

CITY OF FRANKLIN, OHIO
ORDINANCE 2022-01**AMENDING CHAPTER 1105, ADMINISTRATION, CHAPTER 1107 DISTRICTS AND LAND USE STANDARDS, CHAPTER 1113 USE REQUIREMENTS AND STANDARDS AND CHAPTER 1115 PROCESS AND PROCEDURES OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE**

WHEREAS, Section 1115.04 of the City's Unified Development Ordinance (UDO) allows amendments to the text of the UDO to be initiated by Planning Commission, upon its own motion;

WHEREAS, the Franklin City Planning Commission initiated, upon its own motion, Planning Commission Case PC-21-16, which would amend UDO Section 1105.06, Planning Commission, Section 1105.07, Appeals Board, Section 1107.02, Residential Districts, Section 1107.07, Parks and Recreation District, Section 1113.01, Conditional Uses, Section 1115.08, Site Plans, Section 1115.09, Approvals By The Planning Commission and Standards and Section 1115.10, Approvals By The Appeals Boards;

WHEREAS, the procedures with regard to amendments to the UDO, as set forth in Section 1115.04 of the UDO have been followed;

WHEREAS, The Franklin City Planning Commission, at its December 13, 2021 regular meeting, voted 7-0 to approve Planning Commission Case No. PC 21-16, recommending Council approval of the proposed text amendments, and

WHEREAS, this Council finds it to be in the best interests of the health, safety and welfare of the City and its inhabitants to adopt Planning Commission's recommendations and make certain amendments to the UDO,

THE CITY OF FRANKLIN HEREBY ORDAINS, at least four (4) members of the Council elected thereto concurring, that:

Section 1. UDO Section 1105.06, Planning Commission, Section 1105.07, Appeals Board, Section 1107.02, Residential Districts, Section 1107.07, Parks and Recreation District, Section 1113.01, Conditional Uses, Section 1115.08, Site Plans, Section 1115.09, Approvals By The Planning Commission and Standards and Section 1115.10, Approvals By The Appeals Boards are hereby amended, as shown on the attached Exhibits A, B, C, D, E, F, G and H.

Section 2. It is found that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 3. This Ordinance shall go into effect on March 9, 2022.

INTRODUCED: January 3, 2022

ADOPTED: February 7, 2022

ATTEST: Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED: Ben Yoder
Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council do hereby certify that the foregoing is a true and correct copy of Ordinance 2022-01 passed by that body on February 7, 2022.

Khristi Dunn
Khristi Dunn, Clerk of Council

Approved as to form: Ben Yoder
Ben Yoder, Law Director

Exhibit A**Chapter 1105.06, Planning Commission**(b) Duties and Responsibilities:

- (1) **Zoning Amendments:** Review and make recommendations to Council on all applications proposing amendments to this UDO, including proposed text amendments or amendments to the Official Zoning DistrictMap(s), which recommendations shall be compatible with the Comprehensive Development Plan and this UDO;
- (2) **PUDs:** Review Development Plans for the PUD and PRCD Overlay Districts and make recommendations regarding such plans to Council, in accordance with the Comprehensive Development Plan and this UDO;
- (3) **Subdivisions:** Review applications, Plats and Site Plans for major subdivisions and make recommendations on approval of major subdivisions to Council, in accordance with the Comprehensive Development Plan and this UDO;
- (4) **Conditional Use Permits:** The Planning Commission may authorize the issuance of Conditional Use Permits to petitioners who specifically meet the requirements and standards for such a permit listed in this UDO, including Conditional Use Permits for Home Occupations and Conditional Use Permits for Sexually Oriented Businesses;
- (5) **Well Field Protection Overlay District:** The Planning Commission may authorize uses within the WFP Overlay District in accordance with the Comprehensive Development Plan and this UDO;
- (6) **Telecommunications Overlay District:** The Planning Commission may approve a Special Permit for certain uses within the TOD to petitioners who specifically meet the requirements and standards for such permit, in accordance with the Comprehensive Development Plan and this UDO; ~~and~~
- (7) **Major Site Plan:** The Planning Commission shall review and may approve all uses requiring the submittal of a Major Site Plan under this UDO; ~~and~~;
- (8) **Interpretation of zoning text and map(s): The Planning Commission has the power to decide any question involving the interpretation of the text and Map(s) of this UDO, including determinations of similar uses for uses not specifically mentioned in this UDO.**

