

DOWNTOWN FRANKLIN

Proposed Downtown Zoning Regulations

Section 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 and as follows:
- 1) **D-1: Downtown Core:** The intent of the D-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 recreation.
 - 2) **D-2: Mixed Use:** The intent of the D-2 Mixed Use District is to identify areas within Downtown Franklin for key mixed-use developments that include a diverse mix of uses at an intensity to catalyze development throughout Downtown Franklin.
 - 3) **D-3: Riverfront:** The intent of the D-3 Riverfront District is to establish a multi-use destination along the Great Miami River, that attracts people for commercial, recreation, or leisure experiences.
 - 4) **D-4: Civic:** The intent of the D-4 Civic District is to identify areas within Downtown Franklin for civic destinations that provide a variety of key services to Franklin residents and the region.
 - 5) **D-5: Transitional:** The intent of the D-5 Transitional District is to provide a variety of residential development types, styles, and price points that cater to existing Franklin residents, while also attracting new residents into the city.
- b) **Use Standards**
- 1) **Use Permissions**
 - A) **Permitted Uses:** A "P" in a cell indicates that a use is allowed-by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this code.
 - B) **Conditional Uses:** A "C" in a cell indicates that a use may be permitted if approved through the conditional use process (section XXX). Conditional uses may be subject to use-specific standards that are identified in the last column of Table XXX. Conditional uses are subject to all other applicable regulations of this code, including the conditional use review standards set forth in section XXX.
 - C) **Prohibited Uses:** A blank cell in Table XXX indicates that a use is prohibited in the respective zoning district. If a use is not listed on Table XXX, then it shall also be considered prohibited, unless approved specifically through the similar use determination as established in section 1115.09(f): Determination of Similar Uses.

- D) Additional Standards: The section reference contained in the "Additional Standards" column on Table XXX are references to additional standards and requirements that apply to use listed in the respective row. Standards referenced in the table apply to all the zoning districts in which the use is permitted or conditionally permitted, unless otherwise expressly stated.
- 2) Existing Uses: Uses that are existing and were permitted under the zoning of a property immediately prior to being rezoned to a Downtown District are permitted to continue and are considered conforming to this code, even if the use or the building type is not otherwise permitted in the district in which the 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) Use Table: Table XXX lists the uses that are permitted or conditionally permitted within each of the designated Downtown Zoning Districts.

TABLE XXX: Uses in the Downtown Districts

Use	D-1 Downtown Core	D-2 Mixed Use	D-3 Riverfront	D-4 Civic	D-5 Transitional	Additional Standards
Residential Uses						
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		P			C	
Dwelling, Upper Floors	P	P	P			Y
Dwelling, Row House					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)

TABLE XXX: Uses in the Downtown Districts

Use	D-1 Downtown Core	D-2 Mixed Use	D-3 Riverfront	D-4 Civic	D-5 Transitional	Additional Standards
Residential Treatment Facility					C	1113.01(e)(27)
Public & Institutional Uses						
Churches	C	C	C	C	C	
Colleges & Universities		C		C		1113.01(e)(30)
Community Centers		C		C		1113.01(e)(8)
Cultural/Community Facilities				C		
Day Care Centers				C	C	
Elementary Schools				C		1113.01(e)(30)
Government Facilities ¹				P		
Health Care & Human Services				C		1113.01(e)(17)
Junior & Senior High Schools				C		1113.01(e)(30)
Public Parks and Recreation	P	P	P	P	P	
Public Plazas/Gathering/ Eating Areas	P	P	P	P		
Commercial Uses						
Bar, Lounge, & Tavern	P	P	P			
Bed and Breakfast	C		C		C	1113.01(e)(4)
Breweries, Distilleries, Cideries, & Wineries (nano, brewpub, & micro)	P	P	P			
Business Incubation	C	C	C	C		
Business Professional	P	P	P	P	C	
Commercial Entertainment	C	C	C			1113.01(e)(7)
Commercial Recreation	C	C	C			1113.01(e)(26)
Commercial Training		C		C		
Consumer Retail	P	P	P			
Co-working Facility	C	C	C	C		
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				
Personal Service	C	C	C			1113.01(e)(25)
Restaurants	P	P	P			
Secondhand Dealers	C	C	C			
Skilled Nursing Facility					C	1113.01(e)(32)
Accessory Uses						
Accessory Use	A	A	A	A	A	1113.05
Accessory Structure	A	A	A	A	A	1113.05

