



LEGISLATIVE COVER MEMO

Introduction: April 18, 2022

Public Hearing: May 2, 2022

Effective Date: June 1, 2022

Agenda Item: **Ordinance 2022-12**

AMENDING CHAPTER 1103 DEFINITIONS, CHAPTER 1105 ADMINISTRATION, CHAPTER 1107 DISTRICTS AND LAND USE STANDARDS, CHAPTER 1109 OVERLAY DISTRICTS, CHAPTER 1113 USE REQUIREMENTS AND STANDARDS, AND CHAPTER 1115 PROCESS AND PROCEDURES OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

Submitted by: Barry Conway, City Engineer

Scope/Description: This Ordinance would amend the following provisions of the Unified Development Ordinance: Section 1103.01 Definitions, Section 1105.03(b)(1) Zoning Official, Section 1105.09 Fee Schedule, Section 1107.07(c)(3), Parks and Recreation District, Section 1109.01(f)(11), 1109.01(h)(2)(B)(iii), 1109.01(l)(1)(C), 1109.01(m)(2) Telecommunications Overlay District, Section 1113 Use Requirements and Standards "Table of Contents", Section 1113.01(e)(4)(B)(ii), 1113.01(e)(6)(A) Conditional Uses, Section 1113.03(c)(3)(B), 1113.03(d)(5)(B) Home Occupations, Section 1113.04(a), 1113.04(f) Nonconformities, Section 1113.05 "Heading", 1113(a),(b),(c) and (d), Adding 1113.05(l) Accessory Building and Uses, Section 1115.08(f)(3)(B) Site Plans and Section 1115.11(b) Approvals By The Zoning Official.

Vote Required for Passage: Per Section 4.12 of the City Charter, the passage, amendment, or rejection of this Ordinance requires the affirmative vote of not less than four members of the Council.

Exhibits: Exhibits A: 1103.01; B: 1105.03 & 1105.09; C: 1107.07; D: 1109.01; E: 1113; and F: 1115.08 & 1115.11.

Recommendation: These amendments originated at Planning Commission, which held a public hearing on the proposed changes at its April 13, 2022 meeting. At that meeting, Planning Commission voted unanimously (5-0) to recommend Council approve these amendments.

CITY OF FRANKLIN, OHIO
ORDINANCE 2022-12

AMENDING CHAPTER 1103 DEFINITIONS, CHAPTER 1105 ADMINISTRATION, CHAPTER 1107 DISTRICTS AND LAND USE STANDARDS, CHAPTER 1109 OVERLAY DISTRICTS, CHAPTER 1113 USE REQUIREMENTS AND STANDARDS, AND CHAPTER 1115 PROCESS AND PROCEDURES OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

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

WHEREAS, the City of Franklin Planning Commission initiated, upon its own motion at a public meeting of Planning Commission held on April 13, 2022, Planning Commission Case PC-22-05, which proposes amendments to the following provisions of the UDO: UDO Section 1103.01 Definitions, Section 1105.03(b)(1) Zoning Official, Section 1105.09 Fee Schedule, Section 1107.07(c)(3), Parks and Recreation District, Section 1109.01(f)(11), 1109.01(h)(2)(B)(iii), 1109.01(l)(1)(C), 1109.01(m)(2) Telecommunications Overlay District, Section 1113 Use Requirements and Standards “Table of Contents”, Section 1113.01(e)(4)(B)(ii), 1113.01(e)(6)(A) Conditional Uses, Section 1113.03(c)(3)(B), 1113.03(d)(5)(B) Home Occupations, Section 1113.04(a), 1113.04(f) Nonconformities, Section 1113.05 “Heading”, 1113(a),(b),(c) and (d), Adding 1113.05(l) Accessory Building and Uses, Section 1115.08(f)(3)(B) Site Plans, and Section 1115.11(b) Approvals By The Zoning Official;

WHEREAS, the required procedures to amend the UDO, as set forth in Section 1115.04 therein, have been properly followed with respect to the aforementioned UDO amendments;

WHEREAS, Planning Commission unanimously voted to approve Planning Commission Case No. PC 22-05 and recommended that the City of Franklin City Council similarly approve the proposed UDO text amendments; and

WHEREAS, City Council finds it to be in the best interests of the health, safety and welfare of the City and its inhabitants to adopt Planning Commission’s recommendations to amend the UDO as set forth herein.

