



SPECIAL CITY COUNCIL MEETING

Wednesday, January 22, 2025 at 6:00 PM

1 Benjamin Franklin Way Franklin, Ohio 45005

www.FranklinOhio.org

AGENDA

1. CALL TO ORDER
2. ROLL CALL
3. PLEDGE OF ALLEGIANCE
4. APPROVE THE CLERK'S JOURNAL AND ACCEPT THE TAPES AS THE OFFICIAL MINUTES
 - A. January 7, 2025
5. PRESENTATIONS
6. RECEPTION OF VISITORS
7. PUBLIC HEARING
8. NEW BUSINESS
 - A. **RESOLUTION 2025-04** RESOLUTION OF NECESSITY TO LEVY AN ADDITIONAL TAX IN EXCESS OF THE TEN-MILL LIMITATION (Jonathan Westendorf)
 - B. **RESOLUTION 2025-05** APPOINTING MEMBERS-AT-LARGE TO REGIONAL BOARDS AND COMMISSIONS (Jonathan Westendorf)
 - C. **RESOLUTION 2025-06** AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND OTHER DOCUMENTS FOR THE CITY OF FRANKLIN'S PURCHASE OF CERTAIN REAL PROPERTY IDENTIFIED AS WARREN COUNTY AUDITOR'S PARCEL ID NUMBER 0431137017 (Karisa Steed)
 - a. Exhibit A: Purchase and Sale Agreement
 - D. Authorization to Apply for RAISE Grant
9. INTRODUCTION OF NEW LEGISLATION
 - A. **ORDINANCE 2025-01** AMENDING SECTION 1113.01 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (Jonathan Westendorf)
 - a. Exhibit A: Section 1113.01 of the UDO
 - B. **ORDINANCE 2025-02** AMENDING SECTION 1111.07 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (Jonathan Westendorf)
 - a. Exhibit A: Section 1111.07 of the UDO

- C. **ORDINANCE 2025-03** AMENDING CHAPTER 1103 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (Jonathan Westendorf)
 - a. Exhibit A: Chapter 1103 of the UDO

- D. **ORDINANCE 2025-04** AMENDING CHAPTER 1107 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE AND OFFICIAL ZONING MAP OF THE CITY OF FRANKLIN, OHIO (Jonathan Westendorf)
 - a. Exhibit A: Chapter 1107 of the UDO
 - b. Exhibit B: Official Zoning Map

10. CITY MANAGER'S REPORT

11. COUNCIL COMMENTS

12. EXECUTIVE SESSION

13. ADJOURNMENT



CITY COUNCIL MEETING

Tuesday, January 07, 2025 at 6:00 PM
1 Benjamin Franklin Way Franklin, Ohio 45005
www.FranklinOhio.org

CLERK’S JOURNAL

1. CALL TO ORDER

Vice Mayor Hall called the meeting to order at 6:01pm.

2. ROLL CALL

PRESENT

D. Denny Centers
Paul Ruppert
Vice Mayor Todd Hall
Michael Aldridge
Debbie Fouts
Matt Wilcher

ABSENT

Mayor Brent Centers

Staff: Mr. Westendorf, Ms. Steed, Ms. Dunn, Chief Colon, Chief Stitzel, Mr. Inman, Mr. Conway, and Ms. Chibis.

There were two guests in attendance.

3. PLEDGE OF ALLEGIANCE

Mr. Inman led the Pledge of Allegiance.

4. APPROVE THE CLERK’S JOURNAL AND ACCEPT THE TAPES AS THE OFFICIAL MINUTES

A. December 16, 2024

Motion made by Ruppert, Seconded by Aldridge.
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher
Motion passed.

5. RECEPTION OF VISITORS

Vice Mayor Hall opened and closed the Reception of Visitors at 6:04pm as none asked to be heard.

6. PUBLIC HEARING

A. **ORDINANCE 2024-34** AMENDING SECTIONS 1103 AND 1111.08 OF THE CITY OF FRANKLIN
UNIFIED DEVELOPMENT ORDINANCE

The Ordinance proposes various amendments to Section 1111.08 Signs. These amendments include new regulations for signs not previously contemplated in the code, the consolidation of similar sign regulations, and general revisions which aim to increase the accessibility of the sign regulation for both staff and the public.

In addition to the amendments to Section 1111.08 of the Municipal Code, it is also recommended that the definitions pertaining to signs in Chapter 1103 be updated to properly define the new sign types and ensure that the existing definitions are not in conflict with the proposed regulations.

Planning Commission unanimously recommended approval of the text amendments to Council during its December 11, 2024 meeting.

Mr. D. Centers expressed concern about removing the use of temporary/portable signs. Mr. Westendorf clarified that the use of these signs was currently prohibited. There was discussion including the extensive work done by Planning Commission on these updates. Mr. D. Centers was in favor of passing the Ordinance but would like to revisit the topic soon.

Vice Mayor Hall opened and closed the Public Hearing at 6:20pm as none asked to be heard.

Motion made by Aldridge, Seconded by Wilcher.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Wilcher

Voting Abstaining: Fouts

Motion passed.