¹ Highlighted uses are new uses that don't currently exist in Franklin's Zoning Code

TABLE XXX: Uses in the Downtown Districts

Use	D-1 Downtown Core	D-2 Mixed Use	D-3 Riverfront	D-4 Civic	D-5 Transitional	Additional Standards
Antennas and Towers	A	A	A	A	A	1113.05(e)
Decks, Patios, & Porches	A	A	A	A	A	1113.05(f)
Detached Garages & Sheds	A	A	A	A	A	1113.05(i)
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 Sales	A	A	A	A		Y
Parking Area	A	A	A	A	A	Y
Parking Garage	A	A	A	A		Y
Private Swimming Pools		A	A		A	1113.05(k)
Temporary Uses						
Carnivals and Circuses	T	T	T	T		705
Farm Markets	T	T	T	T		
Mobile Uses	T	T	T	T		Y
Special Events	T	T	T	T		Y

4) Additional Use Regulations

- A) Dwelling Upper Floors: In the D-1 Downtown Core, D-2 Mixed Use, and D-3 Riverfront Districts, upper floor dwellings are permitted subject to the standards set forth in section 1113.01(e)(34)(B).
- B) Dwelling, Live/Work: Live/work dwellings are permitted in D-1 Downtown Core District subject to the ground floor being reserved for a non-residential use that is permitted within the D-1 District. The upper floor(s) may be utilized for dwelling space.
- C) Dwelling, Row House: Row houses, where permitted, shall meet the following regulations:
- (i) If the row house dwellings have front garage access, then such development shall have a minimum front yard setback of 20 feet from the property line. Dwellings that have rear garage access or other parking facilities located to the side of or behind the building shall have a maximum front yard setback of 20 feet from the property line. Row house dwellings are encouraged to be set close to the street with rear parking and garage access.
 - (ii) Row house dwellings may be built to the side property line when there is a shared wall along the property line. The ends of each grouping of row house dwellings shall meet the required side yard setback in the district in which they are located, and a minimum of 10 feet shall be maintained between each separated group of row houses.

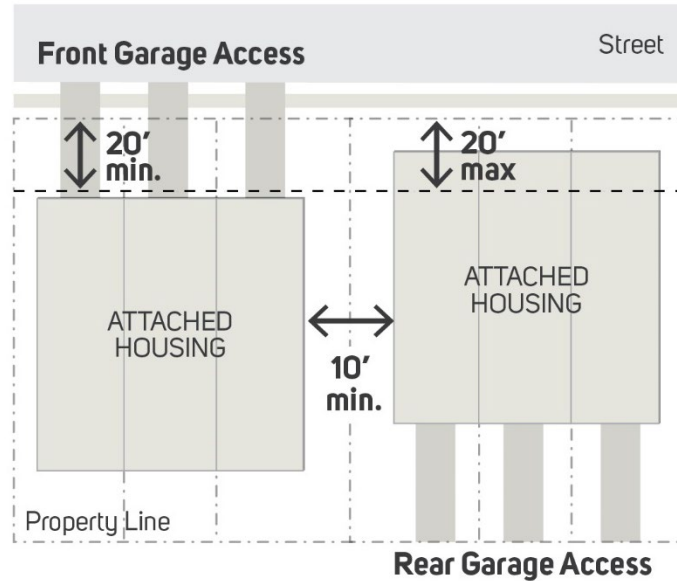


Image: Illustration of front yard setback and separation requirements for row house dwellings

- D) Outdoor Dining: Outdoor dining areas may be permitted as an accessory use to a restaurant or similar use in the Downtown Districts, as approved by the city manager or their designee. The location of the outdoor dining area shall not interfere with pedestrian movement on any sidewalk or walkway by providing a clear sidewalk or walkway of at least four feet in width (considering the location of chairs when being used). Outdoor dining areas may be covered with a roof, trellis, or pergola; or may enclosed permanently or temporarily to protect against the weather if approved by the city manager or their designee.
- E) Outdoor Retail/Display: Outdoor retail and/or display areas may be permitted as an accessory use to a retail store or similar use in the Downtown Districts, as approved by the city manager or their designee. The placement of merchandise shall not interfere with pedestrian movement on any sidewalk or walkway by providing a clear sidewalk or walkway of at least four feet in width.
- F) Parking Area: A parking area may be permitted as a principally permitted use or an accessory use in the Downtown Districts. The purpose of the parking area shall be to serve the property on which it is located, adjacent parcels, and/or to provide parking for the entire Downtown Franklin area.
- G) Parking Garage: A parking garage may be permitted as a principally permitted use or an accessory use in the Downtown Districts. The purpose of the parking garage shall be to serve the property on which it is located, adjacent parcels, and/or to provide parking for the entire Downtown Franklin area.

