

TABLE OF CONTENTS

CHAPTER 1


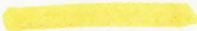




SECTION	TITLE	PAGE
A	Title and Preamble	1
B	Area of Jurisdiction	1
C	Required Conformance and Pre-Existing Use	1
D	Interpretation and Purposes	2
E	Establishment of Zoning Districts	3
F	Rules for Map Interpretation	3
G	Rules for Text Interpretation	4
H	Pending Application for Building Permits	4
I	Miscellaneous Provisions	4

COLOR CODED DISTRICTS

VOL

1 PAGE 3



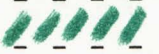







CHAPTER 2

SECTION	TITLE	COLOR CODE	PAGE
A	A-1 R-1 Agricultural and Low Density Residential District - - - - -		6
C	R-2 - Medium Density Residential District - - - - -		8
D	R-3 - High Density Residential District - - - - -		10
E	C - Commercial District - - - - - C-1 - Local Business C-2 - Highway General Business C-3 - Shopping Center		12
F	I-1 - General Industrial District M-1 - Restricted Industry - - - - - M-2 - General Industry - - - - -	 	14

SPECIAL DISTRICTS

CHAPTER 3

SECTION

A	S-FP - Flood Plain and Drainageway District - - - - -		16
B	S-MHP - Mobile Home Park District - - - - - S-REC - Recreation District - - - - - Parks -1 - - - - - Parks -2 - - - - -	    	17
C	L-1 Landfill - - - - -		18
D	L-2 - Compost Site, Transfer Station and Incinerator - - - - -		19
E	Minor Subdivisions - - - - - Public Lands - State, County and Township Owned - - - - -	 	20
F	ST-1 Commercial Storage District - - - - -		20 #

RULES AND REGULATIONS

CHAPTER 4

SECTION	TITLE	PAGE
A	Additional Height, Area and Yard Regulation	20
B	Minimum (Performance) Standards for Nuisance Values	22
C	Off-Street Parking Regulations and Requirements	25
D	Off-Street Loading Regulations and Requirements	27
E	Business Sign and Billboard Requirements	28

ADMINISTRATIVE PROCEDURES

CHAPTER 5

SECTION	TITLE	PAGE
A	General Provisions	32
B	Township Zoning Commission	33
C	Zoning Enforcement Officer	35
D	Board of Zoning Appeals	36
E	Board of Township Trustees	41
F	Administrative Procedures	42
G	Enforcements Procedures	49

GLOSSARY OF DEFINITIONS

CHAPTER 6

Section A Title and Preamble

A RESOLUTION TO REGULATE, RESTRICT AND LIMIT THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND, FOR BUSINESS, INDUSTRY, RESIDENCE OR OTHER PURPOSES; TO REGULATE AREA HEIGHT AND SETBACKS; TO PROVIDE A METHOD OF ADMINISTRATION AND ENFORCEMENT; AND TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THE WITHIN PROVISIONS.

WHEREAS, it is determined by the Board of Township Trustees of Franklin Township that it is in the interest of the public health, safety, convenience, comfort, prosperity and general welfare of the Township to regulate, restrict and limit the location and use of buildings, structures and land for business, industry, residence, or other purposes and for said purposes, to divide Franklin Township into such zoning districts as are deemed best suited for said purposes; to provide a method of administration and enforcement; and to prescribe penalties for violation of the provisions thereof. Now, therefore, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF FRANKLIN TOWNSHIP;

Section B Area of Jurisdiction

1. The provisions of this Resolution shall apply to the entire unincorporated land area of Franklin Township, Mercer, County, Ohio.
2. Nothing in this Resolution shall impose restrictions with respect to land used for agricultural purposes or with respect to the erection, maintenance, repair, alteration, remodeling or extension of agricultural buildings or structures except that such agricultural buildings or structures shall conform to required setback lines; nor shall this Resolution be deemed to specify or regulate the type or location of any poles, towers, wires, cables, conduits, vaults, laterals or any other similar distributing equipment of a public utility.

Section C Required Conformance and Pre-Existing Use

Except as hereinafter specifically provided,

1. No land shall be used except for a purpose permitted in the District in which it is located.
2. No building shall be erected, converted, enlarged, reconstructed, nor shall any building be moved onto the zoning lot or within the same zoning lot, unless this is a use permitted in the

District in which such building is located, except as provided for in Chapter 5, Section F.3. No parcel of land described by metes and bounds nor any lot shall hereafter be created which does not conform to, and meet the requirements of, this Resolution.

3. Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as otherwise provided in this Resolution, nor shall any building be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the District in which such building is located.
4. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any parcel of land described by metes and bounds or any lot hereafter be created which does not conform and meet the requirements of this Resolution.
5. No dwelling unit in any "A", "R" or "S" District shall have a floor area less than the following:

Zoning District	Minimum Floor Area Per Dwelling Unit ("Sq. Ft.)
A-1 R-1	800 - Single-family dwellings
R-2	500 - Mobile home dwellings
R-3	800 - Single-family dwellings
	800 - Two-family dwellings
S-MHP	800 - Single-family dwellings
S-REC	800 - Two-family dwellings
	650 - Multiple-family dwellings
	500 - Mobile home dwellings
	800 - Single-family detached dwellings

Section D Interpretation and Purposes

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. The lot or yard areas required by this Resolution for a particular building shall not be diminished and shall not be included as a part of the required lot or yard areas of any other building. This Resolution shall not repeal, abrogate,

annul or in any way impair or interfere with any existing provisions of law or resolution or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; provided that where this Resolution imposes a greater restriction upon the use of buildings or premises or upon the height of buildings or requires larger lots or yards than are imposed or required by such existing provisions of law or resolution or by such rules or regulations the provisions of this Resolution shall control.

Section E Establishment of Zoning Districts

That, for the purpose of regulating and restricting the location of buildings and other structures and of premises to be used for business, industry, residence of other specified uses; and for the purpose of regulating the location of buildings and other structures hereafter erected or altered, set back building lines and the area of yards, and other open spaces; and for the purpose of regulating and limiting the height of buildings and other structures hereafter erected or altered, Franklin Township, Mercer County, Ohio is hereby divided into fourteen 14 regular zoning districts

A-1 R-1	Agricultural Low Density Residential District
R-2	Medium Density Residential District
R-3	High Density Residential District
C-1-2-3	Commercial District
I-1	General Industrial District
M-1	Restricted Industry
M-2	General Industry
S-FP	Flood Plain and Drainageway District
S-MHP	Mobile Home Park District
S-REC	Recreation District
L-1	Landfill
L-2	Compost Site, Transfer Station and Incinerator
P-L	Public Lands - State, County, Township owned
ST-1	Commercial Storage District

all as shown on the Official Zoning District Map which accompanies this Resolution and is hereby declared an integral part thereof. The Districts designed on said Official Zoning District Map or described hereinafter are hereby established, and no buildings or premises shall be erected, altered or used except in conformity with the regulations herein prescribed for the Districts in which such buildings or premises are located.

Section F Rules for Map Interpretation

When definite distances in feet are not shown on the Official Zoning District Map, the District boundaries on the Official Zoning District Map are intended to be along existing street,

alley or property lines or extensions of or from the same, and if exact location of such line is not clear it shall be determined by either supplemental detail drawings or rules of interpretation, adopted by the concurring vote of four (4) members of the Board of Appeals.

When the roads or streets on the ground differ from the roads or streets shown on the Official Zoning District Map, the Board of Appeals may apply the District designations on the map to the property on the ground in such manner as to conform to the intent and purposes of this section in the judgement of the said Board.

Section G Rules for Text Interpretation

In the construction of this Resolution's text, the rules of interpretation contained in this Section shall be observed and applied, except when the context clearly indicates otherwise. The following rules of construction apply to the text:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text and any caption or illustration, the text shall control.
3. The word "shall" shall be mandatory and not discretionary. The word "may" shall be permissive.
4. Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
5. The phrase "used for" included "arranged for", "designed for", "intended for", "maintained for", or "occupied for".

Section H Pending Applications for Building Permits

Nothing in this Resolution shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure or part thereof for which official approvals and required building permits have been legally granted before the enactment of this Resolution, the construction of which, conforming with such plans, shall have been started within six months of the effective date of this Resolution and completed in a normal manner within a subsequent two-year period and not discontinued until completion except for reasons beyond the builder's control. All permits, for which construction has not begun within six months of the effective date or amendment of this Resolution are hereby revoked and void.

Section I Miscellaneous Provisions

1. Frontage Required: Except as permitted by other provisions of this Resolution, all lots created after the adoption of

this Resolution shall have frontage on a highway, road or street.

2. Prohibited Used: Within Franklin Township, Mercer County, Ohio, the following uses shall be deemed to constitute a nuisance and shall not be permitted within the Township's unincorporated area:
 - a. Manufacture of, or storage of, explosives, gun powder, or fireworks.
 - b. Acid manufacture.
 - c. Acetylene gas manufacture or industrial storage in excess of fifteen (15) pounds pressure per square inch.
 - d. Tanning, curing or storage of raw hides.
 - e. Turpentine, varnish or paint manufacturing or refining or hazardous materials.
 - f. School buses converted for residential purposes.
 - g. Junk yards, refer to Chapter 6 Glossary of Definitions.

