

1107.11 Accessory Use Standards

(a) General Accessory Use Requirements

- (1) **Permit Required:** A permit is required to be issued before an accessory structure is constructed or installed, or before an accessory use may occur on a parcel or lot.
- (2) **Permit Process:**
 - (A) The Zoning Official may issue an Accessory Use Permit to the owner of the property on which the proposed accessory structure use is to be located. The Zoning Official will base his decision upon a site plan submitted by the applicant and on the extent to which the plan demonstrates that the accessory structure or use is in conformance with the General Standards and the Specific Standards of this Section. If the Zoning Official denies an Accessory Use Permit, the applicant may file an appeal within 20 days with the Appeals Board, in accordance with Section 1115.10.
 - (B) The applicant shall submit with his application the fee prescribed by the City's official fee schedule.
- (3) **Location:**
 - (A) No accessory structure shall be located in a platted easement;
 - (B) No accessory structure shall be erected in any front yard or court, unless specifically permitted herein; and
 - (C) Mechanical devices or units incidental to the operation or use of the principal building, as described, shall not be located nearer to any street than the nearest wall of the principal building in question, or nearer to any side or rear property line than three feet.
- (4) **Number of Accessory Structures and Lot Coverage:** The number of accessory structures allowed shall be limited to a maximum coverage of 35 percent of the rear yard.
- (5) **Height:**
 - (A) No storage accessory structure shall exceed 15 feet in height, unless specifically permitted herein.
 - (B) No recreational accessory structure shall exceed 15 feet in height.
 - (C) No pet structure shall exceed six feet in height.
 - (D) Mechanical devices or units shall not exceed 80 inches in height.
- (6) **Subdividing:** Lots containing a principal structure and accessory structure may not be subdivided in order to create separate lots for the principal structure and accessory structure, unless the accessory structure is improved to be considered a principal structure. To be considered a principal structure, the proposed use, structure, and lot would need to be in conformance with the applicable provisions of this zoning code including providing adequate access, parking, landscaping and buffering, restroom facilities, accessibility features, and other applicable regulations for the use which is proposed and per the approval of the Zoning Official.
- (7) **Demolition of Principal Structure:** On a lot that contains a principal structure and accessory structure, if the principal structure is demolished the accessory structure shall not be deemed a principal structure, unless the accessory structure is improved to be considered a principal structure per subsection (6) above.

(b) Antennas and Towers: Antennas and towers are subject to the following regulations:

(1) Location:

- (A) No antenna tower or tower mast shall be located in or occupy any part of a front or side yard, and in a rear yard, must be at least five feet from the rear property line.

- (B) Antenna, antenna towers, including foundation guys and other components thereof, shall not project over any property line.
- (C) An Antenna tower or tower mast may be mounted on the roof of a building in non-residential zoning districts.

(2) **Size:**

- (A) In residential districts, no antenna tower or tower mast shall extend more than 15 feet above the ground site on which it is located.
- (B) In non-residential districts, no antenna tower or tower mast shall extend more than 60 feet above the ground site on which it is located.
- (C) An antenna tower or tower mast mounted on the roof of a building shall not extend more than 20 feet above the highest ridge of the roof.

(3) **Number:** Not more than one antenna tower with antennae shall be erected on any lot or parcel of land, whether the same is freestanding, attached to a building wall, or mounted on a building roof.

(c) Automated Teller Machine (ATM), Outdoor: Outdoor ATMs are subject to the following regulations:

- (1) The ATM shall be located on the same lot as the principal use.
- (2) An ATM may be located in any yard.

(d) Day Care Home, Type A: Type A home day cares, as defined by this UDO and regulated by the Ohio Revised Code, are conditionally permitted as an accessory use to a principally permitted residential use subject to the approval of a Conditional Use Permit.

(e) Day Care Home, Type B: Type B home day cares, as defined by this UDO and regulated by the Ohio Revised Code, are permitted as an accessory use to a principally permitted residential use.

(f) Decks, Patios, Porches, and Balconies: Decks, patios, porches, and balconies are subject to the following regulations:

(1) **Location:**

- (A) All decks, patios, porches and balconies shall be attached or contiguous to the principal structure or principal building.
- (B) Decks, patios, and porches may be located in an interior side yard or rear yard, as long as they are at least five feet from the side and rear property lines and do not occupy any part of a platted easement.
- (C) Decks, patios, and porches may be located in any yard and area not subject to front, side, or rear yard setbacks as long as the structure is completely located on private property and does not interfere with the public sidewalk or walkway.
- (D) Front porches shall have a minimum front yard setback of 10 feet (see 1107.27(e)(1)(B)).
- (E) Balconies shall be located completely within the buildable area.

(2) **Encroachments:** The following requirements apply only to decks and patios and porches that encroach into required yards, and shall not apply to decks, patios or porches that are located entirely within the buildable area:

(A) *Decks and Patios:*

- (i) The deck platform or patio shall meet all requirements of the City's Building Code.
- (ii) The deck or patio shall have no solid walls or roof planes of any kind, except a guardrail, which may be up to 38 inches in height above the top of the deck or patio.

(B) *Porches:*

- (i) The porch shall be freestanding and directly adjacent to the principal building, or attached to the principal building.
- (ii) The porch shall have railings or walls on the sides not exceeding 38 inches in height from the platform.

