

CITY OF FRANKLIN, OHIO
ORDINANCE 2025-29

AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE CITY OF FRANKLIN, OHIO

WHEREAS, pursuant to Section 1115.04 of the City of Franklin UNIFIED DEVELOPMENT ORDINANCE (the "UDO"), the City of Franklin Planning Commission moved to initiate certain zoning text amendments to Chapter 1103, 1107, 1109.05, 1109.06, 1111.04, and 1115 of the UDO during a public meeting of Planning Commission held on December 10, 2025;

WHEREAS, Planning Commission reviewed the proposed amendments during its December 10, 2025, meeting and recommended that City Council approve the text amendments in substantially the same form attached as Exhibit A, to this Ordinance; and

WHEREAS, City Council finds the amendments are in the best interests of the City of Franklin and its residents and, therefore, the recommendation from Planning Commission to approve the Amendments is well-taken and shall be adopted by Council pursuant to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

Section 1. Council hereby adopts Planning Commission's recommendation to amend Chapter 1103, 1107, 1109.05, 1109.06, 1111.04, and 1115 of the City's Codified Ordinances, and said Chapters are hereby amended as set forth in the attached Exhibit A.

Section 2. All City ordinances, or parts thereof, that conflict with this Ordinance are hereby repealed.

Section 3. 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 Chapter 121 of the Ohio Revised Code, and the Rules of Council.

INTRODUCED: December 15, 2025

ADOPTED: January 5, 2026

ATTEST: Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED: Brent W. Centers
Brent Centers, 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 2025-29 passed by City Council on January 5, 2026.

Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED AS TO FORM: Ben Yoder
Ben Yoder, Law Director

CHAPTER 1103 Definitions

1103.01 Definitions

1103.01 Definitions

Interpretation:

1. For the purposes of this UDO, the following terms, phrases, words and their derivations shall be interpreted as follows:
 1. Words used in the singular shall include the plural, and the plural the singular;
 2. Words used in the present tense shall include the future tense;
 3. Words in the masculine gender shall include the feminine;
 4. The words “shall” and “will” are mandatory and not discretionary;
 5. The word “may” is permissive;
 6. “Person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual;
 7. “Used” or “occupied” includes “intended,” “designed” or “arranged to be used or occupied;”
 8. “Building” includes “structure” and “structure” includes “building;”
 9. “Dwelling” includes “residence” and “residence” includes “dwelling;” and
 10. “Lot,” “plot” and “parcel” are interchangeable.
2. In case of any difference in meaning or implication between the text of this UDO and any caption or illustration, the text shall control.
3. Terms not herein defined shall have the meaning customarily assigned to them.

In addition, as used in this UDO, the following definitions apply unless otherwise indicated:

“Acceptance of Application.” An application is not accepted by the City until all the information required for submittal is provided and verified by the Applicant.

“Acceptance of Public Way or Right-of-Way or Utility.” No public way, right-of-way, street, or utility (including, but not limited to, water and sewer) shall be considered accepted by the City until such improvements have been constructed, inspected by the City Engineer or his designee, and formally accepted, by ordinance, by Council.

“Accessory Facilities.” These uses are permitted in the Office-Research Park District. Such uses include facilities for custodial, gardening, maintenance and caretaker services for the buildings, structures, and grounds on the site. Such uses also include conference centers with temporary lodging, communication centers, training facilities, maintenance shops and machine shops.

"Accessory Structure." A subordinate and incidental structure detached from the principal building (such as detached garage or storage structure), located on the same lot. An accessory structure does not share a common wall or foundation with the principal building.

"Accessory Use." A use located on the same lot with a principal use, which is subordinate and related to the principal use.

“Activity Space.” Floor space provided in a child-care facility that is designed, intended for use, or primarily used for open play or general care area.

“Adjacent Property.” For the purposes of this UDO, a subject property is adjacent to another property or a zoning district when it is contiguous to the other property, across the street from the other property, or across a railroad right-of-way from the other property.

“ADT.” Average daily traffic volumes of vehicles on a street.

“Adult Arcade.” Any place to which the public is permitted or invited where either or both:

1. Motion picture machines, projectors, video or laser disc players; or
2. Other video or image-producing devices are available, run via coin, token, or any form of consideration, to show images to five or fewer individuals at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

“Adult Bookstore” or “Adult Media (Video) Store” or “Adult Novelty Store.” A commercial establishment that has 40 percent or more of its stock-in-trade or inventory in, derives 40 percent or more of its revenues from, devotes 40 percent or more of its interior business or advertising to, or maintains 40 percent of its sales or display space for the sale or rental, for any form of consideration, of adult entertainment, adult media, or sexually oriented

novelties or toys. The existence of other principal business purposes that do not involve the offering for sale, rental or viewing of materials exhibiting or describing adult entertainment, adult media, or sexually oriented novelties or toys and still be categorized as an Adult Bookstore, Adult Media Store or Adult Novelty Store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials.

“Adult Cabaret.” A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

1. Persons who appear in a state of nudity or state of semi-nudity; or
2. Live entertainment characterized by the depiction or description of specified anatomical areas or specified sexual activities; or
3. Live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment; or
4. Exhibiting films, motion pictures, video cassettes, video discs, DVDs, CDs, slides or other photographic or electronic reproductions, whether analog or digital, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

“Adult Entertainment.” The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, DVDs, CDs or other photographic or electronic reproductions, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

“Adult Entertainment Establishment.” An adult arcade, adult bookstore, adult novelty store, adult media (video) store, adult cabaret, adult motion picture theater, adult theater, nude or semi-nude model studio or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist or similar profession licensed by the State of Ohio engages in medically approved and recognized therapy including, but not limited to, massage therapy, as regulated pursuant to ORC 4731.15, is not an Adult Entertainment Establishment.

“Adult Media.” Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, DVDs and CDs, slides or other visual representations that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

“Adult Motel.” A hotel/motel or similar commercial establishment that:

1. Offers accommodations to the public for any form of consideration; and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a SIGN visible from the public right-of-way which advertises the availability of this sex oriented type of photographic reproductions; or
2. Offers a sleeping room for rent for a period of time that is less than 10 hours; or
3. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.

“Adult Motion Picture Theater.” A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

“Adult Theater.” A theater, concert hall, auditorium, or similar commercial establishment that regularly features:

1. Persons who appear in a state of nudity or semi-nudity;
2. Live performances which are characterized by the depiction or description of specified anatomical areas, specified sexual activities, or
3. Live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment.

“Agriculture.” Agriculture means farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs; ornamental trees, flowers, sod or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production. Agriculture shall not be permitted in any residential zoning district with the following exceptions:

1. The raising of fruit or vegetables for private use; and
2. Limited agricultural uses permitted as-of-right in the R-1A, Estate Residential Districts for lots of two acres or more (see Section 1107.06(a)).

“Alcohol and Drug Addiction Treatment Facilities.” A licensed facility that provides inpatient treatment, including room and board, to individuals addicted to substances of abuse, including alcohol, legal drugs and/or illicit drugs, which treatment may include counseling, psychology, social work, psychiatry, internal medicine and the administration of medications for treatment purposes.

“Alcohol Production and Sales, Large.” A licensed building or property that produces more than 15,000 barrels per year whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities.

“Alcohol Production and Sales, Small.” A licensed building or property that produces less than 15,000 barrels per year whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities.

“Alteration.” Any change, addition or modification in construction or type of occupancy; or any change in the structural members of a BUILDING, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as “altered” or “reconstructed.”

“Antenna.” Any exterior transmitting or receiving device mounted on a tower, building, or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

“Antenna Support Structure.” Any building or other structure, other than a tower, that can be used for location of wireless telecommunications facilities

“Appeal.” A request for review of the interpretation of any provisions of these regulations or request a variance.

“Appeals Board.” The quasi-judicial board, appointed in accordance with the City Charter, which hears and decides variance applications, hears and decides appeals of any administrative zoning decision by any CITY official, and reviews and resolves disputes over the interpretation of this UDO, all as outlined in this UDO (Also known as the “Board of Zoning, Building and Housing Appeals”).

“Applicant (or owner).” The owner(s) of the property, or their designated representative(s), who applies for a certificate of zoning compliance, zoning amendment, subdivision, conditional use, variance, or other approval pursuant to this UDO.

“Application.” The process by which an applicant submits a request and indicates a desire to be granted approval under the provisions of this UDO. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the City concerning such a request.

“Approval Authority.” An official, organization, group, board or other authority designated to review and approve/disapprove applications.

“Aquifer.” A geologic formation, group of geologic formations, or part of a geologic formation that contains enough saturated permeable material to yield significant quantities of water.

“Architect.” A person registered to engage in the practice of architecture under the provisions of ORC 4703.

“Artist Studio and Gallery.” A commercial establishment that provides, as its primary activity, goods produced on the premises for retail sale to the general public on the premises. Such use is completely enclosed in a building and does not use equipment that would cause noxious effects, such as smoke, odor or noise that would be deterred on surrounding properties. Such uses include but are not limited to art studios and pottery shops.

“Assembly Space.” Floor space provided in a building that is designed, intended for use, or used primarily for group assembly, including space with both fixed and movable seating.

“Assisted Living and Skilled Nursing Care.” A residential facility, other than a single-family home, for the aged or infirm, or any other reasonably independent individual in need of limited care, that provides health monitoring services and assistance with daily activities (such as taking medicine, meals, dressing, grooming, and bathing) and may provide other services (such as recreational, social, educational and cultural activities, transportation and financial services) and which is not equipped for surgical care or for treatment of acute disease or serious injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

“Authorized Agent.” An official, organization, or group designated to provide technical guidance in the development and implementation of site development plans and/or stormwater pollution prevention plans and to review and approve/disapprove such plans as authorized.

“Automobile.” See Automobile Fueling/Charging Station, Motor Vehicle, and Vehicle.

“Automobile Fueling/Charging Stations.” An establishment where liquids used as motor fuels or alternative fuel, power or energy is sold at retail to the public and deliveries are

made directly into or onto automobiles. The sale of fuel, power, or energy shall be the primary use of the property. Retail grocery or convenience store sales are permitted. Such use does not include facilities designed for the fueling of semi-trailer trucks.

"Automobile Sales/Rental." The use of any building, or part thereof, land area or other premises for the display and/or retail sale, lease or rental of new or used vehicles including motor vehicles, motorcycles, recreational vehicles, boats and farm implements.

Secondary supporting uses may also exist upon the same site, such as maintenance/repair service areas, parts storage areas, and financial services areas, which activities shall be conducted within a completely enclosed area. Such use shall not include vehicle wrecking or junk business. Automobile sales/rental shall not include accessory self-service storage facilities or mini-warehouses.

"Automobile Service/Repair, Heavy." An establishment where repair of construction equipment, commercial trucks, automobiles, and similar heavy equipment, including major engine and transmission repairs are conducted.

"Automobile Service/Repair, Light." An establishment engaged in the minor repairs to any vehicle, including repairs and replacement of cooling, electrical, fuel, and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers.

"Automobile Washing Facility." A facility for washing, cleaning, drying, and waxing of passenger vehicles, recreational vehicles, or other light duty equipment. An automotive washing facility may be self-service or full service.

"Awning." A hood or cover that projects from the wall of a building and which can be retracted, folded, or collapsed against the face of the supporting building.

"Bar, Lounge, or Tavern." A commercial establishment that provides, as its primary activity, the sale of alcoholic beverages for consumption on the premises inside of a building.

"Base Flood." The flood having a one percent chance of being equaled or exceeded in in any given year. The base flood may also be referred to as the one percent chance annual flood or the 100 year flood.

"Base (100-year) Flood Elevation (BFE)." The water surface elevation of the base flood in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American Vertical Datum of 1988, and usually expressed in feet mean sea level (MSL). In Zone AO areas, the base flood elevation is the lowest adjacent natural grade elevation plus the depth number (from one to three feet).

“Basement.” Any area of the building having its floor subgrade below ground level on all sides.

“Bed and Breakfast.” An existing single-family residence that provides one to five rooms (limited to two individuals or one family per unit/room) for occasional paying guests on an overnight basis, for periods not to exceed seven consecutive days, with breakfast being available on premises at no additional cost.

“Block.” An area of land within a subdivision that is entirely bounded by streets or highways (except alleys) or a combination of streets, highways or ways and/or rivers, streams, railroad rights-of-way or other exterior boundaries of the subdivision.

“BMP.” Best Management Practices for stormwater, as defined by this UDO and the Ohio EPA.

“Boarding House.” A residential facility that provides sleeping rooms for rent. Boarding houses are not permitted in any zoning district.

“Buffer.” A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. Construction activities in this area are restricted or prohibited (see Greenbelt).

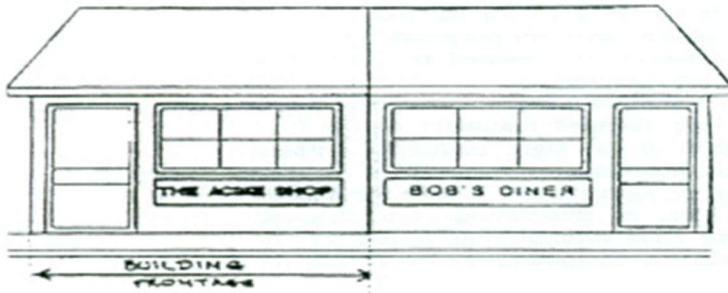
“Buffer Lot.” A lot on a plat across the end of a street proposed to be extended by future platting, or a lot along the length of a street where only part of the width has been dedicated, retained by the owner but conditionally dedicated on the plat for street purposes when the street is extended or widened.

“Buffer Yard.” Landscape areas adjoining or surrounding a land use and unoccupied in its entirety by any building or structure.

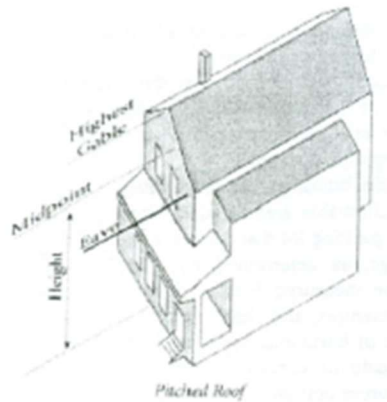
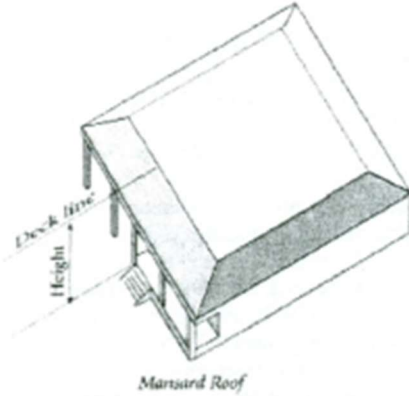
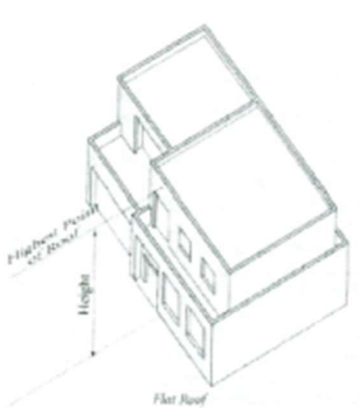
“Building.” Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property. When separated by a firewall, each portion of such building so separated shall be deemed as a separate building.

“Building Frontage.” The wall of the building that determines where signs may be placed and the total allowable area of such signs. Only walls that face a street, driveway or parking areas that serves the use shall be considered as building frontage, as determined by the zoning official. Building frontage shall be measured for the length of the building occupied by the use or tenant(s), and shall be computed as near to ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance, the zoning official, in their sole discretion, shall select building frontage on the basis of interior layout of the building,

traffic on adjacent streets or other indicators.



“Building Height.” The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



“Building Line.” A line established on a parcel which is parallel to a street right-of-way line for the purpose of prohibiting construction of a building between such line and an easement, right-of-way, or public area.

"Business Incubator." An organization that helps startup companies and individual entrepreneurs to develop their businesses by providing full-scale range of services including management training, office space, and financing.

“Business, Retail.” A commercial establishment that provides, as its primary activity, sales of goods to other commercial establishments. Examples of such uses include, but are not limited to, office furniture stores and office supply stores.

"Business, Service." A commercial establishment that provides, as its primary activity, sales of services to other commercial establishments. Examples of such uses include, but are not limited to, uniform and linen services.

"Campground." A publicly or privately owned parcel of land designed, designated, maintained, intended, or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in tents, trailers, travel trailers, motor home, cabins or similar facilities, whether or not a fee or charge is paid for the rental thereof, but does not include a mobile home or a mobile home park. Campgrounds are prohibited under this UDO.

“Canopy.” A projection from a building made from any material, which is cantilevered, suspended or supported on columns intended only for shelter or ornamentation.

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

“Check-Cashing Business.” Any business that is licensed, or is required to be licensed, under ORC 1351.21 through 1351.30 to cash checks. Check-cashing business does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States. Check-cashing businesses are not permitted under this UDO.

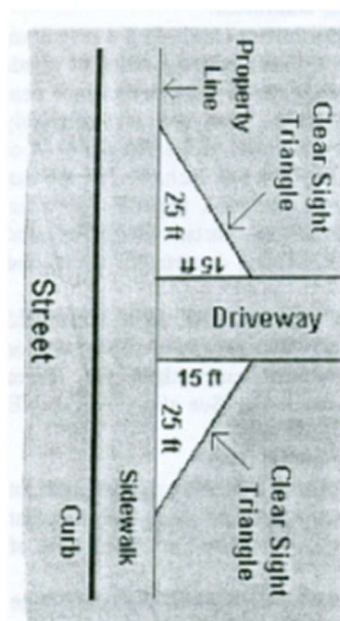
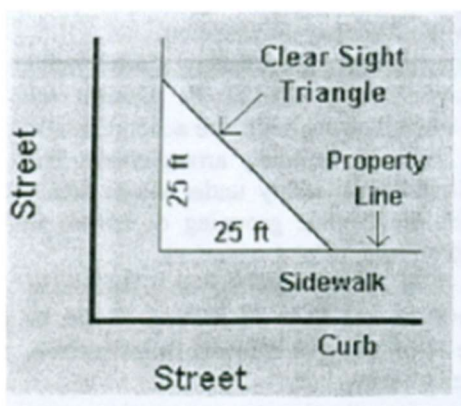
“City.” The incorporated municipality of Franklin, Ohio. For the purposes of this UDO, the term “City” shall also include Franklin City Council, Planning Commission, Appeals Board, Technical Review Committee, and/or City administrative staff or employees.

“City Engineer.” The person holding the title of City Engineer of the City of Franklin, or their designee.

"City Manager." The person holding the title of City Manager of the City of Franklin, or their designee.

"Clear Sight Triangle." The triangular area formed by a diagonal line connecting two points located on intersecting lines of a RIGHT-OF-WAY, EASEMENT of access, or pavement edge of an access drive, each point being 20 feet from the intersecting lines and extending vertically from a height of three feet above grade to 10 above grade.

"Co-location." The use of a wireless telecommunications facility by more than a single wireless telecommunications provider.



"Club, Private or Membership." Organizations that generally have some meaningful conditions for membership, with operations often controlled by the membership, and whose facilities and activities are only open to members and their guests.

"Commercial Entertainment." A commercial establishment that provides, as its PRIMARY ACTIVITY, space for various types of sporting and/or leisure activities. Examples of such uses include, but are not limited to, skating rinks, bowling alleys, indoor playgrounds and movie theaters.

"Commercial Event Center." Any private land at least 20 contiguous acres in size available and developed for educational purposes through recreational, spiritual, cultural and/or aesthetic uses, which use(s) are privately owned and privately operated with or without the intention of earning a profit in furtherance of such use. A combination of related uses may

be incorporated, such as temporary and permanent lodging, indoor and outdoor recreation, camp offices, gymnasiums, auditoriums, cafeterias and additional similar uses and ancillary uses related thereto. Campgrounds are prohibited under this UDO, however a temporary site for tents or similar non-permanent shelters for outdoor lodging shall be a permitted ancillary use.

“Commercial Recreation/Fitness, Indoor and Outdoor.” Facilities for sports, recreational, and entertainment activities that may be conducted outdoor or indoor such as soccer, bowling, skating, swimming, sports courts, golf courses, driving ranges, and similar indoor activities taking place inside an enclosed building

“Commercial Training.” A commercial establishment (excluding any Educational Facilities (pre-K through 12th grade) or Secondary Education/Colleges/Universities) that provides, as its primary activity, any type of training, vocational, self-help or special interest to the general public for a fee. Examples of such uses include, but are not limited to, dance studios, beauty schools, and martial arts studios.

“Common Open Space.” Squares, greens, neighborhood parks, and linear environmental corridors, which may be owned and maintained by the City, a Homeowners' Association, Condominium Owners' Association or Developer.

“Comprehensive Development Plan or Comprehensive Land Use Plan.” The plan, which may consist of several maps, data and other descriptive matter, for the physical development of the City and which has been adopted by the Planning Commission and Council to indicate the general locations for proposed planning areas, major streets, parks, schools, public building sites and other similar information.

“Conditional Use.” A use that may be permitted within a zoning district (other than a principally permitted use), which is required to fulfill additional requirements because of its potential impact on the surrounding community. Such a use requires application for a conditional use and approval by the Planning Commission.

“Condominium.” A form of real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to ORC 5311. and under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property.

“Condominium Owners' Association.” The organization that administers condominium property and that consists of all the owners of units in a condominium property.

~~“Conservation Development (or Planned Residential Conservation Overlay District).” A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated with more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family residential zoning district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.~~

"Construction." For the purposes of this UDO, construction is deemed to begin when all necessary excavation and piers or footing of one or more principal buildings, or the installation of required infrastructure, has been completed or substantially begun.

"Construction Trailer." A mobile structure that is used to accommodate temporary offices, facilities, or storage of materials during an active construction project.

"Corner Lot." See Lot.

"Council." The Council of the City of Franklin, Ohio.

"Covering." Any clothing or wearing apparel, including pasties, but not including any substance that can be washed off the skin, such as paint or make up, or any substance designed to simulate the appearance of the anatomical area beneath it.

"Credit Service Organization." Any business that is registered, or is required to be registered, under ORC 4712.01 to 4712.14 to provide credit services as defined in ORC 4712.01(C). Credit service organization does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States. Credit service organizations are not permitted under this UDO.

"Critical Storm." A storm that is calculated by means of the percentage increase in volume of runoff by a proposed earth disturbing activity or development area. The critical storm is used to calculate the maximum allowable storm water discharge rate from a site.

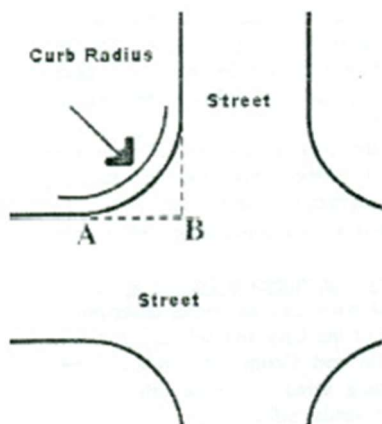
"Crosswalk." A right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and adjacent properties.

"Crown." The upper mass or head of a tree.

"Cultivar." A cultivated variety of plant material grown for its special form and characteristics.

"Cul-de-sac." A short street having one open end and being permanently terminated by a vehicular turn-around.

“Curb Radius.” The curved edge of streets at an intersection measured at the outer edge or face of the street curb or of the parking lane.



“Cut.” An excavation; the difference between a point on the original grade and a designated point of lower elevation on the final grade.

“Day Care Center, Adult.” Any place where adult day care services are provided, with or without compensation, for a daily average of five or more adults, excluding relatives of the owner or administrator of the center.

“Day Care Center, Child.” Any place where child day care and/or learning experiences are provided, with or without compensation, for a daily average of five or more infants, preschool children or school-age children (outside of school hours), excluding children of the owner or administrator of the center.

Day Care Home, Type A." The permanent residence of the administrator in which childcare is provided for seven to 12 children at one time or a permanent residence of the administrator in which childcare is provided for four to 12 children at one time if four or more children at one time are under two years of age. In counting children for the purpose of this definition, any children under six years of age who are related to the administrator or any employee on the premises shall be counted. “Day Care Home, Type B.” The permanent residence of the administrator in which childcare is provided for one to six children at any one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the administrator or any employee on the premises shall be counted.

“Deciduous.” Plant material that normally sheds its foliage at the end of the growing season.

“Deck.” A platform, without a roof, that is either:

1. Freestanding or directly adjacent to a principal building; or
2. Attached to the building.

“Dedication.” The granting, by the property owner, of land by fee simple, or an easement therein, for the use of the public and accepted by council for such use by, or on behalf of, the public.

“Detention Basin.” A normally dry bottom impoundment area created by constructing an embankment, excavating a pit, or both, for the purpose of temporarily storing stormwater and gradually releasing the stored water at a controlled rate.

“Detention Facility.” A detention basin or alternative structure designed to temporarily store stormwater runoff and gradually release the stored water at a controlled rate.

“Developer.” Any person, corporation, association, partnership or other entity who creates or proposes to create a residential, commercial, industrial, or mixed use development, all or a portion of which will be located within the City.

“Development.” Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations or storage of equipment and materials.

“Development Area.” Any contiguous area owned by one person or operated as one development unit included within the scope of the regulations of this UDO, upon which earth-disturbing activities are planned or underway.

“Development Plan.” A plan submitted with an application for a Planned Unit Development ~~Overlay District, in accordance with the requirements of Section 1109.05 of this UDO, or a Planned Residential Conservation Overlay District (see Conservation Development), in accordance with the requirements of Section 1109.06 of this UDO.~~

“Direct Recharge Area.” That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

“Distribution Center.” A facility used for receiving, temporarily storing, and distributing of goods according to orders as they are received. Distribution centers serve as a bridge between manufacturers and suppliers by receiving pallet pack and bulk products and redistributing and shipping it to wholesale or retail customers. There is no customer-direct pick-up or access to these facilities.

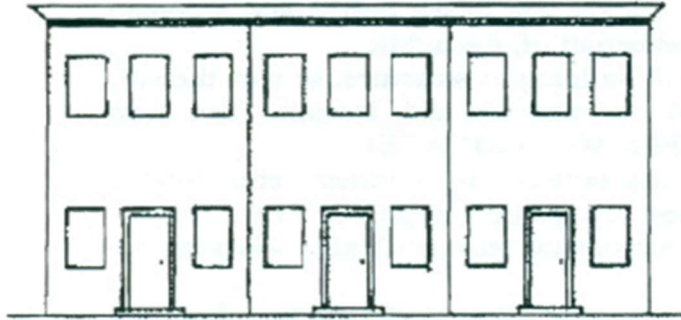
“District.” See Zoning District.

“DNR.” The Ohio Department of Natural Resources.

"Drive-Through Facility." Any operation by a business establishment where the transfer of goods and services to the customers is accomplished through an opening in the building while the customer remains in their vehicle.

"Dwelling or Dwelling Unit." Any building or portion thereof designed, intended or used primarily for residential purposes (i.e., human habitation), including cooking and sanitary facilities. The term does not include a tent, cabin, trailer, mobile home, boarding house, or hotel. For the purposes of this UDO, dwellings shall be defined as the following types:

1. Dwelling, Accessory Unit: A secondary dwelling unit established in conjunction with, and clearly subordinate to, a primary dwelling unit, which is only occupied by a member(s) of the family of the dwelling's owner(s), who is related to the owner(s) by blood, marriage or adoption.
2. Dwelling, Four Family: A building or portion thereof designed, intended or used primarily for residential purposes to be occupied by more than four families living independently of one another.
3. Dwelling, Live-Work: A live/work dwelling is a single unit that consists of both a commercial or office use and a residential component that is occupied by the same occupant. The live/work unit shall be the primary dwelling of the occupant, and no portion of the live/work unit may be rented or sold separately.
4. Dwelling, Multi-family: A building or portion thereof designed, intended or used primarily for residential purposes to be occupied by more than five families living independently of one other.
5. Dwelling, Row House: A building or portion thereof designed, intended or used primarily for residential purposes. Row house dwellings are situated so that their sidewalls are shared with other like structures, all having their own separate entrances and being separate lots of record.



A GROUP OF ROW HOUSES

6. Dwelling, Single-Family: A building designed, intended or used primarily for residential purposes to be occupied by one family.
7. Dwelling, Three-Family: A building or portion thereof designed, intended or used primarily for residential purposes to be occupied by not more than three families living independently of one another.
8. Dwelling, Two-Family: A building or portion thereof designed, intended or used primarily for residential purposes to be occupied by two families living independently of one another.
9. Dwelling, Upper Floor: A single unit or multiple units above ground level of an existing structure providing complete, independent living facilities for one or more individuals and including the permanent provision for living, sleeping, eating, cooking and sanitation.

“Earth-Disturbing Activity.” Any grading, excavation, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

“Easement.” A right-of-use over or in the property of another, granted by the owner for specific public or semi- public purposes and accepted by Council for such use by, or on behalf of, the public.

“Educational Facilities (Pre-K through 12th Grade).” Any institution organized and operated under the laws of Ohio to provide regular courses of instruction for students in kindergarten through grade 12 by the Ohio Department of Education or by an accrediting association recognized by the United States Office of Education.

“Efficiency or Efficiency Unit.” Efficiencies shall be regulated by the Ohio Building Code, and those provisions of the Building Code regulating efficiencies shall take precedence over the provisions of this UDO.

“Elderly Housing.” An age-restricted residential development in any housing form that qualifies for an exemption as “housing for older persons” under the Federal Fair Housing Amendments Act of 1988, 42 USC 3607(b), and any amendments thereto.

“Electric Vehicle (EV) Charging Station.” Equipment that connects an electric vehicle (EV) to a source of electricity to recharge electric vehicles.

“Electric Vehicle (EV) Charging Station, Level 1.” A slow speed charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.

“Electric Vehicle (EV) Charging Station, Level 2.” A medium speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt Alternating Current (AC) circuit.

“Electric Vehicle (EV) Charging Station, Level 3.” A high speed charging station that operates on a high voltage circuit.

“Emergency.” A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, which calls for immediate action.

“Enclosure Below the Lowest Floor.” See “Lowest Floor.”

“Engineer.” A person licensed by the State of Ohio and registered as a professional engineer under ORC 4733.

“Event Venue, Indoor or Outdoor.” A building, structure, or open air facility which is rented by individuals or groups to accommodate events including, but not limited to, banquets, weddings, birthday parties, anniversaries, and receptions.

“Environmental Sciences.” These uses are permitted in the Office-Research Park District and include, but are not limited to, the following uses: laboratories engaged in testing and research, pharmaceutical laboratories, and bionomic laboratories. All operations are carried on in a completely enclosed building.

“EPA.” The Ohio Environmental Protection Agency.

“Equipment Shelter and/or Cabinet.” The structure in which the electronic receiving and relay equipment for a Wireless Telecommunications Facility is housed.

“Essential Services.” The erection, construction, alteration or maintenance by public utilities or by governmental entities of underground, surface or overhead gas, electrical, telephone, telegraph, steam, fuel or water transmission or distribution systems, collection, communication, supply or disposal systems, including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories in connection therewith (but not including buildings) that are necessary for the furnishing of adequate service by such utilities or governmental entities for the general health, safety or welfare.

"Essential Services and Utilities, City Owned." The erection, construction, alteration, or maintenance, by the City of Franklin of gas, electrical, steam, or water generation, transmission or distribution systems, collection, supply, or disposal systems, on land owned by the City of Franklin as a means of supporting a governmental facility. City owned essential services and utilities shall be permitted as authorized and regulated by law and other ordinances of the City, it being the intention hereof to exempt such essential services and utilities from the application of this code.

“Evergreen.” Plant material that has foliage that remains green throughout the year.

“Excavation.” Any breaking of ground except common household gardening and ground care.

“Executive Order 11988 (Floodplain Management).” This order was issued by President Carter in 1977, and requires that no federally-assisted activities be conducted in, or have the potential to, affect identified SPECIAL FLOOD HAZARD AREAS unless there is no practicable alternative.

“FAA.” The Federal Aviation Administration, and any legally appointed, designated or elected agent or successor.

“FCC.” The Federal Communications Commission and any legally appointed, designated, or elected agent or successor.

“Family.” One or more individuals occupying a single dwelling unit, provided that unless all individuals are related by blood, marriage or adoption, no family shall contain over five individuals but further provided that a family related by blood, marriage or adoption may have a total of two non-related individuals living with it.

“Farm Market.” The offering for sale of fresh agricultural products directly to the consumer in an open-air market.

“Federal Emergency Management Agency (FEMA).” The agency with the overall responsibility for administering the National Flood Insurance Program.

“Festivals and Circuses.” A temporary civic, recreational, fund-raising, or promotional activity or event that typically has a specific focus with its own social activities, food, music, or ceremonies. Such use typically takes place in a specified location and on a specific day or days.

“Fill or Filling.” Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the resulting grade conditions; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

“Final Plat.” A final map of all or part of the subdivision prepared and certified by an registered engineer or surveyor in accordance with the requirements and regulations of this UDO, which is submitted to the City for final approval before recording at the office of the Warren County Recorder.

“Five-Year Capture Area.” The area around protected public water supply/well fields delineated by the five-year travel time contour.

“Flag.” Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of domestic government, political subdivision or other governmental agency, and attached to or designed to be flown from a flagpole or similar device.

“Flag, International.” Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a foreign country or government, and attached to or designed to be flown from a flagpole or similar device.

“Flashing.” A sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

"Fleet Vehicle." A vehicle that is owned or operated by the person, company, or business on the premises, and which is used for purposes of delivery, pick-up, or service to patrons of the primary use. A fleet vehicle may also be a commercial vehicle, but does not include semi-tractor, semi-trailer, any non-recreational trailer used for commercial purposes, or any heavy construction equipment.

“Flood or Flooding.” A general or temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters, and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

“Flood Hazard Boundary Map (FHBM).” Usually the initial map, produced by the Federal Emergency Management Agency, or U.S. Department of Housing and Urban Development, for a community depicting approximate special flood hazard areas.

“Flood Insurance Rate Map (FIRM).” An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

“Flood Insurance Risk Zones.” Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

1. Zone A: Special flood hazard areas inundated by the 100-year flood; in any given year base flood elevations are not determined.
2. Zones A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood in any given year; base flood elevations are determined.
3. Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of one to three feet (usually sheet flow on sloping terrain); average depths are determined.
4. Zone AH: Special flood hazard areas inundated by the 100-year flood in any given year; flood depths of one to three feet (usually areas of ponding); base flood elevations are determined.
5. Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a Federal flood protection system under construction; no base flood elevations are determined.
6. Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile; and areas protected by levees from the base flood .
7. Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.

“Flood Insurance Study (FIS).” The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on flood boundary and floodways maps), and the water surface elevations of the base flood.

“Floodplain.” Special flood areas that are subject to periodic inundation. Construction and development within the Floodplain requires a Floodplain Development Permit.

“Floodplain Overlay Map or Flood Boundary Map (FHBM).” Usually the initial map, produced by FEMA or the U.S. Department of Housing and Urban Development (HUD) for a community depicting approximate special flood hazard areas; the City's Floodplain Overlay District Map, as included in the UDO.

“Flood Protection Elevation.” The Flood Protection Elevation, or FPE, is the base flood elevation plus one foot of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.

“Floodproofing.” Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structure and their contents.

“Floodway.” A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

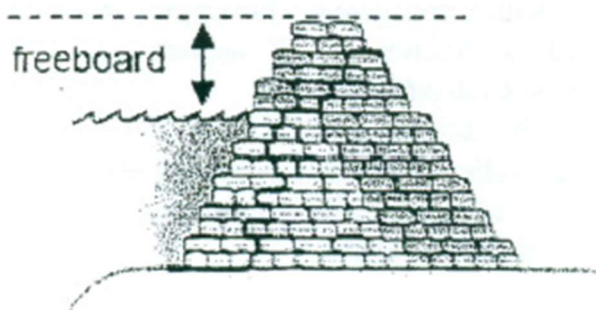
“Floor Area.” The sum of the horizontal areas of each floor of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The gross floor area measurement is exclusive of areas of unfinished basements, unfinished cellars, unfinished attics, attached garages, space used for off-street parking and loading, breezeways, porches and decks, and accessory structures. Unfinished basements, unfinished cellars, and unfinished attics shall be counted as storage space for purposes of determining required parking spaces.

“Floor Area, Seating Capacity.” Floor area that is used or intended for use to serve patrons, clients or customers and all that area devoted to employee workspace. Such floor area as is used or intended to be used principally for the storage or merchandise, hallways, elevator or stair bulkheads or for utilities or sanitary facilities shall be excluded from the computation of floor area. Measurement of useable floor area shall be the horizontal areas of the several floors of the buildings, measured from the exterior faces to the exterior walls.

“Food Service/Catering.” Establishments that prepare, as their primary economic function, meals, snacks, and beverages for immediate consumption that are transported to an off-

premises site or at banquet halls with catering staff. Examples of events catered by these establishments include weddings, trade shows, parties and luncheons.

“Freeboard.” A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.



“Front Lot Line.” See Lot.

“Front Yard. See Yard.

"Fulfillment Center." A third-party logistics warehouse that receives products and goods from suppliers, processes orders from e-commerce retailers, and ships products directly to individual consumers.

“Garages and Carports, Detached.” A building or structure, or part thereof, used or designed to be used for parking and storage.

"Government Facility." Any buildings, structure, or use, or portion thereof, used by a governmental agency for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.

“Grade (ground level).” The average of the finished ground level at the center of all walls of a BUILDING. In case walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined within this UDO.

“Greenbelts.” A strip or parcel of land, privately restricted or publicly dedicated as open space, located between a residential development and other incompatible uses, for the purpose of protecting and enhancing the residential environment (See also buffer).

“Ground Satellite Station.” Any antenna or earth station designed, constructed or modified to bring in or receive satellite television signals.

“Half-Street.” A street having a lesser right-of-way width than required for a street of full width.

“Hard Surface.” A bituminous surface, Portland cement concrete, brick pavers or other surface as approved by the City Engineer. “Hard Surface” does not include gravel.

“Historic structure.” Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; or
3. Individually listed on the State of Ohio's inventory of historic places maintained by the Ohio Historic Preservation Office.
4. Individually listed on the inventory of historic places maintained by the City of Franklin's historic preservation program, which program is certified by the Ohio Historic Preservation Office.

“Health Commissioner.” The Warren County Commissioner of Health or his authorized representative.

“Height, or Above Ground Level (AGL).” When referring to a tower or other structure, the distance measured from the finished grade at the base of the tower or structure to the highest point on the tower or other structure, including the base pad and any antenna.