- H) Mobile Uses: Mobile uses (such as food trucks, blood drive trucks, or pop-up clothing shops) are permitted in the Downtown Districts subject to the following:
- (i) Mobile uses may be located on private property if the property owner has granted permission. Such mobile food uses shall be located in a designated spot and for a length of time as determined by the property owner and approved by the city manager or their designee.
 - (ii) Mobile uses may locate in the public right-of-way if the right-of-way is closed for a special event or if the mobile food use is located in a designated parking spot and the location and duration is approved by the city manager or their designee.
 - (iii) Mobile uses may be allowed at events on public property with the approval of the city manager or their designee.
 - (iv) Waste shall be contained and disposed of in a manner required by law.
 - (v) The applicant shall be responsible for obtaining all permits and approvals that may be necessary for the mobile food use including, but not limited to, health, fire, police, and zoning department approvals.
- I) Special Events: Special events, that are not classified as a carnival, circus, or farm market may be permitted in the Downtown Districts subject to the approval of the city. Such events may take place on private or public property and for a duration that is specified in the approval.

c) Dimensional Standards

1) Principal Use Dimensional Requirements

TABLE XXX: Dimensional Requirements in the Downtown Districts

Dimensional Requirement	D-1 Downtown Core	D-2 Mixed Use	D-3 Riverfront	D-4 Civic	D-5 Transitional
Minimum Lot Size	N/A	N/A	N/A	N/A	4,000 sq. ft.
Minimum Front Yard Setback	0'	0'	0'	0'	15'
Maximum Front Yard Setback	20'	40'	N/A	N/A	N/A
Minimum Side Yard Setback	0'	0'	0'	0'	4'/10' total
Minimum Rear Yard Setback	0'	0'	0'	0'	20
Minimum Lot Width	N/A	N/A	N/A	N/A	40'
Maximum Height	45'	60'	30'	40'	40'

- 2) Accessory Use and Structure Dimensional Requirements: Accessory uses and structures are subject to the regulations set forth in section 1113.5, unless specially exempted or specified otherwise herein.

- A) Decks, Patios, & Porches – Such structures may be located in any yard and are not subject to front, side, or rear yard setbacks as long as the structure is completely located on private property and does not interfere with the public sidewalk or walkway.
- B) Fences - 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% opacity. Chain link, untreated/unpainted wood, and vinyl fences are not permitted in the front yard. Fences in the side and rear yard are subject to the regulations in section 1113.5(h). Fences shall not be permitted in the public right-of-way, unless specifically permitted by the city manager or their designee.
- 3) Corner lots: Buildings, signs, landscaping, and any other structures that are on corner lots shall not cause any visibility hazards.

d) **Design Standards**

- 1) Character
 - A) New development and redevelopment projects within Downtown Franklin shall conform to the recommendations in the Downtown Franklin Master Plan and be complementary to the existing character of the area.
 - B) Creativity in design is encouraged, though, and this section is not intended to limit unique or iconic designs.
 - C) Each project will be evaluated by Planning Commission on its size, scale, design, materials, mass, location, and compatibility with adjacent uses.
- 2) Materials
 - A) A minimum of three building materials shall be used on every building façade (transparent glass may count as one of the building materials. Roofing materials, awnings, canopies, balconies, or other similar items do not count as one of the required materials).
 - B) Permitted building materials shall be high quality, durable materials including but not limited to stone, manufactured stone, brick, wood and composite wood siding, glass, architectural metal panels, and fiber cement siding.
 - C) EIFS (Exterior Insulation and Finish System) and stucco may be used as accent materials on the building facades but may not account for more than 15% of each building façade. Vinyl siding is prohibited.
 - D) Other equivalent building materials may be approved by the Planning Commission.
- 3) Form/Massing
 - A) All building elevations shall consist of tripartite configuration consisting of a base or foundation; a middle or modulated wall; and a top portion formed by an articulated roof.

