these regulations.

K. Restricted Open Space Uses

1. Passive Uses

For the purpose of this Resolution, the following shall be considered passive uses for restricted open space areas:

- a. Agricultural Uses.
- b. Wildlife and nature preserves.
- c. Landscaped screens and buffers.
- d. Picnic areas.
- e. Passive recreation (including but not limited to walking, hiking, biking, horseback riding, sledding and skiing) and other uses similar in character and potential impact.
- f. Any buildings, structures, supporting facilities, driveways and parking areas proposed for any passive use.

2. Active Uses

For the purpose of this Resolution, the following uses shall be considered active uses for restricted open space areas and may be established in accordance with the requirements of Section 56.F and other applicable requirements of the PUD district and this Resolution:

- a. Active recreational facilities, (including but not limited to playgrounds,

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playing fields or courts for organized sports, swimming pools).

- b. Improved Recreational facilities, such as but not limited to bowling alley, indoor archery, handball, tennis, and skating facilities, golf courses, tennis clubs and associated dining facilities.
- c. Community centers and entertainment facilities (such as indoor recreation facilities, auditoriums, dining halls and outdoor amphitheaters).
- d. Farm Market.
- e. Winery.
- f. Any buildings, structures, supporting facilities, driveways and parking areas proposed for any active use.

**L. Maintenance of Restricted Open Space**

- 1. The owner of the open space shall be responsible for raising all monies required for maintenance of the open space. Failure to adequately maintain the open space in reasonable order and condition based on its function and intended use constitutes a violation of these Regulations.
- 2. In the event the owner fails to maintain the open space in reasonable order and condition in accordance with the approved open space development plan, it shall be considered a violation of these requirements.

**M. Sewage Disposal**

All developments shall be served by sewage disposal systems consistent with State and County requirements. Individual sewage disposal systems shall comply with all applicable regulations of the OEPA and the Portage County Health Department and may be located within restricted open space areas when approved by the Township, the OEPA and the Portage County Health Department.

**N. Development and Site Planning Standards**

Buildings, structures, pavement, and streets shall be located in compliance with the following development and site planning standards.

**1. Ownership**

Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, is permitted in a PUD development. Regardless of the ownership of the land, the arrangement of the buildings and structures shall comply with the spacing requirements of this section.

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**2. Lot Requirements**

- a. Buildings are not required to be on lots. However, when lots are included as part of the development, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units and accessory buildings and structures in compliance with the spacing requirements of this section.
- b. The applicant shall depict on the development plan all necessary information, such as but not limited to the lot lines, building envelopes, easements and dimensions to indicate where buildings and other improvements shall be located, and shall demonstrate that such locations will be in compliance with the spacing requirements of this section.
- c. Development shall be designed to the maximum extent possible so that building lot rear boundaries do not abut one another. Views of open space from every building site should be preserved as much as feasible.

**3. Perimeter Building/Structure Spacing Requirement**

- a. The minimum setback from the roadway frontage restricted open space buffer zone shall be fifteen (15) feet.
- b. The minimum setback from the property's perimeter boundary line shall be fifty (50) feet.
  - 1. This setback may be reduced if:
    - a. Natural buffers exist around the perimeter.
    - b. Allowing buildings closer to the boundary better conserves environmentally sensitive areas that may be located in the interior of the development.
  - 2. The setback may be increased by the Board of Zoning Appeals when adjacent to active farm land or to address conservation objectives of this district.
- c. Roadways may be located any distance up to the property's perimeter boundary line.
- d. The minimum setback from the property's perimeter boundary line for a parking facility shall be twenty (20) feet and shall be adequately landscaped in accordance with the requirements of Chapter 9.

**4. Interior Building/Structure Spacing Requirement**

- a. Setback from Roadway

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The minimum setback from a proposed roadway shall be in accordance with the specifications of Schedule 56.N.4.a.

b. The minimum separation between buildings

1. Residential dwellings

Minimum separation distance between all types of principal residential dwelling buildings shall be twenty (20) feet. On individual properties, with lot lines shown, the minimum side and rear yard setback for principal buildings shall be ten (10) feet from the property lines.

Schedule 56.N.4.a			
	PRD	PBD	IPD
1. The minimum setback from the right-of-way of a new public road within the development.	25 feet	25 feet	25 feet
2. The minimum setback from the centerline of a new private road in the development shall be:			
a. Roadway design incorporates open ditches	55 feet	55 feet	55 feet
b. Roadway design incorporates curb and gutters.	50 feet	50 feet	50 feet

2. Non-residential and recreational buildings

a. The minimum separation distance between all principal non-residential buildings shall be fifteen (15) feet. On individual properties, with lot lines shown, the minimum side and rear yard setback between all principal non-residential buildings shall be ten (10) feet from the property lines.

b. The minimum separation distance between any type of principal non-residential building with any principal residential dwelling shall be eighty (80) feet. On individual properties with lot lines shown, the minimum side and rear yard setback between any type of principal non-residential building with any principal residential dwelling shall be fifty (50) feet from the property lines.

3. Accessory buildings

a. Accessory buildings should be placed to the rear or side of the principal building.

b. The minimum spacing between an accessory building and its principal building (e.g. residential, commercial/office, industrial or recreational) shall be fifteen (15) feet.

c. Separation distances for PUD developments without lot lines

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1. The minimum separation distance between a residential accessory building and any type of commercial/office, industrial or recreational accessory building shall be twenty (20) feet.
2. The minimum separation distance between any type of commercial/office, industrial or recreational accessory building from any principal residential building shall be thirty (30) feet.

c. Setbacks for PUD developments with lot lines

1. The minimum setback from side and rear lot lines for a residential accessory building abutting a residential, commercial/office, industrial or recreational use shall be five (5) feet.
2. The minimum setback from side and rear lot lines for a commercial/office or recreational accessory building abutting a property used for commercial/office, industrial or recreational use shall be five (5) feet.
3. The minimum setback from side and rear lot lines for a commercial/office, industrial or recreational accessory building abutting a property used for residential purposes use shall be twenty (20) feet.

5. Maximum Building Height

a. Principal buildings

1. Residential: Thirty-five (35) feet.
2. Non-residential:
  - a. Commercial – Thirty-five (35) feet.
  - b. Industrial – Forty (40) feet.

b. Accessory Buildings

1. Residential: As specified in Section 405.06.
2. Non-residential: As specified in Section 405.06.

6. General Street Design Criteria for PRD

In addition to the roadway design specifications listed in Section 406.00 of this Resolution, all roadways for a PRD development should comply with the following requirements, unless otherwise specified in the Portage County Subdivision Regulations.

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- a. Single-loaded residential access streets, which involve dwellings being placed on one side of the road only, are preferred in order that the maximum number of homes in the open space development may enjoy views of the open space areas. Where foreground meadows are created between existing public roadways and such single loaded residential streets, residences shall be located on the far side of the access streets as seen from the public roadways.
- b. The road design shall incorporate as much as possible, commons or ovals rather than cul-de-sacs.

**7. Multi-Use Circulation Systems**

- a. A multi-use circulation system shall be included in the development and shall be designed to enhance transportation opportunities within the PUD development for pedestrians, cyclists, motorized and motorized cart users, etc. The multi-use circulation system shall provide connections between properties and activities or special features within the open space system and need not always be located along streets.
- b. Trails for which public right of passage has been established should be incorporated as part of the multi-use circulation system.

**8. Parking and Loading Requirements**

**a. Parking**

- 1. Residential uses: As specified by Chapter 8.
- 2. Non-residential uses: Adequate parking facilities, as specified in Chapter 8 shall be provided outside of the street right-of-way to meet all parking needs. Parking areas whenever possible shall be located to the side or rear of the building.

**b. Loading**

Every building used for non-residential purposes shall provide sufficient area for delivery and pickups entirely outside of the road right-of-way, as specified in Chapter 8.

**9. Minimum Living Floor Area Requirements Per Dwelling Unit**

**a. Single-family, two-family and three-family residential dwellings**

Minimum living floor area of 1,000 square feet total per dwelling unit.

**b. Multi-family, minimum floor area per dwelling unit**

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- |                      |                 |
|----------------------|-----------------|
| 1. Efficiency        | 500 square feet |
| 2. One (1) Bedroom   | 600 square feet |
| 3. Two (2) Bedroom   | 700 square feet |
| 4. Three (3) Bedroom | 800 square feet |
| 5. Four (4) Bedroom  | 900 square feet |

**10. Floor Area Requirements For Non-Residential Buildings**

**a. Commercial/Office Building Size**

Within a PBD development there is no floor area restrictions for buildings and/or structures within the development.

**b. Industrial Building Size**

Within an IPD development there is no floor area restrictions for any industrial buildings and/or structures within the development.

**57. Schools and Educational Facilities**

- A. Such uses should be located on an arterial or collector street or have direct access to such a street without going through a residential neighborhood.
- B. Outdoor play/recreation areas may be required by the Board of Zoning Appeals to be fenced.
- C. The site and structure shall meet applicable state code requirements, including licensing requirements.
- D. A drop-off/pick-up location that will not impede traffic on and off the site shall be provided to ensure the safety of the adults and children.

**58. Temporary/Replacement Housing**

The following requirements apply to temporary and replacement housing in the Township.

**A. New Construction**

A Conditional Use Certificate for residential construction may be issued for a second dwelling on approved lots, upon the condition that the new dwelling will ultimately replace the existing dwelling upon completion of construction of the new dwelling, in accordance to the requirements of Section 601.01.B.2, 3, 4, 5, 6, and 7.

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**B. Repair/Reconstruction**

Where a structure, used for residential purposes, is destroyed or rendered unfit for human habitation due to fire, windstorm, flood, lightning, explosion or other Acts of Nature or due to an unintentional catastrophe, temporary housing shall be permitted for a period not to exceed one (1) year while repairing, rebuilding, or replacing the damaged dwelling providing the following requirements are met:

1. The Zoning Inspector shall take into consideration County Board of Health, local Fire Chief and/or Building Department recommendations in determining whether a dwelling is unfit for habitation due to catastrophic causes.
2. The applicant shall submit in writing the method to be used to remove the waste water from the temporary dwelling. If on-site sewage disposal is to be used then the applicant will need to submit evidence in writing that permission has been obtained from the Portage County Health Department.
3. A Conditional Use Certificate for temporary housing shall be issued for an initial term of one (1) year. Applicant must submit a work schedule for permanent dwelling construction within ninety (90) days of being issued a Conditional Use Certificate. Upon satisfactory proof of work in progress the Certificate may be renewed by the Zoning Inspector for an additional period of one (1) year. In no case shall the permitted use for temporary housing exceed a period of two (2) years.
4. A Conditional Use Certificate for temporary housing shall be separate from and have no bearing on any other Certificates or structures that may be required to conform to this Zoning Resolution.
5. All temporary housing shall be removed within thirty (30) days after the principal dwelling is fit for habitation or within thirty (30) days of the Conditional Use Certificate for temporary housing expiring, whichever shall come first.
6. The location of the temporary housing must meet all side yard requirements, but may encroach into the front or rear yard setback area by not more than fifty percent (50%) of that area.
7. Temporary housing shall be exempt from minimum square footage requirements.

**59. Trucking Terminals**

- A. Every portion of the property used for buildings shall be located not closer than one hundred (100) feet to any "R" District; at least fifty (50) feet (nearest the residential zone) of the one hundred (100) feet shall be landscaped and in orderly fashion and a solid board fence, masonry wall, or other type fence approved by the Board shall be constructed along the interior line of the required landscaped area to a height of six (6) feet effectively screening truck loading, unloading, and maneuvering activities from the view of any

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abutting "R" zone.

- B. Access for motor freight vehicles shall be by way of streets of adequate width, construction, and existing or planned function according to the Land Use and Thoroughfare Plan of current adoption.
- C. In addition to adequate area within the site for docking, manipulation and maneuvering of motor freight vehicles, a reservoir of parking area for motor freight vehicles waiting to be loaded or unloaded, shall be provided at the rate of one (1) parking space sufficient to park a motor freight vehicle for every four (4) loading docks.
- D. The site shall be designed in such a manner as to permit forward movement of all vehicles both upon entering and upon leaving the site.
- E. The number, location and width of entrances to and exits from the site shall be determined by the Board. The Board may obtain expert opinion on the specific site proposal.
- F. A site plan shall be submitted to the Board and shall show the following items:
  - 1. All abutting thoroughfares.
  - 2. All abutting land uses.
  - 3. Proposed service roads, driveways, points of ingress and egress to the site, parking areas of function, and truck loading and maneuvering areas.
  - 4. All buildings showing function of each building and location of loading docks.
  - 5. All accessory structures including fuel pumps, fences, walls, and garages.
  - 6. The location and type of landscaping and fencing to be installed in compliance with these regulations. Such site plan shall be drawn at a scale of one (1) inch equals fifty (50) feet or larger.

**60. Wireless Telecommunication Service Facilities**

According to Federal Telecommunications Act of 1996, a community may regulate wireless telecommunication service facilities, providing the requirements do not prohibit nor have the effect of prohibiting wireless telecommunication services. Zoning regulations may not unreasonably discriminate among wireless telecommunication providers of functionally equivalent services. The Township must act within a reasonable time period on requests for permission to place or construct wireless telecommunication facilities. If a wireless telecommunication facility meets technical standards set by the FCC, it is presumed safe. The Township may not deny a request to construct a facility on the grounds that the radio frequency emissions would be harmful to the environment or health of the residents if those

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emissions meet FCC standards.

**A. Purpose**

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, and the interests of the Township in regulating wireless telecommunication facilities to minimize adverse health, safety, and public welfare, including visual impacts, through siting, design, construction, buffering, and reduction of the need for multiple tower locations.

**B. Priority of Locations**

A wireless telecommunication tower or facility may be located in the following areas when conditions specified in this resolution are satisfied and efforts shall be made to locate in the areas listed in the order of priority listed:

1. First Priority: New wireless antennas shall collocate on existing towers or on existing structures which have been constructed for other purposes such as but not limited to: water towers, church steeples and chimneys.
2. Second Priority: Priority for the use of public land for wireless telecommunication antennas and towers will be given to the following entities in order:
  - a. Franklin Township.
  - b. Public safety agencies/departments including law enforcement, fire, and ambulance services.
  - c. Other governmental agencies for uses that are not related to public safety.
  - d. Entities providing licensed commercial wireless telecommunication services including cellular, PCS, SMR, ESMR, paging and similar services that are marketed to the general public.
3. Privately owned agricultural lands.
4. Privately owned property (non-agricultural).

**C. General Requirements**

1. A proposed wireless telecommunication facility application shall comply with plan review requirements of this resolution including landscaping plans to screen the facility from adjoining uses.
2. All wireless telecommunication facilities shall be designed to promote facility and

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site sharing.

3. All applications for wireless telecommunication facilities shall, as part of the application and plan review process, include a plan for reclamation for both the tower facility and tower site, in the event the facility is no longer functioning in the fashion as originally intended. The reclamation plan should include the removal and disposal of all obsolete and/or abandoned equipment, as well as the reclamation of the area with vegetation to prevent erosion.
4. The applicant will submit a letter of credit, performance bond, or other security acceptable to the township to cover the costs of the antenna or tower's removal, of no less than \$100.00 per vertical foot of wireless telecommunication tower height, measured from the finished grade. In addition, any applicant using another company's facility shall be required to provide its own financial guarantee to the Township to insure the removal and disposal of all obsolete and/or abandoned equipment, and the reclamation of the tower site.
5. The application shall include conclusive technical evidence as to why the wireless telecommunication tower and facility must be located where it is proposed to be located and no alternative choice can be considered, in order to service the applicant's service area.
6. Existing towers must be utilized, as multi-user towers, if at all possible, before a new tower may be constructed. The applicant must provide written evidence that all wireless telecommunication service facilities that supply service within the proposed service area have been requested to permit co-location by the applicant and have been rejected by the owner of the tower, building or structure. Facilities that are not proposed to be multi-user sites must provide written explanation why the subject facility is not a candidate for co-location.
7. As a condition of issuing a Conditional Zoning Certificate to construct and operate a new tower in the Township, the owner/operator of the telecommunication tower shall agree to allow co-location until the tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two additional antenna platforms for additional providers unrelated to the owner/operator. Agreement to this provision must be included in the applicant's lease with the landowner if different from the owner/operator of the tower. Written evidence shall be presented to the Board of Zoning Appeals that the owner of the property on which the tower is to be located has agreed to the terms of this section as well as all other applicable requirements in this resolution.

**D. Standards Applicable to All Wireless Telecommunication Tower Facilities**

1. No tower shall be erected at a distance closer than the height of the tower plus fifty (50) feet from any structure, road, highway, or property line, excluding any building or road which is necessary to the express use of the tower.

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2. All towers shall be monopole structures.
3. An eight (8) foot high security fence shall be placed around the tower base and all appurtenant structures within twenty (20) feet of the tower base.
4. No tower shall exceed two-hundred (200) feet in height above the finished grade and the tower shall be the minimum height necessary to accommodate the antenna.
5. All towers shall be painted a non-contrasting gray or similar color, minimizing its visibility, unless otherwise required by the Federal Communication Commission (FCC) or Federal Aviation Administration (FAA).
6. Except as required by law, an antenna or tower shall not be illuminated and lighting fixtures or signs shall not be attached to the antenna or tower. If lighting is required by the FAA regulations, white strobe lights shall not be permitted at night unless FAA permits no other alternative. No lighting shall be constructed, placed or maintained in a manner that will constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway.
7. No advertising is permitted anywhere on the facility, with the exception of identification signage.
8. The entire site must be appropriately landscaped to be harmonious with surrounding properties and to minimize visual impacts.
  - a. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
  - b. Buffer plantings shall be located around the perimeter of security fencing consisting of an evergreen screen, comprised of either a hedge, planted three (3) feet on center maximum, or a row of evergreen trees planted five feet on center maximum.
9. All facilities shall be kept in an orderly and safe condition so as to prevent injury to any single property, individual or Township in general.
10. Access drives to any facility shall be maintained in a dust free condition.
11. Loud speakers shall not be permitted to be located on the facility.
12. “No Trespassing” signs shall be posted around the facility with a current and accurate telephone number of the responsible party to contact in the event of an emergency.
13. Transmission and receiving equipment shall be stored inside a building constructed for that purpose.

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14. Equipment shelters or any other buildings or structures shall be located at least fifteen (15) feet from the base of the tower.
15. The maximum size of the equipment shelter shall be three-hundred (300) square feet for a single user shelter, or if there is more than one, seven-hundred-fifty (750) square total square feet.
16. If an antenna for a wireless telecommunication facility is to be attached to an existing structure or building the following conditions apply:
  - a. The maximum height shall be twenty (20) feet or 20% of the building height above the existing structure, whichever is greater.
  - b. If the applicant proposes to locate the telecommunications equipment in a separate shelter (not located on, or attached to the building) the shelter shall comply with the following:
    1. The minimum setback requirements for the subject zoning district.
    2. A buffer yard shall be planted in accordance with Section 601.01.B.60.D.8 of this Resolution.
    3. Vehicular access to the shelter shall not interfere with the parking or vehicular circulation on the site for the principal use.

**Franklin Township Zoning Resolution  
Chapter 7 – Signs**

**CHAPTER 7  
SIGNS**

**Section 700.00 Signs**

**Section 700.01 Purpose**

The purpose of this article is to promote and protect the public health, safety, convenience, comfort, prosperity, or general welfare by regulating existing and proposed signs of all types. More specifically, the following sign regulations are established in order to achieve the following purposes:

- A. To reduce distractions and obstructions from signs that would adversely affect traffic safety, and to alleviate hazards caused by signs projecting over or encroaching on public ways.
- B. To preserve and enhance the physical appearance of the township; and, especially its business and industrial districts by requiring new and replacement signage which is:
  - 1. Creative and distinctive.
  - 2. Appropriate to the type of activity to which it pertains.
  - 3. Expressive of the identity of individual proprietors, or of the community as a whole.
  - 4. Appropriately sized in its context and easily readable.
- C. To discourage excessive visual competition in signage and ensure that signs adequately identify uses and activities to the public.
- D. To avoid the appearance of sign clutter, protect property values and prevent nuisances.
- E. To support the specific objectives of this resolution.

**Section 700.02 Signs Prohibited**

The following signs are prohibited in all zoning districts:

- A. Signs that revolve, rotate, whirl, spin, are animated, or otherwise use motion to attract attention or have the appearance of moving, including signs that contain pennants, ribbons, streamers, spinners or similar devices.
- B. Signs containing flashing, intermittent, moving, rotating lights or running lights giving the illusion of movement, with the exception of time and temperature devices.
- C. Portable or moveable signs.

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**Chapter 7 – Signs**

- D. Signs (except for a traffic, regulatory or informational sign) that use the words “STOP,” “GO,” “CAUTION,” or “DANGER” or incorporate red, amber, or green lights resembling traffic signals, or resemble “STOP” or “YIELD” signs in shape and color.
- E. Inflatable signs and tethered balloons.

**Section 700.03    Zoning Certificates**

**A. Zoning Certificates Required**

It shall be unlawful for any person to erect, repair, alter, relocate or maintain within Franklin Township any sign or other advertising structure as defined in this Resolution without first obtaining a Zoning Certificate from the Zoning Inspector except that repairs or maintenance not involving structural changes may be permitted without obtaining a Zoning Certificate.

**B. Application for a Zoning Certificate**

An application for a Zoning Certificate shall be submitted on Township Zoning Certificate Application Forms to the Zoning Inspector. The Zoning Inspector will only accept and act upon an application that is complete and includes the proper application fee as established by the Township Trustees. A complete application shall be in accordance with Section 201.03 Application Requirements and contain the following additional information:

1. Name, address, telephone number of the applicant and permanent parcel number.
2. Location of the building, structure, or lot to which or upon which the sign or other advertising structure is to be attached or erected.
3. Position of the sign or other advertising structure in relation to nearby buildings, structures, road right-of-ways and property boundaries.
4. One (1) to scale drawing (blueprints or ink) and the plans and specifications, including drawings, on the method of construction and attachment to the building or method of installation in the ground.
5. Name of person, firm, corporation or association erecting structure.
6. Written consent of the owner of the building, structure or land to which or on which the sign is to be erected.
7. Such other information as the Zoning Inspector shall deem necessary to ensure compliance with the Zoning Resolution.
8. A copy of a completed and approved state permit, issued by the Director of the Ohio

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Department of Transportation (ODOT), shall be required for all types of signs being located within 660 feet of any street that is part of the interstate or primary highway systems, such as State Routes 43 and 59.

**C. Issuance of a Zoning Certificate**

It shall be the duty of the Zoning Inspector upon the filing of an application for a Zoning Certificate to examine such plans and specifications, and other data, and the premises upon which the sign is proposed to be erected, and determine if it is in compliance with all of the requirements of this Resolution before issuing a Zoning Certificate.