“Home Occupation Type-A.” This type of home occupation has little or no impact on the surrounding residential area and requires no permit. In general, a Home Occupation Type A is located and conducted so that the average neighbor, under normal circumstances, would not be aware of its existence.

“Home Occupation Type-B.” This type of Home Occupation has the potential for greater impact on the surrounding residential area and therefore requires a Conditional Use Permit.

“Homeowners' Association.” A private, nonprofit corporation of homeowners established by a developer or group of developers, with local government approval, whose purpose is to own, operate and maintain various common properties, including, but not limited to, common open space, private streets and recreation facilities. The association/corporation holds title to common property.

“Hospitals.” An establishment for the medical, surgical or psychiatric care of bed patients for a continuous period longer than 24 hours, which is open to the general public 24 hours each day for emergency care, has a minimum of 10 patient beds, an average of 2,000 patient days per annum, and has on duty a registered nurse 24 hours each day.

“Hotel.” A building occupied as the more-or- less temporary abiding place of individuals who are lodged with or without meals in which there are 10 or more sleeping rooms and no provision made for cooking in any individual room or apartment, and no individual room or apartment is accessible from the exterior of the building. A hotel may include restaurants or cocktail lounges, public banquet halls, ballrooms or meeting rooms.

“Hydrologic and Hydraulic Engineering Analysis.” An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

“Incorporated Territory.” Land included within the boundaries of the City.

“Industrial, Artisan.” An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation, and which may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes such as small-scale welding and sculpting. This use includes fabrication implements that are more industrial than that of an art studio and includes coopering, and crafting of cabinetry, furniture, and other similar small-scale manufacturing.

"Industrial, Heavy." An industrial establishment that provides, as its primary activity, space for the assembly, manufacturing, processing or warehousing of goods or products, and which typically involve external impacts such as noise, dust, smoke, fumes, odors, heavy truck and/or rail traffic or other objectionable characteristics. Such use may have outdoor storage and/or operation space. Examples of such uses include goods produced by factory assembly, paper mills, fabrication and assembly of metal products. General Industry does not include junkyards, recycling centers, recycling plants, salvage/scrap yards, scrap metal processing facilities, and uses of similar intensity.

"Industrial, Light." A commercial or industrial establishment that provides, as its primary activity, space for the assembling or processing of goods for sale, or service industries, that do not produce any noise, dust, odor, fumes, vapors, smoke, vibrations, glare, heat, noise, odor, heavy truck or rail traffic, or other objectionable effects on the outside of the building. All operations are carried on in a completely enclosed building. Examples of such uses include food processing, beverage bottling, upholstering, carpets and rugs, business machines, dry cleaning and dyeing, and construction machinery.

“Information Technology/Data Center.” These uses are permitted in the Office-Research Park District and include, but are not limited to, the following uses: telecommunications, data processing and computing centers, computer electronic parts, equipment and electronics manufacturing, computer programming and software development, and internet-related businesses. All operations are carried on in a completely enclosed building.

"Integral." Something that is essential, necessary, or fundamental to a whole.

“Interior Lot.” See Lot.

"Junk." Old or scrap copper, brass, rope, rags, batteries, paper, rubber, trash waste, iron, steel and other old or scrap ferrous or nonferrous materials.

"Junkyard." An establishment or place of business, other than an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes, which is maintained or operated for the purpose of storing, keeping, buying or selling junk, and includes garbage dumps and sanitary landfills. The term "junk yard" shall also include scrap metal processing facilities which are located within 1,000 feet of the nearest edge of the right-of-way of a highway in the interstate or primary system.

"Kentucky Board Fencing." A wooden fence that typically includes three or four horizontal boards that are attached to wooden posts and which are spaced to allow air flow between each board. Such fences may or may not include welded wire between the boards.

“Landfill.” The burial of non-hazardous and non-medical farm, residential, institutional, commercial or industrial waste.

“Landing Field.” A specific area designated for the take-off and landing of aircraft.

"Landscaping." The use of natural plant materials including, but not limited to, groundcovers, shrubs, and trees (deciduous and evergreen). Landscaping also involves the placement, preservation and maintenance of said plant materials and includes such elements as fences, walls, lighting and earth mounding.

"Large Equipment." movable or transportable vehicle or other apparatus commonly use in commercial, industrial, or construction enterprises, such as but not limited to ~~trucks~~; trailers, bulldozers, cranes, backhoes, rollers, loaders, and lifts having a gross weight of 2.5 tons or more. This definition does not include semi-trucks.

“Large Equipment Retail, Rental, and Repair.” An establishment for the sale, rental, and repair of large equipment as defined in this UDO.

“Letter of Map Change (LOMC).” A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps, and flood insurance studies. LOMC's are broken down into the following categories:

1. Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property is not located in a special flood hazard area.
2. Letter of Map Revision (LOMR): A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from a special flood hazard area.
3. Conditional Letter of Map Revision (CLOMR): A comment by FEMA regarding a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. A CLOMR does not amend or revise effective flood insurance rate maps, flood boundary and floodway maps, or flood insurance studies.

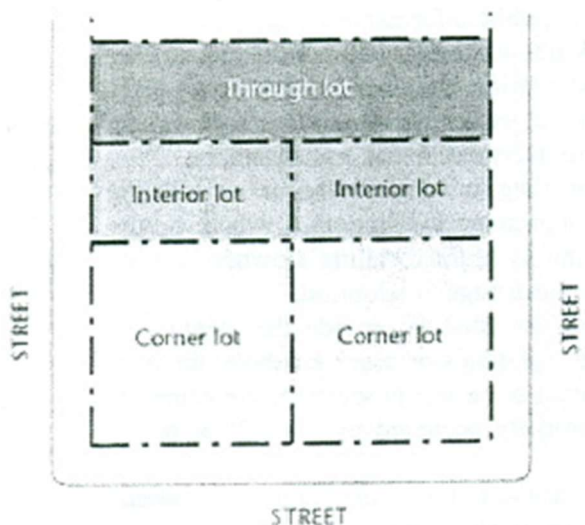
“Life Sciences.” These uses are permitted in the Office-Research Park District and include, but are not limited to, the following uses: biotechnology, biopharmaceutical, biomedical, pharmaceuticals, and/or laboratories engaged in testing and research, and the manufacture of medical instruments, appliances, apparatus or filters. All operations are carried on in a completely enclosed building.

“Live Viewing Booth.” Any private or semi private booth, or any viewing room of less than 150 square feet of floor space, to which the public may gain admittance, wherein a live performance is presented to five or fewer individuals at any one time.

“Loading Space.” An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

“Lot.” The basic development unit; a parcel of land with fixed boundaries occupied, or to be occupied by, a main building, or a group of such buildings and accessory structures, or used for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this UDO. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage of 40 feet thereon.

1. Corner Lot: A lot that has at least two contiguous sides abutting upon a street for its full length.
2. Interior Lot: A lot other than a corner or through lot.
3. Through Lot: Any lot having frontages on two or more streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of such lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

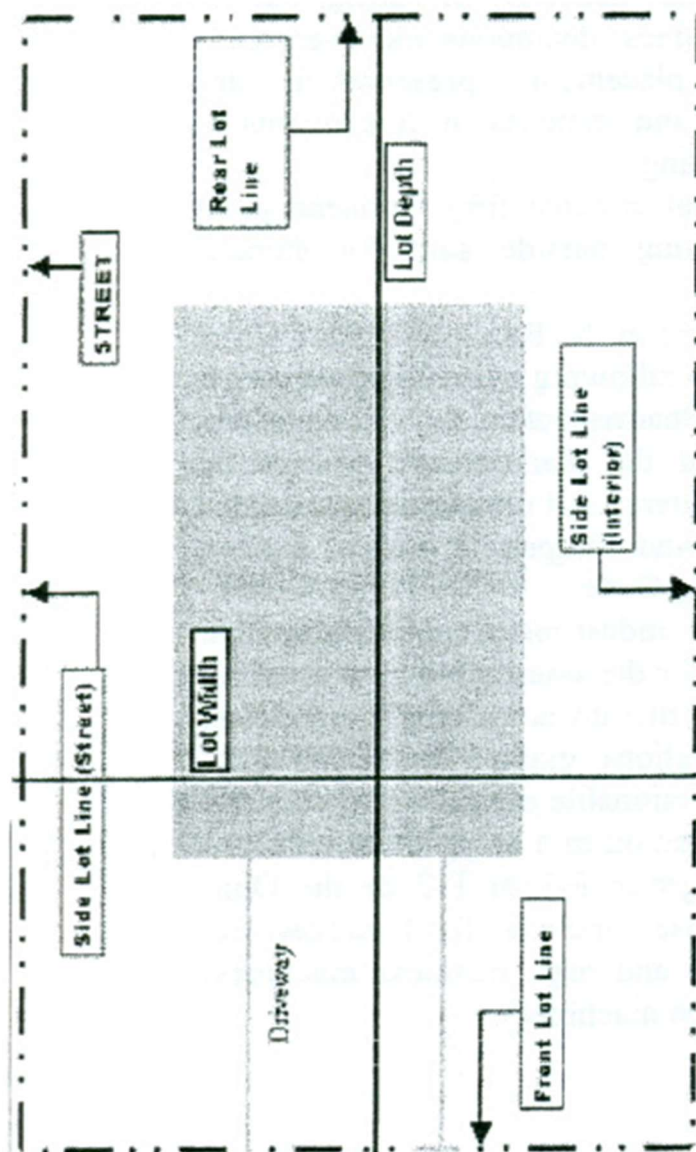


“Lot Area.” The total horizontal area within the lot lines of a lot.

“Lot Coverage.” The part or percent of a lot occupied by buildings, including accessory structures buildings.

“Lot Depth.” A distance measured in the mean direction of the side lot lines from the mid-point of the front lot lines to the mid-point of the rear lot line.

“Lot Line.” The lines bounding a lot or, in some instances, the right-of-way line or public easement line on a lot.



“Lot Line, Front.” The line separating a lot from the street. In the case of a corner lot or double frontage lot, the front lot line means the line separating such lot from both streets.

“Lot Line, Rear.” The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than 10 feet long, lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension.

“Lot Line, Side.” Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

“Lot of Record.” - A parcel of land, the dimensions of which are shown on a document or map on file with the Warren County Recorder's Office or in common use by City or Warren County officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

“Lot Width.” The horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.

“Lowest Floor.” The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an “enclosure below the lowest floor” which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

“Main Building.” A building in which is conducted the principal use of the lot upon which it is situated.

“Main Use.” The principal use to which the premises are devoted and the principal purpose for which the premises exist.

“Major Subdivision.”

1. The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into three or more lots, sites or parcels, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership; or the division of any parcel of land into two or more lots, sites or parcels of any size that involves the creation of any new streets, public rights-of-way or easements of access; provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets, public rights-of-way or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale does not create additional building sites, shall be exempt from the platting procedures of this UDO but shall not be exempt from the improvement, development or redevelopment standards of this UDO.
2. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; and/or the division or allocation of land as common open space for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm

drainage or other public facilities. (See also minor subdivision; subdivision, major; and subdivision, minor).

“Major Tree.” A living tree with a trunk diameter of at least 15 inches , measured two feet above ground level.

“Manufactured Home.” A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 USCA 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 USCA 5415, certifying compliance with all applicable federal construction and safety standards. (PER FEMA: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle". For the purposes of these regulations, a manufactured home includes manufactured homes and mobile homes as defined in Chapter 4781 of the Ohio Revised Code.)

“Manufactured or Mobile Home Park.” As specified in the Ohio Administrative Code 4781-12-01, a manufactured or mobile home park means any tract of land upon which three or more manufactured homes or mobile homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. A tract of land that is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park, even though three or more manufactured homes are parked thereon, if the roadways are dedicated to the local government authority. Manufactured home park does not include any tract of land solely for the storage or display for sale of manufactured homes. Manufactured Home Parks and Mobile Home Parks are not permitted under this UDO.

"Makerspace." A communal public workshop in which makers can work on small personal projects. Makerspace may be a principal use or an accessory use to an office , school, library, or other similar use.

“Marquee.” A permanent roofed structure attached to and supported by the building and projecting beyond the building line or over public property.

“Material Sciences.” These uses are permitted in the Office-Research Park District and include, but are not limited to, the following uses: plastics/polymer research and engineering, laser technology and application, robotic research, and the manufacturing,

processing and/or packaging of medical, optical, scientific, electronic or electromagnetic devices, equipment, systems or supplies. All operations are carried on in a completely enclosed building.

“Mean sea level” For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

“Medical Center/Clinic.” A commercial or noncommercial establishment that provides, as its primary activity, health-related services to the general public on an outpatient basis. Such use shall not provide space for overnight treatment and may be set up with emergency vehicle receiving areas and trauma treatment facilities. . Examples of such uses include clinics and emergency clinics.

“Medical Office.” A commercial or noncommercial establishment that provides, as its primary activity, health-related services to the general public on an outpatient basis. Such use shall not provide space for overnight treatment. Examples of such uses include doctors' offices and dentists' offices.

“Microcell.” The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

“Mining and Extraction.” All or any part of the process involved in the mining of minerals and raw materials by removing overburden and mining directly from the deposits, open-pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, or underground mining and surface work incidental to an underground mine. Such uses are not permitted in the City under this UDO.

“Minor Subdivision.” The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll along an existing and improved public street, into not more than two lots or parcels, any one of which is less than five acres; or the division of any parcel of land into two or more lots of more than five acres not involving any new streets, public rights-of-way or easements of access; or the sale or exchange of parcels between adjoining lot owners, where such sale does not create additional building sites; or the combination or replatting of two or more lots or parcels into a single lot when such lots or parcels are under the ownership of the same owner and the combination or replatting does not involve any new streets, public rights-of-way or easements of access (See also major subdivision; subdivision, major; subdivision, minor).

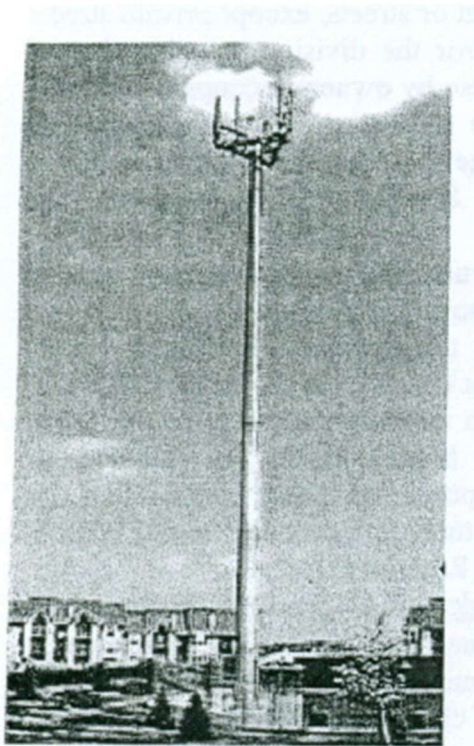
"Mixed Use." A building, lot, or development that contains a mixture of uses including residential, commercial, office, institutional, or other similar uses. Such uses may be

mixed within one building (either horizontally or vertically) or within an overall development.

"Mobile Home." Means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 feet in length or, when erected on site, is 320 or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home or as an industrialized unit as defined in ORC 3781.06(C).

"Mobile Uses." A large, wheeled vehicle that is used for a specific purpose such as to cook, prepare, and/or serve food and/or beverages in individual portions in a ready to consume state; to conduct a specific medical procedure such as blood donations, immunizations, or medical evaluations; or to sell retail goods.

"Monopole." A support structure constructed of a single, self-supporting hollow metal tube securely anchored to a foundation.



Monopole

"Mortuaries." An establishment providing services such as preparing the human dead for burial and/or cremation and arranging and managing funerals, hospitality and reception areas in connection therewith and which may include limited caretaker facilities. This definition includes crematoriums and columbariums.

“Motor Vehicle.” Any vehicle, including mobile homes and recreational vehicles, which is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. Motor vehicle does not include motorized bicycles, equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at the speed of 25 miles per hour or less, threshing machinery, hay-baling machinery, corn sheller, hammermill and agricultural tractors, machinery used in the production of horticultural, agricultural, and vegetable products, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than 10 miles and at a speed of 25 miles per hour or less (See also vehicle).

“Motor Vehicle, Collector's.” Any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation, and that displays current, valid license tags issued under ORC 4503.45, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

“Motor Vehicle, Commercial.” Any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

1. Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of 26,001 pounds or more; provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed in excess of 10,000 pounds;
2. Any single vehicle with a gross vehicle weight or gross vehicle weight rating of 26,001 pounds or more;
3. Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport 16 or more passengers including the driver;
4. Any school bus with a gross vehicle weight or gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than 16 passengers including the driver;
5. Is transporting hazardous materials for which placarding is required under subpart F of 49 CFR part 172, as amended; or

6. Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal Motor Carrier Safety Administration to be a commercial motor vehicle including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

“Motor Vehicle, Noncommercial.” Any motor vehicle, including a farm truck as defined by ORC 4503.04, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

“Multi-Use Tower.” A self-supporting lattice, guyed or monopole structure, constructed from grade that supports more than one Wireless Telecommunications Facility.

“National Flood Insurance Program (NFIP).” The NFIP is a Federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

“New Construction.” STRUCTURES for which the "START OF CONSTRUCTION" commenced on or after the effective date of a floodplain regulation adopted by City of Franklin and includes any subsequent improvements to such structures.

For the purposes of determining insurance rates, structures for which the “start of construction” commenced on or after the effective date of an initial FIRM November 5, 1980 or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures.

“Nonconforming Building.” A building, or portion thereof, lawfully existing on the effective date of this UDO, or amendments thereto, and that does not conform to the lot, dimensional, height, yard, are or lot coverage regulations of the district in which it is located.

“Non-Routine Maintenance.” Activities necessary not more frequently than every 24 months to keep structures and equipment in good repair.

“Non-Structural Controls.” Stormwater runoff control and treatment techniques that use natural measures to control runoff and/or reduce pollution levels, and do not require

extensive construction efforts and/or do promote runoff control and/or pollutant reduction by eliminating the runoff and/or pollutant source. Examples include minimizing impervious area, buffer strips along streams, and preserving natural vegetation.

“Nude or Semi-Nude Modeling Studio.” Any place where a individual who appears semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include:

1. A proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation;
2. A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. An establishment holding classes in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than one semi-nude model is on the premises at any one time.

“Nudity, State of Nudity or Nude.” Exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

“Nursing Home.” See skilled nursing facility. A hospital shall not be construed to be a nursing home.

“ODOT.” The Ohio Department of Transportation.

"Office." A commercial establishment that provides, as its primary activity, space for any professional and/or business operation where the product is a person's knowledge or skill and not a commodity. Such use shall be completely contained within a building. "Office" does not include health-related services. Examples of such uses include, but are not limited to, law offices, real estate offices and corporate headquarters.

“Office, Co-Working.” A facility that is designed to accommodate people from different companies who come to do work. Such uses are characterized by shared facilities, services, and tools.

“Ohio Building Code (OBC).” Wherever the term “Ohio Building Code” or “Building Code” appears in this UDO, it shall mean the Ohio Building Code, for commercial and industrial uses, or Residential Code of Ohio, for residential uses, as determined applicable by the zoning official.

“Opacity.” The degree to which a structure, use or view is screened from adjacent properties.

“Open Sided Structure.” Freestanding, unheated structures, which are unenclosed except for a structural system supporting a roof and may have screen panels which are used to enclose the open spaces between structural elements. Open sided structures include but are not limited to gazebos, trellises, and picnic shelters.

“Open Space.” An area substantially open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts or any other recreational facilities; streets, structures and the like shall not be included.

“ORC.” Ohio Revised Code, including any subsequent amendments thereto.

"Outdoor Dining." Designated outdoor areas (either on public or private land) which are used for outdoor dining or seating where patrons may be served food and beverage for on-site consumption.

"Outdoor Retail/Display." Any unenclosed area exhibiting merchandise or goods for sale that is incidental to an adjacent indoor retail use.

“Overlay District.” A district described on the City's zoning map within which, through super-imposition of a special designation, certain regulations and requirements apply, in addition to those of the underlying zoning district.

“Parcel.” A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for the purposes of development.

“Park.” Any public or private land available for recreational, educational, cultural or aesthetic use.

“Parking (Area).” Any part of a site used by vehicles not totally enclosed within a structure. This includes parking space and aisles, drives, loading areas and vehicle storage areas, driveways and permitted off-street parking spaces for single- and two-family residential uses.

"Parking Garage." A structure built that may be above grade, below grade, or a combination thereof, that provides off-street parking for motor vehicles.

“Parking Space.” An off-street space, either within a structure or in the open, available for the parking of one motor vehicle and having an area of not less than 170 square feet, exclusive of passageways, driveways and maneuvering space.

“Passive Space.” Open space provided in a park or other development that does not contain any active recreational equipment, game courts, or playing fields. Passive space may include benches, picnic areas and tot lots.

“Peak Rate of Runoff.” The maximum rate of runoff for any 24 hour storm of a given frequency.

“Pennant.” A triangular shaped banner.

“Person.” Any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit, including State and local governments and agencies. An agency is further defined in the Ohio Rev. Code §111.15(A)(2) as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, State college or university, community college district, technical college district, or State community college. Agency does not include the Ohio General Assembly, the State Controlling Board, the Adjutant General's Department or any court .

“Personal Service.” A business whose primary activity is the provision of services to the public or its members for the provision of personal care services or health maintenance services, and may include the sale of goods as a secondary activity. Examples of such uses include spas, salons, exercise facilities, and weight management centers.

“Planned Unit Development.” Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned unit development includes principal and accessory structures and uses substantially related to the character and purposes of the planned unit development. A planned unit development is built according to general and detailed plans that include not only street, utilities, lots and building and building locations, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned unit development includes a program for the provisions, operations and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned unit development or community.

“Planning Commission.” The administrative board and quasi-judicial board, appointed in accordance with the City Charter, which hears and decides conditional use applications,

makes recommendations to Council on all legislative zoning matters, and reviews planning-related issues, all as outlined in this UDO.

“Plat.” A subdivision of land legally approved and recorded.

“Playground.” A private or publicly owned area for recreational use primarily by children.

“Playground Equipment.” Freestanding structures located in a playground area that areas for the recreational use of children. This definition does not include equipment erected on the same lot as a single-family dwelling for private use.

“Potable Water.” Water that is satisfactory for drinking, culinary and domestic purposes meeting current drinking water standards.

“Porch.” An unheated, open-air platform, enclosed with a roof that is either:

1. Freestanding and directly adjacent to a principal building; or
2. Attached to the building, that has railings or walls on the sides not exceeding 38 inches in height from the platform.

The area between the roof and the railings or walls may be covered with screening or netting material only, and cannot be enclosed with windows or detachable glass sash.

“Pre-Development Conditions.” Site conditions, as they existed prior to manmade alterations and/or earth disturbing activities.

“Pre-existing Towers and Pre-existing Antennas.” Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this UDO, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.

“Preliminary Plat.” A preliminary map showing the proposed layout of a subdivision in sufficient detail to allow review by the Planning Commission.

“Primary Activity.” An activity that comprises more than 50 percent of the total floor area of a building.

"Principal Building." A building in which the principal use on the property is conducted.

"Principal Structure." see principal building.

"Principal Use." The primary use of land that clearly carries out the land use intents and purposes of a particular zoning district, and which is permitted in the zoning district in which the use is located.

“Private Swimming Pools.” A swimming pool exclusively used, without paying an additional charge for admission, by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a hotel; an accessory use.

“Property Line.” A legally recorded boundary of a lot, tract, or other parcel of land.

“Protected Public Water Supply.” A public water system which services at least 15 service connections used by year-round residents, or regularly serves at least 25 year-round residents and having a five year capture area defined through appropriate hydrologic studies.

"Public Eating Areas." An outdoor space that provides eating and dining options for the public. This could include specified areas for the parking of mobile uses.

“Public Parks, Open Spaces, Recreation, and Preserves.” A parcel of land owned and operated by a non-profit or governmental entity that is available to the public for passive or active recreation.

"Public Plazas." An open space that is accessible to the public at all times, predominately open to the sky.

“Public Recreation and Event Space, Indoor.” A place designed and equipped for the conduct of sports and leisure-time activities that is owned or operated by a non-profit or governmental entity.

“Public Utility.” Any person, firm, or corporation, municipal department or board of commission duly authorized to furnish to the public, under State or Municipal regulations, gas, steam, electricity, sewage disposal, communication, telegraph, telephone, transportation or water service.

“Rear Lot Line.” see Lot Line, Rear.

“Rear Yard.” see Yard.

“Recreation, Public.” Includes all uses that are commonly provided for the public at parks, playground, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

“Recreational Vehicle.” A vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Registered Professional Architect.” A person registered to engage in the practice of architecture pursuant to Ohio Rev. Code §4703.01 and 4703.19.

“Registered Professional Engineer.” A person registered as a professional engineer pursuant to Ohio Rev. Code Chapter 4733.

“Registered Professional Surveyor.” A person registered as a professional surveyor pursuant to Ohio Rev. Code Chapter 4733.

“Regulated Substances.” Chemicals and mixtures of chemicals that are health hazards. Materials packaged for personal or household use as food or drink for man or other animals are not Regulated Substances. Regulated Substances include:

1. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes or mucous membranes.
2. Mixtures of chemicals that have been tested as a whole and have been determined to be a health hazard.
3. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one percent (1.0%) or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one tenth of one percent (0.1%) or greater of the composition on a weight per unit weight basis.
4. Ingredients of mixtures prepared within the Well Field Protection Overlay District in cases where such ingredients are health hazards but comprise less than one tenth of one percent (0.1%) of the mixture on a weight per unit weight basis if carcinogenic, or less than one percent (1.0%) of the mixture on a weight per unit weight basis if non-carcinogenic.
5. Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

"Religious and Cultural Facilities." An institution that a congregation of people regularly attends to participate in or hold religious services, meetings, and other activities, including

buildings in which the religious services of any denomination are held. Nurseries, day care, educational facilities (pre-k through grade 12), and similar uses are considered accessory uses to a religious and cultural facility.

"Replacement Cost." The cost of replacing a structure or building at current costs at the time of the loss, identical to the one that was destroyed, without application of depreciation.

"Research and Development Facility." A commercial establishment that provides, as its primary activity, space for the development of information and/or products that are used by business and industry. Such use shall be completely contained in a building, does not produce goods or services for direct retail sale. Examples of such uses include, but are not limited to, biological testing labs, corporate research and development facilities.

"Residential Development Identification Sign." A sign at the entrance of a residential neighborhood identifying the neighborhood.

"Residential Area." The districts outlined for residential development under this UDO.

"Residential Facility." A residential dwelling or facility that falls into one of the following categories:

1. Provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances.
2. Provides accommodations, supervision, and personal care services to any of the following:
 - (1) One or two unrelated persons with mental illness.
 - (2) One or two unrelated adults who are receiving payments under the residential state supplement program.
 - (3) Three to 16 adults.
3. Provides room and board for five or more unrelated adults with mental illness.

"Residential Facility, Large." A residential facility that is designed for and occupied by more than 16 residents living together.

"Residential Facility, Medium." A residential facility that is designed for and occupied by between six and 16 residents living together.

“Residential Facility, Small.” A residential facility that is designed for and occupied by five or less residents living together.

“Residential Sales.” A residential sale consists of house, apartment, garage, and yard sales and are permitted for any residential use, but only when limited to the personal possessions of the owner or occupant of the dwelling at which sale is being conducted.

"Residential Treatment Facility." A residential dwelling or facility where persons are living together, with or without staff, as a single housekeeping unit providing care, supervision, or treatment to reduce dependence or maintain independence of opioid drugs. A “residential treatment facility” is subject to the protections of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, as they apply to citizens in drug addiction treatment programs, and by any similar legislation of the State of Ohio.

“Residential Treatment Facility, Large.” A residential treatment facility that is designed for and occupied by more than 16 residents living together.

“Residential Treatment Facility, Medium.” A residential treatment facility that is designed for and occupied by between six and 16 residents living together.

“Residential Treatment Facility, Small.” A residential treatment facility that is designed for and occupied by five or less residents living together.

“Restaurant.” A commercial establishment that provides, as its primary activity, prepared food for consumption on the premises inside of a building.

"Restaurant, Quick Service." An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state of consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises as a carry-out order, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic or other disposal containers. Examples of such uses include drive through restaurants that prepare and/or dispense food or beverages and do not provide a place for all its customers to eat inside the building, or which serve food or beverages for carry out, or drive-in eating and drinking places, establishments where customers may serve themselves and may eat or drink the food or beverages on the premises.

“Retail, Convenience.” Small-scale retail stores used for the sale of goods used on an everyday basis by consumers including, but not limited to, pre-packaged food and drink products, household items, newspapers, and magazines; and which are typically associated with an automotive fueling or charging establishment.

“Retail, Food and Beverage Related.” Establishments that sell food and beverage merchandise from fixed point-of-sale locations and that have special equipment (e.g., freezers, refrigerated display cases and refrigerators) for displaying food and beverage goods. Such establishments typically do not include cooking facilities or the preparation of food.

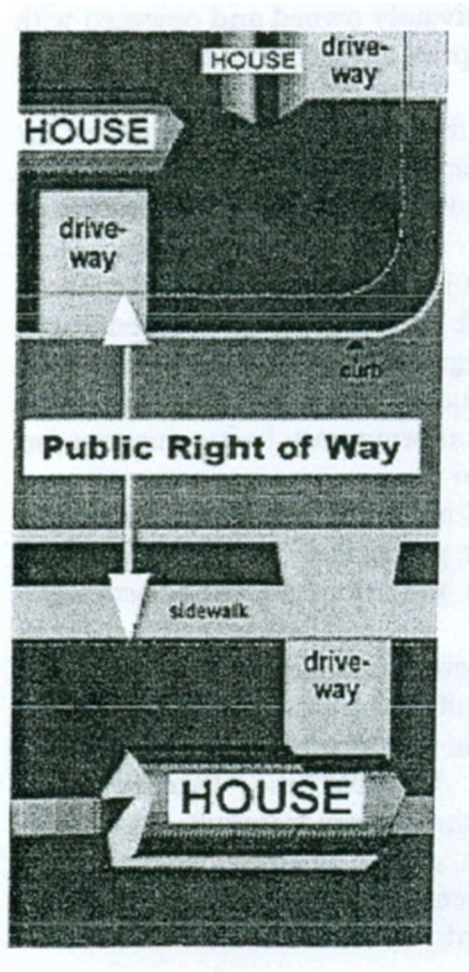
"Retail, General." A facility or establishment which engages in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. General retail does not include variety stores (or point price retailers).

"Retail, Large-Format." A business that exceeds 50,000 square feet, excluding outside sales or storage, restrooms and other non-public areas.

“Retail, Secondhand.” Any person, partnership, corporation or other entity that engages in the purchase, sale, receiving or exchange of secondhand articles or precious metals, as the same are defined in Chapter 723 of the Codified Ordinances. Retail, secondhand is not permitted under this UDO.

“Retail, Services.” An establishment that provides, as its primary activity, off-site services to the real property of individuals or corporations and which may include limited, on-site retail sales. Examples of such uses include but are not limited to companies that perform construction, landscaping, HVAC services, electrical services, plumbing services, and concrete and/or asphalt work.

“Right-of-Way.” A strip of land dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.



“Riparian.” Of, on, or relating to, the bank of a natural course of water.

“Riparian Buffer.” Riparian buffers are the areas of vegetation directly separating land from water and immediately adjacent land that is frequently inundated (the floodways of streams). Vegetation in riparian buffers typically consists of plants that either are emergent aquatic plants, or herbs, trees and shrubs that thrive in close proximity to water.

“Roof Line.” The lowest point of a roof that is closest to the ground.

"Salvage Material." Clean packing materials such as, but not limited to, cardboard boxes and paper, newspaper, plastic, rags, tires, scrap iron and other metals, glass, and similar materials, motor vehicles or parts thereof, used lumber, household garbage, inoperable machinery or appliances, and similar materials, which can be rejuvenated or returned for reconstitution. "Salvage/Scrap Yard." A facility, but not including a junkyard, recycling center, recycling plant, or scrap metal processing facility licensed under authority of ORC 4737.05 to 4737.12 or regulated under authority of the City, as defined by Section 713.01 of

the City of Franklin Codified Ordinances, and not including motor vehicle salvage as defined by Section 715.01 of the City of Franklin Codified Ordinances, where salvage materials are bought, sold, exchanged, collected, salvaged, stored, baled, packed, disassembled, or handled.

“Satellite Parking.” Parking spaces located off-site of the building that it is designed to serve.

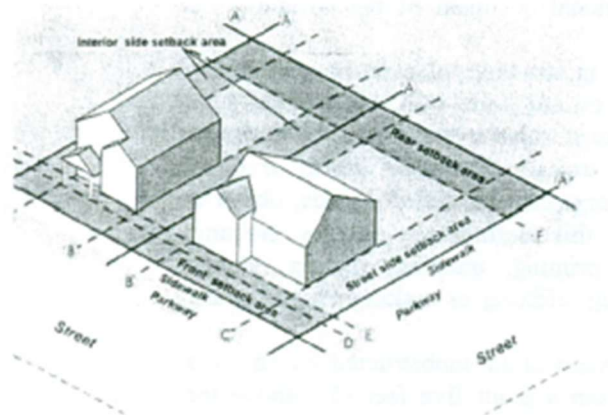
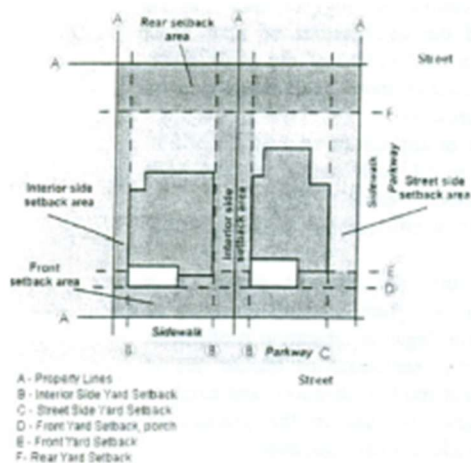
"Scrap Metal Processing Facility." An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes.

“Sediment Basin.” A barrier, dam or other facility built to reduce the velocity of water in order to settle and retain sediment.

"Self-Service Storage Facility or Mini-Warehouse.” A facility consisting of a building or group of buildings, usually in a controlled-access compound, that may contain varying sizes of individual, self-contained, enclosed, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods or wares, that are owned, leased or rented. Self-service storage facilities or miniwarehouses shall not include accessory automobiles rental or sales. Self-service storage facilities or miniwarehouses are not permitted under this UDO.

“Semi-Nudity, State of Semi-Nudity, Semi-Nude Condition or Semi-Nude.” Exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

“Setback or Setback Line. ” The minimum distance that a building may be constructed from a lot line.



“Sex Store.” A business offering goods for sale or rent and that meet any of the following tests:

1. More than 10 percent of the stock-in trade or inventory, or more than 10 percent of the gross public floor area of the business, consists of sexually-oriented novelties or toys; or
2. It offers for sale items from any two of the following categories: adult entertainment, adult media, sexually-oriented novelties or toys, , lingerie, or apparel or other items marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items constitutes more than 15 percent of the stock-in-trade or inventory of the business or occupies more than 15 percent of the gross public floor area; or
3. Which advertises or holds itself out in any forum as a sexually-oriented business by use of such terms as “sex toys,” “marital aids,” “X-rated,” “XXX,” “adult,” “sex,” “nude,” or otherwise advertises or holds itself out as a sexually-oriented business.
4. Sex Store shall not include any establishment which, as a substantial portion of its business, offers for sale or rental to individuals employed in the medical, legal or education professions anatomical models, including representations of human genital organs or female breasts, or other models, displays, and exhibits produced and marketed primarily for use in the practice of medicine or law or for use by an educational institution.

“Sexual Encounter Establishment.” A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is nude or semi-nude; or
2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is nude or semi-nude; or
3. A place where two or more persons may congregate, associate or consort for the purpose of engaging in specified sexual activities; or
4. A place where two or more persons appear nude or semi-nude for the purpose of displaying their nude or semi-nude bodies for the their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of Ohio engages in medically approved and recognized therapy including, but not limited to, massage therapy, as regulated pursuant to ORC 4731.15, is not a Sexual Encounter Establishment.

“Sexually-Oriented Business.” An adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult media (video) store, adult motion picture theater, adult novelty store, adult theater, nude or semi-nude model studio, sex store, or sexual encounter establishment. “Sexually Oriented Business” does not include an adult motel, as defined above.

“Sexually-Oriented Novelties or Toys.” Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate or arouse human genital organs or female breasts or for sadomasochistic use or abuse of self or others.

“Short-Term Loan Lender.” Any business that is licensed, or is required to be licensed, under ORC 1321.35 to 1321.48 to make short-time loans. Short-term loan lender does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States. Short-term load lenders are not permitted under this UDO.

“Side Lot Line.” See lot line, side.

“Side Yard.” See yard.

“Sight Distance.” The minimum extent of an unobstructed vision (on a horizontal plane) along a street from a point five feet above the centerline of a street.

“Sign.” Any display, figure, painting, drawing, placard, poster or other device placed on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever, which is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity place, object or product. “Placed,” as used in this definition, includes erecting, constructing, posting, painting, printing, tracking, nailing, gluing, sticking, carving or other fastening, affixing or making visible in any manner whatsoever.