(g) Drive-Thru for Retail or Restaurant Use: Drive-thru's for retail or restaurant uses are subject to the following regulations:

- (1) All structures, including drive-in or drive-through windows and lanes, shall be set back at least 100 feet from any adjacent residential property.
- (2) Audible electronic devices such as loudspeakers and similar instruments shall be set back a minimum of 75 feet from any residential district and shall not be audible beyond the property line.
- (3) Drive-throughs for retail or restaurant uses are subject to the vehicle stacking requirements of Table 1111.07-2: Required Number of Stacking Spaces.
- (4) Customer and employee parking shall be separated from drive-in and drive-through activities and customer parking shall be located in the area with highest accessibility to dining or sales areas. A bypass lane shall be provided adjacent to the drive through lanes, which shall be separate from space used for maneuvering.
- (5) The circulation system shall provide smooth, continuous traffic flow with efficient, non-conflicting movement throughout the site. Major pedestrian movements shall not conflict with major vehicular circulation movements.

(h) Dwelling, Accessory Unit: Accessory dwelling units are subject to the following regulations in addition to the review standards in Section 1113.01:

- (1) Accessory dwelling units must be located in the principal structure, which includes attached garages or areas over attached garages, and shall only include basements when such basements have their own, separate ingress and egress.
- (2) The Maximum size of the in-law suite shall not exceed 816 square feet.
- (3) The structure must maintain a single-family residential appearance that blends with the principal structure and the neighborhood. An architectural rendering and floor plan must be provided and approved by Planning Commission. Said plans shall include a landscape plan, which will be followed as approved.
- (4) The accessory dwelling unit may be located on the first or second floor.
- (5) All accessory dwelling units in-law suites must meet the current edition of the Ohio Building Code.
- (6) The property owner must live on site, and the accessory dwelling unit in-law suite must be subservient to the principal use of the property as a dwelling.
- (7) The accessory dwelling unit shall be occupied only by a member of the family of the owner of the principal residence, who is related to the owner by blood, marriage, or adoption.

(i) Electric Vehicle (EV) Charging Stations: Electric Vehicle (RV) charging stations are subject to the following regulations:

- (1) Level 1 and Level 2 EV charging stations are allowed as an accessory use to any permitted principal use in any district. Level 3 EV charging stations are allowed as an accessory use to any multi-family residential use or any non-residential use.
- (2) Charging stations shall be reserved and designated for the charging of electric motor vehicles only. Information regarding amperage and voltage levels, time limits, cost, towaway provisions, and contact information shall be posted in the spaces.
- (3) Where permitted, EV charging stations may be located in any yard, but shall be set back a minimum of five feet from any adjoining public right-of-way.

- (4) EV charging stations shall not interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

(j) Fences and Walls:

(1) **General Requirements:**

(A) *Barbed-Wire Fences:*

- (i) Fences or walls having wire or metal prongs or spikes or cutting points or edges of any kind shall be prohibited in any residential district and in the Downtown Districts, unless the use is a governmental or institutional function.
- (ii) Barbed-wire fences may be permitted in the Industrial Districts, the Agricultural District, and the Parks and Recreation District only where a need for security is proven.
- (iii) The use of barbed-wire shall be limited to three strands, shall be at least six feet from the ground, and shall be attached to the top of a fence.

(B) *Electric Fences:* Fences or walls which are charged with an electrical current shall be prohibited in all Districts, excepting:

- (i) Electric fences installed pursuant to an Electric Fence Conditional Use Permit issued in accordance with this UDO; and
- (ii) Electric fences used to contain livestock in the Agricultural District installed pursuant to a fence permit issued in accordance with this UDO.

(C) *Picket Fences:* Picket fences shall have points blunted.

(D) *Construction on Mound:* Where a fence/wall, ornamental feature or hedge is constructed on a mound, or where the ground under same has been raised to a higher level than the surrounding surface, the permissible height of the fence/wall, ornamental feature or hedge shall be reduced by the height of such mound or raised surface.

(E) *Safety:* No person shall install or cause to be installed along or adjacent to the boundary line of the front yard of any lot or parcel of ground in this City, any barrier composed of one or more strands of wire, rope, cord, plastic or other type of line, stretched between stakes, poles, trees or other supports, located as above described. However, a temporary barrier of such type, so constructed or marked as to be readily visible, may be installed to prevent damage to a newly planted lawn, or other new planting or new driveway/sidewalk. The temporary barrier is to be maintained only for such length of time as is reasonably necessary.

(F) *Intersection Clearance:* On a corner lot, the "intersection clearance zone" is an area between the curb line or edge of pavement of the two intersecting streets and a diagonal line connecting the curb or edge of pavement of intersecting streets at a point 30 feet from their point of intersection. In this intersection clearance zone, no fence/wall, ornamental feature, snow fence, mound or hedge shall exceed 32 inches in height above the grade of the edges of the pavement or street gutter; however, in an intersection clearance zone, a plant or tree not exceeding two feet in diameter at a point 32 inches above the grade of the edges of the pavement or street gutter and whose foliage is kept trimmed to such diameter up to at least seven feet above the grade, shall be permitted.

(G) *Downtown Districts:* Fences in the Downtown Districts, when associated with a public gathering area, eating area, open space, or similar use, may be erected without a principal structure on the site.