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

Section 1. Council hereby adopts the recommendation of Planning Commission to make certain amendments to the UDO, as set forth herein. The following UDO provisions are hereby amended, as shown on the attached Exhibits A, B, C, D, E, and F: Section 1103.01 Definitions, Section 1105.03(b)(1) Zoning Official, Section 1105.09 Fee Schedule, Section 1107.07(c)(3), Parks and Recreation District, Section 1109.01(f)(11), 1109.01(h)(2)(B)(iii), 1109.01(l)(1)(C), 1109.01(m)(2) Telecommunications Overlay District, Section 1113 Use Requirements and Standards “Table of Contents”, Section 1113.01(e)(4)(B)(ii), 1113.01(e)(6)(A) Conditional Uses, Section 1113.03(c)(3)(B), 1113.03(d)(5)(B) Home Occupations, Section 1113.04(a), 1113.04(f) Nonconformities, Section 1113.05 “Heading”, 1113(a),(b),(c) and (d), Adding 1113.05(l) Accessory Building and Uses, Section 1115.08(f)(3)(B) Site Plans and Section 1115.11(b) Approvals By The Zoning Official.

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

Section 3. This Ordinance shall go into effect on June 1, 2022.

INTRODUCED: April 18, 2022

ADOPTED: May 2, 2022

ATTEST: _____

APPROVED: _____

Khristi Dunn, Clerk of Council

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 2022-12 passed by that body on May 2, 2022.

Khristi Dunn, Clerk of Council

Approved as to form: _____

Ben Yoder, Law Director

Exhibit A

1103.01 Definitions

Delete:

~~***"Accessory Use/Structure." A use or detached, subordinate BUILDING or STRUCTURE on the same LOT as the principal use and of a nature customarily incidental and subordinate to the MAIN USE or MAIN BUILDING (See also DETACHED GARAGES AND SHEDS and GARAGE, PRIVATE).***~~

~~***"Church and Similar Place of Worship." A BUILDING, together with its ACCESSORY USES/STRUCTURES, where PERSONS regularly assemble for religious worship, and which, together with its ACCESSORY buildings and USES/STRUCTURES, is maintained and controlled by a religious body organized to sustain public worship. Nursery, kindergarten, DAY CARE and compulsory (grades 1 through 12) schools may be permitted as ACCESSORY USES to a church.***~~

Add:

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

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

"Church and Similar Place of Worship." An institution that a congregation of people regularly attends to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held. Nurseries and DAY CARE and educational facilities (PRE-K through grade 12) are considered ACCESSORY USES to a church.

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

Principal Structure – See Principal Building.

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

"Storage Shed." See STORAGE STRUCTURE.

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

Amend:

“Garages and Sheds, Detached.” A BUILDING or STRUCTURE, or part thereof, used or designed to be used for parking and storage (See also ACCESSORY ~~USE~~/STRUCTURE and GARAGE, PRIVATE).

“Portable Shed.” A shed that is not anchored to the ground, or does not have a permanent base, and that is capable of being moved around the property as a single unit. (See also STORAGE STRUCTURE).

