



# LEGISLATIVE COVER MEMO

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**Introduction:** June 2, 2025

**Public Hearing:** June 16, 2025

**Effective Date:** July 16, 2025

**Agenda Item:** **Ordinance 2025-13**

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

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

**Scope/Description:** The Ordinance proposes various amendments to Chapter 1103 “Definitions”, Section 1107.11(j) “Fences and Walls”, Table 1111.07-5: Required Number of Parking Spaces, and Section 1115.11 “Approvals by the Zoning Official.”

The text amendments are requested in order to define and prohibit the use “Truck Terminal”, include material standards for fences located in the side or rear yard, adding appropriate paving materials, modify the parking requirements for the use “Retail, Service”, and clarify when a Certificate of Zoning Compliance is required.

Planning Commission unanimously recommended approval of the text amendments to Council during its May 14, 2025, meeting.

**Exhibits:** Exhibit A: Chapter 1103.01 Definitions

Exhibit B: Chapter 1107.11 Accessory Use Standards

Exhibit C: Chapter 1111.07 Off-Street Parking And Loading Requirements And Standards

Exhibit D: Chapter 1115.11 Approvals By The Zoning Official

CITY OF FRANKLIN, OHIO  
ORDINANCE 2025-13

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

WHEREAS, pursuant to Section 1115.04 of the City of Franklin UNIFIED DEVELOPMENT ORDINANCE (the "UDO"), the City of Franklin Planning Commission moved to initiate certain zoning text amendments to Chapters 1103, 1107, 1111, and 1115 of the UDO during a public meeting of Planning Commission held on May 14, 2025;

WHEREAS, Planning Commission reviewed the proposed amendments during its May 14, 2025, meeting and recommended that City Council approve the text and map amendments in substantially the same form attached as Exhibit A, Exhibit B, Exhibit C, and Exhibit D to this Ordinance; and

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

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

Section 1. Council hereby adopts Planning Commission's recommendation to amend Chapter 1103 of the City's Codified Ordinances, and Chapter 1103 is hereby amended as set forth in the attached Exhibit A.

Section 2. Council hereby adopts Planning Commission's recommendation to amend Chapter 1107 of the City's Codified Ordinances, and Chapter 1107 is hereby amended as set forth in the attached Exhibit B.

Section 3. Council hereby adopts Planning Commission's recommendation to amend Chapter 1111 of the City's Codified Ordinances, and Chapter 1111 is hereby amended as set forth in the attached Exhibit C.

Section 4. Council hereby adopts Planning Commission's recommendation to amend Chapter 1115 of the City's Codified Ordinances, and Chapter 1115 is hereby amended as set forth in the attached Exhibit D.

Section 3. All City ordinances, or parts thereof, that conflict with this Ordinance are hereby repealed.

Section 4. 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: June 2, 2025

ADOPTED: June 16, 2025

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 2025-13 passed by City Council on June 16, 2025.

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

**APPROVED AS TO FORM:** \_\_\_\_\_ Ben Yoder, Law Director

## **CHAPTER 1103 Definitions**

### **1103.01 Definitions**

#### **1103.01 Definitions**

“Truck Terminal.” Any lot or part thereof, any part of land, or any structure which is used for the temporary parking of trucks during loading or unloading between trips; for purposes of servicing or repairing such trucks within enclosed structures; and for necessary warehouse space for storage of transitory freight; and upon which the storage of freight is incidental to the primary function of motor freight shipment.

## **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.

(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.

## **1111.07 Off-Street Parking And Loading Requirements And Standards**

- (a) **Purpose:** The purpose of these requirements for off-street parking and loading facilities is to promote the orderly development of land within the City and to promote the safety of residents of the City by assuring the orderly handling of vehicles and vehicular traffic.
- (b) **General Specifications and Requirements:**
- (1) **Applicability:** In all districts, at any time any building, structure or use is constructed, enlarged, increased in capacity, used or occupied, including change of occupancy, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of this section. A Parking Plan shall be required for all uses except for single or two-family residential uses. The Parking Plan shall be submitted to Planning Commission as part of the Site Plan or Development Plan review process and to the Zoning Official as a part of the application for a Zoning Certificate. The Plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage plans and perimeter screening/landscaping, as appropriate.
  - (2) **Minimum Area and Dimension Requirements:** Parking spaces shall conform to the following minimum area and dimensions, exclusive of driveways and aisles, as shown on Table 1111.07-1.
  - (3) **Compact Car Spaces:** Excess parking spaces above the minimum required by this chapter may be designed to accommodate small cars for uses having little turnover such as apartments, general business offices or industrial plants. Commercial uses, medical offices and other high turnover uses are not permitted to designate small car spaces. The minimum width and length of such spaces shall be 8' x 17'. Approved small car spaces shall be grouped and clearly marked rather than scattered throughout the lot.
  - (4) **Access:** Each site shall have an access drive into the parking area with a minimum width as shown on Table 1111.07-2. All parking spaces, except those required for single- or two-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
  - (5) **Parking Aisles:** Parking aisles adjacent to parking spaces shall contain the minimum widths shown on Table 1111.07-3.