“Sign, Awning.” A sign that is mounted on or painted on an awning. “Sign, Banner.” A sign on a lightweight fabric, or similar non-rigid material that is attached by at least two corners of such sign, to a building or structure. Flags of any country, state, unit of local government, institution of higher learning, or similar institution area not considered to be banners. “Sign, Bench.” Any sign painted on, located on, or attached to any part of a surface of a bench, seat, or chair placed on or adjacent to a public roadway. “Sign, Billboard.” An off-premise, outdoor sign exceeding 50 square feet in area. Billboards are prohibited under this UDO. “Sign, Canopy.” A sign that is mounted on or painted on an attached canopy. “Sign, Construction.” A sign that is located on a lot that has active construction. “Sign, Direction.” A sign intending to direct the safe flow of vehicular and pedestrian traffic, including, but not limited to, “enter”, “exit”, “one way”, and “narrow signs.” “Sign, Electronic Message Center.” A sign that is capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. May also be known as a variable message sign or a LED sign. “Sign, Flutter Flag.” A tall, narrow vertical flag that is designed to flutter in the wind and attract attention. “Sign, Governmental Flag.” Flags of any country, state, or unit of local government. “Sign, Ground.” A sign supported by one or more uprights, posts, or bases, in or upon the ground and not attached to any part of a building. “Sign, Human.” A sign that is worn (including costumes) or held by a human for temporary commercial advertising or other promotional purposes. “Sign, Identification.” A sign indicating the identity or name, whether through logo, type, graphics or other symbols, address and activity occupying the building, store, service, or establishment. “Sign, Inflatable.” Any sign or device that is capable of being expanded. “Sign, Manual Changeable Copy.” A sign, or portion thereof, on which characters, letters, or illustrations are changed manually in the field without altering the face or surface of the sign, including without limitation, a reader board with changeable letters. “Sign, Marquee.” A sign attached to or constructed in a marquee. “Sign, Memorial.” A sign designed, intended or used to preserve the memory of a person, place or event, including landmark plaques and historical plaques. “Sign, Menu Board.” Any signage pertaining to items, goods, or services offered by a drive-through business. “Sign, Mobile or Portable.” Any sign which is not permanently affixed to the ground or a building in accordance with the provisions of the building code of

the city or any sign which is intended to be moveable or capable of being moved from place to place, whether or not wheels or other special supports are provided. Mobile or portable signs include but are not limited to “A” or “T” frame signs, swinger message board signs, windblown signs, trailer signs or any other type of sign which can be moved from one location to another. “Sign, Mural.” Any mosaic, painting, or graphic art or combination thereof which is professionally applied to a building. “Sign, Organizational Flag.” A flag for private or non-profit organizations. “Sign, Permanent.” A sign designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, and includes canopy/marquee/awning signs, directional signs, electronic message centers, ground signs, manual changeable copy signs, menu boards, murals, projecting signs, residential development identification signs, wall signs, and window signs. “Sign, Pole.” A sign supported by one or more poles, posts or braces permanently mounted on or in the ground that exceeds six feet in height. Pole signs are not permitted under this UDO, except when approved in the Highway Sign Overlay District. “Sign, Public.” Signs required or authorized for a public purpose by any law, statute or ordinance, such signs to include traffic control devices provided that such signs contain no supplementary advertising, and any identification of display of any official court or public office notices thereof, or any flag, emblem, or insignia of a nation, political unit, school or religious group. “Sign, Projecting.” A sign affixed to any part of a building or structure which extends beyond the building or structure by no more than four feet. “Sign, Real Estate.” A sign announcing the sale, rental or lease of the lot where the sign is displayed, or announcing the sale, rental or lease of one or more structures, or a portion thereof, located on such lot, and indicating the owner, realty agent, telephone number or “open house” information. “Sign, Residential Development Identification.” A sign at the entrance of a residential neighborhood identifying the neighborhood. “Sign, Revolving.” A sign which in its entirety or in part moves in a revolving manner. “Sign, Roof.” A sign erected upon or above a roof or parapet wall of a building, which sign is wholly or partially supported by such building. Roof signs are prohibited under this UDO. “Sign, Snipe.” A sign that is posted, tacked, nailed, pasted, glued, or otherwise attached to trees, utility poles or structures, street lights fences, or any other object on public property or within the public right-of-way. “Sign, Streamer.” Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, string or cord, usually in series, designed to move in the wind. A streamer may have pennants and/or banners attached.

"Sign Structure." Any structure that supports, or is capable of supporting, any sign as defined in this UDO. A sign structure may be a single pole, or may or may not be an integral part of the building.

“Sign, Temporary.” A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, or mounted on a chassis, and/or is intended for a limited period of display.

“Sign, Vehicle.” A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

“Sign, Wall.” A sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted on buildings and any extensions thereon.

“Sign, Window.” A sign, graphic, poster, symbol or other identification or information about the use or premises which is physically affixed to or painted on the glass or other structural component of the window or a sign, graphic, poster, symbols, or other identification or information about the use or premises erected on the inside of the building within two feet of the window and intended to be viewed through the window from the exterior of the premises.

“Site Development Plan.” The written document or set of plans that meet the requirements of this UDO, provide information on the location of the area proposed for development and the site in relation to its general surroundings, and existing characteristics of the site, including limits of earth disturbing activities.

“Site Plan.” A plan showing uses and structures proposed for a parcel of land, as required by the regulations involved. Includes lot lines, streets, building sites, reserved open space, buildings, major landscape features - both natural and man-made - and, depending on the requirements, the location of proposed utility lines.

“Sketch Plan.” An informal plan or sketch showing the existing features of a site and its surroundings and the general layout of a proposed minor subdivision.

“Sleeping Area.” Floor space provided in a building designed, intended or used primarily as a place to sleep. “Sleeping area” includes all bedroom space and all other areas where beds are permanently kept.

“Small Loan Lender.” Any business that is licensed, or is required to be licensed, under ORC 1321.01 to 1321.19 to make small loans. Small Loan Lender does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent

regulatory authority of another state of the United States. Small loan lenders are not permitted under this UDO.

“Small Loan Operations.” Small Loan Operations shall include alternative finance service providers, check-cashing businesses, credit service organizations, mortgage loan lenders, short-term loan lenders, and small loan lenders. Small Loan Operations shall not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States. Small loan operations are not permitted under this UDO.

"Smoking and Hookah Bars." An establishment in which tobacco products are sold for use or consumption on the premises to persons that are over 18 years old as provided by state law. This use includes but is not limited to establishments referred to as smoking, cigar, hookah, or tobacco bars or lounges. Smoking and hookah bars are not permitted under this UDO.

"Solar Panels, Roof-Mounted." Panels installed on the roof of a building to allow for the conversion of solar energy to electrical current.

"Special Event." A gathering of human beings, lasting for a designated period of time, designed to celebrate, honor, discuss, sell, teach, encourage, observe, or influence human endeavors. Examples include, but is not limited to, parades, markets, festivals, or car shows.

“Special Flood Hazard Area.” Also known as “Areas of Special Flood Hazard,” it is the land in the floodplain subject to a one percent or greater chance of FLOODING in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on flood insurance rate maps, flood insurance studies and flood boundary and floodway maps as Zones A, AE, AH, AO, A1 30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

“Specified Anatomical Areas.” This term is used to describe:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, pubic region, buttocks, including the cleft, anus, or female breast below a point immediately above the top of the areola.

“Specified Criminal Activity.” Any of the following offenses: Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal laws of any local jurisdiction, state, or country for which less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense. The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.

“Specified Sexual Activities.” Means any of the following:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Excretory functions as a part of or in connection with any of the activities set forth in (a) or (b), above.

“Start of Construction.” The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of STREETS and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as detached garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

“Stock-In Trade or Inventory.” The individual items offered for sale or rental in the area of an establishment open to the public.

“Stop-Work Order.” An order issued that requires that all work on the site must cease, except work associated with bringing the site into compliance with the approved SWP3, site development plan or construction plans.

"Storage Shed." See Storage Structure.

"Storage Structure." An accessory structure that is not classified for human habitation or occupancy and is intended to be used to store personal property.

“Story.” The part of the building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six feet above grade, such basement shall be considered a story.

“Story, Half.” An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet, six inches. For the purposes of this UDO, the usable floor area is only that area having at least four feet of clearance height between the floor and the ceiling.

“Storm Frequency.” The average period of time, in years, within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

“Stormwater Management Plan (SMP).” The written document meeting the requirements of this UDO regulation that sets forth the plans and practices to be used to minimize storm water runoff from a site and to safely convey or temporarily store and release post-development storm water runoff at an allowable rate to minimize flooding and erosion.

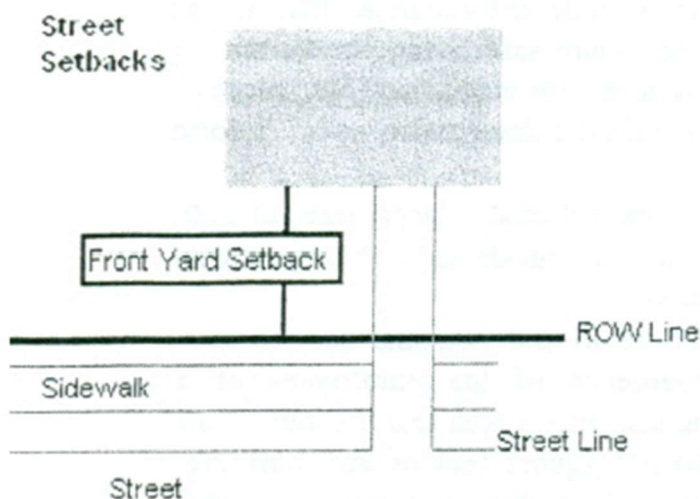
“Storm Water Pollution Prevention Plan (SWP3).” The document required by the Ohio EPA for compliance with its NPDES Construction Activity General Permit #OHC000002. The requirements of the SWP3 are required as part of the local jurisdiction's Stormwater Management Plan, as described above, and in this UDO.

“Street.” An improved public way or right-of-way dedicated to public use, which provides for vehicular and pedestrian access to abutting properties.

1. Alley: Any dedicated public way affording a secondary means of access to abutting property, either to the back or side of properties abutting on another street, and not intended for general traffic circulation.
2. Collector Street: A street, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from minor/local streets to major streets.

3. Expressways: A thoroughfare that possesses extra-wide rights-of-way carrying high traffic volumes of unobstructed, limited access vehicular movement.
4. Major Street: An arterial street intended for large volumes of through traffic and to carry cross-town traffic from several neighborhoods, thereby servicing collector streets. Such streets are intended for carrying heavy loads and large volumes of traffic, for both the immediate City area and the region beyond. Any street with a width, existing or proposed, of 80 feet shall be considered a major thoroughfare.
5. Marginal Access Street: A minor street that is parallel and adjacent to a major street or thoroughfare, and which provides access to abutting properties and protection from major or collector streets.
6. Minor Street: A local street that primarily provides access to residential or other abutting property.

“Street Line.” The edge of the pavement along the front of the property.



“Street Setback Measurements.” All buildings and structures shall hereafter be constructed in accordance with the required front yard setbacks in the district in which it is to be located, measured from the dedicated right-of-way line or the street line, whichever is greater, on expressways, major streets, collector streets, marginal access streets, minor streets and alleys.

“Structural Controls.” Any human-made facility, structure, or device that is constructed to provide temporary storage and/or treatment of storm water runoff. Examples include retention and detention basins, rock-check dams, swales, and constructed wetlands.

“Structure.” Anything constructed or erected. Its use requires location on the ground or attachment to something having location on the ground including, but not limited to a walled or roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

“Subdivider.” Any person, partnership, corporation, association or other legal entity that creates or proposes to create a subdivision, all or a portion of which will be located within the City (See also developer).

“Subdivision, Major.” A platting of land for the purposes of development and transfer of ownership. A major subdivision is any subdivision that does not meet the requirements of a minor subdivision. It requires approval of a preliminary plat by the Planning Commission, approval of a final plat by the Planning Commission, acceptance by Council, and recording of the final plat prior to the transfer of land (See also major subdivision).

“Subdivision, Minor.” A division of a parcel of land that is approved by the City Engineer and does not require a plat or the combination or replatting of two or more parcels into a single lot that is approved by the City Engineer (See minor subdivision).

“Subdivision Regulations.” Chapter 1111, including any amendments thereto, contained in this UDO.

“Substantial Damage.” Damage, of any origin, sustained by a structure whereby the cost of restoring the structure to its “before-damaged” condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial Improvement.” Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a historic structure, provided that the alteration would not preclude the structure's continued designation as a historic structure.

“Superblock.” A residential block of exceptionally large size, in both dimensions, with access to interior lots by culs-de-sac or loop streets and providing one or more common open spaces.

“Support Commercial Uses.” Support retail and personal service uses conducted primarily for the convenience of the employees of a permitted use, if such use serves the immediate area and the sum of all such uses occupy no more than 10,000 square feet of any building. Examples of such uses include retail, athletic clubs and gyms, personal service shops (barber, dry cleaner, salon, etc.), business services (printing, photocopying, mailing and packaging, etc.), child care center, cafeteria or restaurant, financial institution, medical clinic.

“Surveyor.” A person licensed by the State of Ohio and registered as a professional surveyor under ORC 4733.

“Swale.” A low-lying stretch of vegetated land that gathers and carries surface water.

“Taproom.” A place in which alcoholic drinks are available and are generally served on tap.

“Tattoo Parlor/Body-Piercing Studio.” An establishment whose principal business activity is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin or the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. Tattoo Parlors/Body-Piercing Studios are not permitted under this UDO.

“Temporary Structure.” A structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.

“Temporary Vegetation.” Short-term vegetative cover such as oats, rye, or wheat, used to stabilize the soil surface until final grading and installation of permanent vegetation.

“Tent.” Any structure used for living or sleeping purposes, or for sheltering a public gathering, constructed wholly or in part from canvas, tarpaulin or other similar materials. It includes shelter provided for circuses, carnivals, sideshows, revival meetings, camp meetings and all similar meetings or exhibitions in temporary structures.

“Time and Temperature Display.” A cabinet containing illuminated numerals flashing alternately to show the time and temperature.

“Through Lot.” See Lot.

“Total Area of a Sign.” “Sign area” shall be measured as outlined in Section 1111.08(e) of this UDO.

“Tower.” Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice, towers, guyed-towers, or monopoles; the term includes radio and television transmission towers, microwave towers, common-carrier towers, wireless telecommunications towers, alternative tower structures, and the like; the term includes the structure and any support thereto.

“Transportation or Communication Utility.” A structure or facility used by a public utility or quasi-public utility to store, distribute or generate electricity, gas or telecommunications and related equipment, or to pump or chemically treat water. This use does not include storage or treatment of sewage, solid waste or hazardous waste.

“Travel-Time Contour.” A locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.

“Treatment Space.” Floor space provided in a building that is designed, intended or used primarily for the treatment of human and/or animal illness.

“Truck Stop/Truck Service or Gasoline Center.” A business that provides the sale and storage of fuel, overnight or hourly parking, and/or other special services catering to commercial motor vehicles, specifically Semi-Trucks and Semi- Trailers. Truck Stops/Truck Service or Gasoline Centers are prohibited under this UDO.

“UDO.” See Unified Development Ordinance.

“Underground Storage Tank.” Underground storage tank shall have the same meaning as in ORC 3737.87.

“Unified Development Ordinance.” The combining of development regulations and procedures, including zoning and subdivision regulations, sign and floodplain regulations, administrative and hearing procedures, etc. into one unified code and ordinance in the City of Franklin Unified Development Ordinance.

“Use.” The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

“Vape, Tobacco, or Hookah Stores.” Any store, stand, booth, or concession that devotes 30 percent or more of its display floor area to tobacco products, or to the display and sale of tobacco, vapor products, or electronic smoking devices to purchases for consumption or use. This classification of use does not include medical marijuana uses which are prohibited in the City of Franklin per the City of Franklin Ordinance Section 513.16.

“Variance.” A grant of relief from the standards of these regulations.

“Variety Store (or Point Price Retailer)” A commercial establishment that sells a wide range of inexpensive household goods, often selling or advertising all goods at a single price, which is reflected in the name of the establishment. Variety Stores (or Point Price Retailers) are not permitted under this UDO.

“Vehicle (Motor-Driven).” Any automobile, truck, motorcycle, trailer, truck camper, recreational vehicle, bus or boat (See also Motor Vehicle).

“Vehicle, Inoperable.” Any motor vehicle that does not have a current registration and/or cannot move under its own power.

“Vehicle Impound Lot.” A business that engages in impounding or storing, usually temporarily, of legally impounded vehicles, whether publicly or privately impounded, or abandoned vehicles.

Vehicle Wrecking.” The dismantling or wrecking of used vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, wrecked or inoperable vehicles or their parts; excepting that vehicle impound lots are not included in this definition. Vehicle Wrecking is not permitted under this UDO.

“Veterinary Services.” A place used for grooming and/or for the care, diagnosis and treatment of sick, ailing, infirm or injured animals and those that are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation or recuperation of such animals. Such use may also include boarding that is incidental to the primary activity. Such uses include animal hospitals/clinics, veterinarian offices and grooming services.

“Video Booth.” Any private or semi private booth or any viewing room of less than 150 square feet of floor space or area to which the public may gain admittance, wherein a still or motion picture machine, projector, video monitor, or similar equipment is available for the purpose of showing still or motion pictures, videos, or similar images or photographic reproductions to five or fewer individuals at any one time.

“Viewing Booth.” Live Viewing Booth or Video Booth.

“Viewshed.” The area surrounding a wireless telecommunications facility or antenna support structure, within which the facility or structure is visible from off-site.

“Violation.” The failure of a structure or other development to be fully compliant with the regulations contained in this UDO.

"Warehouse, Primary Use." Storage of raw materials, parts, or finished manufactured goods associated before their export or distribution for sale. The warehouse is staffed, and goods leave and enter the warehouse at a minimum on a weekly basis.

"Warehouse, Secondary Use." A secondary use to an industrial or commercial use where raw materials, parts, or finished manufactured goods may be stored before their export or distribution for sale. Such storage must be within a building.

"Watercourse." Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course either continuously or intermittently and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

"Watershed." A locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.

"Well Field." Means a tract of land that contains a number of wells for supplying water.

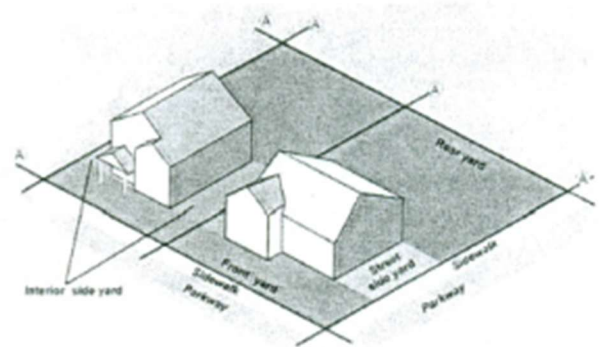
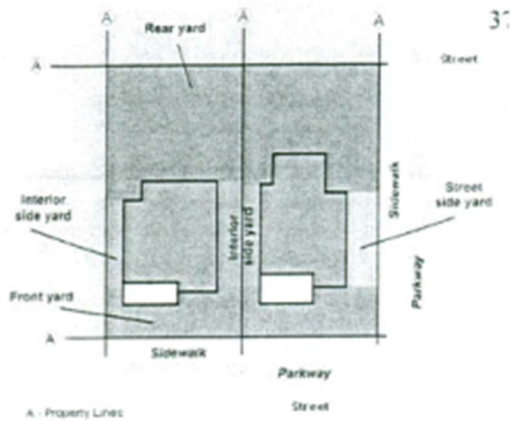
"Wireless Telecommunications Facilities." Any cables, wires, lines, wave guides, antennas, microwave dishes and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a PERSON seeks to locate or has installed upon a tower or antenna support structure; however, the term Wireless Telecommunications Facilities shall not include:

1. Any satellite earth station antenna two meters in diameter or less which are located in an area zoned industrial or commercial;
2. Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or
3. Antennas used by amateur radio operators.

"Yard." The open space on the same lot with a main building unoccupied and unobstructed from the ground upward except as otherwise provided in this UDO, and a defined herein:

1. Front yard: An open space extending the full width of the LOT, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. There shall be a front yard on each street side of a corner lot.
2. Rear yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the main building. In the case of a corner lot, the rear yard shall be opposite of the front of the building.

- 3. Side yard: An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.



“Zoning District.” A portion of the incorporated area of the City within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this UDO.

“Zoning Map.” The official map showing the zoning district within the incorporated areas of the City and which is a part of the UDO.

“Zoning Official.” The person holding the title of Zoning Official of the City of Franklin, or his designee.

(Ord. 2009-11. Passed 7-6-09; Ord. 2011-06. Passed 4-4-11; Ord. 2011-07. Passed 4-4-11; Ord. 2012-26. Passed 12-3-12; Ord. 2013-09. Passed 6-17-13; Ord. 2014-01. Passed 3-17-14; Ord. 2014-17. Passed 1-5-15; Ord. 2015-11. Passed 7-6-15; Ord. 2015-15. Passed 11-2-15; Ord. 2017-01. Passed 2-6-17.)

HISTORY

Amended by Ord. [2018-08](#) on 5/21/2018

Amended by Ord. [2018-19](#) on 11/5/2018

Amended by Ord. [2021-04](#) on 4/5/2021

Amended by Ord. [2021-06](#) on 5/3/2021

Amended by Ord. [2021-29](#) on 12/6/2021

Amended by Ord. [2022-12](#) on 5/2/2022

Amended by Ord. [2023-01](#) on 3/7/2023

Amended by Ord. [2023-20](#) on 10/9/2023

Amended by Ord. [24-02](#) on 3/18/2024

Amended by Ord. [24-34](#) on 1/7/2025

Amended by Ord. [2025-03](#) on 2/3/2025

Amended by Ord. [2025-07](#) on 3/17/2025

1107.04 Permitted Use Table

- (a) Regulation of the Use and Development of Land and Structures: These regulations are established and adopted governing the use and physical development of land and/or structures.
- (b) Rules of Application: These regulations shall be interpreted and enforced according to the following rules:
 - (1) **Identification of Uses:** Listed uses are to be defined by their customary name or identification, except where they are specially defined or limited in this UDO.
 - (2) **Permitted Uses:** Only a use designated as a permitted use shall be allowed as a matter of right in a zoning district and any use not so designated shall be prohibited except, when in character with the zoning district, such other additional uses may be added to the permitted uses of the zoning district by an amendment to this UDO.
 - (3) **Conditional Uses:** A use designated as a conditional use may be allowed in a zoning district when such conditional use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the zoning district. To this end the Planning Commission may, in addition to the development standards for the zoning district, set forth such additional requirements as will, in its judgment, render the conditional use compatible with the existing and future use of adjacent lots and the vicinity.
 - (4) **Accessory Uses:** A use designated as an accessory use shall be permitted in a zoning district when such use is subordinate in area, extent, and purpose to the principal use and is located on the same lot and in the same zoning district as the principal use.
 - (5) **Prohibited Uses:** If a use is not listed on Table 1107.04-1 or Table 1107.04-2, then it shall also be considered prohibited, unless approved specifically through the similar use determination as established in section 1115.09(f): Determination of Similar Uses.
 - (6) **Additional Standards:** The section reference contained in the "REF" column on Table 1107.04-1 and Table 1107.04-2 are references to additional standards are requirements that apply to uses listed in the respective row. Standards referenced in the table apply to all the zoning districts in which the use is permitted or conditionally permitted, unless otherwise expressly stated. In the table a "PS" represents a permitted use that has additional standards, and a "CS" represents a conditional use that has additional standards.
 - (7) **Development Standards:** The development standards shall be the minimum required for development in a zoning district unless otherwise stated. If the development standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standards shall govern.

TABLE 1107.04-1: Agricultural, Residential, and Parks and Recreation Districts Use Table

| Agricultural Uses | A-1 | PAR | R-1 | R-2 | R-3 | R-4 | REF |
|---------------------------------|------------|------------|------------|------------|------------|------------|----------------------------|
| Agriculture | P | | PS | | | | 1107.06(a) |
| Residential Uses | A-1 | PAR | R-1 | R-2 | R-3 | R-4 | REF |
| Dwelling, Four Family | | | | | | P | |
| Dwelling, Live/Work | | | | | CS | | 1107.07(a) |
| Dwelling, Multi-Family 5+ Units | | | | | | P | |
| Dwelling, Row House | | | | | CS | | 1107.07(b) |
| Dwelling, Single-Family | P | | P | P | P | P | |
| Dwelling, Three Family | | | | | P | P | |
| Dwelling, Two Family | | | | C | P | P | |
| Elderly Housing | | | | | CS | CS | 1107.07(c) |

| | | | | | | | |
|---------------------------------------|----|--|----|----|----|----|----------------------------|
| Residential Living Facility, Large | | | | | | CS | Section 7, Item A. |
| Residential Living Facility, Medium | | | | | CS | CS | 1107.07(e) |
| Residential Living Facility, Small | PS | | PS | PS | PS | PS | 1107.07(e) |
| Residential Treatment Facility, Large | | | | | | CS | 1107.07(e) |

| | | | | | | | |
|---|------------|------------|------------|------------|------------|------------|----------------------------|
| Residential Treatment Facility, Medium | | | | | CS | CS | 1107.07(e) |
| Residential Treatment Facility, Small | PS | | PS | PS | PS | PS | 1107.07(e) |
| Public/Institutional Uses | A-1 | PAR | R-1 | R-2 | R-3 | R-4 | REF |
| Cemeteries, Mortuaries | CS | | | | | | 1107.08(b) |
| Educational Facilities (Pre-K thru 12th Grade) | CS | | | | | CS | 1107.08(c) |
| Essential Services | PS | PS | PS | PS | PS | PS | 1107.08(d) |
| Government Facility | P | P | P | P | P | P | |
| Public Parks, Open Spaces, Recreation, and Preserves, Outdoor | PS | PS | PS | PS | PS | PS | 1107.08(e) |
| Religious and Cultural Facilities | CS | | CS | CS | CS | CS | 1107.08(g) |
| Secondary Education, Colleges, and Universities | CS | | | | | CS | 1107.08(c) |
| Commercial Uses | A-1 | PAR | R-1 | R-2 | R-3 | R-4 | REF |
| Assisted Living and Skilled Nursing Care | | | | | | CS | 1107.09(b) |
| Retreat Center | | P | | | | | |
| Bed and Breakfast | CS | | CS | CS | CS | CS | 1107.09(h) |
| Commercial Recreation/Fitness, Indoor | CS | PS | CS | CS | CS | CS | 1107.09(k) |
| Commercial Recreation/Fitness, Outdoor | CS | PS | CS | CS | CS | CS | 1107.09(k) |
| Farm Market | P | | | | | | |
| Landing Field | CS | | | | | | 1107.09(o) |
| Accessory Uses | A-1 | PAR | R-1 | R-2 | R-3 | R-4 | REF |
| Accessory Structures | PS | PS | PS | PS | PS | PS | 1107.11 |
| Accessory Uses | PS | PS | PS | PS | PS | PS | 1107.11 |
| Antennas and Towers | PS | | PS | PS | PS | PS | 1107.11(b) |
| Day Care Home, Type A | CS | | CS | CS | CS | CS | 1107.11 |

| | | | | | | | |
|---------------------------------------|----|----|----|----|----|----|----------------------------|
| Day Care Home, Type B | PS | | PS | PS | PS | PS | Section 7, Item A. |
| Decks, Patios, Porches, and Balconies | PS | PS | PS | PS | PS | PS | 1107.11(f) |
| Dwelling, Accessory Unit | CS | | CS | CS | CS | CS | 1107.11(h) |

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|--|------------|------------|------------|------------|------------|------------|----------------------------|
| Electric Vehicle (EV) Charging Stations, Accessory | PS | PS | PS | PS | PS | PS | 1107.11(i) |
| Fences and Walls | PS | PS | PS | PS | PS | PS | 1107.11(j) |
| Garages and Carports, Detached | PS | PS | PS | PS | PS | PS | 1107.11(k) |
| Home Occupation, Type A | PS | | PS | PS | PS | PS | 1107.11(l) |
| Home Occupation, Type B | CS | | CS | CS | CS | CS | 1107.11(l) |
| Open-Sided Structure | PS | PS | PS | PS | PS | PS | 1107.11(m) |
| Parking Area, Accessory | P | P | P | P | P | P | |
| Parking of Recreational Vehicles and Watercraft | PS | | PS | PS | PS | PS | 1107.11(s) |
| Playground Equipment | <u>PS</u> | PS | PS | PS | PS | PS | 1107.11(u) |
| Solar Panels, Roof Mounted | PS | PS | PS | PS | PS | PS | 1107.11(v) |
| Storage Structure | PS | PS | PS | PS | PS | PS | 1107.11(w) |
| Swimming Pools and Hot Tubs, Private | PS | PS | PS | PS | PS | PS | 1107.11(x) |
| Temporary Uses | A-1 | PAR | R-1 | R-2 | R-3 | R-4 | REF |
| Construction Trailer | PS | PS | PS | PS | PS | PS | 1107.12(a) |
| Farm Market, Temporary | P | | | | | | |
| Festivals and Circuses | PS | PS | PS | PS | PS | PS | 1107.12(b) |
| Mobile Uses | PS | PS | | | | | 1107.12(c) |
| Model Home | | | PS | PS | PS | PS | 1107.12(d) |
| Residential Sales | PS | | PS | PS | PS | PS | 1107.12(e) |
| Residential Storage Units (PODs) | PS | | PS | PS | PS | PS | 1107.12(f) |
| Seasonal Sales | PS | | | | | | 1107.12(g) |
| Temporary Structures | P | P | P | P | P | P | |

P= Permitted Use, PS= Permitted Use with Use Specific Standards, C= Conditional Use, CS= Conditional Use with Specific Standards

TABLE 1107.04-2: Nonresidential Districts Use Table

| Residential Uses | C-1 | C-2 | DC-1 | MU-1 | RM U | CV-1 | TN-1 | TN-2 | O-1 | O-RP | O-S | I-1 | I-2 | REF |
|---|------------|------------|-------------|-------------|-------------|-------------|-------------|-------------|------------|-------------|------------|------------|------------|-----------------------------|
| Dwelling, Four Family | | CS | | | | | P | P | | | | | | |
| Dwelling, Live/Work | CS | CS | PS | | | | PS | PS | | | | | | 1107.07 (a) |
| Dwelling, Multi-Family 5+ Units | C | | | C | C | | C | C | | | | | | |
| Dwelling, Row House | CS | CS | | CS | CS | | PS | PS | | | | | | 1107.07 (b) |
| Dwelling, Single Family | | | | | | | P | P | | | | | | |
| Dwelling, Three Family | | C | | | | | P | P | | | | | | |
| Dwelling, Two Family | | | | | | | P | P | | | | | | |
| Dwelling, Upper Floor | CS | CS | PS | PS | PS | | PS | PS | | | | | | 1107.07 (c) |
| Elderly Housing | | | | | | | CS | CS | | | | | | 1107.07 (d) |
| Residential Treatment Facility, Medium | | | | | | | CS | CS | | | | | | 1107.07 (e) |
| Residential Treatment Facility, Small | | | | | | | PS | PS | | | | | | 1107.07 (e) |
| Residential Treatment Facility, Medium | | | | | | | CS | CS | | | | | | 1107.07 (e) |
| Residential Treatment Facility, Small | | | | | | | PS | PS | | | | | | 1107.07 (e) |
| Public/Institutional Uses | C-1 | C-2 | DC-1 | MU-1 | RM U | CV-1 | TN-1 | TN-2 | O-1 | O-RP | O-S | I-1 | I-2 | REF |
| Alcohol and Drug Addiction Treatment Facilities | | | | | | | | | | | | CS | CS | 1107.08 (a) |
| Cemeteries and Mortuaries | PS | | | | | | | | | | | | | 1107.08 (b) |

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|--|----|----|----|----|----|----|----|----|----|----|----|----|----|----|---|
| Educational Facilities (Pre-K thru 12th Grade) | CS | CS | | | | CS | | | CS | | | | | | Section 7, Item A. 1107.08 (c) |
| Essential Services | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 1107.08 (d) |
| Government Facility | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |

| | | | | | | | | | | | | | | | |
|---|------------|------------|-------------|-------------|------------|-------------|-------------|-------------|------------|-------------|------------|------------|------------|------------|-----------------------------|
| Public Parks, Open Spaces, Recreation, and Preserves, Outdoor | | | PS | PS | PS | PS | PS | PS | PS | CS | CS | | | | 1107.08 (e) |
| Public Plazas, Gathering, and Eating Areas | | P | P | P | P | P | | P | | | | | | | |
| Public Recreation and Event Space, Indoor | | | CS | | PS | PS | | | | | | | | | 1107.08 (f) |
| Religious and Cultural Facilities | CS | CS | CS | CS | CS | CS | CS | CS | CS | | | | | | 1107.08 (g) |
| Secondary Education, Colleges, and Universities | CS | CS | | CS | | CS | | | | CS | | | | | 1107.08 (c) |
| Transportation or Communication Utility | | | | | | | | | | | | P | P | | |
| Commercial Uses | C-1 | C-2 | DC-1 | MU-1 | RMU | CV-1 | TN-1 | TN-2 | O-1 | O-RP | O-S | I-1 | I-2 | REF | |
| Alcohol Production and Sales, Large | PS | CS | | | | | | | | | | | | | 1107.09 (a) |
| Alcohol Production and Sales, Small | PS | PS | PS | PS | PS | | | | | | | | | | 1107.09 (a) |
| Artist Studio and Gallery | P | P | P | P | P | | | P | | | | | | | |

| | | | | | | | | | | | | | | | |
|-------------------------------|------------|------------|-------------|-------------|------------|-------------|-------------|-------------|------------|-------------|------------|------------|------------|--|-----------------------------|
| Medical Office | P | P | C | P | C | C | C | C | | | | | | | Section 7, Item A. |
| Mixed Use | PS | PS | PS | PS | PS | PS | | PS | | | | | | | 1107.09 (g) |
| Office | P | P | P | P | P | P | C | C | P | P | P | | | | |
| Office, Campus | P | | | | | | | | C | P | P | | | | |
| Office, Co-Working | P | | C | P | C | C | | | | | | | | | |
| Personal Service | PS | PS | | | | | | CS | CS | | PS | | | | 1107.09 (r) |
| Restaurant, Quick Service | PS | CS | | | | | | | | | | | | | 1107.09 (s) |
| Restaurant, Standard | PS | PS | PS | PS | PS | | | PS | | | PS | | | | 1107.09 (t) |
| Retail, Convenience | PS | CS | | | | | | | | | | | | | 1107.09 (u) |
| Retail, Food/Beverage Related | PS | PS | PS | PS | PS | | | PS | | | | | | | 1107.09 (u) |
| Retail, General | PS | PS | PS | PS | PS | | | PS | | | | | | | 1107.09 (u) |
| Retail, Large Format | CS | | | | | | | | | | | | | | |
| Retail, Services | C | | | | | | | | | | | P | | | |
| Sexually Oriented Businesses | | | | | | | | | | | | | CS | | 1107.09 (w) |
| Veterinary Services | CS | CS | | | | | | | | | | | | | 1107.09 (x) |
| Industrial Uses | C-1 | C-2 | DC-1 | MU-1 | RMU | CV-1 | TN-1 | TN-2 | O-1 | O-RP | O-S | I-1 | I-2 | | REF |
| Distribution Center | | | | | | | | | | | | CS | PS | | 1107.10 (c) |
| Environmental Sciences | | | | | | | | | | P | | P | P | | |
| Fulfillment Center | | | | | | | | | | | | PS | PS | | 1107.10 (d) |
| Industrial, Artisan | P | C | | | | | | | | | | P | P | | |
| Industrial, Heavy | | | | | | | | | | | | | P | | |
| Industrial, Light | | | | | | | | | | | | P | P | | |

| Section 7, Item A. | | | | | | | | | | | | | | |
|--|------------|------------|-------------|-------------|------------|-------------|-------------|-------------|------------|-------------|------------|------------|------------|-----------------------------|
| Large Equipment and Truck Retail, Rental, and Repair | | | | | | | | | | | | PS | PCS | |
| Material Sciences | | | | | | | | | | P | | P | P | |
| Research and Development Facility | | | | | | | | | | P | | P | P | |
| Warehouse, Primary Use | | | | | | | | | | | | | CS | |
| Warehouse, Secondary Use | | | | | | | | | | | | PS | PS | |
| Accessory Uses | C-1 | C-2 | DC-1 | MU-1 | RMU | CV-1 | TN-1 | TN-2 | O-1 | O-RP | O-S | I-1 | I-2 | REF |
| Accessory Structures | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 1107.11 |
| Accessory Uses | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 1107.11 |
| Antennas and Towers | PS | PS | | | | | | | PS | PS | PS | PS | PS | 1107.11 (b) |
| Automated Teller Machine (ATM), Outdoor | PS | PS | | | | | | | | | | | | 1107.11 (c) |
| Day Care Home, Type A | | | CS | CS | CS | | CS | CS | | | | | | 1107.11 (d) |
| Day Care Home, Type B | | | PS | PS | PS | | PS | PS | | | | | | 1107.11 (e) |
| Decks, Patios, Porches, and Balconies | PS | PS | PS | PS | PS | PS | PS | PS | | | | | | 1107.11 (f) |
| Drive-Thru for Retail or Restaurant Use | PS | CS | | | | | | | | | | | | 1107.11 (g) |
| Dwelling, Accessory Unit | | | | | | | CS | CS | | | | | | 1107.11 (h) |
| Electric Vehicle (EV) Charging Stations | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 1107.11 (i) |

| | | | | | | | | | | | | | | |
|---|------------|------------|-------------|-------------|-------------|-------------|-------------|-------------|------------|-------------|------------|------------|------------|-----------------------------|
| Fences and Walls | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | Section 7, Item A. |
| Garages and Carports, Detached | | | | | | | PS | PS | | | | | | 1107.11 (k) |
| Home Occupation, Type A | | | PS | PS | PS | | PS | PS | | | | | | 1107.11 (l) |
| Home Occupation, Type B | | | CS | CS | CS | | CS | CS | | | | | | 1107.11 (l) |
| Open-Sided Structures | | | PS | PS | PS | | PS | PS | | | | | | 1107.11 (m) |
| Outdoor Dining | PS | PS | PS | PS | PS | PS | | | | | | | | 1107.11 (n) |
| Outdoor Retail and Display | PS | PS | PS | PS | PS | PS | | | | | | | | 1107.11 (o) |
| Outdoor Storage | PS | PS | | | | | | | | | | PS | PS | 1107.11 (p) |
| Parking Area | P | P | PS | PS | PS | PS | PS | PS | P | P | P | P | P | 1107.11 (q) |
| Parking Garage | P | P | PS | PS | PS | PS | PS | PS | P | P | | | | 1107.11 (q) |
| Parking of Recreational Vehicles and Watercraft | | | | | | | PS | PS | | | | | | 1107.11 (s) |
| Pick-Up Window for Retail or Restaurant Use | PS | PS | PS | PS | PS | | | PS | | | | | | 1107.11 (t) |
| Playground Equipment | | | | | PS | PS | | | | | | | | 1107.11 (u) |
| Solar Panels, Roof-Mounted | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 1107.11 (v) |
| Storage Structure | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 1107.11 (w) |
| Swimming Pools and Hot Tubs, Private | | | | | | | PS | PS | PS | | | | | 1107.11 (x) |
| Temporary Uses | C-1 | C-2 | DC-1 | MU-1 | RM U | CV-1 | TN-1 | TN-2 | O-1 | O-RP | O-S | I-1 | I-2 | REF |
| Construction Trailer | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 1107.12 (a) |
| Farm Market | | | P | P | P | P | | | | | | | | |
| Festivals and Circuses | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | 1107.12 (b) |

| | | | | | | | | | | | | | | |
|--|----|----|----|----|----|----|----|----|----|----|----|----|----|-----------------------------|
| Mobile Uses | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | PS | Section 7, Item A. |
| Model Home | | | | PS | PS | | PS | PS | | | | | | 1107.12(d) |
| Residential Sales | | | PS | | PS | | PS | PS | | | | | | 1107.12 (e) |
| Residential Storage Units (PODs) | | | PS | | PS | | PS | PS | | | | | | 1107.12 (f) |
| Seasonal Sales | PS | PS | PS | PS | PS | PS | | | | | | | | 1107.12 (g) |
| Special Event | | | PS | PS | PS | PS | PS | PS | | | | | | 1107.12 (h) |
| Temporary Structure | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| P= Permitted Use, PS= Permitted Use with Use Specific Standards, C= Conditional Use, CS= Conditional Use with Specific Standards | | | | | | | | | | | | | | |

1107.10 Industrial Use Standards

- (a) General I-1 Industrial Use Requirements: The following regulations shall apply to all uses within the I-1 zoning district.
 - (1) **Lighting:** Exterior lighting shall be shaded wherever necessary to avoid casting direct light off-site.
 - (2) **Noise:** Industrial uses shall not produce either continuous or intermittent noise at a level, at the property line, which causes harm or annoyance to adjacent property owners.
 - (3) **Odor:** Industrial uses shall not emit odors or odor-causing substances that can be detected at the property line.
 - (4) **Vibrations:** Industrial uses shall not produce vibrations that can be detected at the property line.
 - (5) **Air Pollution, Smoke and Dust:** Industrial uses shall keep air pollution and smoke at an acceptable minimum, as determined by the Ohio Environmental Protection Agency, and shall keep dust and other particulate matter borne by air from leaving the lot by landscaping, paving, or other appropriate means.
 - (6) **Heat and Glare:** Industrial uses that produce intense heat or glare shall only be conducted in a totally enclosed building.
 - (7) **Toxic Material:** Industrial uses shall not emit toxic or noxious matter that is injurious to human health or comfort. Where such emission could be produced as a result of an accident or equipment malfunction, adequate safeguards considered suitable for the industry involved shall be taken.
 - (8) **Explosive Material:** Industrial uses shall not store, utilize or manufacture pyrophoric and explosive powders and dusts, or materials or products that decompose by detonation.
- (b) General I-2 Industrial Use Requirements: The following regulations shall apply to all uses within the I-2 zoning district.
 - (1) **Lighting:** Exterior lighting shall be shaded wherever necessary to avoid casting direct light off-site.
 - (2) **Air Pollution, Smoke and Dust:** Industrial uses shall keep air pollution and smoke at an acceptable minimum, as determined by the Ohio Environmental Protection Agency and

shall keep dust and other particulate matter borne by air from leaving the site by landscaping, paving, or other appropriate means.