“Yard.” The OPEN SPACE on the same LOT with a MAIN BUILDING unoccupied and unobstructed from the ground upward except as otherwise provided in this UDO, and a defined herein:

- (a) Front yard: An OPEN SPACE extending the full width of the LOT, the depth of which is the minimum horizontal distance between the FRONT LOT LINE and the nearest point of the MAIN BUILDING. There shall be a front yard on each STREET side of a CORNER LOT. ~~No ACCESSORY STRUCTURE building shall project beyond the SETBACK line on either STREET.~~
- (b) Rear yard: An OPEN SPACE extending the full width of the LOT, the depth of which is the minimum horizontal distance between the REAR LOT LINE and the nearest point of the MAIN BUILDING. In the case of a CORNER LOT, the rear yard shall be opposite of the front of the BUILDING.
- (c) Side yard: An OPEN SPACE between a MAIN BUILDING and the SIDE LOT LINE, extending from the FRONT YARD to the REAR YARD, the width of which is the horizontal distance from the nearest point of the SIDE LOT LINE to the nearest point of the MAIN BUILDING.

Exhibit B

1105.03 Zoning Official

Amend 1105.03(b)(1)

(b) Duties and Responsibilities: It shall be the duty of the Zoning Official to:

- (1) **Accessory Uses and Structures**: Issue permits for accessory uses **and accessory structures**, in accordance with this UDO, and enforce the accessory **structure building** and use regulations and standards of this UDO;

1105.09 Fees

Amend 1105.09 Fee Schedule

The Zoning Official shall collect fees, according to the following schedule, from all applicants requesting the following:

Accessory Use **and Structure** Permits

Accessory Structures/Sheds	\$25.00
Antenna and Antenna Towers	\$25.00
Decks, Patios, Porches & Balconies	\$25.00
Dish-Type Satellite Signal Receiving Antennas	\$25.00
Fences & Walls	\$25.00
Garages/Carports/Barns	\$25.00
Gazebos, Trellises & Other Open-Sided Structures	\$25.00
Swimming Pools & Hot Tubs	
Above Ground	\$25.00
In-Ground	\$25.00
Appeals	\$100.00
Certificate of Appropriateness	\$50.00
Certificates of Zoning Compliance	\$50.00
Conditional Use Permits	\$100.00
Construction Plans	\$100.00
Final Plat Amendments	\$100.00
Floodplain Overlay District Permit	\$100.00
Major Site Plan	\$200.00*
Minor Site Plan	\$75.00
Major Subdivision (per Preliminary and per Final Plat)	\$200.00*
Minor Subdivision	\$100.00
Nonconforming Use - Substitution or Extension	\$100.00
Planned Unit Overlay District (PUD) (per Preliminary and Per Final Development Plan)	\$200.00*

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Planned Residential Conservation District (PRCD) (per Preliminary and Per Final Development Plan)	\$200.00*
Rezoning (Text or Changes to the Zoning Map)	\$100.00
Sign Permits	
- New Sign	\$100.00
- Replacement of existing sign face (for sign that already has a sign permit)	\$50.00
Similar Uses, Determination of	\$50.00
Stormwater Management Plan and Site Development Plan Review	\$200.00*
Temporary Certificates	\$50.00
Telecommunications Overlay District Special Permit	\$200.00*
Variances	100.00
Well Field Protection Overlay District Permit	\$200.00*

When the applicant submits an application for more than one permit and/or approval, and the applications are substantially the same, the City Manager, in his sole discretion, may waive all or part of any fee herein required.

*Any additional costs above the established application fee shall be borne by the applicant at a rate equal to the actual costs to the City.

Exhibit C

1107.07 Parks And Recreation District

Add 1107.07(c)(3)

- (c) 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**

Exhibit D

1109.01 Telecommunications Overlay District

Amend 1109.01(f)(11)

(11) **Fencing:** Any fencing shall comply with the City's accessory structure and use regulations, as outlined in Section 1113.05.

Amend 1109.01(h)(2)(B)(iii)

(iii) Towers must be set back a minimum distance of one-to-one, based upon the height of the tower, from any adjoining lot line. Guys and accessory buildings structures must satisfy the minimum zoning district setback requirements; the antenna complies with all applicable FCC and FAA regulations; the antenna complies with all applicable building ordinances; and any additional equipment is fully screened and located in compliance with the underlying zoning district requirements.