(H) *Variance:* Variances to the requirement of this Chapter shall be made in accordance with section 1115.10, except that no variance may be granted to allow an electric fence or a barbed-wire fence in a prohibited District, nor to allow the use of razor wire in any District.

(I) Fence Design and Materials:

- (i) Permitted fence or wall materials include wood, ornamental iron, aluminum, vinyl, stone, block, or other similar material as approved by the Zoning Official or their designee.
- (ii) Prohibited fence or wall materials include plywood, particle board, doors, fiberglass, corrugated or sheet metal panels, shipping crates, pallets, or skids, and other non-traditional fence materials.

~~(H)~~(J) Enforcement and Penalties: The Zoning Official shall follow Section 1105.12 in enforcing this Section of the UDO.

(2) Lot Requirements:

(A) Interior Lots:

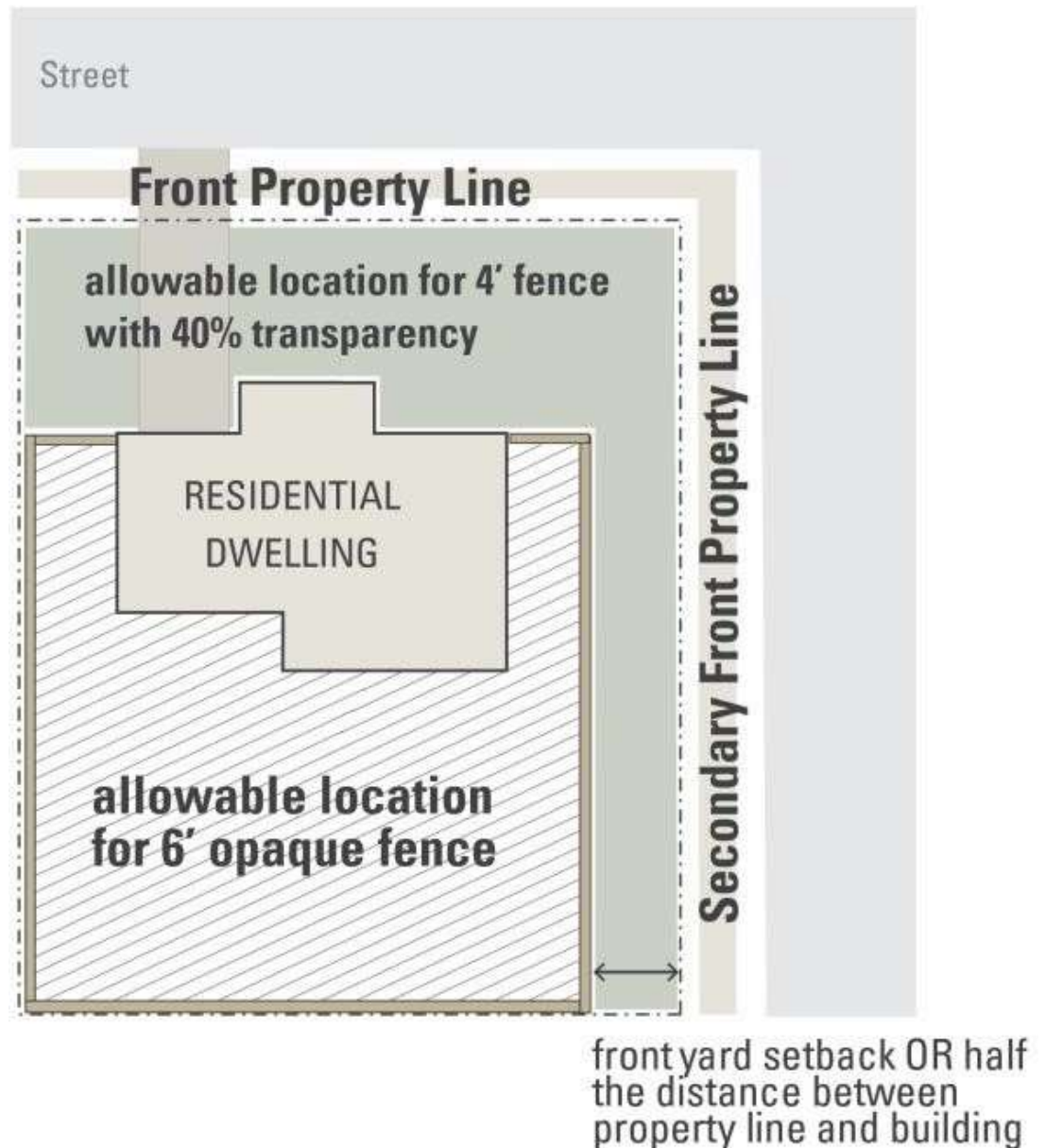
(i) Front Yards:

- (1) Fences and walls located in any front yard shall be a maximum height of four feet and contain a minimum of 40 percent transparency, unless specifically authorized herein. ~~Such fences and walls shall be constructed out of wood, iron, aluminum, vinyl, stone, block, or other similar material if approved by the Zoning Official or their designee.~~
- (2) Fences may be permitted in the front yard of the Downtown Districts if it is ornamental in nature and for the purpose of enclosing outdoor dining or sitting areas. Such fences shall be limited in height to four feet and shall be designed with at least 50 percent opacity. Chain link, untreated/unpainted wood, and vinyl fences are not permitted in the front yard.
- (3) Fences shall not be permitted in the public right-of-way, unless specifically permitted by the city manager or their designee.
- (4) Chain link fences, construction fences, wire fencing (not including Kentucky Board fencing), and pallets are not permitted in a front yard.
- (5) A non-residential property may be permitted to have a fence or wall in the front yard that is opaque and a maximum height of six feet in height for the purpose of satisfying a buffering requirement per Section 1111.06(i), if approved by the Planning Commission.