Exhibit B**Chapter 1105.07, Appeals Board**(b) Duties and Responsibilities:

- (1) **Administrative Appeals:** The Appeals Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Official or City Engineer in the administration and enforcement of the provisions of this UDO;
- (2) **Variances:** The Appeals Board may authorize, upon appeal, by reasons of exceptional narrowness, narrowness, shape, topographic conditions or other extraordinary situation or condition of a lot, a variance from strict application of the provisions of this UDO, to relieve exceptional difficulties or undue hardship, provided that such relief can be granted without substantial detriment to the public good and does not substantially impair the intent of this UDO; and
- (3) **Changes in Nonconforming Uses:** The Appeals Board may authorize the reasonable extension of a nonconforming use or the substitution of a nonconforming use of a building or land with a similar use, when such extension or substitution will not be detrimental to the neighborhood.; and
- ~~(4) **Interpretation of zoning text and map(s): The Appeals Board has the power to decide any question involving the interpretation of the text and Map(s) of this UDO, including determinations of similar uses for uses not specifically mentioned in this UDO.**~~

Exhibit C**Chapter 1107.02, Residential Districts**

- (d) R-4: Multi-Family Residential District: The R-4 Multi-Family Residential District is intended to provide for mixed housing types at medium to high density in urban areas with complete municipal services. The District should generally be located to provide a smooth transition between residential areas and more intense uses. **More than one main/primary/principal building is permitted per lot in the R-4, Multi-Family Residential District, if approved by Planning Commission on a Major Site Plan.**

Exhibit D**Chapter 1107.07, Parks And Recreation District****(d) Development Standards:**

- (1) Playground equipment must be set back from all adjacent residential lots a minimum of twenty-five feet (25').
- (2) Building setbacks shall be:
 - i. Front - Twenty-five feet (25');
 - ii. Rear - Forty feet (40');
 - iii. Side/Total - Ten feet/Twenty-five feet (10':25').
- (3) Swimming pools must be at least ten feet (10') from any adjacent residential property and must meet the requirements of section 1113.05(k).
- (4) For Private Recreational Facilities and Private Park and Event Center, one RV hookup per every five (5) acres may be provided for Administrative purposes.
- (5) **More than one main/primary/principal building is permitted per lot in the PAR, Parks and Recreation District, if approved by Planning Commission on a Major Site Plan.**

Exhibit E

Chapter 1113.01, Conditional Uses.

(c) General Provisions: The following general provisions shall apply:

- (1) **Administration:** Any owner of property in the City may submit an application to the Planning Commission requesting a Conditional Use Permit. Conditional Uses may be permitted in certain zoning districts, as listed in Chapter 1107, Table 1, Table 5 and Table 7. The procedure required prior to authorization of a Conditional Use Permit shall be as prescribed in this Section and section 1115.09.
- (2) **Use Standards:** A Conditional Use, and its accessory uses, may be permitted in a zoning district only when the use, and its location, extent, and method of development, will not substantially alter the character of the area or interfere with the use of adjacent lots in the manner prescribed for the zoning district. In addition, the particular facts and circumstances of each proposed use shall be reviewed for conformity with the General Standards for Approval outlined in section 1113.01(d) and the Specific Standards contained in section 1113.01(e).
- (3) **Development Standards:** A Conditional Use, and its accessory uses, must meet the Lot and Dimensional Requirements outlined for the Use or, if not specifically listed, the underlying zoning district, in Chapter 1107, Tables 2-4, Table 6, Table 8 and Table 9, in addition to any applicable Development Standards contained in Chapter 1111.
- (4) **Compatibility:** Unless otherwise specified in the specific standards outlined in section 1113.01(e), the standards established in the underlying zoning district in which the Conditional Use is proposed to be located shall apply to the Conditional Use.
- (5) **Similar Uses:** For any proposed use not specifically listed as a conditional use, but that appears to be similar to other listed Conditional Uses, the applicant may file with the Appeals Board Planning Commission for a determination of similar use. Upon such determination by the Appeals Board, the Planning Commission shall apply the specific standards for the determined similar use to the proposed use.