**D. Expiration of the Zoning Certificate**

A complete application shall be in accordance with Section 700.03.B Application for a Zoning Certificate and contain the following additional information:

1. If the Zoning Certificate is issued for a sign that is part of an initial site improvement, the Zoning Certificate shall become null and void at the expiration of twelve (12) months after date of issuance unless construction is started, in accordance with Section 200.09 Expiration of Any Zoning Certificate.
2. If the Zoning Certificate is authorized for a sign on an already improved property and work has not been completed within twelve (12) months after date of issuance, the Zoning Certificate shall become null and void.
3. Unfinished sign construction projects that do not comply with this section and for which no progress is being made, shall be considered to be abandoned and may be declared a nuisance.

**E. Signs Excluded From These Requirements**

The following signs are hereby designated as “exempt signs”, and as such, are not subject to the regulations contained in this section and do not require a Zoning Certificate.

1. Non-illuminated real estate signs not exceeding six (6) square feet in area which advertise the sale, rental or lease of the premises upon which said signs are located.
2. Nameplates not exceeding two (2) square feet in area, containing only the name of the resident, the title of person practicing a profession, the name of building and the name of agent.
3. Signs denoting the architect, engineer or contractor when placed upon work under construction, and not exceeding twelve (12) square feet in area.
4. Memorial signs, tablets, building markers or cornerstones, names of buildings and date of erection signs shall not exceed two (2) square feet in area and shall be

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permanently affixed to the building or premises.

5. Traffic or other signs, legal notices, railroad crossing signs, danger, and other such emergency or temporary non-advertising signs, as well as, signs used for safety purposes relative to the repair and maintenance of streets, sidewalks or utilities in a public right-of-way.
6. Political signs shall be permitted in any district. Such signs shall not be placed on or over any public property or any public right-of-way.
7. Any sign painted or lettered directly on a window or other necessary part of a building when the sign is inside of the building.
8. Religious or other holiday lights and decorations containing no commercial message when displayed during the appropriate time of year.
9. Parking control signs and fire lane signs, intended to prohibit or impose conditions upon parking pursuant to state law, not to exceed four (4) square feet.
10. Signs and public notices erected or required by governmental bodies, or authorized for a public purpose by any law, or statute.

**Section 700.04 On-Premise Signs**

**A. Wall Signs**

Wall signs shall be permitted in any commercial or industrial district subject to the following limitations and requirements:

**1. Projection from Building**

No wall sign shall project beyond the ends or top of the building wall to which it is attached nor be set out more than one foot from the face of the building to which it is attached.

**2. Size Limitation**

In all districts in which wall signs are permitted, no wall sign shall cover more than twenty-four (24) inches of vertical wall space. In width no wall sign shall exceed ninety percent (90%) of the width of that portion of the building that is being identified, advertised or occupied. Ten percent (10%) of said building width is to remain open and unoccupied with a least dimension of five percent (5%) on either end.

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3. Erection

All wall signs shall be safely and securely attached to the building wall by means of metal anchors, bolts, or expansion screws; provided, however, that such signs may rest in, or be bolted to strong, heavy metal brackets set not over six feet apart, each of which shall be securely fixed to the wall as herein before provided. In no case shall any wall sign be secured with wire, strips of wood or nails.

4. Construction

All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

5. Lighting

Wall signs may be illuminated, provided that the illumination is concentrated upon the sign area of the sign so as to prevent glare upon the street or adjacent property.

B. Ground Signs

On-premise ground signs shall be permitted for any planned development (i.e. residential subdivision, commercial plaza, industrial park) or any individual commercial, institutional or industrial establishment, in the appropriate Zoning District, subject to the following limitations and requirements:

1. Location

- A. A ground sign shall only be permitted if it is associated with the use of that property.
- B. In all districts, a ground sign shall not be permitted within twenty (20) feet of the right-of-way line of any street or highway and shall not be located over any public sidewalk.
- C. Only one ground sign per street frontage is permitted.
- D. A ground sign shall be setback a minimum of fifty (50) feet from the right-of-way of the intersection of any public roads, as measured from the edge of the nearest road right-of-way to the nearest portion of the ground sign.
- E. Distance from Residential Property Lines

A ground sign shall be located at least forty (40) feet from any parcel located within any residential Zoning District, including residential Zoning Districts located in adjacent jurisdictions, as measured from the nearest lot line to the

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nearest portion of the on-premise sign.

**F. Required Spacing between Signs**

1. A ground sign shall not be placed closer than fifty (50) feet from any other ground sign.
2. A ground sign shall not be erected any nearer than five-hundred (500) feet from an off-premise sign, as measured from the base of each sign.

**2. Size Limitation**

In all districts in which ground signs are permitted, no ground signs may be larger than thirty-two (32) square feet in sign area nor higher than twenty (20) feet, as measured vertically from the finished grade.

No ground signs shall be erected at a height of less than three (3) feet above the finished grade.

**3. Construction**

All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

**4. Lighting**

Ground signs may be illuminated, provided that the illumination is concentrated upon the sign area of the sign so as to prevent glare upon the street or adjacent property.

**C. Projecting Signs**

Projecting signs shall be permitted in any Commercial or Industrial Zoning District subject to the following limitations and requirements:

**1. Size Limitations**

A projecting sign shall be limited in sign area to not more than twelve (12) square feet, however, an additional three-inch border or frame may be permitted to provide ornamental design. The maximum horizontal dimension shall be four (4) feet. The maximum vertical dimension shall be four and one-half (4-1/2) feet.

**2. Projection over Public Property**

Every projecting sign shall be placed so that its lowest point shall be at least eight (8) feet above the finished grade and at a distance not greater than two (2) feet from the

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face of the wall to which it is attached, measuring from the point of the sign nearest thereto. A projection sign may be placed over a public sidewalk but may not extend nearer than one foot to the curb line.

3. Construction

All letters, figures, characters or representations in cut-out or irregular form, maintained in conjunction with, attached to, or superimposed upon any sign shall be safely and securely built or attached to the sign structure.

4. Lighting

Projecting signs may be illuminated, provided that the illumination is concentrated upon the sign area of the sign so as to prevent glare upon the street or adjacent property.

5. Erection

Projecting signs exceeding fifty (50) pounds in weight shall not be attached to nor supported by neither frame buildings nor the wooden framework of a building. Said signs shall be attached to masonry walls with galvanized expansion bolts at least 3/8 inch in diameter, or shall be fixed in the wall by means of bolts extending through the wall, and shall contain proper size metal washer or plate on the inside of the wall.

No projecting sign shall be secured with wire, strips of wood or nails, nor shall any projecting signs be hung or secured to any other sign.

D. Awnings and Canopies

1. No awning or canopy shall be permitted to extend beyond a point twelve (12) inches inside the curb line.

2. Height above Sidewalk, Awnings and/or Canopies

Every awning shall be securely attached to and supported by the building. Posts or columns beyond the building lines shall not be permitted for awnings. No awning shall be attached to the wood jambs, frames, or other wood members of a building (frame buildings excepted) when such building is less than ten (10) feet from public property.

3. Construction of Canopies

Canopies shall be constructed of durable all-weather materials.

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4. Advertising

No advertising shall be placed on any awning or canopy, except that the name of the owner and the business, industry or pursuit conducted within the premises may be painted or otherwise permanently placed in a space not exceeding eight (8) inches in height on the front and side portions thereof.

E. Temporary Advertising Signs and Special Events Signs

1. Temporary advertising signs and special events signs advertising events sponsored by schools, clubs, nonprofit organization, etc. must be approved by the Township Trustees. Such signs shall not exceed thirty-two (32) square feet in area and the top of said sign shall not be higher than ten (10) feet above grade level or twenty (20) feet for a temporary wall sign.

Political signs shall not exceed thirty-two (32) square feet in area and the top of said sign shall not be higher ten (10) feet above grade level.

2. Temporary advertising signs and special events signs shall not exceed thirty-two (32) square feet in area and the top of said sign shall not be higher than ten (10) feet above finished grade or twenty (20) feet for a temporary wall sign.

3. The sign may be displayed for a period of time not to exceed 30 days.

F. Additional Requirements for Multiple Message and Variable Messenger Advertising Devices, (i.e. Digital Signs).

1. These types of signs shall only be permitted in any C-1, C-2, I-1, or I-2 zoning districts.
2. Each message or copy shall remain fixed for at least ten seconds.
3. When a message or copy changes by electronic process, it shall be accomplished in two seconds or less.
4. Such advertising devices shall contain a default design that will freeze the device in one position if a malfunction occurs.

**Section 700.05 Off-Premise Signs**

An off-premise sign shall be classified as a business use and shall only be allowed in any C-1, C-2, I-1 or I-2 Zoning Districts or on land used for agricultural purposes as defined in this resolution.

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**A. Location**

1. An off-premise sign shall not be permitted within 20 feet of the right-of-way line of any street or highway.
2. An off-premise sign shall be setback a minimum of five hundred (500) feet from the right-of-way of the intersection of any public roads, as measured from the edge of the nearest road right-of-way to the nearest portion of the off-premise sign.
3. Required Spacing between Signs

An off-premise sign shall not be erected any nearer than one-thousand (1,000) feet from any other off-premise sign or an on-premise ground sign, as measured from the base of each sign.

4. Distance from Residential Property Lines

An off-premise sign shall be located at least two-hundred (200) feet from any parcel boundary located within a residential Zoning District, including residential Zoning Districts located in adjacent jurisdictions, as measured from the nearest lot line to the nearest portion of the off-premise sign.

5. Distance from Special Facilities

An off-premise sign shall be located at least five-hundred (500) feet from any parcel boundary used for any type of park, nature preserve, scenic roadway, school, cemetery, historic site or area, hospital, retirement home or government building, as measured from the nearest lot line to the nearest portion of the off-premise sign.

6. Distance from Scenic and Historic Areas

An off-premise sign shall be located at least two-hundred (200) feet from a tunnel, bridge, underpass or overpass, as measured from the structure or the nearest lot line to the nearest portion of the off-premise sign.

7. Other Setbacks

An off-premise sign shall be placed no closer than twenty-five (25) feet from all other property lines, as measured from the nearest lot line to the nearest portion of the off-premise sign.

**B. Size Limitation**

The sign face area of an off-premise sign shall be no larger than two-hundred-thirty-five (235) square feet and shall be no higher than forty (40) feet, as measured vertically from

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the finished grade.

**C. Lighting**

Signs may be illuminated, provided that the illumination is concentrated upon the sign area so as to prevent glare upon the street or adjacent property.

**D. Additional Requirements for Multiple Message and Variable Messenger Advertising Devices (i.e. Digital Signs)**

1. Each message or copy shall remain fixed for at least ten seconds.
2. When a message or copy changes by electronic process, it shall be accomplished in two seconds or less.
3. Such advertising devices shall contain a default design that will freeze the device in one position if a malfunction occurs.

**Section 701.00 Supplementary Requirements for Signs**

**A. Signs not to Constitute Traffic Hazard**

No sign or other advertising structure as regulated by this Resolution shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "STOP," "LOOK," "DRIVE-IN," "DANGER," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

**B. Required Maintenance of Signs**

All signs identified in this chapter shall be maintained in accordance with the following:

1. The property owner shall maintain the sign in a condition fit for the intended use.
2. Identification and Reclamation
  - a. Each permanent sign shall contain the name, address and telephone number of a firm or person responsible for maintaining the sign. Such information shall be placed on the frame or other supports and large enough to be easily read by a person standing on the ground adjacent to the sign.
  - b. Any sign now or hereafter existing which no longer advertises a bona fide business conducted, shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which such sign

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may be found within ten (10) days after written notification from the Zoning Inspector.

3. If the sign is deemed by the Zoning Inspector to be in an unsafe condition, the responsible party shall be immediately notified, in writing of the violation, in accordance with the provisions of Section 205.1 Complaints Regarding Violations of this Resolution.

Within seven (7) business days of the mailing of the notice, if corrective action isn't taken to remedy the violation, then the zoning inspector may institute an injunction, mandamus, abatement, or any other appropriate action or proceeding to cause removal or alteration to comply with this regulation.

4. Whenever, any sign, either conforming or nonconforming to these regulations, is required to be removed for the purpose of repair, change of lettering, or repainting, the same may be done without a Zoning Certificate or any payment of fees provided that all of the following conditions are met:
  - a. There is no alteration or remodeling to the structure or the mounting of the sign itself.
  - b. There is no enlargement or increase in any of the dimensions of the sign or its structure.
  - c. The sign is accessory to a legally permitted, conditional or nonconforming use.

**C. Criteria for the Construction and Design of Signs**

In addition to ensuring compliance with the numerical standards of these regulations, the Zoning Inspector shall consider the proposed general design, arrangement and placement of the sign according to the following criteria:

1. Construction Standards
  - a. All signs shall be constructed in conformance with the appropriate building code and other applicable requirements of the County and Township.
  - b. All signs shall be structurally sound so as to pose no threat to pedestrian or vehicular traffic. Signs shall be fabricated on and of material that is of good quality and durability.
  - c. All signs shall be rigidly secured and no sign shall swing from a bar, crane, awning or other sign. No part of any sign shall be revolving, oscillating or otherwise be designed to move.
  - d. Obstructions to Doors, Windows, or Fire Escapes

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All signs shall be erected, relocated or maintained so as not to prevent free ingress to or egress from any door, window or fire escape.

**2. Design Criteria**

- a. The lettering shall be large enough to be easily read, but not overly large or out of scale with the building or site.
- b. The number of items, letters, symbols and shapes shall be consistent with the amount of information that can be comprehended by the viewer, reflect simplicity, avoid visual clutter and improve legibility.
- c. The shape of the sign shall be simple, and the sign should be consolidated into the minimum number of elements.
- d. The size, style and location of the sign shall be appropriate to the activity of the site.
- e. The sign shall complement the building and adjacent buildings by being designed and placed to enhance the architecture. The sign shall also have a minimum of advertising and reflect the primary purpose of identifying the name and type of establishment or use.
- f. Informational signs shall contain the minimum information and the minimum area necessary to convey the message and instruct the viewer in the safe and efficient use of the facility.

**3. Illumination of Signs**

- a. Signs permitted to be illuminated shall be in compliance with the following requirements:
  1. Whenever external illumination is used for a sign, the source of light shall be located, shielded and directed in such a manner that the light does not shine or cause glare onto any surrounding street or private residence.
  2. The lighting of any sign, whether resulting from external or internal illumination, shall not be of such brightness so as to cause glare that is hazardous or a nuisance to pedestrian or vehicular traffic or adjacent premises.
- b. Signs shall not be illuminated in such a manner to obstruct traffic control or any public information signs.

**D. Measurement of Sign Areas and Height**

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1. The sign face shall be computed as including the entire area within a geometric form or combinations of geometric forms comprising all of the display area of the sign and including all advertising matter displayed. Frames and structural members not being used to display advertising matter shall not be included in computation of sign face.
2. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the total allowable display area, except when two sign faces are placed back-to-back and are at no point more than two (2) feet apart from each other. In these instances, the total allowable display area shall be taken as the area of one of the sign faces, and if the faces are unequal in area, the larger shall determine the measurable display area.
3. For a sign consisting of individual letters or symbols attached to or painted on a surface, such as, but not limited to a wall, window, canopy or awning, the sign face shall be considered as the smallest rectangle or other geometric form which encompasses all of the letters and symbols.
4. The height of a sign shall be computed as the distance from the base of a sign or supportive structure at its point of attachment at normal grade to the top of the highest attached component of the sign.

## **CHAPTER 8 OFF-STREET PARKING AND LOADING FACILITIES**

### **Section 800.00            Off-Street Parking and Loading Facilities**

#### **Section 800.01            Purpose**

This Chapter is intended to provide for adequate off-street parking and loading facilities in proportion to the anticipated parking needs created by each use. The following requirements establish uniform design standards for parking spaces, aisles, and access ways, in order to reduce congestion on streets, and minimize detrimental impacts to adjacent property owners.

#### **Section 800.02            General Requirements**

- A. The requirements of this Chapter shall not apply to any existing buildings or structures, except where there is a change of use.
- B. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Resolution.
- C. Whenever a building or structure constructed after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change.
- D. Whenever a building or structure existing prior to the effective date of this Resolution is enlarged, then it must comply with all of the applicable parking and loading requirements of this Chapter.
- E. Parking spaces for drivers with disabilities shall be provided as required in Section 800.06.
- F. Unless there is a change in use requiring a lesser number of spaces, the number of spaces shall not be reduced below the minimum requirements of this Section, unless otherwise specified.
- G. Except for single-family and two-family residential dwellings, the parking areas for all other uses shall be designed in such a manner that any vehicle leaving or entering the parking area from or onto a public or private street shall be travelling in a forward motion.
- H. All off-street parking facilities shall be permanently maintained by the owners or occupants as long as the use they serve exists.
- I. Land used to provide the required off-street parking facilities shall not be used for any other purposes, except for temporary events, in compliance with the requirements of this

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- J. All off-street parking facilities shall be designed so that emergency vehicles and fire apparatus can access and serve such developments.
- K. Circulation areas shall be designed so vehicles can proceed safely without posing a danger to pedestrians and without interfering with parking areas.

**Section 800.03            Off-Street Parking Space Dimensions**

All off-street parking spaces shall have a minimum rectangular dimension of nine (9) feet in width by 20 feet in length. In the case of parallel parking the length shall be twenty-three (23) feet. All dimensions shall be exclusive of driveways, aisles, and other circulation areas.

**Section 800.04            Location of Parking Areas and Driveways**

The following regulations shall govern the location of off-street parking spaces and areas:

A. For Standard Lots:

- 1. All parking areas shall be located in the side or rear of buildings in compliance with the corresponding district requirements, with the exception of driveways that are located only in the front yard. Allowance will be made for Family events such as graduation parties or reunions.

B. For Sub-standard Lots:

- 1. Single-Family and/or Two-Family Residences:
  - a. All parking areas shall be located on the side or rear of buildings in compliance with the corresponding district requirements. In certain instances, physical limitations could make parking on the side or rear yard problematic. These instances could include steepness of a slope, limited yard due to water or hydric soil conditions, or narrowness of the distance from the structure to a neighboring lot line. Parking may not be feasible anywhere except the front yard, and the following conditions would apply:
    - 1. There can be only one parking area, wide enough to accommodate no more than two vehicles (18 ft X 20 ft.).
    - 2. The parking area must be paved, concrete, or hard packed by gravel.
    - 3. The remainder of the front yard must be at least 60% landscaped.
    - 4. The parking areas can not obstruct the sight line for entering or

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exiting the roadway.

2. Multi-Family Residences and All Other Non-Residential Uses:

- a. All parking areas shall be located in the side or rear of buildings in compliance with the corresponding district requirements.
  1. No part of any parking area intended for 10 vehicles or more shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care whether located on the same lot or an adjoining lot, unless separated by a landscaped buffer screen.
  2. Parking spaces for apartments, dormitories or similar residential uses shall not be located more than 300 feet from the principal use.
  3. Parking spaces for commercial, industrial, or institutional uses shall not be located more than 700 feet from the principal use.
  4. In no case shall any part of a parking area be closer than 20 feet to any established road right-of-way.

**Section 800.05      Design Specifications of Parking Areas and Access Driveways for Multi-Family Uses and All Other Non-Residential Uses**

A. Design Standards:

1. Entrances and exits shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersections or corners.
2. Entrances and exits to the parking area shall be clearly marked.
3. All parking areas shall be striped between spaces to facilitate the movement into and out of the parking space.
4. All parking areas shall be designed in such a manner that any vehicle leaving or entering the parking area via a public or private street shall be traveling in a forward motion.
5. Wheel guards or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line, or rolling down slopes.
6. Access drives for parking areas shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access driveway from a public or private street.
7. Access drives for one-way and two-way traffic shall have a minimum width of twenty-five (25) feet at the curb cut.

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8. Location of Access Drives:

- a. One direct private access shall be permitted per parcel or contiguous parcels under common ownership.
- b. An access drive may be constructed as close as two (2) feet from the property line, unless otherwise specified in this Resolution.

B. Width of Driveway Aisles:

1. The minimum required driveway aisle width for access to individual parking spaces shall not be less than the requirements as specified in Schedule 800.05.B.1.

<b>Schedule 800.05.B.1</b> <b>Minimum Width of Driveway Aisles</b>	
<b>Parking Space Design</b>	<b>Width of Driveway Aisle</b>
90 degree Parking	25 feet
60 degree Parking	16 feet
45 degree Parking	13 feet
Parallel Parking	12 feet

2. Driveway Aisles for two-way traffic shall have a minimum width of twenty-five (25) feet.
3. Parking areas having more than one driveway aisle shall have directional signs or marking in each driveway aisle.

**Section 800.06          Parking Spaces for Handicap Accessibility**

All multi-family residences and all other non-residential uses shall provide parking spaces for disabled drivers in accordance with the following regulations:

- A. Parking spaces for disabled drivers as required by this subsection shall be marked on the plan for the facility and shall be appropriately identified in the facility and restricted for use by eligible drivers.
- B. The disabled driver parking spaces shall be located within a reasonable walking distance of the buildings they are designed to serve. The minimum number of disabled driver parking spaces per parking lot shall be required as set forth in Schedule 800.06.C.

<b>Schedule 800.06.C</b> <b>ADA Standards for Accessible Design</b>			
<b>Total Number of Parking Spaces Provided (per lot)</b>	<b>Total Minimum Number of Accessible Parking Spaces (60" &amp; 96" aisles)</b>	<b>Van Accessible Parking Spaces with Minimum 96" wide access aisle</b>	<b>Accessible parking Spaces with minimum 60" wide access aisle</b>
	<b>Column A</b>		

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1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of Total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**
* 1 out of every 8 accessible parking spaces		** 7 out of every 8 accessible parking spaces	

**Section 800.07 Shared Parking Facilities**

Shared parking facilities are encouraged. The purpose of shared parking facilities is to reduce curb cuts onto public roads and reduce impervious surfaces. Any two or more nonresidential uses may jointly provide and share parking spaces when there are sufficient parking spaces available to accommodate the parking space needs of the parties in accordance with the following requirements:

- A. A maximum of fifty (50) percent of the required parking space needs of a particular use may be integrated with the parking space requirements of another use.
- B. The required parking spaces for disabled drivers shall not be reassigned to the shared parking facility.
- C. The applicants shall submit a written joint use agreement between all parties to the arrangement with the application for a Zoning Certificate.
- D. The parties must demonstrate that the peak hour parking space needs for one use is not during the peak hour parking space needs of another use and that the parking needs of any use will be sufficient for its safe, convenient and efficient operation and will not be hindered by such an arrangement.
- E. The shared parking areas shall be interconnected to the buildings of the agreeing parties by sidewalks or other improved pedestrian way.
- F. The location of the parking areas shall be in accordance with the specifications of Subsection 800.04 and all other applicable requirements of this Resolution.
- G. The location of several types of uses or occupancies in the same building or on the same site may constitute a special circumstance warranting the reduction of parking requirements pursuant to this section.

