



# LEGISLATIVE COVER MEMO

---

**Introduction:** March 4, 2024

**Public Hearing:** March 18, 2024

**Effective Date:** April 17, 2024

**Agenda Item:** **Ordinance 2024-02**

AMENDING SECTIONS 1103.01, 1107.07, AND 1115.10 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

**Submitted by:** Jonathan Westendorf, City Manager

**Scope/Description:** The Ordinance proposes various amendments to Section 1103.01 and 1107.07 that would allow for the use “Essential Services and Utilities, City Owned” to be permitted in each zoning district and exempt such essential services and utilities from the application of the UDO.

Planning Commission unanimously recommended approval of the text amendments to Council during its February 14, 2024 meeting.

The Ordinance also proposes various amendments to Section 1115.10 of the Uniform Development Code, governing Appeals Board (BZA) zoning procedures and approvals. Many of the amendments remedy grammatical errors, and maintain consistency of terms and language used throughout Section 1115.10. More substantive changes appear in subsections 1115.10(d)(7) and (e)(3)(E). These provisions state: (i) an Appeals Board decision becomes a final appealable order immediately following the Appeals Board’s oral decision vote; and (ii) the oral decision will be reduced to writing and transmitted to the involved applicant within thirty (30) days of the date of the public meeting during which the vote was rendered.

Planning Commission unanimously recommended approval of the text amendments to Council during its January 10, 2024 meeting.

**Exhibits:** Exhibit A: Sections 1103.01 and 1107.07 of the UDO

Exhibit B: Section 1115.10 of the UDO

CITY OF FRANKLIN, OHIO  
ORDINANCE 2024-02

**AMENDING SECTIONS 1103.01, 1107.07, AND 1115.10 OF  
THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE**

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 Section 1103.01 and 1107.07 of the UDO during a public meeting of Planning Commission held on February 14, 2024;

WHEREAS, Planning Commission reviewed the proposed text amendments during its February 14, 2024 meeting and recommended that City Council approve the text amendments in the same form attached as Exhibit A to this Ordinance; and

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 Section 1115.10 of the UDO during a public meeting of Planning Commission held on January 10, 2024;

WHEREAS, Planning Commission reviewed the proposed text amendments during its January 10, 2024 meeting and recommended that City Council approve the text amendments in the same form attached as Exhibit B to this Ordinance; and

WHEREAS, City Council finds it to be in the best interests of the City and its residents to adopt Planning Commission’s recommendation and amend Sections 1103.01, 1107.07, and 1115.10 of the UDO in accordance with Exhibit A and Exhibit B.

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 Sections 1103.01, 1107.07 of the City’s Codified Ordinances, and Sections 1103.01 and 1107.07 are hereby amended as set forth in the attached Exhibit A.

Section 2. Council hereby adopts Planning Commission’s recommendation to amend Section 1115.10 of the City’s Codified Ordinances, and Section 1115.10 is hereby amended as set forth in the attached Exhibit B.

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: March 4, 2024

ADOPTED: March 18, 2024

ATTEST: \_\_\_\_\_  
Khristi Dunn, Clerk of Council

APPROVED: \_\_\_\_\_  
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 2024-02 passed by City Council on March 18, 2024.

---

Khristi Dunn, Clerk of Council

**APPROVED AS TO FORM:**

---

Ben Yoder, Law Director

"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.

"Engineer." A PERSON licensed by the State of Ohio and registered as a professional engineer under ORC 4733.

"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 and comprise a part of the use group B, F-1 or F-2 of the Ohio Building Code.

"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.

Fences & Walls**	See Section 1113.05(h)			—	—	—
Gazebos	—	—	5	5	—	—
Swimming Pools	—	—	10	10	—	—

‡ Amount shown in square feet per family dwelling unit, unless modified by Planning Commission. \* If parking is in setback, buffering may be required. \*\* See special requirements for corner lots. ^ Must meet occupancy requirements of the Property Maintenance Code or Building Code.