Exhibit F

Chapter 1115.08, Site Plans

(h) Exterior Facade Design Standards for Major Site Plans.

(1) **Purpose:** The appearance of buildings, structures, open spaces and landscaping throughout the City is of public concern. It is in the public interest to ensure that major new developments and modifications to existing developments strengthen, protect, enhance and improve the existing visual and aesthetic character of the City and to integrate developments into the surrounding environment, as well as ensure that each new development and redevelopment will be attractive in order to protect and improve property values. Therefore, the purpose of the standards in this Section is to provide criteria to be used by the applicant and Planning Commission in evaluating the appropriateness of proposed development and redevelopment in the City.

(2) **Applicability:** All development subject to the Major Site Plan requirements of this Chapter shall also be subject to these Exterior Facade Design Standards, with the exception of the following specific uses and areas of the City:

(A) Certain manufacturing uses - the provisions of this Section are applicable to the construction and alteration of manufacturing uses within the I-1, Light Industrial District and I-2, General Industrial District; provided, however, that Planning Commission has the authority to waive any or all of the requirements contained in this Section for such uses.

(B) HOD, Historic Overlay District - the construction and alteration of properties subject to the provisions of the Historic Overlay District contained in section 1109.04.

(C) **PAR, Parks and Recreation District. The provisions of this Section are applicable to the construction and alteration of buildings within the PAR, Parks and Recreation District; provided, however, that Planning Commission has the authority to waive any or all the requirements contained in this Section for such uses.**

(3) **Design Standards:** The following design standards shall be used for Major Site Plan development to which this section is applicable:

(A) All building elevations shall consist of tripartite configuration consisting of a base or foundation; a middle or modulated wall; and a top portion formed by a pitched roof or articulated cornice.

(B) All building elevations shall be articulated in a manner to avoid an uninterrupted appearance through the use of windows, doors, offsets or a change in materials.

(C) The following building materials are permitted for use under this section:

- (i) Residential-scale brick using non-glazed finishes;
- (ii) Natural stone material;
- (iii) Natural and natural-based wood materials, excluding T-111

or similar materials;

- (iv) Exterior insulation and finish systems (EIFS) above the pedestrian level;
- (v) Split-face concrete masonry unit (CMU) on exposed foundations and using colors embedded into the material;
- (vi) Glass only for doors and windows. Curtain walls are not permitted;
- (vii) Metal cladding for use as roofing material; and
- (viii) Concrete siding designed to share an appearance of woodsiding such as Hardiboard or Hardiplank.

(D) No less than three (3) nor more than four (4) of the materials listed above may be used on a building.

(E) The majority of the building elevations shall be finished in the natural material color or neutral, earth tones with a single accent color approved by the Planning Commission.

Exhibit G

Chapter 1115.09, Approvals By The Planning Commission

- (a) Planning Commission shall review applications for the following uses and approve, approve with modifications, or deny such applications, in accordance with the Requirements and Standards for the particular use, as outlined in this UDO:
- (1) Zoning Amendments (see Section 1115.04);
 - (2) PUDs and PRCDs (see Section 1115.05);
 - (3) Major Subdivisions (see Section 1115.06);
 - (4) Major Site Plans (see Section 1115.08);
 - (5) Conditional Uses, including Home Occupations and Sexually Oriented Businesses;
 - (6) Any use in the Well Field Protection Overlay District;
 - (7) Uses requiring a Special Permit in the Telecommunications Overlay District; and
 - (8) Signs: Certain signs within the Highway Sign Overlay District, as provided in Section 1109.07; and
 - (9) Whenever a use is not specifically mentioned in this UDO, the Planning Commission shall make decisions of similar uses.