Section A A-1 R-1 AGRICULTURE AND LOW DENSITY RESIDENTIAL DISTRICT

1. Purpose and Intent. The A-1 R-1 District is hereby created in order that there be areas within Franklin Township, Mercer County, Ohio, exclusively reserved for agricultural cultivation, very low density residential development and other essentially non-urban activities so that the basically rural character of these areas may be preserved and maintained.
2. Principal Permitted Uses.
 - a. Agricultural. Any customary agricultural use, buildings or structures including nurseries, greenhouses, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry.
 - b. Residential. Single-family detached dwellings (rural farm houses and rural non-farm homes); individual mobile homes on individual parcels, provided that the following conditions are met:
 - (1) Each mobile home must be permanently attached to a concrete stand not less than twelve (12) feet wide by sixty (60) feet long by means of a minimum of four (4) anchors and tie downs.
 - (2) Each mobile home must be skirted entirely closing the bottom section within sixty (60) days after its placement on the concrete stand.
 - (3) Each mobile home must have an inside minimum area of not less than five hundred (500) square feet.
 - (4) Single Family Dwellings - Lot size 1 acre, Frontage one hundred fifty (150) feet, Set back seventy five (75) feet, Side yard fifty (50) feet, Rear yard sixty (60) feet. (20) feet, see attached amendment.
 - c. Institutional and Educational. Churches and other places of worship, not including funeral chapels or mortuary chapels; schools and institutions for academic instruction.
 - d. Recreational. Public parks and recreation sites.
3. Conditionally Permitted Uses. The following uses may be permitted in the A-1 R-1 District only if expressly authorized by the Board of Appeals in accordance with the provisions of Chapter 5, Section D.3.c. and subject to any limitations deemed necessary by the Board of Appeals.

Ref. Section A Paragraph 2 B4 Page 6

Amendment is for side yar set backs in A-1 R-1, Agriculture and Low Density Residential District, Single Family Dwellings from 50' to read "there shall be a minimum width of either side yard of not less than 20 feet, with the combined width of both side yards to be not less than 40 feet".

AMENDMENT

Reference Section A Paragraph 4 Page 7

VOL 1 PAGE 12

Amendment is for limiting the size of accessory buildings to 1200 square feet, 40' in length and 12' eave height for A1-R1, R-2 and R-3 zones. Any size larger than these maximums would require a variance.

- a. Recreation. Farm vacation enterprises; private, non-commercial recreation areas and facilities such as swimming pools, recreation clubs, summer camps, golf courses, country clubs and outdoor concerts.
 - b. Public Facilities and Utilities. Structures and installations which are necessary public facilities and utilities and which require location in the A-1 R-1 District.
4. Accessory Buildings and Uses. Accessory uses, buildings, or other structures customary and incidental to any aforesaid permitted uses shall be allowed, provided that such accessory building or use shall not involve any type of business, trade, manufacturing or industry. Roadside stands offering for sale only agricultural products produced on the premises and in the vicinity shall be considered an accessory use in the A-1 R-1 District. Adequate off-the-road parking shall be maintained for customer vehicles in order to ensure public safety. Customary home occupations provided that such occupations meet the definition in Chapter 6.

Section C R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT

Purpose and Intent. The R-2 Medium Density Residential District is hereby created in order that certain areas of Franklin Township accommodate single-family residential development at a medium density level which requires and justifies provision of central or group sewers. It is the intent of this Resolution that certain areas be reserved for single-family residential development which is basically urban in character.

Principal Permitted Uses.

- a. Agricultural and Farms.
- b. Residential. Single-family detached dwellings, including modular housing units.
- c. Institutional and Educational. Churches and other places of worship, not including funeral chapels or mortuary chapels; schools and institutions for academic instruction.
- d. Recreational. Public parks and recreation sites.

Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Appeals and subject to any limitations and restrictions deemed necessary by the Board of Appeals.

- a. Recreation. Private, non-commercial recreation areas and facilities such as swimming pools, recreation clubs, summer camps, golf courses, country clubs and outdoor concerts.
- b. Public Facilities and Utilities. Structures and installations which are necessary public facilities and utilities and which require location in the R-2 District.

Prohibited Uses. No building or structure within the R-2 District shall be used by any commercial establishments or industrial establishments.

Accessory Buildings and Uses. Any accessory use or structure permitted in the R-2 District, except as hereinafter specified. Customary home occupations provided that such home occupations meet the definition in Chapter 6. (See attached amendment)

Maximum Building Height. No dwelling shall exceed two-and one-half (2.5) stories, or thirty-five (35) feet in height.

Reference Section C (Accessory Building and Uses) Page 7

Amendment is for limiting the size of accessory buildings to 1200 square feet, 40' in length and 12' eave height for A1-R1, R-2 and R-3 zones. Any size larger than these maximums would require a variance.

Minimum Yard Setbacks and Lot Requirements.

- a. Lot width, minimum of not less than eighty (80) feet, 10,800 sq. ft. per unit.
 - (1) Front - There shall be a minimum depth of not less than thirty (30) feet.
 - (2) Side - There shall be a minimum width of either side of not less than ten (10) feet, with the combined width of both side yards to be not less than twenty (20) feet.
 - (3) Rear - There shall be a minimum depth of not less than thirty (30) feet.

Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Chapter 4 Section 4.

7B - 10B

Amendment is for limiting the size of accessory buildings to 1200 square feet, 40' in length and 12' eave height for A1-R1, R-2 and R-3 zones.. Any size larger than these maximums would require a variance.

Section D R-3 HIGH DENSITY RESIDENTIAL DISTRICT

1. Purpose and Intent. The R-3 High Density Residential District is hereby created in order that there be areas within Franklin Township upon which new multiple-family residential uses may be constructed. It is the purpose of this Resolution that the areas so designated R-3 High Density Residential District be areas which are, at the time of adoption of this Resolution, undeveloped tracts of land, and which may be developed for new construction of multiple-family housing. It is the intent of this Resolution that these areas be developed with new multiple-family housing at strategically located sites with respect to highways, built-up areas and special natural features so that intensive development pressures may be reflected and area residents provided a choice from a wider range of dwelling types.
2. Principal Permitted Uses
 - a. Agriculture and Farms.
 - b. Residential. Single-family detached dwellings, including modular housing units; single-family attached dwellings and multiple-family dwellings, including modular housing units.
 - c. Institutional and Educational. Churches and other places of worship, not including funeral chapels or mortuary chapels; schools and institutions for academic instruction.
 - d. Recreational. Public parks and recreation sites.
3. Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Appeals in accordance with the provisions of Chapter 5, Section D.3.c. and subject to any limitations and restrictions deemed necessary by the Board of Appeals.
 - a. Recreation. Private, non-commercial recreation areas and facilities such as swimming pools, recreation clubs, summer camps, golf courses, country clubs and outdoor concerts.
 - b. Public Facilities and Utilities. Structures and installations which are necessary public facilities and utilities and which require location in the R-3 District.
4. Prohibited Uses. No building or structure located within the R-3 District shall be used by any commercial establishments or industrial establishments.
5. Accessory Buildings and Uses. Any accessory use or structure permitted in the R-3 District. Customary home occupations provided that such home occupations meet the definition in Chapter 6. (See attached amendment)

Reference Section D Paragraph 5 Page 10

Amendment is for limiting the size of accessory buildings to 1200 square feet, 40' in length and 12' eave height for A1-R1, R-2 and R-3 zones. Any size larger than these maximums would require a variance.

Section E BUSINESS SIGN AND BILLBOARD REQUIREMENTS

1. Intent. The purpose of this Section is to promote and protect the public health, welfare, and safety by regulating existing and proposed business signs and billboards. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the township, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce distraction and obstructions that may contribute to traffic accidents, provide more open space, and curb the deterioration of the natural environment and enhance the aesthetic appearance of the township.
2. Zoning Certificate Required. It shall be unlawful and for any person to erect, alter or relocate, within the Township, any business sign or billboard without first obtaining a Zoning Certificate from the Zoning Enforcement Officer.
3. Permitted Business Signs and Billboards and Maximum Size. The following signs shall be permitted in the A-1 R-1, R-2, and R-3 Districts.
 - a. One (1) bulletin board not exceeding twenty (20) square feet in area for any church, school, or other public or semi-public institution.
 - b. One (1) temporary unlighted real estate sign advertising the sale or rental of the premises on which it is maintained, not exceeding a total area of nine (9) square feet and located at least twelve (12) feet from all street right-of-way lines or flat against the building. These signs are exempt from application for zoning permit.
 - c. One (1) temporary unlighted sign not exceeding fifty (50) square feet in area in a real estate development containing five (5) lots or more. Such sign shall be set back from every street line or any other lot in any "R" District at least a distance equal in feet to the front yard requirements of that district. Such sign shall be removed within three (3) years from the date of its construction.
 - d. Home occupational signs denoting only the name and profession of an occupant in a dwelling, and not exceeding four (4) square feet in area.
 - e. Signs advertising a place of business may be constructed on property other than the business property if the sign does not exceed thirty-two (32) square feet and is erected twelve (12) feet from all street right-of-way lines or is erected flat against a building and the maximum heights of the top of the sign is eight (8) feet above ground level immediately below the sign.

In the C-2 District, business signs shall be permitted provided that their maximum surface area does not exceed twenty (20) feet and provided that pole signs do not exceed twenty-five (25) feet in height. Business signs shall be permitted in the I-1 District provided that their maximum surface area does not exceed one hundred (100) feet. All business signs must have a direct relationship to the commercial activity being conducted on the premises where such business sign is located.

6. Maximum Building Height. No multiple-family dwelling shall exceed three (3) stories, or forty (40) feet in height. No single-family or two-family dwelling shall exceed two and one-half (2.5) stories, or thirty-five (35) feet in height.
7. Minimum Yard Setbacks.
 - a. Lot width, minimum of not less than ninety (90) feet, 2,700 sq. ft. per unit.
 - (1) Front - There shall be a minimum depth of not less than thirty (30) feet.
 - (2) Side - There shall be a minimum width on either side of not less than fifteen (15) feet, with the combined width of both side yards to be not less than thirty (30) feet.
 - (3) Rear - There shall be a minimum depth of not less than thirty (30) feet.
8. Required Off-Street Parking. Off-street parking shall be provided in accordance with the requirements specified in Chapter 4, Section C.