- (ii) Side and Rear Yards: A fence or wall may be located in a rear or side yard if the fence does not exceed at any point, six feet in height above the elevation of the surface of the ground at such point.

(B) Corner Lots and Through Lots: For corner lots and through lots, there are two or more sides of the property that are adjacent to a street or right-of-way. Fences and walls on such lots are treated as follows:

- (i) For the purpose of this section, the frontage that is aligned with the primary entrance to the structure, as determined by the Zoning Official or their designee, shall be considered the front yard. The other yard(s) that front a street or right-of-way, but do not include the primary entrance shall be considered secondary frontages.
- (ii) For corner lots, fences located in the secondary front yard (between the secondary front property line and the side building line of the structure) may be up to six feet in height and opaque if the fence is set back from the secondary front property line a minimum distance that is equal to the required front yard setback or one-half the distance between the secondary front property line and the side building line, whichever is less.



- (iii) For through lots, fences in the secondary front yard (between the secondary front property line and the rear building line of the structure) may be up to six feet in height and opaque if the fence is set back from the secondary front property line a minimum distance that is equal to the required front yard setback or one-half the distance between the secondary front property line and the rear building line, whichever is less.
 - (iv) Fences located between the front property line and the primary entrance of the house are subject to the regulations in Section 1107.19(j)(2). Additionally, fences in the secondary front yard that are located between secondary front property line and the halfway point between the property line and the building line are subject to the regulations in Section 1107.19(j)(2).
- (3) **Fence Construction:** Fences and walls shall be constructed so all supporting cross-elements, exposed posts, or other similar features shall face the interior of the property. This provision shall not apply if the adjacent property owner(s) consent in writing to allow the supporting cross-elements or exposed posts to face outward towards the exterior of the property. Fences shall be erected so that no exposed posts or supporting cross-elements face public property. This provision

shall not apply if the fence is the same on both sides such as split rail fences or board and batten fences.

- (4) **Double Fences:** No fence or fences shall be constructed so that there are two more-or-less parallel fences in the same yard, unless there be a distance of at least five feet between the fences or their appurtenances.

- (5) **Snow Fences:** Temporary snow fences, 42 inches or less in height, may be erected during the months of November through March each year. Such fences are to be used only to control the drifting of snow on walks, driveways, streets, or alleys.

(6) **Mounds:**

- (A) No mound exceeding 32 inches in height.

- (B) No mound shall be erected in the intersection clearance zone, as defined in Section 1107.19(j)(1), on corner lots.

- (C) The grading and drainage of mounds shall follow the requirements set forth by the City Engineer.

- (7) **Retaining Walls, Dry-Stacked Stone Decorative Walls, and Entry Features:** May be located in front yards, side yards, and rear yards as follows:

- (A) Shall not exceed height of 36 inches if located in a front yard;

- (B) Shall not be erected in the intersection clearance zone, as defined in Section 1107.19(j)(1) (F), on corner lots.

(k) Garages and Carports, Detached: Detached garages and carports are subject to the following regulations:

- (1) **Setbacks:** No detached garage or carport shall be permitted nearer to any front lot line than 60 feet, provided that in the case of a corner lot, where the choice by the owner of the longer street lot line is approved, this requirement shall apply only to the distance of such building from the shorter street lot line. A detached garage or carport shall be distant at least 10 feet from any dwelling situated on the same lot, and at least three feet from any lot lines of adjoining lots and shall not occupy any easement.

- (2) **Timing of Construction:** detached garage or carport shall be erected or constructed prior to the erection or construction of the principal or main building, except in conjunction with the same.

- (3) **Quantity:** There shall be no more than one detached garage or carport per dwelling unit.

- (4) **Height:** No detached garage or carport shall exceed the following height limitations, unless specifically permitted under separate City Ordinance; or, if converted to habitable use, shall exceed the rear yard height plane limits required for principal structures. A detached garage or carport roof shall not exceed the height dimensions allowed for the principal use, excepting that the Appeals Board may approve increased height to meet unusual circumstances as a variance if such a variance will not be detrimental to the adjacent property. The top plate wall height supporting all sloping roofs shall not exceed nine feet above the parking floor elevation of the garage, and the maximum height to coping or parapet for all flat and sloping roofs with pitches less than four feet of vertical rise in 12 feet of length shall not exceed 15 feet at any point above the parking floor elevation of the garage.

- (5) **Area Limits:** The maximum area of a detached garage is 600 square feet. In no case shall the floor area of a detached garage or carport exceed 60 percent of the area of the dwelling unit.

- (l) Home Occupations: The purpose of the provisions in this Section is to protect the character of residential neighborhoods while recognizing that advances in technology and telecommunications and changes in the job market have diminished the importance of traditional workplaces. These regulations are intended to recognize this shift and to allow in residential structures, where appropriately limited, nonresidential activities that are clearly subordinate and incidental to the residential use of the property and which are compatible with the residential character of the neighborhood.