- (3) **Heat and Glare:** Industrial uses that produce intense heat or glare shall only be conducted in a totally enclosed building.
 - (4) **Toxic Material:** Industrial uses shall not emit toxic or noxious matter that is injurious to human health or comfort. Where such emission could be produced as a result of an accident or equipment malfunction, adequate safeguards considered suitable for the industry involved shall be taken.
 - (5) **Explosive Material:** Industrial uses shall not store, utilize or manufacture pyrophoric and explosive powders and dusts, or materials or products that decompose by detonation.
- (c) **Distribution Center:** Distribution centers shall be subject to the following regulations. Distribution centers that require conditional use approval shall also be subject to the review standards in Section 1113.01:
- (1) No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be placed on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.
 - (2) Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.
 - (3) Fleet vehicle parking areas shall be screened by landscaping and or fencing along all sides visible from the public right of way and from adjoining residential property.
 - (4) No junk, inoperative, or unlicensed automobiles, or parts, shall be permitted on the property.
 - (5) No outdoor storage of any material or waste shall be permitted on site.
- (d) **Fulfillment Center:** Fulfillment centers shall be subject to the following regulations:
- (1) Warehousing is not permitted on a previously undeveloped property. This includes subdividing an existing property to create a new buildable lot and demolishing an existing building in order to construct a new warehouse as a primary use.
 - (2) No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be placed on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.
 - (3) No outdoor storage of any material or waste shall be permitted on site.
- (e) Large Equipment Retail, Rental, and Repair: Large equipment and truck retail, rental, and repair shall be subject to the following regulations:
- (1) The minimum lot size for a large equipment retail, rental, and repair use shall be 15 acres.
 - (2) Large equipment retail, rental, and repair shall only permitted on previously undeveloped property.
 - (3) All repair activities shall be performed entirely within a building.
 - (4) The outdoor storage of parts, inoperable vehicles, or junk is prohibited.
- (e)(f) Warehousing, Primary Use: Warehousing as a primary use shall be subject to the following regulations in addition to the review standards in Section 1113.01:
- (1) Warehousing is not permitted on a previously undeveloped property. This includes subdividing an existing property to create a new buildable lot and demolishing an existing building in order to construct a new warehouse as a primary use.
 - (2) No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be placed on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.
 - (3) No outdoor storage of any material or waste shall be permitted on site.
- (f)(g) Warehousing, Secondary Use: Warehousing as a secondary use shall be subject to the following regulations:
- (1) Warehousing is allowed as a secondary use to retail, manufacturing, or industrial uses on the same property.

(2) Secondary warehousing shall not exceed 35 percent of the total building area specifically approved by the Planning Commission.

Section 7, Item A.

1109.05 Planned Unit Development ~~Overlay~~ District

- (a) Purpose: The purpose of the Planned Unit Development (“PUD”) District is to:
 - (1) Promote the mixture of land uses in a creative, economical, and aesthetically pleasing manner.
 - (2) Encourage flexibility in the design of developments, specifically in the preservation of open space, in the protection of natural features, in the utilization of site amenities, and in the creation of designs that are compatible with surrounding uses.
 - (3) Provide harmonious transitions between uses by utilizing land uses, landscape buffers, or other similar techniques.
 - (4) Allow for the development of infill sites and the redevelopment of existing sites in creative manners that respect existing circumstances, adjacent land uses, landscape buffers, or other similar techniques.
 - (5) Allow for safe and efficient transportation networks that accommodate automobiles, bicycles, and pedestrians.
- (b) Applicability
 - (1) Existing Planned Unit Development Districts
 - (A) Existing Planned Unit Development Districts approved by the City of Franklin will remain in existence, and their development plans continue to be enforced.
 - (B) Modifications to existing Planned Unit Development Districts shall comply with the regulations contained in Section 1109.05(f).
 - (2) New Planned Unit Development Districts: New Planned Unit Development Districts shall comply with the regulations contained within this Section and this UDO.
- (c) Establishment of a Planned Unit Development: All approved Planned Unit Development Districts shall be identified on the City of Franklin Zoning Map with the notation “PUD” Planned Unit Development.
- (d) Planned Unit Development General Regulations
 - (1) Permitted Buildings and Uses
 - (A) Any principal use shall be allowed within a PUD District subject to the approval of the Planning Commission and City Council on the Preliminary Development Plan; provided, a PUD District shall not contain a use which is prohibited everywhere in the City limits.
 - (B) Accessory buildings and uses are permitted subject to the approved Development Plan.

- (2) Minimum Area Requirements: There is no minimum area requirement for a PUD District.
- (3) Multiple Buildings on a Lot: More than one building is permitted on a lot within a PUD District, subject to the approval of the Preliminary Development Plan.
- (4) Setbacks
 - (A) Peripheral and internal setbacks shall be defined on the development plan. For the purpose of this section, peripheral setbacks shall be the setbacks that apply to the perimeter of the PUD District, and internal setbacks shall be the setbacks that apply to specific lots of buildings within the PUD District.
 - (B) PUD Districts that include non-residential, multi-family, or mixed use buildings adjacent to single-family, two-family, or single-family attached uses shall provide a minimum 50-foot buffer along the shared property line. The buffer must consist of a combination of mounding, landscaping, and/or fencing designed to create an opaque, year-round screen with a minimum height of six feet.
 - (C) PUD Districts shall establish appropriate yard setbacks for buildings and off-street parking areas consistent with the existing or envisioned development for the area, as indicated by the City's approved Comprehensive Plan.
- (5) Transitions: PUDs shall be considerate of adjacent developments and shall be designed in a way to mitigate undesirable audible and visual impacts to the adjoining land uses. Transitions could include increased setbacks, landscape buffers, fencings, sound walls, mounding, stepped building heights, and graduated development intensity.
- (6) Open Space
 - (A) Common open space shall be provided within each Planned Unit Development that shall occupy a minimum of 20 percent of the gross acreage of the development.
 - (B) For the purposes of this Section, common open space is defined as an area of land or water that is designed for either environmental, scenic, or recreational purposes. It may include buffer areas, active and passive recreation areas, wooded areas, water courses, and similar amenities.
 - (C) Ownership of common open space for a residential PUD shall be transferred by the developer to a legally established homeowners

association, or if accepted, to the City of Franklin or other public or quasi-public agency.

- (7) Landscaping: Any part of the development that is not used for buildings, structures, walks, parking, loading, or access ways shall be landscaped.
- (8) Signage: Signage shall be regulated per Section 1111.08 unless otherwise approved in the Final Development Plan.
- (9) Lighting: Outdoor lighting shall be regulated per Section 1111.07(d)(2) unless otherwise approved in the Final Development Plan.
- (10) Parking: Required off-street parking and loading spaces shall be regulated per Section 1111.07 unless otherwise approved in the Final Development Plan.

(e) Planned Unit Development Approval Process: An owner (or agent) of land proposed to be located in a PUD District shall adhere to the following procedure:

(1) Zoning Map Amendment and Preliminary Development Plan

- (A) Pre-Application Meeting. Upon the recommendation of the Zoning Official City Engineer, or upon the request of the applicant, the applicant shall meet with the Technical Review Committee (“TRC”) prior to submitting an application for a Zoning Map Amendment and Preliminary Development Plan. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
- (B) Zoning Map Amendment and Preliminary Development Plan Submittal. An application for a Zoning Map Amendment shall be submitted with the Preliminary Development Plan to rezone the subject property from its current zoning designation to Planned Unit Development “PUD.” The Preliminary Development Plan is the conceptual design or configuration of the overall project, showing the general location of streets, lots, uses, buildings, landscaping, and parking. See Section 1109.05(g) for the submittal requirements.
- (C) Review by the TRC: Upon receipt, the Zoning Official shall forward of the Zoning Map Amendment and Preliminary Development Plan an application and Plan to the TRC. The TRC shall review the submittals application and Plan for completeness, and if the applications and/or Plan is are 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 applications and Plan is are deemed complete and the application fees have been paid, the TRC shall

- recommend to the ~~City Engineer Zoning Official~~ that the City officially accept the application. Only complete applications ~~and Preliminary Plans~~ will be forwarded to the Planning Commission.
- (D) Notice of Public Hearing before Planning Commission: Upon determination by the TRC that ~~an the applications and Preliminary Development Plan~~ contains all the necessary and required information ~~and completion of review of the Plan by others~~, the ~~Zoning Official City Engineer~~ shall place the ~~Zoning Map Amendment and Preliminary Development Plan application and Plan~~ on Planning Commission's agenda and schedule a public hearing ~~on the application on the proposed amendment~~. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website at least five ~~(5)~~ days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed ~~application Zoning Map Amendment~~ and Preliminary Development Plan. The applications ~~and Plan~~ shall be kept on file for public examination in the office of the ~~Zoning Official City Engineer~~.
- (E) Notice to Property Owners of Public Hearing before Planning Commission: If the proposed ~~PUD Overlay~~ District intends to apply to ten ~~(10)~~ or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property ~~within 250 feet of any part of that are contiguous to~~ the parcel(s) or lot(s) proposed for the ~~Overlay PUD~~ District 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.
- (F) Review and Recommendation by Planning Commission: The Planning Commission shall review the ~~Zoning Map Amendment and Preliminary Development Plan application~~ and, ~~based upon the review criteria in Section 1109.05(e)(1)(G)~~, recommend to City Council that the ~~PUD PUD/PRCD~~ be granted as requested, ~~be granted as modified by the Planning Commission,~~ or be denied.
- (G) Notice of Public Hearing before Council: Following receipt of the recommendation from the Planning Commission, the Clerk of Council shall schedule a public hearing on the proposed ~~Overlay~~

PUD District. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website at least five ~~(5)~~ days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed ~~applications~~ Zoning Map Amendment and Preliminary Development Plan.

(H) Notice to Property Owners of Public Hearing before Council: ~~If the proposed PUD District intends to apply to 10 or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property within 250 feet of any part of the parcel(s) or lot(s) proposed for the PUD District or that are across the street from it.~~ Notice of the public hearing Such notice shall be given by the Clerk of Council. ~~Such notice shall be sent by~~ 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.

(I) Action by City Council: After holding the public hearing, City Council shall approve the Zoning Map Amendment application and Preliminary Development Plan; deny the ~~application~~ Zoning Map Amendment and Preliminary Development Plan; or approve the ~~application~~ Zoning Map Amendment and Preliminary Development Plan ~~based upon the review criteria in Section 1109.05(e)(1)(G) and~~ subject to any additional conditions and restrictions ~~to which the owner has agreed~~ Council deems necessary and/or appropriate in its discretion.

(2) Final Development Plan

(A) Final Development Plan Submittal: ~~The Zoning Official TRG shall review the Final Development Plan to determine that it includes all the items required. The TRG shall review the application~~ Final Development Plan for completeness, and if the ~~application~~ Plan 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 and Plan~~ Final Development Plan is ~~are~~ deemed complete and the application fee has been paid, the TRC ~~shall review the Plan and shall~~ recommend to the Zoning Official City Engineer that the City officially accept the application.

(B) ~~Notice of Public Hearing before Planning Commission: Notice shall be given of the Planning Commission's public hearing pursuant to Section 1109.05(e)(1)(D).~~

(C) ~~Review and Decision by Planning Commission: The~~ Planning Commission shall review the Final Development Plan and the recommendations of the TRC and the ~~Zoning Official~~ City Engineer. The Planning Commission shall ~~assure that~~ review the Final Development Plan ~~is in accordance and for~~ compliance with the ~~approved~~ Preliminary Development Plan. The Planning Commission shall take action on the submitted Final Development Plan by ~~either~~:

- (i) Approving the Final Development Plan as submitted; ~~or~~
- (ii) Approving the Final Development Plan subject to specific conditions not included in the ~~Plan~~ as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
- (iii) Denying approval of the Final Development Plan.

~~(D) Referral to Council: The Final Development Plan for a PUD or PRGD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration, may deny the Final Development Plan, approve the Plan as submitted, or approve the Plan subject to additional conditions and restrictions to which the owner has agreed.~~

(3) Standards for Approval:

(A) ~~General Standards of Review:~~ The Planning Commission and City Council shall apply the following standards in reviewing ~~a PUD application and~~ Development Plans:

- (i) Whether the ~~plan application and plan~~ indicates that the physical development of the PUD will commence within nine ~~(9)~~ months following the approval, and that the development will be carried out according to a reasonable construction schedule satisfactory to the City;
- (ii) Whether the proposed PUD is consistent in all respects with the purpose and intent of this section;
- (iii) Whether the proposed PUD is in conformity with the Comprehensive Plan or any adopted component thereof, and that the development would not be contrary to the general welfare and economic prosperity of the community;

Commented [CS1]: I think we want to say that a general public notice will be given for PC's hearing pursuant to 1109.05e1D, but not the individual property owner notices 1109.05e1E.

- (iv) Whether the proposed development shall be provided with adequate drainage facilities for surface and storm water flow;
- (v) Whether the proposed development will be accessible from public roads that are adequate to carry the traffic generated by the proposed development;
- (vi) Whether there will be an undue constraint or burden imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development;
- (vii) Whether the streets and driveways on the site of the proposed development will be adequate to serve the residents or occupants of the proposed development and will meet the minimum standards of all applicable ordinances or administrative regulations of the City;
- (viii) Whether centralized water and sewer facilities will be provided; ~~and~~
- ~~(ix)~~ Whether the use of the land surrounding the proposed development can be planned in coordination with the proposed development; ~~and~~
- ~~(ix)~~ Whether the proposed PUD and/or any use of land therein will be detrimental to the health, safety, or general welfare of residents or occupants of surrounding properties.-

(4) Project Phasing and Expiration

- (A) An applicant may submit a Final Development Plan for any or all of the approved PUD Preliminary Development Plan.
 - (B) A Preliminary Development Plan will expire if, two years from the date of approval, no Final Development Plan has been submitted for all or part of the project. If a Preliminary Development Plan expires, the applicant will be required to submit a new Preliminary Development Plan for review and approval per the requirements of this section.
 - (C) If no building permit or site construction permit has been issued within two years after the approval of the Final Development Plan, for all or part of a PUD, then approval of the Final Development Plan shall expire and no longer be in effect. An applicant may request an extension of up to one year, which may be approved by City Council.
- (f) Modifications to an Approved PUD: A proposed modification to an approved PUD is subject to the following:

- (1) Administrative: An administrative modification is a change that does not alter the basic design, or intent, or intent of the approved plans. Administrative modifications may be approved by the Zoning Official with TRC review. Examples include, but are not limited to:
 - (A) Correcting typographical errors or mapping errors on approved plans;
 - (B) Adjusting internal lot lines in a manner that does not affect density, building placement, buffers, or similar elements;
 - (C) Shifting internal utilities, drainage, or easements without changing development intensity;
 - (D) Minor adjustments to internal circulation or parking areas (i.e., driveway alignments, addition or removal of a small number of parking spaces);
 - (E) Substituting building or landscaping materials with those of equal or higher quality; and
 - (F) Exterior building color changes that are neutral or subdued in nature.
- (2) Minor: A minor modification is a change that does not qualify as administrative, but also does not significantly alter the design, layout, or uses of the approved plan. The approval process for a minor modification is the same as for a Final Development Plan. Examples include, but are not limited to:
 - (A) Increasing or decreasing building square footage or height by less than 10 percent;
 - (B) Relocating a building footprint within the same parcel, provided buffers, setbacks, and open space are maintained;
 - (C) Slight changes in the number of residential units, provided overall density does not exceed the approved maximum;
 - (D) Reconfiguring parking areas or internal roads, if circulation and safety standards are maintained;
 - (E) Adjusting phasing or timing of construction without changing the ultimate buildout; and
 - (F) Adding new uses that are substantially similar in nature and intensity to those previously approved.
- (3) Major: A major modification is any change that does not qualify as administrative or minor and represents a significant change to the design, layout, uses, or intensity of the project. The approval process for a major

modification is the same as for a Preliminary Development Plan. Examples include, but are not limited to:

- (A) Increasing total density or intensity beyond what was approved;
- (B) Adding new uses that are dissimilar in nature or more intense than those previously approved;
- (C) Expanding the boundary of the PUD;
- (D) Reducing required open space, buffers, landscaping, or amenities;
- (E) Changing exterior building materials to a lesser quality;
- (F) Making significant changes to traffic circulation or demand that affect surrounding streets; and
- (G) Increasing building square footage or height by 10 percent or more above what was approved.

(g) PUD Application Requirements

- (1) Zoning Map Amendment: Application requirements are located in Section 1115.04(c). In addition to the requirements set forth in Section 1115.04(c), the application shall include proposed governing text for the PUD District, setting forth general standards and regulations applicable to the subject property and development therein. The governing text may address (by way of example and not limitation) standards and requirements regarding permitted principal and accessory uses, minimum building setbacks, minimum lot sizes, minimum open space, and other items requested by the City.
- (2) Preliminary Development Plan: The Preliminary Development Plan shall include the following:
 - (A) A survey or engineering drawings of the property to be included in the Planned Unit Development;
 - (B) A vicinity map including north arrow, scale bar, applicant contact information, and development title;
 - (C) Evidence that the applicant has the consent of the property owner to submit the Preliminary Development Plan or has sufficient control over the tract to complete the proposed plan, including a statement of the ownership and beneficial interests in the tract of land and the proposed development;
 - (D) A narrative description of the proposed development;
 - (E) A plan that identifies the proposed parcels contained within the development;
 - (F) Existing property lines of adjacent properties noting the owners of record and existing zoning designations and uses;

- (G) The location of proposed buildings and land uses within the development. The amount of land area/proposed square footage dedicated for each land use shall be specified;
 - (H) Preliminary interior open space and landscaping concepts;
 - (I) Location of existing and proposed streets, drives, access locations, parking areas, and pedestrian network;
 - (J) Minimum peripheral setbacks around the perimeter of the development;
 - (K) A traffic impact study, if deemed necessary by the Zoning Official;
 - (L) For residential developments, a statement of density of the various residential uses within the development.
 - (M) Any additional information requested by the Zoning Official or Technical Review Committee.
- (3) Final Development Plan: The Final Development Plan shall include the following:
- (A) A plan prepared by a registered surveyor or engineer or the entire development area identifying parcel numbers, dimensions, and areas;
 - (B) Evidence that the applicant has the consent of the property owner to submit the Final Development Plan or has sufficient control over the tract to complete the proposed plan, including a statement of ownership and beneficial interests in the tract of land and the proposed development;
 - (C) A developer's agreement to be entered into by the property owner and the City, and shall address the required improvements, development requirements, and conditions applicable to the district development in the PUD District. The agreement shall set forth also specify the regulations applicable to the PUD, including but not limited to items such as (by way of example and not limitation) architectural standards, signage, permitted uses, and any agreed-upon public/private arrangements, and other items requested by the City. Following approval of the Final Development Plan, and full execution of the developer's agreement by both the property owner and the City, The developer property owner shall record the fully-executed agreement with the Warren County Recorder.

- ~~(C) Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Unit Development District;~~
- ~~(D) The existing topography with contour intervals of not less than five feet, and final contours at two feet maximums;~~
- ~~(E) The proposed size, location, use, and arrangement of buildings, parking areas (with proposed arrangement of stalls and number of spaces), entrance and exit driveways and their relation to existing and proposed streets, proposed landscaping, signage, and all other significant features of the proposed development.~~
- ~~(F) A statement of the density of residential uses within the development, if applicable.~~
- ~~(G) Building elevations of all sides that indicate proposed architectural character. Exterior finishes and colors shall be identified;~~
- ~~(H) Design and location of existing landscaping to be preserved and all proposed landscaping areas, open space, buffering plans, retention/detention areas, and yards. The common and scientific names of all proposed plant species shall be provided along with the quantity and sizes of each;~~
- ~~(I) Existing and proposed sanitary and storm sewers, water mains, culverts, and other underground structures.~~
- ~~(J) Lighting, including fixture types, sizes, and a photometric plan indicating the minimum and maximum illumination and the footcandle reading of outdoor lighting at all property lines;~~
- ~~(K) Service structures and trash facilities, including dumpster pads and enclosure details;~~
- ~~(L) Notation of any right-of-way dedication that may be necessary for the widening or extension of any major street;~~
- ~~(M) Sign plan indicating locations, sizes, and designs for all proposed signs;~~
- ~~(N) Development schedule and project timetable along with a phasing plan for the development, if any; and~~
- ~~(O) Any additional information requested by the Zoning Official or Technical Review Committee.~~

~~(h) — Developer's Agreement: Before any improvements are made within a PUD Overlay District, a Developer's Agreement shall be required incorporating all improvements, requirements and conditions of the development of the district, which requirements~~

and conditions shall run with the land. The agreement shall be drafted in recordable form and recorded by the Developer with the County Recorder for Warren County.

(i) ~~Development~~

(1) ~~Requirements: Before beginning construction on any improvements within the PUD, PRGD or any section thereof, the dDeveloper shall comply with the provisions of this paragraph in order to assure that the proposed improvements meet the requirements of the City's Improvement Requirements and Standards, as outlined in section 1111.03;~~

(2) ~~Construction Plans: Before beginning work on the improvements in a PUD, or PRGD any section thereof, the dDeveloper shall submit to the City Engineer two (2) complete sets of Construction Plans and specifications of improvements, prepared by a registered professional engineer, that shall include typical sections, plan and profile views, construction details, and estimates of quantities and types of materials, along with the filing fee required under section 1105.09. The plans shall show:~~

- ~~(A) The centerline profile of each proposed street, with tentative grades indicated;~~
- ~~(B) The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of the utility mains;~~
- ~~(C) The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers;~~
- ~~(D) A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;~~
- ~~(E) A Site Development Plan as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k);~~
- ~~(F) A Landscaping Plan, as may be required by section 1111.06;~~
- ~~(G) An Engineer's estimate of the total cost of the contemplated public improvements for the subdivision or section thereof; and~~
- ~~(H) Any other information needed to show that the proposed improvements comply with this UDO.~~

(j) ~~Regulation Concerning Required Improvements:~~

(1) ~~Street Construction: Notwithstanding any other provision of this UDO, if approved by the City Engineer, the Developer may delay application of the final coat of asphalt for the time period allowed by the City Engineer. If the~~

City Engineer does grant the dDeveloper such a delay, the dDeveloper shall wedge around any manholes or other protrusions, as directed by the City Engineer. A written agreement show such an agreement between the Developer and the City Engineer shall be required before the City accepts the improvements:

- (2) Temporary Construction Signs: The Developer shall install temporary construction signs as instructed by the City Engineer and based upon the progress of construction of the infrastructure. No construction or other required permits shall be issued until such temporary construction signs are installed as required by the City Engineer. Such signs shall be maintained by the Developer until the final coat of asphalt is applied.
- (3) Completion of Construction: The construction of all public improvements shown on the approved Construction Plans must be completed within two (2) years from the date of approval, unless good cause can be shown for the granting of an extension of time by Council.
- (4) Maintenance: For a period of one (1) year from the date the constructed improvements were accepted by the City, the Developer shall make such repairs or replacements as may be required by reason of defective workmanship or material.

(k)(h) Use and Maintenance: Each PUD Overlay District shall at all times be maintained and used in accordance with the standards set forth above, and in a manner not to create a health and safety hazard to adjacent residents or businesses:

Commented [CS2]: I don't think we need any of this in here. Construction/engineering requirements and procedures appear elsewhere in the City's ordinances, and nothing about the PUD zoning approval would modify the developer's need to comply with those other laws.

I

1. Purpose:

1.—The Planned Unit Development (PUD) Overlay District is intended to permit development that will, over a period of time, be enhanced by coordinated area site planning, diversified location of structures, diversified building heights and types, and/or mixing of compatible uses. Such developments are intended to provide a safe and efficient system for pedestrian and vehicle traffic; to provide attractive recreation and open spaces as integral parts of the developments; to enable economic design in the location of public and private utilities and community facilities; and to ensure adequate standards of construction and planning. The PUD Overlay District under this Section will allow for flexibility of overall development design with benefits to the developer and the community, while at the same time maintaining the standards or use requirements set forth in the underlying basic zoning district.

2.—The PUD Overlay District may also be used to accommodate the development or redevelopment of parcels consistent with the design principles of traditional neighborhoods and conservation subdivisions. Traditional neighborhood development means a consolidated, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity or walking distance to each other. A conservation subdivision means a housing development in a rural setting that is characterized by reduced size lots and common open space and where natural features of land are maintained. Such proposed developments may be considered for approval at locations and with conditions that the City determines to be appropriate for the development and the surrounding area.

2.— Permitted Uses: Any use may be allowed within a PUD Overlay District subject to the approval of Planning Commission and City Council. Individual structures shall comply with specific building area requirements of the underlying basic use district, and shall meet setbacks as required, unless specifically approved otherwise by the Planning Commission.

3.— Minimum Requirements: Areas designated as PUD Overlay Districts shall be subject to the following minimum development areas:

| Principal Uses | Minimum Area of PUD |
|---|----------------------------|
| Residential PUD | 1 acre |
| Commercial PUD | 1 acre |
| Industrial PUD | 5 acres* |
| Mixed Compatible | Uses 5 acres* |
| * May be reduced on approval of the Planning Commission | |

4. ~~Preliminary Procedural Requirements:~~ An owner (or agent of) of land proposing the creation of a PUD Overlay District shall file an application and General Development Plan with the Zoning Official seeking approval of such district, and the application and plan shall be accompanied by a non-refundable fee, as outlined in section 1105.09.

1. ~~Application:~~ The application shall contain a statement indicating the following:

1. ~~The relationship of the proposed PUD Overlay District to the City's adopted master plan, or any adopted component thereof;~~
2. ~~The general character of, and the uses to be included in, the proposed PUD Overlay District;~~
3. ~~Total area to be included in the PUD Overlay District, including area for open space; residential density computations; proposed number of dwelling units; population analysis; availability of or requirements for municipal services; and any other similar data relevant to a comprehensive evaluation of the proposed development;~~
4. ~~A general summary of the estimated value of structures and site improvement costs, including landscaping and special features;~~
5. ~~A general outline of the organizational structure of any property owner's or management's association proposed to be established for the purposes of providing any necessary private services; and~~

6.—Any proposed departure from the standards of development as set forth in this section:

2.—**Preliminary Development Plan:** A Preliminary General Development Plan including:

- 1.—A legal description of the boundaries of the proposed district and its relationship to surrounding properties;
- 2.—The location of public and private roads, driveways, sidewalks, curbs and parking facilities;
- 3.—The size, arrangement, and location of any individual building sites and proposed building groups on each individual site;
- 4.—The location of institutional, recreational, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainage ways;
- 5.—The type, size, and location of all structures including rooftop mechanics;
- 6.—Landscape and screening plans;
- 7.—Lighting plans for parking lots, security, private drives and product display;
- 8.—Architectural plans, elevation, and perspective drawings and sketches illustrating the design and character of proposed structures;
- 9.—The existing and proposed location of public sanitary sewer and water supply facilities;
- 10.—The existing and proposed location of all private utilities or other easements;
- 11.—Characteristics of soils related to contemplated specific uses;
- 12.—Existing topography on the site with contours at no greater than two foot (2') intervals;
- 13.—Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses; and
- 14.—The expected date of the commencement of physical development within the district.

~~5.—Procedures for Review of Application and Preliminary Plan: (For a further description of the procedures to be followed and the submittals required, see section 1115.05)~~

- ~~1.—**Review for Completeness:** The TRC shall review the application and Preliminary Development Plan to determine that they include all the items required. If the application and Plan are deemed complete, and the application fee paid, the TRC shall recommend to the City Engineer that the City officially accept the application.~~
- ~~2.—**Review of Preliminary Development Plan by Others:** The City Engineer shall distribute the preliminary development plan and application to the following for review and comment:
 - ~~1.—Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Army Corps of Engineers, the Warren County Health Department, and the Ohio Environmental Protection Agency.~~
 - ~~2.—Other agencies that, at the discretion of the City, may have appropriate technical expertise.~~
 - ~~3.—Appropriate local City administrative officials, including the Law Director.~~
 - ~~4.—Consultants retained by the City.~~~~
- ~~3.—**Site Visit:** The Planning Commission or Council may, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.~~
- ~~4.—**Review by Planning Commission:** Planning Commission shall review the application and Preliminary Development Plan and the recommendations of the TRC and the City Engineer. The Planning Commission shall take action on the submitted application and Preliminary Development Plan by either:
 - ~~1.—Approving the application and Preliminary Plan as submitted; or~~
 - ~~2.—Approving the Preliminary Plan and application subject to specific conditions not included in the Plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement, or~~
 - ~~3.—Denying approval of the application and Preliminary Development Plan.~~~~

5.—~~Referral to Council:~~ The application and Preliminary Development Plan for a PRCD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration in applying the standards of review set forth in paragraph (i) and paragraph (j), below, may deny the application and Preliminary Plan, approve the application and Preliminary Plan as submitted, or approve the application and Preliminary Plan subject to additional conditions and restrictions to which the owner has agreed.

6.—~~Significance of Approved Application and Preliminary Development Plan.~~ Approval of the Preliminary Development Plan shall:

- 1.—Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.
- 2.—Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved Preliminary General Development Plan.
- 3.—Provide the benchmark for the Planning Commission to consider and approve amendments to the Final General Development Plan where the Planning Commission determines that the amended plan is equal to or better than the approved Preliminary Development Plan.
- 4.—Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.

7.—~~Final General Development Plan.~~ After a Preliminary Development Plan has been approved, an applicant shall submit for review and approval a Final Development Plan. The Final Development Plan may be submitted either for the entire project or for each construction phase:

- 1.—The Final Development Plan shall include a Site Plan drawn at a scale not less than 1" = 100' indicating:
 - 1.—Boundaries of the area proposed for development, accurate dimensions, and total acreage;
 - 2.—The exact location and dimension of private streets, common drives and public street rights-of-way;

- 3.—Exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;
 - 4.—Dimensions of building/unit space;
 - 5.—The extent of environmental conservation or change and the exact location of all no-cut/no disturb zones; and
 - 6.—Designated restricted open space areas and a description of proposed open space improvements.
- 2.—A Grading Plan drawn at a scale of 1" = 100', showing all information pertaining to surface drainage.
 - 3.—A detailed Landscaping Plan for new landscaping, including entry features and designs.
 - 4.—If applicable, the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space as required by the Subdivision regulations.
 - 5.—Conditions imposed by other regulatory agencies.
- 8.—Procedures for Review of Final Development Plan: (For a further description of the procedures to be followed and the submittals required, see section 1115.05.)
 - 1.—**Review for Completeness:** The TRC shall review the Final Development Plan to determine that it includes all the items required. If the Plan is deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application.
 - 2.—**Distribution of Final Development Plan:** The City Engineer shall distribute the Final Development Plan to the Planning Commission, the Law Director, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the City Engineer and transmitted to the Planning Commission prior to the time of the Board's review.
 - 3.—**Review by the Law Director:** The Law Director shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association)

or UDO of Regulations (for a Homeowner's Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. He/she shall provide a written opinion to the Planning Commission documenting that the above demonstrates full compliance with the requirements of this section.

4.—**Review by Planning Commission:** Planning Commission shall review the Final Development Plan and the recommendations of the TRC and the City Engineer. The Planning Commission shall assure that the Final Development Plan is in accordance/compliance with the Preliminary Development Plan. The Planning Commission shall take action on the submitted Final Development Plan by either:

- 1.— Approving the Final Development Plan as submitted; or
- 2.— Approving the Final Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general budding layout or open space arrangement, or
- 3.— Denying approval of the Final Development Plan.

5.—**Referral to Council:** The Final Development Plan for a PRCD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration, may deny the Final Development Plan, approve the Plan as submitted, or approve the Plan subject to additional conditions and restrictions to which the owner has agreed.

9.—**General Standards of Review:** The Planning Commission and Council shall apply the following standards in reviewing a PUD application and Development Plans:

- 1.— Whether the application and plan indicate that the physical development of the PUD will commence within nine (9) months following the approval, and that the development will be carried out according to a reasonable construction schedule satisfactory to the City;
- 2.— Whether the proposed PUD is consistent in all respects with the purpose and intent of this section;

3.—Whether the proposed PUD is in conformity with the Comprehensive Plan or any adopted component thereof, and that the development would not be contrary to the general welfare and economic prosperity of the community;

4.—Whether the proposed development shall be provided with adequate drainage facilities for surface and storm water flow;

5.—Whether the proposed development will be accessible from public roads that are adequate to carry the traffic generated by the proposed development;

6.—Whether there will be an undue constraint or burden imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development;

7.—Whether the streets and driveways on the site of the proposed development will be adequate to serve the residents of the proposed development and will meet the minimum standards of all applicable ordinances or administrative regulations of the City;

8.—Whether centralized water and sewer facilities will be provided; and

9.—Whether the use of the land surrounding the proposed development can be planned in coordination with the proposed development.

10. Specific Standards, Based on Proposed Use:

1.—*Residential PUD Overlay District:* Planning Commission shall find the following in recommending approval of a Residential PUD, and Council shall find the following in approving a Residential PUD:

1.—Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation and open space, and coordination with overall plans for the community;

2.—Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities;

3.—Adequate, continuing fire and police protection is available;

~~4.—The population composition of the PUD will not have an adverse effect upon the community's capacity to provide needed school or other municipal service facilities; and~~

~~5.—Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance, by dedication to the public, or payment in lieu of dedication, in accordance with section 1111.04.~~

~~2.—Commercial PUD Overlay District: Planning Commission shall find the following in recommending approval of a Commercial PUD, and Council shall find the following in approving a Commercial PUD:~~

~~1.—The proposed PUD will be adequately served by off street parking and truck service facilities;~~

~~2.—The proposed PUD will be adequately provided with and will not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas;~~

~~3.—The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood; and~~

~~4.—The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.~~

~~3.—Industrial PUD Overlay District: Planning Commission shall find the following in recommending approval of a Industrial PUD, and Council shall find the following in approving a Industrial PUD:~~

~~1.—The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood;~~

- 2.—The proposed PUD will be adequately provided with and will not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas;
- 3.—The proposed PUD will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities; and
- 4.—The proposed PUD will properly relate to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of the public streets.

4.—*Mixed Use PUD Overlay District:* Planning Commission shall find the following in recommending approval of a Mixed Use PUD, and Council shall find the following in approving a Mixed Use PUD:

- 1.—The proposed mixture of uses produces a unified composite that is compatible within the underlying districts and which as a total development entity is compatible with the surrounding neighborhood;
- 2.—The various types of uses conform to the general requirements as herein before set forth, applicable to projects of such use and character; and
- 3.—The proposed PUD will be adequately provided with and will not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.

11.—*Developer's Agreement:* Before any improvements are made within a PUD Overlay District, a Developer's Agreement shall be required incorporating all improvements, requirements and conditions of the development of the district, which requirements and conditions shall run with the land. The agreement shall be drafted in recordable form and recorded by the Developer with the County Recorder for Warren County.