- The minimum height of the base or foundation shall be 18 inches in height and shall be faced with an articulated masonry, cement, or similar manufactured material. Smooth concrete does not meet this requirement.
- B) All building elevations shall be articulated in a manner to avoid an uninterrupted appearance through the use of windows, doors, offsets, or a change in materials. Building facades that face a public right-of-way, and that are over 40 feet in length shall implement at least one of the following at least every 20 lineal feet along the frontage:
- (i) Recesses or projections in the wall that are at least one foot in depth. Balconies or decks can be used to meet this requirement.
 - (ii) Façade material or color changes. Windows can be used to break up the façade to meet this requirement.
 - (iii) Pilasters, columns, or other similar architectural details that are a minimum of one foot wide.
 - (iv) Other similar articulation methods may be approved by the Planning Commission.
- C) Buildings shall be designed for the pedestrian and should promote an active street frontage and high-quality streetscape design, on all frontages that face a public right-of-way. The primary building entrance shall be clearly identified and shall be oriented to a public street or public gathering area.
- 4) Window Openings: First floor elevations, for non-residential uses that are visible from the public right-of-way, shall maximize window openings as appropriate for the interior use. The first 10 feet of the building, as measured from building grade up, shall provide a minimum of 60% transparency with the use of clear, glass windows. Glass block, opaque, mirrored glass, or darkly tinted glass does not meet this standard.
- 5) Mechanical Equipment Screening: All roof and ground mounted mechanical equipment shall be screened from view from all adjacent properties and rights-of-way using durable, compatible, opaque materials.
- 6) Waivers: The Planning Commission may alter or waive the requirements of this section if the commission deems that the applicant meets the intent of this section.

e) **Landscaping**

- 1) Bufferyards: Bufferyard landscaping requirements, as established in section 1111.06(g), shall not apply to lots within the Downtown Districts.
- 2) Parking Lot Landscaping: Parking lot perimeter screening and interior parking area landscaping, as established in section 1111.06(j), shall apply only to parking lots within the Downtown Districts that are visible from the public right-of-way. Parking garages or parking decks shall not be required to provide interior parking area landscaping.

- 3) Lot Interior Landscaping: Where feasible, lots within the Downtown Districts shall meet the interior landscaping requirement as established in section 1111.06(k)(1).
- 4) Building Foundation Plantings: Where feasible, building foundation plantings shall be required, as established in section 1111.06(k)(2). Building foundation plantings are not required for buildings that are located within 15 feet of the front property line and where a streetscape or patio treatment is provided between the front building façade and the right-of-way.
- 5) Modifications: The Planning Commission may waive any of the landscaping requirements that apply to lots within the Downtown Districts if the landscaping requirement is not feasible due to the size, configuration, or location of such lot.

f) **Signage**:

- 1) Signage Requirements: Signs in the Downtown Districts shall conform to the applicable regulations in section 1111.08 unless specially exempted or regulated within this section.
- 2) Residential Signage Requirements: Single family and two family residential uses shall conform to the applicable residential sign regulations.

g) **Parking²**:

- 1) Parking Requirements: Off-street parking within the Downtown Districts should be reviewed and considered on a district-wide basis and per the recommendations of the Downtown Franklin Master Plan. Due to the configuration, size, and location, of many of the lots within this area, individual parcels cannot provide the off-street parking spaces that would typically be required. Where feasible, new and redevelopment projects within the Downtown Districts shall conform to the regulations in section 1111.07, unless otherwise exempted or regulated within this section.
- 2) Downtown Core, Mixed Use, and Riverfront District Requirements: The Downtown Core, Mixed Use, and Riverfront districts are exempt from the off-street parking requirements of section 1111.07.
- 3) Civic and Transition District Requirements: Lots within the Civic and Transition districts shall conform to the applicable regulations in section 1111.07.
- 4) Modification: The Planning Commission may waive any of the off-street parking requirements that apply to lots within the Downtown Districts if the requirements are not feasible due to the size, configuration, or location of such lot. Considerations will be taken for available on-street parking, joint parking areas, cross-parking agreements, and destination lots that serve the district.