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**Section 800.08            Parking Area Landscaping Requirements**

Parking areas for apartment and multi-family residences and all other non-residential uses shall be landscaped in accordance with the requirements of Chapter 9 of this Resolution.

**Section 800.09            Off-Street Parking Space Requirements**

The following off-street parking space requirements are established to ensure that the parking needs associated with the development of land and the increased usage of motor vehicles are met. These regulations are designed to increase safety and lessen congestion on both public and private roads by providing a set of standards for off-street parking spaces according to the amount of traffic generated by each use to eliminate the need for on-street storage of vehicles while ensuring the visual aesthetics of the area.

<b>Type of Use</b>	<b>Number of Spaces Required</b>
<b>A. Residential Uses</b>	
1. Single-Family, Two-Family & Three Family Dwellings	2 spaces for every dwelling unit.
2. Multi-Family (1 Bedroom)	1.5 spaces for every dwelling unit.
3. Multi-Family (2 Bedroom)	2 spaces for every dwelling unit.
4. Multi-Family (3 Bedroom)	3 spaces for every dwelling unit.
5. Multi-Family (4 Bedroom)	4 spaces for every dwelling unit.
6. Bed & Breakfast Establishments	1 space for every guest room, plus the requirements for a normal residential use.

<b>Type of Use</b>	<b>Number of Spaces Required</b>
<b>B. Retail Business Uses</b>	
1. Appliance, Furniture, Household Goods Sales and Repair	1 space for the first 1,000 sq.ft. of floor area, plus 1 space for each additional 600 sq.ft. of floor area
2. Convenience Stores	1 space for every 250 sq.ft. of floor area.
3. Restaurants (fast food or carry out)	1 space for every 50 sq.ft. of floor area.
4. Convenience Stores with gasoline pumps	1 space for every 250 sq.ft. of floor area, plus the parking requirements of Gas Stations.
5. Food or Grocery Stores	1 space for every 200 sq.ft. of floor area.
6. Gas Stations	2 spaces for each island of pumps, plus 2 spaces for each service stall, plus 1 space for each two employees.
7. Restaurants (dine in)	1 space for every 3 seats and 1 space for every 3 employees.
8. Restaurants (fast food or carry out)	1 space for every 50 sq.ft. of floor area.

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9. Shopping Center (Comprised of more than one business use) a. Less than 15,000 sq.ft. of floor area b. Between 15,001 and 600,000 sq.ft. of floor area c. More than 600,000 sq.ft. of floor area	5 spaces per 1,000 sq.ft. of floor area. 4 spaces per 1,000 sq.ft. of floor area. 5 spaces per 1,000 sq.ft. of floor area
10. All uses not listed	1 space for every 200 sq.ft. of floor area.
<b>C. Service Uses</b>	
1. Barber and Beauty Shops	1 space for every 150 sq.ft. of floor area.
2. Bicycle, Camper, Motor Vehicle, and RV Sales and Service	1 space for every 200 sq.ft. of floor area, plus 1 space for each additional 3,000 sq.ft. of gross land area.
3. Catering	1 space for every 250 sq.ft. of floor area.
4. Financial Institutions	1 space for every 200 sq.ft. of floor area.
5. Hotel/Motel	1 space for each guest room, plus 1 space for each employee.
6. Indoor Storage Facility	1 space for every 15 storage units.
7. Motor Vehicle Repair Facility	2 spaces for each service stall, plus 1 space for each two employees.
8. All uses not listed	1 space for every 250 sq.ft. of floor area.
<b>D. Office Uses</b>	
1. Business and Professional	5 spaces for the first 1,000 sq.ft. of floor area, plus 1 space for each additional 300 sq.ft. of floor area.
2. Medical and Dental	4 spaces for each doctor on staff, plus 2 spaces for every employee.
<b>E. Health Medical and Care Facilities</b>	
1. Children's Day Care and Nursery School Facilities	1 space for every 10 clients based on the facilities maximum capacity.
2. Assisted Living Facilities, Convalescent Centers, Nursing Homes and Geriatric Centers	1 space for every 5 beds, plus 2 spaces for each 3 employees and 1 space for each doctor on staff.

<b>Type of Use</b>	<b>Number of Spaces Required</b>
3. Health Clinics	4 spaces for each doctor on staff, plus 2 spaces for every employee.
4. Hospitals and Sanitariums	1 space for every 2 beds, plus 2 spaces for each three employees.
5. Funeral Homes, Mortuaries	1 space per for every 100 sq.ft. of floor area of rooms used for services.
<b>F. Public, Education, and Utility Uses</b>	
1. Churches and Places of Worship	1 space for every 5 seats in main auditorium.
2. Colleges, Universities, Vocational Schools	1 space for every 5 students based on the maximum number of students the facility is designed to accommodate, plus 2 spaces for each 3 employees.
3. Elementary, Junior High School	2 spaces for each classroom.
4. High School	1 space for every 8 students.
5. Libraries, Art Galleries, Museums	1 space for every 800 sq.ft. of floor area.
6. All uses not listed	1 space for every 250 sq.ft. of floor area.

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<b>G. Recreational and Social Facilities</b>	
1. Amusement Parks (Indoor and Outdoor)	3 spaces for every 1,000 sq.ft. of floor area, plus 3 spaces for every 1,000 sq.ft. of gross land area.
2. Archery Range	1 space for every 2,000 sq.ft. of gross land area.
3. Auditoriums, Gymnasiums, Convention Centers and other Places of Assembly	The number of required spaces shall equal 40% of the seating capacity of the facility.
4. Bowling Alleys	4 spaces per alley plus 1 additional space for each two (2) employees.
5. Dance Halls, Skating Rinks	10 spaces for every 1,000 sq.ft. of floor area.
6. Golf (miniature)	2 spaces per hole.
7. Golf (nine holes or more)	8 spaces per green.
8. Handball, Racquet, Squash, and Tennis Courts and Clubs	4 spaces per court plus additional spaces required for affiliated uses (e.g. restaurant).
9. Parks and Playgrounds	Parks and playgrounds over one acre: one space for each picnic table or 12 spaces for each acre of formal park area, whichever is greater.
10. Swimming Pools	1 space for every 75 sq.ft. of water area plus 1 space for every 5,000 sq.ft. of gross land area.
11. Theaters	1 space for every 5 seats
12. All uses not listed	1 space for every 250 sq.ft. of floor area
<b>H. Uses in Combination</b>	100% of the individual use that requires the greatest number, plus 50% of the spaces required by the other uses.
<b>I. Industrial Uses</b>	1 parking space per anticipated maximum number of employees. The total number, being the total number of employees on any two consecutive shifts having the largest number of employees. Additional visitor parking shall be a minimum of 1 space per 25 employees, with no fewer than 2 spaces per industrial facility.

**J. Off-Street Waiting Spaces for Drive-Thru Facilities:**

In addition to the parking space requirements as specified in Schedule 800.09 A through I, the following waiting spaces are required for those establishments providing drive-thru facilities.

1. Establishments serving and selling food – eight (8) waiting spaces.
2. Car wash facilities utilizing conveyor or similar system to move vehicles – eight (8) waiting spaces.

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3. Car wash facilities (self serve/wash) – four (4) waiting spaces/stalls.
4. Facilities with service windows or service entrances such as banks, ticket booths, and similar facilities - eight (8) waiting spaces, and not less than five (5) spaces per window or stall when there are two (2) or more windows.
5. Gasoline Stations – two (2) waiting spaces per accessible side of a gasoline pump island.

**Section 800.10            Off-Street Loading and Unloading Space Dimensions**

Every building used for commercial or industrial uses shall provide on premises loading and unloading spaces as specified in Section 800.11 and Section 800.12. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The minimum dimensions of Off-Street Loading and Unloading Spaces shall be required as set forth in Schedule 800.10.

<b>Schedule 800.10</b>		
<b>Minimum Dimensions of Off-Street Loading and Unloading Spaces</b>		
<b>Width</b>	<b>Length</b>	<b>Overhead Clearance</b>
12 feet	50 feet	15 feet

**Section 800.11            Minimum Number of Commercial Use Loading Spaces Required**

The minimum number of off-street loading and unloading space for all commercial uses shall comply with the requirements as specified in Schedule 800.11.

<b>Schedule 800.11</b>	
<b>Minimum Number of Loading Spaces Required per Commercial Building</b>	
<b>Gross Floor Area</b>	<b>Minimum Number of Spaces</b>
0 - 20,000 square feet	0
20,001 - 40,000 square feet	1
40,001 - 75,000 square feet	2
75,001 - 150,000 square feet	3
150,001 - 250,000 square feet	4
One (1) additional space for each additional 250,000 square feet of gross floor area or fraction thereof	

**Section 800.12            Minimum Number of Industrial Use Loading Spaces Required**

The minimum number of off-street loading and unloading space for all industrial uses shall comply with the requirements as specified in Schedule 800.12.

<b>Schedule 800.12</b>	
<b>Minimum Number of Loading Spaces Required per Industrial Building</b>	
<b>Gross Floor Area</b>	<b>Minimum Number of Spaces</b>
0 - 10,000 square feet	0
<b>Gross Floor Area</b>	<b>Minimum Number of Spaces</b>
10,001 - 40,000 square feet	1

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40,001 - 100,000 square feet	2
100,001 - 160,000 square feet	3
160,001 - 240,000 square feet	4
240,001 - 320,000 square feet	5
320,001 - 400,000 square feet	6
One (1) additional space for each additional 90,000 square feet of gross floor area or fraction thereof	

**Section 800.13            Off-Street Loading and Unloading Spaces Requirements**

Every commercial and industrial building shall provide space on the premises for loading and unloading purposes on the basis of the following regulations:

- A. Access to truck loading and unloading space shall be provided directly from a public road or alley, or from any right-of-way that will not impede the movement of other vehicles or pedestrians and will permit the orderly and safe movement of such trucks.
- B. No portion of the loading area shall project into a road right-of-way.
- C. All loading and unloading space shall be located to the rear of the business and industrial structures.
- D. Off-street loading and unloading space as required under this subsection shall be provided as area additional to off-street parking spaces as required, and shall not be considered as supplying off-street parking space.

**Section 801.00            Paving Requirements**

- A. Except for single-family, two-family and three family residences, the required number of parking and loading spaces as set forth in these sections, together with driveways, aisles, and other circulation areas, shall be improved with asphalt or concrete paving, except as specified in Subsection 801.01.
- B. Parking, aisles or circulation areas for single-family, two-family and three-family residences can be improved with gravel or lime stone subject to approval of the Road Supervisor

**Section 801.01            Optional Porous Material Surface Parking Areas**

In order to reduce the storm water runoff from a site, any amount of parking surface area may be improved with porous materials in accordance with the requirements of Subsection 801.02.

**Section 801.02            Design Requirements for Porous Material Parking Surfaces**

- A. The materials used shall be capable of supporting the weight of the anticipated traffic and present no additional safety risks than a paved surface would.
- B. The area designated for porous materials shall not be used for the required parking spaces of

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disabled drivers or bicyclists.

- C. The porous surface parking areas shall be clearly designated by appropriate signage and striping.

**Section 802.00          Drainage Requirements**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

**Section 803.00          Maintenance Requirements**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

**Section 804.00          Lighting Requirements**

Any parking area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents and enhance safety of the user. All lighting shall be in compliance with Section 1000.09 Outdoor Lighting.

## CHAPTER 9 LANDSCAPING AND BUFFERING

### **Section 900.00      Landscaping and Buffering**

#### **Section 900.01      Purpose**

The purpose of these landscaping regulations is to reduce storm water runoff from one site to another, reduce erosion and minimize adverse visual impacts, noise, light, and air pollution between various uses, which abut one another by planned altering of the areas of transition between the land uses. In addition, these regulations increase the desirability of living and working in Franklin Township by improving the air quality and enhancing the visual character of residential neighborhoods and commercial and industrial developments by protecting public and private investments, and promoting an aesthetically pleasing environment.

#### **Section 900.02      Applicability**

These regulations shall apply to lots approved either as subdivision requiring platting as per Chapter 711 of the Ohio Revised Code and which will be consistent with the Portage County Subdivision Regulations or a condominium, which will be compliant with Ohio Revised Code Chapter 5311 and all recreational, multi-family, commercial, institutional and industrial uses within the township and specifically designated zoning districts.

#### **Section 900.03      Approval Process**

Landscaping and screening shall be reviewed as part of the plan review approved process described in Chapter 2 by the Zoning Inspector for Permitted Uses and the Board of Zoning Appeals for Conditionally Permitted Uses, in accordance with the requirements of this Chapter. Landscaping plans shall be prepared as specified in Section 900.05

#### **Section 900.04      Plant Substitutions**

Due to the seasonal planting problems and lack of plant availability, approved landscape plans may require minor revisions. Revisions to planting plans may only be justified if each of the following applies:

- A. There is no reduction in the quality of plant material.
- B. There is no significant change in the size or location of plant materials.
- C. Proposed plants are of the same general category, (i.e., shade, ornamental, or evergreen trees) and have the same general design characteristics (mature height, crown spread) as the materials being replaced.
- D. Proposed materials must be compatible with the area to ensure healthy plant growth.

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- E. If these criteria can not be fulfilled, changes to the approved plans must be resubmitted and reviewed by proper reviewing authority.

**Section 900.05            Landscaping Plan Preparation**

All landscaping plans shall enhance and protect the physical environment and the development's aesthetic character.

All landscaping plans for projects subject to plan review shall bear the seal of a certified landscape architect or other licensed professional authorized to prepare landscape plans. The BZA may waive this requirement based on the size and scope of the project as long as the intent of these regulations is met.

**Section 900.06            Landscaping Plan Submittal Requirements**

The landscaping plan shall contain at a minimum, the following:

- A. Location, general type and quality of existing vegetation, including specimen trees.
- B. Existing vegetation to be saved.
- C. Methods and details for protecting existing vegetation during construction and the approved sediment control plan if available.
- D. Locations and labels for all proposed plants.
- E. Plant lists or schedules with the botanical and common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
- F. Location and description of other landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas.
- G. Planting and installation details as necessary to ensure conformance with all required standards.

**Section 900.07            Landscaping Minimum Site Requirements**

- A. A minimum area of at least 15% of each site (exclusive of parking lot landscaping requirements) is to be landscaped.
- B. The landscaping shall be either continuous and/or comprised of groupings situated on the lot.

At a minimum, landscaping shall be located in the following locations on a site in such a manner as to minimize adverse impacts associated with the proposed use and enhance the aesthetic character of the site:

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1. A minimum distance of five (5) feet in depth along the property frontage abutting any public right-of-way or private road.
  2. A minimum distance of five (5) feet in depth along each property line or area that abuts a residential use.
- C. The landscaped area must be covered by living vegetation, ground cover, and/or shrubs, and in accordance with Section 900.11. Exceptions would be areas of exposed bedrock or drainage ways.
1. Minimum size requirements for trees and shrubs at time of planting shall be:

<b>Plant Type</b>	<b>Size at Planting</b>
Small Tree	1" to 1-1/2" caliper *
Large Tree	1-1/2" to 4" caliper *
Small Shrub	3' tall
Large Shrub	5' tall

\* Caliper measurements shall be taken six inches above grade for trees under four inches in diameter and twelve-inches (12") above grade for trees four inches in diameter and larger. Trees larger than four inches in diameter should be measured at a height of forty-eight inches (48") above grade.

**Section 900.08      Fences**

Fences may be used as an effective method of complementary landscaping and screening in accordance with Section 410.00 Fences, Walls and Hedges.

**Section 900.09      Berming**

Berming is an earthen mound that is designed to provide visual interest, screen undesirable views, and decrease noise. Berming may be used as an effective method of complementary landscaping and screening in accordance with Section 410.00 Fences, Walls and Hedges and the following guidelines:

- A. The berm shall be located between the right-of-way and the building setback lines.
- B. Berming shall generally vary in height, width and length to create a free-form natural effect.
- C. The slope of a berm shall not exceed a 1:4 height to width ratio.
- D. The design of berms shall include provisions for drainage that is tied into the entire site system if necessary or applicable.
- E. Berms shall be planted with ground cover and other plant materials to prevent erosion.

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- F. Berms and other plant materials used collectively shall be viewed as a unified element and must be in compliance with all provisions of this Resolution.

**Section 900.10            General Requirements**

- A. In cases where quality forests exist, preservation of these existing trees should be incorporated as part of the landscaping. Additional plant material should be used if needed to achieve an effective visual buffer.
- B. Landscaping shall be designed to complement other landscaping occurring naturally on the site, planted previously, or approved additions that are part of a site plan review. Wherever possible, quality vegetation and landform shall be used.
- C. Species and sizes of plant material shall be chosen to best accomplish an adequate screen and to attain the desired effect, e.g., evergreens for visual year-round screening and deciduous trees for seasonal screening.
- D. When noise is likely to be a concern, the screen shall be of sufficient construction to be an effective noise buffer.
- E. Natural slope and quality vegetation may be substituted for some or all of the requirements above, provided that these features serve to screen the area from adjoining properties and roadways, when screening is required.
- F. All required landscaping shall be installed within eighteen (18) months following the issuance of a Zoning Certificate or Conditional Zoning Certificate.
- G. If weather conditions necessitate a delay in the installation of any landscaping, the applicant shall provide a schedule indicating the completion date for the approved landscaping in writing with the Township Zoning Inspector.

**Section 900.11            Landscape Standards and Specifications**

- A. The following standards shall guide the number and placement of plantings for landscaping within the Township:
1. Shade Trees for Street Planting:
    - a. Shade trees shall be planted along the side of the property that fronts along any road. In locations where healthy and mature shade trees exist, the requirements for new trees may be waived or modified.
    - b. Such trees shall be spaced at intervals of a minimum of twenty (20) but no greater than forty (40) feet.
    - c. Tree species shall be selected according to the following criteria:

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1. Cast moderate shade to dense shade in the summer.
  2. Survive at least thirty (30) years.
  3. Mature height of at least: Fifty (50) feet or greater for large trees, thirty to fifty (30-50) feet for medium trees, and thirty (30) feet for small trees.
  4. Tolerant of pollution and direct or reflected heat.
  5. Requires little maintenance by being structurally sound and insect and disease resistant.
  6. Be able to survive with no irrigation after establishment.
  7. Be of native origin, provided the tree meets the above criteria.
- d. For storefront areas, the street trees should consist of deciduous species that branch above eight (8) feet to facilitate viewing any signage.
2. Perimeter/Buffer Landscaping and Screening
- a. Screening is required to protect adjoining properties from noise, glare, and uses, which are visually incompatible with neighboring uses. Screening is required:
    1. On sites that involve loading and unloading, (including storage of vehicles and boats), trash, or disposal areas.
    2. Where exterior storage areas are visible from roadways, sidewalks or nearby residential properties.
    3. When noise not typically occurring in residential areas is expected to project onto nearby properties.
    4. To screen parking areas from motorists, pedestrian and adjoining residential properties.
    5. Where any commercial or industrial use abuts a residential use.
  - b. The screen shall be capable of providing at least seventy-five (75) percent opacity within two (2) years of installation.
  - c. Screening shall consist of trees and plants and may include masonry or wood fencing used with or without berms. Screening shall consist of a functional and a well designed combination of the following:
    1. Quality vegetative ground cover.

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2. Coniferous and deciduous shrubs.

- a. Selected plant material will reach and maintain a height of at least five (5) feet at full growth.
- b. Plants shall measure a minimum of three (3) feet in height at the time of planting and are expected to attain a height of five (5) feet in three (3) years.
- c. Evergreen shrubs shall not normally be planted any closer than six (6) feet on center.
- d. Shrubs shall not normally be planted closer than six (6) feet to planted trees, nor within the drip line of existing protected trees.
- e. For buffer areas, evergreen shrubs shall be provided at the following rates:

Buffer Width	One Shrub Per
20 ft. or less	50 sq.ft. or buffer
21 to 30 ft.	75 sq.ft. of buffer
31 to 50 ft.	125 sq.ft. of buffer
Over 50 ft.	200 sq.ft. of buffer

3. Coniferous and Deciduous Trees:

- a. Trees shall be distributed along entire length of any buffer area.
- b. Trees shall be planted at the following rate:

Buffer Width	One Tree Per
20 ft. or less	200 sq.ft. or buffer
21 to 30 ft.	300 sq.ft. of buffer
31 to 50 ft.	350 sq.ft. of buffer
Over 50 ft.	400 sq.ft. of buffer

3. Parking Lot Landscaping:

All parking lots or parking lots of six (6) spaces or more shall be landscaped with appropriate trees and shrubs. The purpose of the requirement is to provide protection from the sun, noise, glare and pollutants, while providing shade and a partial visual screening of the activity on the lot.

a. Buffering and Screening From Roadway:

1. All parking lots and loading areas that abut a road right-of-way shall be landscaped.

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2. Parking lots adjacent to residential properties require screening either through walls, opaque fences, berming or landscape screening that will be at least six (6) feet in height and provide at least seventy-five (75) percent opacity within two (2) years of installation.
3. In cases where substantial grading is necessary that results in a parking lot lower in elevation than the surrounding or adjacent right-of-way, the resulting embankment must be planted with low shrubs and shade or ornamental trees.

b. Parking Lot Interior Landscaping:

1. No less than ten percent (10%) of the interior of parking areas shall be landscaped. This is necessary to break up the visual expansiveness of lots and to reduce glare and heat. Amounts greater than ten percent (10%) interior landscaping may be necessary to effectively shade the parking lot, reduce the impact of noise and fumes as well as the visual impact of glare, headlights, parking lot lights from the public right of way and from adjoining properties.

To achieve these objectives, the following shall be utilized at a minimum:

- a. Create planting islands to be located throughout the lot and planted with shade trees, low shrubs and/or ground cover. These should be located at the ends of parking rows.
- b. Provide landscaped islands in compliance with Section 900.12.A.3.b2 General Guidelines for All Parking Lots, in the amount, equal to one (1) landscaped island with a shade tree for every ten to fifteen (10-15) parking spaces. The landscaped islands shall be located throughout the interior portion of the parking area.
- c. All trees shall be no less than two inches (2") in diameter as measured twelve inches (12") above grade. Each tree shall be provided with at least forty (40) square feet of unpaved area around its trunk.

2. General Guidelines for All Parking Lots

- a. Use deciduous shade trees with ground cover or low shrubs as the primary landscape material within parking lots. Avoid tall shrubs or low branching trees that will restrict visibility.
- b. For planted islands that are parallel to spaces, islands should be a minimum of nine feet (9') wide to allow doors to open.
- c. For planted islands that are perpendicular to spaces, islands should be

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a minimum of eight feet (8') wide to allow for overhang of parked cars. If parking is only on one side of the island, an eight foot wide planted island is still required.