12.—*Major Changes and Additions:* Any subsequent major changes or additions to the Developer's Agreement, Development Plans (exceeding 25 percent of the floor area, or 10,000 square feet) or uses for the PUD Overlay District shall first be submitted for approval to the Planning Commission. If the Planning Commission determines that such changes or additions constitute a substantial alteration of the original developer's agreement, development plan, or uses of the district, a public hearing

~~before the City Council shall be required prior to the Council determining whether to accept the subsequent changes or additions. The City Council reserves the right to require changes if it determines, applying the standards of paragraph (i) and paragraph (j) above, that such changes are required to comply with the purpose of this Section:~~

~~13. Use and Maintenance: Each PUD Overlay District shall at all times be maintained and used in accordance with the standards set forth above, and in a manner not to create a health and safety hazard to adjacent residents or businesses:~~

~~14. Land Division: The division of any land(s) within a PUD Overlay District shall be in accordance with the platting provisions of the City's preliminary plan and final plat regulations, as set forth in the City's Development Standards, as outlined in Chapter 11.11. When such a division is contemplated, a preliminary plat or certified survey map of the lands to be divided shall accompany the petition for a PUD Overlay District approval:~~

~~(Ord. 2009-13, Passed 7-6-09.)~~

HISTORY

Amended by Ord. 2021-29 on 12/6/2021

1109.06 Planned Residential Conservation Overlay District

1.—Policies Underlying Use of Zone: The primary objective of the Planned Residential Conservation Overlay District (PRCD) is to promote the health and safety of the community through the application of flexible land development techniques in the arrangement and construction of dwelling units and roads. Such flexibility is intended to maximize the conservation of open space while accepting development and retaining for the property owner the development rights (the number of residential dwelling units) that are permitted under the existing conventional zoning.

2.—Objectives: The regulations contained in this Section are intended to achieve the following objectives:

1.—Maximize protection of the community's natural resources by:

1.—Avoiding development on, and destruction of, sensitive natural resource areas;

2.—Reducing the quantity and improving the quality of storm water runoff from expected development;

3.—Maintaining natural characteristics (such as woods, hedgerows, natural vegetation, meadows, slopes and streams);

4.—Reducing the amount of disturbed land, the conversion of natural areas to landscaped areas for lawns, and the use of invasive vegetation; and

5.—Conserving areas of prime agricultural soils, to the extent possible.

2.—Conserve (within the framework of natural resource conservation) the rural quality in a community, which is characterized by:

1.—Large, aggregated, undeveloped land areas;

2.—Natural features such as woodlands, steep slopes, floodplains, wetlands, stream and river corridors, and hedgerows;

3.—Scenic vistas and rural views;

4.—Significant historic features such as old barns, heritage trees, etc.;

5.—Traditional rural settlement patterns characterized by clusters of compact groupings of development in otherwise wide open spaces; and/or

- 6.—Appropriate topographic or vegetative screening.
 - 3.—Encourage more efficient use of land and public services through unified development.
 - 4.—Establish development review criteria which promote creative design solutions in a manner which best conserve the area's resources.
 - 5.—Establish a review process that maintains local review and approval of the overall development plan and which results in the timely consideration of an application.
 - 6.—Ensure that the proposed PRCD complies with the objectives of The City of Franklin, as expressed in the Comprehensive Land Use Plan for The City of Franklin.
- 3.—Permitted Uses: The following uses are permitted within the PRCD:
- 1.—Detached single-family dwellings;
 - 2.—Single-family cluster dwellings;
 - 3.—Recreation facilities for use by residents;
 - 4.—Restricted open space;
 - 5.—Agriculture.
- 4.—Minimum Project Area for Conservation Development: The gross area of a tract of land proposed for development, according to the PCRCD option, shall be a minimum of twenty-five (25) acres, but shall not include area within any existing public street rights-of-way. The area proposed shall be in single ownership or, if in multiple ownerships, all the owners of the properties included in the conservation development shall file the PRCD application jointly.
- 5.—Permitted Density/Restricted Open Space: The minimum restricted open space shall be thirty percent (30%) of the total project area. The maximum density shall be limited to the same dwelling-unit density as the underlying district, which shall be one of the Residential Districts or the Agricultural District. The maximum number of dwelling units permitted in a conservation development shall be calculated by deducting the following from the total project area:
- 1.—Any public right-of-way within the project boundary existing at the time of the development plan is submitted; and

- ~~2.—The area of land within a floodway, designated wetland, or existing body of water that exceeds the minimum acreage required for restricted open space. Where floodways and wetlands overlap, they shall be counted only once.~~
- ~~6.—Regulations for Restricted Open Space: The restricted open space shall comply with the following:~~
 - ~~1.—Restricted open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.~~
 - ~~2.—Areas designated for restricted open space purposes may be:~~
 - ~~1.—Preserved in its natural state;~~
 - ~~2.—Designed and intended for the use and/or enjoyment of residents of the proposed development; and~~
 - ~~3.—Utilized for farming when authorized in a conservation easement or in the Association.~~
 - ~~3.—Restricted open space shall be interconnected with open space areas on abutting parcels.~~
 - ~~4.—Sewage service, stormwater management, and/or water supply facilities may be located partially or entirely within restricted open space areas. Where such facilities are so located, the appropriate parties shall establish easements satisfactory to the City Engineer to require and enable maintenance of such facilities.~~
 - ~~5.—In order to encourage the creation of large areas of contiguous open space, areas that shall not be considered restricted open space are:~~
 - ~~1.—Private roads and public road rights-of-way;~~
 - ~~2.—Parking areas, accessways, and driveways;~~
 - ~~3.—Required setbacks between buildings, parking areas, and project boundaries;~~
 - ~~4.—Required setbacks between buildings and streets;~~
 - ~~5.—Minimum spacing between buildings and between buildings and parking areas;~~
 - ~~6.—Private yards;~~

- ~~7.—A minimum of fifteen feet (15') between buildings and restricted open space; and~~
- ~~8.—Other small fragmented or isolated open space areas that have a dimension less than fifty feet (50') in any direction.~~
- ~~6.—Any restricted open space intended to be devoted to recreational activities shall be of a usable size and shape for intended purposes. The maximum percentage of required restricted open space that may be developed for active recreation areas, including a community center, shall be ten percent.~~
- ~~7.—Any area within the restricted open space that is disturbed during construction or otherwise not preserved in its natural state, other common areas such as required setback areas, and both sides of new streets shall be landscaped with vegetation that is compatible with the natural characteristics of the site.~~
- ~~8.—The restricted open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown in the general development plan.~~
- ~~9.—Restricted open space in a conservation development shall be prohibited from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to the Law Director and duly recorded in the office of the Recorder of Deeds of Warren County.~~
- ~~10.—Subject to such permanent restriction as set forth above, restricted open space in a PRCD may be owned by an association, the City, a land trust or other conservation organization recognized by the City, or by a similar entity; or may remain in private ownership.
 - ~~1.—Offer of Dedication: The City may, but shall not be required to, accept dedication in the form of fee simple ownership of the restricted open space.~~
 - ~~2.—Associations: Restricted open space may be held by the individual members of a Condominium Association as tenants-in-common or may be held in common ownership by a Homeowners' Association, Community Association, or other legal entity. The Law Director shall determine that, based on documents submitted with the development plan, the association's bylaws or regulations specify that Membership in the Association shall be mandatory for all~~~~

~~purchasers of lots in the development, or units in the condominium, and the Association shall be responsible for maintenance, control, and insurance of common areas, including the required open space.~~

~~11. *Transfer of Conservation Easements:* With the permission of the City Engineer, the owner(s) of the common open space may, in accordance with the provisions of Ohio R.C. 5301.67 et seq., grant a conservation easement to any of the entities listed in Ohio R.C. 5301.68, provided that:~~

- ~~1.—The entity is acceptable to the City Engineer;~~
- ~~2.—The provisions of the conservation easement are acceptable to the City Engineer and the Law Director; and~~
- ~~3.—The conveyance contains appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under Ohio R.C. 5301.68 in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.~~

~~12. *Private Ownership of Restricted Space:* Restricted open space may be retained in ownership by the applicant or may be transferred to other private parties subject to compliance with all standards and criteria for restricted open space herein.~~

~~7.—*Development and Site Planning Requirements:* Buildings, structures, pavement, and streets in the PRCD shall be located in compliance with the following development and site planning requirements:~~

~~1.—**Ownership:** Any ownership arrangement, including, but not limited to, fee simple lots and condominiums, is permitted in a PRCD. Regardless of the ownership of the land, the arrangement of the dwelling units shall comply with the spacing requirements of this Section.~~

~~2.—**Lot Requirements:**~~

- ~~1.—Units are not required to be on lots; however, when lots for standard detached single-family dwellings, or sublots for single-family cluster or attached dwelling units are included as part of a PRCD, such lots or sublots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing requirements of this section.~~

~~2.—The applicant shall depict on the development plan the maximum parameters, or building envelopes, to indicate where buildings shall be located, and shall demonstrate that such building locations will be in compliance with the spacing requirements of this section.~~

~~3.—**Perimeter Building Regulations:**~~

~~1.—The minimum setback from an existing public street shall be thirty feet (30').~~

~~2.—The minimum setback from the project boundary shall be thirty-five feet (35').~~

~~4.—**Interior Building Setback/Spacing Regulations:**~~

~~1.—The minimum setback from a proposed local public right-of-way shall be twenty feet (20').~~

~~2.—The minimum setback from the edge of the pavement of a private street shall be thirty feet (30').~~

~~3.—The minimum separation between dwellings shall be fifteen (15) feet.~~

~~5.—**Height:** The maximum building height shall be thirty-five feet (35').~~

~~6.—**Floodway Protection:** All buildings, structures or land within a floodway shall be used, and buildings or structures hereafter shall be erected, altered, enlarged, repaired or rebuilt, moved, or designed to be used, in whole or in part, only for a use listed below:~~

~~1.—Agriculture;~~

~~2.—Public or private parks and outdoor recreational facilities including swimming pools, riding academies, playfields, ball fields, courts, trails, etc.;~~

~~3.—Fencing that allow the passage of water; and~~

~~4.—Off-street parking areas accessory to the above uses provided that such areas are improved with pervious pavement materials, such as pervious asphalt or pervious concrete or combinations of geo-textiles with sand, gravel and sod.~~

~~7.—**Wetlands Protection:** Wetlands required by the Army Corp of Engineers or the Ohio EPA to be retained shall be protected by the following:~~

- 1.—A buffer area having a width not less than twenty (20) feet, measured from the edge of the designated wetland. The area within this buffer shall not be disturbed and shall be retained in its natural state; and
- 2.—A minimum building and pavement setback of thirty-five (35) feet, measured from the edge of the designated wetland.

8.—Conservation of Riparian Zones:

- 1.—A riparian buffer shall be provided along the entire length and on both sides of a river or perennial stream channel. The buffer area shall have a width not less than fifty (50) feet, measured from the river or stream bank; and
- 2.—Walkways may be permitted to be located within riparian buffers when the Planning Commission determines that such will create minimal change to the riparian buffer.

9.—General Street Design Criteria:

- 1.—Street alignments should follow natural contours and be designed to conserve natural features;
- 2.—Locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers; and
- 3.—The area of development devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.

10.—Pedestrian Circulation Systems:

- 1.—A pedestrian circulation system shall be included in the PRCD and shall be designed to ensure that pedestrians can walk safely and easily throughout the development. The pedestrian system shall provide connections between properties and activities or special features within the common open space system and need not always be located along streets.
- 2.—Trails for which public right of passage has been established should be incorporated in the pedestrian circulation system.

11.—Sewage Disposal: All development shall be served by individual or public sewage disposal structures consistent with the City systems. Individual

~~sewage disposal systems shall comply with all applicable regulations of the Warren County Health Department and may be located within common open space areas when approved by the City and the Warren County Health Department.~~

~~12. **Waivers:** In the event the Planning Commission determines that certain standards set forth in this Section do not or should not apply specifically to the circumstances of a particular PRCD and an alternative method of achieving the objectives of the numerical standard is equal to or better than the strict application of the specified standard, the Planning Commission may relax such standard to an extent deemed just and proper, provided that the granting of such relief shall be without detriment to the health and safety of the community and without detriment to or impairment of the intent of this Section.~~

~~8. **Development Design Criteria:** In addition to the development and site planning requirements set forth above, all elements of a Planned Residential Conservation Overlay District, particularly the restricted open space areas, shall be designed in accordance with the following criteria to ensure that the project is appropriate for the site's natural, historic and cultural features and meets the objectives of this District.~~

~~1. *Conservation of Sloping Land:* The road system and buildings should be located to minimize changes to the topography and the need for cutting and filling.~~

~~2. *Conservation of Woodlands, Vegetation, and other Natural Areas:* The design and layout of the development should conserve, maintain, and incorporate existing wooded areas, meadows, hedgerows and treelines between fields or meadows, especially those containing significant wildlife habitats.~~

~~3. *Conservation of Wildlife Habitats:* Wildlife habitat areas of species listed as endangered, threatened, or of special concern by the U.S. Environmental Protection Agency and/or by the Ohio Department of Natural Resources should be protected.~~

~~4. *Conservation of Prime Farmland:* Farmland that satisfies the USDA definition of "prime" or "locally unique" farmland should be conserved.~~

~~5. *Conservation of Existing Scenic Resources; Vistas and Visual Quality of the Environment.* Buildings should be located to ensure that scenic views and vistas are unblocked or uninterrupted.~~

~~6.—*Conservation of Cultural Resources:* Sites of historic, archaeological, or cultural value and their environs should be protected insofar as needed to safeguard the character of the feature, including stone walls, spring houses, barn foundations, underground fruit cellars, earth mounds and burial grounds.~~

~~9.—*Preliminary Procedural Requirements:* An owner (or agent of) of land proposing the creation of a Planned Residential Conservation Overlay District shall file an application and a preliminary development plan with the Zoning Official seeking approval of such district, and the application and plan shall be accompanied by a non-refundable fee, as outlined in section 1105.09.~~

~~1.—**Application:** The application shall contain a statement indicating the following:~~

- ~~1.—The relationship of the proposed PRCD to the City's adopted master plan, or any adopted component thereof;~~
- ~~2.—The general character of and the uses to be included in the proposed PRCD;~~
- ~~3.—Total area to be included in the PRCD, including area for open space; residential density computations; proposed number of dwelling units; population analysis; availability of or requirements for municipal services; and any other similar data relevant to a comprehensive evaluation of the proposed development;~~
- ~~4.—A general summary of the estimated value of structures and site improvement costs, including landscaping and special features;~~
- ~~5.—A general outline of the organizational structure of any property owner's or management's association proposed to be established for the purposes of providing any necessary private services; and~~
- ~~6.—Any proposed departure from the standards of development as set forth in this Section.~~

~~2.—**Preliminary Development Plan:** A Preliminary General Development Plan including:~~

- ~~1.—Identification of existing site characteristics, including a general depiction of:~~

- 1.—Boundaries of the area proposed for development, dimensions and total acreage;
 - 2.—Contour lines at vertical intervals of not more than 5 feet, highlighting ridges, rock outcroppings and other significant topographical features;
 - 3.—Location of wetlands (and potential wetlands), the floodway boundary and floodway elevation as delineated by the Federal Emergency Management Agency, rivers and streams and their related river or stream bank, ponds, and water courses;
 - 4.—Existing soil classifications;
 - 5.—Locations of all wooded areas, tree lines, hedgerows, and specimen trees;
 - 6.—Delineation of existing drainage patterns on the property; existing wells and well sites;
 - 7.—Description of significant existing vegetation by type of species, health, quality, etc.
 - 8.—Existing buildings, structures and other significant man-made features on the site and within two hundred feet (200') of the project boundary;
 - 9.—Description of all structures and areas of known or potential historical significance; and
 - 10.—Existing views and identification of unique vistas.
- 2.—The Preliminary Development Plan shall be drawn at a scale not less than 1" = 100', except that projects over two hundred (200) acres may be drawn at a scale of 1" = 200', and shall include:
- 1.—A summary of the proposed development including the total acreage, number of residential units, type of dwellings, density by type of dwelling, and acreage of restricted open space to be conserved;
 - 2.—A sketch layout of standard single-family lots, if any;
 - 3.—The location of the restricted open space and any proposed recreational facilities;

- 4.—Natural features to be conserved and any required buffer areas;
 - 5.—Natural features to be altered or impacted by the development and areas where new landscaping will be installed, etc.
 - 6.—General location of public street rights-of-way; and
 - 7.—Proposed utility easement locations.
- 3.—**Conservation of Open Space:** An outline of the method/structure to perpetually preserve the required restricted open space, which indicates:
- 1.—The structure of the Association as required in the Subdivision Regulations;
 - 2.—Membership requirements;
 - 3.—Financial responsibilities; and
 - 4.—The relationship of the entity to public agencies having responsibilities related to the project.
- 4.—A description of the project phasing including the based construction of open space improvements:
- 5.—The applicant shall pay a non-refundable fee, as outlined in section 1105.09, to reimburse the City for the costs of reviewing the application.
- 10.—**Procedures for Review of Application and Preliminary Plan:** (For a further description of the procedures to be followed and the submittals required, see section 1115.05.)
- 1.—**Review For Completeness:** The TRC shall review the application and Preliminary Development Plan to determine that they include all the items required. If the application and Plan are deemed complete, and the application fee paid, the TRC shall recommend to the City Engineer that the City officially accept the application.
 - 2.—**Review of Preliminary Development Plan by Others:** The City Engineer shall distribute the preliminary development plan and application to the following for review and comment:
 - 1.—Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not

~~limited to the Army Corps of Engineers, the Warren County Health Department, and the Ohio Environmental Protection Agency:~~

- ~~2.—Other agencies that, at the discretion of the City, may have appropriate technical expertise.~~
- ~~3.—Appropriate local City administrative officials, including the Law Director.~~
- ~~4.—Consultants retained by the City.~~

~~3.—**Site Visit:** The Planning Commission or Council may, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.~~

~~4.—**Review by Planning Commission:** Planning Commission shall review the application and Preliminary Development Plan and the recommendations of the TRC and the City Engineer. The Planning Commission shall take action on the submitted application and Preliminary Development Plan by either:~~

- ~~1.—Approving the application and Preliminary Plan as submitted; or~~
- ~~2.—Approving the Preliminary Plan and application subject to specific conditions not included in the Plan as submitted, such as, but not limited to, improvements to the general budding layout or open space arrangement; or~~
- ~~3.—Denying approval of the application and Preliminary Development Plan.~~

~~5.—**Referral to Council:** The application and Preliminary Development Plan for a PRCD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration in applying the standards of review set forth in paragraph (n), below, may deny the application and Preliminary Plan, approve the application and Preliminary Plan as submitted, or approve the application and Preliminary Plan subject to additional conditions and restrictions to which the owner has agreed.~~

~~11. Significance of Approved Application and Preliminary Development Plan. Approval of the Preliminary Development Plan shall:~~

- ~~1.—Establish the development framework for the project, including the general location of open space, development areas, densities, unit types, recreational facilities, and street alignments.~~
 - ~~2.—Be the basis for the application to proceed with detailed planning and engineering in reliance on the approved Preliminary General Development Plan.~~
 - ~~3.—Provide the benchmark for the Planning Commission to consider and approve amendments to the Final General Development Plan where the Planning Commission determines that the amended plan is equal to or better than the approved Preliminary Development Plan.~~
 - ~~4.—Authorize the applicant to apply for all other required regulatory approvals for the project or subsequent phases thereof.~~
- ~~12. Final General Development Plan. After a Preliminary Development Plan has been approved, an applicant shall submit for review and approval a Final Development Plan. The Final Development Plan may be submitted either for the entire project or for each construction phase.~~
- ~~1.—The Final Development Plan shall include a Site Plan drawn at a scale not less than 1" = 100' indicating:
 - ~~1.—Boundaries of the area proposed for development, accurate dimensions, and total acreage;~~
 - ~~2.—The exact location and dimension of private streets, common drives and public street rights-of-way;~~
 - ~~3.—Exact location of building footprints or envelopes within which dwelling units are to be constructed, and lot lines with dimensions for all residential units for which individual ownership is proposed;~~
 - ~~4.—Dimensions of building /unit space;~~
 - ~~5.—The extent of environmental conservation an change and the exact location of all no cut / no disturb zones; and~~
 - ~~6.—Designated restricted open space areas and a description of proposed open space improvements.~~~~
 - ~~2.—A Grading Plan drawn at a scale of 1" = 100', showing all information pertaining to surface drainage.~~

- ~~3.—A detailed Landscaping Plan for new landscaping, including entry features and designs.~~
 - ~~4.—The Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or Code of Regulations (for a Homeowners' Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon all the use of land and pertaining to the ownership, use, and maintenance of all common areas, including restricted open space as required by the Subdivision regulations.~~
 - ~~5.—Conditions imposed by other regulatory agencies.~~
- ~~13. Procedures for Review of Final Development Plan: (For a further description of the procedures to be followed and the submittals required, see section 1115.05.)~~
- ~~1.—**Review For Completeness:** The TRC shall review the Final Development Plan to determine that it includes all the items required. If the Plan is deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application.~~
 - ~~2.—**Distribution of Final Development Plan:** The City Engineer shall distribute the Final Development Plan to the Planning Commission, the Law Director, and other appropriate administrative departments or professional consultants for review and comment any reports, comments, or expert opinions shall be compiled by the City Engineer and transmitted to the Planning Commission prior to the time of the Board's review.~~
 - ~~3.—**Review by the Law Director:** The Law Director shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or UDO of Regulations (for a Homeowner's Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. He/she shall provide a written opinion to the Planning Commission documenting that the above demonstrates full compliance with the requirements of this section.~~
 - ~~4.—**Review by Planning Commission:** Planning Commission shall review the Final Development Plan and the recommendations of the TRC and the City Engineer. The Planning Commission shall assure that the Final Development Plan is in accordance/compliance with the Preliminary Development Plan. The Planning Commission shall take action on the submitted Final Development Plan by either:~~

- 1.—Approving the Final Development Plan as submitted; or
- 2.—Approving the Final Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general budding layout or open space arrangement; or
- 3.—Denying approval of the Final Development Plan.

5.—**Referral to Council:** The Final Development Plan for a PRCD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration, may deny the Final Development Plan, approve the Plan as submitted, or approve the Plan subject to additional conditions and restrictions to which the owner has agreed.

14.—General Standards for Review: In addition to the specific standards contained in this Section (specifically paragraphs (d) through (g)), the Planning Commission and Council shall apply the following standards in reviewing a PRCD application and Development Plans:

- 1.—Whether the application and plan indicate that the physical development of the PRCD will commence within nine months following the approval, and that the development will be carried out according to a reasonable construction schedule satisfactory to the City;
- 2.—Whether the proposed PRCD is consistent in all respects with the purpose and intent of this section;
- 3.—Whether the proposed PRCD is in conformity with the Comprehensive Plan or any adopted component thereof, and that the development would not be contrary to the general welfare and economic prosperity of the community;
- 4.—Whether the proposed development shall be provided with adequate drainage facilities for surface and storm water flow;
- 5.—Whether the proposed development will be accessible from public roads that are adequate to carry the traffic generated by the proposed development;
- 6.—Whether there will be an undue constraint or burden imposed on public services and facilities, such as fire and police protection, street

~~maintenance, and maintenance of public areas by the proposed development;~~

~~7.—Whether the streets and driveways on the site of the proposed development will be adequate to serve the residents of the proposed development and will meet the minimum standards of all applicable ordinances or administrative regulations of the City;~~

~~8.—Whether centralized water and sewer facilities will be provided; and~~

~~9.—Whether the use of the land surrounding the proposed development can be planned in coordination with the proposed development.~~

~~15. Developer's Agreement: Before any improvements are made within a PRCD Overlay District, a Developer's Agreement shall be required incorporating all improvements, requirements and conditions of the development of the district, which requirements and conditions shall run with the land. The agreement shall be drafted in recordable form and recorded with the County Recorder for Warren County.~~

~~16. Major Changes and Additions: Any subsequent major changes or additions to the Developer's Agreement, Development Plans (exceeding twenty-five percent (25%) of the floor area, or ten thousand square feet (10,000 sq. ft.) or uses for the PRCD Overlay District shall first be submitted for approval to the Planning Commission. If the Planning Commission determines that such changes or additions constitute a substantial alteration of the original developer's agreement, development plan, or uses of the district, a public hearing before the City Council shall be required prior to the Council determining whether to accept the subsequent changes or additions. The City Council reserves the right to require changes if it determines, applying the standards of paragraph (n), above, that such changes are required to comply with the purpose of this Section.~~

~~17. Use and Maintenance: Each PRCD Overlay District shall at all times be maintained and used in accordance with the standards set forth above, and in a manner not to create a health and safety hazard to adjacent residents or businesses.~~

~~18.1. Land Division: The division of any land(s) within a PRCD Overlay District shall be in accordance with the platting provisions of the City's preliminary plan and final plat regulations, as set forth in the City's Development Standards, as outlined in Chapter 1111. When such a division is contemplated, a preliminary plat or certified survey map of the lands to be divided shall accompany the petition for a PRCD Overlay District approval.~~

1111.04 Parkland Requirements And Standards

1. Findings: Parkland Standard: It is found and determined that the public health, safety, convenience, comfort, prosperity and general welfare requires that at least seventeen (17) acres of property for each one thousand (1,000) persons residing within the City of Franklin, Ohio be devoted to parkland, and the same is hereby established as the parkland standard for all purposes of this UDO, The parkland standard utilized was determined by computing the approximate existing ratio of parkland to population within the City of Franklin.
2. Statement of Policy: With respect to Major Subdivisions ~~and Planned Unit Overlay District developments~~, at least eight and one-half (8-1/2) acres of property for each 1,000 persons (.0085 acres per person) should be reserved for parkland by or at the expense of the subdivider ~~or developer~~ of the dwellings in which such persons shall reside, and the remainder of the seventeen-acre standard established in this Section shall be acquired for such purposes by the City. All parkland reserved or acquired shall be developed and maintained by the City.
3. Adoption of Park Plan: Council may adopt a plan for the parks and other public grounds of the City, which may constitute a part of the Comprehensive Development Plan and which shall provide a guide for the orderly acquisition of parkland within the City, in accordance with the parkland standard set forth in this Section, the criteria set forth in this Section and such other criteria as Council may deem appropriate to accomplish the purposes of this Section.
4. Provision of Parkland by Subdividers ~~or Developers~~: Every Subdivider ~~or Developer~~ who files ~~a any proposal, plan or~~ plat for a Major Subdivision ~~or a PUD Development~~ of land within the City after the effective date of this UDO, who has not theretofore filed any preliminary plat ~~or plan~~ with respect to such subdivision ~~or development~~, shall either dedicate a portion of such land, pay a fee in lieu of land dedication, or dedicate land and pay a fee in lieu of land dedication, all as provided in this section, for the purpose of providing parkland to serve future residents of each subdivision ~~or development~~.
5. Determination of Total Population:
 1. **Population Factor:** For the purposes of this Section, a population factor for each dwelling unit planned for a subdivision or development shall be determined as follows:

| Residential Dwelling | Type Population Factor Per Dwelling Unit |
|---------------------------------|--|
| Single-Family | 3.25 |
| Two-Family | 2.50 |
| Three-Family | 2.00 |
| Multi-Family | |
| Unit (restricted to one tenant) | 1.00 |
| All other units | 1.75 |

2. **Total Population:** Total population for any subdivision or development shall equal the sum of the population factors of all dwelling units to be included in the subdivision or development. For the purposes of this Section, the Planning Commission shall determine the number and types of dwellings to be included in any subdivision or development on the basis of such relevant information as it may have or be able to obtain to show the same, including, without limitation, any plans, estimates or statements of intention furnished by the Subdivider ~~or Developer~~ relating to the proposed improvement of the subdivision ~~or development~~, the nature and topography of the land involved and the nature and kind of improvements actually planned or probable thereon.

6. Determination of Land Dedication or Payment of Fee for Provision of Parkland:

1. **Determination by Planning Commission:** The Planning Commission shall determine, subject to the approval of Council, whether a Subdivider ~~or Developer~~ shall dedicate land, pay a fee in lieu of dedication, or provide a combination of land dedication and fee payment. In addition, Planning Commission may, subject to the approval of Council:

1. Require the dedication of a public area, in an amount up to five percent (5%) of the gross area of the proposed subdivision ~~or development~~ as a condition of approval of that subdivision ~~or development~~, where a proposed neighborhood park, playground, recreation area, school site or other public use, as shown on the Comprehensive Development Plan, is located in whole or in part in a subdivision ~~or development~~.

2. Require the dedication of greenbelts or buffer parks in areas where they are desirable to separate and protect residential subdivisions ~~or developments~~ from adjacent commercial developments, express highways, major streets and railroad rights-of-way.
 3. Require the dedication or reservation of other public open spaces where deemed necessary by the Planning Commission for preservation of historic sites and scenic areas or for a particular type of development proposed in the subdivision ~~or development~~, but not anticipated in the Comprehensive Development Plan.
2. **Procedure:** In making the determination of land dedication or payment of fee, or combination thereof, for the provision of parkland, the following procedures shall apply:
1. *Contents of Filings:* At the time of the filing of a Preliminary Plat ~~or Development Plan~~, each Subdivider ~~or Developer~~ shall, as a part of such filing, submit a calculation of the total population of the subdivision ~~or development~~, in accordance with section 1111.04(e), and indicate whether he wishes to dedicate land as parkland, to pay a fee in lieu of dedication, or to meet the requirements of this Section by a combination of parkland dedication and fee payment.
 2. *Planning Commission Determination:* After the Planning Commission has reviewed the Preliminary Plat ~~or Development Plan~~, it shall determine whether the wishes of the Subdivider ~~or Developer~~ to dedicate land, pay a fee, or provide a combination thereof, are acceptable. If such wishes are acceptable, Planning Commission shall recommend to Council that Council accept the dedication of land, the payment of a fees, or a combination thereof, as proposed by the Subdivider ~~or Developer~~. If Planning Commission deems such wishes unacceptable, it shall recommend an alternative course of action to the Subdivider ~~or Developer~~. If the Subdivider ~~or the Developer~~ rejects Planning Commission's alternative, upon presentation, Council shall determine whether to accept the Subdivider's ~~or Developer's~~ wishes, or Planning Commission's recommendation, or some other alternative.
 3. *Location:* If the Subdivider ~~or Developer~~ desires to dedicate land, he shall indicate the area he desires to dedicate on the Preliminary Plat

~~or Development Plan~~. The location of such parkland shall be reviewed by Planning Commission to determined if it meets the criteria of this Section. If Planning Commission determines that the proposed location of the area to be dedicated is acceptable, it shall recommend to Council that Council accept the dedication of land as proposed. If Planning Commission deems that such location is unacceptable, it shall recommend an alternative location to the Subdivider ~~or Developer~~. If the Subdivider ~~or Developer~~ rejects Planning Commission's alternative, upon presentation, Council shall determine whether to accept the Subdivider's ~~or Developer's~~ proposed location, or Planning Commission's recommendation, or some other alternative.

4. *Reclamation; Adverse Effects of Development:* If, in the opinion of Council, or upon the recommendation of Planning Commission, any portion of land proposed for dedication has been, or will be, adversely affected by the operations of the Subdivider ~~or Developer~~, and such land or portion thereof will require reclamation in order to render it suitable for parkland, Council may require the Subdivider ~~or Developer~~ to furnish a plan for such reclamation. The Planning Commission and Council shall seek the advice of the City Engineer or other professional, as it deems proper, with respect to any such plan, and shall determine, on the basis of such advice, whether such plan is acceptable in view of the purposes of this Section. If such plan is deemed acceptable, the Subdivider ~~or Developer~~ shall implement such plan in accordance with a timetable approved by Planning Commission. The City may, without prejudicing any rights the City may have in law or in equity, deny approval of a Final Plat ~~or Development Plan~~ for noncompliance with a previously approved reclamation plan or timetable approved by Council.
5. *Criteria:* In making its determination, Planning Commission and Council shall utilize the following criteria;
 1. Unity. Dedicated land must form a single parcel of land, except in the event that the Planning Commission or Council determines that two or more parcels would be in the best public interest or in the event that the parcel adjoins an existing or proposed park.

2. Shape and Topography. The shape and topography of the dedicated parcel of land shall be suitable for active and/or passive recreation to serve the public properly as determined by Council after review by the Planning Commission.
 3. Location. Dedicated land must be located in order to serve the recreation and open space needs of the subdivision ~~or development~~ for which the dedication is being made.
 4. Access. Public access and maintenance access shall be provided by adjoining frontage of one hundred or more feet (100') per acre at one location on a public street with street improvements, sidewalks and utilities installed by and at the expense of the Subdivider ~~or Developer~~, or by public walkways installed by and at the expense of the Subdivider ~~and Developer~~, unless otherwise recommended by Planning Commission and approved by Council. Frontage shall be increased by at least forty feet (40') for each acre of parkland beyond one acre.
 5. Preservation of Natural Beauty. In all instances, natural features of scenic beauty, such as trees, plant life, brooks and other watercourses, topography, historic locations, views and similar conditions, which, if preserved, will add attractiveness and value to the dedicated land, shall be considered and preserved in the dedication of parkland.
7. Amount of Land to be Dedicated: The amount of land to be dedicated by a subdivider ~~or developer~~ pursuant to this Section shall be determined in accordance with the following formula:

Acres of land for dedication = Total population as determined in accordance with paragraph (e), above X .0085

8. Determination of Fee in Lieu of Dedication: In the event Planning Commission recommends or Council determines that the Subdivider ~~or Developer~~ should pay a fee in lieu of land dedication, the amount of such fee shall be determined by the following formula:

Fee in lieu of land dedication = Land area that would otherwise be required for dedication pursuant to paragraph (g), above X Market Value as determined pursuant to paragraph (i), below

9. Determination of Market Value: For the purposes of this Section, market value shall be determined as follows:

1. **Time for Determination:** Market value shall be determined as of the time of filing of the Final Plat ~~or Development Plan~~, or the Construction Plans of the first section of an approved subdivision ~~or development plan~~ with the City.
2. **Method of Determination:** Market value shall equal the average value per acre of all land in each subdivision ~~or development~~ in its raw, undeveloped state, plus one-half (1/2) the cost of installation of four hundred feet (400') of public street, sidewalk and utility improvements in the subdivision ~~or development~~ for the first five (5) acres of park area, plus forty feet (40') of public street, sidewalk and utility improvements for each additional acre, as determined by the application of one of the following procedures:
 1. By agreement between the Subdivider ~~or Developer~~ and the Council, which may include appraisal by a qualified independent appraiser paid for by the Subdivider ~~or Developer~~ and approved by Council; or
 2. In the event the Subdivider ~~or Developer~~ objects to the foregoing method or valuation, by a three-member board of appraisers, one of whom shall be appointed by Council, one of whom shall be appointed by the Subdivider ~~or Developer~~, and one of whom shall be selected by the two appraisers so appointed. The City shall pay for the appraiser appointed by Council, the Subdivider ~~or Developer~~ shall pay for the appraiser appointed by him, and the City and the Subdivider ~~or Developer~~ shall split the cost of the third appraiser. The decision of a majority of such board shall be final.

10. Public Park Development and Maintenance: Public park development and maintenance shall be provided by the City.

11. Credit for Private Open Space:

1. **Allowance of Credit:** In the event that a Subdivider ~~or Developer~~ provides private open space for park purposes and such space is to be privately owned and maintained by the future residents of the subdivision ~~or development~~, or by the Subdivider ~~or Developer~~, and in the event Council,

upon the recommendation of Planning Commission, determines that such private open space adequately fulfills a portion of the park needs of the proposed subdivision ~~or development~~, the market value of such areas, as determined in paragraph (i), above, shall be credited against the land dedication or fee in lieu of dedication of land requirements of this section.

2. **Maximum Credit:** Such credit shall be allowed only up to a maximum of one-half (1/2) of the total required land dedication or fee in lieu of dedication requirement. The remaining one-half (1/2) shall be provided in accordance with the requirements of this Section.
3. **Standards and Limitations:** Notwithstanding subsections (1) and (2), hereof, the credit for private open space shall be allowed only if all of the following standards are met:
 1. Yards, court areas, setbacks and other such open areas required to be maintained by this UDO shall not be included in the computation of such private open space;
 2. Private ownership, development and maintenance of the private open space shall be assured by valid and enforceable undertakings on the part of the Subdivider ~~or Developer~~;
 3. The use of the private open space is restricted for park purposes by recorded covenants that run with the land in favor of the future owners of the property within the subdivision ~~or development~~, and which cannot by their terms be defeated or eliminated without the consent of Council;
 4. The proposed private open space is reasonably adaptable for park uses, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land; and
 5. Facilities proposed for the private open space can be reasonably expected to meet the needs of future residents.

12. Treatment of Land to be Dedicated: Procedure for Dedication of Land and Payment of Fees:

1. Following approval of a Preliminary Plat, ~~or Final Plat~~ ~~or Development Plan~~ which designates land for dedication, the existing vegetation (except growing commercial crops other than growing timber), topography, features of

historic value, stream courses, soil, rock strata and other natural features of such dedicated land shall not be altered or their condition adversely affected in any way without the consent of Council.

2. Dedication of land to the City shall be by general warranty deed conveying to the City good and marketable title to the real estate described in such deed, free and clear of all liens and encumbrances.
 1. The deed shall be executed and delivered to the City for signatures, and shall be recorded by the Subdivider ~~or Developer~~ with the Warren County Recorder, prior to the signing by the City of the Final Plat ~~or Development Plan~~, prior to the signing of Construction Plans of the first section of an approved Final Plat ~~or Development Plan~~, or prior to the issuance by the City of any permit allowing implementation of an approved Plat ~~or Development Plan~~.
 2. Open space covenants for private parks shall be submitted to the City, for review by the Law Director, prior to the approval of the Final Plat ~~or Development Plan~~ and shall be recorded at the same time as the Final Plat ~~or Development Plan~~. No City permits allowing for the implementation of any Plat ~~or Development Plan~~ shall be issued until the open space covenants have been approved by Council and recorded with the Final Plat ~~or Development Plan~~.
3. If a fee in lieu of dedication of parkland is required, the amount thereof shall be deposited with the City prior to the signing by the City of the Final Plat ~~or Development Plan~~, prior to the signing of Construction Plans of the first section of an approved Final Plat ~~or Development Plan~~, or prior to the issuance by the City of any permit allowing implementation of an approved Plat ~~or Development Plan~~.
4. Where a Subdivision ~~or Development~~ is being developed in sections, Council, in its sole discretion, may follow one of the following options:
 1. When land is being dedicated, Council may permit the subdivider ~~or developer~~ to place the deed to the parkland in escrow for later delivery to the City at the time of approval of the final section or Construction Plans for the final section; however, if any Construction Plans or other drawings are submitted for approval that includes or has a boundary contiguous with the proposed park, the deed

(whether in escrow or not) transferring the parkland to the City shall be recorded prior to the signing by the City of the final ~~plans or~~ plat.

2. When a fee is being paid in lieu of dedication, Council may permit the subdivider ~~or developer~~ to pay only a proportionate amount of the total fee, which shall be proportionate to the section being developed. In this case, proportionate shall mean that the total amount of the fee to be paid shall be divided by the total number of all proposed dwellings within the entire subdivision ~~or development~~, and the resultant dollar amount shall be multiplied by the number of dwelling units in the section to be developed.