B. ORDINANCE 2024-35 AMENDING SECTION 1105.09 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

The Ordinance proposes various amendments to Section 1105.09 Fees. This updated fee schedule applies to planning and zoning related applications. The city's current fees were reviewed against peer cities to determine if the fees were generally lower or higher. Overall, Franklin's fees are lower than most, if not all, of the other communities that were reviewed. The proposed fee increases will remain equal to or less than the peer cities to ensure that Franklin's fees are fair to the residents and developers that work within the City of Franklin.

Planning Commission unanimously recommended approval of the text amendments to Council during its December 11, 2024 meeting.

Vice Mayor Hall opened and closed the Public Hearing at 6:24pm as none asked to be heard

Motion made by D. Centers, Seconded by Aldridge.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed.

C. ORDINANCE 2024-36 ENACTING SECTION 532.14 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED "USE OF TEMPORARY GENERATORS"

This Ordinance renders it illegal to use any temporary/portable generators or similar equipment to supply electricity to property, unless the owner or occupant of the property has first received permit-approval from the City authorizing use of the equipment.

The permitting process is not applicable during an area wide outage. Permanent, whole home generators already require an electrical permit.

Vice Mayor Hall opened and closed the Public Hearing at 6:39pm as none asked to be heard.

Motion made by Ruppert, Seconded by Aldridge.
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Wilcher
Voting Nay: Fouts
Motion passed.

7. NEW BUSINESS

A. **RESOLUTION 2025-01** PRELIMINARY CONSENT LEGISLATION FOR THE INTERCONNECTED RAILROAD SIGNAL PREEMPTION PROJECT FOR THE TRAFFIC SIGNALS ON SIXTH STREET AT S. MAIN ST. AND S. RIVER ST.

This Resolution is the preliminary legislation required by ODOT for the Interconnected Railroad Traffic Signal Preemption Project to replace the existing traffic signals on Sixth Street at the intersections with South Main Street and South River Street.
Construction of the project is scheduled to begin May 1, 2025.
The total cost for this Project is currently estimated at \$691,710. The City’s share of this would be \$0.00.

Motion made by Ruppert, Seconded by Wilcher.
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher
Motion passed.

B. **RESOLUTION 2025-02** AUTHORIZING THE CITY MANAGER TO SUBMIT AN APPLICATION TO WARREN COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR A 2025 ROADWAY IMPROVEMENT PROJECT AND EXECUTE ANY NECESSARY DOCUMENTS

This Resolution authorizes the City Manager to apply for CDBG funds for fiscal year 2025 to Warren County and execute any necessary documents with the County Commissioners. The proposed project will include improvements to East Sixth Street from South Main Street to Riley Blvd. Improvements will include milling and repaving, new curb and gutter, new sidewalk on the north side, new storm sewer as well as replacing any bad subgrade.
Per the 2010 Census, these areas of the City of Franklin are classified as Low-to-Moderate Income and meet the LMI qualification in areas where CDBG work is to be performed.
Further, because Warren County has been classified as an urban county, the County Office of Grants Administration will administer the entire project, including bidding for the project.

Bryant Avenue
Estimated Total Project cost: \$606,000
Estimated CDBG Funds: \$200,000
Estimated City’s portion: \$406,000
Funds will be part of the County Vehicle Tax Fund and Stormwater Utility Fund.

Motion made by Wilcher, Seconded by Ruppert.
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher
Motion passed.

C. **RESOLUTION 2025-03** AUTHORIZING THE PURCHASE OF A SPLASH PAD FROM RAIN DROP PRODUCTS, LLC THROUGH THE SOURCEWELL PURCHASING PROGRAM

This Resolution authorizes the purchase of aquatic play equipment on State bid for a total cost of \$496,356.10

Mr. D. Centers feels that lighting, benches, and a restroom need to be in place in order to move forward with a the splashpad. Mr. Westendorf showed a rendering for the entire project that is to include a shelter, restrooms, playground, and fencing. This will need to be done in phases due to the cost of each phase. Mr. Ruppert and Vice Mayor Hall suggested signage with the phased plans to let everyone know what is coming.

Motion made by Ruppert, Seconded by Aldridge.

Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher

Motion passed.

8. CITY MANAGER'S REPORT

Staff received the first draft of the new RAISE Grant Narrative that day. Franklin Area Historical Society submitted the first letter of support. Staff has had great conversations with ODOT and variety of partners. The process is going well.

The Division of Fire & EMS Town Halls will be held on January 9, 11, and 14.

There will be no Council meeting on January 20 in honor of Martin Luther King, Jr. Day. A Special Meeting was scheduled for January 22 at 6:00pm.

Staff had identified a citizen to fill the Franklin seat on the Warren County Board of Health. Council approval would be sought on January 22.

Development Moratorium Update: Planning Commission is scheduled to meet on January 8 and January 15. The goal is to have the zoning updates finalized and approved for introduction at Council on January 22, with a vote on February 3. This would have the updates in effect on March 5. Mr. Westendorf plans on placing conditional legislation on the March 3 agenda that would end moratorium once new legislation is effective.