Amend 1109.01(l)(1)(C)

(C) Towers must be set back a minimum distance of one-to-one, based upon the height of the tower, from any adjoining lot line. Guys and accessory buildings structures must satisfy the minimum zoning district setback requirements; the antenna complies with all applicable FCC and FAA regulations; the antenna complies with all applicable building ordinances; and any additional equipment is fully screened and located in compliance with the underlying zoning district requirements.

Amend 1109.01(m)(2)

(2) Guys and accessory buildings structures must satisfy the minimum zoning district setback requirements.

Exhibit E

1113 Use Requirements and Standards

Amend Table of Contents Chapter 1113

CHAPTER 1113 Use Requirements and Standards

1113.01 Conditional Uses.

1113.02 Sexually Oriented Businesses

1113.03 Home Occupations

1113.04 Nonconformities

1113.05 Accessory ~~Buildings Structures~~ And Uses

1113.06 Industrial Performance Standards

1113.07 Supplementary Regulations

1113.08 Standards For Utility Structures

Amend 1113.01(e)(4)(B)(ii)

- (ii) Accessory ~~buildings and detached garages structures~~ used by one or more of the allowed guests shall not contain cooking facilities.

Amend 1113.01(e)(6)(A)

- (A) Purpose: A building, together with its accessory ~~buildings structures~~ and uses, where persons regularly assemble for religious worship, and which, together with its accessory ~~buildings structures~~ and uses, is maintained and controlled by a religious body organized to sustain public worship.

1113.03 Home Occupations

Amend 1113.03(c)(3)(B)

- (B) 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 ~~buildings 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.

Amend 1113.03(d)(5)(B)

- (B) Accessory ~~buildings 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 ~~buildings structures~~ as contained in this UDO.

1113.04 Nonconformities

Amend 1113.04(a)

- (a) Purpose: Within the zoning districts established by this UDO or amendments that may later be adopted, there may exist lots, structures and uses of land and structures that were lawful before this UDO was passed or amended, but would be prohibited, regulated or restricted under the terms of this UDO or a future amendment. It is the intent of this UDO to permit these nonconformities to continue until they are removed or discontinued, but not to encourage their continuance. Such uses are declared by this UDO to be incompatible with permitted uses in the zoning districts involved. It is further the intent of this UDO that nonconformities shall not be enlarged upon, expanded or extended nor be used as grounds for adding other structures or uses prohibited elsewhere in the zoning district, except by appeals to the Appeals Board for approval of specific plans, and with the exception that construction of **accessory structures including** decks, porches and detached garages; meeting proper setbacks on their own; shall not require approval by the Appeals Board.

Amend 1113.04(f)

- (f) Single Nonconforming Lots of Record: In any zoning district in which single-family dwellings are permitted, a single-family dwelling and customary accessory **buildings structures** may be erected on any single nonconforming lot of record at the effective date of adoption or amendment of this UDO. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both (that are generally applicable in the zoning district), provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the zoning district in which such lot is located.

1113.05 Accessory Buildings and Uses

Amend 1113.05 Heading

1113.05 Accessory ~~Buildings Structures~~ and Uses

Amend 1113.05(a),(b), (c) and (d)

- (a) Purpose: Accessory **buildings structures** may be erected only upon a lot on which a principal structure already exists. The use of the accessory **building structure** must be secondary and incidental to the principal structure and use. An accessory **building structure** that is attached to the main building shall comply with all the requirements of this UDO that are applicable to the principal building.
- (b) Permit Required: A permit is required to be issued before an accessory **building or** structure is constructed or installed, or before an accessory use may occur on a parcel or lot.

(c) Permit Process:

- (1) The Zoning Official may issue an Accessory Use Permit to the owner of the property on which the proposed accessory building structure or 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 building 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 twenty (20) days with the Appeals Board, in accordance with section 1115.10.
- (2) The applicant shall submit with his application the fee prescribed by section 1105.09.