1. Purpose and Intent. The C Commercial District is hereby created in order that there be areas within Franklin Township where commercial uses are not so undesirable as to be located within the I-1 General Industrial District, may be located. It is the intent that these businesses, which are oriented mainly to the surrounding resident population and, to a certain extent, to highway-oriented trade, be located in relatively compact districts along highway frontage within Franklin Township.
2. Principal Permitted Uses.
 - a. Agriculture and Farms.
 - b. Retail and Services. Supermarkets, barber shops, beauty shops, clothing stores, dry cleaning and laundries, drug stores, garden supply stores and the like, florists, furniture stores, grocery stores, hardware stores, paint stores, shoe stores, sporting goods stores.
 - c. Business and Professional Offices. Doctors and dentist offices; finance, insurance, and real estate offices.
 - d. Motels and Restaurants.
 - e. Automotive Services. Gasoline filling stations, automotive and related repair shops, body shops, automotive and related sales and servicing, tire sales and service, automotive parts, agricultural implement sales and storage, marina equipment sales, mobile home/ travel trailer sales.
 - f. Building and Related Trades. Carpenter shops, electrical, plumbing, air conditioning and heating shops, furniture upholstery and similar establishments.
 - g. Commercial Recreation. Baseball fields, golf driving ranges, amusement parks.
 - h. Funeral Homes and Mortuaries.
 - i. Animal Hospitals. Animal hospitals, kennels, pet shops, housing or boarding or caring for animals.
 - j. Stockyards for the purpose of selling and buying animals.
 - k. Airports.
3. Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Appeals

in accordance with the provisions and subject to any limitations and restrictions deemed necessary by the Board of Appeals: Any other retail or service establishment which the Board of Appeals determines to be of the same convenience commercial or highway commercial character and nature of those specifically allowed.

a. Outdoor Concerts.

4. Prohibited Uses. No building or structure located within the C District shall be used for any type of dwelling unit or by any industrial establishments.
5. Accessory Uses. Such accessory uses and structures customary and incidental to any of the foregoing permitted uses and otherwise not prohibited.
6. Business Districts

C-1 Local Business: Areas for local or neighborhood business providing convenience goods and personal services.

C-2 Highway and General Business: Areas along major highways or thoroughfares which provide sales and services oriented to highway travelers; or general businesses including sales and services for automotive, farm machinery and building trades.

C-3 Shopping Center: For shopping centers of an integrated design which provide adequate parking and servicing areas. They must be located along major thoroughfares, have restricted points of access, and be screened or fenced from surrounding residential areas as per Board of Appeals.

7. Maximum Building Height. No commercial structure shall exceed three (3) stories, or forty-five (45) feet in height.
8. Minimum Yard Setbacks.

Dis- trict	Minimum Lot Width (in feet)	Minimum Lot Area	Minimum Depth (in feet)		Minimum Width Each Side Yard (in feet)
			Front Yard	Rear Yard	
C-1	80	10,000 sq. ft.	30	30	None
C-2	100	20,000 sq. ft.	40	20	15
C-3	400	5 acres	60	40	30

1. Purpose and Intent. The I-1 General Industrial District is hereby created in order that there be areas within Franklin Township which are used exclusively for industry, manufacturing, processing, and related operations, and which are incompatible with the residential and commercial areas of the Township. It is the intent of this Resolution that these areas be reserved exclusively for industrial and related purposes to provide suitable sites for such activity.
2. Principal Permitted Uses.
 - a. Agriculture and Farms.
 - b. Industry and Manufacturing. Any industrial or manufacturing or processing establishment not otherwise prohibited in Chapter 1, Section I and Chapter 2, Section F.5, provided that the establishments meet the minimum performance standards for nuisance values as specified.
 - c. Wholesaling and Warehousing. Any wholesale business, storage, warehousing, including beverage bottling and distributing plants.
 - d. Building Materials Sales Yards.
 - e. Recycle Center with chain link fence, eight (8) feet on property line sides with a setback of ten (10) feet from property line and grasses to be mowed when exceeding twelve (12) inches in height.
3. Conditionally Permitted Uses. The following uses shall be permitted only if expressly authorized by the Board of Appeals in accordance with the provisions of Chapter 5, Section D.3.c. and subject to any limitations and restrictions deemed necessary by the Board of Appeals.
 - a. Public Facilities and Utilities. Structures and installations which are necessary public facilities and utilities and which require location in the District.
 - b. Outdoor Concerts.
4. Accessory Uses. Accessory uses and structures customary and incidental to any permitted use shall be allowed.
5. Prohibited Uses. No building or structure located within the I-1 District shall be used for any type of dwelling unit or by any commercial establishment.

6. Maximum Building Height. No industrial structure shall exceed three (3) stories, or forty-five (45) feet in height.
7. Minimum Yard Setbacks.

Dis- trict	Minimum Lot Width (in feet)	Minimum Lot Area	Minimum Depth (in feet)		Minimum Width Each Side Yard (in feet)
			Front Yard	Rear Yard	
M-1	200	1 acre	50	40	30
M-2	200	2 acres	50	40	30

8. M-1 Restricted Industry: Areas for light industries with restricted manufacturing operations, research facilities and offices of a restricted nature which will have little or no detrimental effects on neighboring land uses.

M-2 General Industry: Areas which, because of their access to transportation and community services, and relative isolation from other land uses, provide good sites for most types of general industry.

1. Purpose and Intent. The S-FP Flood Plain and Drainageway District is designed to meet the need of storm water channels to carry abnormal flows of water in time of high water and flooding; to prevent encroachments into the districts which will unduly increase flood heights and damage; and to prevent the loss of life and excessive damage to property in the area of greatest flood hazard.
2. Principal Permitted Uses.
 - a. Agriculture and Farms.
 - b. Public and Private Parklands, Recreation Sites and Open Space.
 - c. Open Storage of Floatable Materials. Logs, tree stumps and branches, lumber, lumber products and other floatable material may be placed, displayed, or stored in the open on flood plain land, where permitted by the State statutes, provided the area so used is enclosed by an open wire fence properly anchored to restrain such materials from floating down stream during times of high water.
3. Prohibited Uses.
 - a. Residential dwellings; commercial and industrial establishments, other structures.
 - b. Sanitary landfill.
 - c. Dumping and filling.
4. Preservation of Flood Plain. All buildings, other structures, and fills of any kind of materials hereafter made, placed or erected on the flood plain shall be set back at least the distances required to preserve and maintain open and unobstructed the flood plain width as determined by the high water level of the regional flood.

Section B S-MHP MOBILE HOME PARK DISTRICT

VOL

1 PAGE 25

Refer to Mobile Home Park, Laws and Rules, Ohio Department
of Health.

S-REC - RECREATION DISTRICT

Refer to Ohio's Recreational Vehicle Park, Recreation Camp,

and

Combined Park-Camp Law and Rules

PARKS RECREATIONAL: PRIVATE OWNED
NON-PROFIT FOR PUBLIC USE

Definition: Ballfields, volleyball, basketball and horseshoe courts, playground equipment, picnic area and general park land.

Plans for park land should be based on the needs of the public, expected use, and the character of the project area. Facilities should be attractive and generally consistent with the natural setting and topographic limitations. Improvements and structures should be designed to harmonize with the natural environment. Emphasis should be given to public health and safety, and to the protection of the recreational value of the area. Accessibility and useability of the site and its facilities by the handicapped and aged must be considered in the planning and development processes.

No parks shall discriminate on basis of age, race, color, religion or handicapped.

If a user fee is charged, the fee must be reasonable for all users.

Rules and regulations shall be followed as set forth by the park board.

The following guide lines apply and must be completed before any solid waste is disposed of:

1. Set Backs of outside perimeter of landfill area:
 - a. A chain link fence eight (8) feet high and set back ten (10) feet from highway, county road and township road of right of way line.
 - b. Property lines to adjacent property must have a chain link fence eight (8) feet high with a set back of one hundred (100) feet from property lines.
 - c. The area between the chain link fence and the property lines or road right of way must be grass covered and not to exceed twelve (12) inches in length. It must be mowed and maintained. The contour of the ground must be the natural terrain of the adjacent property.
2. The area inside the chain link fence will have fifty (50) feet of grass area with the natural terrain as the outside area and will be seeded with fescue grass.
3. A mound parallel with fence and fifty (50) feet from chain link fence with a slope of four (4) feet to one (1) foot (4 to 1 slope or 25%) with a height of twelve (12) feet and a plateau of twenty (20) feet will be seeded with fescue grass, and with Norway and Scotch Pine Spruce trees planted on top of mound, staggered with fifteen (15) feet spacing between Spruce trees. At the base of the mound toward the outside of the area (chain link side) trees will be planted twenty (20) feet apart in a row, with a 2nd row of Maple trees planted twenty (20) feet from the 1st row, staggered between the 1st row of trees. The Maple trees must have a two (2) inch diameter or more at planting time.
4. The outside edge of screening mound at the Landfill or waste site shall not be closer than one thousand (1000) feet from any residents.
5. The height of the Landfill cell shall not exceed forty (40) feet above E.P.A. Bench Mark, and will have a slope of 4' to 1' or 25%. The top of the cell will be crowned to eliminate ponding of water.

6. All E.P.A. Rules and Regulations must be followed.
7. Entrance to Landfill area shall be screened with off-setting mounds.
8. If Landfill is abandoned or out of business, there shall be no junk, trucks, abandoned buildings or trailers and the likes left on the site.
9. Maintenance of Landfill must be a continuous on going thing. Trees and grass must be replaced as needed. Grass and weeds not to exceed twelve (12) inches in height and will be mowed. Fence is to be maintained, if needed.

Section D L-2 COMPOST SITE, TRANSFER STATION AND INCINERATOR

Contained in a building.

The property will be surrounded by an eight (8) feet chain link fence.

Set back ten (10) feet from property line.

Weeds and grass on the property will be mowed to maintain a height of one (1) foot.