**TABLE 5: Uses in the Residential and Agricultural Districts**

Type of Use	Residential Districts				
	R-1	R-2	R-3	R-4	A-1
<b>Residence or Accommodation</b>					
Adult Family Home	P	P	P	P	P
Adult Group Home			C	C	C
Assisted Living & Life Care				C	
Antennas & Towers	A	A	A	A	A
Bed and Breakfast	C	C	C	C	C
Certified Foster Home	P	P	P	P	P
Decks, Patios & Porches	A	A	A	A	A
Detached Garages & Sheds	A	A	A	A	A
Dish Antenna	A	A	A	A	A
Dwelling, Multifamily				P	
Dwelling, Zero-Lot Line				P*	
Dwelling, Single Family	P	P	P	P	P
Dwelling, Three-Family				P	
Dwelling, Two Family			P	P	
Elderly Housing	C	C	C	C	C
Family Home for the Disabled	P	P	P	P	P
Fences	A	A	A	A	A
Fences, Barbed-Wire	A^	A^	A^	A^	
Fences, Electric	A []	A []	A []	A []	A

Foster Family Home for the Disabled	P	P	P	P	P
Home Occupation A	A	A	A	A	A
Home Occupation B	C	C	C	C	C
Gazebos	A	A	A	A	A
Group Home for Disabled Persons			C	C	C
In-Law Suites	C	C	C	C	C
Private Swimming Pools	A	A	A	A	A
Residential Treatment Facility				C	C
Skilled Nursing Facility				C	C
<b>Education, Public Admin, Health Care and Other Institutional Uses</b>					
Cemeteries Mortuaries				C	C
Churches, Parish and Convents	C	C	C	C	C
Colleges and Universities				C	C
Community Centers	C	C	C	C	C
Day Care Centers	C	C	C	C	C
Elementary Schools				C	C
<u>Essential Services and Utilities, City Owned</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Junior and Senior High Schools				C	C
<b>Arts, Entertainment and Recreation</b>					
Commercial Recreation	C	C	C	C	C
Public Recreation	P	P	P	P	P
<b>Agriculture, Forestry, Fishing and Hunting</b>					
Agriculture					P
Farm Markets					P
<b>Transportation, Communication, Information and Utilities</b>					
Landing Fields					C

Garages & Storage Sheds	—	—	3	3	—	—
Dish Antenna	Must be in rear yard			5	—	15 ft.
Fences**	See Section 1113.05(h)			—	—	6 ft.
Fences, Barbed-Wire	See Section 1113.05(h)			—	—	—
Gazebos	—	—	5	5	—	—
Swimming Pools []	—	—	10	10	—	—

\* No minimum lot size, but must meet all other requirements. † When a building is more than 25 feet in height, an additional foot of rear yard is required for each additional 2 feet in height. Any building that exceeds maximum height shall only be allowed as a conditional use. ^ Setbacks may be needed to meet the landscaping and parking requirements of this UDO. \*\* See special requirements for corner lots. ^^ Must be at least six feet from ground. [] Private, Accessory to Principal Use only.

**TABLE 7: Uses in the Commercial Districts**

Type of Use	Commercial District		
	C-1	C-2	
<b>General Sales or Services</b>			
Antennas & Towers	A	A	
Bar, Lounge, Tavern	P		
Business Professional	P	P	
Business Retail	P	P	
Business Services	C	C	
Clubs, Private or Membership	P	P	
Commercial Training	P	P	
Consumer Retail	P	C	
Convenience Food Store	P	C	
Decks, Patios & Porches	A	A	
Detached Garages & Storage Sheds	A	A	
Dish Antenna	A	A	
Drive-Thru Retail	P	C	
Fast Food Restaurants	P		
Fences	A	A	

Fence, Barbed-Wire	A	A	
Fence, Electric	C	C	
Food Related Retail	P	P	
Food Service/Catering	P	P	
Gasoline Service Station	C	C	
Gazebos	A	A	
General Retail	P	C	
Grocery Food and Beverage	P	C	
Health and Personal Care	P	P	
Hospitals	P		
Hotels and Motels	P		
Large Format Retail	C		
Medical and Health Related Offices	P	P	
Medical Center/Clinic	P	P	
Mortuaries	P		
Motor Vehicle Oriented Business	C	C	
Outdoor Retail/Display	A	A	
Personal Service	P	P	
Restaurants	P	C	
Secondhand Dealers	P		
Skilled Nursing Facility	P	P	
Small Loan Operations*	C	C	
Swimming Pools^^	A	A	
Vape, Tobacco, or Hookah Store			
Variety Store or Price-Point Retailer	C	C	
Vehicle Dealer	C	C	
Smoking and Hookah Bars	C	C	
Vehicle Repair Services	C	C	
Veterinary Services	C	C	
<b>Arts, Entertainment, and Recreation</b>			
Commercial Entertainment	P	C	
Commercial Recreation	C	C	
Public Recreation			
<b>Education, Public Administration, Health Care &amp; Other Institutional Uses</b>			