Chapter 1115.09, Approvals By The Planning Commission

- (f) Determination of Similar Uses: When a specific use is not listed in this UDO as a permitted or Conditional Use, the Planning Commission has the authority to determine whether the specific use is similar in use to any permitted or conditional use of this UDO, or whether such use is prohibited under this UDO.

(1) General Submittal Requirements: The following general requirements shall apply:

- (A) Each request for a determination of similar use shall include an application form, provided by the City, with the submittal;
- (B) Only complete applications shall be processed by the City. The Zoning Official, or the TRC, as appropriate, shall make determination as to completeness;
- (C) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
- (D) Legal description of property or portion thereof;
- (E) Payment of the application fee as established by section 1105.09;
- (F) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the

property owner; and

(G) A list of all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists).

(2) Specific Submittal Requirements; The application shall include:

(A) Address and zoning classification of the subject property;

(B) Description of any existing uses on the property;

(C) A list of the surrounding uses and zoning classification(s); and

(D) A detailed description of the proposed use.

(f)(g) Procedures for Planning Commission Approval: The following outlines the procedure under which the Planning Commission decides development approvals under this Section:

- (1) Pre-application Meeting:** Upon the recommendation of the City Engineer or Zoning Official, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
- (2) Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of this Section. All applications shall be submitted by the application deadline established by the City.
- (3) Review by the TRC:** Upon receipt of an application, the City Engineer or Zoning Official shall forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application is deemed complete and the application fee has been paid, the TRC shall recommend that the City officially accept the application. Only complete applications will be forwarded to the Planning Commission.
- (4) Notice of Public Hearing before Planning Commission:** Upon determination that an application contains all the necessary and required information, the Zoning Official shall place the application on Planning Commission's agenda, and shall schedule a public hearing. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (5) Notice to Property Owners of Public Hearing before Planning Commission:** Written notice of the public hearing shall be provided to all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. The applicant shall provide to the Zoning Official a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the subject parcel or lot or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due

to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing therequired further notices shall be borne by the applicant.

- (6) **Preparation of Staff Report:** The City Engineer and/or Zoning Official, as appropriate, shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer and/or Zoning Official shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer and/or Zoning Official shall present his report to the Planning Commission.
- (7) **Action by the Planning Commission:** The Planning Commission shall consider the application at its formal public meeting. It may consider comments by staff as appropriate, any presentation by the applicant(s), and comments by interested parties. The Planning Commission shall consider this information and render a decision at a public meeting. The Planning Commission shall approve the application; deny the application; or approve the application subject to additional conditions and restrictions to which the owner has agreed. Its decision shall take effect immediately. Written notice of Planning Commission's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Planning Commission made in rendering its decision.

Exhibit H

Chapter 1115.10, Approvals By The Appeals Board

(a) Appeals Board shall review applications for the following uses and approve, approve with modifications, or deny such applications, in accordance with the Requirements and Standards for the particular use, as outlined in this UDO:

(1) Variances;

(2) Changes or Substitutions in Nonconforming Uses; and

~~(3) Whenever a use is not specifically mentioned in this UDO, the Appeal Board shall make decisions of similar uses; and~~

~~(4)~~(3) Administrative Appeals.

Chapter 1115.10, Approvals By The Appeals Board

~~(d) Determination of Similar Uses: When a specific use is not listed in this UDO as a permitted or Conditional Use, Appeals Board has the authority to determine whether the specific use is similar in use to any permitted or conditional use of this UDO, or whether such use is prohibited under this UDO.~~

~~(1) General Submittal Requirements: The following general requirements shall apply:~~

~~(A) Each request for a determination of similar use shall include an application form, provided by the City, with the submittal;~~

~~(B) Only complete applications shall be processed by the City. The Zoning Official, or the TRC, as appropriate, shall make determination as to completeness;~~

~~(C) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;~~

~~(D) Legal description of property or portion thereof;~~

~~(E) Payment of the application fee as established by section 1105.09;~~

~~(F) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner; and~~

~~(G) A list of all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists);~~

~~(2) Specific Submittal Requirements: The application shall include:~~

~~(A) Address and zoning classification of the subject property;~~

~~(B) Description of any existing uses on the property;~~

~~(C) A list of the surrounding uses and zoning classification(s); and~~

~~(D) A detailed description of the proposed use.~~

~~(e)~~(d) **Approvals by the Appeals Board:** The following outlines the procedure under which the Appeals Board decides variances, and changes in nonconforming uses under this Section.