13. Amendments of Approved Plats ~~or Development Plans~~.

1. Any amendment of an approved Plat ~~or Development Plan~~ which, under the provisions of this section, increases the requirement for parkland dedication or payment of a fee in lieu of dedication shall require that such increased parkland be dedicated or that such fee in lieu of dedication be paid by the Subdivider ~~or Developer~~ in compliance with the requirements of this Section.
2. Any amendment of an approved Plat ~~or Development Plan~~ which, under the provisions of this section, decreases the requirement for parkland dedication or payment of a fee in lieu of dedication shall not require the deeding by the City of any previously dedicated parkland back to the Subdivider ~~or Developer~~, the alteration of any deed placed in escrow or any escrow agreement that was a requirement of this section, or the repayment to the Subdivider ~~or Developer~~ of any fee in lieu of dedication already paid by the Subdivider ~~or Developer~~ to the City.

14. Limitation on Use of Land and Fees. Any land or fees received by the City pursuant to this Section shall be used only for the purpose of providing parkland to properly serve the future residents of the subdivision ~~or development~~ concerned. Fees paid pursuant to this Section shall be deposited in a City fund to be used only for the acquisition of parkland in the City or adjacent to the City, or for the maintenance, upkeep and operation of existing City parks. "Operation" may include general operating expenditures including, but not limited to, salaries and wages.

15. Modifications and Conditions:

1. Notwithstanding any provision of this Section to the contrary, Council may, in cases of an unusual or exceptional nature, allow for modifications in the parkland dedication and fee in lieu of dedication requirements and

standards of this Section. Modifications may be allowed when, in the opinion of Council, it has been determined and satisfactorily shown that the character of the particular subdivision ~~or development~~ and the parkland needs generated by and associated with any subdivision ~~or development~~ sufficiently justify such modifications.

2. In granting modifications of these requirements, Council may require such conditions as will, in its judgment, secure the objectives of the standards or requirements so varied or modified.
16. Severability: It is hereby declared that if any provision or provisions of this Section are declared by a court of competent jurisdiction to be invalid or ineffective, in whole or in part, all other provisions of this Section and of this UDO shall continue to be separate and fully effective and enforceable. It is further declared that if the application of any provision or provisions of this Section thereof to any lot, parcel or tract of land are declared by a court of competent jurisdiction to be invalid or ineffective or are declared to be inapplicable to any person or situation, in whole or in part, the application of any such provision or provisions to any other persons or situations shall not be affected.

(Ord. 2009-14. Passed 7-6-09.)

CHAPTER 1115 Process And Procedures

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1115.01 General Requirements

The following requirements apply generally throughout this article:

1. All applications for the Planning Commission approval will first be reviewed by the TRC for completeness. The City Engineer will prepare a recommendation and will make a presentation at the Planning Commission meeting.
2. All application for Appeals Board approval or review shall be made to the Zoning Official and shall be reviewed by the TRC for completeness. The Zoning Official will prepare a report with recommendations and will make a presentation at Appeals Board.
3. All applications for permits, administrative approvals or other approvals shall be made to either the Zoning Official or the City Engineer, as required by this UDO.
4. No amendments to the UDO shall be effective until 30 days after approval by City Council unless otherwise indicated by emergency legislation.

(Ord. 2009-11. Passed 7-6-09.)

1115.02 Consolidating Approvals

Where possible, this Section intends to accommodate the simultaneous processing of applications for different permits and approvals which may be required for the same development project in order to make the review process as short as possible. Such possibilities for concurrent filing and processing of applications include, but are not limited to, the following:

1. A Rezoning and an Overlay District;
2. An Overlay District along with a Subdivision;
3. A Conditional Use along with an Overlay District;
4. A Conditional Use along with a Rezoning;
5. A Conditional Use along with Major or Minor Site Plan;
6. A Variance along with a Preliminary Subdivision Plan, a Preliminary Development Plan, or a major or minor Site Plan;
7. A Variance along with a Conditional Use; or
8. A Variance along with a Major Accessory Use.

(Ord. 2009-11. Passed 7-6-09.)

1115.03 Annexation

1. Where land previously zoned by another jurisdiction is annexed to the City, the same shall be zoned in the same Zoning District as land that is already within the City and immediately adjacent to the land to be annexed.
2. If the land immediately adjacent to the land to be annexed consists of more than one Zoning District, the land to be annexed shall be zoned in the same Zoning District that the majority of the land adjacent to it is located in.
3. Land not zoned prior to annexation shall be classified in the same manner into whichever district of this UDO most closely conforms to the existing use of the annexed area or in accordance with the Comprehensive Development Plan in the case of vacant land. Building permits may be issued only after the City has given the land its permanent zoning classification.
4. In all cases, within three (3) months after the effective date of annexation, the Planning Commission shall recommend the appropriate permanent zoning districts for such area to Council, and the Official Zoning District Map shall be amended according to the prescribed procedure set forth in section 1115.04.

(Ord. 2009-11. Passed 7-6-09.)

1115.04 UDO And Official Zoning Map Amendments

1. Definition: Zoning amendments are legislative actions that make amendments to the Official Zoning Map and/or to the UDO text. Amendments may be initiated by the owners of the property or then-designated representative; by the Planning Commission, upon its own motion; or upon the recommendation to Planning Commission from City Council. After the City Engineer and the TRC review the proposed amendment, the Planning Commission shall make a recommendation on the amendment to Council, and Council either approves or disapproves the amendment.
2. Initiation of Amendments:
 1. Amendments may be initiated in one of the following ways:
 1. By the filing of an application to the Planning Commission by the owners of property proposed to be rezoned by the amendment, or their designated representative;
 2. By the adoption of a motion by the Planning Commission; or
 3. By the adoption of a motion by Council and referral to the Planning Commission.
 2. All text and map amendments shall follow the same procedure. Council initiated text or map amendments shall be referred to the Planning Commission for recommendation, prior to Council consideration.
3. Submittal Requirements:
 1. Each request for a Zoning Amendment shall include an application form, provided by the City, with the submittal;
 2. 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;
 3. Legal description of the parcel(s) to be rezoned, drawn by a surveyor registered in the State of Ohio;
 4. A statement of the reason(s) for the proposed amendment;
 5. Present use and zoning district;

6. Proposed use and zoning district of the subject site;
 7. A list of all owners of property that are contiguous to the parcel or lot proposed to be rezoned or redistricted or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists);
 8. A vicinity map at a scale approved by the City Engineer showing property lines, thoroughfares, existing and proposed zoning, and such other items as the City Engineer may require;
 9. A statement on the ways in which the proposed amendment relates to the Comprehensive Development Plan;
 10. The payment of the application fee as established in section 1105.09; and
 11. The City Engineer 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.
 12. The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City.
4. Amendment Process: Amendments to the UDO text or map shall be submitted and reviewed according to the following steps:
1. **Pre-application Meeting**: Upon the recommendation of the City Engineer, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application for an amendment. 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 City Engineer 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 City Engineer

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 by the TRC that an application contains all the necessary and required information, the City Engineer shall place the application on Planning Commission's agenda and schedule a public hearing on the proposed amendment. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website. The notice shall be posted at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed amendment. The text of the proposed amendment, maps, and plans (if applicable) shall be kept on file for public examination in the office of the City Engineer.
5. **Notice to Property Owners of Public Hearing Before Planning Commission:** If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property that are contiguous to the parcel or lot proposed to be rezoned or redistricted or that are across the street from it. The applicant shall provide to the City Engineer a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the parcel or lot proposed to be rezoned or redistricted 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.
6. **Preparation of Staff Report:** The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer 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 shall present his report to the Planning Commission.

7. **Planning Commission Hearing and Recommendation:** The Planning Commission shall review the application and recommend to City Council that the amendment be granted as requested; be granted as modified by Planning Commission; or be denied. The Planning Commission shall indicate specific reasons for its recommendation.
 8. **Notice of Public Hearing before Council:** Following receipt of the recommendation from the Planning Commission, the Clerk of Council shall schedule a public hearing on the proposed amendment. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed amendment.
 9. **Notice to Property Owners of Public Hearing before Council:** Notice of the public hearing shall be given by the Clerk of Council. Such notice shall be sent by 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.
 10. **Action by City Council:** After holding the public hearing, City Council shall either approve the amendment, approve the amendment with modifications, or deny the amendment.
5. Standards for Approval: The Planning Commission and the City Council shall consider the following criteria in approving all zoning amendments:
1. The proposed zoning district classification and use of the land will not materially endanger the public health or safety; and
 2. The proposed zoning district classification and use of the land is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community function or by providing an essential service to the community or region; and
 3. The proposed zoning district classification and use of the land will not substantially injure the value of the abutting property; and

4. The proposed zoning district classification and use of the land will be in harmony with the scale, bulk, coverage, density, and character of the area of the neighborhood in which it is located; and
 5. The proposed zoning district classification and use of the land will generally conform with the Comprehensive Land Development Plan and other official plans of the City, unless actual development within the area or changes in the conditions of the area makes conforming to the Comprehensive Development Plan impractical; and
 6. The proposed zoning district classification and use of the land are appropriately located with respect to transportation facilities, utilities, fire and police protection, waste disposal, and similar characteristics; and
 7. The proposed zoning district classification and use of the land will not cause undo traffic congestion or create a traffic hazard.
6. Effective Date: If approved, the amendment shall be effective thirty (30) days following approval by Council, unless otherwise indicated by emergency legislation.

(Ord. 2009-11. Passed 7-6-09.)

HISTORY

Amended by Ord. [2023-04](#) on 3/6/2023

1115.05 Planned Unit Developments And Planned Residential Conservation Developments

- ~~1.—An applicant seeking a Planned Unit Development (PUD) or a Planned Residential Conservation Development (PRCD) is seeking to have Council make a change to the Official Zoning Map by application of an Overlay District; thus, decisions on such applications are legislative in nature.~~
- ~~2.—General Submittal Requirements: The following general requirements shall apply to PUDs and PRCDs, in addition to the specific submittal requirements for PUDs (section 1109.05) and PRCDs (section 1109.06) contained in Chapter 1109 of this UDO:~~
 - ~~1.—Each request for a PUD or a PRCD shall include an application form, provided by the City, with the submittal;~~
 - ~~2.—Legal description of property or portion thereof;~~
 - ~~3.—Payment of the application fee as established by section 1105.09; and~~

- 4.—~~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;~~
 - 5.—~~A list of all owners of property that are contiguous to the parcel or lot proposed for the PUD or PRCD Overlay District or that are across the street from it. (The list shall based upon the Warren County Auditor's current tax lists); and~~
 - 6.—~~The City Engineer 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.~~
 - 7.—~~The TRC shall make the determination as to completeness, and only complete applications and Development Plans shall be processed by the City.~~
- 3.—~~Development Plans: In addition to the specific requirements for PUD Development Plans (section 1109.05(d) and (g)) and PRCD Development Plans (section 1109.06(i) and (l)), the following information shall be provided with a Development Plan at the time of submittal:~~
- 1.—~~**A General Supporting Statement.** This is a narrative that explains what is being proposed and why. The narrative shall explain the development proposal in context of existing structures on the property and adjoining properties and shall provide the approximate allocation of land use by acreage and type and shall provide an estimate of the population of the project at build-out;~~
 - 2.—~~**An Existing Conditions Plan** at a scale not less than one inch equals fifty feet (1" = 50') indicating existing topography, property boundaries, trees, structures, pavements, utilities, and the location of existing directly adjacent properties and their structures;~~
 - 3.—~~**Proposed Site Plan** at not less than one inch equals one hundred feet (1" = 100') scale indicating pavement, structures, service areas, loading areas, parking circulation, trash dumpsters, setbacks, vegetation to remain, points of access, required screens and buffers, and related site improvements. This plan shall include the location of existing contiguous properties and their structures;~~
 - 4.—~~**Conceptual Architectural Design** and landscape planting;~~

- 5.—~~Longitudinal and transverse cross-sections through the building at its tallest point. These sections shall include contiguous property and their principal buildings to illustrate neighboring height relationships. The scale of these sections shall be no less than one inch equals forty feet (1" = 40'); and~~
 - 6.—~~Engineering feasibility comments, report or study from a civil engineer for water, sanitary sewer and storm water utilities.~~
- 4.—Procedures - Applications and Preliminary Development Plans:
- 1.—~~**Pre-application Meeting:** Upon the recommendation of the City Engineer, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application and Preliminary Development Plan. 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 and Preliminary Development Plan 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 and Plan, the City Engineer shall forward the application and Preliminary Development Plan to the TRC. The TRC shall review the application and Plan for completeness, and if the application and/or Plan is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on until all necessary and required information has been provided. If the application and Plan are deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application. Only complete applications and Preliminary Plans will be forwarded to the Planning Commission.~~
 - 4.—~~**Review of Preliminary Development Plan by Others:** The City Engineer shall distribute the preliminary development plan and application to the following for review and comment:~~
 - 1.—~~Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Army Corps of Engineers, the Warren County Health Department, and the Ohio Environmental Protection Agency;~~

- 2.—Other agencies that, at the discretion of the City, may have appropriate technical expertise;
 - 3.—Appropriate local City administrative officials, including the Law Director; and/or
 - 4.—Consultants retained by the City.
- 5.—**Notice of Public Hearing before Planning Commission:** Upon determination by the TRC that an application and Preliminary Development Plan contains all the necessary and required information and completion of review of the Plan by others, the City Engineer shall place the application and Plan on Planning Commission's agenda and schedule a public hearing on the proposed amendment. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed application and Preliminary Development Plan. The application and Plan shall be kept on file for public examination in the office of the City Engineer.
- 6.—**Notice to Property Owners of Public Hearing Before Planning Commission:** If the proposed Overlay District intends to apply to ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property that are contiguous to the parcel or lot proposed for the Overlay District or that are across the street from it. The applicant shall provide to the City Engineer a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the parcel or lot proposed for the Overlay District 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.—**Preparation of Staff Report:** The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer 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 shall present his report to the Planning Commission:

- 8.—**Site Visit:** The Planning Commission or Council may, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.
 - 9.—**Review and Recommendation by Planning Commission:** The Planning Commission shall review the application and recommend to City Council that the PUD/PRGD be granted as requested; be granted as modified by the Planning Commission; or be denied.
 - 10.—**Notice of Public Hearing before Council:** Following receipt of the recommendation from the Planning Commission, the Clerk of Council shall schedule a public hearing on the proposed Overlay District. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed application.
 - 11.—**Notice to Property Owners of Public Hearing before Council:** Notice of the public hearing shall be given by the Clerk of Council. Such notice shall be sent by 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.
 - 12.—**Action by City Council:** After holding the public hearing, City Council shall approve the application and Preliminary Plan; deny the application and Preliminary Plan; or approve the application and Preliminary Plan subject to additional conditions and restrictions to which the owner has agreed.
- 5.—Procedures - Final Development Plans:
- 1.—**Review for Completeness:** The TRC shall review the Final Development Plan to determine that it includes all the items required. 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 and Plan are deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application.~~

- ~~2.—**Distribution of Final Development Plan:** The City Engineer shall distribute the Final Development Plan to the Planning Commission, the Law Director, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the City Engineer and transmitted to the Planning Commission prior to the time of the Board's review.~~
- ~~3.—**Review by the Law Director:** The Law Director shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or UDO of Regulations (for a Homeowner's Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. He/she shall provide a written opinion to the Planning Commission documenting that the above demonstrates full compliance with the requirements of this Section.~~
- ~~4.—**Review by Planning Commission:** Planning Commission shall review the Final Development Plan and the recommendations of the TRC and the City Engineer. The Planning Commission shall assure that the Final Development Plan is in accordance and compliance with the Preliminary Development Plan. The Planning Commission shall take action on the submitted Final Development Plan by either:
 - ~~1.—Approving the Final Development Plan as submitted; or~~
 - ~~2.—Approving the Final Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or~~
 - ~~3.—Denying approval of the Final Development Plan.~~~~
- ~~5.—**Referral to Council:** The Final Development Plan for a PUD or PRGD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration, may deny the Final Development Plan, approve the Plan as submitted, or approve the Plan~~

~~subject to additional conditions and restrictions to which the owner has agreed:~~

~~6.—Requirements:~~

~~1.—PUDs: All applications and Development Plans for PUDs shall be reviewed for their compliance with the PUD requirements outlined in section 1109.05(c) and the City's Development Requirements and Standards contained in Chapter 1111.~~

~~2.—PRCDs: All applications and Development Plans for PRCDs shall be reviewed for their compliance with the PRCD requirements outlined in section 1109.06(g) and (h) and the City's Development Requirements and Standards contained in Chapter 1111.~~

~~7.—Standards for Approval:~~

~~1.—PUDs: The Planning Commission and the City Council shall consider the following criteria in approving applications and Development Plans for PUDs:~~

~~1.—It fully complies with the applicable requirements of this UDO;~~

~~2.—It meets the General Standards for Review outlined in section 1109.05(i) and the Specific Standards outlined in section 1109.05(j);~~

~~3.—It is not detrimental to other property or other uses located on the same property;~~

~~4.—It is not detrimental to other development on nearby property;~~

~~5.—It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways; and~~

~~6.—It provides safe ingress and egress to emergency vehicles on the site.~~

~~2.—PRCDs: The Planning Commission and the City Council shall consider the following criteria in approving applications and Development Plans for PRCDs:~~

~~1.—It fully complies with the applicable requirements of this UDO;~~

~~2.—It meets the General Standards for Review outlined in section 1109.06(n);~~

~~3.—It is not detrimental to other property or other uses located on the same property;~~

- 4.—It is not detrimental to other development on nearby property;
- 5.—It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways; and
- 6.—It provides safe ingress and egress to emergency vehicles on the site.

8.—Effect of Approval:

- 1.—If approved, the application and Final Development Plan shall be effective thirty (30) days following approval by Council, unless otherwise indicated by emergency legislation.
- 2.—A PUD Final Development Plan or a PRCD Final Development Plan, as approved by City Council after recommendation from the Planning Commission, shall constitute an amendment to the Franklin Zoning Map as it applies to the land included in the approved amendment Detailed Site Plan or Subdivision approval is assured based on good faith compliance with the approved Final Development Plan. The PUD or PRCD approval shall be for a period of one (1) year to allow for the submission of a Certificate of Zoning Compliance or a Final Plat if a subdivision was not submitted with the Development Plan. Unless the required Certificate of Zoning Compliance, or Final Plat if the subdivision was not submitted with the Development Plan, is properly requested and approved within the one (1) year period, the PUD or PRCD approval shall be voided and the land shall revert to its last previous zoning district without the Overlay District, unless an application for time extension is submitted to and approved by Council. No more than two six (6) month extensions shall be granted.
- 3.—**Transfer of Lots:** No lots within a PUD/PRCD or any section thereof may be transferred until Final Development Plan for the PUD/PRCD has been recorded in the Warren County Recorder's Office.

9.—Development:

- 1.—**Requirements:** Before beginning construction on any improvements within PUD/PRCD or any section thereof, the Developer shall comply with the provisions of this paragraph in order to assure that the proposed improvements meet the requirements of the City's Improvement Requirements and Standards, as outlined in section 1111.03.
- 2.—**Construction Plans:** Before beginning work on the improvements in a PUD/PRCD any section thereof, the Developer shall submit to the City

Engineer two (2) complete sets of Construction Plans and specifications of improvements, prepared by a registered professional engineer, that shall include typical sections, plan and profile views, construction details, and estimates of quantities and types of materials, along with the filing fee required under section 1105.09. The plans shall show:

- 1.—The centerline profile of each proposed street, with tentative grades indicated;
 - 2.—The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of the utility mains;
 - 3.—The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers;
 - 4.—A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;
 - 5.—A Site Development Plan as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k);
 - 6.—A Landscaping Plan, as may be required by section 1111.06;
 - 7.—An Engineer's estimate of the total cost of the contemplated public improvements for the subdivision or section thereof; and
 - 8.—Any other information needed to show that the proposed improvements comply with this UDO.
- 3.—**Guarantee/Security for Construction:** In accordance with section 1111.03(e), the Developer shall file with the Construction Plans a financial guarantee to ensure that all required infrastructure for the development, or section for which the Developer is seeking approval, is constructed in the manner and time frame required.
- 4.—**Inspection Fees:** In accordance with section 1111.03(c), the Developer shall pay to the City, at the time of submission of the Construction Plans, an Inspection Fee to provide for the cost of inspecting the various public improvements as they are constructed.

- 5.—**Approval:** Before beginning construction on any improvements within the PUD/PRGD or any section thereof, the Developer must have obtained approval of the Construction Plans from the City, including approval of his submitted Guarantee and payment of Inspection Fees. Upon approval of the Construction Plans by the City, the Zoning Official shall issue a Certificate of Zoning Compliance to the Developer.
- 6.—**Changes or Additions:** After A PUD or PRGD General Development Plan has been approved by the Planning Commission, and in the course of carrying out the Plan, adjustments or rearrangements of buildings, drives, parking areas, recreation areas, entrances, heights, yards or similar modifications, may be requested by the Developer(s):
 - 1.—*Minor Changes:* The City Engineer shall review and approve or disapprove amendments to Development Plans, as shown on the Construction Plans, if the change involves twenty five percent (25%) or less of the original floor area, or less than ten thousand square feet (10,000 sq. ft.).
 - 2.—*Major Changes:* Amendments to Development Plans, as shown on the Construction Plans, exceeding twenty five percent (25%) of the original floor area, or ten thousand square feet (10,000 sq. ft.), shall be reviewed and approved or disapproved by the Planning Commission, in accordance with section 1109.05(l) for PUDs, and in accordance with section 1109.06(p) for PRCDs.
 - 3.—Any Construction Plans proposing the installation of fire hydrants must also receive approval from the City's Fire Division before the improvements are installed.
- 7.—**Inspection:** Prior to the start of any work covered by the Construction Plans, after approval thereof, the Developer shall make satisfactory arrangements with the City Engineer for inspection of the work to insure compliance with the plans and specifications as approved.
- 8.—**Acceptance of Improvements by the City:** Once the required public improvements have been installed and inspected, if acceptable to the City and if installed in accordance with this UDO, the City shall send the Developer notice that it intends to accept the improvements. The Developer shall then forward to the City the Construction Plans, in a format acceptable

for recording with the Warren County Recorder's Office, that contain a dedication to the City of the accepted improvements for signature.

9.—**Recording of Construction Plans:** Construction Plans may not be recorded until all required signatures of officials have been placed on the Plans. Once the appropriate officials have properly signed the Plans, the applicant shall record the Construction Plans with the Warren County Recorder's Office. Once recorded, a copy of the recorded Plans shall be filed with the City Engineer. No further development in the PUD or PRCD shall be permitted until the Construction Plans are recorded as required.

10.—**Certificate of Occupancy:** No Certificates of Occupancy for any buildings or structures within the PUD or PRCD will be issued by the City until Construction Plans for the PUD or PRCD, or for a section thereof, have been approved and recorded as required by this Section.

11.—**Development in Sections:** If the Developer chose to develop the PUD or PRCD in Sections, upon full build-out of the PUD or PRCD, the Developer shall prepare an updated Final Development Plan showing the exact location of all installed improvements, all easements and all buildings. This updated Final Development Plan shall be forwarded to the City for all required signatures at the time the Construction Plans for the final section are also forwarded for signatures, in accordance with subsection (9), above. Once the appropriate officials have properly signed the Plans, the applicant shall record the updated Final Development Plan with the Warren County Recorder's Office. Once recorded, a copy of the recorded Final Development Plan shall be filed with the City Engineer.

10.—Regulation Concerning Required Improvements:

1.—**Street Construction:** Notwithstanding any other provision of this UDO, if approved by the City Engineer, the Developer may delay application of the final coat of asphalt for the time period allowed by the City Engineer. If the City Engineer does grant the Developer such a delay, the Developer shall wedge around any manholes or other protrusions, as directed by the City Engineer. A written agreement show such an agreement between the Developer and the City Engineer shall be required before the City accepts the improvements.

2.—**Temporary Construction Signs:** The Developer shall install temporary construction signs as instructed by the City Engineer and based upon the

~~progress of construction of the infrastructure. No construction or other required permits shall be issued until such temporary construction signs are installed as required by the City Engineer. Such signs shall be maintained by the Developer until the final coat of asphalt is applied.~~

~~3.—**Completion of Construction:** The construction of all public improvements shown on the approved Construction Plans must be completed within two (2) years from the date of approval, unless good cause can be shown for the granting of an extension of time by Council.~~

~~4.—**Maintenance:** For a period of one (1) year from the date the constructed improvements were accepted by the City, the Developer shall make such repairs or replacements as may be required by reason of defective workmanship or material.~~

~~(Ord. 2009-11. Passed 7-6-09.)~~

HISTORY

~~Amended by Ord. 2023-04 on 3/6/2023~~

1115.06 Major Subdivisions

1. A Major Subdivision is a platting of land for the purposes of development and transfer of ownership. It requires approval of a Preliminary Plat by the Planning Commission, approval of a Final Plat by the Planning Commission, acceptance by Council, and recording of the Final Plat prior to the transfer of land. Before any land is subdivided into a Major Subdivision, the owner of the property proposed to be subdivided, or his/her/its authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures of this Section.
2. General Submittal Requirements: The following general requirements shall apply:
 1. Each request for a Subdivision shall include an application form, provided by the City, with the submittal;
 2. 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
 3. Legal Description of property or portion thereof;
 4. A list of all owners of property that are contiguous to the parcel or lot proposed to be subdivided or that are across the street from it (The list shall be based upon the Warren County Auditor's current tax lists);

5. Payment of the application fee as established by section 1105.09;
 6. The City Engineer 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.
 7. The TRC shall make the determination as to completeness, and only complete applications and Preliminary Plats/Final Plats shall be processed by the City.
3. Preliminary Plat and Base Information: An application form shall be completed by the Developer/Subdivider and submitted with the Preliminary Plat and required supplemental information. The Preliminary Plat and base information shall be provided at the time of submittal. The required fees shall also be paid at the time of application submittal.
1. **Drawing**: The Preliminary Plat shall be drawn on twenty-four inch by thirty-six inch (24" x 36") sheets to a scale of not less than one inch equals one hundred feet (1"= 100'). When more than one sheet is required, an index shall be incorporated into the title block. The Preliminary Plat shall contain the following information at a minimum:
 1. Name and address of developer, property owner, land planner, landscape architect, engineer and/or surveyor;
 2. Adjoining property owners, deed references and/or recorded subdivision names, recording references and adjoining property structures within three hundred feet (300') or as specified by the City Engineer;
 3. Vicinity map (section and range);
 4. The ownership, acreage and boundaries of all adjacent properties within three hundred feet (300') of the subdivision or as specified by the City Engineer. If a recorded subdivision adjoins the subject site, the subdivision name, lot numbers, block numbers and recording number shall be indicated with dashed lines;
 5. North arrow;
 6. Title block shall be in the lower right-hand corner. The title block shall include title "Preliminary Plat", sheet title, proposed subdivision name, developer and Engineer who prepared the Plat, scale of the

Plat, tax map and parcel numbers, sheet index, date and revisions numbered and dated;

7. Boundary of the proposed subdivision clearly indicated by a heavy line with bearings and distances; and
 8. Existing topography at two-foot (2') intervals for slopes under 10 percent (10%) and at ten-foot (10') intervals for slopes ten percent (10%) or greater. Contour lines shall be indicated fifty-feet (50') beyond the subdivision boundary.
2. **Existing Conditions:** The Existing Conditions Map and text shall indicate the proposed subdivision and all property within two hundred feet (200') of the proposed subdivision or as specified by the City Engineer, the following conditions depicted to scale:
1. Existing generalized natural features;
 2. Existing zoning;
 3. Existing utilities, including: water; sanitary sewer and stormwater facilities, (indicating approximate pipe sizes and directions of slope); underground transmission lines; electric and telephone poles; street lights; fire hydrants; landfills; and public utility easements;
 4. Existing streets and roads, including: locations, widths and names of all streets and roads; existing easements; and streets which have been preliminarily approved or recorded but which remain unimproved shall be indicated;
 5. Existing community facilities, including parks and recreation facilities; and
 6. Comprehensive Development Plan recommendations for the subject site and applicable zoning districts and standards.
3. **Proposed Subdivision Plan:** The following proposed improvements are to be superimposed on top of the Existing Conditions Map:
1. Proposed generalized land use, including proposed building footprint;
 2. Proposed layout of all proposed and existing lots with approximate dimensions and minimum area in square feet (acres if lot size is

- greater than 100,000 square feet), section number, phase number and part number, building lines, lot frontages and required setbacks;
3. Lot numbers in numerical or alphabetical order throughout the entire subdivision;
 4. The location, dimensions, use and area of all property proposed to be reserved or temporarily reserved for public use, or reserved for the use of all property owners in the subdivision and the location, dimensions and purposes of any proposed easements; and
 5. Total number of lots, area of lots and parcels, area of public roadways, areas of open space dedications, and total area of the subdivision.
4. **Proposed Water, Sanitary Sewer, and Stormwater:** The following improvements are to be superimposed on top of the Existing Conditions Map:
1. Proposed water system;
 2. Proposed sewer system;
 3. Proposed drainage and stormwater management systems, including: the type of structures; drainage easements; proposed changes in topography; the 100-year floodplain (floodway and floodway fringe shall be indicated separately); and
 4. A preliminary storm drainage study including an evaluation of drainage structures and/or drainage systems, both upstream and downstream, affected by the drainage from the area covered by the Preliminary Plan, as directed by the City Engineer.
5. **Proposed Circulation:** The following improvements are to be superimposed on top of the Existing Conditions Map:
1. Proposed streets and roads, including: widths of rights-of-way and pavements; tentative profiles of each street centerline; tentative horizontal curve data; and typical cross sections of each type of street proposed;
 2. Proposed sidewalks and bike paths, including: locations; widths of rights-of-way; surface widths; and typical cross sections; and

3. Proposed locations of street trees and landscape features.
6. **Proposed Sedimentation and Erosion Control:** The following improvements are to be superimposed on top of the Existing Conditions Map:
 1. Locations and extent of tentative erosion and sedimentation control measures; and
 2. Preliminary grading plan for the entire area covered by the Preliminary Plat.
7. A Site Development Plan as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k).
4. **Final Plat:** An application form shall be completed by the Developer/Subdivider and submitted with the Final Plat. The application form shall be provided by the City Engineer. The required fees shall also be paid at the time of application submittal. The following supplementary information shall be supplied in addition to these requirements:
 1. **Boundary Lines:** All plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure of not to exceed one-to-ten thousand (1:10,000).
 2. **Recorded Streets:** The exact location and the width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.
 3. **Bearings:** True bearings and distances to nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them.
 4. **Monuments:** The accurate location and material of all permanent reference monuments.

5. **Site Layout:** The exact layout including:
 1. Streets and alley lines - their names, bearings, angles of intersection and widths (including widths along the line of any obliquely-intersecting street);
 2. The chord length of all arcs - radii, points of curvature and tangent bearings;
 3. All easements and rights-of-way, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); and
 4. All lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes if other than right angles to the street and alley lines.
6. **Lots and Block Numbers:** Lots numbered in numerical order. In tracts containing more than a block the blocks may be likewise numbered in numerical order or lettered in alphabetical order. The City will assign addresses to the lots thirty (30) days after the Final Plat has been accepted by City Council.
7. **Property Offered for Dedication:** The accurate outline of all property that is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivisions, with the purpose indicated thereon. All lands dedicated to public use other than streets or roads shall be marked "Dedicated to the Public." Streets and roads not dedicated shall be marked "Private Street."
8. **Setback Lines:** As shown on the Preliminary Plat.
9. **Name of Subdivision:** Name of subdivision and name or number of the largest subdivision or tract of which the tract now subdivided forms a part.
10. **Adjoining Subdivision:** Names and locations of adjoining subdivisions and location and ownership of adjoining unsubdivided property.
11. **Names of Owners, Etc.:** Names and addresses of the owner of record, the subdivider, and of the Engineer or surveyor.
12. **North-Point, Etc.:** North-point, scale, date and title.

13. **Engineer's Certificate:** A certificate by a registered professional engineer or surveyor to the effect that said plat was prepared by him, pursuant to an actual survey of the premises and that said plat is correct.
 14. **Owner's Certificate:** A certificate by the owner of the land to the effect that he has caused said land to be platted and that he dedicates to public use the streets, parks and other lands indicated on the plat as intended for public use. This certificate shall be executed as a conveyance is executed.
5. Application and Preliminary Plat Procedures:
1. **Preliminary Plat Pre-application Meeting:** Upon the recommendation of the City Engineer, or upon the request of the applicant, the applicant shall meet with the City Engineer prior to submitting a Preliminary Plat for consideration by the Planning Commission.
 2. **Formal Application Submittal:** The applicant shall submit an application and Preliminary Plat 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 City Engineer shall forward the application and Preliminary Plat to the TRC. The TRC shall review the Preliminary Plat to determine that it includes all the items required. 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 and Plat deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application.
 4. **Preparation of Staff Report:** The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments from the TRC in formulating his recommendation. The application, Preliminary Plat 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 shall present his/her report to the Planning Commission.

5. **Site Visit:** The Planning Commission may, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.
 6. **Action by Planning Commission:** Planning Commission shall review the application and Preliminary Plat and the recommendations of the TRC and the City Engineer.
 1. The Planning Commission shall take action on the submitted application and Preliminary Plat by either:
 1. Approving the application and Preliminary Plat as submitted; or
 2. Approving the Preliminary Plat and application subject to specific conditions not included in the Plat as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
 3. Denying the application and Preliminary Development Plat.
 2. 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.
 7. **Plat Re-submittal:** If the Planning Commission requires corrections or modifications be made, the Developer/Subdivider shall submit a reproducible original Preliminary Plat reflecting those corrections and/or modifications to the City Engineer before the Planning Commission will reconsider the Plat.
 8. **Expiration:** The approval of a Preliminary Plat by the Planning Commission shall be effective for a maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be affected by changes or amendments to this UDO. If after this twelve (12) month period, any changes or amendments are made to this UDO, and any phase(s) or portion(s) of the original approved Preliminary Plan that have not received Final Plat approval or Construction Plan approval, then that phase(s) or portion(s) must be re-submitted for approval under the amended UDO.
6. Application and Final Plat Procedures:

1. **Final Plat Pre-application Meeting:** Upon the recommendation of the City Engineer, or upon the request of the applicant, the applicant shall meet with the City Engineer prior to submitting a Final Plat for consideration by the Planning Commission.
2. **Formal Application Submittal:** The applicant shall submit an application and Final Plat 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:**
 1. The City Engineer shall forward the application and Final Plat to the TRC. The TRC shall review the application and Plat 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 and Plat are deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application. Only complete applications and Plats will be forwarded to the Planning Commission.
 2. If it has been over twelve (12) months since approval of the Preliminary Plat was granted and if any changes or amendments have been made to this UDO, any phase(s) or portion(s) of the original approved Preliminary Plat that have not received Final Plat approval, must be re-submitted for approval under the amended UDO.
4. **Preparation of Staff Report:** The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments from the TRC in formulating his recommendation. The application, the Final Plat, 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 shall present his report to the Planning Commission.
5. **Notice of Public Hearing Before Planning Commission:** Upon determination by the TRC that an application and Preliminary Plat contains all the necessary and required information, the City Engineer shall place the

application and Plat on Planning Commission's agenda and schedule a public hearing on the proposed subdivision. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website at least five (5) days before the date of the bearing. The notice shall state the time and place of the hearing and a summary of the proposed application and Preliminary Plat. The application and Plat shall be kept on file for public examination in the office of the City Engineer.

6. Notice to Property Owners of Public Hearing Before Planning

Commission: If the proposed subdivision intends to apply to ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property that are contiguous to the parcel or lot proposed for the subdivision or that are across the street from it. The applicant shall provide to the City Engineer a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the parcel or lot proposed for the Overlay District 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. Planning Commission Hearing and Recommendation: The Planning Commission shall recommend either that the Final Plat be approved as submitted, that the Final Plat be approved with modifications, or that the Final Plat be denied.

8. Notice of Public Hearing before Council: Following receipt of the recommendation from the Planning Commission, the Clerk of Council shall schedule a public bearing on the proposed amendment. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed amendment.

9. Notice to Property Owners of Public Hearing before Council: Notice of the public hearing shall be given by the Clerk of Council. Such notice shall be

sent by 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.

10. **Action by Council:** After consideration of the Final Plat by the Planning Commission, the Plat shall be transmitted to the Council. Council shall approve the Final Plat, approve the Plat with modifications, or deny the Plat. Written notice of Council'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 Council made in rendering its decision.
11. **Effect of Approval:** Approval of the Final Plat by the Council shall be deemed to constitute acceptance by the public of the dedication of every right-of-way and other proposed public easement or space shown on said Plat; however, improvements such as streets, sewer, water or other infrastructure shall not be accepted by the City until constructed and the construction plans for the same have been submitted and approved and the Developer/Subdivider has recorded said construction plans, as required by section 1115.06(i).
12. **Recording of Final Plat:** Once Council has approved a Final Plat, the Developer/ Subdivider shall make any corrections or modifications required and shall forward the Final Plat to the City for the required signatures. Final Plats may not be recorded until all required signatures of officials have been placed on the Final Plat. Once the appropriate officials have properly signed the Final Plat, the applicant shall record the Final Plat with the Warren County Recorder's Office. Once recorded, a copy of the recorded Final Plat shall be filed with the City Engineer. If not recorded within twelve (12) months of the date of approval by Council, the Final Plat shall expire and be of no effect.
13. **Expiration:** The approval of a Final Plat by Council shall be effective for a maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be affected by changes or amendments to this UDO. If after this twelve (12) month period, any changes or amendments are made to this UDO, and any phase(s) or portion(s) of the

original approved Preliminary Plan that have not received Construction Plan approval, then that phase(s) or portion(s) must be resubmitted for approval under the amended UDO.

14. Transfer of Lots: No lots within a subdivision or any section thereof may be transferred until the Final Plat is accepted by the City and the Plat is recorded in the Warren County Recorder's Office.

7. **Requirements:** All applications and Plats shall be reviewed for their compliance with the Subdivision Regulations outlined in section 1111.01, specifically section 1111.01(d).

8. **Standards for Approval:**

1. **Preliminary Plat:** A Major Subdivision application and Preliminary Plats shall only be approved if Planning Commission finds that all of the following standards are met:

1. It fully complies with the applicable requirements of this UDO;
2. It is not detrimental to other property or other uses located on the same property;
3. It is not detrimental to other development on nearby property;
4. It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways;
5. It provides safe ingress and egress to emergency vehicles on the site;
6. The proposed lots in the subdivision have adequate space to accommodate the building area and other site requirements;
7. The property has been surveyed and other information relating to the property has been submitted with the application;
8. The proposed lots have been approved for access management and storm water management; and
9. The proposed lots have been approved relative to emergency access.