3. In large parking lots, separate pedestrian walkways are to be provided to allow safe movement within the lot. These walkways should generally be oriented perpendicular to and between parking bays. Adjacent to the walks, trees should be planted. These plantings will aid in the identification of walkway locations within the lot and in providing erosion control and shade for the pedestrian.

**Section 900.12      Enforcement and Maintenance**

The property owner shall ensure the proper maintenance of all plant material. If any plant material dies, the property owner must replace it. Failure to replace dead or diseased plants constitutes a zoning violation subject to the penalty provisions of this Resolution.

**Section 900.13      Tree Preservation and Care During Construction**

- A. Every effort shall be made during construction to preserve existing healthy trees and shrubs on the site.
- B. Preservation of trees and vegetation of special significance due to size, age, habitat, or historical significance is highly encouraged.
- C. A mature tree, tree mass or forest shall be considered to remain only if it meets all of the following criteria:
  1. The outermost branches of the tree(s) are at least five feet from any proposed buildings, structures, paving, parking or utilities (overhead or underground).
  2. The outermost branches of the tree (s) are at least five feet from any proposed changes in grade or drainage such as excavations, mounding or impoundments.
  3. The tree(s) are clear of any proposed sight triangles, and do not by their location or apparent health, pose any undue threat to the health, safety and welfare of the community.
- D. Mature trees, tree masses, or woodlands, which the applicant intends on saving shall be designated "Tree Save Area" on landscaping plans.
- E. All "Tree Save Areas" shall be unmistakably delineated in the field so that it is obvious to all equipment operators and other construction personnel. A temporary physical barrier such as a snow fence shall be erected a minimum of one foot outside the drip line on all sides of individual trees, trees masses or woodlands prior to major clearing or construction. The barrier shall be placed to prevent the disturbance to or compaction of soil inside the barrier,

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and shall remain until construction is complete. The barrier shall be shown on the landscape plan.

- F. The following practices are considered harmful in a “Tree Save Area”:
1. Grading or trenching.
  2. Placing backfill near trees.
  3. Driving or parking equipment in “Tree Save Areas”.
  4. Dumping of trash.
  5. Storage of construction materials and supplies, oil or paint in close proximity to tagged trees.
- G. Mature trees, tree masses, or woodlands which the applicant intends on removing shall be designated "To Be Removed" on landscaping plans.
- H. The applicant shall justify the removal of any mature trees, tree masses and woodlands. The applicant must make evident that the vegetation removal is minimized by showing that no alternative site layouts are possible, and that no alternative clearing or grading plan would reduce the loss of mature trees, tree masses and forests.
- I. Transplanting Existing Plant Material: Specimen trees or individual trees moved from woodlands or tree masses designated "To Be Removed" may be transplanted from one area of the site to another, conforming to the requirements of this Section.
- J. Trees to be saved should be selected prior to siting the buildings, parking lots and other site improvements. Factors to consider include: existing and proposed grading, age, condition and type of tree, location of site improvements and utility connections.
- K. Grading should be done in a manner to avoid destruction and damage to trees and tree stands. Grading must take existing drainage patterns into consideration and the disruption of those patterns minimized.

**Section 900.14          Alternative Methods of Compliance**

Alternative materials and methods may be utilized if the alternative will equal these regulations in terms of quality, effectiveness, durability, hardiness, and performance. Requests for alternative landscaping methods to meet the requirements of this section for plantings may only be justified if one of the following applies:

- A. The site involves space limitations or unusually shaped parcels.
- B. Topography, soil, vegetation or other site conditions are such that full compliance is

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impossible or impractical.

- C. To preserve existing significant natural features.
- D. Due to a change of use of an existing site the required buffer yard is larger than can be provided.
- E. Safety considerations are involved.

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Chapter 10 – Performance Standards**

**CHAPTER 10  
PERFORMANCE STANDARDS**

**Section 1000.00      Performance Standards**

This Resolution permits specific uses in specific districts. These performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. Points of measurement to determine compliance with the performance standards of this Resolution shall be the property line or zoning district boundary line, unless otherwise specified. All structures, lands, air and waters shall hereafter, in addition to their use, site and sanitary regulations, comply with the following performance standards:

**Section 1000.01      Noise**

All sources of noise (except those not under direct control of occupant of use, such as vehicles) must comply with the following standards:

- A. The level of sound cannot exceed the values specified in Schedules 1000.01.C.1 and 1000.01.C.2 when measured at the points indicated.
- B. Between the hours of 11:00 P.M. to 7:00 A.M., the permissible sound levels for a commercial or industrial use at a Residential Zoning District boundary or where adjoining to a residential use, shall be reduced by ten (10) decibels in each octave band for impact noises designated in Schedule 1000.01.2.
- C. Method of Measurement:

The maximum permitted sound levels for each type of land use, measured in decibels at property lines, shall not exceed the following values:

<b>Schedule 1000.01.C.1 Maximum Permitted Sound Levels (Decibels) For Residential And Other Non-Commercial And Non-Industrial Uses</b>	
<b>Octave band, cycles/second</b>	<b>No residential or non-commercial or non-industrial activity or use shall produce a sound level at property lines that exceed the following</b>
0-75	72
75-150	67
150-300	59
300-600	52
600-1200	40
1200-2400	46
2400-4800	34
Over 4800	32

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<b>Schedule 1000.01.C.2 Maximum Permitted Sound Levels (Decibels) For Commercial And Industrial Uses</b>		
<b>Octave band, cycles/second</b>	<b>Adjoining Residential District Boundaries or Residential Uses</b>	<b>Along Industrial Building Lot Lines within an Industrial Zoning District</b>
0-75	72	79
75-150	67	74
150-300	59	66
300-600	52	59
600-1200	46	53
1200-2400	40	47
2400-4800	34	41
Over 4800	32	39

**Section 1000.02      Vibration**

No vibration shall be permitted which is discernible beyond the lot line to the human sense of feeling for:

- A. Three minutes or more duration in any one hour of the day between the hours of 7:00 a.m. and 7:00 p.m.;
- B. Thirty seconds or more duration in any one hour during the hours 7:00 p.m. to 7:00 a.m.;
- C. The product of displacement in inches times the frequencies in cycles per second of earth borne vibrations from any activity shall not exceed the values specified in Schedule 1000.02.D when measured at the points indicated.

D. Method of Measurement:

Earth borne vibrations shall be measured by means of a three component recording system, capable of measuring vibration in three mutually perpendicular directions. The displacement shall be the maximum instantaneous vector sum of the amplitude in the three directions.

<b>Schedule 1000.02.D Maximum Permitted Vibrations (Inches Per Second) Area Of Measurement</b>		
<b>Type of Vibration</b>	<b>At residential Boundaries</b>	<b>At all Other Lot Lines</b>
Continuous	.003	.015
Impulsive 100/min or less	.006	.030
Less than 8 pulses per 24 hours	.015	.075

**Section 1000.03      Glare or Heat**

Any use or activity in any district, which produces an intense glare or heat, shall be performed within a completely enclosed building in such a manner as not to create a public nuisance or hazard along lot lines.

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**Section 1000.04      Air Pollution**

Any use or activity in any district that emits smoke, fly ash, dust, particulate, vapors, mists, gases or other substances in quantities or in a manner that exceeds established state or federal standards or that is harmful or potentially harmful to human health, to animals, to vegetation or to other property, or which can cause excessive soiling shall be considered a public nuisance and is prohibited. Dust and other types of pollution borne by the wind from such sources as storage areas, yards, or roads within the lot boundaries shall be kept to a minimum by appropriate landscaping, fencing, or other acceptable means.

Method of Measurement:

- A. No emission of smoke from any source shall be permitted to exceed a greater density than that density described as No. 1 on the Ringlemann Chart.
- B. However, smoke may be emitted, which is equal to but not darker than No. 2 on the Ringlemann Chart, for not more than four minutes in any thirty-minute period.
- C. For the purpose of grading the density of smoke, the Ringlemann Chart, as published by the U.S. Bureau of Mines, shall be the standard.

**Section 1000.05      Water Pollution**

No use or activity within the Township shall locate, store, discharge or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, toxicity, temperature, or obnoxiousness that might run off, seep, percolate, or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable deposits of debris, oil, scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

In addition, no use or activity shall withdraw water or discharge any liquid or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth by the Ohio or Federal EPA, Ohio Revised Code or other applicable accepted standards.

**Section 1000.06      Radioactivity**

All operations using or storing radioactive materials, whether or not licensed by the U.S. Department of Energy, shall be prohibited.

**Section 1000.07      Electrical Interference**

No use, activity, or process shall be conducted which produces electromagnetic interference with radio, telephone or television reception.

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**Section 1000.08      Fire or Explosive Hazards**

All uses and activities involving the manufacturing, utilization, processing, or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire fighting and suppression equipment as defined by the Franklin Township Fire Department requirements, and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have noncombustible exterior walls and an automatic fire extinguishing system.

Method of Measurement:

- A. The storage, use or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted.
- B. The storage, use or manufacture of solid materials or products ranging from free to active burning to intense burning is permitted provided the following condition is met:
  - 1. The said materials are stored, used or manufactured within a completely enclosed building having incombustible exterior walls and protected throughout by an automatic fire extinguishing system; or
  - 2. The said materials are stored outdoors in conformance with the regulations of the Fire Prevention Code of the American Insurance Association, and such storage shall have 50 feet clearance from all property lines.
- C. The storage, use or manufacture of flammable liquids or materials which produce flammable or explosive vapors or gases shall not exceed standards, in accordance with Schedule 1000.08.C.

<b>Schedule 1000.08.C</b>		
<b>Total Capacity In Gallons Of Flammable Materials* Permitted</b>		
<b>Type of Industry</b>	<b>Above Ground</b>	<b>Below Ground</b>
<b>A. Businesses/Industries Engaged in Storage and Distribution</b>		
1. Materials having a closed cup flash point over 187 Degrees F.	100,000	400,000
2. From and including 105 degrees F. to and including 187 degrees F.	50,000	200,000
3. Materials having a closed cup flash point of less Than 105 degrees F.	20,000	100,000
<b>B. Businesses/Industries Engaged in Use or Manufacture of Flammable Materials</b>		
1. Materials having a closed cup flash point over 187 Degrees F.	50,000	400,000
2. From and including 105 degrees F. to and including 187 degrees F.	10,000	200,000
* When flammable gases are stored, used, or manufactured and measured in cubic feet, the quantity in Cubic feet (at S.T.P.) permitted shall not exceed 300 times the quantities listed.		

**Section 1000.09      Outdoor Lighting**

No exterior lighting shall result in light pollution or trespass. Light pollution includes

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misdirected light, stray light, and avoidable reflected light, light during hours when it is not needed and light levels in excess of what is necessary for the task. According to the Illuminating Engineering Society of America light trespass complaints can usually be classified into two categories:

- ❖ Unwanted light or spill light, which illuminates an area or property.
- ❖ Excessive brightness in the normal field of vision.

A. Type of Lighting Orientation:

Exposed sources of light shall be shielded so as not to create a nuisance across lot lines.

1. Shielded luminaries or luminaries with cutoff optics, or careful fixture placement shall be required to facilitate compliance with this section.
2. Exterior lighting fixtures (except street lights) shall be oriented so that the lighting element or transparent shield does not throw rays onto neighboring properties. Light rays shall not be directed into the road right-of-way (except for direct safety purposes such as to illuminate intersections or signage) or upwards into the atmosphere.

3. Minimum Lighting Standards:

- a. All areas designated on site plans for required parking, loading, and circulation areas that are used for any such purpose after sunset shall provide artificial illumination at a minimum intensity of 0.4 foot-candles, exclusive of approved anti-vandal lighting, for such areas. These lights shall be equipped with automatic timing devices.
- b. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.
- c. The direct light emissions of any upward directed architectural, landscape and decorative lighting shall not be visible above the roofline.
- d. Recreational and sports facility lighting shall comply with IES (Illuminating Engineering Society) recommendations and be shielded whenever possible.

4. Intensity of Illumination:

- a. The intensity of illumination, measured at the property line, of spill over light shall not exceed: 0.1 foot-candles on residentially zoned property, or 0.5 foot-candles on business or industrial zoned property in a vertical plane.
- b. Street Lighting: Average IES illuminance recommendations shall not be exceeded. IES average to minimum illuminance uniformity ratios is to be used as a guide for designing safe and adequate roadway lighting.

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- c. Outdoor Parking Facilities: Illuminance requirements shall be determined by the level of activity for the types of parking uses and illuminance levels indicated below. Average illuminance shall not be exceeded. Minimum illuminance shall not be less.

1. Examples of levels of activity for types of parking uses:

High Activity Levels: Sports facilities, auto dealerships, etc.

Normal: All other than high levels of activity shall be considered normal.

2. The maintained horizon illuminance (after depreciation) for each parking lot level of activity.

<b>Schedule 1000.09.A.4.c.2</b> <b>Permitted Intensity Of Illumination For Parking Facilities</b>			
<b>Type of Activity</b>	<b>Level of Illumination</b>	<b>General Parking Areas</b>	<b>Pedestrian Ways</b>
Normal	Minimum Level Illumination	2.4 Foot-candles	0.6 Foot-candles
High	Maximum Level Illumination	3.6 Foot-candles	2.4 Foot-candles

- d. All other luminance shall not exceed IES recommendations.

5. Location: Light fixtures shall not be permitted within required buffer yards
6. Flashing, flickering, and other similar lighting that distracts motorists or cyclists are prohibited.
7. Nuisances: Lighting which creates or becomes a public nuisance is not permitted.
8. Accent lighting and low voltage lighting (12 volts or less) is exempt from these requirements.
9. Nonconforming lighting: All lighting fixtures approved prior to the adoption of this Resolution shall be treated as and regulated as legal nonconforming uses.

**Section 1000.10      Odors**

No use or activity shall emit noxious odorous gas or matter that is discernable on any adjoining lot or property.

**Section 1000.11      Burial of Waste**

No waste of any kind shall be buried on the property. All waste must be properly disposed of according to OEPA, State, and County Health Codes. Home based composting of organic refuse will be allowed provided that such use is incidental to the residence and is not conducted as, or part of a business and provided it does not become a public nuisance.

**CHAPTER 11  
DESIGN GUIDELINES**

**Section 1100.00      Design Guidelines**

**Section 1100.01      Purpose**

The purposes of this section:

- A. The purpose of this Section is to establish procedures and standards to serve as a guide for the design, location, and relationship of new development with respect to adjacent properties and the already existing development within Franklin Township.
- B. Aid in maintaining a sense of the physical appearance of Franklin Township. Pertinent to the physical appearance is the design of the site, buildings, structures, planting, signs, street hardware, and other objects that are observed by the public. These standards are to assist in achieving a satisfactory and complimentary visual appearance within the township, preserve property values, and promote the public health, safety and welfare.
- C. Aid in maintaining a sense of the physical aspects of rural areas and rural character of the Franklin Township. Pertinent to the physical appearance is the design of the site, buildings, structures, plantings, signage and other features observed by the public.
- D. Retain remaining examples of physical design and construction in the township that reflects its heritage, history, culture and architecture, while encouraging revitalization and infill development of Franklin Township.

**Section 1100.02      Design Guidelines and Standards**

The following guidelines are intended to give general and specific guidance to the form and appearance of development within the Township.

**Relationship to Adopted Plans and Policies**

- A. The site plan shall conform to and reflect all Township plans and policies; all community master plans or comprehensive plans; and other adopted plans or policies related to the development of the Township.
- B. The site plan shall conform to all Federal, State, Regional, and County adopted rules, regulations, plans and/or policies that relate to the development and redevelopment of the Township.
- C. The site plan shall conform to the purpose statement for the zoning district in which it is located.

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**Section 1100.03**

**Objectives of the Design Criteria**

The quality of the Township will be maintained by preserving and respecting its historic buildings and structures, pattern and scale of development, building profiles and significant features, both natural and manmade, and by ensuring compatible development, which correspondingly enhances the community's heritage, culture and rural/small town character. The preservation of historic buildings and natural features is important. Preservation and conservation of historic buildings and structures as well as other significant features associated with the site need to be an integral part of any project's design. The removal or alteration of historic buildings or structures or significant features should only take place after all other alternatives have been considered.

The objectives of the design guidelines and standards are to evaluate the relationship of the proposed development's features in order to minimize the possibility of adverse impacts upon surrounding properties and the community. The overall design of the project should meet the following objectives:

- A. A proper relationship exists between thoroughfares, driveways, and parking areas to ensure pedestrian and vehicular safety.
- B. The design of the buildings is developed with consideration to the adjacent properties in terms of building height, material, and overall character.
- C. The building's location and placement should be developed with consideration given to minimizing the removal of trees and change of topography.
- D. The on-site vehicle circulation is designed to ensure adequate access for fire and police protection.
- E. The project's design provides for adequate screening of the site, parking lots, and service areas from surrounding properties by landscaping.

**Section 1100.04**

**Design Elements**

**A. Building Design Standards**

Building design should be appealing and compatible with surrounding buildings in terms of massing, roof shapes, heights, and window proportions. The exterior form of the building should be emphasized through variations in horizontal and vertical orientation, colors, textures, and materials.

**1. Scale, Height, and Mass**

- a. The scale, height, and mass of structures should be related to, and compatible with, its site and with the use, scale, and architecture of the buildings that have a functional or visual relationship to the proposed structure. For instance, taller buildings should be

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stepped down to lower buildings along the property periphery. Where structures out of scale with surrounding land uses are unavoidable, it is preferred that landscaping techniques be utilized to give the appearance of a reduction in building height to a scale more compatible with neighboring buildings.

- b. It is generally desirable for the building to be composed of either one primary form that is carved into or added upon it to give the building some distinction.
- c. Another approach is to create a composition of distinct forms and connect them through common elements such as bands of material, window rhythm, etc. This is especially important when you have large buildings such as industrial structures.
- d. Using office spaces, loading areas, entrances, etc. to break up large facades is quite effective.
- e. Small areas can receive distinctive treatments in color, canopies, awnings, columns, and the like to break down the overbearing nature of the building.
- f. Roof shapes and pitches for additions should be compatible with those of the main building and should match neighboring structures as to pitch and general proportion.

2. Colors and Materials

The exterior colors and materials used on a building should compliment the surrounding buildings and blend with the natural setting. The use of natural materials and earth tones is highly desirable. However, bright colors may be appropriate for some structures.

3. Lighting of Building and Signs

- a. External lighting should enhance the building's design and landscaping, as well as, provide for safety and security. External lighting shall be designed to function without creating glare on adjoining properties and/or streets.
- b. External lighting of signs is preferred.

4. Compatibility with Neighboring Buildings and Structures

Structures should relate in size and general appearance to adjacent buildings and to the local neighborhood. A building's design, architectural features, and landscaping are ways by which a proposed building can be made aesthetically compatible with neighboring properties.

5. Public Spaces

Formal and informal outdoor places for the public to congregate should include access to, and protection from the sun, wind, and rain. The area should be landscaped utilizing

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shade trees to whatever extent possible. Public spaces should be designed in a manner to provide a strong connection to the surrounding neighborhood and the street (if located in close proximity to the roadway).

**6. Intrusive Impacts**

The design of any proposed development should include techniques to minimize visual and auditory intrusion impacts. The development should be designed to contain any potential nuisances, and to protect individual occupants from nuisances originating from adjoining lots. Design should incorporate the mitigation of any potential noise impact on sleeping quarters through building layout and/or orientation on the site. Landscaping arrangements can work well as sound insulation materials.

**7. Additions and Accessory Structures**

Any proposed building additions and accessory structures should be compatible with the original structure(s), so that the result appears to be an integrated whole. Moreover, design specifications should ensure that the buildings and/or structures blend with the natural terrain and vegetation of the site.

**8. Residential Conversions to Other Uses**

Any residential dwelling converted to another use should retain its residential appearance in order to be compatible with the surrounding residential neighborhood. Conversions where the exterior resembles a commercial use should include screening walls, awnings, new windows and doors, landscaping, walkways, and permissible signage to blend with existing surroundings.

**B. Energy**

Buildings should be designed to minimize reliance on mechanical heating and cooling through insulation and design. All proposed buildings should be designed and oriented to make use of sunlight for direct heating, solar water heating, and illumination, whenever possible. Also, natural ventilation and shading should be used to help keep buildings cool. Site layout, building design, and landscaping should all be coordinated to maximize energy conservation.

**C. Existing Structures**

All of the existing structures on a property proposed for development should be examined regarding their potential value for continued use. Any structure in good condition, which provides potential housing, architectural significance, or historic value, should be considered for the following options (in the order given):

1. The structure should be integrated into the plans for the proposed development;

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2. The structure should be moved to another site where it might be utilized;
3. The structure should be materially recycled; or
4. The structure should be demolished.

Reduction of parking, setback or other requirements may be considered if it would facilitate preservation of a structure. Projects using existing structures of historic or architectural value should respect the traditional exterior style of the building.

**D. Landscaping**

Landscaping must be included on all development plans in accordance with Chapter 9 of this Resolution. The landscaping must relate to the whole development. The landscaping should be integrated with the building's design to enhance the appearance of the project. Landscaping is also used to soften any adverse impacts of the buildings and any paved surfaces.

In addition, landscaping is important in controlling ground erosion, managing storm water runoff, and enhancing energy conservation strategies. The landscaping should consist of a combination of trees, shrubs and ground cover. The landscaping of any project should blend with the existing vegetation on nearby properties (if the neighboring vegetation is healthy and in compliance with these requirements). Moreover, innovation in landscape designs and choice of plants is encouraged to serve both aesthetic and functional purposes.

**E. Pedestrian and Bicycle Enhancements**

The advancement of pedestrian and bicycle facilities to enhance non-motorized transportation opportunities should be incorporated in all development plans. The community's primary objective is to link residential areas, commercial and employment centers, and parks and open space areas with improvements that can be safely used by residents and tourists for non-motorized transportation and recreational purposes.

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**CHAPTER 12  
ADMINISTRATION AND ENFORCEMENT**

**Section 1200.00      Administration and Enforcement**

**Section 1200.01      Purpose**

This chapter sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, Board of Township Trustees, and the Zoning Inspector with respect to the administration of the provisions of this Resolution.

**Section 1201.00      Zoning Inspector**

A Zoning Inspector, designated by the Board of Township Trustees, shall administer and enforce this Resolution. The Zoning Inspector may be provided with such assistants and secretaries as the Board of Township Trustees deems necessary. The terms, conditions of employment, and rate of compensation shall be set by the Board of Township Trustees.