**TABLE 1111.07-1: Parking Space Dimensions**

<b>Parking Pattern</b>	<b>Minimum Width (Feet)</b>	<b>Minimum Length (Feet)</b>
Ninety degree (90°) angle parking	9	19
Sixty degree (60°) angle parking	9	19
Forty-five (45°) degree angle parking	9	19
Parallel parking	9	23

**TABLE 1111.07-2: Driveway Width**

<b>Parking Pattern</b>	<b>Minimum Driveway Width (Feet)</b>
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Single Family	10
Two-family	16 (combined drive)
All other uses	12 (one way)
20 (two way)	

**TABLE 1111.07-3: Parking Aisle Width**

Parking Pattern	Minimum Aisle Width (feet)
Ninety degree (90°) angle parking	24
Sixty degree (60°) angle parking	18 (one way)
Forty-five degree (45°) angle parking	12 (one way)
	22 (two way)
Parallel	12 (one way)
	22 (two way)

(c) Location of Parking Spaces:

- (1) Parking spaces for single- and two-family residential uses shall be located on the same lot as the use which is to be served.
- (2) Parking in residential areas shall not be located off of the driveway in the front yard or side yard, except when such areas meet setback regulations and are paved with a hard or semi-hard, dust-free surface, as approved by the City Engineer.
- (3) Except as permitted in the Downtown Districts, and in the instance of joint parking facilities authorized by section 1111.07(g), parking spaces for all nonresidential uses shall be located on the same lot as the use which is to be served.
- (4) Parking for uses in the Commercial and Office Districts shall be located in the rear or side yards, unless parking in the front yard is approved by Planning Commission.
- (5) Parking spaces for multiple family uses or similar residential uses shall be located not more than 250 feet from the principal use served.
- (6) All land designated within the (DC-1) Downtown Core, (MU-1) Mixed Use, and the (RMU) Riverfront Mixed Use Districts, as identified on the Official Zoning District Map, is exempt from all off-street parking requirements.

(d) Required Improvements for Parking Areas:

(1) **Paving Requirements:**

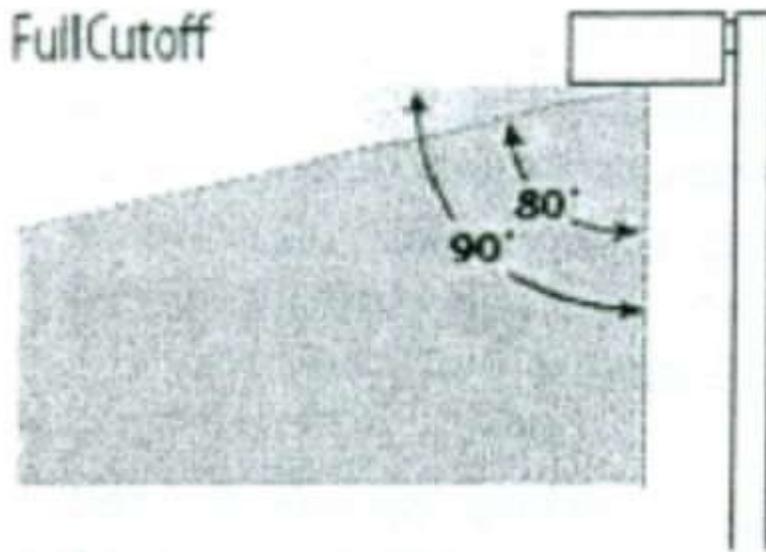
(A) All off-street parking and loading areas including spaces, driveways, aisles, circulation drives, and other vehicular maneuvering areas shall be paved with ~~a hard surface~~ blacktop, concrete, or pavers and shall be adequately drained, except for:

(i) Permitted uses located in the Agricultural District.

(B) All new driveways shall require an accessory use permit.

(2) **Lighting Requirements:**

- (A) *Applicability:* All off-street parking and loading areas including spaces, driveways, aisles, circulation, and other vehicle maneuvering areas shall be lighted except for:
  - (i) Permitted uses located in the Agricultural District.
  - (ii) Driveways behind the front yard building setback in the single family and two-family residential districts.
  