2. **Final Plat:** A Major Subdivision application and Final Plat shall only be approved if Council finds that all of the following standards are met:

1. It fully complies with the applicable requirements of this UDO;

2. It is not detrimental to other property or other uses located on the same property;
3. It is not detrimental to other development on nearby property;
4. It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways;
5. It provides safe ingress and egress to emergency vehicles on the site;
6. The Final Plat is in accordance with the Preliminary Plan;
7. The City Engineer has approved all proposed infrastructure construction and location;
8. Homeowners association and other agreements have been approved by the Law Director's Office;
9. All fees and/or review costs have been paid.

9. Development of the Subdivision:

1. **Requirements:** Before beginning construction on any improvements within the Subdivision or any section thereof, the Developer shall comply with the provisions of this paragraph in order to assure that the proposed improvements meet the requirements of the City's Improvement Requirements and Standards, as outlined in section 1111.03.
2. **Construction Plans:** Before beginning work on the improvements in a subdivision or any section thereof, the Developer shall submit to the City Engineer two (2) complete sets of Construction Plans and specifications of improvements, prepared by a registered professional engineer, that shall include typical sections, plan and profile views, construction details, and estimates of quantities and types of materials, along with the filing fee required under section 1105.09. The plans shall show:
 1. The centerline profile of each proposed street, with tentative grades indicated;
 2. The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of the utility mains;

3. The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers;
 4. A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;
 5. A stormwater drainage plan showing:
 1. All existing and proposed storm sewers, manholes, catch basins, watercourses, culverts and other underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades, waterway openings indicated thereon;
 2. Drainage areas and flow of the watershed;
 3. The method to be used for the adequate disposal of all storm water, including drainage outlets; and
 4. Such other data as may be required by the City Engineer and section 1111.05.
 6. A Landscaping Plan, as may be required by section 1111.06;
 7. An Engineer's estimate of the total cost of the contemplated improvements for the subdivision or section thereof; and
 8. Any other information needed to show that the proposed improvements comply with section 1111.03.
3. **Guarantee/Security for Construction:** In accordance with section 1111.03(e), the Developer shall file with the Construction Plans a financial guarantee to ensure that all required infrastructure for the subdivision, or section for which the Developer is seeking approval, is constructed in the manner and time frame required.
 4. **Inspection Fees:** In accordance with section 1111.03(b), the Developer shall pay to the City, at the time of submission of the Construction Plans, an Inspection Fee to provide for the cost of inspecting the various public improvements as they are constructed.
 5. **Approval:** Before beginning construction on any improvements within the Subdivision or any section thereof, the Developer must have obtained

approval of the Construction Plans from the City, including approval of his submitted Guarantee and payment of Inspection Fees. Upon approval of the Construction Plans by the City, the Zoning Official shall issue a Certificate of Zoning Compliance to the Developer.

1. If the Construction Plans, as submitted, make no changes or modifications from the approved Final Plat, the Plans may be approved by the City Engineer.
 2. If the Construction Plans, as submitted, make any changes or modifications from the approved Final Plat, as determined by the City Engineer, the Plans must be submitted to Planning Commission. Planning Commission shall review the Construction Plans and make a recommendation to Council on approving or deny the Plans. Council may approve the Plans as submitted, approve the Plans with agreed to modifications, or deny the Plans.
 3. Any Plans proposing the installation of fire hydrants must also receive approval from the City's Fire Division before the improvements are installed.
6. **Inspection:** Prior to the start of any work covered by the Construction Plans, after approval thereof, the Developer shall make satisfactory arrangements with the City Engineer for inspection of the work to insure compliance with the plans and specifications as approved.
7. **Acceptance of Improvements by the City:** Once the required public improvements have been installed and inspected, if acceptable to the City and if installed in accordance with this UDO, the City shall send the Developer notice that it intends to accept the improvements. The Developer shall then forward to the City the Construction Plans, in a format acceptable for recording with the Warren County Recorder's Office, that contain a dedication to the City of the accepted improvements for signature.
8. **Recording of Construction Plans:** Construction Plans may not be recorded until all required signatures of officials have been placed on the Plans. Once the appropriate officials have properly signed the Plans, the applicant shall record the Plans with the Warren County Recorder's Office. Once recorded, a copy of the recorded Construction Plans shall be filed with the City Engineer. No further development in the subdivision shall be permitted until the Construction Plans are recorded as required.

9. **Certificate of Occupancy:** Certificates of Occupancy for any buildings or structures within the subdivision will not be issued by the City until Construction Plans for the subdivision, or for a section thereof, have been approved and recorded as required by this section.
 10. **Development in Sections:** If the Developer chose to develop the subdivision by Sections, upon full build-out of the subdivision, the Developer shall prepare an updated Final Plat showing the exact location of all installed improvements, all easements and all buildings. This updated Final Plat shall be forwarded to the City for all required signatures at the time the Construction Plans for the final section are also forwarded for signatures, in accordance with subsection (8), above. Once the appropriate officials have properly signed the Plans and the Plat, the applicant shall record the updated Final Plat with the Warren County Recorder's Office. Once recorded, a copy of the recorded Final Plat shall be filed with the City Engineer.
10. Regulation Concerning Improvements Required in Major Subdivisions:
1. **Street Construction:** Notwithstanding any other provision of this UDO, if approved by the City Engineer, the Developer may delay application of the final coat of asphalt for the time period allowed by the City Engineer. If the City Engineer does grant the Developer such a delay, the Developer shall wedge around any manholes or other protrusions, as directed by the City Engineer. A written agreement show such an agreement between the Developer and the City Engineer shall be required before the City accepts the improvements.
 2. **Temporary Construction Signs:** The Developer shall install temporary construction signs as instructed by the City Engineer and based upon the progress of construction of the infrastructure. No construction or other required permits will be issued until such temporary construction signs are installed as required by the City Engineer. Such signs shall be maintained by the Developer until the final coat of asphalt is applied.
 3. **Completion of Construction:** The construction of all public improvements shown on the approved Construction Plans must be completed within two-(2) years from the date of approval, unless good cause can be shown for the granting of an extension of time by Council.
 4. **Maintenance:** For a period of one (1) year from the date the constructed improvements were accepted by the City, the Developer shall make such

repairs or replacements as may be required by reason of defective workmanship or material.

11. **Final Plat Amendments:** Upon the application of an owner(s) of land described in a Final Plat within the corporation limits of the City of Franklin, Council may approve amendments the Final Plat, in whole or in part, where unusual or exceptional factors or conditions require the amendment to avoid undue hardship.

1. **Plat Amendment Defined:** A plat amendment is a major alteration of a Final Plat that substantially changes any of the major feature(s) required to be set forth in the Plat by section 1115.06(d). Examples of such major alterations include, but not limited to, a change in the number of lots or the layout of lots, a major change, as deemed by the City Engineer, in the location or size or any right-of-ways or public easements, a change in the name of the subdivision, or a change in setback lines.
2. **Filing Requirements:** The applicant(s) shall file with the City Engineer, in accordance with the application schedule established by the City Manager, a Final Plat Amendment that meets the requirements of section 1115.06(d), and other City Ordinances as applicable, together with an application for approval thereof and the required fee, as outlined in section 1105.09.
3. **Procedure:** The procedure for a Final Plat amendment shall be as follows:
 1. The applicant(s) shall file with the City Engineer an application that sets forth the reason(s) why the amendment of the plat is sought, a plat map that sets forth the location and description of the proposed amendment, and A Final Plat Amendment that meets the requirements of section 1111.06(d).
 2. **Review by the TRC:** After the Final Plat Amendment application has been filed, the City Engineer and the TRC shall check said plat to determine adequacy with existing street, storm, sanitary, water and utility services. If said application is complete, the TRC shall notify the applicant(s) of the date and time that Planning Commission will hear the proposed Final Plat Amendment.
 3. The applicant shall send a copy of the application to all other landowners within the plat to be amended, along with a notice of the time and place of the Planning Hearing on the application. The applicant(s) shall provide Proof of Notification by providing the certified mail certificates to the City Engineer, along with a list of all

property owners to whom notice was sent. Failure to provide the required notification may result in the application being tabled or denied by the Planning Commission. If the application must be tabled because the applicant(s) failed to provide notice as required, any costs for the City to have to republish a general notice, as outlined below, shall be borne by the applicant(s).

4. The City shall give five (5) days notice of the proposed plat amendment application by posting in the Franklin Municipal Building and on the City of Franklin's official website. Such notices shall set forth the part or the plat to be amended and briefly describe the proposed amendment, the date(s) of the Planning Commission meeting hearing(s) on the application and the date(s) City Council will consider the application.
5. Preparation of Staff Report: The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments from the TRC in formulating his recommendation. The application, the plat map and the Final Plat Amendment 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 shall present his report to the Planning Commission.
6. Planning Commission Review: Planning Commission shall consider the application and Final Plat Amendment and shall make a recommendation to either: approve the application as submitted, approve the application with modifications, or deny the application. Planning Commission shall then forward its recommendation to City Council, along with its reasons for such a recommendation.
7. Council Acceptance of Plat Amendment: Council shall either: approve the Final Plat Amendment, approve the Final Plat Amendment with modifications, or deny the Final Plat Amendment.
8. Recording of Final Plat Amendment: If the amendment is approved by Council, the applicant(s) shall make any corrections or modifications required and shall forward the Final Plat Amendment to the City for the required signatures. Final Plat Amendments may not be recorded

until all required signatures of officials have been placed on the Final Plat Amendment. Once the appropriate officials have properly signed the Final Plat Amendment, the applicant shall record the Amendment with the Warren County Recorder's Office. Once recorded, a copy of the recorded Final Plat Amendment shall be filed with the City Engineer. If not recorded within twelve (12) months of the date of approval by Council, the Final Plat Amendment shall expire and be of no effect.

12. Single Lot Major Subdivisions: Major Subdivision plats that consist of one lot may be submitted to the City under this procedure. The City Engineer shall review and approve single lot Major Subdivisions. The decision of the City Engineer can be appealed to the Planning Commission. The City Engineer can submit the Preliminary Plan and Final Plat as a single set of documents to the TRC for review and approval. The City Engineer will identify the appropriate documents for submittal.
13. Re-subdivision: The Developer/Subdivider proposing the re-subdivision of a plat previously recorded by the County Recorder shall follow the same procedures required for a major subdivision.

(Ord. 2009-11. Passed 7-6-09.)

HISTORY

Amended by Ord. [2023-04](#) on 3/6/2023

1115.07 Minor Subdivisions

1. A Minor Subdivision is a division of a parcel of land that is approved by the City Engineer and does not require a plat, or is a combination or replatting of two (2) or more lots or parcels into a single lot or parcel.
2. General Submittal Requirements: The following general requirements shall apply:
 1. Each request for a subdivision shall include an application form, provided by the City, with the submittal;
 2. The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City;
 3. The City Engineer 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;
 4. Legal Description of property or portion thereof;

5. Payment of the application fee as established by section 1105.09;
 6. 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
 7. A list of all owners of property that are contiguous to the parcel or lot proposed to be subdivided or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists).
3. Specific Submittal Requirements: In order to be complete and to be accepted for review and processing, all Minor Subdivision proposals must be legible and include a Site Plan that shows all of the following information:
1. Location and size of existing and proposed parcels, including date of creation of existing parcel to be split or combined;
 2. North arrow and bar scale;
 3. Locational information including: location map; adjacent or frontage roads; adjacent parcel ownership; proposed easements of access; etc.;
 4. Acreage of all proposed lots and acreage of all remaining property resulting from the division of the original parcel, including existing and proposed boundaries, or acreage of proposed single lot or parcel, including existing and proposed boundaries;
 5. Proposed building envelope, building footprint and proposed site drainage and grading may be required by the TRC if existing data indicates a situation where development constraints should be addressed in detail sufficient for approving the development proposal;
 6. Site drainage and 100-year floodplain (floodway and floodway fringe, elevation and boundaries);
 7. Steep slopes, ravines, drainage swales, and all other natural features;
 8. All other natural and built features or conditions that, in the determination of the City Engineer, are directly relevant to the ability of the proposed lot(s) to be buildable per these regulations. Existing topography at two-foot (2') intervals for slopes under ten percent (10%) and ten-foot (10') intervals for slopes ten percent (10%) or greater or as approved by the TRC if topographic characteristics of the site and/or adjacent properties indicates a situation

where development constraints should be addressed in detail sufficient for approving the development proposal; and

9. Any and all proposed easements, reserves or no-build zones.
4. **Procedure:** Before any land is subdivided or combined into a single lot, the owner of the property proposed to be subdivided, or his/her/its authorized agent, shall apply for and secure approval of the proposed minor subdivision in accordance with the following procedures:
 1. **Pre-application Meeting:** Upon the recommendation of the City Engineer, or as requested by the applicant, the applicant shall meet with the City Engineer or 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 City Engineer may 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. Upon receipt of a complete application, the TRC shall review the application and provide comments to the City Engineer.
 4. **Action by the City Engineer:** Unless otherwise provided within this UDO, within sixty (60) working days of receipt of a complete application, the City Engineer shall render a decision. The City Engineer 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. His decision shall take effect immediately. Written notice of the City Engineer'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 Zoning Official made in rendering his decision.
 5. **Appeal:** The decision by the City Engineer may be appealed to the Appeals Board, as appropriate and as provided for in this UDO.

5. Standards for Approval: A Minor Subdivision application shall only be approved if the City Engineer finds that all of the following standards are met:
1. The proposed subdivision is not contrary to the applicable standards of the UDO;
 2. The proposed subdivision shall have adequate area to accommodate the building area and other site requirements;
 3. The property has been surveyed and an acceptable sketch, legal description and other information relating to the property has been submitted with the application;
 4. The proposed lots have been approved for access management and stormwater management; and
 5. The proposed lots have been approved relative to emergency access.

(Ord. 2009-11. Passed 7-6-09; Ord. 2010-22. Passed 12-6-10; Ord. 2012-26. Passed 12-3-12.)

1115.08 Site Plans

1. Uses Requiring Major Site Plan Review: Approval of a Major Site Plan by Planning Commission is required prior to the commencement of any new construction, including additions; or the alteration of any existing structure or building; or upon the change in use of any existing structure or land. The following uses and additions to uses require Major Site Plan review:
 1. Multi-family buildings four units and above;
 2. Commercial office and all other non-residential buildings and structures;
 3. Non-residential additions exceeding twenty five percent (25%) of the original floor area or ten thousand square feet (10,000 sq. ft.) or more;
 4. Parking structures and facilities;
 5. Public buildings and structures;
 6. Parks; and
 7. Places of worship.
2. Uses Requiring Minor Site Plan Review: Approval of a Minor Site Plan by the Zoning Official is required prior to the commencement of any new construction, including

additions; or the alteration of any existing structure or building; or upon the change in use of any existing structure or land. The following uses and additions to uses require minor site plan review:

1. Single family buildings;
2. Accessory uses and structures;
3. Multi-family dwellings of three units or less;
4. Parking lots and parking lot expansions;
5. Signs; and
6. Non-residential additions equal to or less than twenty five percent (25%) of the original floor area, less than ten thousand square feet (10,000 sq. ft.).

3. Definitions:

"Alteration of Structure." For the purposes of this UDO, "alteration of any structure" shall mean any construction or renovation to an existing structure, other than repair or addition.

"Change in Use." For the purposes of this UDO, "change in use" shall mean a change in the primary activity or primary use of a structure or land from one use group to another (e.g. industrial to commercial; residential to commercial; residential to office, etc). The decision as to whether there has been a change in use shall be made by the Zoning Official. The decision of the Zoning Official regarding a change in use shall be appealable, in accordance with Section 1115.10(f) of this UDO.

4. A Certificate of Occupancy shall not be issued until all improvements shown on the approved Site Plan have been completed in accordance with said Plan; provided, however, that the City may issue Certificates of Occupancy for developments which are to be staged in accordance with conditions established in connection with the Site Plan approval by Planning Commission.
5. General Submittal Requirements: The following general requirements shall apply to both Major and Minor Site Plans:
 1. Each Site Plan submittal shall include an application form, provided by City, with the submittal. Every Site Plan application shall be signed by the owner of the land to which the Site Plan applies or the owner's authorized representative;

2. The name(s), address(es), and telephone number(s) of the applicant(s), and of the property owner(s), if other than the applicant(s), with a notarized letter of authorization from the property owner(s);
 3. The name, address and telephone number of the developer or contractor;
 4. A legal description of the property or portion thereof;
 5. Payment of the application fee; and
 6. The City Engineer or 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.
6. Major Site Plan - Specific Submittal Requirements: The Major Site Plan shall be provided at the time of submittal of the application. A Major Site Plan shall include all of the following:
1. **A Property Location Map** showing existing property lines, easements, utilities and rights-of-way, including angles or bearings, dimensions and reference to a section corner, quarter corner or a point on a recorded plat and an arrow pointing north;
 2. List of adjacent property owners and labeling of adjacent owners on the Site Plan (the list shall be based upon the Warren County Auditor's current tax lists);
 3. **A Plan**, prepared by a registered engineer, surveyor and or architect, drawn at a suitable scale, not smaller than one inch equals forty feet (1"= 40'), indicating:
 1. Existing and proposed property lines, showing all proposed property lines with typical dimensions, yards and setbacks;
 2. Use, location and height of existing and proposed buildings and structures, including accessory structures and uses, along with notation of the development standards for building spacing and maximum building heights;
 3. Square footage of existing and proposed buildings, with indication as to which buildings and structures are to be retained and which are to be removed or altered;

4. Zoning of the property and existing use on site, zoning of adjacent properties and uses;
 5. The location and configuration of the surrounding streets and/or proposed streets, including the width thereof;
 6. The location and configuration of existing and/or proposed driveways and the width thereof; existing and/or proposed sidewalks and the width thereof; any off-street parking and loading areas, including the total number of parking spaces to be provided; the arrangement of internal and in-out traffic movement, including access roads and drives; and the location of signs related to parking and traffic control;
 7. The location and size of all existing and/or proposed public and private utilities, sanitary services and waste disposal facilities, and indication of any utilities which are to be removed or altered;
 8. The location and dimensions of all on-site recreation areas and the type of recreation to be conducted thereon, if applicable.
4. **A Topographic Map** showing existing and proposed grades and drainage systems and structures,
1. With topographic contours at intervals not exceeding:
 1. One foot (1') for slopes zero to five percent (0% - 5%);
 2. Two feet (2') for slopes five to ten percent (5% -10%);
 3. Five feet (5') for slopes over ten percent (>10%);
 2. Showing natural features, such as major vegetation features, wooded areas, streams, lakes, and existing trees over six inches in diameter measured at the average chest height;
5. **Proposed Landscaping Plans**, if required, indicating the location of existing plants and trees, proposed plantings, including planting height, caliper of proposed trees measured at the average breast height, quantities, sizes, species type and proposed method of irrigation;
6. **Elevation Drawings** for all proposed buildings and structures, including building height; building materials; roofing materials; roof pitch; exterior building colors; location of doors and windows; location of exterior stairs and balconies; and other architectural details. Included with the elevation

drawing shall be fifteen (15) 8.5 x 11 inch colored renderings of all four sides of any proposed buildings;

7. **Floor Plans** showing the shape, size, location, floor area and estimated finished ground and basement floor grades of all proposed buildings and structures and any existing buildings and structures that are to be retained and/or altered;
8. **A Lighting Plan** indicating proposed lighting, including exterior building, parking lot and site lighting. The plan shall include sample cut sheets indicating pole and luminary height, as well as intensity of illumination in footcandles on a point-by-point iso-footcandle map;
9. **Summary Table** showing total acres of the proposed development; number of acres devoted to each type of residential and/or nonresidential use including streets, rights-of-way, easements and open space; number of dwelling units by type; total building square footage; and overall density (units per acre) and intensity (lot coverage);
10. **A Site Development Plan** as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k);
11. If the development is to be staged, a general indication as to how the staging is to proceed. A Development Schedule indicating the anticipated starting and completion dates of the development sequence, including stripping and/or clearing, rough grading and construction, final grading and vegetative establishment and maintenance;
12. **A Sign Graphics Plan**, if required, showing:
 1. The location of proposed signs, including the signs location with respect to existing rights-of-way and property lines;
 2. The location of all other existing signs whose construction requires permits, which such signs are on the same premises;
 3. The dimensions, construction supports, sizes, electrical wiring and components, sign materials and method of attachment;
 4. The location, size and illumination of wall signs, ground signs, and directional signs;

5. Elevation drawings of ground signs and wall signs, including a colored rendition of the proposed signs; and
 13. Other information necessary for the evaluation of the existing site condition and proposed development, as deemed necessary by the City Engineer, Zoning Inspector and/or Planning Commission.
7. Procedures for Major Site Plans:
1. **Pre-application Meeting:** If recommended by the City Engineer or Zoning Inspector, or as requested by the applicant, the applicant may meet with the TRC prior to submitting an application and Site Plan. 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 and Site Plan 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 and Site Plan, the Zoning Inspector shall schedule a meeting with appropriate City staff to review the same. Staff shall review the application and Site Plan for completeness, and if the application or Site Plan 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. Only applications and Plans deemed complete shall be deemed officially accepted by the City.
 4. **TRC Report:** If the application and Site Plan have been deemed complete and the application fee has been paid, the application and Plan shall be forwarded on to the Planning Commission. The City Engineer and the Zoning Inspector shall prepare a TRC report, providing an analysis of the proposal and recommendations. Said report shall be forwarded along with the application, Site Plan and all supplemental information filed there with to the Planning Commission.
 5. **Notice of Public Hearing before Planning Commission:** Upon determination that an application contains all the necessary and required information, the City Engineer shall place the application and Site Plan on Planning Commission's agenda, and shall schedule a public hearing. Notice of the hearing shall be provided at least once by posting in the Franklin

Municipal Building and on the City of Franklin's official website The notice shall be posted 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:** Written notice of the public hearing shall be provided to all owners of property adjacent to the property proposed for development. Such notice shall be sent by the City, via regular mail, at least seven (7) days before the date of hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled after the first public hearing, no further notification to adjacent property owners shall be required; however, if the first public hearing is postponed at the request of the applicant or due to the incompleteness of the application submitted by the applicant, the cost of mailing further notices shall be borne by the applicant.
7. **Action by the Planning Commission:** The Planning Commission shall consider the application and Site Plan 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 Site Plan as submitted, approve the Site Plan with conditions or modifications, or deny the application and Site Plan. 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.
8. 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:
 1. 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.
 2. Districts - the construction and alteration of properties located in the Downtown Districts shall be subject to the provisions of section 1107.11 Downtown District.
 3. 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:
 1. 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.
 2. 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.
 3. The following building materials are permitted for use under this section:
 1. Residential-scale brick using non-glazed finishes;

2. Natural stone material;
 3. Natural and natural-based wood materials, excluding T-111 or similar materials;
 4. Exterior insulation and finish systems (EIFS) above the pedestrian level;
 5. Split-face concrete masonry unit (CMU) on exposed foundations and using colors embedded into the material;
 6. Unless specifically modified by Planning Commission: (Glass only for doors and windows. Curtain walls are not permitted);
 7. Metal cladding for use as roofing material; and
 8. Concrete siding designed to share an appearance of wood siding such as Hardiboard or Hardiplank.
4. No less than three (3) nor more than four (4) of the materials listed above may be used on a building.
 5. 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.
9. Major Site Plans That Include Proposed Public Improvements:
1. **Requirements:** Before beginning construction on any improvements connected with the Major Site Plan, the applicant or developer shall comply with the provisions of this paragraph in order to assure that the proposed improvements meet the requirements of the City's Improvement Requirements and Standards, as outlined in section 1111.03.
 2. **Construction Plans:** Before beginning work on the improvements connected with a Major Site Plan, the Developer shall submit to the City Engineer two (2) complete sets of Construction Plans and specifications of improvements, prepared by a registered professional engineer, that shall include typical sections, plan and profile views, construction details, and estimates of quantities, along with the filing fee required under section 1105.09. The plans shall show:
 1. The centerline profile of each proposed street, with tentative grades indicated;

2. The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of the utility mains;
 3. The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers;
 4. A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;
 5. A Site Development Plan as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k);
 6. A Landscaping Plan, as may be required by section 1111.06;
 7. An Engineer's estimate of the total cost of the contemplated improvements for the subdivision or section thereof; and
 8. Any other information needed to show that the proposed improvements comply with section 1111.03.
3. **Guarantee/Security for Construction:** In accordance with section 1111.03(e), the Developer shall file with the Construction Plans a financial guarantee to ensure that all required infrastructure is constructed in the manner and time frame required.
 4. **Inspection Fees:** In accordance with section 1111.03(b), the Developer shall pay to the City, at the time of submission of the Construction Plans, an Inspection Fee to provide for the cost of inspecting the various public improvements as they are constructed.
 5. **Approval:** Before beginning construction on any improvements connected with a Major Site Plan, the Developer must have obtained approval of the Construction Plans from the City, including approval of his submitted Guarantee and payment of Inspection Fees. Upon approval of the Construction Plans by the City, the Zoning Official shall issue a Certificate of Zoning Compliance to the Developer.

1. If the Construction Plans, as submitted, make no changes or modifications from the approved Major Site Plan, the Construction Plans may be approved by the City Engineer.
2. If the Construction Plans, as submitted, make any changes or modifications from the approved Major Site Plan, as determined by the City Engineer, the Plans must be submitted to Planning Commission. Planning Commission shall review the Construction Plans and may approve the Plans as submitted, approve the Plans with agreed to modifications, or deny the Plans.
3. Any Plans proposing the installation of fire hydrants must also receive approval from the City's Fire Division before the improvements are installed.
6. **Inspection:** Prior to the start of any work covered by the Construction Plans, after approval thereof, the Developer shall make satisfactory arrangements with the City Engineer for inspection of the work to insure compliance with the plans and specifications as approved.
7. **Acceptance of Improvements by the City:** Once the required public improvements have been installed and inspected, if acceptable to the City and if installed in accordance with this UDO, the City shall send the Developer notice that it intends to accept the improvements. The Developer shall then forward to the City the Construction Plans, in a format acceptable for recording with the Warren County Recorder's Office, that contain a dedication to the City of the accepted improvements for signature.
8. **Recording of Construction Plans:** Construction Plans may not be recorded until all required signatures of officials have been placed on the Plans. Once the appropriate officials have properly signed the Plans, the applicant shall record the Major Site Plan and Construction Plans with the Warren County Recorder's Office. Once recorded, a copy of the recorded Site Plan and Construction Plans shall be filed with the City Engineer. No further development shall be permitted until the Construction Plans are recorded as required.
9. **Certificate of Occupancy:** No Certificates of Occupancy for any buildings or structures will be issued by the City until Construction Plans have been approved and recorded as required by this Section.
10. Regulation Concerning Required Improvements:

1. **Street Construction:** Notwithstanding any other provision of this UDO, if approved by the City Engineer, the Developer may delay application of the final coat of asphalt for the time period allowed by the City Engineer. If the City Engineer does grant the Developer such a delay, the Developer shall wedge around any manholes or other protrusions, as directed by the City Engineer. A written agreement show such an agreement between the Developer and the City Engineer shall be required before the City accepts the improvements.
 2. **Temporary Construction Signs:** The Developer shall install temporary construction signs as instructed by the City Engineer and based upon the progress of construction of the infrastructure. No construction or other required permits will be issued until such temporary construction signs are installed as required by the City Engineer. Such signs shall be maintained by the Developer until the final coat of asphalt is applied.
 3. **Completion of Construction:** The construction of all public improvements must be completed within two years from the date of approval of the Construction Plans, unless good cause can be shown for the granting of an extension of time by Council.
 4. **Maintenance:** For a period of one (1) year from the date the constructed improvements were accepted by the City, the Developer shall make such repairs or replacements as may be required by reason of defective workmanship or material.
11. Major Site Plan - Standards for Approval: Major Site Plans shall only be approved if Planning Commission finds that all of the following standards are met:
1. That it fully complies with all applicable requirements of this UDO;
 2. That it adequately protects other property or residential uses located on the same property from the potential adverse effects of a non-residential use;
 3. That it is not detrimental to the use and character of surrounding properties;
 4. That it provides safe conditions for pedestrians or motorists and prevents the dangerous arrangement of pedestrian and vehicular ways; and
 5. That it provides safe ingress and egress for emergency services.
12. Major Site Plan - Effect of Approval:

1. The approval of a Major Site Plan by the Planning Commission shall be effective for a maximum period of twelve (12) months from the date of approval, and shall guarantee that the terms under which the approval was granted will not be affected by changes or amendments to this UDO. The City Manager, in his sole discretion, may allow, in writing, two (2) additional six month extensions. If any item of development and/or construction approved in the Major Site Plan remains uncompleted as of the expiration of the twelve (12) month period (and any extensions granted by the City Manager), then the project must be re-submitted to the Planning Commission for new Major Site Plan approval in accordance with the then existing requirements of this UDO.
 2. Following approval of a Major Site Plan by Planning Commission that does not require the submission of Construction Plans, the Zoning Official shall issue a Certificate of Zoning Compliance. If the development proposed by the Major Site Plan requires the submission of Construction Plans for proposed improvements connected with the development, as required by section 1115.08(f), the Certificate of Zoning Compliance shall not be issued until the requirements of this section have been meet, unless Planning Commission approves the issuance of the Certificate with conditions to assure the Developer will meet the requirements of this section.
 3. This section shall apply to all Major Site Plans approved after the effective date of this section and shall also apply to any Major Site Plans approved prior to the effective date of this section which have not been completed as of said effective date. In such cases, the twelve (12) month period shall begin as of the effective date of this section.
13. Changes or Additions to Major Site Plans: After a Major Site Plan has been approved by the Planning Commission, and in the course of carrying out the Plan, adjustments or rearrangements of buildings, drives, parking areas, recreation areas, entrances, heights, yards or similar modifications, may be requested by the Developer(s).
1. **Minor Changes:** The City Engineer shall review and approve or disapprove amendments to Major Site Plans if the change involves twenty five percent (25%) or less of the original floor area or less than ten thousand square feet (10,000 sq. ft.).
 2. **Major Changes:** Amendments to Major Site Plan exceeding twenty five percent (25%) of the original floor area, or ten thousand square feet (10,000

or more, shall be reviewed and approved or disapproved by the Planning Commission, in accordance with the procedural requirements of this Section.

14. Minor Site Plan - Specific Submittal Requirements: The Minor Site Plan shall be provided at the time of submittal of the application. A Minor Site Plan shall include all of the following:

1. General layout plan, with existing and proposed property lines, showing all proposed property lines with typical dimensions, yards and setbacks;
2. Proposed and existing buildings and structures on-site, including indication of any buildings and structures which are to be removed or altered, with general sketch floor plans and building elevations;
3. Building elevations, including building height;
4. List of adjacent property owners and labeling of the adjacent owners;
5. Square footage of existing and proposed buildings and structures;
6. Zoning of the property and existing uses on site, including adjacent uses and zoning;
7. Preliminary grading plan, storm water management plan and landscaping plan, as required;
8. Street and parking layout, including street rights-of-way, drive aisles, parking spaces and sidewalk location; and
9. Preliminary water and sewer plan.

15. Procedures for a Minor Site Plan:

1. **Pre-application Meeting**: Upon the recommendation of the Zoning Official, or as requested by the applicant, the applicant shall meet with the Zoning Official or 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 and Minor Site Plan 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 Zoning Official shall forward the application to the TRC. The TRC shall review the application and Minor Site Plan for completeness, and if the application or Minor Site Plan 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. Upon receipt of a complete-application, the TRC shall review the application and Minor Site Plan and provide comments to the Zoning Official.
 4. **Action by the Zoning Official:** Within thirty (30) working days of receipt of a complete application and Minor Site Plan, the Zoning Official shall render a decision to approve, approve with conditions, or deny a Minor Site Plan. Written notice of the Zoning Official'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 Zoning Official made in rendering his decision.
 5. **Appeal:** The decision by the Zoning Official may be appealed to the Appeals Board as provided for in this Chapter.
16. Minor Site Plan - Standards for Approval: A Minor Site Plan shall only be approved if the Zoning Inspector finds that all of the following standards are met:
1. That it fully complies with all applicable requirements of the Zoning Code;
 2. That it will adequately protect other properties, or residential uses located on the same property, from the potential adverse effects of the proposed nonresidential use;
 3. That it will not be detrimental to the use and character of surrounding properties;
 4. That it will be served by adequate utility services; and
 5. That it provides any required landscaping, fencing or walls.
17. Minor Site Plan - Effect of Approval:
1. The approval of a Minor Site Plan by the Zoning Official shall be effective for a maximum period of twelve (12) months from the date of approval, and shall guarantee that the terms under which the approval was granted will not be affected by changes or amendments to this UDO. The Zoning Official, in his

sole discretion, may allow, in writing, two (2) additional six month extensions. If any item of development and/or construction approved in the Minor Site Plan remains uncompleted as of the expiration of the twelve (12) month period (and any extensions granted by the Zoning Official), then the project must be re-submitted to the Zoning Official for new Minor Site Plan approval in accordance with the then existing requirements of this UDO.

2. If the Zoning Official approves a Minor Site Plan, he shall issue a Certificate of Zoning Compliance for the same.
3. This section shall apply to all Minor Site Plans approved after the effective date of this section and shall also apply to any Minor Site Plans approved prior to the effective date of this section which have not been completed as of said effective date. In such cases, the twelve (12) month period shall begin as of the effective date of this section.

(Ord. 2009-11. Passed 7-6-09; Ord. 2010-05. Passed 3-1-10; Ord. 2010-22. Passed 12-6-10; Ord. 2014-17. Passed 1-5-15.)

HISTORY

Amended by Ord. [2021-29](#) on 12/6/2021

Amended by Ord. [2022-01](#) on 3/8/2022

Amended by Ord. [2022-12](#) on 5/2/2022

Amended by Ord. [2023-04](#) on 3/6/2023

Amended by Ord. [2023-01](#) on 3/7/2023

[1115.09 Approvals By The Planning Commission](#)

1. 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 11~~0915~~.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.
2. Conditional Uses: Conditional uses are those uses that because of special requirements or characteristics may be allowed in a particular zoning district only after Planning Commission reviews and grants the conditional use, imposing such conditions as Planning Commission finds necessary to make the use compatible with other uses permitted in the same district zone or vicinity. A conditional use may be allowed in a zoning district only after the Planning Commission, in accordance with the provisions of this UDO, grants permission. Development standards for each conditional use are described in section 1113.01, development standards for Sexually Oriented Business conditional uses are described in section 1113.02, and development standards for Home Occupation conditional uses are described in section 1113.03.

1. Submittal Requirements:

1. *General Submittal Requirements*: The following general requirements shall apply:
 1. Each request for a conditional use shall include an application form, provided by the City, with the submittal;
 2. 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;
 3. Legal description of property or portion thereof;
 4. A list of all owners of property that are contiguous to the parcel or lot proposed for the conditional use or that are across the street from it (The list shall be based upon the Warren County Auditor's current tax lists);
 5. Payment of the application fee as established by section 1105.09.

6. The City Engineer 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.
 7. The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City and forwarded to the Planning Commission.
2. *Specific Submittal Requirements:* The submittal for approval of a Conditional Use shall include an application form for a Conditional Use with related materials and fee. The application shall include at a minimum:
1. Address and zoning classification of the subject property;
 2. A list of all owners of property, including their mailing addresses, who own property contiguous to or across the street from the subject property;
 3. A statement of need for the proposed use, its location and a report identifying the effects and general compatibility of the proposed use on the surrounding properties and the neighborhood;
 4. A plan of how the potential negative effects of the proposed use will be mitigated including traffic, parking, noise, light intrusion, solid waste storage and removal; and
 5. A narrative statement outlining how the Conditional Use meets the General Standards and Specific Standards of Approval for the Conditional Use, as outlined in section 1113.01.
3. *Sketch Plan:* Twelve copies of a site plan or sketch plan, and other drawings to scale, showing:
1. Boundaries and dimensions of the property and the size and location of all proposed or existing structures;
 2. All pertinent natural and man-made features and adjacent development character and buildings;
 3. Traffic access, traffic circulation and parking;

4. Existing and proposed utility easements;
 5. Location of any required landscaping or buffer yards;
 6. Location of any existing or proposed signs;
 7. Location of any refuse or service areas; and
 8. Any additional information the City Engineer deems appropriate.
4. *A Sign Graphics Plan*, if required, showing:
1. The location of any proposed sign(s), including the sign's location with respect to existing right-of-way and property lines;
 2. The location of all other existing signs whose construction requires permits, when such signs are on the same premises;
 3. The dimensions, construction supports, sizes, electrical wiring and components, sign materials, and method of attachment;
 4. The location, size, and illumination of wall signs, ground mounted signs, and directional signs; and
 5. Elevation drawings of ground mounted signs and wall signs shall also be included.
5. *Landscaping Plan*: A Landscaping Plan, if required, meeting the requirements of section 1111.06.
6. *Sexually Oriented Business*: If the application is for a Sexually Oriented Business Conditional Use, all additional information required to show that the proposed use meets the requirements and standards for Sexually Oriented Businesses outlined in section 1113.02.
7. *Home Occupations*: If the application is for a Type B - Retail Home Occupation, all additional information required to show that the proposed use meets the requirements and standards for Home Occupations outlined in section 1113.03.
2. **Standards for Approval:**

1. A Conditional Use Permit shall not be granted unless Planning Commission finds it meets the General Standards for Approval and the Specific Standards for Approval, as the same may be modified by Planning Commission, as outlined in section 1113.01.
2. A Conditional Use Permit for A Sexually Oriented Business shall not be granted unless Planning Commission finds it meets the General Standards for Approval outlined in section 1113.01(d) and the requirements of section 1113.02.
3. A Conditional Use Permit for a Home Occupation Type B shall not be granted unless Planning Commission finds it meets the General Standards for Approval outlined in section 1113.01(d) and the requirements of section 1113.03.
3. **Additional Conditions and Safeguards:** In approving a Conditional Use Permit, the Planning Commission may further prescribe any conditions and safeguards that it deems necessary to ensure the public health, safety and welfare, including, but not limited to, limiting the term of the Permit, limiting hours of operation, requiring additional parking, limiting access points to the property, or requiring a buffer yard. If the applicant will not agree with such conditions, the Conditional Use Permit shall not be granted.
4. **Effect of Approval/Validity:**
 1. A Conditional Use Permit shall authorize the particular conditional use on the specific parcel for which it was approved.
 2. The Conditional Use Permit shall expire six (6) months from the date of enactment, unless prior to that date the applicant commences actual construction or business.
 3. There shall be no modification of a Conditional Use Permit except by approval of the Planning Commission.
 4. Conditional Use Permit are non-assignable, and shall not be transferred to a subsequent owner of the property, nor shall they transfer with the owner to another location.
 5. A Conditional Use Permit shall terminate upon the property no longer being used for such conditional use for a period of six (6) months or more, or upon the sale or change of ownership of such property, or upon violation of any provisions of this UDO.