Churches	P	P	
Cultural/Community Facilities	P	P	
Day Care Centers	C	C	
Elementary Schools	C	C	
<u>Essential Services and Utilities, City Owned</u>	<u>P</u>	<u>P</u>	<u>P</u>
Junior and Senior High Schools	C	C	
Colleges and Universities	C	C	
Health Care and Human Services	C	C	
<b>Residence or Accommodation</b>			
Dwelling, Single-Family			
Dwelling, Zero-Lot Line			
Upper Floor Dwelling Units		C	

P=Permitted Use, C=Conditional Use, A=Accessory Use, \* Limited to one per 4,000 residents  
 ^ Not prohibited if use is governmental or institutional function; permit required. [] Not prohibited if use is governmental or institutional function; conditional use permit required. ^^ Private, Accessory to Primary Use. \*\* Zero Lot Line Dwellings shall only be permitted in the R-4 District as part of an approved PUD or PRCD.

(Ord. 2009-12. Passed 7-6-09; Ord. 2010-05. Passed 3-1-10; Ord. 2011-06. Passed 4-4-11; Ord. 2011-07. Passed 4-4-11; Ord. 2013-09. Passed 6-17-13; Ord. 2013-18. Passed 11-4-13; Ord. 2014-01, Passed 3-17-14; Ord. 2014-17. Passed 1-5-15.)

**SECTION 4:            AMENDMENT** “1107.04 Office Districts” of the City of Franklin Municipal Code is hereby *amended* as follows:

AMENDMENT

1107.04 Office Districts

- (a) O-I: Office and Institutional: The intent of the Office and Institutional District is to encourage the orderly development of office and institutional uses within the same district with consideration of the similar characteristics these uses share, including location, parking requirements, traffic and accessibility. Development standards of this District are intended to provide compatibility with and protection to surrounding residential properties.
- (b) O-RF: Research Park: The intent of the Research Park District is to provide for and encourage the orderly development of a variety of light manufacturing, technology-based industries, research and development and office uses that are established in a campus-like setting, with landscaping and architectural amenities that create a sense of

Dish Antenna	Must be in rear yard			5	—	15 ft.
Fences**	—See Section 1113.05(h)			—	—	6 ft.
Fences, Barbed-Wire	—See Section 1113.05(h)			—	—	^^
Gazebos	—	—	5	5	—	—
Swimming Pools[]	—	—	10	10	—	—

\* No minimum lot size, but must meet all other requirements.

‡ Unless otherwise approved by the Planning Commission.

† When a building is more than 25 feet in height, an additional foot of rear yard is required for each additional 2 feet in height. Any building that exceeds maximum height shall only be allowed as a conditional use.

^ Setbacks may be needed to meet the landscaping and parking requirements of this UDO.

\*\* See special requirements for corner lots.

^^ Must be at least six feet from ground.

[] Private, Accessory to Principal Use only.

**TABLE 9: Uses in the Office Districts**

Type of Use	Office District		
	O-I	O-S	O-RP
<b>General</b>			
Accessory Facilities		A	A
Ancillary Offices	A	A	A
Antennas & Towers	A	A	A
Business Professional	P	P	P
Business Retail	C	P	C
Commercial Training	C		
Corporate Headquarters	C	P	P
Decks, Patios & Porches	A	A	A
Detached Garages & Storage Sheds	A	A	A
Dish Antenna	A	A	A
Environmental Sciences	C		P
Fences	A	A	A
Fence, Barbed-Wire	A	A	A^
Fence, Electric	C	C	A^^
Gazebos	A	A	A