**Section 1201.01      Responsibilities of the Zoning Inspector**

The Zoning Inspector shall have the following duties:

- A. Apply and enforce the provisions of this Resolution.
- B. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
- C. Issue Zoning Certificates as provided by this Resolution, and keep a record of same with a notation of any conditions attached thereto.
- D. Act on all applications upon which he/she is authorized to act by the provisions of this Resolution, within the specified time, or notify the applicant in writing of his/her refusal or disapproval of such application and the reasons for such refusal/disapproval.
- E. Conduct inspections of structures, buildings and uses of land to determine compliance with this Resolution and identify the nature of the violation. In the case of any violation, notify the person(s) responsible. Such legal remedies may require the assistance of the Portage County Prosecutor.
  - 1. Determine the existence of any violations of this Resolution and cause notifications or initiate any such other administrative or legal remedies as needed to address such violation.
  - 2. Cooperate with the County Prosecutor in the investigation and prosecution of all zoning violations not addressed by the responsible party in the time provided for them to do so, including, but not limited to attending all court proceedings as directed.

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- F. Maintain in current status the Official Zoning District Map that shall be kept on permanent display in the township offices.
- G. Maintain permanent and current records required by this Resolution, including, but not limited to: Zoning Certificates, inspection documents, records of variances, appeals, amendments and conditional uses.
- H. Maintain a list of nonconforming uses and structures with the location and exact nature of the existing nonconformity, and date it became nonconforming if that can be ascertained.
- I. Prepare and submit a monthly and annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing the purpose of this Resolution.
- J. Attend public hearings of the Board of Zoning Appeals to report and give testimony as directed by such Board.
- K. Report any recommended amendments to this Zoning Resolution to the Zoning Commission in a timely manner.
- L. Such other duties and responsibilities as described in this Resolution and as directed in writing by the Board of Township Trustees.

**Section 1202.00      Zoning Commission**

**Section 1202.01      Township Zoning Commission, Establishment of Terms and Compensation**

The Township Zoning Commission as established by the Township Board of Trustees under ORC 519.04 shall consist of five (5) members who reside within the unincorporated area of the Township. The terms of the regular members shall be arranged so that the term of one member shall expire each year. The Board of Trustees may also appoint two (2) alternate members to the Zoning Commission who shall reside in the unincorporated territory of the Township, for terms as determined by the Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission, according to procedures prescribed by Resolution by the Board of Trustees.

Each regular or alternate member shall serve until his/her successor is appointed and qualified. The Township Trustees shall fill vacancies on the Zoning Commission.

Members may be compensated and/or may have their expenses reimbursed as the Board of Township Trustees may approve and provide for. In addition, the Zoning Commission may, within the limits of the monies appropriated by the Board of Trustees, for the purpose of performing its duties under this Resolution, employ personnel and assistants as it deems necessary.

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**Section 1202.02      Procedure for Removal of Zoning Commission Member**

Regular and alternate members of the Zoning Commission shall be removed for nonperformance of duty, misconduct in office, or other cause, by the Board of Trustees. Written charges must be filed with the Board of Trustees and the Zoning Commission member cannot be removed until after a public hearing has been held regarding such charges and after a written copy of the charges has been served upon the member so charged at least 10 days prior to the hearing, either by registered mail or by leaving a copy at the member's place of residence. The member shall be given an opportunity to be heard and answer such charges.

Vacancies shall be filled for the unexpired term of the member affected.

**Section 1202.03      Authority and Responsibility of the Zoning Commission**

The Township Zoning Commission shall have all of the responsibilities conferred upon it by the Ohio Revised Code and subsequent amendments thereto, and such other duties as will aid in best carrying out the Ohio Revised Code requirements and which at a minimum include:

- A. Keep current the plan for Zoning Districts and regulations for such districts. Periodic review of the Township's Comprehensive Land Use Plan and district regulations in light of changing conditions, community needs, and best available planning practices, shall be undertaken by the Zoning Commission to meet this requirement.
- B. Initiate amendments to the Zoning Resolution text and/or district map to accomplish the objectives of this Resolution, the Comprehensive/Land Use Plan or where such amendment could result in a better Resolution.
- C. Review Zoning Resolution amendments initiated by Township Trustees or property owners and provide recommendations to the Township Trustees on said amendments for their consideration and action at their public hearing.
- D. Employ or contract with planning consultants, public or private, as necessary to assist the Zoning Commission in carrying out their responsibilities, within the limits of monies appropriated by the Board of Township Trustees for that purpose.
- E. Utilize information and counsel available from appropriate public officials, departments, and agencies, which have information, maps and data pertinent to the Townships needs.

**Section 1203.00      Board of Zoning Appeals**

**Section 1203.01      Board of Zoning Appeals Establishment of Terms and Compensation**

The Board of Zoning Appeals as established by the Township Trustees, shall consist of five (5) regular members, who shall each serve a term of five (5) years except that the initial appointments shall be one member each for one, two, three, four and five year terms. The Board of Township Trustees may appoint two (2) alternate members to the Township Board of Zoning

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Appeals, for terms to be determined by the Board of Township Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals according to procedures prescribed by resolution by the Board of Township Trustees. Members shall be residents of the unincorporated area of the Township. Each member shall serve until his or her successor is appointed and qualified.

Members may be compensated and/or may have their expenses reimbursed as the Board of Township Trustees may approve and provide for. The Board of Zoning Appeals may within the limits of the monies appropriated by the Board of Trustees, for the purpose of performing its duties under this Resolution, employ personnel and assistants as it deems necessary.

**Section 1203.02      Procedure for Removal of Board of Zoning Appeals Member**

Members or alternates shall be removed for nonperformance of duty, misconduct in office, or other cause, by the Board of Trustees. Written charges must be filed with the Board of Trustees and the Board of Zoning Appeals member cannot be removed until after a public hearing has been held regarding such charges and after a written copy of the charges has been served upon the member so charged at least 10 days prior to the hearing, either by registered mail or by leaving a copy at the member's place of residence. The member shall be given an opportunity to be heard and answer such charges.

Vacancies shall be filled for the unexpired term of the member affected.

**Section 1203.03      Proceedings of the Board of Zoning Appeals**

The Board shall adopt rules necessary to the conduct of its meetings, hearings, and business in keeping with the provisions of this Resolution. Meetings shall be held at the call of the chairman and such other times as the Board may determine. The chairman, or in his/her absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its official actions, all of which shall be a public record and immediately filed in the Office of the Board of Township Trustees. The Board of Zoning Appeals shall adopt the resolution required under Ohio Revised Code Section 121.22 to govern public notice of its meetings. All official actions shall require the vote of three (3) Board of Zoning Appeals members, which constitutes a quorum.

All hearings shall be held in accordance with the Ohio Revised Code, Chapter 519 and this Resolution. All of the powers listed in Sections 1203.03.A and 1203.03.B may be exercised only within a hearing open to the public as provided in this section unless otherwise provided in this Resolution. At all such hearings, the chairperson, or in his or her absence, the acting chairperson, shall administer an oath or affirmation to all witnesses giving testimony, and give the applicant or appellant, and those in opposition to the application or appeal, the opportunity to:

A. Appear and be heard in person, or by an attorney, in support or opposition to the application

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or notice of appeal and:

1. Present his or her position, arguments and contentions.
  2. Offer and examine witnesses and present evidence in support.
  3. Cross examine witnesses purporting to refute his or her position, arguments and contentions.
  4. Offer evidence to refute evidence and testimony offered in opposition to his or her position, arguments and contentions.
  5. Proffer any such evidence into the record, if the admission of it is denied by the Board of Zoning Appeals.
- B. Subpoena material witnesses, through the authority of the Board and under its discretion and control, after a timely request to the Board.

**Section 1203.04      Powers and Responsibilities of the Board of Zoning Appeals**

The Board of Zoning Appeals shall have all the powers and responsibilities prescribed by the Ohio Revised Code, subsequent amendments thereto as well as other responsibilities which will aid in carrying out its duties and at a minimum includes the following:

- A. Review and act upon applications for Planned Unit Developments, as per Section 203.02, based upon the authority of ORC 519.021 C.
- B. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by any administrative official such as the Zoning Inspector, in the enforcement of this Resolution.
- C. To authorize upon appeal, in specific cases, variances from the terms of this Resolution as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this Resolution will result in unnecessary hardship and so the spirit of this Resolution shall be observed and substantial justice done.
- D. To grant Conditional Zoning Certificates for the use of land, buildings or structures under the conditions specified in this Article, and in the district regulations.
- E. To revoke an authorized variance or Conditional Zoning Certificate granted for the extraction of minerals, if any condition of the variance or Conditional Zoning Certificate is violated. (ORC 519.14)

The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate under D. of this section, and of his/her right to a hearing before the Board, within 30 days of the mailing of the notice, if he/she so requests. If the

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holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, be represented by his attorney or other representative, or he/she may present his position in writing. He/she may present evidence and examine witnesses appearing for or against him/her. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above powers, the Board may in conformity with such sections, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision, or determination as ought to be made and to that end has all powers of the officer from whom the appeal is taken.

**Section 1203.05      Authority of the Board of Township Trustees, Zoning Inspector, and Board of Zoning Appeals, On Matters of Appeals**

The authority of the Board of Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement. Under this Resolution, the Board of Township Trustees shall have the authority to consider and adopt or reject proposed amendments or the repeal of this Resolution as provided by law, as well as the other duties described in Section 1204.00 of this Resolution.

All questions of interpretation and enforcement shall first be presented to the Zoning Inspector and such questions shall only be presented to the Board of Zoning Appeals upon appeal from the written decision of the Zoning Inspector.

The Board of Zoning Appeals shall have the authority to decide on all matters of appeal in accordance with the requirements as set forth in Section 202.03.B of this Resolution. Recourse from any decision of the Board of Zoning Appeals shall be to the courts as provided by law. Any such appeal to the courts shall be made within 30 days of the Board of Zoning Appeals' written decision.

Nothing in this Resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board of Zoning Appeals with the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code.

**Section 1204.00      Township Trustees Powers and Duties Regarding This Zoning Resolution**

- A. Appoint members to the Zoning Commission.
- B. Appoint members to the Board of Zoning Appeals.
- C. Establish a schedule of fees as stated in Section 200.10 of this Resolution.
- D. Initiate or act upon recommended amendments to the Zoning Resolution text or Official

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Zoning District Map initiated by and received from the Zoning Commission. Final action upon a recommended zoning amendment shall be undertaken at a public hearing as specified in Chapter 3.

## CHAPTER 13 DEFINITIONS

### Section 1300.00      General Interpretation

For the purpose of this Resolution, certain words shall be interpreted as follows:

1. The word "person" includes a firm, association, organization partnership, trust, company, or corporation, as well as an individual or any legal entity which may own and/or use land or buildings.
2. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
3. The present tense includes future tense, the singular number includes the plural, and visa versa.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied, constructed, altered, converted, intended to be used.
5. The word "lot" includes the words "plat" or "parcel."
6. Any word or term not defined herein shall be given a meaning found in the latest publication of Webster's Dictionary.
7. References to specific sections of the Ohio Revised Code or other statutory or regulatory edicts or proclamations shall be understood to extend to successor citations should the specific numbers involved be changed or altered through the amendment process.

### Section 1301.00      Words, Terms, or Phrases

The following listed words, terms, or phases are defined as follows:

Abandonment:

To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or re-arranging a facility, or during normal periods of vacation or seasonal closure.

Abutting:

Having property or district lines in common.

Abutting Building: A building which adjoins another at any point or any section of a building, which has been divided, or compartmentalized when that section is under separate management from any adjoining section.

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Acre:

Shall be considered to be 43,560 square feet.

Access:

A pathway permitting ingress and egress by pedestrian or vehicular traffic.

Accessory Dwelling Unit:

A separate housekeeping unit, complete with its own sleeping, cooking, and bathroom facilities, that is substantially contained within the structure of a single-family dwelling, but functions as a separate unit.

Accessory Use:

A subordinate use of a building or other structure, the use of which is located on the principal lot and incidental to the use of the principal building or other structure or use of land. Accessory buildings not over sixteen (16) feet in height may be located in the rear yard provided such buildings do not occupy more than twenty-five (25) percent of the required rear yard area and provided that they are placed no closer than the minimum yard depth requirements of the applicable zoning district.

Addition:

Any construction which increases the size of a building.

Adult Arcade:

Any place to which the public is permitted or invited, wherein coin-operated or slug operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."

Adult Book Store or Adult Video Store:

A commercial establishment which derives twenty-five percent (25%) or more of its gross income from the sale and rental of, or utilizes twenty-five percent (25%) or more of its retail selling area for the display of any one or more of the following:

1. Books, magazines, periodicals, or other printed matter or photographs, films, motion pictures, video cassettes, or video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas or;
2. Instruments, devices or paraphernalia which are designed for use in connection with specified sexual activities.

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult book store or adult video store. Such other business purposes will not serve to exempt such commercial establishment from

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being categorized as an adult book store or adult video store.

Adult Cabaret:

A nightclub, bar, restaurant, or similar establishment that regularly features live dancers who must wear at least pasties and a g-string, because no public nudity is permitted.

Adult Family Home: (ORC Section 3722.01)

A residence or facility that provides accommodations to three to five unrelated adults and supervision and personal care services to at least three of those adults

Adult Gaming Establishment:

Any place of business where skill-based amusement machines are located where a player of the skill-based amusement machine may receive monetary compensation based on the outcome of play.

Adult Group Home: (ORC Section 3722.01)

A residence or facility that provides accommodations to six to sixteen unrelated adults and provides supervision and personal care services to at least three unrelated individuals.

Adult Motion Picture Theater:

A commercial establishment which derives twenty-five percent (25%) or more of its gross income from the showing of, or utilizes twenty-five percent (25%) or more of its total viewing time for the presentation of, or both, materials for observation by its patrons, films, motion pictures, video cassettes, slides, or similar photographic reproductions, which are regularly shown and which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

Adult Theater:

A theater, concert hall, auditorium or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."

Agriculture:

For the purposes of this Resolution, "Agriculture" shall include farming; ranching; aquaculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; production of field crops, tobacco, fruits, vegetable, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. A site shall be classified as agriculture only if agriculture is the principal or main use of the land.

Agriculture shall also include a farm enterprise operated for the enjoyment and education of the public that may also generate additional farm income from activities and sale of farm products. Examples include, but are not limited to: crop mazes, hayrides, horse rides, pick your own

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harvest, festivals, etc.

Aisle:

A passageway between areas of seating or vehicle parking spaces.

Alley:

A public thoroughfare which affords only a secondary means of access to a lot or abutting property.

Alterations:

Any change, addition, modification in construction or occupancy of an existing structure.

Alteration, Structural:

Any change in the supporting members of a building or structure, such as bearing walls, columns, beam or girders or any substantial changes in the roof and exterior walls.

Amusement Arcade:

A building or part of a building in which five or more pinball machines, video games, or other similar player operated amusement devices are maintained.

Amendment:

A change in an adopted plan for site plans or to the Zoning Resolution.

Annexation:

The incorporation of land from an unincorporated area to a municipality.

Antenna:

Any structure or device used for the purpose of collecting or transmitting electromagnetic signals, including but not limited to directional antennae, such as panels, microwave dishes, and omni-directional antennae, such as whip antennas.

Apartment:

A room or a suite of rooms used and designed for use exclusively for rent or lease as a dwelling unit.

Applicant:

Owner of record, or his agent duly authorized in writing by the owner of record.

Appurtenance:

An addition or projection above or beyond the principal building but upon the same foundation.

Aquifer:

A geological unit in which porous and permeable conditions exist and thus are capable of yielding usable amounts of water.

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Aquifer Recharge Area:

An area that has soils and geological features that are conducive to allowing significant amounts of surface water to percolate into groundwater.

Association:

A legal entity operating under recorded land agreements or contracts through which each unit owner in the development is a member, and each dwelling unit is subject to charges for a proportionate share of the expenses of the organization's activities, such as maintaining common open space and other common areas, and providing services needed for the development. An association can take the form of a homeowners' association, community association, condominium association, or other similar entity. In no case shall the agreement of these associations supersede nor be less restrictive than the Franklin Township Zoning requirements.

Attached:

An accessory or main building having a shared wall(s) and roof with another accessory or main building.

Auditorium:

A room or space used or intended to be used at any time for assemblage.

Authority:

A qualified and legally approved official.

Automobile Service Station:

A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

Automotive, Mobile Home, Travel Trailer, Manufactured Home and Farm Implement Sales:

The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

Automotive Repair: (see Garage, Service Stations)

The repair, rebuilding, reconditioning or servicing of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

Auto Junk Yard:

An area on which two or more vehicles are parked, which are not in operating condition, or not properly housed in a building or not bearing a current valid license.

Automobile Wrecking Yard:

The use of more than twenty-five (25) square feet of any land, building or structure for the purposes of dismantling or wrecking of motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, obsolete, or wrecked vehicles, or their parts for private and/or commercial purposes.

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**Bar:**

**1. Bar and/or Cocktail Lounge:**

Any premises wherein alcoholic beverages are sold at retail for consumption on the premises and minors are excluded from by law. It shall not mean a premise wherein such beverages are sold in conjunction with the sale of food for consumption on the premises and the sale of said beverages comprises less than twenty-five percent (25%) of the gross receipts.

**2. Tavern:**

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where sandwiches and snacks are available for consumption on the premises.

**Basement:**

A story having more than one-half (1/2) of its height below average grade. A basement shall not be counted as a story for the purposes of height regulations.

**Bed and Breakfast Establishments:**

A house, or portion thereof, where short term lodging rooms and breakfast are provided. The operator of the establishment lives on the premises.

**Bedroom:**

A room in a dwelling unit planned and intended for sleeping, usually separated from other rooms by a door.

**Berm:**

A man-made raised bank of land that is designed to provide visual interest, screen undesirable views, and decrease noise.

**Billboard:** (see Off-Premise Sign)

**Bituminous (Bitumen):**

Impregnated with, infiltrated by, or containing Bitumen; such as asphalt, crude petroleum or tar.

**Blight:**

Unsightly conditions including the accumulation of debris, litter, rubbish; fences and building conditions characterized by holes, breaks, rot, crumbling, cracking, peeling or rusting; landscaping that is dead, characterized by uncontrolled growth or lack of maintenance, or damaged and any other similar conditions of disrepair and deterioration.

**Board:**

The Board of Zoning Appeals as created by this Resolution, being a continuation of such Board as created by prior resolutions.

**Boarding House:**

A building other than a hotel or motel where for compensation by the week or month, meals, or

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lodging and meals are provided for at least three (3) or more persons.

**Boat Trailer:**

Includes all of the following: boats, floats, rafts, plus the normal equipment to transport the same on the highway.

**Btu:**

British Thermal Unit.

**Buffer:**

An area that is located between land uses of different character and is intended to mitigate the negative impacts of the more intense use.

1. Land Use Buffer: An area of land used to separate or visibly shield and/or screen one use from another.
2. Riparian Buffer: A naturally vegetated area located adjacent to streams and rivers that is intended to stabilize banks, limit erosion, and provide wildlife accessibility and habitat.
3. Wetlands Buffer: An area of undisturbed natural vegetation located adjacent to the perimeter of the wetlands.

**Building:**

Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

**Building Area:**

The horizontal area measured from the exterior walls of the ground floor of a building exclusive of uncovered porches, terraces, and steps. All dimensions shall be measured between the exterior faces of walls.

**Building Envelope:**

The area of a lot that encompasses all of the development.

**Building Height:**

The vertical distance from the finished grade from the front of the house to the roof, excluding any chimney.

**Building, Principal:**

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

**Building Setback Line, Front:**

A line establishing the minimum allowable distance between a street or other right-of-way and any structure as measured from the front property line or right-of-way.

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**Building Setback Line, Side or Rear:**

A line establishing the minimum allowable distance between a property line and any structure as measured from the property line.

**Business, Convenience:**

Commercial establishments which cater to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry outs, dry-cleaning and laundry pickup facilities, and grocery stores if less than 10,000 square feet in floor area. Uses in this classification tend to serve day to day needs in the neighborhood.

**Business, General:**

Commercial uses which generally require locations on or near major arterials and/or their intersections, and which tend in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole city. General business uses include, but need not be limited to, such activities as supermarkets, stores that sell hardware, apparel, footwear, appliances, and furniture, department stores, and discount stores.

**Business, Office Type:**

Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

**Business, Services:**

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

**Business, Wholesale:**

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

**Carry Out Restaurant:** (see Restaurant, Fast Food)

**Car Port:**

A covered automobile parking space not completely enclosed by walls or doors. A car port shall be subject to all the provisions prescribed in these regulations for a private garage.

**Car Stackers and Mechanical Garages:**

Parking facilities that use various types of lifts and elevators to increase the number of vehicles that can fit in a parking structure.

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**Car Wash:**

Any building, or portion thereof, containing facilities for washing one or more automobiles at any one time, using production line methods such as a chain conveyor, blower, steam cleaning device or other mechanical devices; or providing space, water, equipment or soap for the complete or partial cleaning of such automobiles, whether by operator or customer.

**Cemetery:**

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

**Central Sewer System:**

A public utility sewage disposal system, to which individual units are connected.

**Central Water System:**

A public utility water distribution system, to which individual units are connected.

**Certificate of Compliance:**

Official certification that a premise conforms to provisions of the Zoning Resolution and that such premise may be used or occupied for intended purpose.

**Certified Arborist:**

A professional arborist certified by the International Society of Arboriculture, Champaign, Illinois.

**Certified Forester:**

A professional forester certified by the Society of American Foresters, Bethesda, Maryland.

**Channel:**

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

**Child Day Care:**

Administering to the needs of infants, toddlers, pre-school children and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home.

**Child Day Care Center:**

Any place in which child day care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this Zoning Resolution, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be counted. Day care centers located in dwelling units shall not be permitted pursuant to this Zoning Resolution.

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**Child Day Care Home, Type A:**

A permanent residence of the administrator in which child care is provided for seven (7) to twelve (12) children at one time, or four to twelve children at one time - providing four (4) children are under two (2) years of age, which are cared for in the administrator's personal residence. For the purposes of counting children, any children less than six years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted.

**Child Day Care Home, Type B:**

A permanent residence of the administrator in which child care is provided for one (1) to six (6) children at one time and no more than three children are under two (2) years of age at one time. For the purposes of counting children, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type B home shall be counted

**Church:**

An institution that people regularly attend, in order to conduct religious services, meetings, and other activities within. The term "church" shall not carry a secular connotation and shall include any building in which the religious services of any denomination are held.

**Clinic:**

A place used for the care, diagnosis and treatment of sick, ailing, infirmed, or injured persons, and those who are in need of medical and surgical attention, usually on an outpatient basis.

**Club:**

An organization of persons for special purposes for the promulgation of sports, arts, literature, politics, or the like, but not operated for profit, and excluding churches, synagogues, or other places of worship.

**Cluster Development:**

A development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas.

**Collocate:**

To place together or in proper order, to arrange side by side

**Commercial Entertainment Facilities:**

Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities, and which are permitted in a commercial zone only.