- (1) **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. A Home Occupation Type A shall be a permitted accessory use in any residential district only if all of the following regulations are met:

(A) *General:*

- (i) The use is compatible with the residential use of the property and the surrounding residential uses.
- (ii) Retail sales of merchandise, products or goods shall be prohibited, provided, however, that orders previously made by telephone, internet, or at a sales party or meeting may be filled on the premises. That is, direct retail sales of products or goods off display shelves or racks is not permitted, but client/customer may pick up an order placed earlier, as described above.

- (B) *Employees:* The use is owned or conducted by one or more residents of the dwelling and only employs residents of the dwelling unit in which it is located.

(C) *Area:*

- (i) The use is conducted wholly within the dwelling, and any space used for sales, service or production does not occupy more than 20 percent of the ground floor area of the dwelling unit.
- (ii) The use, including any storage of materials or equipment related thereto, shall be carried on entirely within the dwelling or unit and not in an accessory structures; however, part of the floor area of an attached garage may be used if the use does not occupy parking spaces required for the dwelling use by the parking regulations of this UDO, outlined in section 1111.07.
- (iii) The use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted on the premises.

(D) *Exterior Appearance:*

- (i) The exterior appearance of any structure on the premises shall not be altered nor shall there be any structural modifications of the residence or garage, such as a separate business entrance. The use within the principal structure shall not be conducted in a manner that would cause the premises to differ from its residential character or which is inconsistent or incompatible with the normal scale, orientation or appearance of neighboring dwellings. No activity, materials, goods or equipment indicative of the use shall be visible from any public way or adjacent property.
- (ii) There shall be no outside appearance of the use, including, but not limited to, parking, signs or lights, excepting that one nameplate sign, attached flush to the dwelling and not exceeding two square feet in area shall be permitted. Neither freestanding nor illuminated signs shall be permitted.

(E) *Hours of Operation:*

- (i) In no case shall the home occupation be open to on-site clients or customers earlier than 7:00 a.m., nor later than 7:00 p.m., excepting parties and meetings held for the purpose of selling merchandise or taking orders. Other motor vehicle traffic relating to the conduct of the use shall be prohibited between the hours of 10:00 p.m. and 6:00 a.m.
- (ii) Parties or meetings within the dwelling, held for the purpose of selling merchandise or taking orders, shall not be held more than four times each month.

(F) *Parking/Traffic:*

- (i) On-site clients or customers shall not exceed six per day.
- (ii) The use does not necessitate the parking of more automobiles than can be accommodated in the dwelling or unit's driveway.
- (iii) The use shall not generate a significantly greater volume of traffic than would normally be expected in a residential area. The number of deliveries, pick-ups, origin, or destination trips relating to the use shall not exceed three per day.
- (iv) There shall be no merchandise or goods sold, or services rendered that require receipt or delivery of merchandise, goods or equipment other than by passenger motor vehicle, parcel delivery service, or U.S. mail service. No deliveries by tractor/trailer are permitted.

(G) *Environmental Impact:*

- (i) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including visible or audible interference with radio and television reception or which cause fluctuation in line voltage off the premises.
- (ii) The use shall not generate any solid waste or sewage discharge, in volume or in type, which is not normally associated with residential use in the neighborhood.
- (iii) No highly explosive, toxic or combustible material shall be used or stored on the premises.

(H) *Other Applicable Laws or Regulations:* The use may not involve any illegal activity; it shall be the homeowner's responsibility to ensure compliance with all applicable state and federal regulations.

(2) **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. All persons conducting home occupations that classify as Type B, and which are planned, presently existing, or which are established, changed or enlarged after this chapter is in effect, shall be required to obtain a Conditional Use Permit. Initial application for a Conditional Use Permit for a Home Occupation Type B shall require a public hearing.

(A) *Application:* The application process shall be the same as for other Conditional Uses under this Zoning Code.

(B) *Regulations:* A Conditional Use Permit for a Home Occupation Type B in any residential district may be granted if all of the following regulations are met:

(i) General:

- (1) The use is compatible with the residential use of the property and the surrounding residential uses.
- (2) The retail sales of products or goods, particularly products or goods produced on the premises, may be permitted by the Planning Commission provided that such merchandise or goods are specified and approved as a part of the application for the Permit, and provided that the Planning Commission determines that such retail sales will not become a detriment to or have an adverse impact on the existing residential character of the lot or neighborhood.

(ii) *Employees:* The use is owned or conducted by residents of the dwelling unit in which it is located and employs not more than two employees who are not residents of the dwelling or unit.

(iii) Area:

- (1) The use is conducted within the dwelling, and any space used for sales, service or production does not occupy more than 25 percent of the ground floor area of the dwelling unit.
- (2) Accessory structures may be used for storage of materials and equipment related to the use, provided that such buildings comply with setback and other requirements for accessory structures as contained in this UDO.
- (3) The use shall not constitute primary or incidental storage facilities for a business, industrial or agricultural activity conducted off the premises.

(iv) Exterior Appearance:

- (1) Alterations to the exterior appearance of any structure in connection with the use may be permitted by the Planning Commission provided that such alteration is specified and approved as a part of the application for the Permit, and provided that the Planning Commission determines that such alteration will not cause the premises to differ from its residential character, nor be inconsistent or incompatible with the normal scale, orientation or appearance of neighboring dwellings. No activity, materials, goods or equipment indicative of the use shall be visible from any public way or adjacent property.
- (2) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.