PUBLIC LANDS - STATE, COUNTY AND TOWNSHIP OWNED

Refer to Township Maps

All changes to the character of 5400 series parcels by private individuals or corporations will require approval by the Board of Zoning Appeals.

1. Purpose and Intent. The ST-1 District is hereby created in order that there be within Franklin Township, Mercer County, Ohio, facilities for storage of personal property. Recognizing the unique character of the township, with regard to the large number of recreational vehicles used in the township, the above district is created to provide for the orderly storage of these and other items to preserve the overall nature of the township, and at the same time to allow for the use of recreational vehicles and other items requiring storage. Nothing in this section shall prohibit storage, not for hire, in other zoned areas of the township.
2. Principal Permitted Uses.
 - a. The principal permitted use shall be for the storage of recreational vehicles, including but not limited to boats, camping trailers, motor-homes, boat trailers, cars and motorcycles, and those vehicles defined as recreational vehicles in the Ohio Revised Code. Additionally, personal property, not for resale, may be stored in the district.
 - b. Agricultural as previously defined in the ordinance.
 - c. Residential. Single family detached dwellings (rural farm houses and rural non-farm houses); individual mobile homes on individual parcels, provided that the requirements of Section A, 2.,b., Chapter 2 are met.
3. Requirements.
 - a. All storage conducted in this district shall be completely enclosed in a building. The minimum lot size shall be one (1) acre, excluding road right-of-way, with one hundred fifty feet (150') feet of road frontage. Maximum height restriction is twenty (20') feet for each building. Set back requirements are front yard thirty (30') feet, side yards thirty (30') feet, and rear yard thirty (30') feet.
4. Conditional Permitted Uses.
 - a. The conditionally permitted uses in this district shall be the same as those permitted in an A-1/R-1 District.

Section A. ADDITIONAL HEIGHT, AREA AND YARD REGULATIONS

1. Height Limits. Height limitations specified elsewhere in this Resolution shall not apply:
 - a. To church spires, belfries, cupolas and domes, monuments, water towers, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.
 - b. To places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these are located on the first floor of such buildings and may provide that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards, required for the highest building otherwise permitted in the district.
2. Front Yard Exceptions and Modifications.
 - a. In any "R" District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree of percent of slope that it is not practicable to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Resolution, such garage may be located within such front yard, but not in any case closer than twenty (20) feet to the road or street right-of-way line.
3. Side Yard Exceptions or Modifications.
 - a. Side yard widths may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case the average width of the side yard shall not be less than the otherwise required least width; provided, however, that such side yard shall not be narrower at any point than one-half (1/2) the otherwise required least width, or narrower than fifteen (15) feet in any case.
 - b. A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly or across an alley, the side lot line of another in an "R" District, shall have a width of not less than one-half (1/2) the required depth of the front yard on such other lot fronting the side street.

4. Corner Lots.

- a. The area of a corner lot shall be twenty (20) percent greater than the minimum area required for an interior lot.
 - b. When the principal building is located with its greatest depth on the long side of a corner lot, the required rear yard may be reduced to a minimum of twenty (20) percent of the average lot depth; but in no case shall the shortest distance, measured horizontally between any part of a building, and the rear lot line, be less than twenty (20) feet.
5. Double Frontage Lots. Buildings on lots having frontage on two (2) nonintersecting streets need not have a rear yard if an equivalent open space is provided on the lot in lieu of such required rear yard; applicable front yards must be provided, however, on both streets.
6. Fences, Walls and Hedges. A fence, wall, hedge, or shrubbery may be erected, placed, maintained, or grown along a lot line in all Districts or adjacent thereto to a height not exceeding six (6) feet above the ground level and set back center of roadways twenty five (25) feet with maximum three (3) feet high hedging wall.
7. Barbed wire fencing is permitted only on chain link fences six (6) feet or higher for purpose of security, also permitted on livestock confinement fencing.

Section B MINIMUM (PERFORMANCE) STANDARDS FOR NUISANCE VALUES

The following standards shall apply to all uses of property in Franklin Township:

1. Fire and Explosion Hazards. All activities involving burning and all storage of flammable or explosive materials shall be provided at any point with adequate safety devices against the hazards of fire and explosion and adequate fire-fighting and fire suppression equipment and devices, standard in the industry.
2. Fissionable, Radioactivity or Electrical Disturbance. No activities shall be permitted which utilize fissionable or radioactive materials if their use results at any time in the release or emission of any fissionable or radioactive material into the atmosphere, the ground, or sewerage systems, and no activities shall be permitted which emit electrical disturbance affecting the operation at any point of any equipment other than that of the creator of such disturbances.
3. Fly ash, dust, fumes, vapors, gases, and other forms of air pollution. No emission shall be permitted which can cause any damage to health, animals, vegetation, or other forms of property, or which can cause any excessive soiling, at any point. No emission shall be permitted from any chimney or otherwise, of any solid or liquid particles in concentrations that exceed 0.3 grains per cubic feet of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard corrections shall be applied to a stack temperature of five hundred degrees Fahrenheit and fifty percent (50%) excess air.
4. Glare and Heat. Any operation producing intense light or heat, such as high temperature processes like combustion or welding or otherwise shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
5. Liquid or Solid Wastes. No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted, except in accordance with minimum standards approved by the Ohio Department of Health or such other governmental agency as shall have jurisdiction of such activities.
6. Noise. The sound pressure level, to be measured as described in the following table, shall not exceed the following decibel levels in the designated octave bands.

Frequency Range
Containing Octave Bands
in Cycles per Second

Octave Band Sound
Pressure Level in Decibels
re 0.0002 dyne/cm²

20-300	80
300-2400	40
above 2400	30

Objectionable sounds of an intermittent nature which are not easily measured shall be controlled so as not to become a nuisance to adjacent uses.

Measurement shall be made at the nearest boundary of the nearest residential area or at any other point along the lot line where the level is higher. The sound levels shall be measured with a sound level meter and associated octave band filter as prescribed by the American Standards Association (American Standard Sound Level Meters for Measurement of Noise and Other Sounds, Z24.3-1944. American Standards Association, Inc., New York, N.Y.,) shall be used.

7. Noxious Gases. Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere shall be hooded or otherwise suitable enclosed. The emission of such toxic gases or particulate matter shall be from a stack.
8. Odors. No odors shall be emitted that exceed the following levels:
 - a. "R" District. In A-1 R-1, R-2, R-3 Districts, odorous matter released from any nonagricultural operation or activity shall not exceed the odor threshold concentration beyond lot lines, measured either at ground level or habitable elevation.
 - b. Commercial District. In the Commercial District, odorous matter released from any nonagricultural operation or activity shall not exceed the odor threshold concentration beyond the Commercial District when air is diluted with two (2) volumes of odor-free air and shall not exceed the odor threshold concentration when measured in A-1 R-1, R-2, R-3 Districts either at ground level or habitable elevation.
 - c. Industrial District. In the Industrial District, no persons shall cause or permit the emission of odorous gases so as to cause a nuisance. An odor occurrence shall be deemed a nuisance when a complaint from one person, or more, is received and substantiated within two hours by observations of the Zoning Enforcement Officer. The Zoning Enforcement Officer shall deem the complaint valid only if he finds the occurrence of sufficient duration or frequency so that he

can make two measurements in excess of Scentometer No. 2 odor strength within a period of one hour, these measurements being separated by at least fifteen (15) minutes.

9. Vibrations. No uses shall be located and no equipment shall be installed in such a way to produce intense, earth-shaking vibrations which are discernible without instruments at the property lines of the subject premises.
10. Property within all districts must be maintained and pose no health hazard to the public. Weeds and grass cannot exceed more than twelve (12) inches in length. Junk, equipment, disabled cars, discarded furniture, appliances, steel materials not discarded in a proper manner must be cleaned up in thirty (30) days.

Section C OFF-STREET PARKING REGULATIONS AND REQUIREMENTS

1. General Regulations.

- a. All buildings and structures erected and all land uses shall provide accessory off-street parking or loading facilities as required hereinafter for the use thereof and all applications for a Zoning Certificate shall include therewith a plot plan, drawn to scale and fully dimensioned, showing any off-street parking or loading spaces to be provided in compliance with the requirements of this Resolution.
- b. Except in the case of dwellings, no off-street parking area provided hereunder shall be less than one thousand (1,000) square feet in area.
- c. Whenever a building addition results in an increase in the number of units used to measure required off-street parking spaces, and such addition creates a need for an increase of more than ten (10) percent in the number of required off-street parking spaces, additional off-street parking shall be provided on the basis of the increase in the number of such units of measurement.

2. Specific Regulations.

- a. Access. Parking spaces and lots shall be designed with appropriate means of vehicular access to a street or alley in such manner as will least interfere with the movement of traffic.
 - b. Computation of Required Spaces. When determination of the number of required off-street parking spaces results in a requirement of a fractional space, any fraction up to and including one-half ($1/2$) shall be disregarded, and fractions over one-half ($1/2$) shall be interpreted as one (1) parking space. Parking space(s) within a garage structure and on a driveway (exclusive of the sidewalk and apron) may be computed as off-street parking spaces.
3. Specific Off-Street Parking Space Requirements. Off-street parking spaces shall be provided in accordance with the schedule outline below. The off-street parking and loading requirements for any use not specified in this Resolution shall be the same as for a similar permitted use in the particular zoning district.

Animal Hospitals - 100% of floor area.

Automobile sales and service garages - 100% of floor area.

Bowling Alleys - 5 spaces for each pair of alleys.

Business and professional offices - 100% of floor area.

Churches and schools - 1 space for each 8 seats in a principal auditorium or 1 space for each 17 classroom seats, whichever is greater.

Dance Halls, Assembly Halls - 200% of floor area used for dancing or assembly.

Dwelling - 1.5 parking spaces for each dwelling unit (housing for the elderly - 0.5 spaces for each dwelling unit).

Funeral homes, Mortuaries - 4 spaces for each parlor or 1 space for each 50 square feet of floor area, whichever is greater.