- (B) *Type:* All lighting shall be "full cut-off type" lighting and shall be arranged to reflect the light away from adjoining property.



<b>Full Cut-Off</b>	<b>Allows</b>
No light at or above 90 degrees	0%
100 cd per 1000 lamp lumens at or above 80 degrees	10%

(C) *Height:*

- (i) Freestanding lights with full cut-off fixtures shall not exceed a maximum height of 24 feet above grade.

(D) *Illumination.* The maximum illumination permitted at the property line shall be as shown in Table 1107.07-4: Illumination Levels.

- (i) For any property which abuts an agricultural or residential district, or abuts property used for single family or two-family uses, the maximum level at the property line shall be 0.0 footcandles.

**TABLE 1111.07-4: Illumination Levels**

<b>Zoning District</b>	<b>Maximum Illumination Level at the Property Line</b>
Agriculture, Residential, and Parks and Recreation Districts	0.0 footcandles
Commercial, Downtown, Office, and Industrial Districts	0.50 footcandles

(e) Maintenance for Required Improvements:

- (1) The owner of a lot used for parking and loading shall maintain the parking area in good condition to be free of holes, trash and debris. The demarcation of parking spaces shall be adequately maintained either through periodic re-striping or other means.
- (2) All lighting shall be maintained in good condition and working order and shall be illuminated between dusk and dawn.

(f) Traffic Control Devices:

- (1) Entrances, exits and directional signs shall be provided where practicable, and signs shall conform to City sign regulations, outlined in section 1111.08.
- (2) All parking areas having a capacity in excess of 10 vehicles shall be striped.
- (3) When a parking area extends to a property line, or where the extension of a vehicle beyond the front line of the parking space would interfere with drive or aisle access, wheel blocks or other devices shall be used to prevent such extension.

(g) Determination of Required Spaces: In computing the number of parking spaces required by this section, the following rules shall apply:

- (1) Where gross floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls.
- (2) Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each 20 linear inches of benches, or pews, except where occupancy standards are set by the Ohio Building Code.
- (3) Fractional numbers shall be increased to the next whole number.
- (4) The parking space requirements for a use not specified in this Section shall be determined by the Appeals Board, on recommendation from the Zoning Official, if the use is substantially similar to another use for which a standard has been established.

(h) Joint or Collective Parking Facilities:

- (1) Where two or more uses are provided on the same lot, the total number of spaces required shall equal or exceed the sum of the individual requirements, unless modified

by Planning Commission. In computation, a fractional space shall be rounded to the next highest number.

- (2) All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not farther than 250 feet from the building served.
- (3) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by the Director of Law, approved as to content by Planning Commission and filed with the application for a zoning certificate.
- (4) Upon prior approval by the Planning Commission of the terms of a written agreement entered into by owners of property and the City providing for the joint use of parking spaces, two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not substantially overlap.
- (i) **Parking Spaces for Handicapped Persons:** Parking spaces for the handicapped shall meet the requirements of the Ohio Building Code and the Ohio Revised Code. Each such space may be included in the computation of required number of spaces by use.
- (j) **Required Number of Parking Spaces by Use:** Parking spaces shall be provided according to the following schedule:

**TABLE 1111.07-5: Required Number of Parking Spaces**

<b>Principal Building or Use</b>	<b>Minimum Spaces Required (Unless Specified Otherwise)</b>
<b>Agricultural Uses</b>	
Agriculture	1 space per employee on the largest shift plus 1 space per 10 employees
<b>Residential Uses</b>	
Dwelling, Four Family	2 spaces per dwelling
Dwelling, Live/Work	2 spaces per dwelling
Dwelling, Multi-Family 5+ Units	1 space per dwelling plus 1 space per every 10 dwellings
Dwelling, Row House	2 spaces per dwelling
Dwelling, Single Family	2 spaces per dwelling
Dwelling, Three Family	2 spaces per dwelling
Dwelling, Two Family	2 spaces per dwelling
Dwelling, Upper Floor	2 spaces per dwelling
Elderly Housing	1 space per 6 beds plus 1 space per employee on the largest working shift