² Need to discuss parking strategy for downtown in more detail to determine the most effective path forward. You could require a fee-in-lieu payment where developments cannot install the required parking due to parcel size or location, or you could exempt the district from parking similarly to your existing regulations. The current C-3 district exempts all parking requirements.

Proposed Definitions to Add to Section 1103

- **Breweries, Distilleries, Wineries, Cideries**
 - **Nano** – A limited-production facility that uses a three-barrel or similarly small system. Such facilities only sell their products on the premises.
 - **Brewpub** – An establishment selling beer or other beverage that is produced on the premises and includes a restaurant.
 - **Micro** – A limited-production facility that produces less than 15,000 barrels per year and that typically produce specialty beverages that are generally only sold locally. Such use shall include a taproom and may or may not include a restaurant.
 - **Macro** – A facility that produces 15,000 barrels or more per year and may distribute outside of the region, and which may or may not include a taproom and/or restaurant.
- **Business Incubator** – An organization that helps startup companies and individual entrepreneurs to develop their businesses by providing a full-scale range of services including management training, office space, and financing.
- **Co-Working Facility** – A facility that is designed to accommodate people from different companies who come to do work. Such uses are characterized by shared facilities, services, and tools.
- **Government Facility** – Any buildings, structure, or use, or portion thereof, used by a governmental agency for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.
- **Makerspace** – A communal public workshop in which makers can work on small personal projects. Makerspace may be a principal use or an accessory use to an office, school, library, or other similar use.
- **Mobile Uses** – A large, wheeled vehicle that is used to for a specific purpose such as to cook, prepare, and/or serve food and/or beverages in individual portions in a ready-to-consume state; to conduct a specific medical procedure such as blood donations, immunizations, or medical evaluations; or to sell retail goods.
- **Outdoor Dining** – Designated outdoor areas (either on public or private land) which are designated for outdoor dining or seating where patrons may be served food and beverage for on-site consumption.
- **Outdoor Retail** – Any unenclosed area exhibiting merchandise or goods for sale that is incidental to an adjacent indoor retail use.
- **Parking Garage** – A structure built that may be above grade, below grade, or a combination thereof, that provides off-street parking for motor vehicles.
- **Public Plazas** – An open space that is accessible to the public at all times, predominantly open to the sky.
- **Special Event** – A gathering of human beings, lasting for a designated period of time, designed to celebrate, honor, discuss, sell, teach, encourage, observe, or influence human endeavors. Examples include, but is not limited to, parades, markets, festivals, and car shows.
- **Taproom** – A place in which alcoholic drinks are available and are generally served on tap.

Sections to Delete/Edit

- **Historic District Overlay**

- Definitions
 - City – remove “historic district review board”
 - “Historic structure”
 - Substantial damage – (c)
- 1105.01(a)(4)
- 1105.02 - reference to “historic district review board” in (b) and (c)
- 1105.04(a)(11)
- 1105.05 – entire section
- 1105.08(b) – reference to “historic district review board” in (4) and (5)
- 1107.01(c)(7) – reference to “historic district review board”
- 1107.08(d)
- 1109.01(e)(2) – Table 1 – last row
- 1109.01(f)(4)
- 1109.01(l)(4) – update section to address Downtown Districts instead of Historic Overlay District
- 1109.04 – entire section
- 1111.07(c)(3) – change Historic District to Downtown Districts
- 1111.08 – remove reference to “historic district review board” and “historic district” throughout the sign code and replace with new signs for the Downtown Districts
- 1115.08(h)(2)(B) – change to “Downtown Districts – the construction and alteration of properties located in the Downtown Districts shall be subject to the provisions of section XXX.

- **C-3 Zoning District**

- 1107.01(c)(2) – quick reference to C-3 District.
- 1107.03 – all references to the C-3 District
- 1111.07(c)(6) – Parking – Exemption – Change this to exempt the downtown districts or reference back to the downtown district regulations (depending on what the city decides with parking in downtown)
- 1111.08(h)(3) – Portable A or T signs
- 1111.08(i)(3)(h) – monument signs
- 1111.08(j)(3) – Manual changeable copy signs
- 1113.01(e)(13)(A) – Electric fences
- 1113.01(e)(34)(A) – Upper floor dwelling units
- 1113.05(h)(1)(A)(i) – Fences/Walls