Health and Personal Care	P	P	C
Hospitals	P	C	C
Hotels and Motels	C	P	C
Information Technology	C	C	P
Laboratories	C	C	P
Life Sciences			P
Material Sciences			P
Medical Center/Clinic	C	P	C
Medical and Health Related Offices	P	P	C
Personal Service	C	P	
Restaurants		P	
Research and Development Facilities		P	P
Support commercial uses		A	A
Swimming Pools[]	A	A	A
<b>Arts, Entertainment and Recreation</b>			
Commercial Entertainment			
Commercial Recreation			
Public Recreation	P	C	C
<b>Education Public Administration, Health Care &amp; Other Institutional Uses</b>			
Churches	P		
Cultural/Community Facilities	P		C
Day Care Centers	C	P	C
Elementary Schools	P		
<u>Essential Services and Utilities, City Owned</u>	<u>P</u>	<u>P</u>	<u>P</u>
Junior and Senior High Schools	P		
Colleges and Universities	P		C
Health Care and Human Services	P	P	

P=Permitted Use, C=Conditional Use, A= Accessory Use, ^ Only permitted if the use on the property is a governmental or institutional function; permit required. ^^ Only permitted if the use on the property is a governmental or institutional function; conditional use permit required.  
[] Private, Accessory to Principal Use only.

(Ord. 2009-12. Passed 7-6-09; Ord. 2010-05. Passed 3-1-10; Ord. 2013-18. Passed 11-4-13; Ord. 2014-01, Passed 3-17-14.)

Decks, Patios & Porches	—	10	5	5	—	—
Detached Garages & Storage Sheds	—	—	3	3	—	—
Fences**	See Section 1113.05(h)			—	—	6-10 ft.
Fences, Barbed-Wire	See Section 1113.05(h) line			—	—	—
Gazebos	—	—	5	5	—	—
Swimming Pools^^	—	—	10	10	10	—

\* No minimum lot size, but must meet all other requirements. † When a building is more than 45 feet in height, an additional foot of rear yard is required for each additional 2 feet in height. Any building that exceeds maximum height shall only be allowed as a variance. \*\* See special requirements for corner lots. ^ Must be at least six feet from ground. ^^ Private, Accessory to Principal Use Only.

**TABLE 11: Uses in the Industrial Districts**

Type of Use	Industrial District	
	I-1	I-2
Alcohol and Drug Addiction Treatment Facilities	C	C
Ancillary Offices	A	A
Antenna & Towers	A	A
Business Services	P	P
Decks, Patios & Porches	A	A
Detached Garages & Storage Sheds	A	A
Dish Antenna	A	A
Distribution Center	C	P
<u>Essential Services and Utilities, City Owned</u>	<u>P</u>	<u>P</u>
Fences	A	A
Fence, Barbed-Wire	A	A
Fence, Electric	C	C
Fulfillment Center	P*	P*
Gazebos	A	A

Gasoline Service Stations	C	C
General Industry		P
Light Industry	P	P
Real Property Services	P	P
Research and Development Facilities	P	P
Self-Service Storage Facility or Mini-Warehouse	C	C
Sexually Oriented Businesses	C	C
Swimming Pools ^^	A	A
Transportation, Communication, Utility	P	P
Vehicle Repair Service	C	C
Warehouse (secondary use)	P*	P*
Warehouse (primary use)		C

P=Permitted Use, C=Conditional Use, A=Accessory Use, ^^ Private, Accessory to Principal Use Only

(\*) Indicates permitted uses that have additional use-specific standards.

(a) Additional Use Regulations: The following additional standards shall apply to uses listed in table 11.

(1) Distribution Center: In any zoning district in which this use is a conditional or permitted use, all these conditions shall apply:

- (A) 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.
- (B) Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.
- (C) 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.
- (D) No junk, inoperative, or unlicensed automobiles, or parts, shall be permitted on the property.
- (E) No outdoor storage of any material or waste shall be permitted on site.

(2) Fulfillment Center: In any zoning district in which this use is a conditional or permitted use, all these conditions shall apply:

- (A) 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.
- (B) Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.