Furniture and Appliance Stores, Household Equipment or Furniture

Repair Shops - 100% of floor area.

Hospitals - 1 space for each 2 beds (bassinets are not considered beds).

Hotels, Motels, Lodging Houses - 1 space for each bedroom.

Medical and Dental Offices - 4 spaces for each doctor or dentist.

Restaurants, Taverns and Night Clubs - 200% of floor area.

Retail and Service Businesses - 100% of floor area.

Theaters, Assembly Halls with fixed seats - 1 parking space for each 4 seats.

Wholesale Establishments or Warehouses - 1 space for each 2 employed or 10% of floor area, whichever is greater.

In case of any building, structure, or premises, the use of which is not specifically mentioned herein, the provisions for a use which is so mentioned and to which said use is similar shall apply as determined by the Board of Zoning Appeals.

Parking lots or areas adjacent to public highways, roads or streets shall have driveways or openings not to exceed twenty-five (25) feet in width at the curb line. All such lots or areas shall have protective wall or bumper blocks at least five (5) feet from any street right-of-way.

Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area in any Commercial or Industrial District.

Section D OFF-STREET LOADING REGULATIONS AND REQUIREMENTS.

1. General Off-Street Loading Regulations.

- a. Location. All required loading spaces shall be off street, shall be located on the same lot as the specific use to be served and may occupy all or any part of any required yard area. No loading space shall be located within a required front or side yard when adjacent to a Residential District. No permitted or required loading space in any "I" District shall be located within fifty (50) feet of the nearest point of intersection of any two (2) streets or highways. No permitted required loading space shall be closer than fifty (50) feet to any lot in any "R" District unless wholly enclosed within a building.
- b. Dimensions. Each off-street loading space shall be at least ten (10) feet in width by twenty-five (25) feet in length having vertical clearance of fourteen (14) feet or more, plus adequate area for ingress and egress.
- c. Surfacing. All open loading spaces shall be graded and improved with bituminous concrete or Portland cement concrete.
- d. Drainage. All loading spaces shall be provided with adequate drainage facilities as approved by the Zoning Enforcement Officer.

2. Specified Off-Street Loading Requirements. In connection with every building or part thereof hereafter erected, except dwellings, there shall be provided, on the same lot with such buildings, off-street loading spaces or berths, for uses which customarily receive or distribute material or merchandise by vehicle, in accordance with the following requirements:

TYPE OF USE	REQUIRED NO. OF LOADING SPACES*
a. Retail/Service/Office Establishments	1.0 per first 10,000 sq. ft. of floor area; 1.0 per next 30,000 sq. ft.; and 1.0 per every additional 20,000 sq.ft.
b. Truck Terminal/Warehouse/ Wholesale Establishments	1.0 per every 7,500 sq. ft. of floor area
c. Industrial Plant	1.0 per first 10,000 sq. ft. of floor area; 1.0 per every additional 20,000 sq.ft.

*Where receiving and shipping goods are not an integral part of the business or industry, the above requirements may be waived by the Zoning Enforcement Officer.

Section E BUSINESS SIGN AND BILLBOARD REQUIREMENTS

1. Intent. The purpose of this Section is to promote and protect the public health, welfare, and safety by regulating existing and proposed business signs and billboards. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the township, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce distraction and obstructions that may contribute to traffic accidents, provide more open space, and curb the deterioration of the natural environment and enhance the aesthetic appearance of the township.
2. Zoning Certificate Required. It shall be unlawful and for any person to erect, alter or relocate, within the Township, any business sign or billboard without first obtaining a Zoning Certificate from the Zoning Enforcement Officer.
3. Permitted Business Signs and Maximum Size. The following signs shall be permitted in the A-1 R-1, R-2, and R-3 Districts.
 - a. One (1) bulletin board not exceeding twenty (20) square feet in area for any church, school, or other public or semi-public institution.
 - b. One (1) temporary unlighted real estate sign advertising the sale or rental of the premises on which it is maintained, not exceeding a total area of nine (9) square feet and located at least twelve (12) feet from all street right-of-way lines or flat against the building.
 - c. One (1) temporary unlighted sign not exceeding fifty (50) square feet in area in a real estate development containing five (5) lots or more. Such sign shall be set back from every street line or any other lot in any "R" District at least a distance equal in feet to the front yard requirements of that district. Such sign shall be removed within three (3) years from the date of its construction.
 - d. Home occupational signs denoting only the name and profession of an occupant in a dwelling, and not exceeding four (4) square feet in area.

In the C-2 District, business signs shall be permitted provided that their maximum surface area does not exceed twenty (20) feet and provided that pole signs do not exceed twenty-five (25) feet in height. Business signs shall be permitted in the I-1 District provided that their maximum surface area does not exceed one hundred (100) feet. All business signs must have a direct relationship to the commercial activity being conducted on the premises where such business sign is located.

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within one (1) week following election day.

4. Prohibited Business Signs. Prohibited are business signs and billboards which:
 - a. Contain statements, works, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
 - b. Contain or are an imitation of an official traffic sign or signal or contain the words, "stop", "go", "go slow", "caution", "danger", "warning", "yield", or any other similar work, phrase, symbol or character.
 - c. Are of size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic control device or which hide from view any traffic or street sign or signal or which distract the attention or obstruct the necessary sight distances of drivers at street intersections.
 - d. Prevent free ingress to or egress from any door, window or fire escape.
 - e. Advertise an activity, business, product, or service no longer conducted on the premises upon which the sign is located. (Signs must be removed in one week.)
 - f. Consist of any glass other than safety glass or which exceed three (3) square feet in size without being wired glass.
 - g. May swing or otherwise noticeably move as a result of wind pressure because of the manner of their suspension or attachment.
5. Prohibited Locations. All business signs and billboards shall be prohibited in the following locations:
 - a. No sign to obstruct traffic.
 - b. Attached to a tree or utility pole whether on public or private property.
 - c. Attached to a standpipe.
 - d. In the case of metal signs, nearer than eight (8) feet vertically and four (4) feet horizontally of electric

wires or conductors in free air carrying more than forty-eight (48) volts, whether or not such wires are conducted or insulated or otherwise protected.

6. Billboard Minimum Requirements.

a. Location.

- (1) Billboards shall be permitted only in the "A-1 R-1", and "I-1", Zoning Districts.
- (2) Billboards shall be so located as not to project into the public right-of-way.
- (3) No bill board shall be located within five hundred (500) feet of an exit or entrance on both sides of a limited or controlled access highway.
- (4) No billboard shall be located along any federal or state highway right-of-way within two hundred (200) feet of any other public road right-of-way.
- (5) No billboard shall be located within four hundred (400) feet of any "R-2" and "R-3" Districts.
- (6) Billboards shall be set back a minimum of twenty-five (25) feet from the intersection of property lines at the corner of a block, measured along each property line

b. Maximum Size. No billboard shall contain more than three hundred (300) square feet of surface area nor be higher than twenty-five (25) feet above the average grade nor be elevated to a height less than eight (8) feet from the ground.

c. Construction. All free-standing billboards shall be constructed on steel or wood supports.

7. Nonconforming Business Signs and Billboards. Business signs and billboards existing at the time of the enactment of this Resolution and not conforming to its provisions shall be regarded as pre-existing signs which may be continued for an indefinite period of time, if properly repaired and maintained as provided in sub-section 8. All new business signs and billboards which are erected after the date on which this Resolution is enacted shall satisfy all the provisions of this Section.

Any sign existing in violation of sub-section 4 and 5, Prohibited Signs and Prohibited Locations, shall be removed, altered, or repaired in accordance with the provisions of these requirements within three (3) months after the enactment of this Resolution. Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Resolution.

8. Maintenance and Repair. No person owning or controlling a business sign or billboard shall fail to keep such sign in a state of good repair at all times with all braces, bolts, clips and supporting frame free from deterioration, termite infestation, rot, rust, loosening and such condition that at all times it will withstand the wind pressure specified in this Section.
9. Illumination. All business sign and billboard illumination shall be subject to the following limitations:
 - a. The light from any illuminated sign shall be so shaded, shielded, or directed that the light intensity or brightness will not be objectionable to surrounding property.
 - b. No colored lights shall be used at any location or in any manner so as to be confused with or construed as traffic control devices. Neither the direct nor reflected light from primary light sources shall create a traffic hazard to operators of motor vehicles on public highways, roads or streets.
 - c. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated business signs or billboards shall be in accordance with the provisions of the National Electric Code or the local electric code in effect.
 - d. All billboards shall have constant illumination if they are lighted at night.
10. All signs and billboards must comply with any state, federal or any other applicable statute, ordinance, or regulation.

Section A. GENERAL PROVISIONS.

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices of Franklin Township:

1. Township Zoning Commission
2. Zoning Enforcement Officer
3. Board of Zoning Appeals
4. Board of Township Trustees

1. Membership.

- a. The Zoning Commission shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as members of the Board of Zoning Appeals) who are residents of the unincorporated area of the Township.
- b. Of the five (5) members of the Zoning Commission, one (1) shall serve until the first Monday of the second January following the appointment; one (1) until the first Monday of the third January thereafter; one (1) until the first Monday of the fourth January thereafter; one (1) until the first Monday of the fifth January thereafter; and one (1) until the first Monday of the sixth January thereafter. Their successors shall be appointed on the expiration of their respective terms to serve five (5) years. Each member shall serve until his successor is appointed and qualified. The Board of Township Trustees may remove any member for cause, after public hearing, in accordance with the provision of Section 519.04 O.R.C. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

2. Operating Rules.

- a. The Zoning Commission shall by majority vote of its members elect a Chairman, a Vice-Chairman, and a Secretary, who shall occupy such offices until their successors are duly elected at the next annual meeting of the Zoning Commission, which shall be held during the month of January of each year.
- b. Meetings of the Zoning Commission shall be at the call of the Chairman, and at such other times as the Zoning Commission may determine. The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, of each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Zoning Commission shall be filed in the office of the Zoning Commission and shall be a public record.
- c. If any member of the Zoning Commission is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned and the Chairman may request the Board of Township Trustees to appoint a replacement.