Residential Facilities and Residential Treatment Facilities	1 space per every 4 residents, plus 1 space per employee on the largest working shift
<b>Public and Institutional Uses</b>	
Alcohol and Drug Addiction Facilities	1 space per every 4 residents, plus 1 space per employee on the largest working shift
Cemeteries	N/A
Educational Facilities (Pre-K through 12th Grade)	1 space per employee on the largest working shift plus 1 space per 5 students at maximum capacity
Essential Services	1 space per 500 square feet of floor area
Government Facilities	1 space per 500 square feet of floor area
Mortuaries	1 space per 50 square feet of public floor area, 1 space per employee, plus 1 space per each business vehicle
Public Parks, Open Spaces, Recreation, and Preserves, Outdoor	Parking shall be provided as determined by the Planning Commission based on the submitted site plan
Public Plazas, Gathering, Eating Areas	N/A
Public Recreation and Event Space, Indoor	1 space per 250 square feet of floor area plus 1 space per employee on the largest working shift
Religious and Cultural Facilities	1 space per 4 seats at maximum capacity
Secondary Education/Colleges/Universities	1 space per every 3 students plus 1 space per employee on the largest working shift
Transportation or Communication Utility	N/A
<b>Commercial Uses</b>	
Alcohol Production and Sales	1 space per employee on the largest shift plus 1 space per 3 seats for any restaurant/taproom
Assisted Living and Skilled Nursing Care	1 space per 6 beds plus 1 space per employee on the largest shift
Automobile Fueling/Charging Stations	1 space per 500 square feet of floor area plus 1 space per employee on the largest working shift
Automobile Sales/Rental	1 space per 800 square feet of floor area plus 1 space per 3,000 square feet of open lot area devoted to the sale and display of vehicles
Automobile Service/Repair	2 spaces per service bay plus 1 space per employee on the largest working shift
Automobile Washing Facility	1 space per employee on the largest working shift
Bar, Lounge, Tavern	1 space per 100 square feet of seating area capacity plus 1 space per employee on the largest working shift
Bed and Breakfast	2 spaces plus 1 space per employee
Business Incubation	1 space per 300 square feet of floor area

Exhibit C Business Retail	1 space per 200 square feet of floor area
Business Service	1 space per 300 square feet of sales and office area, 1 space per employee on the largest working shift, plus 1 space per company or service vehicle regularly stored on the premises
Clubs, Private or Membership	1 space per 50 square feet of floor area in assembly or meeting rooms plus 1 space per 200 square feet of other floor area
Commercial Entertainment	1 space per 200 square feet of floor area
Commercial Event Center	1 space per 3 guests plus 1 space per employee on the largest working shift
Commercial Recreation/Fitness, Indoor	1 space per 250 square feet of floor area
Commercial Recreation/Fitness, Outdoor	Parking shall be provided as determined by the Planning Commission based on the submitted site plan
Commercial Training	1 space per 3 students at maximum capacity plus 1 space per every employee on the largest working shift
Day Care Center	1 space per employee on the largest working shift plus 1 space per every 5 at maximum capacity
Event Venue, Indoor	1 space per 100 square feet of floor area
Event Venue, Outdoor	Parking shall be provided as determined by the Planning Commission based on the submitted site plan
Environmental Sciences	1 space per employee on the largest working shift plus 1 space per 10 employees
Farm Market	1 space per 250 square feet of floor area
Financial Institution, General	1 space per 200 square feet of floor area plus 1 space per employee on the largest working shift
Food Service/Catering	1 space per 250 square feet of floor area
Hospitals	1 space per every 6 beds plus 1 space per employee on the largest working shift
Hotels	1 space per guest room plus 1 space per employee on the largest working shift
Information Technology/Data Centers	1 space per employee on the largest working shift plus 1 space per 10 employees
Landing Fields	N/A
Makerspace	1 space per 250 square feet of floor area
Medical Center/Clinic	3 spaces per treatment or examination room plus 1 space per employee on the largest working shift
Medical Office	3 spaces per treatment or examination room plus 1 space per employee on the largest working shift

Mixed Use	The applicable parking regulations for the uses contained within the mixed use development, as dictated by this table
Office	1 space per 300 square feet of floor area
Office, Campus	1 space per 300 square feet of floor area
Office, Co-Working	1 space per 300 square feet of floor area
Personal Service	1 space per 200 square feet of floor area
Restaurant, Quick Service	1 space per 50 square feet of seating area capacity plus 1 space per employee on the largest working shift
Restaurant, Standard	1 space per 100 square feet of seating area capacity plus 1 space per employee on the largest working shift
Retail, Convenience	1 space per 400 square feet of floor area
Retail, Food/Beverage Related	1 space per 500 square feet of floor area
Retail, General	1 space per 500 square feet of floor area
Retail, Large Format	1 space per 500 square feet of floor area
Retail, Secondhand	1 space per 500 square feet of floor area
Retail, Services	<u>1 space per employee on the largest working shift plus 1 space per 10 employees</u> <del>1 space per 250 square feet of floor area</del>
Retreat Center	1 space per 3 guests plus 1 space per employee on the largest working shift
Sexually Oriented Businesses	1 space per 500 square feet of floor area
Skilled Nursing Facility	1 space per 6 beds plus 1 space per employee on the largest working shift
Veterinary Services	3 spaces per treatment area plus 1 space per employee on the largest working shift
<b>Industrial Uses</b>	
All industrial Uses	1 space per employee on the largest working shift plus 1 space per 10 employees