- (C) Fleet vehicle parking areas shall be screened by landscaping along all sides visible from the public right of way and from adjoining residential property.
- (D) No junk, inoperative or unlicensed automobiles, or parts shall be permitted on the property.
- (E) No outdoor storage of any material or waste shall be permitted on site.
- (3) Warehousing (Primary Use): In any zoning district in which this use is a conditional or permitted use, all these conditions shall apply:
  - (A) 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.
  - (B) 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.
  - (C) No outdoor storage of any material or waste shall be permitted on site.
- (4) Warehousing (Secondary Use): In any zoning district in which this use is a permitted secondary use, all these conditions shall apply:
  - (A) Warehousing is allowed as a secondary use to retail, manufacturing, or industrial uses on the same property.
  - (B) Secondary warehousing shall not exceed 35% of the total building area, unless specifically approved by Planning Commission.
  - (C) No trailer, camper, manufactured housing unit, modular office trailer or industrialized units shall be used on the property for any purpose without Planning Commission approval, except related to construction work that requires an active building permit.

(Ord. 2009-12. Passed 7-6-09; Ord. 2013-18. Passed 11-4-13; Ord. 2014-01. Passed 3-17-14; Ord. 2015-11. Passed 7-6-15; Ord. 2017-01. Passed 2-6-17.)

**SECTION 6:**            **AMENDMENT** “1107.07 Parks And Recreation District” of the City of Franklin Municipal Code is hereby *amended* as follows:

#### AMENDMENT

##### 1107.07 Parks And Recreation District

- (a) Parks and Recreation District: The Parks and Recreation District is a special purpose zoning district intended to designate and protect lands dedicated to the public or open to public use for no fee or for
- (b) private parks and event centers. The purpose of this District is to preserve and enhance such major open space and public and private recreational, educational, cultural and aesthetic areas by protecting the natural amenities they possess.
- (c) Permitted Uses: Permitted uses in the Parks and Recreation District include:

- (1) Public parks and recreation facilities;
  - (2) Private Recreational Facilities and Private Park and Event Center;
  - (3) Nature preserves, hiking trails, bike trails, and wildlife areas;
  - (4) Ball fields, swimming pools, other public athletic fields;
  - (5) Public boat launches and anchoring places;
  - (6) Parking facilities associated with any of the above-listed uses;
  - (7) Restroom facilities or other amenities associated with any of the above listed uses; **and**
  - (8) **Essential Services and Utilities, City Owned; and**
  - (9) And public uses deemed to by a similar use in accordance with section 1115.10(d).
- (d) **Accessory Uses:** Accessory Uses in the Parks and Recreation District include:
- (1) Fences - An accessory use permit is required except where the use is provided by a governmental entity.
  - (2) Barbed-Wire Fences - An accessory use permit is required.
  - (3) Accessory Structures
- (e) **Development Standards:**
- (1) Playground equipment must be set back from all adjacent residential lots a minimum of twenty-five feet (25').
  - (2) Building setbacks shall be:
    - (A) Front - Twenty-five feet (25');
    - (B) Rear - Forty feet (40');
    - (C) Side/Total - Ten feet/Twenty-five feet (10':25').
  - (3) Swimming pools must be at least ten feet (10') from any adjacent residential property and must meet the requirements of section 1113.05(k).
  - (4) For Private Recreational Facilities and Private Park and Event Center, one RV hookup per every five (5) acres may be provided for Administrative purposes.
  - (5) More than one main/primary/principal building is permitted per lot in the PAR, Parks and Recreation District, if approved by Planning Commission on a Major Site Plan.

(Ord. 2009-12. Passed 7-6-09; Ord. 2013-18. Passed 11-4-13; Ord. 2014-01. Passed 3-17-14.)

**SECTION 7:            AMENDMENT “1107.11 Downtown Districts” of the City of Franklin Municipal Code is hereby *amended* as follows:**

#### AMENDMENT

##### 1107.11 Downtown Districts

- (a) Intent: The intent and purposes of the Downtown Districts are to implement the vision and recommendations of the Downtown Franklin Master Plan as follows:
- (1) DC-1: Downtown Core District: The intent of the DC-1 Downtown Core District is to promote a mixed use traditional downtown center that is a destination within the region for culture, dining, shopping, and gathering.
  - (2) MU-1: Mixed Use District: The intent of the MU-1 Mixed Use District is to

use is located, provided that the following requirements are met:

- (A) If an existing use is voluntarily discontinued for 6 months or more, any future use of the property shall be in conformity with this code.
  - (B) Expansion of uses within existing structures shall be permitted on the property provided that at least one of the permitted uses under the prior zoning has been operated continuously in an existing structure, and/or associated use areas on the property, within the 12 months prior to the rezoning of the property.
  - (C) Once a use that complies with this code is established on a lot or parcel, and all existing uses have been abandoned or voluntarily discontinued, no unpermitted use may be re-established
- (3) Multiple Buildings on a Lot: Within the downtown districts, lots may include more than one principal building if approved as part of a major site plan application.
- (4) Use Table: Table 13 lists the uses that are permitted or conditionally permitted within each of the designated Downtown Zoning Districts

<b>Table 13: Uses in the Downtown Districts</b>						
<b>Use</b>	<b>DC-1 Downtown Core</b>	<b>MU-1 Mixed Use</b>	<b>RMU Riverfront Mixed Use</b>	<b>CV-1 Civic</b>	<b>TN-1 Transitional Neighborhood</b>	<b>Additional Standards</b>
<b>Residential Uses</b>						
Adult Family Home					C	
Adult Group Home					C	1113.01(e)(16)
Assisted Living & Life Care					C	1113.01(e)(2)
Certified Foster Home					C	
Dwelling, Single Family					P	
Dwelling, Two Family					P	
Dwelling,						



Three Family					P	
Dwelling, Multi-Family			C		C	
Dwelling, Upper Floors	P		P		C	1107.11(b)(5) (C).11(b)(5) (B)1107.11(b)(5) (A)
Dwelling, Row House			C		P	Y
Dwelling, Live/Work	P				P	Y
Elderly Housing					C	1113.01(e)(12)
Family Home for the Disabled					C	
Foster Family Home for the Disabled					C	
Group Homes for the Disabled					C	1113.01(e)(16)
Residential Treatment Facility					C	1113.01(e)(27)
<b>Public &amp; Institutional Uses</b>						
Churches	C	C	C	C	C	
Colleges &		C		C		1113.01(

Universities						e)(30)
Community Centers		C		C		1113.01(e)(8)
Cultural/Community Facilities			C	C		
Day Care Centers				C	C	
<u>Essential Services and Utilities, City Owned</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Elementary Schools				C		1113.01(e)(30)
Government Facilities				P		
Health Care & Human Services				C		1113.01(e)(17)
Junior & Senior High Schools				C		1113.01(e)(30)
Public Indoor Recreation	C		P	P		
Public Outdoor Recreation	C	P	P	C		
Public Parks and Open Space	P	P	P	P	P	
Public Plazas/Gathering/Eating	P	P	P	P		

ing Areas						
<b>Commercial Uses</b>						
Bar, Lounge, & Tavern	P	P	P			
Bed and Breakfast	C		C		C	1113.01(e)(4)
Breweries, Distilleries, Cideries, & Wineries (nano, brewpub, and micro)	P	P	P			
Business Incubation	C	P	C	C		
Business Professional	P	P	P	P	C	
Clubs, Private or Membership						
Commercial Entertainment	C	C	C			1113.01(e)(7)
Commercial Recreation (indoor and outdoor)	C	C	C			1113.01(e)(26)
Commercial Training		C		C		
Consumer Retail	P	P	P			
Co-working	C	P	C	C		

Facility						
Food Related Retail	P	P	P			
General Retail	P	P	P			
Grocery Food & Beverage	C	P				1113.01(e)(29)
Health & Personal Care	C	P	C	C		
Hotels	C	C			C	1113.01(e)(18)
Makerspace	P	P	P	P		
Medical & Health Related Offices	C	P	C	C	C	1113.01(e)(23)
Medical Center/Clinic		C				
Mixed Uses	P	P	P	P		
Personal Service	C	C	C			1113.01(e)(25)
Restaurants	P	P	P			
Secondhand Dealers	C					
Skilled Nursing Facility					C	1113.01(e)(32)
Smoking & Hookah Bars						
Vape, Tobacco, or Hookah						