3. Powers and Duties. The powers and duties of the Zoning Commission shall be the following:
- a. Prepare the Zoning Resolution recommended for the unincorporated area of Franklin Township.
 - b. Hold required Public Hearings, notice of which shall be given in accordance with Sections 519.06 and 519.09 of the Ohio Revised Code.
 - c. Submit the proposed Zoning Resolution, including text and Official Zoning District Map, and all proposed zone changes, to Mercer County Regional Planning Commission, and then certify the proposed zoning or rezoning along with their recommendation and the Regional Planning Commission's recommendation, to the Board of Township Trustees (Sections 519.07 and 519.12 of the Ohio Revised Code).
 - d. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public in general.
 - e. Function, in addition, as provided by all other applicable sections of the State Law (Chapter 519 of the Ohio Revised Code).

Section C ZONING ENFORCEMENT OFFICER.

The Board of Township Trustees shall appoint a Township Zoning Enforcement Officer and affix his compensation. It shall be the duty of the Township Zoning Enforcement Officer to:

1. Enforce the provisions of this Resolution.
2. Interpret the Zoning Resolution text and the Official Zoning District Map.
3. Issue Zoning Certificates as provided by this Resolution, and keep a record of all Zoning Certificates issued with a notation of any special conditions involved.
4. Act upon all applications on which he is authorized to act by the provisions of this Resolution within thirty (30) days after these are filed in compliance with all the applicable requirements. He shall either issue a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his refusal of such permit and the reasons therefor. Failure to so notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to submit his request to the Board of Zoning Appeals.
5. Conduct inspections of buildings, and uses of land to determine compliance with this Resolution, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action. No person shall refuse to grant the Zoning Enforcement Officer access, at reasonable hours pursuant to notice, for the purpose of inspection of any building or land use.
6. Maintain in current status the Official Zoning District Map.
7. Maintain permanent and current records required by this Resolution, including but not limited to Zoning Certificates, inspections, and all official actions on administrative appeals, variances, amendments and conditional uses.
8. Make such records available for the use of the Board of Township Trustees, the Zoning Commission, the Board of Zoning Appeals, and the Public.
9. Prepare and submit an annual report to the Board of Township Trustees on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purposes of this Resolution.

1. Membership.

- a. The Board of Zoning Appeals, hereinafter called the Board, shall be appointed by the Board of Township Trustees and shall consist of five (5) members (none of whom shall be concurrently appointed as a member of the Township Zoning Commission) who are residents of the unincorporated area of the Township.
- b. The members of the Board shall serve the same length of terms, and appointments shall be staggered in the same manner as provided for the Township Zoning Commission in Section B. The Board of Township Trustees may remove any member for cause after public hearings in accordance with the provisions of Section 519.04 of the Ohio Revised Code. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant.

2. Rules of the Board.

- a. The Board shall by majority vote of its members elect a Chairman, Vice-Chairman, and Secretary who shall occupy such offices until their successors are duly elected at the next annual meeting of the Board, which shall be held during the month of January of each year.
- b. If any member of the Board is absent for four (4) consecutive meetings, he may be considered, at the option of the Chairman, to have resigned, and the Chairman may request the Board of Township Trustees to appoint a replacement.

3. Jurisdiction. The Board shall have the following powers:

- a. Appeals. To hear and decide appeals where it is alleged there is error in any interpretation, order, requirement, decision or determination by the Zoning Enforcement Officer in the administration and enforcement of the provisions of this Resolution.
- b. Variances. To authorize upon appeal, where, by reasons of exceptional narrowness, shallowness or shape or exceptional topographic conditions, or condition of a lot, or other extraordinary situation, the strict application of the terms of this Zoning Resolution would result in peculiar and exceptional difficulties or undue hardship upon the owner thereof, to authorize a variance from such strict application to relieve such difficulties or hardship, provided said relief may be granted without substantial detriment to the public good and without substantially impairing the intent of this Resolution and provided further that no variance shall be granted unless the Board finds that all the following conditions exist:

- (1) The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property, and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.
- (2) The granting of the application is necessary for the preservation and enjoyment of the substantial property right and not merely to serve as a convenience to the applicant.
- (3) The authorizing of the variance will provide the minimum necessary relief to alleviate the hardship and will not confer on the applicant any special privilege which is denied by this Resolution to other lands, buildings or structures in the same zoning district.
- (4) The authorizing of the variance will not impair an adequate supply of light and air to adjacent property or unreasonable increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonable diminish or impair established property values within the surrounding areas, or in any way impair the health, safety, convenience, or general welfare of the inhabitants of the Township.

c. **Conditional Uses.** The Board of Appeals may hear and decide upon, in accordance with the provisions of this Resolution, applications for a conditional use permit. The purpose of a conditional use permit is to allow a proper integration into the Township of uses which may only be suitable in specific locations within certain zoning district(s) or only if such uses are designed or laid out in a particular manner on the site. A conditional use permit shall be required for all uses listed as conditionally permitted uses.

In considering an application for a conditional use permit, the Board of Appeals must make an affirmative finding that the proposed Conditional Use is to be located in a district wherein such use may be permitted, and that all conditions or approval of Conditional Uses have been met. Also, in considering an application for a conditional use permit, the Board of Appeals shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed use and development. Before authorizing a use as a conditional use, the Board of Appeals shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive, or a nuisance to the surrounding neighborhood by reason of noise, smoke, odor, vibration, dust and dirt, cinders, noxious gases, glare and heat, fire and safety hazards, sewage wastes and pollution, transportation and traffic, aesthetic and psychological effects. Upon authorizing a conditional use, the Board of Appeals may impose such requirements and conditions with respect to location, construction, mainten-

ance and operation, in addition to those expressly stipulated in this Resolution for the particular conditional use, as the Board of Appeals may deem necessary for the protection of adjacent properties and public interest. Except as otherwise provided in this Chapter, or by any other provision of law, no public hearing need be held by the Board of Appeals in considering an application for a conditional use permit. A public hearing may be ordered and held by the Board of Appeals when it deems such public hearing to be necessary in the public interest. If the Board of Appeals orders a public hearing on a conditional use permit application, notice thereof shall be given not less than ten (10) days prior to the date of public hearing, by posting notice on or near the parcel of land involved at places which will be conspicuous to the neighboring properties and to the public, and additionally by at least one of the following two methods:

- (1) By mailing notice to all owners as shown on the last adopted tax roll, or property adjacent to and abutting the parcel involved or across the public right-of-way therefrom, such mailing to be at least ten (10) days prior to the public hearing; or
- (2) By publishing notice in a newspaper of general circulation in Franklin Township, not less than ten (10) days prior to the public hearing.

Notice may also be given by such other means as the granting authority deems appropriate. Failure of any person, other than the applicant, to receive notice of any hearing or public hearing shall in no way affect the validity of action taken.

d. Special Exceptions. To authorize, upon appeal, the following exceptions:

- (1) Issue a Zoning Certificate for a temporary office, construction or storage building, in any District, which use is incidental to development of the property on which it is located, such Zoning Certificate to be issued for a period of not more than one (1) year, except for exceptionally large projects where an extension may be authorized.
- (2) Authorize a temporary Zoning Certificate for a mobile home where an extreme personal hardship related to health and safety is involved, provided that:
 - (a) The hardship is generally of a temporary nature.
 - (b) The yard requirements of the district are met.
 - (c) If the hardship ceases to exist, the Zoning Certificate shall be revoked within sixty (60) days.

- (d) The Zoning Certificate shall be issued for periods not to exceed one (1) year and shall be approved by the Board of Appeals prior to renewal.
- (e) The Zoning Certificate shall state the conditions under which it was issued.
- (f) The fee for each Zoning Certificate and each subsequent renewal shall be the same as for a residence.
- (g) The Board of Appeals may stipulate the location and placement of the mobile home, and may stipulate conditions necessary for the public good insofar as such conditions do not violate other provisions of this Resolution, or the intent of this provision.

4. Procedures.

- a. Meetings. Meetings of the Board of Zoning Appeals shall be at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths, and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep written minutes of its proceedings showing the vote of each member upon each question, and of each member's absence or failure to vote, and shall keep records of every official action. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision, or determination of the Board shall be filed in the office of the Board of Township Trustees, and shall be a public record. The Board of Zoning Appeals shall notify the Township Clerk of the date, time and place of all Board meetings and which members were in attendance.
- b. Appeals. Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the Zoning Enforcement Officer. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken, and with the Board, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- c. Public Hearing and Decision. The Board of Zoning Appeals shall give thirty (30) days time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the Township at least ten (10) days

before the date of such hearing and decide the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney. Every decision of the Board shall be based upon a finding of fact, which finding of fact shall be reduced to writing and reserved among its records.

Section E BOARD OF TOWNSHIP TRUSTEES

The powers and duties of the Board of Township Trustees are the following:

1. Appoint five (5) members to a Township Zoning Commission whose function it is to formulate a Township Zoning Resolution text and Official Zoning District Map and to initiate or review proposed text amendments or changes of zoning district on the Official Zoning District Map.
2. Appoint a Zoning Enforcement Officer to administer and enforce the provisions of this Zoning Resolution, in accordance with the functions enumerated in Section C.
3. Appoint a five-member Board of Zoning Appeals in accordance with the appropriate state legislation to hear administrative appeals, requests for variances and requests for conditional use exceptions, as specified in Section D.
4. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map following recommendations of the Township Zoning Commission and review by the Mercer County Regional Planning Commission.
5. Appoint a clerk to serve the Zoning Commission and Board of Zoning Appeals and affix the salary of said clerk.
6. Set the salaries, if any, for the Board of Zoning Appeals, Township Zoning Commission and Enforcement Officer.