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

(1) Location:

- (A) No accessory ~~building or~~ structure shall be located in a platted easement;
- (B) No accessory building structure shall be erected in any front yard or court, unless specifically permitted herein; and
- ~~(C) Storage structures are to maintain a setback of three feet (3') from property lines; and~~
- (C) ~~(D)~~ 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 (3').

(2) Number/Lot Coverage: The number of accessory uses structures allowed shall be limited to coverage of thirty five percent (35%) of the lot, including the principal structure; provided, however that not more than one (1) portable shed shall be permitted per lot.

(3) Height:

- (A) No storage accessory structure shall exceed fifteen feet (15') in height, unless specifically permitted herein .
- (B) No recreational accessory structure shall exceed fifteen feet (15') in height.
- (C) No pet structure shall exceed six feet (6') in height.
- (D) Mechanical devices or units shall not exceed eighty inches (80") in height.

(4) 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.

(5) 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 (4) above.

(6) Standards: The following standards are presented by accessory use and/or building structure type.

Add 1113.05(I)

(I) Storage Structures

(1) Residential and Agricultural Zoning Districts: Storage structures in the residential and agricultural zoning districts shall be regulated by the following:

- (A) Storage structures shall be located in the rear yard only and shall be setback a minimum of 3 feet from 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 square footage of the footprint 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, Office, and Industrial Zoning Districts. Storage structures in the commercial, office, and industrial zoning districts shall be regulated by the following:

- (A) Storage structures shall be located in the rear yard only and shall be setback a minimum of 3 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 the storage structures shall not exceed 35 percent of the square footage of the footprint of the principal building.**

(3) Parks and Recreation Zoning District. Storage structures in the parks and recreation zoning district shall be regulated by the following:

- (A) Storage structures shall not be located in the front yard setback and shall be setback a minimum of 3 feet from all side and rear property lines.**
- (B) Maximum height is 20 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.**

Exhibit F

1115.08 Site Plans

Amend 1115.08(f)(3)(B)

- (B) Use, location and height of existing and proposed buildings and structures, including accessory ~~buildings~~, structures and uses, along with notation of the development standards for building spacing and maximum building heights;

1115.11 Approvals By The Zoning Official

Amend 1115.11(b)

- (b) Accessory Structures and Uses: Accessory ***structures and*** uses, because of their potential size, location, or intensity of activity, may have impact on adjacent property. Due to this potential impact, no accessory use may be constructed, installed or conducted upon any property or lot without the property owner first obtaining an Accessory Use Permit.
- (1) **Submittal Requirements**:
- (A) *General Submittal Requirements*: The following general requirements shall apply:
- (i) Each request for an Accessory Use Permit shall include an application form, provided by the City, with the submittal;
 - (ii) The name(s), address(s), and telephone numbers of the applicant(s), and the property owner(s) if other than the applicant(s) with a notarized letter of authorization from the property owner;
 - (iii) Legal Description of property or portion thereof; and
 - (iv) Payment of the application fee as established by section 1105.09.
 - (v) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (vi) Only complete applications shall be processed by the City. The Zoning Official or the TRC, as appropriate, shall make determination as to completeness.
- (B) *Specific Submittal Requirements*: The application shall include:
- (i) Address and zoning classification of the subject property;
 - (ii) Description of the existing uses on the property and the proposed use;
 - (iii) A list of the surrounding uses and zoning classification(s); and
 - (iv) A Site Plan that meets the requirements of section 1115.08(d)(2).
- (2) **Requirements**: Accessory uses and ~~buildings structures~~ may only be erected upon a lot on which a principal structure already exists. The use of the accessory ***building structure*** must be secondary and incidental to the principal use.
- (3) **Standards for Approval**: No Accessory Use Permit shall be granted unless the proposed accessory use meets the general provisions, and applicable specific requirements, of the City's Accessory Use Regulations, as outlined in section 1113.05.