(v) Hours of Operation:

- (1) Depending upon the foreseeable impact the intensity of a particular use may have on the surrounding neighborhood, it is within the discretion of the Planning Commission to limit the operations of a particular use to certain operating hours as a condition of granting a Permit. Should Planning Commission fail to establish operating hours for the use, in no case shall the home occupation be open to on-site clients or customers earlier than 7:00 a.m., nor later than 7:00 p.m., excepting parties and meetings held for the purpose of selling merchandise or taking orders.
- (2) Parties or meetings within the dwelling for the purpose of selling merchandise or taking orders shall not be held more than four times each month.

(vi) Parking and Traffic:

- (1) Clients or customers shall not exceed 12 per day on average.
- (2) At least two off-street parking spaces shall be provided, unless this requirement is waived by the Planning Commission. No required parking shall be provided in any front yard, except for the driveway, which may be used to fulfill this requirement. There shall be no paving or modification of the front yard for parking purposes other than the customary space used for the driveway.
- (3) The use shall not generate a significantly greater volume of traffic than would normally be expected in a residential area. The number of deliveries, pick-ups, origin, or destination trips relating to the use shall not exceed five per day.
- (4) There shall be no merchandise or goods sold, or services rendered that require receipt or delivery of merchandise, goods or equipment other than by passenger motor vehicle, parcel delivery service, or U.S. mail service. No deliveries by tractor/trailer are permitted.

(vii) Environmental:

- (1) No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including visible or audible interference with radio and television reception or which cause fluctuation in line voltage off the premises.
- (2) The use shall not generate any solid waste or sewage discharge, in volume or in type, which is not normally associated with residential use in the neighborhood.
- (3) No highly explosive, toxic or combustible material shall be used or stored on the premises.

(viii) Other Applicable Laws or Regulations: The use may not involve any illegal activity; it shall be the homeowner's responsibility to ensure compliance with all applicable state and federal regulations.

(C) *Validity:* The Conditional Use Permit for the Home Occupation Type B may be issued for an initial period of one year and renewed for three year periods thereafter. Conditional Use Permits shall be specific to the owner of the Home Occupation and the dwelling or unit for which the Home Occupation is approved; they shall not be transferable to a subsequent owner of the designated dwelling or unit, nor shall they transfer with the owner to another location. A Home Occupation Type B shall terminate upon the dwelling no longer being used for such Home Occupation or upon the sale or change of ownership of such dwelling or land, or upon violation of any provisions of this Section.

(D) *Renewals:* The owner of the Home Occupation Type B is responsible for applying for renewals of the Conditional Use Permit. Upon application for renewal, the Zoning Inspector 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 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.

(E) *Revocations:* The following shall be considered as grounds for the revocation of a Home Occupation Conditional Use Permit at any time during the term of the Permit:

- (i) 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 Zoning Official.
- (ii) 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.
- (iii) 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.

(F) *Miscellaneous:*

- (i) In the case of a dwelling or unit that is part of a common interest ownership community (a community in which at least some of the property is owned in common by all of the residents) the provisions of this Section shall not be deemed to supersede any deed restrictions, covenants, agreements, master deeds, by-laws or

other documents that prohibit Home Occupations within dwellings or units in the community.

- (ii) The provisions of this Section shall not be construed as limiting in any manner the powers or authority of the City of Franklin to protect the health, safety and welfare of its residents, including the investigation and elimination of nuisances.

(m) Open-Sided Structures: Open-sided structures are subject to the following regulations:

(1) **Height:**

- (A) All open-sided structures shall be limited to one story.
- (B) The height to the top of the highest roof ridge beam, or to the highest point of any other roof form, from the finished floor may not exceed 15 feet.
- (C) If the structure is built on a mound, deck, or other elevated surface, the height of this elevated surface at its highest point above grade shall be added to the height of the structure to determine the overall height of the structure being measured.

(2) **Area:** The area of an open-sided structure may not exceed 200 square feet.

(3) **Materials:** All finished roof surfaces, except for flat roofs, shall be metal, seal-tab asphalt shingles, clay tile, slate or wood shingles. All other finish surfaces shall be either wood, brick, stone, screen or any combination thereof.

(4) **Location:** All such structures shall be located at least five feet from any lot lines of adjoining lots, and shall not occupy any easement.

(5) **Illumination:** Illumination of the structure exterior is prohibited. Illumination within the structure shall not exceed 70 foot candles measured at a horizontal plane three feet above the finished floor.

(n) Outdoor Dining: Outdoor dining areas may be permitted as an accessory use to a restaurant or similar use in the Downtown Districts, as approved by the city manager or their designee. The location of the outdoor dining area shall not interfere with pedestrian movement on any sidewalk or walkway by providing a clear sidewalk or walkway of at least four feet in width (considering the location of chairs when being used). Outdoor dining areas may be covered with a roof, trellis, or pergola; or may be closed permanently or temporarily to protect against the weather if approved by the city manager or their designee.

(o) Outdoor Retail and Display: Outdoor retail and/or display areas may be permitted as an accessory use to a retail store or similar use as approved by the city manager or their designee. The placement of merchandise shall not interfere with pedestrian movement on any sidewalk or walkway by providing a clear sidewalk or walkway of at least four feet in width. The placement of merchandise shall also not interfere with vehicular circulation or be located on any landscaped area.