Section F ADMINISTRATIVE PROCEDURES

1. Zoning Certificates.

- a. Requirements. No person shall locate, erect, construct, reconstruct, enlarge or structurally alter any non-farm building or structure within Franklin Township without obtaining a Zoning Certificate. No Zoning Certificate shall be issued unless the plans for the proposed building or structure fully comply with all the provisions of this Resolution.
- b. Provision of Utility Services. No public utility company or supplier of electrical service shall supply initial utility services (gas, electricity, water, sewer) to any building or mobile home located within the confines of Franklin Township until such time as a Zoning Certificate is presented to such public utility or electrical service company which indicates that the building to be serviced has been officially approved by the Zoning Enforcement Officer.
- c. Application. Written application for a Zoning Certificate shall be made to the Board of Township Trustees, or their authorized agent. Every written application for a Zoning Certificate shall be accompanied by a scale drawing in duplicate showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the location, size and height of any building or structure to be erected or altered; the existing or intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Resolution. One (1) copy of such plans shall be returned to the owner, when such plans shall have been approved by the Zoning Enforcement Officer, together with such Zoning Certificate as may be granted.
- d. Fees. The Board of Township Trustees may adopt a system of Zoning Certificates, establish and collect reasonable fees therefore, and amend such fees, or adopt new fees, from time to time when necessary.
- e. Agricultural Buildings. Zoning Certificates shall not be required for Agricultural Buildings, such as barns, silos, and outbuildings.
- f. Utility Buildings. Zoning Certificates shall be required for all utility buildings accessory to a dwelling in any "R-2" and "R-3" Districts.

g. Time Limit. If a Zoning Certificate is issued for the purpose of constructing a new building or structure and such construction is not begun within a six (6) month time period, then said Zoning Certificate shall be null and void.

2. Text Amendments and Changes of Zoning District.

a. Authority. All provisions of current State laws pertaining to Township Zoning shall be complied with. Whenever the public necessity, convenience, general welfare or good zoning practice requires the Board of Township Trustees may, by resolution, after report thereon by the Commission and subject to the procedure provided in this Section, and/or the current State law, amend, supplement or change the regulations, district boundaries, or classification of property, now or hereafter established by this Resolution.

b. Initiation. Text amendments to the Zoning Resolution or changes of zoning district on the Official Zoning District Map may be initiated as follows:

(1) By motion of the Township Zoning Commission.

(2) By passage of resolution therefore by the Board of Township Trustees, and certification of same to the Township Zoning Commission.

(3) By the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission.

c. Applications. Applications initiated by private owners or lessees for any change of district boundaries or reclassification of districts as shown on the Official Zoning District Map shall be filed with the Zoning Commission upon forms and accompanied by such data and information prescribed for that purpose by the Commission.

d. Transmittal to Regional Planning Commission. Within seven (7) days after the adoption of such motion, or the certification of such resolution, or the filing of such application, the Zoning Commission shall transmit a copy thereof, together with text and map, to the Mercer County Regional Planning Commission. The Mercer County Regional Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof, and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

- e. Transmittal to State Highway Director. Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the officials by the State Highway Director, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Township Zoning Commission shall give notice by registered or certified mail to the Highway Director. The Township Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for (90) days from the date the notice is received by the Highway Director. If the Highway Director notifies Franklin Township that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Highway Director notifies Franklin Township that acquisition at this time is not in the public interest or upon the expiration of the ninety (90) day period or any extension thereof agreed upon by the Highway Director and the property owner, the Board of Township Trustees shall proceed as required by law.
- f. Hearing and Notice by Township Zoning Commission. Upon the adoption of such motion, or the certification of such Resolution, or the filing of such application, the Township Zoning Commission shall hold a public hearing thereon. The Zoning Commission shall set a date for the public hearing not less than (20) nor more than forty (40) days from the date of the certification of such Resolution, or the date of adoption of such motion, or the date of the filing of such application. Notice of such hearing shall be given as follows:
- (1) A notice shall be published in one (1) or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing.
 - (2) If the proposed amendment or supplement intends to re-zone or re-district ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first-class mail, at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement, and the statement that after the conclusion of such hearing the matter will be referred for further determination to the Board of Township Trustees.

- g. Records. The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question and shall keep record of its examinations and other official action, all of which shall be filed in the office of the Board of Township Trustees and shall be a public record.
- h. Decision by Zoning Commission and Submittal to Board of Township Trustees. The Zoning Commission shall study the proposed change in terms of general welfare and good zoning practice. The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement on this basis, or the approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map pertaining thereof, and the recommendation of the Regional Planning Commission to the Board of Township Trustees.
- i. Hearing and Notice by Board of Township Trustees. The Board of Township Trustees, upon receipt of such recommendation from the Township Zoning Commission, shall hold a public hearing thereon. The Board of Township Trustees shall set a time for the public hearing on the proposed amendment or supplement not more than thirty (30) days from the date of the receipt of such recommendation from the Commission. Notice of such public hearing shall be given by the Board of Township Trustees by one (1) publication in one (1) or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing. The Published notice shall set forth the time and place of the hearing, and a summary of the proposed amendment or supplement.
- j. Action by Board of Township Trustees. Within twenty (20) days after such public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Commission, or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees shall be required to override the recommendation of the Commission.
- k. Effect and Referendum. Such amendment or supplement adopted by the Board of Township Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of 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 was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

No text amendment or change of zoning district for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

3. Non-Conformities: Buildings, Uses and Lots.

a. Intent. Within the Zoning Districts established by this Resolution or amendments that may later be adopted, there exists:

- (1) Buildings and structures
- (2) Uses of land and structures
- (3) Lots of record

which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution or future amendment. It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Resolution that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

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

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

b. Non-Conforming Buildings and Structures.

- (1) A non-conforming use of a building or structure lawfully existing upon the effective date of this Resolution may be maintained and be repaired or altered. But any non-conforming building or structure may be altered to decrease its non-conformity.
- (2) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- (3) No non-conforming building or structure shall be moved in whole or in part to any other location on the lot unless every portion of such building or structure is made to conform to all the regulations of the zoning district in which it is located.
- (4) Whenever a non-conforming building or structure, or part thereof, has been discontinued for a period of six (6) consecutive months, such use shall not after being discontinued or abandoned, be reestablished, and the use of the premises thereafter shall be in conformity with the regulations of the zoning district.
- (5) Any nonagricultural building or structure containing a non-conforming use, other than a one-family dwelling use, which is damaged by explosion, fire, flood, wind or other Act of God to the extent of fifty (50) percent or more of its replacement value immediately prior to damage shall not be repaired or reconstructed except in conformity with the provisions of this Resolution. In the event that the Zoning Enforcement Officer's estimate of the extent of damage or replacement value is not acceptable to the applicant for the building permit to repair or reconstruct such building or structure, the applicant may appeal to the Board of Appeals.

c. Non-Conforming Uses.

- (1) No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- (2) No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the zoning district in which it is located.

- (3) If any such non-conforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the requirements specified by this Resolution for the zoning district in which such land is located.
- d. **Non-Conforming Lots of Record.** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Appeals.
- e. **Uses with Conditional Use Permits not Non-Conforming Uses.** Any use which is permitted as a conditional use in a district under the terms of this Resolution shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

Section G. ENFORCEMENT PROCEDURES

1. Enforcement. This Resolution shall be enforced by the Board of Township Trustees, or such Zoning Enforcement Officer as may be designated by said Board.
2. Revocation of Zoning Certificate. Any Zoning Certificate issued upon a false statement shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Board of Township Trustees, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void Certificate upon the premises concerned, or in some conspicuous place upon the said premises. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with this Resolution, shall be deemed guilty of violation thereof.
3. Invalidity of a Part. If any article, section, subsection paragraph, sentence or phrase of this Resolution is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution.
4. Repeal of Existing Resolutions. All resolutions or parts of resolutions inconsistent with or in conflict with this Zoning Resolution, and all additions and amendments thereto are hereby repealed by the adoption of this Resolution.
5. Violation. In case any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is, or is proposed to be, used in violation of this Resolution, the Board of Township Trustees, the County Prosecuting Attorney, the Township Zoning Enforcement Officer, or any neighboring property owner who would be damaged by such violation, 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 unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
6. Fine. Any person, firm or corporation violating any provision of this Resolution shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

GLOSSARY OF DEFINITIONS

Unless otherwise specified, all distances shall be measured horizontally, in any direction. The following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

Accessory Use of Structure: A use or structure subordinate to the principal use of a building or use on the same lot and serving a purpose customarily incidental to the use of the principal building or use.

Agriculture: The use of land, buildings or structures for nurseries, greenhouses, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

Alterations, Structural: Any change in the supporting members of a building, such as walls, floors, columns, beams, or girders.

Billboard: Any structure or portion thereof on which lettered, figured, or pictorial matter is displayed for advertising purposes of goods or services not offered on the premises, and other than those signs specifically mentioned.

Board of Appeals: Board of Zoning Appeals of Franklin Township.

Board of Township Trustees: Board of Township Trustees of Franklin Township.

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

Building Height: The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the ridge for gable, hip or gambrel roofs.

Building Line: The line nearest the front and across a lot establishing the minimum open space to be provided between the front line of the building foundation and the front lot line. The front line of the foundations of enclosed porches or vestibules if nearer the front line than the main foundation.

Business: An occupation, enterprise, undertaking or employment which engages in the purchase, sale, barter or exchange of goods, wares, merchandise or services, or where there is the maintenance or operation of an office or offices for the exhibition, sale, or offering of merchandise or services.

Cabins: A building occupied eight months during the year or less, for recreational purposes; such building not to be used for year-round residency.

Camp Ground and Tourist Camp: Land used or intended to be used by campers for camping vehicles, trailers or tents.