Store						
<b>Accessory Uses</b>						
Accessory Use	A	A	A	A	A	1113.05
Accessory Structure	A	A	A	A	A	1113.05
Antennas and Towers	A	A	A	A	A	1113.05(e)
Decks, Patios, and Porches	A	A	A	A	A	1113.05(f)
Detached Garages & Sheds	A	A	A	A	A	1113.05(f)
Dish Antenna	A	A	A	A	A	1113.05(g)
Fences	A	A	A	A	A	1113.05(h)
Home Occupation A	A	A	A		A	1113.03
Home Occupation B	C	C	C		C	1113.03
Gazebos	A	A	A	A	A	1113.05(j)
In-Law Suites					C	1113.01(e)(19)
Outdoor Dining	A	A	A	A		Y
Outdoor Retail/Display	A	A	A	A		1107.11(b)(5) (G).11(b)(5) (F).11(b)(5) (D).11(b)

						)5)(E)
Parking Area	A	A	A	A	A	Y
Parking Garage	A	A	A	A		Y
Private Swimming Pools		A	A		A	1113.05(k)
<b>Temporary Uses</b>						
Carnivals and Circuses	T	T	T	T		705
Farm Markets	T	T	T	T		
Mobile Uses	T	T	T	T		1107.11(b)(5) (I)1107.11(b)(5) (H)
Special Events	T	T	T	T		

(5) **Additional Use Regulations**

- (A) Dwelling, Upper Floors: The purpose of this use is to allow upper floor dwelling units, where a ground floor non-residential use exists. Such dwellings are subject to the following:
- (i) Such dwelling units may not be located on the ground floor of the building.
  - (ii) Separate direct access to a ground floor entrance must be provided.
  - (iii) The proposed dwelling units must meet local fire safety requirements for the proposed use and level of occupancy.
  - (iv) The proposed use must meet all Ohio Building Code requirements.
  - (v) All upper floor dwelling units shall be provided parking spaces in accordance with the multi-family parking requirements contained in section 1111.07; excepting that parking may be provided by a satellite parking lot.
- (B) Dwelling, Live/Work: Live/work dwellings are permitted in DC-1 Downtown Core District subject to the ground floor being reserved for non-residential use that is permitted within the DC-1 District. The

### **1115.10 Approvals By The Appeals Board**

(a) **The** 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.

(b) **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:**

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

- (i) Each variance request shall include an application form, provided by the City, with the submittal;
- (ii) The **application shall contain the** name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
- (iii) **The application shall contain the** ~~L~~legal ~~D~~description of **the subject** property or portion thereof;
- (iv) **The application shall contain a** ~~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);
- (v) Payment of the application fee as established by section 1105.09; ~~and~~
- (vi) 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; ~~;~~ **and**
- (vii) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City; ~~;~~

(B) *Specific Submittal Requirements:* An application for a variance shall be accompanied by the following information:

- (i) Location and address of property that is the subject of the variance request;
- (ii) Description or nature of variance requested;
- (iii) Narrative statements establishing and substantiating the justification for the variance pursuant to the Standards for Approval for Variances;
- (iv) 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
- (v) 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:

- (A) 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.);
- (B) The special conditions or circumstances that exist did not result from the actions of the applicant;
- (C) There cannot be any beneficial use of the property without the variance;
- (D) The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures;
- (E) The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance;
- (F) 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;
- (G) The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup;
- (H) 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



- (l) 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 the 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 the 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.

(c) Changes in Nonconforming Uses:

(1) **Types of Changes:**

- (A) *Substitutions in Uses:* A substitution in the legal nonconforming use of a building, structure or land with another nonconforming use shall only be permitted upon the approval of the Appeals Board. A substitution of a legal nonconforming use that proposes interior or exterior building alterations may only make such alterations upon approval by the Appeals Board.
- (B) *Extensions or Enlargements:* An extension or enlargement of a legal nonconforming use of a building, structure or land, or of a legal nonconforming building or structure, or extension of a legal nonconforming use through addition of a conforming use shall only be permitted upon approval of the 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.
- (C) *Relocations:* A relocation of a use that is legally 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:**

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

- (i) Each request for change in a legal nonconforming use shall include an application form, provided by the City, with the submittal;
- (ii) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City;
- (iii) 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;
- (iv) The application shall contain the legal description of the subject property or portion thereof where the nonconforming use is located and, if applicable, the proposed new location;
- (v) Payment of the application fee as established by section 1105.09;
- (vi) The application shall contain 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
- (vii) The application shall contain 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).