(p) Outdoor Storage: Outdoor storage is subject to the following regulations:

(1) **Commercial Districts:** Outdoor storage areas shall be paved with a hard durable surface, be located only in the rear yard, and shall be screened on all sides with an opaque fence or wall that is six feet in height.

(2) **Industrial Districts:**

(A) Industrial uses that are allowed outdoor storage shall not have any material stored above a height of 20 feet. No storage shall be allowed within the front yard. All outdoor storage shall be enclosed by a fence not less than six feet and not more than 10 feet in height. Within areas of open storage, fire lanes shall be provided as required by the Fire Chief.

(B) No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground except in a light or heavy industrial district. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.

- (C) All outdoor storage of raw materials shall be contained by an enclosure, fence or wall in a manner to prevent transfer from the lot of said materials by wind, flood or natural causes or forces.
 - (D) When adjacent to a residential zoning district or a residential use, all outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence, wall or planting to conceal such facilities.
 - (E) No garbage shall be deposited upon a lot in such form or manner that it may be transferred from the lot by wind, flood or natural causes or forces. All garbage that might cause fumes or dust, constitute a fire hazard or be edible or attractive to rodents or insects, shall be stored outdoors only in closed containers constructed of impervious material.
- (q) Parking Area: A parking area may be permitted as a principally permitted use or an accessory use in the Downtown Districts. The purpose of the parking area shall be to serve the property on which it is located, adjacent parcels, and/or to provide parking for the entire downtown Franklin area.
- (r) Parking Garage: A parking garage may be permitted as a principally permitted use or an accessory use in the Downtown Districts. The purpose of the parking garage shall be to serve the property on which it is located, adjacent parcels, and/or to provide parking for the entire Downtown Franklin area.
- (s) Parking of Recreational Vehicles and Watercraft: Parking of recreational vehicles and watercraft is subject to the following regulations:
- (1) **Long-Term Parking**:
 - (A) Subject to the other provisions of this Section, all recreational vehicles, watercraft and recreational trailers located on a residential lot for longer than 24 hours in any 30 day period must be parked within a fully enclosed permanent structure.
 - (B) No more than one recreational vehicle, watercraft and/or recreational trailer may be located at one time on a single residential lot outside of an enclosed structure for longer than 24 hours in any 30 day period.
 - (C) Recreational vehicles, watercraft and recreational trailers parked outside of an enclosed structure for longer than 24 hours in any 30 day period must be located in the rear yard of the property, with all wheels situated on a paved parking surface, and screened from public view with opaque fencing which is a minimum of six feet tall.
 - (2) **Short-Term Parking**: Recreational vehicles, watercraft and recreational trailers may be parked for a maximum of 24 hours in any 30 day period on a paved driveway or street abutting the front yard of a residential lot, with the residential property owner's permission (provided such street parking complies with all other applicable parking regulations and does not create a hazard for vehicular or pedestrian traffic).
 - (3) **Improvements**: No recreational vehicle, watercraft or recreational trailer shall be parked in any manner on a residential lot which is not improved with a principal building.
 - (4) **Habitation/Guest Occupancy**: A recreational vehicle, watercraft or recreational trailer may not be used for overnight sleeping or living while parked in a residential zoning district, unless the recreational vehicle, watercraft or recreational trailer is parked on a residential lot in compliance with Section 1345.10(c), with the permission of the owner or occupant in charge of the residential real property, and such use of the recreational vehicle, watercraft or recreational trailer does not exceed, 72 hours in any 30 day period.
 - (5) **Storage**: No parked recreational vehicle, watercraft or recreational trailer shall be used as a means of permanent storage for any materials the (excepting items customarily used in connection with the use of a recreational vehicle, watercraft or recreational trailer, including but not limited to dishes, linens, and other items used in the course of recreational travel).
 - (6) **Registration**: All recreational vehicles and recreational trailers shall be operable and have borne valid registration and licenses within the most recent 12 month period. All watercraft shall be operable and have been registered within the most recent 12 month period. Operable in the case of

a powered vehicle means a vehicle capable of being started and driven from the location in question. Operable in the case of a non-powered or waterborne vehicle means a vehicle capable of being safely towed from the location in question.

(7) **Maintenance/Condition:** All recreational vehicles, watercraft or recreational trailers parked in a residential zoning district shall be maintained in good condition and repair. An inadequately maintained recreational vehicle, watercraft or recreational trailer which is not parked in a fully enclosed structure may be removed from residential premises by the City, when the vehicle, watercraft or trailer is in a state of disrepair and apparently inoperable; provided, the City has first given written notice to the owner of the associated residential real property of the inadequate condition of the vehicle, watercraft or trailer and a reasonable opportunity to remove the vehicle, watercraft or trailer from the premises.

(8) **Safety:** No recreational vehicle, watercraft or recreational trailer shall be parked in any manner which is unsafe or otherwise poses a hazard to the safety of real or personal property. Recreational vehicles, watercraft and recreational trailers parked in a manner which poses a safety concern or hazard may be immediately removed by the City with or without prior notice to the owner of residential real property on which, or abutting the area where, the vehicle, watercraft or trailer is parked.