**Commercial Use:**

As distinguished from a family use, a facility used or intended to be used by public or semi-public clientele, adults, or children, or both, with or without an associated fee, operated and maintained by an owner, lessee, operator, licensee, or concessionaire, and exclusive of family

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appurtenances, equipment, appliances, and other features appurtenant thereto and intended for the operation and maintenance of such facilities.

**Commercial Vehicle:**

Any vehicle used or designated to be used for business or commercial purpose that includes but is not limited to a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck, semi-tractor, semi-trailer.

**Commission:**

The Township Zoning Commission.

**Common Land:**

A parcel, or parcels of land, together with the improvements thereon, the use and enjoyment of which are intended to be shared by the owners and occupants of the individual building units in a planned residential, commercial or industrial development.

**Community Center:**

A place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**Composting:**

The biological decomposition of organic material such as vegetable scraps, leaves, grass clippings, wood shavings, treated sludge, and non-human manures to produce material for fertilizing and conditioning soil.

**Comprehensive Plan:**

A plan, or any portion thereof, adopted by the Zoning Commission and the Township Trustees of Franklin Township, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

**Conditional Use:**

A use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would not be detrimental to public health, safety, or general welfare.

**Condominium:**

A form of real estate ownership where there is a fee simple ownership of an individual unit and fractional ownership with other persons in the common areas of the project and it is submitted to the provisions of Ohio Revised Code, Chapter 5311.

**Conservation Easement:**

A legal interest in land which restricts development and other uses of the property in perpetuity for the public purpose of preserving the rural, open, natural or agricultural qualities of the property, as authorized by Ohio Revised Code 5301.67-5301.70

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**Contiguous:**

Adjacent to and touching at or along some point or boundary.

**Convalescent Home:**

A "rest home" or "boarding home" for the aged or mentally or physically infirmed, conducted within any abode, building, institutional residence, or home used for the reception and care, for consideration of three (3) or more persons who, by reason of age or mental or physical infirmities, are not capable of properly caring for themselves or who are sixty-five (65) years of age or upwards, and for which a license has been issued by the Department of Public Welfare or the State of Ohio.

**Court:**

An open unoccupied and unobstructed space other than a yard on the same lot with a building or group of buildings.

**Critical Construction Equipment:**

Construction equipment required to operate twenty-four (24) hours a day to protect the health and safety of the public and the workers.

**Cul-de-Sac:**

A local street of relatively short length with one (1) end open to traffic and the other end terminating in a vehicular turnaround.

**Cultural Resources:**

Sites, structures and artifacts which are associated with our heritage. Their significance is archaeological, historical, aesthetic, architectural, or has a local cultural significance.

**Cultural Resource District:**

An area designated by resolution that must contain one or more archeological, historic, aesthetic, architectural, or culturally significant features and/or landmarks. A Cultural Resource District may have significance because of a collection of structures, artifacts, or sites that may contribute to the overall integrity of the theme, but may have little significance individually.

**Dead End Street:** (see Street or Road)

**Dedication:**

The transfer of property from private to public ownership.

**Density:**

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

1. Density, Gross: The total number of dwelling units divided by the total project tract/lot area, expressed as gross dwelling units per acre.
2. Density, Net: The numerical value obtained by dividing the total number of dwelling units in a development by the area of the tract of land upon which the dwelling units are proposed to

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be located and including all land areas associated with the dwelling units such as common open space, parking areas, and associated recreational facilities within the area. Net density calculations exclude rights-of-way of publicly dedicated streets and private streets, non-residential structures, land uses and accessory facilities and areas not related to the residential development.

**Density Bonus:**

An increase in the number of allowable dwelling units per acre granted for some specific reason.

**Detached:**

Any accessory or principal building that does not share a common wall and roof with any other accessory or principal building.

**Development:**

The physical extension and/or construction of urban land uses. Development activities include, but are not limited to, construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading, mining, paving, excavation, drilling operations, deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities).

**Development Rights:**

The right to develop land is one of the numerous rights that come with land ownership. The development right may be sold or given away separately from the other rights. If the development right is removed, the land may remain in private and/or public ownership, though the uses that are allowed are typically limited (i.e. farming and open space).

**Dewatering:**

The withdrawal of ground water from an aquifer or saturated zone in conjunction with the mineral extraction process.

**Discarded Motor Vehicle:**

Any inoperable motor propelled vehicle or accessory to same, which is in the process of being wrecked, dismantled or stored and which does not have a license thereon which is valid or was valid not more than six (6) months previous.

**District:**

A section or sections of the unincorporated territory of Franklin Township for which the regulations governing the use of buildings and premises or the height and area of buildings are uniform.

**Drive-Through Facility:**

An establishment that, by design of physical facilities or by service or packaging procedures, encourages or permits customers to receive a service or obtain a product that may be used or consumed in a motor vehicle on the premises or to be entertained while remaining in an automobile.

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**Drilling Unit:** (Oil and Gas)

The minimum acreage on which one (1) well may be drilled, but does not apply to a well for injecting gas into or removing gas from a gas storage reservoir.

**Drive-In Restaurant:** (see Restaurant, drive-in and Restaurant, fast food)

**Dwelling:**

Any building, or portion thereof, which is designed or used primarily for residence purposes, including one-family, two-family, and multi-family but not including hotels, motels, boarding houses, lodging houses, and tourist dwellings. An attached garage for purposes of determining the front, side, and rear yards shall be considered part of the dwelling.

**Dwelling, Group:**

A group of single-family, two-family, or multi-family dwellings, or their combination, located on one (1) lot and around a common court or courts.

**Dwelling, Multi-family:**

A dwelling designed for or occupied by three (3) or more families living independently of each other.

**Dwelling, Single-Family:**

A dwelling designed for or used exclusively for residence purposes by one family.

**Dwelling, Single-Family Attached:**

A single-family dwelling unit of either one or two story construction having common or adjoining walls or floors with other such units, and located in a structure which has at least three (3) such units, and which is designed so that every dwelling unit has a private entrance to the outdoors at ground level.

**Dwelling, Tourist:**

A dwelling where overnight accommodations are provided for tourists.

**Dwelling, Two-Family:**

A building designed and used exclusively by two families living independently of each other.

**Dwelling, Unit:**

One or more rooms providing complete living facilities for one family, including equipment for cooking or provisions for the same, and including room or rooms for living, sleeping, and eating.

**Earth Products:**

Any solid material, aggregate, or substance of commercial value, whether consolidated or loose, found in natural deposits on or in the earth, including but not limited to clay, silt, diatomaceous earth, sand, gravel, stone, metallic ores, shale, and soil.

**Easement:**

Authorization by a property owner for the use by another, and for a specified purpose, of any

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designated part of the owner's property.

**Elderly Housing:**

A dwelling especially designed for use and occupancy of persons who are age fifty-five (55) or older.

**Emergency Shelter/Mission:**

A facility providing temporary housing and/or ancillary services for one (1) or more individuals who are otherwise homeless, and/or indigent, or needy.

**Entertainment Use:**

A retail and/or service use which provides entertainment to the general public, or any sector thereof, including but not limited to theaters, bowling alleys, and skating rinks.

**Environmentally Sensitive Area:**

A region possessing soils, wetlands, plant, animal life or similar ecologically important features requiring special protection to insure retention of its life and functions.

**Essential Services:**

The erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewers, pipe conduit, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith, but not including buildings reasonably necessary for the furnishing of adequate service by such public utilities or municipal departments or commissions or for the public health or safety or general welfare.

**Exotic Animal:**

Any member of a species of animal, reptile, or bird, warm or cold-blooded, that is not indigenous to the environs of this region of the U.S. and/or is not classified as wildlife, livestock, or domestic animal. (see Wild or Dangerous Animal)

**Exotic Plant:**

A plant species that is not indigenous to the area and causes damage to the local ecosystem.

**Facade:**

The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

**Factory Built Housing:**

Factory built housing means a factory built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Resolution, "factory built housing" shall include the following:

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1. **Manufactured Home:** Any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.
2. **Modular Home:** Factory built housing certified as meeting the Local or State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes.
3. **Mobile Home:** Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974.

**Fair Market Value:**

The money consideration which a buyer is willing give and a seller would accept for the real property, assuming that the buyer is willing to buy and the seller is willing to sell, that both are fully informed as to all facts, material to the transaction, and that neither is under any compulsion to act.

**Family:**

One (1) person; a group of persons related by blood, marriage, or legal adoption; or a group of unrelated individuals living together as a single housekeeping unit, in a dwelling unit, living in a domestic relationship based upon a domestic bond; as distinguished from a group occupying a boarding house, a lodging house, club, fraternity, sorority, hotel, motel, or dormitory.

**Family Use (Synonymous With Private Use):**

As distinguished from a commercial use, a facility used or intended to be used solely by the owner or lessee thereof and his or her family, and by friends invited to use it without payment of an associated fee.

**Farm:**

A parcel of land used for agricultural purposes, including related structures thereon.

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**Farm Related Business:**

A business operated on a farm parcel, related to or supportive of agricultural activities, such as farm implement repair, family crafts, sale of farm supplies. Farm related businesses must be secondary to the farm operation. Farm related businesses must remain an accessory use, secondary to the farm operation, and should not interfere with adjacent farms or cause nuisances for nearby residents.

**Fast Food Restaurant:** (see Restaurant, Fast Food, and Restaurant, Drive-in)

**Fence:**

A barrier constructed to enclose an area for protective and/or screening purposes.

**Flea Market:**

A building or open area in which stalls or sales areas are rented or otherwise provided, and are set aside, which are intended for use by various unrelated individuals to sell articles that are either homemade, homegrown, hand-crafted, old, obsolete, or antique and may include the selling of goods at retail by businesses or individuals who are generally engaged in retail trade, not to include private garage sales.

**Flood Plain:**

Land, including the flood fringe and the floodway, which is subject to inundation by a regional flood, at the one hundred (100) year interval average frequency.

**Floodway:**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the one-hundred (100) year flood without cumulatively increasing the water surface elevation more than one foot at any point.

**Floodway Fringe:**

All that land in a flood plain not lying within a delineated floodway. Land within a floodway fringe is subject to inundation by relatively low velocity flows and shallow water depths.

**Floor Area Ratio:**

A measure of land use calculated by dividing the floor area of the principal building or buildings on a lot by the total lot area.

**Floor Area, Gross:**

The sum of all the horizontal areas of every floor of a building, measured from the interior faces of the exterior walls.

**Floor Area Living:**

The sum of the gross horizontal area of the floors of a residential building, excluding the basement floor areas not devoted to residential use as habitable space. Porches, terraces, garages, or other spaces not in compliance with building code specifications for habitable space are also excluded as living floor area.

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**Folding Tent Trailer:**

A canvas or similar material folding structure, mounted on wheels and designed for travel, recreational, or vacation use

**Food Processing:**

The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**Foot-candle:**

The illuminance on a surface of one (1) square foot in area on which there is uniformly distributed a light flux of one lumen.

**Frontage:**

The property immediately adjacent to and measured along the right-of-way of a street.

**Garage, Auto Service Shop:**

A building, or portion of a building, in which limited repairs are made to motor vehicles, and in which there is no painting of cars or body and fender work done. Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding and storage of motor vehicles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A service station is not a repair garage or a body shop.

**Garage, Private:**

A building for the private use of the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

**Garage, Public:**

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

**Garage Sales, Lawn Sales, and Rummage Sales:**

The sale of tangible personal property, which is advertised by any legal means where the public is or can be made aware of the sale.

**Gas:**

All natural gas and all other fluid hydrocarbons not defined above as oil, including condensate.

**Glare:**

A sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.

**Grade, Finished:**

For buildings abutting one (1) street only, the elevation of the sidewalk at the center of the wall facing the street or the elevation of the center line of the street where no sidewalk exists; for

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buildings having walls facing more than one (1) street, the average elevation of the sidewalk at the centers of all walls facing the streets; for buildings having no walls facing the street, the average level of the finished surface of the ground adjacent to the exterior walls of the buildings. Any wall approximately parallel to a street line is to be considered facing the street.

**Grade, Natural:**

The elevation of the undisturbed natural surface of the ground prior to an excavation or fill.

**Gross Acre:**

Land area, measured on the horizontal plane, and including land occupied by all natural and manmade features of the landscape.

**Guest House or Accessory Living Quarters:**

Living quarters for the use of persons employed on the premises, or for the temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

**Hazardous Substances:**

Any substance or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance.

**Health Club:**

Health club means, but is not limited to, gymnasiums (except public), private clubs (athletic, health, or recreational), reducing salons, and weight control establishments.

**Hedge:**

A line of bushes or small trees planted very close together.

**Height of a Berm or Mound:**

The change of elevation from the existing grade, as measured from the toe to the highest point of the berm or mound, which results in the highest measure of elevation change. If a structure and/or vegetation are placed on top of the berm or mound, the highest point of measure shall be calculated from the highest point of any structure or vegetation that is placed upon a berm or mound if it is higher than the berm or mound.

**Home Based Business and/or Occupation:**

Is an accessory use of residential property, which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling and such accessory use does not change the residential character of the buildings, site or neighborhood.

**Home Office:**

An accessory use in which work for compensation is undertaken, including, but not limited to, receiving or initiating correspondence, such as phone calls, mail, faxes, or e-mail; preparing or maintaining business records, word and data processing; and telephone, mail order and off

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premise sales.

Homeowners Association:

A private, nonprofit corporation or association of homeowners for the purpose of owning, operating and maintaining various common properties.

Hospital:

An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

Hotel: (see Motel)

A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such, it is open to the public as opposed to a boarding house, rooming house, lodging house, or dormitory.

Household Pet:

Animals that are customarily kept for personal use or enjoyment within the home. Household pets shall include but not be limited to domestic dogs, domestic cats, domestic tropical birds, and rodents.

Impervious Surface:

A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes surfaces such as compacted sand, lime rock, or clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures.

Industrial Park:

A planned, coordinated development of a tract of land with two or more separate industrial buildings and related uses. Such development is planned, designed, constructed, and managed on an integrated and coordinated basis with special attention given to on-site vehicular circulation, parking, utility needs, building design and orientation, and open space.

Industry, Heavy:

A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industry, Light:

A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding basic industrial processing.

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**In situ:**

At the permitted site.

**Institution:**

A building and land occupied by a non-profit corporation or a non-profit establishment for public use.

**Institution - Educational, Religious, Charitable:**

Buildings and/or land designed to aid individuals in educational, religious, charitable or other such pursuits.

**Institution - Human Care:**

A building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitation, counseling or other correctional services.

**Junk:**

Waste, discarded or salvaged materials, such as: scrap metals, used building materials, used lumber, used glass, discarded motor vehicle(s), paper, rags, rubber, cordage, barrels, and other similar type materials.

**Junk Shop, Junk Buildings, Junk Yards:**

Any area of at least seventy-five (75) square feet of land, buildings, or structures, whether for private or commercial purposes, where waste, discarded or salvaged materials, such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper, rags, rubber cordage, barrels, etc. are sold, stored, or processed, any land used for storing or keeping of two (2) or more junk motor vehicles in the open on any premises for more than 72 hours.

**Junk Vehicles:**

Any vehicle meeting the following (ORC 4513.63):

1. Three years old, or older
2. Extensively damaged: such damage includes but is not limited to any one of the following: missing wheels, tires, motor, or transmission.
3. Apparently Inoperable

**Kennel:**

Any lot or premises on which two (2) or more dogs, more than three (3) months of age, are bred for sale or for hunting or are boarded.

**Lake:**

A natural or artificial body of water, five (5) acres or more in size.

**Landscaping:**

The aesthetic improvement of property through the installation of plant materials, berming, walls

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and fences, and other decorative features.

**Landfill:**

A disposal site employing an engineering method of disposing of solid wastes in a manner that minimizes environmental hazards by spreading, compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operating day.

**Land Trust:**

A private, nonprofit conservation organization that qualifies as a charitable organization under section 501(c) (3) of the Internal Revenue Code. Its purpose is generally to protect natural resources such as productive farmland and forestland, natural areas and habitats, historic structures and recreational areas. Land trusts may accept donations of property, development rights or money. Donations may qualify as tax deductions. Land trusts may also purchase property and development rights. Land trusts also educate the public about the need to conserve land, and some provide land use and estate planning services to local governments and individual citizens.

**Lattice Antenna:**

Any self-supporting structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation.

**Laundry, Self Service:**

A business that provides home type washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**Living Space:**

The living space of any dwelling shall be computed on the outside foundation of the first floor of any dwelling constructed, exclusive of garages, open porches, and other spaces not in compliance with building code specifications for habitable space.

**Loading Space, Off Street:**

An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts upon a street, alley, or other appropriate means of access.

**Lodging House:**

A building where lodging is provided by the week or the month for compensation for three (3) or more, but not more than twenty (20) persons.

**Lot:**

A piece, parcel, or plot of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with such open spaces and access to or frontage on a public street, as required by these regulations.

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**Lot Area:**

The computed area contained within the lot lines. Where the lot has been conveyed to the center of the street, the area of the lot lying within the established right-of-way shall not be included as part of the lot area for the purposes of these regulations.

**Lot, Corner:**

A lot at the junction of and abutting upon two (2) intersecting streets.

**Lot, Coverage:**

The portion of a lot that is covered by any buildings.

**Lot, Depth:**

The mean horizontal distance between the right-of-way line of the street and the rear of the lot line.

**Lot, Double Frontage:**

A lot having a frontage on two (2) non- intersecting streets, as distinguished from a corner lot.

**Lot, Flag:**

A lot with access provided to the bulk of the lot by means of a narrow corridor.

**Lot, Interior:**

A lot other than a corner lot.

**Lot Lines:**

The property lines defining the limits of a lot.

1. **Lot Line, Front:**

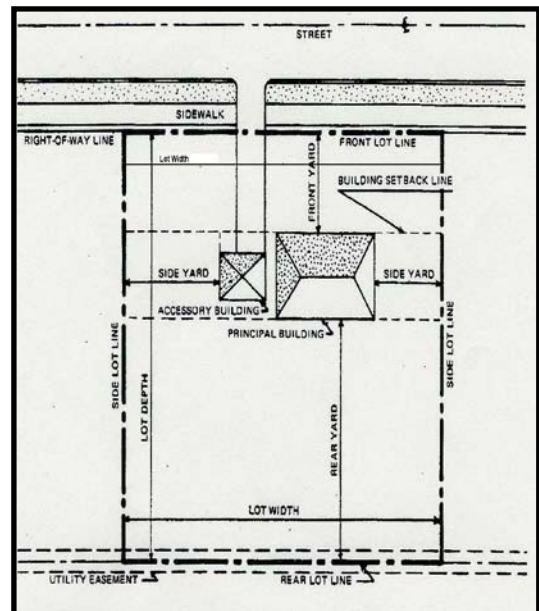
The line separating a lot from the street on which the lot fronts.

2. **Lot line, Rear:**

The lot line opposite and most distant from the front lot line.

3. **Lot line, Side:**

Any lot line other than a front or rear lot line; a side lot separating a lot from a street is called a side street lot line; a side lot line separating a lot from another lot or lots is called an interior side lot line.



**Lot of Record:**

A lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Portage County; or a parcel of land, the deed to which was of record on or prior to the effective date of these regulations.

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**Lot, Substandard:**

Any lot of record or lot as to which bona fide agreement of sale has been entered into prior to the effective date of this Resolution, where no adjoining land was under the same ownership or subject to the same or similar contract between the same parties on such date may be used as a building site and used for single-family dwelling even if of lesser area width or depth than required by the regulations for the district in which located. If, however, such lot abuts on either side or rear of one or more parcels or other lots in the same ownership on the effective date of this Resolution, or acquired since such time and prior to application for zoning certificate, then such adjacent lot(s) or parcel(s) shall be considered as combined into a lesser number of lots, each such combined lot or parcel having, as nearly as may be, a total area equal to the area required for a single lot for issuance of zoning certificate in the district in which it is located. In cases in which said combined lots contain substantially the minimum area required, but the length or width does not meet the standard of the district, and in any case in which the combining of lots will cause substantial hardship, the Board, upon appeal from denial of permit by the Zoning Inspector, may authorize appropriate variance.

**Lot, Width of:**

The width measured along the minimum building setback line.

**Maintenance Guarantee:**

A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to this Resolution, or to maintain same.

**Maintenance and Storage Facilities:**

Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

**Major Thoroughfare and Collector Thoroughfare:**

Thoroughfares designated as such in the adopted Land Use and Thoroughfare Plan.

**Major Thoroughfare Plan:**

A Plan adopted by the Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**Manufactured Home:** (see Factory Built Home)

**Manufactured Home Park:**

A 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 lot, is not a manufactured home park even though three or more manufactured homes are parked thereon, if the roadways are 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.

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**Manufacturing, Extractive:**

Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing, of any mineral natural resources.

**Manufacturing, Light:**

Manufacturing uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

**Marquee:**

Any hood or awning of permanent construction projecting from the wall of a building, above an entrance over a street or sidewalk, or portion thereof.

**Massage Parlor:**

An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.

**Minimum Building Setback Line:**

A line parallel to the street right-of-way line at a distance there from equal to the required depth of the front yard, and extending across the full width of the lot. Where the established right-of-way line, if any, cannot be ascertained it shall be deemed to be thirty (30) feet from the center line of the existing roadway. When a major thoroughfare or collector thoroughfare is designated on the Land Use and Thoroughfare Plan, the setback line shall be measured from the proposed right-of-way.

**Mini-Storage Facility:**

A building or group of buildings containing varying sizes of individual compartmentalized and controlled access stalls or lockers for the dead storage of a customer's goods or wares.

**Mobile Home:** (see Factory Built Housing)

**Mobile Home Park:**

Any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

**Monopole:**

Any support structure constructed of a single, self-supporting hollow metal tube securely

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anchored to a foundation.

Motel: (see Hotel)

A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for automobile travelers and having a parking space adjacent to a sleeping room. An automobile court or a tourist court with more than one (1) unit or a motor lodge shall be deemed a motel.

Motion Sensor Device:

A device that will sense motion electronically and switch on security lighting for a brief duration.

Motorcycle:

A motor vehicle having a saddle for the use of the rider and designed to travel on not more than 3 wheels in contact with the ground, but excluding a tractor.

Motor Home:

A portable dwelling designed and constructed as an integral part of a self-propelled vehicle. Any vehicle bearing a license plate including the inscription "Motor Home" shall be considered a motor home.

Motor Vehicle:

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets, or other public ways.

Motor Vehicle, Abandoned:

Any motor vehicle that has been left on private residential or private agricultural property for at least four (4) hours without the permission of the person having the right to the possession of the property.

Motor Vehicle, Abandoned Junk:

Any motor vehicle meeting all of the following requirements:

1. Left on private property for forty-eight (48) hours or longer without the permission of the person having the right to the possession of the property, on a public street or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight hours or longer;
2. Three (3) years old, or older;
3. Extensively damaged, such damage including but not limited to any of the following:  
missing wheels, tires, motor, or transmission;
4. Apparently inoperable;
5. Having a fair market value of one thousand five hundred (1,500) dollars or less.