Comprehensive Plan: A plan, or any portion thereof, adopted by the Mercer County Planning Commission and the Mercer County Board of County Commissioners showing the general location and extent of present and proposed land use and transportation facilities including housing, industrial and commercial used, highways and roads, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of Mercer County.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

Conditional Use Permit: A permit issued by the Zoning Enforcement Officer upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Condominium: Same as "Dwelling, Multiple-Family" where each family owns its own dwelling unit but where the common areas of the building and site are owned and maintained jointly by the occupants.

Cottages: Same as "Cabins".

Coverage: The percentage of the lot area which is covered by any building or part thereof.

Drainageway: A water course, gully, dry stream, creek, or ditch which carries storm water runoff, which is subject to flooding or ponding, which is fed by street or building gutters or by storm water sewers, or which serves the purpose of draining water from the lands adjacent to such water course, gully, dry stream, creek, or ditch.

Dwelling: Any building or portion thereof designed or used as the residence of one or more persons, but not including a tent, cabin, travel trailer, tree house, or a room in a hotel or motel.

Dwelling, Single-Family: A building designed for or used for residence purposes by one family or housekeeping unit.

Dwelling, Two-Family: A building designed for or used by two families or housekeeping units.

Dwelling, Multiple-Family: A building or portion thereof designed for or used by three or more families or housekeeping units living independent of one another.

Dwelling, Detached: A building having no party wall in common with another building.

Dwelling, Attached: A building having one party wall common with an adjacent building.

Dwelling, Row: A building having a party wall on each side in common with an adjoining building unless it is situated as the outermost building; in the latter case, it will have a party wall on one side only.

Dwelling, Seasonal: A detached building occupied eight (8) months, or less, during the year, for recreational purposes.

Dwelling Unit: One room or a suite or two or more rooms designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

Establishment: A building or structure used for commercial or industrial purposes including stores, shops, plants, factories, warehouses, wholesale houses and the like.

Family: A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit as distinguished from a group occupying a boarding house, lodging house, dormitory, motel or hotel.

Farm: Acreage which is devoted to agriculture activities (see "Agriculture" which usually contains a farmhouse dwelling and where the farmer earns at least eighty (80) percent of his total annual income from the agricultural activities.

Farm House: A dwelling located on land devoted to agriculture and occupied by a family which derives more than eighty (80) percent of its income from farming.

Farm Vacation Enterprises: (Profit or non-Profit): Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas; hunting areas; hunting preserves and watershed projects.

Filling Station: Any building used for the supply of gasoline, oil or other fuel for motor vehicle propulsion, which can include space and facilities for washing, polishing, greasing and servicing motor vehicles.

Flood Plain: The areas adjoining any river, creek or stream whose surface elevation is lower than the high-water elevation of the regional flood.

Flood, Regional: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the fifty (50) year recurrence interval flood.

Floor Area of a Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building: (To Be Used in Calculating Off-Street Parking Requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of vehicles and incidental personal property.

Garage, Public: A building or portion thereof, other than a private garage or filling station, used for equipping, servicing, repairing, hiring, selling or storing vehicles, or similar equipment.

Garden Apartment: A multi-story, walk-up apartment building, usually grouped around a common open space with off-street parking provided on the periphery of the site.

Health Department: The Ohio Department of Health and the Mercer County Health Department.

Home Occupation: An occupation conducted in a dwelling unit, provided that: No person other than members of the family residing on the premises shall be engaged in such occupation; The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation; There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding one square foot in area, non illuminated, and mounted flat against the wall of the principal building; No home occupation shall be conducted in any accessory building; No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard; No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Hotel: A building occupied primarily as the temporary abiding place of individuals who are lodged with or without meals, and in which there are more than (12) sleeping rooms or apartments.

Junk Yard: A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations. An automobile wrecking yard is any place where two (2) or more motor vehicles unlicensed and/or not in running condition, or parts thereof, are stored in the open and are not restored to operation, or any land, building, or structure used for wrecking or storing of such motor vehicles, or parts thereof, and including any used farm vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition, and including trailers, or parts thereof, stored in the open.

Loading Space: A space within the same zoning lot with providing space for the standing, loading, or unloading of trucks.

Lot: A parcel of land defined by metes and bounds or boundary lines in a recorded deed or on a recorded plat, fronting on a legally dedicated public thoroughfare. In determining lot area, no part thereof within the limits of the proposed thoroughfare right-of-way shall be included.

Lot Area: The computed area contained within the lot lines.

Lot Corner: A lot at the juncture of and fronting on two or more intersecting streets.

Lot Depth: The mean horizontal distance between the front and the rear lot lines.

Lot Lines: The property lines bounding the lot.

Lot Line, Front: The line separating the lot from a thoroughfare right-of-way.

Lot Line, Rear: The lot line opposite and most distant from the front lot line.

Lot Line, Side: Any lot other than a front or rear lot line. A side lot line separating a lot from a thoroughfare 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 Width: The width of the lot measured at the building setback line.

Mobile Home: Any vehicle or mobile structure more than thirty (30) feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by a motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.

Mobile Home Park: An area of land divided into three (3) or more lots with foundations laid out to provide sites for trailers permanently affixed to the land for a period of time exceeding sixty (60) days. The land area shall include any building or structure, fixture, or equipment that is used or intended to be used in connection with providing that accommodation, including provision for sewer, water, electric, and any other similar facilities required to permit occupancy of such mobile homes parked thereon.

Modular Housing: An assembly of materials or products comprising all or part of a total residential structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement.

Motel or Tourist Court: A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities.

Nonconformities: A legally existing use, structure, or land which fails to comply with the standards set forth in this Resolution applicable to the district in which it is located.

Odor Threshold: That point where the quantity of any odorous substance or any mixture of odorous substances which, when completely dispersed in one (1) cubic foot of odor-free air, produces a median odor detection response in humans.

Official Thoroughfare Plan: The comprehensive plan adopted by the Mercer County Regional Planning Commission indicating the general location recommended for State highways, county roads and township roads within the unincorporated areas of Franklin Township.

Parking Space: The area required for parking one (1) automobile, which in this Resolution is held to be an area not less than 8 feet wide and 18 feet long, either within a structure or in the open exclusive of driveways or access drives.

Person: A corporation, firm, partnership, association, organization or any other group acting as a unit, as well as a natural person.

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.

Recreation, Camp: An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building structure, or fixture or equipment that is used or intended to be used in connection with providing such accommodations.

Regional Planning Commission: The Mercer County Regional Planning Commission.

Setback Line: The closest point at which a building may be constructed in relation to the lot line.

Sewer, Central or Group: An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of the Mercer County Health Department and the Ohio Department of Health.

Sign, Business: A sign which directs attention to a business, profession, commodity or entertainment conducted, sold, or offered upon the same lot.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; also any portion of a building used for human occupancy between the topmost floor and the roof. A basement shall not be counted as a story unless more than one-half (1/2) of the basement height is above grade level at the front of the building.

Structure: Anything constructed, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

Township: Franklin Township, Mercer County, Ohio

Township Zoning Commission: Zoning Commission of Franklin Township.

Travel Trailer: Any vehicle or mobile structure designed for highway travel less than thirty (30) feet long on wheels, skids, rollers, or blocks designed to be pulled, pushed, or carried by motor vehicle, and any house car, camp car, "piggy-back" camper, or self-propelled motor vehicle, which is designed for sleeping or commercial purposes, and which is complete and ready for occupancy as such except for minor and incidental unpacking and assembly operations, location of jacks, connections to utilities, and the like.

Travel Trailer Transient Park: An area of land containing two (2) or more travel trailers or providing space where two (2) or more travel trailers are harbored or parked or intended to be harbored or parked for a period of sixty (60) days or less either free of charge or for remuneration purposes, and shall include any building, structure, tent, vehicle or enclosure, used or intended for use as a part of the equipment of such park, and providing sewer, water, electric or other similar facilities required to permit occupancy of such travel trailers.

Utility Building: An accessory building to a residential dwelling which is utilized for the storage of tools, household items, summer furniture, suitcases and the like, but not including garages that house motor vehicles.

Use: The employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

Variance: A variation from a strict interpretation of the terms of this Resolution, owing to peculiar conditions or circumstances which apply only to the property in question, and no other.

Yard: A space on the same lot with a main building, open unoccupied and unobstructed by buildings or structures from the ground to the sky, except as otherwise provided in this Resolution.

Yard, Front: An unoccupied space extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the front of the main building.

Yard, Rear: An unoccupied space extending the full width of the lot between the rear-most main building and the rear lot line, the depth of which shall be the least distance between the rear lot line and the rear of such main building. Where a lot abuts upon an alley, one-half (1/2) the alley width may be considered as part of the required rear yard.

Yard, Side: An unoccupied space between the main building and the side lot line, extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally and perpendicularly from the nearest point of the side lot line toward the nearest part of the main building.

Zoning Certificate: The document issued by the Zoning Enforcement Officer authorizing buildings, structures or uses consistent with the terms of this Zoning Resolution and for the purpose of carrying out and enforcing its provisions.

Zoning District: A portion of the incorporated area of Franklin Township for which certain uniform regulations governing the use, height, area, and intensity of use by buildings and land and open spaces about buildings are herein established.

Zoning Enforcement Officer: The Zoning Enforcement Officer who is appointed by the Board of Township Trustees to administer and enforce the Township Zoning Resolution and to issue Zoning Certificates.

Zoning Lot: A single tract of land which (at the time of the filing for a Zoning Certificate) is designated by its owner or developer as a tract to be used, developed or built upon as a unit under single ownership or control. Therefore, "Zoning Lot" may or may not coincide with a lot of record. The Zoning Lot shall have adequate frontage on an improved dedicated roadway of adequate width.

Zoning Resolution: The term Zoning Resolution shall apply to Zoning Resolution No. _____, passed _____.