5. **Renewals:** The holder of a Conditional Use Permit is responsible for applying for renewals of the Conditional Use Permit. Upon application for renewal, the Zoning Official shall inspect the premises for conformance with the original Permit and shall review the record regarding the Permit and shall make a recommendation to the Planning Commission. If the Planning Commission finds no cause to disallow renewal of the application or cause for review of the application, the Planning Commission may authorize the Zoning Official to administratively approve the renewal application. If the Planning Commission determines the conditional use has been the subject of unresolved complaints or violations of conditions or for other good cause, the Planning Commission may cause the application to come before the Planning Commission for a public hearing, may review the application as if it were a new application, and may renew the Permit as is, may renew the Permit with added conditions as the Planning Commission finds appropriate, or may deny and/or revoke the Permit.

6. **Revocations:**

1. The following shall be considered as grounds for the revocation of a Conditional Use Permit at any time during the term of the Permit:
 1. Any change in use or any change in extent of use, area of dwelling or unit being used, or mechanical or electrical equipment being used that is different from that specified as permitted in the granted Permit, which is not first approved by the Planning Commission.
 2. Any change in use or any change in extent of use, area of dwelling or unit being used, or mechanical or electrical equipment that results in a violation of these regulations.
 3. Failure to allow periodic inspections by the Zoning Official or his designee at any reasonable time when an adult member of the family is present.
2. If one or more of the conditional use regulations of this UDO are violated, or for any of the reasons listed above, Planning Commission may, upon the recommendation of the Zoning Official, revoke a Conditional Use Permit. The holder of said Permit shall be notified of the time, date and place at which Planning Commission intends to

consider a revocation of his Permit, and shall be given an opportunity to address Planning Commission on the matter.

3. Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.
3. Uses in the Well Field, Protection Overlay District: No new or expanded use in the WFP Overlay District shall be permitted without Planning Commission approval. A Certificate of Zoning Compliance shall be applied for, and Planning Commission shall review said application for its conformance with the requirements of the WFP Overlay District. Planning Commission shall authorize or deny the issuance of the Certificate of Zoning Compliance.

1. Submittal Requirements:

1. *General Submittal Requirements*: The following general requirements shall apply:
 1. Each request for development approval shall include a Certificate of Zoning Compliance application form, provided by the City, with the submittal;
 2. 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;
 3. Legal description of property or portion thereof;
 4. A list of all owners of property that is contiguous to the subject property or that is across the street from it (the list shall be based upon the Warren County Auditor's current tax lists); and
 5. Payment of the application fee for a Certificate of Zoning Compliance, as established by section 1105.09;
 6. The City Engineer 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.

7. The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City and forwarded to the Planning Commission.
2. *Specific Submittal Requirements:* The applicant shall submit all information required by section 1109.03.
2. **Standards for Approval:** A Certificate of Zoning Compliance application for a new or expanded use in the WFP Overlay District shall not be authorized unless it meets all of the following standards:
 1. It fully complies with the applicable requirements of this UDO, specifically section 1109.03;
 2. It is not detrimental to other property or other uses located on the same property; and
 3. It is not detrimental to other development on nearby property.
4. Uses requiring a Special Permit in the Telecommunications Overlay District: No new Towers, Antenna Support Structures and/or Wireless Telecommunications Facilities that require a Special Permit under section 1109.01 shall be installed or constructed in the Telecommunications Overlay District until such Special Permit has been approved by Planning Commission.
 1. **Submittal Requirements:**
 1. *General Submittal Requirements:* The following general requirements shall apply:
 1. Each request for a Special Permit shall include an application form, provided by the City, with the submittal;
 2. 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;
 3. Legal description of property or portion thereof;
 4. A list of all owners of property that is contiguous to the subject property or that is across the street from it (The list shall be based upon the Warren County Auditor's current tax lists); and

5. Payment of the application fee as established by section 1105.09.
 6. The City Engineer or 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.
 7. The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City and forwarded to the Planning Commission.
2. *Specific Submittal Requirements:* The applicant shall submit all information required by section 1109.01, specifically section 1109.01(i) and (j).
2. **Standards for Approval:** A Special Permit for the installation or construction of a Tower, Antenna Support Structure and/or Wireless Telecommunications Facility in the Telecommunications Overlay District shall not be approved unless it meets all of the following standards:
1. It fully complies with the applicable requirements of this UDO, specifically section 1109.01;
 2. It meets any specific standards outlined in section 1109.01 for the particular proposed use;
 3. It is not unduly detrimental to other property or other uses located on the same property; and
 4. It is not unduly detrimental to other development on nearby property.
5. Signs: Signs that require approval by the Planning Commission shall not be installed or constructed until such sign has been approved by Planning Commission.
1. **Submittal Requirements:**
1. *For Signs with a Major Site Plan:* Proposed signs that are to be approved as a part of a Major Site Plan shall be submitted in accordance with Section 1115.08.
 2. *For Signs with a Conditional Use:* Proposed signs that are to be approved as a part of a Conditional Use shall be submitted in accordance with Sections 1115.09(b) and 1111.08.

3. *Submittal Requirements for Signs in the Highway Overlay District:*
Proposed signs in the Highway Overlay District shall be submitted in accordance with 1109.07.
2. **Requirements:** All proposed signs shall meet the requirements outlined in Section 1109.07 and/or Section 1111.08, as applicable, for the zoning district and proposed sign type.
3. **Standards for Approval:** No sign shall be approved by the Planning Commission unless it meets all of the following standards:
 1. The sign fully complies with the applicable requirements of this UDO;
 2. The sign is aesthetically harmonious with its surroundings;
 3. The sign does not create a hazardous conflict with traffic control signs and devices;
 4. The sign will be located and is designed to maintain a safer and orderly pedestrian and vehicular environment;
 5. The sign will not be detrimental to other development on nearby property or other uses located on the same property; and
 6. The sign will not create a hazard or prove dangerous to the traveling public.
6. 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:**
 1. Each request for a determination of similar use shall include an application form, provided by the City, with the submittal;
 2. Only complete applications shall be processed by the City. The Zoning Official, or the TRC, as appropriate, shall make determination as to completeness;

3. 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;
 4. Legal description of property or portion thereof;
 5. Payment of the application fee as established by section 1105.09;
 6. 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
 7. 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:
1. Address and zoning classification of the subject property;
 2. Description of any existing uses on the property;
 3. A list of the surrounding uses and zoning classification(s); and
 4. A detailed description of the proposed use.
7. 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 by posting in the Franklin Municipal Building and on the City of Franklin's official website . The notice shall be posted 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 the required 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 which Planning Commission may deem reasonable and in the public interest. Planning Commission's decision shall require a majority vote of Planning Commission members present for the public meeting. The decision shall be reduced to writing and transmitted to the applicant within thirty (30) days following the public meeting at which the decision is rendered.

(Ord. 2009-11. Passed 7-6-09; Ord. 2014-17. Passed 1-5-15.)

HISTORY

Amended by Ord. [2022-01](#) on 3/8/2022

Amended by Ord. [2023-04](#) on 3/6/2023

Amended by Ord. [2023-20](#) on 10/9/2023

1115.10 Approvals By The Appeals Board

1. 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. Administrative Appeals.
2. **Variances:** A variance may be granted by the Appeals Board, allowing deviations from the height, mass, setback, parking, or other dimensional requirements established by this UDO where practical difficulties unique to the property in question prevent full compliance with such provisions and where as will not be contrary to the public interest. Use variances are not permitted under this UDO.
 1. **Submittal Requirements:**

1. *General Submittal Requirements:* The following general requirements shall apply:
 1. Each variance request shall include an application form, provided by the City, with the submittal;
 2. 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;
 3. Legal Description of property or portion thereof;
 4. 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);
 5. Payment of the application fee as established by section 1105.09; and
 6. 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.
 7. The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City;
2. *Specific Submittal Requirements:* An application for a variance shall be accompanied by the following information:
 1. Location and address of property that is the subject of the variance request;
 2. Description or nature of variance requested;
 3. Narrative statements establishing and substantiating the justification for the variance pursuant to the Standards for Approval for Variances;
 4. Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance, as directed by the Zoning Official; and

5. Any other documents deemed necessary by the Zoning Official.
2. **Standards for Approval:** Unless other standards are provided in this UDO for variances from a particular set of design/development standards or regulations, the following Standards for Approval shall apply. Approval of a variance shall only be granted if the Appeals Board finds that all of the following standards are met:
1. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district. (Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, etc.);
 2. The special conditions or circumstances that exist did not result from the actions of the applicant;
 3. There cannot be any beneficial use of the property without the variance;
 4. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures;
 5. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance;
 6. The essential character of the neighborhood will not be substantially altered nor will adjoining properties would suffer substantial detriment as a result of the variance;
 7. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup;
 8. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare; and
 9. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.

3. **Additional Conditions and Safeguards:** In approving a request for a variance, the Appeals Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. If the applicant will not agree with such conditions, the Variance shall not be granted.
 4. **Expiration of the Variance:** Variances shall expire one (1) year from the date of approval, unless prior thereto the applicant applies for a building permit in accordance with the granted variance. There shall be no modification of any variance except upon further approval of Appeals Board.
 5. **Extensions:** Extension of variances, without modification, may be applied for prior to the date of expiration, if the variance does not carry a prohibition against the extension. No more than two six-(6) month extensions may be granted by Appeals Board if it finds that the requested extension is consistent with the purpose, policies, and intent of the Comprehensive Development Plan and the requirements and standards of this UDO. Requests for renewal of expired variances shall be considered to be the same as a new application for a variance and shall meet all requirements for application and review pursuant to this Section.
3. Changes in Nonconforming Uses:
1. **Types of Changes:**
 1. *Substitutions in Uses:* A substitution in the nonconforming use of a building, structure or land with another nonconforming use shall only be permitted upon the approval of Appeals Board. A substitution of a nonconforming use that proposes interior or exterior building alterations may only make such alterations upon approval by the Appeals Board.
 2. *Extensions or Enlargements:* An extension or enlargement of a nonconforming use of a building, structure or land, or of a nonconforming building or structure, or extension of a nonconforming use through addition of a conforming use shall only be permitted upon approval of Appeals Board. The use that the applicant seeks to extend or enlarge must have been in existence at the time of passage of this UDO.

3. *Relocations:* A relocation of a use that is nonconforming, either because it is not permitted within the Zoning District in which it is located or because it is not a permitted use under this UDO, from one location to another location within the same Zoning District shall only be permitted upon the approval of the Appeals Board, and only if the Appeals Board finds the new location to be more appropriate than the existing location. However, in no instance shall a commercial or industrial use within a Residential District be permitted to relocate within another Residential District.

2. **Submittal Requirements:**

1. *General Submittal Requirements:* The following general requirements shall apply:
 1. Each request for change in a nonconforming use shall include an application form, provided by the City, with the submittal;
 2. The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City;
 3. 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;
 4. Legal Description of property or portion thereof where the nonconforming use is located and, if applicable, the proposed new location;
 5. Payment of the application fee as established by section 1105.09;
 6. 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
 7. A list of all owners of property that are contiguous to the parcel or lot on which the nonconforming use is located or proposed to be located, 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:
 1. Address and zoning classification of the subject property;
 2. Description of the existing and proposed substitute use, proposed extension or proposed new location;
 3. A narrative statement indicating how the substitution, extension or relocation meets the required standards;
 4. Extent of any proposed interior or exterior building alterations that are being requested; and
 5. A list of the surrounding uses and zoning classifications).

3. Standards for Approval:

1. *Substitutions:* Appeals Board may approve the substitution of a nonconforming use with another if it finds the following conditions are met;
 1. The proposed use is substantially similar to the existing nonconforming use or another permitted use under the existing zoning district classification;
 2. The proposed use is equally or more appropriate to the zoning district in which the use is located;
 3. The proposed use will not have no greater detrimental impact on surrounding uses or properties than the existing use it proposed it replace;
 4. The proposed use will be designed, operated and maintained so as to minimize its impact on neighboring properties; and
 5. The proposed use will not involve any uses, activities, processes, materials, equipment, conditions or operations that might be hazardous or unreasonably disturbing to existing or future neighboring uses, persons or property, or to the general welfare, by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
2. *Extensions or Enlargements:* Appeals Board may approve the extension or enlargement of a nonconforming use if it finds the following conditions are met;

1. The proposed extension is reasonably necessary to allow the applicant to remain competitive with other similar uses;
 2. The proposed extension will not constitute a nuisance to surrounding existing or future uses or to the general public;
 3. The proposed extension will not have no greater detrimental impact on surrounding uses or properties;
 4. The proposed extension will be designed, operated and maintained so as to minimize its impact on neighboring properties; and
 5. The proposed extension will not involve any uses, activities, processes, materials, equipment, conditions or operations that might be hazardous or unreasonably disturbing to existing or future neighboring uses, persons or property, or to the general welfare, by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
3. *Relocations*: Appeals Board may approve the relocation of a nonconforming use if it finds the following conditions are met:
1. The proposed new location is the same Zoning District as the current location, but is more appropriate for the type of nonconforming use due to surrounding uses, both conforming and nonconforming, in the new location;
 2. Relocating the nonconforming use will not constitute a nuisance to surrounding existing or future uses or to the general public in the new location;
 3. Relocating the nonconforming use will not have a detrimental impact on surrounding uses or properties in the new location;
 4. The proposed relocation will be designed, operated and maintained so as to minimize its impact on neighboring properties; and
 5. Relocating the nonconforming use will not involve any uses, activities, processes, materials, equipment, conditions or operations that might be hazardous or unreasonably disturbing to existing or future neighboring uses, persons or property, or

to the general welfare, by reason of excessive production of traffic, noise, smoke, fumes, glare or odors in the new location.

4. **Additional Conditions and Safeguards:** In approving a request for a change in a nonconforming use, the Appeals Board may further prescribe any conditions and safeguards that it deems necessary to ensure the public health, safety and welfare, including, but not limited to, limiting hours of operation, requiring additional parking, limiting access points to the property, or requiring a buffer yard. If the applicant will not agree with such conditions, the Change in Use shall not be granted.
4. Approvals by the Appeals Board: The following outlines the procedure under which the Appeals Board decides variances, changes in nonconforming uses, and determinations of similar 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 by posting in the Franklin Municipal Building and on the City of Franklin's official website. 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.

5. 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**:

1. *General Submittal Requirements*: The following general requirements shall apply:

1. An appeal application shall be on an application form provided by the City;
2. 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;
3. Legal Description of property or portion thereof;
4. Payment of the application fee as established by section 1105.09; and
5. 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.
6. Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.

2. *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:
 1. 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.
 2. 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.
 3. 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.

(Ord. 2009-11. Passed 7-6-09; Ord. 2014-17. Passed 1-5-15.)

HISTORY

Amended by Ord. [2022-01](#) on 3/8/2022

Amended by Ord. [2023-04](#) on 3/6/2023

1115.11 Approvals By The Zoning Official

1. The Zoning Official 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. Accessory Uses;

2. Signs, except those signs which require Planning Commission approval under this UDO;
 3. Certificates of Zoning Compliance; and
 4. Temporary Uses.
2. Accessory Structures and Uses: Accessory structures and uses , because of their potential size, location, or intensity of activity, may have impact on adjacent property. Due to this potential impact, no accessory use may be constructed, installed or conducted upon any property or lot without the property owner first obtaining an Accessory Use Permit.

1. Submittal Requirements:

1. *General Submittal Requirements*: The following general requirements shall apply:
 1. Each request for an Accessory Use Permit shall include an application form, provided by the City, with the submittal;
 2. 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;
 3. Legal Description of property or portion thereof; and
 4. Payment of the application fee as established by section 1105.09.
 5. 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.
 6. Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.
2. *Specific Submittal Requirements*: The application shall include:
 1. Address and zoning classification of the subject property;

2. Description of the existing uses on the property and the proposed use;
 3. A list of the surrounding uses and zoning classification(s); and
 4. A Site Plan that meets the requirements of section 1115.08(d)(2).
2. **Requirements:** Accessory uses and structures may only be erected upon a lot on which a principal structure already exists. The use of the accessory structures must be secondary and incidental to the principal use.
 3. **Standards for Approval:** No Accessory Use Permit shall be granted unless the proposed accessory use meets the general provisions, and applicable specific requirements, of the City's Accessory Use Regulations, as outlined in section 1113.05.
3. **Signs:** Unless approval is required by Planning Commission or Council under other applicable provisions of this UDO, no display sign, whether permanent or temporary, shall hereafter be erected, constructed or maintained until a Sign Permit has been issued by the Zoning Official.

1. Submittal Requirements:

1. *General Submittal Requirements:* The following general requirements shall apply:
 1. Each request for a Sign Permit shall include an application form, provided by the City, with the submittal;
 2. 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;
 3. Legal Description of property or portion thereof;
 4. Payment of the application fee as established by section 1105.09; and
 5. 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.

6. Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.
2. *Site Plan*, which shall show:
 1. Address and zoning classification of the subject property;
 2. Surrounding uses and zoning classification(s);
 3. The proposed sign(s) location, including distance from the public right-of-way and the property lines;
 4. The location of all other existing signs located on the same premises; and
 5. The relationship of the proposed sign(s) to access drives, parking areas and buildings.
 3. *A Sign Graphics Plan*, including showing:
 1. Plans and/or blueprints, to scale, of the proposed signage, including details of fastenings, lighting and any lettering, symbols or other identification which will be on the sign;
 2. The dimensions, construction supports, sizes, electrical wiring and components, sign materials, and method of attachment;
 3. The location, size, and illumination of wall signs, ground mounted signs, and directional signs;
 4. Color renditions of the proposed signage; and
 5. Elevation drawings of ground mounted signs and/or a façade elevation (showing the height and proportions) for wall signs.
 2. **Requirements:** All proposed signs shall meet the requirements outlined in Section 1109.07 and/or Section 1111.08, as applicable, for the zoning district and proposed sign type.
 3. **Standards for Approval:** No sign permit shall be issued unless the proposed sign meets all of the following standards:
 1. The sign fully complies with the applicable requirements of this UDO;
 2. The sign is aesthetically harmonious with its surroundings;

3. The sign does not create a hazardous conflict with traffic control signs and devices;
 4. The sign will be located and is designed to maintain a safer and orderly pedestrian and vehicular environment;
 5. The sign will not be detrimental to other development on nearby property or other uses located on the same property; and
 6. The sign will not create a hazard or prove dangerous to the traveling public.
4. Certificate of Zoning Compliance: A Certificate of Zoning Compliance demonstrates that a proposed development complies with the requirements of the UDO. No building or other structure shall be erected, constructed, re-constructed, enlarged, moved or structurally altered, nor shall any excavation or site improvements be commenced, until a Certificate of Zoning Compliance has been issued.

1. When Required:

1. *PUDs/PRGDs*: Upon approval of the Construction Plans for the PUD ~~or PRGD~~, or any portion thereof, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
2. *Subdivisions*: Upon approval of the Construction Plans for the subdivision, or any portion thereof, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
3. *Site Plans*: Upon approval of a Major Site Plan by the Planning Commission, or a Minor Site Plan by the Zoning Official, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
4. *Telecommunications Overlay District*: For structures requiring administrative approval, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid. For structures requiring a Special Permit, upon approval of the Special Permit by Planning Commission, before

the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.

5. *Floodplain Overlay District:* A Floodplain Development Permit shall act as a Certificate of Zoning Compliance, and the Developer may proceed with development. For development that is exempt from filing for a Floodplain Development Permit, as listed in Section 1109.02(b)(9), an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
6. *Well Field Protection Overlay District:* For any new or expanded uses in the WFP Overlay District, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid. The Planning Commission, in accordance with this UDO, shall review the application and issuance of the Certificate by the Zoning Official shall be authorized or denied by the Planning Commission
7. *Historic Overlay District:* Upon approval of a Certificate of Appropriateness by the Historic Review Board, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
8. *Permitted Uses in a Zoning District:* For any permitted use under this UDO for which a Site Plan is not required, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
9. *Conditional Uses in a Zoning District:* For any conditional use under this UDO, for which Planning Commission Approval has been granted but for which a Site Plan is not required, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
10. *Changes in Nonconforming Uses:* For any change in nonconforming use, for which Appeals Board Approval has been granted but for which

a Site Plan is not required, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.

11. *Accessory Uses:* An Accessory Use Permit shall act as a Certificate of Zoning Compliance, and the Developer may proceed with development.
12. *Signs:* A Sign Permit shall act as a Certificate of Zoning Compliance, and the Developer may proceed with development.
13. *Other Development:* For any other development that is regulated by this UDO for which specific procedures are not outlined, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.

2. **Submittal Requirements:**

1. *General Submittal Requirements:* The following general requirements shall apply:
 1. Each request for a Certificate of Zoning Compliance shall include an application form, provided by the City, with the submittal;
 2. Only complete applications shall be processed by the City. The City Engineer, the Zoning Official, or the TRC, as appropriate, shall make determination as to completeness;
 3. The City Engineer or 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;
 4. Legal description of property or portion thereof; and
 5. Payment of the application fee as established by Section 1105.09.
 6. 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.

2. *Specific Submittal Requirements:*

1. Address and zoning classification of the subject property;
2. Description of the existing and proposed use;
3. A list of the surrounding uses and zoning classification(s);
4. A Site Plan, sketch plan or any other drawing, plans, or maps the City Engineer or the Zoning Official deems necessary.

3. *Uses Requiring Administrative Approval in the Telecommunications Overlay District:* All information determined necessary by the Zoning Official to show that the request meets the requirements of Section 1109.01, and any specific submittal required by that Section.

4. *Uses in the Well Field Protection Overlay District:* All information determined necessary by the City Engineer to show that the request meets the requirements of Section 1109.03, and any specific submittal required by that Section, including a Site Plan.

3. **Standards for Approval:** No Certificate of Zoning Compliance shall be granted by the Zoning Official unless the proposed development or use meets all applicable requirements of this UDO.

4. **Expiration:** A CZC shall become void at the expiration of one- (1) year after the date of issuance unless construction has begun. If no construction has begun or the use has changed within one (1) year of the date of the certificate, a new application and certificate shall be required.

5. Temporary Uses: Temporary uses are uses of a charitable, local, or fund-raising nature that are temporary in nature and that may take place on public or private property. Examples of such uses include neighborhood block parties, carnivals or bazaars put on by a nonprofit corporation as a fundraising event.

1. **Submittal Requirements:**

1. *General Submittal Requirements:* The following general requirements shall apply:

1. Each request for a Temporary Use Permit shall include an application form, provided by the City, with the submittal;

2. Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness;
3. 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;
4. Legal Description of property or portion thereof; and
5. Payment of the application fee as established by Section 1105.09.
6. 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.

2. *Specific Submittal Requirements:*

1. A sketch plan showing the boundaries of the property;
2. The use of adjacent properties identified and labeled;
3. The location of the temporary use or structure on the property; and
4. A narrative statement regarding the exact nature of the temporary use and plans to mitigate its impact on surrounding properties, by means of traffic control, limited access points, and/or hours of operation.

2. **Standards for Approval:** The following standards shall be considered in the review of Temporary Use applications:

1. The site, if undeveloped, contains sufficient open space to support the temporary use;
2. The site, if developed, contains an area that does not interfere with the function of the permanent use;
3. The temporary use has sufficient off-street parking; and

4. The public's health, safety, and welfare on and around the temporary use is assured.
3. **Additional Conditions and Safeguards:** In approving a request for a temporary use, the Zoning Official may further prescribe any conditions and safeguards that he deems necessary to ensure the public health, safety and welfare, including, but not limited to, limiting hours of operation, requiring additional parking, limiting access points to the property, or requiring a buffer yard. If the applicant will not agree with such conditions, the temporary use shall not be granted.
6. Administrative Approvals by Zoning Official: The following outlines the procedure under which the Zoning and Zoning Official decides approvals:
 1. **Pre-application Meeting:** If recommended by the Zoning Official, or upon the request of the applicant, the applicant shall meet with the Zoning Official or 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 may 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. Upon receipt of a complete application, the TRC shall review the application and provide comments to the Zoning Official.
 4. **Action by the Zoning Official:** Unless otherwise provided within this UDO, within sixty (60) working days of receipt of a complete application, the Zoning Official shall render a decision. The Zoning Official 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. His decision shall take effect immediately. Written notice of the Zoning Official'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 Zoning Official made in rendering his decision.

5. **Appeal:** The decision by the Zoning Official may be appealed to the Appeals Board, as appropriate and as provided for in this UDO.

(Ord. 2009-11. Passed 7-6-09; Ord. 2014-17. Passed 1-5-15.)

HISTORY

Amended by Ord. [2022-12](#) on 5/2/2022

1115.12 Approvals By The City Engineer

1. The City Engineer 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. Floodplain Development Permits;
 2. Landscaping Plans; and
 3. Stormwater Plans.
2. **Floodplain Development Permits:** A Floodplain Development Permit shall be obtained before construction begins on any parcel(s) or lot(s) within the Floodplain Overlay District. Applications for Floodplain Development Permits shall be reviewed and approved by the City Engineer, acting as Floodplain Administrator.
 1. **Submittal Requirements:**
 1. *General Submittal Requirements:* The following general requirements shall apply:
 1. Each request for a Floodplain Development Permit shall include an application form, provided by the City, with the submittal;
 2. 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;
 3. Legal Description of property or portion thereof;
 4. Payment of the application fee as established by section 1105.09; and

5. The City Engineer or 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.
 6. The City Engineer, or the TRC, as appropriate, shall make determination as to completeness, and only complete applications shall be processed by the City.
2. *Specific Submittal Requirements:* The applicant shall submit all information required by section 1109.02, including the required Site Plan.
2. **Standards of Approval:** The application for a Floodplain Development Permit shall be reviewed and approved or denied in accordance with section 1109.02. Appeals from the decision of the Floodplain Administrator, and variances from the Floodplain Overlay District regulations and standards shall be applied for in accordance with section 1109.02(d).
3. Landscaping Plans: Landscape Plans shall be reviewed and approved by the City Engineer.
 1. **General Submittal Requirements:** The following general requirements shall apply:
 1. Each Landscaping Plan submittal shall include an application form, provided by the City, with the submittal;
 2. 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;
 3. Legal Description of property or portion thereof;
 4. Payment of the application fee as established by section 1105.09; and
 5. The City Engineer or 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.
 6. Only complete applications shall be processed by the City. The City Engineer, or the TRC, as appropriate, shall make determination as to completeness.

Specific Submittal Requirements:

2. **Major Landscape Plan:** A Major Landscape Plan, prepared by a landscaping architect, shall be submitted with Major Site Plans and PUD ~~and PRCD~~ Development Plans. Proposed landscape treatment shall be indicated on the Major Landscape Plan and shall not be shown on any separately required Major Site Plan. Each Major Landscape Plan shall be drawn to scale, show the placement of individual plants and include the following information:
 1. Project name and address;
 2. Project owner's name, address and telephone number;
 3. Name, address and telephone number of landscape architect;
 4. Distance from the property to nearest intersecting street;
 5. Signature panel for the Zoning Official;
 6. North arrow, scale (1"= 20' preferred, no scale smaller than 1"= 40'), date and/or date of revisions;
 7. A notation stating, "This landscape plan has been reviewed and approved by the owner/responsible agent who understands that any changes, substitutions, or deletions may require review and approval by the responsible reviewing authority;"
 8. The species (common name and botanical name), location and crown spread to scale of all trees existing on the site prior to construction with a caliper of six inches or greater at common breast height. An indication of which trees are to be retained and which are to be removed, including a plan for how those to be retained will be preserved;
 9. Existing and proposed buildings and accessory structures to include existing and proposed signs;
 10. Zoning District boundaries and zoning designations of the site and adjacent properties;
 11. Parking and loading spaces showing all required wheel stops, curbs, driveways, landscape screening, parking lot landscaping, and sidewalks or other pedestrian paths;
 12. All sight triangles;

13. Location, width and names of all existing/proposed streets and watercourses;
 14. All easements (provide dimensions and purpose);
 15. Location of all existing and proposed utilities, both overhead and underground;
 16. Principal buildings, streets (public and private), right-of-way lines and property lines;
 17. Location and type of trash disposal and details of screening;
 18. Location, height, type and material of all fences, walls, screen planting and landscaping details of all buildings and grounds. Show each individual plant on the plan;
 19. Location of all ground mounted heating, ventilating and cooling equipment;
 20. Location of all transformers;
 21. Square footage measurements of the total site, building, parking and hard surface areas, and landscape areas. Show percentage of landscape area for the total project. For parking spaces, show percentage of interior landscape area;
 22. Dimensions and distances of required landscape strips;
 23. Landscape notes indicating the following: All landscaping materials shall meet the minimum specifications and standards described in the "*American Standard for Nursery Stock*," 1986 or as may be amended, published by the American Association of Nurserymen, 1250 I Street, N.W., Suite 500, Washington, D.C. 20005; and
 24. Grading plan, including mounding, and topographical lines at one-foot intervals.
3. **Minor Landscape Plan:** A Minor Landscape Plan, prepared by a landscape architect, shall be submitted with a Minor Site Plan. Proposed landscape treatment shall be indicated on the Minor Landscape Plan and shall not be shown on any separately required Minor Site Plan. Each Minor Landscape Plan shall be drawn to scale, show the placement of individual plants and include the following information:

1. Project name and address;
 2. Project owner's name, address and telephone number;
 3. Name, address and telephone number of landscape architect;
 4. An indication of which trees are to be retained and which are to be removed, including a description of how those to be retained will be preserved;
 5. Existing and proposed buildings and accessory structures to include existing and proposed signs;
 6. Parking and loading spaces showing all required wheel stops, curbs, driveways, landscape screening, parking lot landscaping, and sidewalks or other pedestrian paths;
 7. All site triangles;
 8. Location of all existing and proposed utilities, both overhead and underground, and easements;
 9. Principal buildings, streets (public and private), right-of-way lines and property lines;
 10. Location and type of trash disposal and details of screening;
 11. Location, height, type and material of all fences, walls, screen planting and landscaping of all buildings and grounds;
 12. Location of all ground mounted heating, ventilating and cooling equipment and location of all transformers; and
 13. Square footage measurements for the total site, building, parking and hard surface areas, and landscape areas.
4. **Alternative Landscape Plan:** Under certain conditions, the strict application of the City's landscaping requirements and standards, contained in section 1111.05, may be impractical. In order to accommodate modifications to existing landscaping requirements, an Alternative Landscape Plan, and a statement of justification for the Alternative Landscape Plan, may be submitted to the City Engineer. An Alternate Landscape Plan may be submitted with a Major Landscaping Plan or a Minor Landscaping Plan. Requests for Alternative Landscape Plans will be accepted for review only when one or more of the following conditions apply:

1. The site involves space limitations or is an unusually shaped lot;
 2. Topography, soil, vegetation, or other physical conditions of the lot are such that full compliance is impossible or impractical;
 3. Public safety considerations are involved; and
 4. Impact on the environmental quality of the lot and surrounding area will be improved with the proposed Alternative Landscape Plan.
5. **Standards for Approval:** A Landscape Plan shall not be approved unless it meets all of the following standards:
1. The Landscape Plan fulfills the intent and purposes of the City's Landscaping Requirements and Standards, as outlined in section 1111.05;
 2. The Landscape Plan is meets the applicable requirements and standards of City's Landscaping Requirements and Standards, as outlined in section 1111.06; and
 3. The public's health, safety and welfare will not be adversely impacted by the proposal.
4. Stormwater Management Plans: The City Engineer shall review stormwater management plans in conjunction with Development Construction Plans, and/or Site Plans for all uses listed in section 1111.05. Review and approval of Stormwater Management Plans shall be in accordance with section 1111.05.
5. Administrative Approvals by the City Engineer: The following outlines the procedure under which the City Engineer decides development approvals:
1. **Pre-application Meeting:** Upon the recommendation of the City Engineer, or as requested by the applicant, the applicant shall meet with the City Engineer or 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 City Engineer may 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. Upon receipt of a complete application, the TRC shall review the application and provide comments to the City Engineer.

4. **Action by the City Engineer:** Unless otherwise provided within mis UDO, within sixty (60) working days of receipt of a complete application, the City Engineer shall render a decision. The City Engineer 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. His decision shall take effect immediately. Written notice of the City Engineer'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 Zoning Official made in rendering his decision.
5. **Appeal:** The decision by the City Engineer may be appealed to the Appeals Board, as appropriate and as provided for in this UDO.

(Ord. 2009-11. Passed 7-6-09.)

1115.13 Approvals By The Historic District Review Board

1. The Historic District Review Board shall review applications for Certificates of Appropriateness within the Historic Overlay District and approve, approve with modifications, or deny such applications, in accordance with the Requirements and Standards outlined in this UDO.
2. Certificate of Appropriateness Required:
 1. A Certificate of Appropriateness is required from the Historic District Review Board prior to any new construction, remodeling, reconstruction or demolition A Certificate of Appropriateness is required from the Zoning Official prior to the onset of maintenance or repair such as set forth in subparagraph (3), below.
 2. A Certificate of Appropriateness is required from the Historic District Review Board prior to the erection of any sign that requires a permit pursuant the City's sign regulations, as outlined in section 1111.08.
3. Submittal Requirements:

1. *General Submittal Requirements:* The following general requirements shall apply:
 1. Each request for a Certificate of Appropriateness shall include an application form, provided by the City, with the submittal;
 2. 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;
 3. Legal Description of property or portion thereof;
 4. 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);
 5. Payment of the application fee as established by section 1105.09; and
 6. 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.
2. *Specific Submittal Requirements:* The applicant shall submit with his application, drawings, material and color samples, sketches and other information that indicate or identify the proposed exterior, and that show that his proposal meets the design requirements and standards of the Historic Overlay District, as outlined in section 1109.04.
3. Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.
4. Process - Historic District Review Board: Applications for Certificates of Appropriateness from the Historic District Review Board shall be submitted and reviewed according to the following steps:
 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 for a Certificate of Appropriateness. 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 section 1109.04. 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 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 to the Historic District Review Board Committee.
4. **Review by the Historic District Review Board:** Upon determination by the TRC that an application contains all the necessary and required information, the Zoning Official shall place the application on Historic District Review Board's agenda.
5. **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 Historic District Review 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 Historic District Review Board.
6. **Historic District Review Board Recommendation:** The Historic District Review Board shall review the application for its compliance with the design requirements and standards of the Historic Overlay District, as outlined in section 1109.04, and shall approve, approve with modifications or disapprove such applications within thirty (30) days, unless the application is tabled at the request of the applicant or is tabled by the Board to gather additional information.
7. **Appeal:** Upon approval with modifications or disapproval of an application, the applicant may appeal the decision of the Historic District Review Board

to City Council. Such appeal shall be made within twenty (20) days from the date of the Board's decision by filing a notice of appeal with the Clerk of Council. Council may, by a vote of at least five (5) members reverse or modify the decision of the Historic District Review Board.

8. **Issuance:** Upon approval of an application by the Historic District Review Board, or upon approval by Council upon appeal, the Zoning Official shall issue a Certificate of Appropriateness within thirty (30) days.
5. Process - Zoning Official Review: Applications for Certificates of Appropriateness from the Zoning Official shall be submitted and reviewed according to the following steps:
 1. **Pre-application Meeting:** If recommended by the Zoning Official, or upon the request of the applicant, the applicant shall meet with the Zoning Official or 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 may 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. Upon receipt of a complete application, the TRC shall review the application and provide comments to the Zoning Official.
 4. **Action by the Zoning Official:** Unless otherwise provided within this UDO, within sixty (60) working days of receipt of a complete application, the Zoning Official shall render a decision. The Zoning Official 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. His decision shall take effect immediately. Written notice of the Zoning Official'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 Zoning Official made in rendering his decision.

5. **Appeal:** The decision by the Zoning Official may be appealed to the Appeals Board, as appropriate and as provided for in this UDO.
6. **Requirements:** All applications for Certificates of Appropriateness shall be reviewed for their compliance with the requirements and standards of the Historic Overlay District, as outlined in section 1109.04.
7. **Standards for Approval:** The Historic District Review Board and the City Council shall consider the following criteria in approving applications for Certificates of Appropriateness:
 1. It fully complies with the applicable requirements of this UDO;
 2. It meets the specific design requirements of section 1109.04(f); and
 3. It meets the General Standards for Review outlined in section 1109.04(g).

(Ord. 2009-11. Passed 7-6-09.)

1115.14 Other Approvals

1. **Building Permit:**
 1. **Definition:** A permit issued by the City authorizing the erection, construction, reconstruction, alteration, repair, conversion, or maintenance of any building, structure or portion thereof. Such permit shall not be issued without the signature of the City's Building Official, certifying compliance with the City's Building Code.
 2. **Permit Process:** An application for a Building Permit shall be filed with the City on a form prescribed by the City, along with the fees and charges for building permits and inspections, as established by separate City Ordinance. Each application for a Building Permit shall contain or be accompanied by such information and plans as required on the application form and as otherwise required by the Building Official. The Building Official and any other applicable departments shall review the application and any required plans in order to determine whether the proposed work complies with the applicable provisions of the City's Building Code and all other applicable City ordinances and construction regulations.
2. **Occupancy Permit:**

1. **Definition:** A new building or part of a new building, an addition or enlargement of any existing building, or an existing building may be occupied after being altered or moved, and a change in use or occupancy of any building may be made in any existing building only after the Building Official has issued an Occupancy Permit stating that the building and/or the proposed use complies with the provisions of this UDO and the City's Building Code.
2. **Permit Process:** An application for an Occupancy Permit shall be filed with the City on a form prescribed by the City, along with the fees and charges for Occupancy Permits and inspections, as established by separate City Ordinance. Each application for an Occupancy Permit shall contain or be accompanied by such information and plans as required on the application form and as otherwise required by the Building Official. The Building Official and any other applicable departments shall review the application and any required plans in order to determine whether the proposed work complies with the applicable provisions of this UDO, the City's Building Code and all other applicable City ordinances and construction regulations.

(Ord. 2009-11. Passed 7-6-09.)