- (1) **Pre-application Meeting:** Upon the recommendation of the Zoning Official, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
- (2) **Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
- (3) **Review by the TRC:** Upon receipt of an application, the Zoning Official shall forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application is deemed complete and the application fee has been paid, the TRC shall recommend to the Zoning Official that the City officially accept the application. Only complete applications will be forwarded by the TRC to the Appeals Board.
- (4) **Preparation of Staff Report:** The Zoning Official shall prepare a staff report providing an analysis of the proposal and a recommendation. The Zoning Official shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Appeals Board at least three (3) working days prior to the meeting at which the Board will consider the application. At said meeting, the Zoning Official shall present his report to the Appeals Board.
- (5) **Notice of Public Hearing before Appeals Board:** Upon determination that an application contains all the necessary and required information, the Zoning Official shall place the application on Appeals Board's agenda, and shall schedule a public hearing. Notice of the hearing shall be provided at least once in one or more newspapers of general circulation in the City. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (6) **Notice to Property Owners of Public Hearing before Appeals Board:** Written notice of the public hearing shall be provided to all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. The applicant shall provide to the Zoning Official a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the subject parcel or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (7) **Action by the Appeals Board:** The Appeals Board shall consider the application at its formal public meeting. It may consider comments by staff as

appropriate, any presentation by the applicant(s), and comments by interested parties. The Appeals Board shall consider this information and render a decision at public meeting. The Appeals Board shall approve the application as submitted, approve the application subject to additional conditions and restrictions to which the owner has agreed, or deny an application. Its decision shall take effect immediately. Written notice of the Appeals Board's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten

(10) days after the date the decision was rendered. The written notice shall also include the findings of facts the Appeals Board made in rendering its decision.

(f)(e) Administrative Appeals: This Section identifies the responsibility for hearing appeals and establishes the appeals process for decisions made by the Zoning Official or the City Engineer.

- (1) **Appeal of Administrative Action:** Any person adversely affected by any order, requirement, decision, or determination made by the Zoning Official, or City Engineer, as applicable, in the administration or enforcement of this UDO may appeal such order, requirement, decision or determination to the Appeals Board.

(2) **Submittal Requirements:**

- (A) *General Submittal Requirements:* The following general requirements shall apply:

- (i) An appeal application shall be on an application form provided by the City;
- (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
- (iii) Legal Description of property or portion thereof;
- (iv) Payment of the application fee as established by section 1105.09; and
- (v) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
- (vi) Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.

- (B) *Specific Submittal Requirements:* The Zoning Official shall attach to the application for Appeal all papers constituting the record upon which the action appealed from was taken.

- (3) **Appeals:** Notwithstanding any other provision of this UDO, the following outlines the appeals process and requirements for appeals to Appeals Board from an administrative decision by the Zoning Official or the City Engineer:

- (A) Such appeal shall be made within twenty (20) days from the date of the action appealed from, by filing a notice of appeal with the Zoning Official.

- (B) Upon the filing of the appeal, the Zoning Official shall give notice to the

applicant(s) of the date of the meeting at which Appeals Board will consider the appeal.

- (C) The Appeals Board shall hear the application and either grant or deny the requested appeal. Any party may appear in person or be represented by an agent or attorney. Written notice of Appeals Board's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Appeals Board made in rendering its decision.
- (4) **Decision of Board:** The Appeals Board may, by a vote of at least four (4) members of the Board, and in conformity with this section, reverse or affirm, wholly or partly, or modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end may have all powers of the officer from whom the appeal is taken.