(k) **Modifications:** The Zoning Official may modify the requirements in Table 1111.07-5: Required Number of Parking Spaces if it is deemed appropriate based on the parking demand of the proposed use, number of typical patrons or employees, shared parking, off-street parking, alternative transportation, or other similar reasons. As part of the approval for a reduction in the number of required parking spaces, the approving body may require the applicant to reserve land on the subject property to be reserved for a future parking area.

- (1) **Administrative Approvals:** The Zoning Official may approve a reduction in the number of required parking spaces, up to 25 percent for the reasons listed above.
- (2) **Board of Zoning Appeals Approvals:** If an applicant requests a reduction of more than 25 percent of the required number of parking spaces, that request will be subject to the decision of the Board of Zoning Appeals.

## **1115.11 Approvals By The Zoning Official**

(d) Certificate of Zoning Compliance: A Certificate of Zoning Compliance demonstrates that a proposed development complies with the requirements of the UDO. No building or other structure shall be erected, constructed, re-constructed, enlarged, moved or structurally altered, nor shall any excavation or site improvements be commenced, until a Certificate of Zoning Compliance has been issued.

### **(1) When Required:**

- (A) *PUDs/PRCDs*: Upon approval of the Construction Plans for the PUD or PRCD, or any portion thereof, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- (B) *Subdivisions*: Upon approval of the Construction Plans for the subdivision, or any portion thereof, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- (C) *Site Plans*: Upon approval of a Major Site Plan by the Planning Commission, or a Minor Site Plan by the Zoning Official, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- (D) *Telecommunications Overlay District*: For structures requiring administrative approval, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid. For structures requiring a Special Permit, upon approval of the Special Permit by Planning Commission, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- (E) *Floodplain Overlay District*: A Floodplain Development Permit shall act as a Certificate of Zoning Compliance, and the Developer may proceed with development. For development that is exempt from filing for a Floodplain Development Permit, as listed in Section 1109.02(b)(9), an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
- (F) *Well Field Protection Overlay District*: For any new or expanded uses in the WFP Overlay District, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid. The Planning Commission, in accordance with this UDO, shall review the application and issuance of the Certificate by the Zoning Official shall be authorized or denied by the Planning Commission

- (G) *Historic Overlay District*: Upon approval of a Certificate of Appropriateness by the Historic Review Board, before the Developer may commence construction, he shall request a Certificate of Zoning Compliance from the Zoning Official, who shall issue the Certificate upon request at no additional cost.
- (H) *Permitted Uses in a Zoning District*: For any permitted use under this UDO for which a Site Plan is not required, ~~before any construction or development connected with such use may be begun~~, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
- (I) *Conditional Uses in a Zoning District*: For any conditional use under this UDO, for which Planning Commission Approval has been granted but for which a Site Plan is not required, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
- (J) *Changes in Nonconforming Uses*: For any change in nonconforming use, for which Appeals Board Approval has been granted but for which a Site Plan is not required, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.
- (K) *Accessory Uses*: An Accessory Use Permit shall act as a Certificate of Zoning Compliance, and the Developer may proceed with development.
- (L) *Signs*: A Sign Permit shall act as a Certificate of Zoning Compliance, and the Developer may proceed with development.
- (M) *Other Development*: For any other development that is regulated by this UDO for which specific procedures are not outlined, before any construction or development connected with such use may be begun, an application for a Certificate of Zoning Compliance shall be submitted in accordance with this paragraph and the required fee paid.

**(2) Submittal Requirements:**

- (A) *General Submittal Requirements*: The following general requirements shall apply:
  - (i) Each request for a Certificate of Zoning Compliance shall include an application form, provided by the City, with the submittal;
  - (ii) Only complete applications shall be processed by the City. The City Engineer, the Zoning Official, or the TRC, as appropriate, shall make determination as to completeness;
  - (iii) The City Engineer or the Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
  - (iv) Legal description of property or portion thereof; and
  - (v) Payment of the application fee as established by Section 1105.09.