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**Motor Vehicle, Collectors:**

Any motor vehicle of special interest that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation.

**Motor Vehicle, Commercial:**

Any motor vehicle designed to be used for business or commercial purposes and includes, but is not limited to: a bus, cement truck, commercial tree trimming equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step van, tank truck, tar truck, or other commercial type vehicle licensed by the State of Ohio as a commercial vehicle or truck.

**Motor Vehicle, Historical:**

Any motor vehicle that is over twenty-five (25) years old and is owned solely as a collector's item and for participation in club activities, exhibitions, tours, parades, and similar uses, but that in no event is used for general transportation.

**Motor Vehicle, Inoperable:**

Any motorized vehicle incapable of immediately being driven and/or not properly licensed or inspected for safety in accordance with state law.

**Mound:**

A man-made elevation of earth.

**Multi-use Circulation System:**

A series of trails or paths, that may be improved and are separated from the roadway by open space and used by several transportation modes, including, but not limited to, bicyclists, pedestrians, hikers, skiers, joggers, horseback riders, roller skaters and other non-motorized modes. A multi-use circulation system is designed to accommodate two-way traffic.

**Natural Feature:**

An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress and energy costs.

**Net Area:**

The land area of any lot or plot of ground after deducting that portion within the right-of-way of any street, alley, road, or thoroughfare or that land lying under a natural body of water.

**Nightclub: (see Bar)**

A commercial establishment dispensing alcoholic beverages for consumption on the premises and in which dancing is permitted and/or entertainment provided and includes the term "cabaret."

**Nonconforming Use:**

Any building or land lawfully occupied by use on the effective date of these regulations or any

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amendment or supplement thereto, which does not conform to the Use Regulations of the District in which it is situated.

Nudity or State of Nudity:

The appearance of a human bare buttock, anus, male genitals, female genitals, or full female breast.

Nuisance:

Anything that unreasonably interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Nursery, Plant Materials:

Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening and landscaping.

Nursing Home:

1. Institutional: A state licensed home or facility for the care and treatment of people on a long term basis.
2. Non-institutional: A facility licensed or certified to provide domiciliary care for nine (9) to sixteen (16) individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not mental retardation or developmental disabilities) but who do not require skilled nursing care.

Off-Premise Sign:

Shall mean a sign that advertises a business, product or service that is not sold on the premise on which the sign is located.

Office:

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Office Park:

A large tract of land that has been planned, developed, and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics, and compatibility.

Oil:

Crude petroleum oil and all other hydrocarbons, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

Oil and Gas Wells:

All wells as defined herein for the production or extraction or injection of oil and/or associate

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waste brines.

**On-Premise Sign:**

Shall mean a sign that advertises a business, product or service that is sold on the premise on which the sign is located.

**Opacity:**

As used in visible emission standards.

1. Zero Percent Opacity: No smoke is visible.
2. 100% Opacity: Smoke would be too thick to see through.

**Open-Air Market:**

A periodic market, held outdoors, in an open area where groups of individual vendors/sellers offer goods for sale to the public.

**Open Space:**

An area substantially open to the sky which may be on the same lot with a building. The area may include along with the natural environmental features, water areas, swimming pools, and tennis courts, and any other recreational facilities. Streets, parking areas, structures for habitation, and required side, front and rear yards shall not be included.

**Open Space, Common:**

Open space within or related to a development, not in individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents of the development.

**ORC:**

The Ohio Revised Code.

**Outdoor Storage:**

The keeping of any goods, junk, material, merchandise or vehicles in an out-of-doors place for more than twenty-four (24) hours.

**Outdoor Hydronic Furnace:**

A unit located outside of a building or structure, used to produce heat and/or hot water for the building or structure.

**Overlay District:**

A district established by the Zoning Resolution where certain additional requirements are superimposed upon a base zoning district or underlying district and where the requirements of the base or underlying district may or may not be altered.

**Owner: (Oil and Gas)**

The person who has the right to drill on a tract or drilling unit and to drill into and produce from

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a pool and to appropriate the oil or gas that he produces there for himself or for others.

**Park:**

Any public or private land available for recreational, educational, cultural, or aesthetic use.

**Parking Lot:** (see Garage, Public)

An area not within a building where motor vehicles may be stored for the purposes of temporary, daily, or overnight off-street parking.

**Parking, Shared:**

The development and use of parking areas on two or more separate properties for joint use by the business on those properties.

**Parking Space:** (Off-Street)

An unobstructed space or area other than a street or alley that is permanently reserved and maintained for the parking of one motor vehicle with room for opening doors on both sides, exclusive of driveways and isles.

**Parties in Interest:**

Includes the applicant and the property owners adjoining and within three-hundred (300) feet of the property lines of the subject property, as they appear on the county auditor's current tax list or the treasurer's mailing list.

**Personal Services:**

Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors and similar activities.

**Planned Unit Development:**

A tract of land that is controlled by one entity and is planned and developed as a whole, either all at once or in programmed stages. PUDS are developed according to detailed site plans and may incorporate a mix of land uses as allowed by this resolution. PUDS are utilized to provide flexibility in the design of development and as a means to achieve more open space and other amenities in a community.

**Planned Unit Residential Development:**

A planned, integrated residential development, which is maintained intact with planned vacant areas not subject to being built upon, where minimum lot size and dwelling type as otherwise fixed in these regulations may be modified to achieve particular design objectives and the economical provision of open space and utilities while maintaining the same overall density limitations of the district in which such development is located and complying with other pertinent requirements of this Resolution.

**Planning Commission/Regional Planning Commission:**

The public body empowered to prepare plans, The Portage County Regional Planning Commission.

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**Plat:**

A map of a subdivision.

**Pollution:**

The contamination or other alteration of the physical, chemical or biological properties of any natural waters of the township, or such discharge of any liquid, gaseous, or solid substance into/on the land, air or any water of the township that will or is likely to create a nuisance or render such air or waters harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, agricultural, recreational, or other beneficial uses, or to livestock, animals or aquatic life.

**Pool: (Oil and Gas)**

An underground reservoir containing a common accumulation of oil or gas, or both, but does not include a gas storage reservoir. Each zone of a geological structure that is completely separated from any other zone in the same structure may contain a separate pool.

**Pond:**

A natural or artificial body of water of less than five (5) acres in size. Artificial (man made) bodies of water with a recirculation system are not included in this definition.

**Prime Agricultural Land:**

Farmland that has a gentle slope, well-drained soils and requires a minimum of conservation practices. In Portage County, Class I, II, and III are considered prime soils by the Natural Resources Conservation Service of the U.S. Department of Agriculture.

**Principal Building:**

A building in which the primary use of the lot on which the building is located is conducted.

**Principal Use:**

The primary use and chief purpose of a lot or structure.

**Print Shop:**

A retail establishment that provides duplicating services using photocopy, blueprint, and off set printing equipment, including collating of booklets and reports.

**Professional Activities:**

The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers, and similar professions.

**Professionally Drawn:**

Plans that are prepared by a professional engineer, architect, or surveyor, as applicable and shall have their respective seal on the plans.

**Public Service Facility:**

The erection, construction, alteration, operation, or maintenance of buildings, power plants, or

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substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**Public Uses:**

Public parks, schools, administrative and cultural buildings and structures, not including public lands or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**Public Utility:**

Any person, firm, corporation, governmental agency or board fully authorized to furnish to the public; electricity, gas, steam, telephone, telegraphy, transportation, or water. (For the purpose of the Resolution, wireless telecommunication services shall not be considered public utility uses, and are defined separately.)

**P.U.C.O.:**

The Public Utility Commission of Ohio which sets rates and revenues for various public utilities in the State of Ohio.

**Public Way:**

An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Quasi-Public Use:**

Churches, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or nonprofit nature.

**Recreation, Active:**

Recreational activities that requires physical alteration to the area in which it is performed. This type of recreation may involve high vehicle trip generations, or has the potential for greater nuisance to adjacent properties due to noise, light, glare, or odor. Such areas are intensively used and include but are not limited to playgrounds, tennis, and other court games, baseball and other field sports, golf courses, swimming pools and may include lighted facilities.

**Recreation Facilities/Group Residential Facility:**

Public or private facilities that may be classified as either "passive" or "active" depending on the scope of services offered and the extent of use. Passive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, riding clubs and parks. Active facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, bowling alleys, and tennis courts.

**Recreation, Passive:**

Non-intensive, non-motorized recreation requiring minimal alteration of existing topography and

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vegetation. Such passive recreation shall include, but not be limited to, hiking, bicycling, picnicking, bird watching, horseback riding and other similar activities that have minimal impact on natural resources.

**Recreational Vehicle:**

A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses and is classified as follows:

1. Travel Trailer: A non-self propelled recreational vehicle that does not exceed an overall length of 35 feet or as otherwise defined by the Ohio Revised Code, exclusive of bumper and tongue or coupling. Tent-type fold-out camping trailer is also included.
2. Motor Home: A self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
3. Truck Camper: A non-self propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck Camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a temporary dwelling.
4. Fifth Wheel Trailer: A vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth wheel hitch ordinarily installed in the bed of a truck.

**Recreational Vehicle Park:**

Any lot of land upon which two or more recreational vehicles sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

**Recycling Collection Point:**

An incidental use that serves as a neighborhood drop off point for temporary storage of recoverable resources. No processing of such items would be allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas, such as in churches and schools.

**Recycling Facility:**

A building in which recyclable materials are processed for sale; materials are collected in enclosed containers.

**Research Activities:**

Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, radiation or odor shall be detected outside of said building.

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**Residential Facility:**

A licensed home or facility that provides room and board, personal care, habilitation services in a family setting for mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian.

**Restaurant:**

A business establishment whose principal business is the selling of unpackaged food to the customer in a ready to consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated at tables or counters located within the building. This includes outdoor cafes.

**Restaurant, Drive-In:**

An establishment that delivers prepared food and/or beverages to the customer's motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**Restaurant, Fast Food:**

An establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

**Rest Home or Nursing Home:** (noninstitutional)

A facility licensed or certified to provide domiciliary care for nine (9) to sixteen (16) individuals who are dependent on the services of others by reasons of health, physical or mental impairment (not mental retardation or developmental disabilities) but who do not require skilled nursing care. A state licensed home or facility for the care and treatment of people on a long term basis.

**Retirement Facility:**

A facility providing living quarters, either owned or rented to persons age fifty-five (55) years of age or older. Such facility may be a single structure or a group of structures, and may include medical, recreational and commercial services if such services are available and predominantly designed for residents and their guests.

**Right-of-way:**

A strip of land occupied or intended to be occupied by a street, sidewalk, highway, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or other special use.

**Roads:** (see Street or Road)

**Roadside Stand:**

A temporary structure designed or used for display or sale of agricultural and related products by the owner or lessee of the property on which it is located. Products sold are primarily from the premises.

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**School, Parochial:**

A non-public school approved by the State of Ohio.

**School, Public:**

A school operated by a local school board.

**Screening:** (see Buffer)

The method by which the view of one site is shielded, concealed, or hidden from an adjacent site. Screening techniques include fences, walls, hedges, berms or other features.

**Seat:**

For purposes of determining the number of off street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty four (24) lineal inches of benches, pews, or space for loose chairs.

**Self Service Station:**

An establishment where liquids used as motor fuels are stored and dispersed into the fuel tanks of motor vehicles by persons other than the service station attendant and may include facilities available for the sale of other retail products.

**Self Service Storage Facility:**

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customer's goods or wares.

**Semi-Public Use:**

As distinguished from a public or private use, a facility used or intended to be used by members of a group, organization, or association and its families and friends with or without an associated fee.

**Sewers, On-Site:**

A septic tank, or similar installation on an individual lot which utilizes an aerobic bacteriological processor or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the health department or other officials having jurisdiction.

**Sexually Oriented Businesses:** (see individual definitions)

1. "Adult" arcades;
2. "Adult" bookstores and "adult" video stores;
3. "Adult" cabarets;
4. "Adult" motion picture theaters;

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5. "Adult" theaters;

6. "Adult" parlors.

**Shipping/Storage Container (Permanent):**

These vessels are such as were originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and stored longer than 60 days. These include, but are not limited to, standardized reusable containers such as: cargo containers, transport containers, shipping containers, portable site storage containers, Portable On-Demand Storage units (PODS), railroad cars, and titled vehicles.

**Shipping/Storage Container (Temporary):**

These vessels are such as were originally designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, and stored 60 days or less. These include, but are not limited to, standardized reusable containers such as: cargo containers, transport containers, shipping containers, portable site storage containers, Portable On-Demand Storage units (PODS), railroad cars, and titled vehicles.

**Shopping Center:**

A grouping of retail business and service uses on a single site with common parking facilities.

**Sidewalk:**

That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**Sign:**

An advertising structure, device, or other form of visual communication used or intended to be used to convey information to the public in written or pictorial form.

**Sign, Animated:**

A sign that is or has parts that are moving and/or inflated.

**Sign, Area:**

That area within a regular geometric form, or combination comprising all of the display area of the sign except frames and structural members not being used for advertising.

**Sign, Awning:**

A sign that is mounted on a structure of cloth, metal, or plastic, supported by a frame attached to a building or poles on the ground, which may be capable of being raised or lowered, and which constitutes a roof-like structure.

**Sign, Banner:**

A sign that announces a civic or community affair, or a seasonal or festive occasion.

**Sign, Building:**

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A sign which identifies the building or profession conducted or the principal products sold upon the premises.

**Sign Bulletin Board:**

A charitable educational or religious institution or body for the purpose of announcing an event.

**Sign, Business:**

A sign directing attention to a business or profession, or to a commodity or service sold, offered, or manufactured.

**Sign, Canopy:** (see Sign, Awning)

**Sign, Construction:**

A temporary sign identifying a building or public works project or other facility while construction is in progress.

**Sign, Directional:**

A sign used to guide pedestrian and/or vehicular traffic.

**Sign, Flag:**

A sign made of flexible material, having a distinctive size, color, or design and used as a symbol, standard, signal, pennant, or emblem.

**Sign, Garage Sale:**

A temporary sign advertising a sale or auction to take place on a residential lot.

**Sign, Ground:**

A free-standing sign which is generally of a monolithic design with the sign face attached to a base having a width of at least one-half the width at the widest part of the sign face. The sign face is supported by two or more supports or braces and may be constructed of decorative block, brick or architecturally treated metal.

**Sign, Height:**

The distance from the top of a sign to the average finish grade within twenty (20) feet of the sign

**Sign, Illuminated:** A sign illuminated by artificial light.

**Sign, Marquee:** (see Sign, Awning)

**Sign, Memorial:**

A sign that memorializes a person, event, structure, or site of historic or other significance.

**Sign, Mobile:**

A sign that is mounted on a mobile device or contains moving parts, including but not limited to tethered and/or anchored balloons.

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**Sign, Model Home:**

A temporary sign that identifies a model home.

**Sign, Name Plate:**

A sign that indicates the name of the person, business, profession, or activity occupying a lot, building, or part thereof; or that indicates the name of the owner or parties responsible for the operation or maintenance of any equipment placed on the lot, building, or part thereof.

**Sign, Non-Commercial:**

A temporary sign that publicizes an event sponsored by a non-profit organization, with the event and the organization being local to the township.

**Sign, Pole:**

A type of free standing sign placed upon a pole, pipe, or other structural element(s) so that the base of the sign is greater than two (2) feet from the ground.

**Sign, Political:**

A temporary sign announcing or supporting a political candidate or issue.

**Sign, Posting:**

A, sign located on a lot that alerts the public to restriction(s) of activity on that lot.

**Sign, Projecting:**

A sign attached to a building or other structure and extending greater than one (1) foot beyond the face of the wall of the building or other structure to which it is attached.

**Sign, Public Safety:**

A sign, whether temporary or permanent, erected by the township, county, or state that informs and/or directs pedestrians and/or vehicular traffic in or around situations or localities as determined by emergency or routine means.

**Sign, Real Estate, Commercial:**

A temporary sign that directs attention to the promotion, development, rental, sale, or lease of the commercially or industrially zoned lot on which the sign is located.

**Sign, Real Estate, General:**

A temporary sign that directs attention to the promotion, development, rental, sale, or lease of the lots or units within that project.

**Sign, Real Estate, Subdivision/Development:**

A temporary sign that directs the attention to the promotion, development, rental, sale, or lease of lots or units within that project.

**Sign, Roof:**

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A sign erected, constructed, or maintained wholly upon or over the roof or parapet wall of any building or other structure with principal support from the roof structure.

**Sign, Security:**

A Sign identifying the security service for the lot on which the sign is located.

**Sign, Streamer:** (see Sign, Banner)

**Sign, Subdivision:**

A sign directing attention to a subdivision for the purpose of identification.

**Sign, Wall:**

A sign painted on or attached to the wall of a building or other structure, with the face of the sign in a plane parallel to the wall, and extending no greater than one (1) foot beyond the face of the wall or the building or other structure to which it is attached.

**Sign, Window:**

A temporary sign placed inside a window, visible within ten (10) feet of the outside of the window, and calling attention to a special event.

**Site Plan:**

A drawing prepared to scale, showing accurately and with complete dimensions, the boundaries of a site and the location of all buildings, structures, proposed improvements, uses and principal site development features proposed for a specific parcel of land.

**Small Energy System:**

Is a renewable energy system to provide for energy needs, designed to serve single subject development or property. The purpose of a small energy system is to be an accessory use of the property. A small energy system should not have the ability to generate more than 100kW per day of the subject property or units of development.

**Small Solar Energy System:**

Any solar collector or other solar energy device, or any structural design feature whose primary purpose is to provide for the collection, storage and distribution of solar energy for space heating or cooling, for hot water or for electricity that may be mounted on a building or on the ground and is not the primary use of the property.

**Small Wind Energy System:**

A wind energy system consists of a wind turbine, a tower, and associated controls or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

**Solar Energy:**

Means radiant energy (direct, diffuse, and reflected) received from the sun.

**Solar Energy Dual Purpose:**

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Means solar energy is collected to create energy from structures that are generally permitted, examples could be fences or walls. This would include exterior lighting for patios and walkways. Dual purpose structures should look primarily like a fence, wall or light fixture and not the opposite for the purpose of generating electricity while blending into the landscape. The appearance of the structure should be commonly recognizable with production of electricity interwoven or embedded into the structure not to dominate the appearance.

Specified Anatomical Areas:

Less than complete and opaquely covered human genitals, pubic region, buttocks, and female breasts, below a point immediately above the top of the areola; and human male genitals in a discernible turgid state, even if completely and opaquely covered.

Specified Sexual Activities:

1. Human genitals in the state of sexual stimulation or arousal.
2. The fondling or other erotic touching of human genitals, pubic regions, buttocks, anus or female breasts.
3. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
4. Masturbation, actual or simulated.
5. Excretory functions as part of, or in connection with, any of the activities set forth in one (1) through four (4) above.

Stable, Private:

A stable with not more than four (4) animals owned by the occupants of the dwelling to which it is an accessory use.

Stable, Commercial:

An establishment providing for boarding, training, and riding animals for a fee.

Standard Temperature and Pressure: (STP)

A standard set of conditions for measurement. STP is set by industry standards authorities and allows uniform comparisons between sets of data.

Startup Period:

The commencement of firing of fuel burning equipment from a cold, non-fired condition. It is the time period beginning with flame stability after first charge of wood or other approved fuel and cannot last more than two continuous hours. This definition only includes initial startup where no previous coal bed exists. This does not include refueling.

Story:

That part of a building between the surface of a floor and the ceiling immediately above.

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**Story, Half:**

Any top story whose floor area exclusive of storage space is 75% or less of the floor area immediately below.

**Stream Bank or River Bank:**

The ordinary high water mark of the stream or river, otherwise known as the bankfull stage of the stream or river channel. Indicators used in determining the bankfull stage may include changes in vegetation, slope or bank materials, evidence of scouring, and stain lines.

**Street or Road:**

Structures, the full width between property lines, with a part thereof to be used for vehicular traffic and designated as follows. A street or road shall comply with all applicable requirements of this Resolution and the Portage County Subdivision Regulations when applicable.

**Street, Public:**

A public right-of-way sixty (60) feet or more in width which provides a public means of access to abutting property, or any such public right-of-way more than twenty four (24) and less than sixty (60) feet in width provided it existed prior to the enactment of the Franklin Township Zoning Code; and including any such public right-of-way referred to as an avenue, drive, lane, circle, court, road, way, parkway, boulevard, or any other similar term, provided it meets the other criteria stated in this definition.

**Street, Private:**

A thoroughfare which affords principal means of access to abutting property, but which has not been dedicated to the public, or subject to public easements therefore.

**Street, Right-of-Way Lines:**

A dividing line between a lot, tract or parcel of land and a contiguous street.

**Structure:**

Anything, constructed or erected, more than 15 square feet, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include but are not limited to roads, buildings, walls, fences, billboards, signs, mobile/manufactured homes, swimming pools, sheds, garages, basketball courts, tennis courts, carports/garage in a box, and decks.

**Structural Alterations:**

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any increase in the cubical contents of the building.

**Subdivision:**

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites or lots, any one of which is less than five acres, for the purpose, whether immediate or future, of transfer of ownership, provided that the division or partition of land into parcels of more than five acres not involving any new

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streets or easements of access and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange does not create additional building sites, shall be exempted, or:

2. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street, except a private street serving industrial structures; or the division or allocation of land as open space for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewer, water, storm drainage or other facilities.

**Swimming Pool, Private:**

An in ground or above ground structure, chamber or tank containing a body of water for swimming, diving or wading.

**Swimming Pool, Family:**

A swimming pool used or intended to be used solely by the owner or lessee thereof and his family, and by friends invited to use it without payment of any fee.

**Swimming Pool, Commercial/Club:**

A pool as defined above constructed by an association of property owners or by a private club or association, for use and enjoyment by members and their families.

**Temporary Building:**

A building constructed or placed for a limited stipulated time.

**Temporary, Seasonal Tent:**

A portable lodge of canvas, strong cloth, or synthetic material stretched and sustained by poles, or any similar portable lodge designed for temporary recreational use.

**Temporary Shelter:**

A building operated under the full time supervision of a nonprofit agency in which emergency lodging and meals are provided for a short period of time, generally not more than thirty (30) days.

**Temporary Use:**

A use established for a short period of time with the intent that such use will terminate automatically upon expiration of the fixed time period.

**Thoroughfare:**

A street, highway, road, or alley.

**Toe of a Berm or Mound:**

The locations where the elevation or slope initially changes from the surrounding existing grade to form the berm or mound.

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**Tower:**

A building or structure that is relatively high for its length and width, either standing alone or forming a part of another building. The purpose of said tower is the reception and/or transmission of audio, video, cellular, and like signals.