(t) Pick-Up Window for Retail or Restaurant Use: Pick-up windows for retail or restaurant uses are subject to the following regulations:

- (1) All pick-up areas, including but not limited to stacking lanes, trash receptacles, window openings, and other objects associated with the pick-up window shall be located in the side or rear yard of the property, and shall not cross, interfere with, or impede any public right-of-way.
- (2) Audible electronic devices such as loudspeakers and similar instruments shall not be permitted.
- (3) Pick-up windows for retail or restaurant uses are subject to the vehicle stacking requirements of Table 1111.07-2: Required Number of Stacking Spaces.

(u) Playground Equipment: Playground equipment must be set back from all adjacent residential properties a minimum of 25 feet.

(v) Solar Panels, Roof-Mounted: Roof-mounted solar panels are subject to the following regulations:

- (1) Roof-mounted solar panels are permitted on the roof of any principally permitted structure and are permitted on the roof of any accessory structure over 100 square feet in area.
- (2) Roof-mounted solar panels, on pitched roofs, shall be flush-mounted to the roof and shall not extend higher than the top ridgeline of the roof in which they are located.
- (3) Roof-mounted solar panels on flat roofs shall not project more than six feet above the rooftop structure, and shall not exceed the maximum height allowance in the zoning district in which they are located.
- (4) Roof-mounted solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto other properties or roadways in the vicinity.

(w) Storage Structure: Storage structures are subject to the following regulations:

(1) **Residential and Agricultural Uses:**

- (A) Storage structures shall be located in the rear yard only and shall be set back a minimum of three feet from the side and rear property lines.
- (B) Maximum height is 15 feet, except for lots over two acres where the maximum height is 20 feet. In no case shall a storage structure exceed the maximum height of the principal building.
- (C) A maximum of two storage structures are permitted per lot.
- (D) The cumulative size of the storage structures shall not exceed 20 percent of the footprint of the square footage of the principal building. For lots over two acres, the cumulative size of

the storage structures shall not exceed the square footage of the footprint of the principal building.

(2) Commercial and Industrial Uses:

- (A) Storage structures shall be located in the rear yard only and shall be set back a minimum of three feet from all side and rear property lines.
- (B) Maximum height is 20 feet. In no case shall a storage structure exceed the maximum height of the principal building.
- (C) A maximum of two storage structures are permitted per lot.
- (D) The cumulative size of all storage structures on a property shall not exceed 35 percent of the square footage of the footprint of the principal building.

(3) Public and Institutional Uses:

- (A) Storage structures shall not be located in the front yard setback and shall be set back a minimum of three feet from all side and rear property lines.
- (B) Maximum height is 15 feet.
- (C) A principal building is not required in this district to construct a storage structure when the structure is to be used in conjunction with a recreation, parks, open space, or other similar use that may not require a principal building.

(x) Swimming Pools and Hot Tubs, Private: Private swimming pools and hot tubs shall be subject to the following regulations:

(1) Location, Area, and Height:

- (A) All hot tubs shall be located within the buildable area. In the event a proposed hot tub has more than 150 square feet of area on the water surface when filled to capacity, all regulations for swimming pools shall apply.
- (B) All swimming pools or parts thereof shall be located in the rear yard, shall be at least ten 10 feet (10') from the side or rear line of the lot or parcel upon which it is situated, and shall be at a distance 10 feet greater than the building setback line as fixed by the UDO from any street on which such lot or parcel abuts. The area of the swimming pool proper, including decks, walks and other appurtenances, shall not exceed the percentage of lot area specified in Section 1107.19(a)(4).
- (C) Swimming pool accessories are limited to diving boards, slides and lights designed to illuminate the pool and the immediate surrounding area. None of these accessories may exceed 10 feet in height, such height to include rails, supports and other safety devices, and may not cover a ground surface area in excess of 30 square feet.

(2) Fences or Barriers:

- (A) Every swimming pool shall be completely enclosed by a fence or barrier of sturdy construction not less than 48 inches in height, measured from the level of the ground where located, which shall be of such design and construction as to effectually prevent a child from crawling or otherwise passing through or under such fence. Each gate in such fence or barrier shall be provided with a self-latching gate. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier shall be permitted to be at ground level, such as the pool structure, or mounted on top of the pool structure. No part of any fence shall be located between the building setback line and the street on which the lot or parcel abuts.
- (B) A variance may be requested to make exceptions to, or modifications of, the requirements of this paragraph for fences in cases in which, in Appeals Board's opinion, such requirements are not essential to safety and the enforcement thereof would place undue hardships on the owners.

- (3) **Lights:** All lights used for illuminating a swimming pool, hot tub or the surrounding areas shall be so designed, located and installed as to confine the direct beams thereof to the lot or parcel on which the pool or hot tub is located, and so as not to constitute a nuisance or undue annoyance to occupants of abutting property.
- (4) **Drainage:** Provisions shall be made for drainage of the swimming pool into a public storm sewer where possible or sanitary sewer, in which case drainage may be into such ditch or watercourse. Permission must be obtained from the Zoning Official before the swimming pool is drained in whole or in any substantial amount, in order to prevent overloading the sewer or ditch in times of heavy rain. In no case shall the swimming pool be drained, directly or indirectly, into any street or onto any neighboring property which is not owned by the pool owner.

HISTORY

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