(B) *Specific Submittal Requirements:* The application shall include:

- (i) Address and zoning classification of the subject property;
- (ii) Description of the existing and proposed substitute use, proposed extension or proposed new location;
- (iii) A narrative statement indicating how the substitution, extension or relocation meets the required standards;
- (iv) Extent of any proposed interior or exterior building alterations that are being requested; and
- (v) A list of the surrounding uses and zoning classifications).

**(3) Standards for Approval:**

(A) *Substitutions*: The Appeals Board may approve the substitution of a legal nonconforming use with another if it finds the following conditions are met:

- (i) The proposed use is substantially similar to the existing nonconforming use or another permitted use under the existing zoning district classification;
- (ii) The proposed use is equally or more appropriate to the zoning district in which the use is located;
- (iii) The proposed use will not have ~~no-greater~~ a detrimental impact on surrounding uses or properties than the existing use it proposed it replace;
- (iv) The proposed use will be designed, operated and maintained so as to minimize its impact on neighboring properties; and
- (v) 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.

(B) *Extensions or Enlargements*: The Appeals Board may approve the extension or enlargement of a legal nonconforming use if it finds the following conditions are met;

- (i) The proposed extension is reasonably necessary to allow the applicant to remain competitive with other similar uses;
- (ii) The proposed extension will not constitute a nuisance to surrounding existing or future uses or to the general public;
- (iii) The proposed extension will not have ~~no-greater~~ a detrimental impact on surrounding uses or properties;
- (iv) The proposed extension will be designed, operated and maintained so as to minimize its impact on neighboring properties; and
- (v) 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.

(C) *Relocations*: The Appeals Board may approve the relocation of a legal nonconforming use if it finds the following conditions are met:

- (i) 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;

- (ii) Relocating the nonconforming use will not constitute a nuisance to surrounding existing or future uses or to the general public in the new location;
- (iii) Relocating the nonconforming use will not have a detrimental impact on surrounding uses or properties in the new location;
- (iv) The proposed relocation will be designed, operated and maintained so as to minimize its impact on neighboring properties; and
- (v) 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 legal 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 Cchange in Use shall not be granted.

(d) 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 the Appeals Board:** Upon determination that an application contains all the necessary and required information, the Zoning Official shall place the application on the 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 and~~ 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 the 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 the public meeting. ~~The Appeals Board shall~~ approveing the application as submitted, approveing the application subject to additional conditions and restrictions which the Appeals Board deems reasonable and in the public interest ~~to which the owner has agreed~~, or denying ~~an~~ the application. Its The Appeals Board's decision shall require a majority vote of Appeals Board members present for the public meeting at which the application is considered, and the

decision shall take effect, and be considered a final appealable order, immediately following the Appeals Board's oral vote on the application. 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. ~~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.~~

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

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

(2) **Submittal Requirements**:

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

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

(B) *Specific Submittal Requirements*: The Zoning Official shall attach to the application for Appel 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 the Appeals Board from an administrative decision by the Zoning Official or the City Engineer:
- (A) Such appeal shall be made within twenty (20) days from the date of the action appealed from, by filing a notice of appeal with the Zoning Official.
  - (B) Upon the filing of the appeal, the Zoning Official shall give notice to the applicant(s) of the date of the meeting at which the Appeals Board will consider the appeal.
  - (C) The Appeals Board shall hear the application during a public meeting. ~~and either grant or deny the requested appeal.~~ Any party may appear in person or be represented by an agent or attorney for the hearing. ~~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.~~
  - (D) The Appeals Board may reverse or affirm wholly or partly, or modify, the order, requirement, decision or determination appealed from, and may make or impose such further order, requirement, decision or determination as the Appeals Board deems reasonable and in the public interest.
  - (E) The Appeals Board's decision shall require a majority vote of Appeals Board members present for the public meeting at which the application is considered, and the decision shall take effect, and be considered a final appealable order, immediately following the Appeals Board's oral vote on the application. 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.
- (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.~~