**Towing Business:**

A business engaged in the moving of disabled or wrecked vehicles, enforcement towing and providing emergency road service.

**Trailer or Mobile Home:**

Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for storage or for conveyance for tools, equipment, or machinery and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor powers.

**Tract:**

A single, individually taxed parcel of land appearing on the tax list.

**Transient Lodging:**

A facility, building, or room(s) in which temporary residence is provided on a daily rate, weekly rate, monthly rate, or any other time period not specified by an executed lease offered to the general public.

**Transient Vendor:**

Any person who leases titled motor vehicles, titled water craft or titled outboard motors, or in the usual course of his business transports inventory, stock of goods or similar tangible personal property to a temporary place of business in a county in which he has no fixed place of business, for the purpose of making retail sales of such property.

**Transitional Use:**

A permitted use or structure that by nature or level and scale of activity acts as a transition or buffer between two or more incompatible uses.

**Transportation, Director:**

The Director of the Ohio Department of Transportation.

**Trustees:**

The Board of Trustees of Franklin Township.

**Use:**

The purpose for which a building or premises is or may be occupied. In the classification of uses, a "use" may be a use as commonly understood or the name of an occupation, business, activity, or operation carried on, or intended to be carried on in a building or on premises, or the name of a building, place or thing which name indicates the use or intended use.

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**Usable Open Space:**

The portion of a lot excluding the required front yard area which is occupied by principal or accessory buildings and available to all occupants of the building for use for recreational and other leisure activities normally carried on outdoors.

**Used Car Lot:**

Any lot on which two (2) or more motor vehicles (which have been previously titled in a name other than the manufacturer or dealer) in operating condition are offered for sale or displayed to the public.

**Variance:**

A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in practical difficulty.

**Veterinary Animal Hospital or Clinic:**

A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirmed, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**Vicinity Map:**

A drawing located on the plat or drawing which sets forth by dimensions or other means, the relationship of the proposed subdivision or development, or use to the other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

**View Shed (Scenic):**

An area which has unique and pleasing views that are determined to be desirable to maintain in their present condition.

**Warehouse:**

A building used primarily for the storage of goods and materials.

**Warehousing and Distribution:**

A use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions.

**Waters of the Township:**

All streams, ditches, lakes, ponds, marshes, watercourses, waterways, wells, springs, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through or border upon the township or any portion thereof.

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**Wetlands:**

Those areas that are inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and under normal circumstances do support, a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions, or any land area meeting the criteria established under Section 404 of the Federal Clean Water Act or subsequent Federal or other legislation which restricts filling and/or dredging to such an extent that the use of the land for the construction of buildings or other structures is effectively prohibited.

**Wind Turbine:**

A machine that converts the wind's kinetic energy into rotary mechanical energy that is used to create electricity.

**Wireless Telecommunication Service Facility:**

A facility, consisting of equipment, structures, parking area, and accessory development, involved in transmitting and/or receiving electromagnetic signals.

**Wireless Telecommunication Services:**

Licensed wireless telecommunication services including cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

**Wireless Telecommunication Tower:**

Any free standing or supported tower, mast, aerial, or other device used in transmitting or receiving any audio, video, electronic, or other electronically related signal in any frequency spectrum to include, but not limited to, light waves, LF, MF, HF, VHF, UHF, or microwave; the purpose of which is to receive and/or transmit communications or other signals or any origin, the purpose of which is to magnify, store, transfer, and/or transmit such electronic or light signals.

**Wireless Telecommunication Tower, Multi-User:**

A tower to which is attached the antennas of more than one wireless telecommunication service provider or government entity.

**Wireless Telecommunication Tower, Single-User:**

A tower to which is attached only the antenna of a single user, although the tower may be designed to accommodate the antenna of multiple users as requested in the Resolution.

**Yard:**

An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

**Yard, Front:**

A yard extending across the full width of a lot and for the perpendicular distance between the right-of-way line and the nearest portion of any building or structure existing or proposed for construction on said lot. Such perpendicular distance shall be deemed the front yard depth. Where the established right-of-way line, if any, cannot be ascertained, it shall be deemed to be thirty (30) feet from the center line of the existing roadway, and where a major or collector

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thoroughfare is designated on the Land Use and Thoroughfare Plan, such distance shall be measured from the proposed right-of-way line.

**Yard, Rear:**

A yard extending across the full width of a lot between the side lot lines and being the perpendicular distance between the rear lot line and the nearest portions of any building or structure existing or proposed to be constructed on said lot. On corner lots the rear yard shall be considered as parallel to the street on which the lot has its least dimension. On both corner lots and interior lots the rear yard shall be in all cases at the opposite end of the lot from the front yard.

**Yard, Side:**

A yard between the nearest portion of any building or structure existing or proposed to be constructed on said lot and the side lines of the lot and extending from the front yard to the side yard.

**Zoning Certificate:**

A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

**Zoning, Code:**

All of the provisions of the Franklin township, Portage County, Ohio Zoning Resolution as officially adopted and as amended from time to time and approved by the Franklin Township Trustees; as of its' latest revision.

**Zoning Inspector:**

The person designated by the Franklin Township Trustees to perform the task of zoning enforcement.

**Zoning Map:**

The "Zoning Districts Map, Franklin Township, Portage County, Ohio" as included in the last revision of the Franklin Township Zoning Resolution.

## PLANT GUIDE FOR LANDSCAPING AND SCREENING

### A. Recommended Shade Trees Suitable for Street Trees or Parking Lots as well as Buffers and Screens

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
<i>Acer rubrum</i>	Red Maple	
<i>Celtis occidentalis</i>	Hackberry	
<i>Cladastris lutea</i>	Yellow Wood	
<i>Corylus colurna</i>	Turkish Filbert	
<i>Ginkgo biloba</i>	Ginkgo	(male only)
<i>Gleditsia triacanthos</i> , Inermis & cvs	Thornless Honeylocust	
<i>Koelreuteria paniculata</i>	Golden Rain Tree	
<i>Liquidambar styraciflua</i>	Sweet Gum	
<i>Platanus occidentalis</i>	Sycamore	
<i>Quercus bicolor</i>	Swamp White Oak	
<i>Quercus borealis</i>	Scarlet Oak	
<i>Quercus imbricaria</i>	Shingle Oak	
<i>Quercus phellos</i>	Willow Oak	
<i>Quercus prinus</i>	Chestnut Oak	
<i>Quercus rubra</i>	Red Oak	
<i>Robinia pseudoacacia</i>	Black Locust	
<i>Sopohora japonica</i>	Japanese Pagodatree	
<i>Tilia americana</i>	American Linden	
<i>Tilia cordata</i> & cvs.	Little Leaf Linden	
<i>Tilia tomentosa</i>	Silver Linden	
<i>Ulmus</i> sp. & cvs.	Elm	(Species with high resistance to Dutch Elm Disease)
<i>Zelkova serrata</i>	Japanese Zelkova	

### B. Recommended Shade or Canopy Trees Suitable for Property Line Buffers and Non-vehicular Use Areas Only

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
<i>Acer saccharinum</i>	Silver Maple	(Large over-extending limbs open areas only)
<i>Acer saccharum</i>	Sugar Maple	
<i>Betula lenta</i>	Sweet Birch	
<i>Betula nigra</i>	River Birch	
<i>Carya ovata</i>	Shagbark Hickory	
<i>Carya</i> sp.	Hickory	
<i>Fagus grandifolia</i>	American Beech	
<i>Fagus sylvatica</i>	European Beech	

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<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
Fraxinus Americana	White Ash	
Juglans nigra	Black Walnut	
Liriodendron tulipifera	Tuliptree	
Meta sequoia glypostroboides	Dawn Redwood	
Ostrya virginiana	Hop Hornbeam	
Phellodendron amurense	Amur Cork Tree	
Plantanus acerifolia	London Plane	
Prunus virginiana	Chokecherry	
Quercus alba	White Oak	
Quercus coccinea	Scarlet Oak	
Quercus palustris	Pin Oak	
Quercus vellutina	Black Oak	
Sassafras albindum	Sassafras	

C. Recommended Ornamentals-Suitable for Property Line Buffers or Site Element Screens  
(10-30 feet at maturity)

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
Amelanchier canadensis	Serviceberry	
Carpinus carolinia	Ironwood	
Cercis candensis	Red Bud	
Chioanthus virginicus	Fringetree	
Cornus florida	Flowering Dogwood	
Cornus kousa	Japanese Dogwood	
Cornus mas	Cornelian Cherry	
Crataegus sp. & cvs	Hawthorns	
Eleagnus augustifolia	Russian Olive	
Halesia carolinia	Silverbells	
Hammamelis virginiana	Witch Hazel	
Koelreuteria paniculata	Golden Raintree	
Laburnum vossi	Goldenchain	
Magnolia soulangeana	Saucer Magnolia	
Magnolia virginiana	Sweetbay Magnolia	
Malus sp.	Crab Apple Species	(apple scab resistance variety only)
Oxydendrum arboreum	Sourwood	
Prunus sargentii	Sargent Cherry	
Prunus serrulata cv Kwanzan	Kwanzan Cherry	
Pyrus calleryana cv Bradford	Bradford Pear	
Pyrus calleryana cv Redspire	Redspire Pear	
Rhus glabra	Smooth Sumac	
Rhus typhina	Staghorn Sumac	
Sorbus aucuparia	European Mountain Ash	
Styrax japonica	Japanese Snowbell	
Synga amurensis japonica	Japanese Tree Lilac	

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### D. Large Deciduous Shrubs Suitable for Use in Property Line Buffers or Site Element Screen (not clipped hedges) (mature height between 5 and 15 feet)

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
<i>Aronia arbutifolia</i>	Black Chokeberry	
<i>Calycanthus floridus</i>	Sweet Shrub	
<i>Cephalanthus occidentalis</i>	Buttonbush	
<i>Clethra acuminata</i>	Summersweet	
<i>Cornus serica</i>	Red Osier Dogwood	
<i>Enkianthus campanulatus</i>	Redvian Enkianthus	
<i>Euonymous alatus</i>	Burning Bush	
<i>Forsythia</i> sp.	Forsythia	
<i>Fothergilla major</i>	Large Fothergilla	
<i>Ilex verticillata</i>	Winterberry	
<i>Lindera benzoin</i>	Spicebush	
<i>Lonicera</i> spp. (shrubbery variety)	Honeysuckle Bush	
<i>Myrica pennsylvanica</i>	Bayberry	
<i>Philadelphus</i> spp.	Mock Orange	
<i>Pysocarpus opulifolius</i>	Common Ninebark	
<i>Sambucus canadensis</i>	Elderberry	
<i>Spirea nipponica</i>	Snow Mound Spirea	
<i>Vaccinium corymbosum</i>	Blueberry	
<i>Viburnum dentatum</i>	Arrow Wood	
<i>Viburnum lentago</i>	Nannyberry	
<i>Viburnum prunifolium</i>	Black Haw	
<i>Viburnum</i> spp.	Other large Viburnums	
<i>Viburnum trilobum</i>	American Cranberry	

### E. Deciduous or Evergreen Shrubs Suitable for Clipped Hedges in Property Line Buffers or Site Element Screens (6-20 feet at maturity)

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
<i>Acanthopanax pentaphyllum</i>	Five Leaf Aralia	
<i>Aronia arbutifolia</i>	Chokeberry	
<i>Berberis</i> sp.	Barberry Sp.	
<i>Cornus mas</i>	Cornelian Cherry	
<i>Cotoneaster salicifolia</i>	Willowleaf Cotoneaster	
<i>Euonymous alatus</i>	Winged Euonymous	
<i>Euonymous fortunei</i>		
<i>vegetus</i> <i>sarcocoe</i>	Big Leaf Wintercreeper	
<i>Ilex crenata compacta</i>	Compact Japanese Holly	
<i>Ilex glabra</i>	Inkberry	
<i>Ilex crenata hetzi</i>	Hetz Holly	
<i>Juniperus chinensis</i>		
<i>pfitzeriana</i> <i>compacta</i>	Compact Pfitzer Juniper	
<i>Ligustrum ibolium</i>	Ibolium Privet	

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<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
Lonicera fragrantissima	Winter Honeysuckle	
Philadelphus lemoinei	Mock Orange	
Ribes alpinum	Current	
Taxus baccata	English Yew	
Taxus brownii	Brown's Yew	
Taxus canadensis	Canada Yew	
Taxus densiformis	Dense Yew	
Taxus media Hatfieldi	Hatfield Yew	
Viburnum dentatum	Arrow Wood	
Viburnum lentago	Nannyberry	
Viburnum opulus	European Cranberry Bush	
Viburnum prunifolium	Black Haw	
Thuja sp.	Arborvitae	

### F. Evergreen Shrubs Suitable for Site Element Screens

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
Azalea-evergreen species	Azalea	must reach 3-foot height
Chamaecyparis obtusa	Chamaecyparis	
Chamaecyparis pisifera	Chamaecyparis	
Ilex crenata "hetzi"	Japanese Holly	
Ilex glabra	Inkberry	
Ilex mesevvea	Blue Holly Series	
Juniperus virginiana	Eastern Red Cedar	
Kalmia latifolia and cvs	Mountain Laurel	
Leucothoe fontanessiana	Leucothoe	
Pieris floribunda	Mountain Andromeda	
Peiris japonica	Japanese Andromeda	
Rhododendron sp.	Various Large Rhododendrons	
Taxus sp.	Yew	
Thuja Sp.	Arbovitae	
Viburnum rhytidophyllum	Leatherleaf Viburnum	

### G. Evergreen Trees Suitable for Property Line Buffers or Site Element Screens

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
Abies concolor	White Fir	
Ilex opaca	American Holly	
Picea abies	Norway Spruce	
Picea omorika	Siberian Spruce	
Picea pungens	Colorado Spruce	
Pinus strobus	White Pine	
Pinus thunbergii	Japanese Black Pine	
Pseudotsuga menziesii	Douglas Fir	

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<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
<i>Tsuga canadensis</i>	Canadian Hemlock	
<i>Tsuga caroliniana</i>	Carolina Hemlock	

### H. Canopy Trees Suitable for Stormwater Detention Basins

Note: \* = Usually well drained, but subject to occasional flooding  
 + = Permanently wet areas

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
<i>Acer rubrum</i>	Red Maple	+
<i>Acer saccharinum</i>	Silver Maple	*
<i>Betula nigra</i>	River Birch	*
<i>Fraxinus americana</i>	White Ash	*
<i>Ilex opaca</i>	American Holly	*
<i>Liquidambar styraciflua</i>	Sweet Gum	+
<i>Nyssa sylvatica</i>	Black Gum	*
<i>Quercus phellos</i>	Willow Oak	*
<i>Quercus bicolor</i>	Swamp White Oak	+
<i>Quercus pallustris</i>	Pin Oak	*
<i>Taxodium distichum</i>	Bald Cypress	+

### I. Deciduous/Evergreen Ornamental Trees Suitable for Stormwater Detention Basins

Note: \* = Usually well drained, but subject to occasional flooding  
 + = Permanently wet areas

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
<i>Amelanchier canadensis</i>	Shadbush	*
<i>Carpinus carolinia</i>	Ironwood	*
<i>Chloanthus virginiana</i>	Fringetree	*
<i>Magnolia virginiana</i>	Sweetbay	*
<i>Salix caprea</i>	Willow	+
<i>Salix discolor</i>	Willow	+
<i>Thuja occidentalis cv nigra</i>	Arborvitae	*

### J. Deciduous or Evergreen Shrubs Suitable for Stormwater Detention Basins

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
<i>Aronia arbutifolia</i>	Red Chokeberry	+
<i>Caly canthus florida</i>	Sweetshrub	*
<i>Cephalanthus occidentalis</i>	Button Bush	+
<i>Clethra alnifolia</i>	Summersweet	+
<i>Cornus amomum</i>	Silky Dogwood	+
<i>Cornus serica</i>	Red-Stem Dogwood	+
<i>Hammamelis virginiana</i>	Witch Hazel	*

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<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
Ilex glabra	Inkberry	+
Ilex verticillata	Winterberry	+
Lindera benzoin	Spice Bush	*
Myrica cerifera	Southern Bayberry	*
Myrica pennsylvanica	Northern Bayberry	+
Rhododendron nudiflorum	Pinxterbloom Azalea	+
Rhododendron viscosum	Swamp Azalea	+
Sambucus canadensis	Elderberry	*
Viburnum cassinoides	Witherod	*
Viburnum dentatum	Arrow Wood	*
Viburnum lentago	Nannyberry	*
Viburnum tribolum	American Cranberry	*

### K. Herbaceous Perennials Suitable for Detention Basins

Note: \* = Usually well drained, but subject to occasional flooding  
 + = Permanently wet areas

<b>Botanic Name</b>	<b>Common Name</b>	<b>Comments</b>
Aster novae angliae	New England Aster	*
Chrysanthemum leucanthemum	Ox-Eye Daisy	*
Echinacea purpurea	Purple Cornflower	*
Eupatorium dubium	Jo Pye Weed	*+
Eupatorium fistulosum	Hollow Joe Pye Weed	*+
Hemerocallis sp.	Day Lily	*
Hesperis matronalis	Dames Rocket	*
Hibiscus moscheutos	Rose Mallow	+
Iris pseudocaris	Yellow Iris	*+
Iris versicolor	Blue Flag	+
Lobelia cardinalis	Cardinal Flower	*+
Lobelia siphilitica	Blue Lobelia	*+
Monarda didyma	Bee Balm	*
Panicum virgatum	Switchgrass	*+
Phalaris arundinacea	Canary Reed Grass	*
Rudbeckia sp.	Black Eyed Susan	*
Scirpus acutus	Hard Stem Bullrush	+
Spartina alternifolia	Cordgrass	+
Typha angustifolia	Narrowleaf Cattail	+
Typha latifolia	Common Cattail	+
Veronica noveboracensis	New York Iron Weed	*+

**Franklin Township  
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**SCHEDULE OF RESIDENTIAL ZONING DISTRICTS<sup>1</sup>**

	<b>Open Space Conservation District</b>	<b>Rural Residential District</b>	<b>R-1 Residential District</b>	<b>R-2 Residential District</b>	<b>R-3 Residential District</b>	<b>R-4 Residential District</b>
Minimum Lot Size	5.0 acres	2.0 acres	20,000 square feet	11,000 square feet	11,000 square feet	22,000 square feet
Minimum Density of Use	single-family dwelling unit	single-family dwelling unit	single-family dwelling unit	single-family dwelling unit	single-family dwelling unit	multi-family dwelling unit
Minimum Lot Width	300 feet	150 feet	100 feet	80 feet	80 feet	100 feet
Minimum Lot Frontage	60 feet	60 feet	100 feet	50 feet	50 feet	100 feet
Minimum Front Setback from R- O-W	100 feet	100 feet	45 feet	30 feet	30 feet	30 feet
Minimum Rear Setback						
1. Adjacent to lots non-residential use	50 feet	50 feet	50 feet	30 feet	30 feet	30 feet
2. Adjacent to a residential use	50 feet	50 feet	50 feet	30 feet	30 feet	30 feet
Minimum Side Yard Setback						
1. Adjacent to a non-residential use	25 feet each side	25 feet each side	12 feet each side	10 feet each side	10 feet each side	10 feet each side (may be adjusted)
2. Adjacent to a residential use	25 feet each side	25 feet each side	12 feet each side	10 feet each side	10 feet each side	10 feet each side

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<sup>1</sup> All the information listed on this Table has to do with the minimum requirements for a single-family residential dwelling. For additional information refer to the Zoning District's specific requirements listed in Chapter 3 of this Resolution.

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**SCHEDULE OF COMMERCIAL ZONING DISTRICTS<sup>2</sup>**

	<b>C-1 Local Commercial District</b>	<b>C-2 Service Commercial District</b>
Minimum Lot Size	No minimum requirements, must be consistent with approved plans	No minimum requirements, must be consistent with approved plans
Minimum Lot Width	No minimum requirements, must be consistent with approved plans	No minimum requirements, must be consistent with approved plans
Minimum Lot Frontage	No minimum requirements, must be consistent with approved plans	No minimum requirements, must be consistent with approved plans
Minimum Front Setback from R-O-W	50 feet	50 feet
Minimum Rear Setback	25 feet	25 feet
Minimum Side Yard Setback 1. Adjacent to a non-residential use	No minimum requirements, must be consistent with approved plans	No minimum requirements, must be consistent with approved plans
2. Adjacent to a residential use	50 feet each side	50 feet each side

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<sup>2</sup> All the information listed on this Table has to do with the minimum requirements for a commercial use, unless otherwise stated. For additional information refer to the Zoning District's specific requirements listed in Chapter 3 of this Resolution.

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**SCHEDULE OF INDUSTRIAL ZONING DISTRICTS<sup>3</sup>**

	<b>I-1 Industrial Research and Office District</b>	<b>I-2 Industrial District</b>
Minimum Lot Size	40,000 square feet	2.0 acre
Minimum Lot Width	120 feet	100 feet
Minimum Lot Frontage	80 feet	80 feet
Minimum Front Setback from R-O-W	60 feet	75 feet
Minimum Rear Setback 1. Adjacent to non-residential use 2. Adjacent to a residential use	50 feet 100 feet	50 feet 100 feet
Minimum Side Yard Setback 1. Adjacent to a non-residential use 2. Adjacent to a residential use	50 feet 100 feet	50 feet 100 feet
Maximum Lot Coverage Ratio	40%	40%

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<sup>3</sup> All the information listed on this Table has to do with the minimum requirements for an industrial use, unless otherwise stated. For additional information refer to the Zoning District's specific requirements listed in Chapter 3 of this Resolution.

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**SCHEDULE OF MIXED COMMERCIAL RESIDENTIAL ZONING DISTRICTS<sup>4</sup>**

	<b>C-1/R-3 Mixed Commercial Residential District</b>	
	<b>Residential</b>	<b>Commercial</b>
Minimum Lot Size	11,000 square feet	No minimum requirements, must be consistent with approved plans
Minimum Density of Use	single-family dwelling unit	Not applicable
Minimum Lot Width	80 feet	No minimum requirements, must be consistent with approved plans
Minimum Lot Frontage	50 feet	No minimum requirements, must be consistent with approved plans
Minimum Front Setback from R-O-W	30 feet	50 feet
Minimum Rear Setback 1. Adjacent to lots non-residential use 2. Adjacent to a residential use	30 feet 30 feet	25 feet 25 feet
Minimum Side Yard Setback  1. Adjacent to a non-residential use  2. Adjacent to a residential use	10 feet each side  10 feet each side	1. No minimum requirements, must be consistent with approved plans 2. 50 feet each side

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<sup>4</sup> All the residential information listed on this Table has to do with the minimum requirements for a single-family residential dwelling. For additional information refer to the Zoning District's specific requirements listed in Chapter 3 of this Resolution.