Mr. Westendorf extended a big "Thank You" to the Public Works crew for an outstanding job and continuing to do an outstanding job on clearing snow after recent winter storm. They have worked non-stop since Sunday.

9. COUNCIL COMMENTS

Mr. Wilcher said he saw a post about the car show returning and asked about future shows. Mr. Westendorf doesn't think it will return after 2025 but is working on a different car show opportunity.

Mrs. Fouts has received lots of compliments about the road conditions. The car show returning is exciting. It will make a lot of people happy. She would like to see what events will happen this summer. She appreciates everything. It will be a great year.

Mr. D. Centers heard compliments about the roads at breakfast that morning.

He said the water tower on Fourth Street needs painted or cleaned. Mr. Inman said it was in the budget for 2026. The new tower at the park has to be running before the old one can be drained and painted. Fall is the best time for painting due to low humidity. The cost is \$1 million, which includes painting the

inside of the tank. He said they were advised to stop pressure washing the tank as it would cause it to rust.

Mr. Ruppert thanked Mr. Inman for the work done on the roads. Franklin stands out from other towns. He had been asked several times if the lights would be left on the trees along Main Street. Mr. Westendorf said they should be down that week.

Mr. Aldridge echoed previous comments. He's not on social media so he doesn't hear the negative, but he gets a lot of positive comments especially about downtown. He attended Christmas Eve service downtown, and it was even more special. For the longest time we've been telling people what we are going to do, and now they are seeing it. He loves coming downtown. Hats off to everyone.

Vice Mayor Hall said that the Public Works Director has been in a plow moving snow to help get the streets cleared. For a small town, we do a lot of stuff. Everyone should be proud of what is accomplished. We've got the park that looks nice, getting ready to have a splashpad that looks nice. He can't wait for people to see that. We are moving in the right direction. There are things that are going to be circumstantial but need to be dealt with because we've never had to deal with them before. It's unfortunate, but we are doing things to improve curb appeal and property values. We are slowly fighting the battle and we will get there eventually.
He thanked everyone for attending the rescheduled meeting.

10. EXECUTIVE SESSION

- A. To consider the appointment, employment, and compensation of a public employee or official pursuant to ORC 121.22 (G)(1).

Motion to enter executive session made by Ruppert, Seconded by Aldridge.
Voting Yea: D. Centers, Ruppert, Aldridge, Fouts, Wilcher
Voting Nay: Vice Mayor Hall
Motion passed. Council went into executive session at 7:32pm.

Motion to exit executive session made by Aldridge, Seconded by Ruppert.
Voting Yea: D. Centers, Ruppert, Aldridge, Fouts, Wilcher, Vice Mayor Hall
Motion passed. Council exited executive session at 8:04pm.

11. ADJOURNMENT

Motion made by Aldridge, Seconded by Fouts.
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Aldridge, Fouts, Wilcher
Motion passed. Council adjourned at 8:04pm.

Brent Centers, Mayor

Khristi Dunn, Clerk of Council



LEGISLATIVE COVER MEMO

Introduction: January 22, 2025

Agenda Item: **Resolution 2025-04**

RESOLUTION OF NECESSITY TO LEVY AN ADDITIONAL TAX IN
EXCESS OF THE TEN-MILL LIMITATION

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: This Resolution is the first step in placing a Fire Levy on the May
2025 ballot.

Budget Impact: Unknown at this time.

Exhibits: None.

Recommendation: Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2025-04

RESOLUTION OF NECESSITY TO LEVY AN ADDITIONAL TAX IN EXCESS OF THE TEN-MILL LIMITATION

WHEREAS, the City of Franklin, Warren County, Ohio (the “City”) has determined in good faith that the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs of the City of Franklin (the “City”); and

WHEREAS, a resolution declaring the necessity of levying an additional tax outside the ten-mill limitation must be passed and certified to the Auditor of Warren County (the “County Auditor”) in order to permit the City Council (the “Council”) to consider the levy of such tax, and must request that the County Auditor certify to the Council the current total taxable value of the City, the estimated property tax revenue, rounded to the nearest \$1,000, that will be produced by such tax based on such total taxable value, and the amount of the tax, as required by Ohio Revised Code Section 5705.03(B)(2)(c)(ii), expressed in dollars, rounded to the nearest \$1, for each \$100,000 of the “county auditor’s appraised value” (as defined in Ohio Revised Code Section 5705.01(P));

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Franklin, Ohio, five of the members thereof concurring, that:

Section 1. It is necessary for the City request an additional tax levy (the “Levy”), which is a tax in excess of the ten-mill limitation, for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs.

Section 2. As authorized by Ohio Revised Code Sections 5705.19 and 5705.191, the question of the Levy shall be submitted to all of the electors of the entire territory of the City at the election to be held on May 6, 2025. All of the territory of the City is located in Warren County, Ohio.

Section 3. The Levy shall be at a rate not exceeding ____ mills for each \$1 of taxable value upon the entire territory of the City, for the following period of time: _____.

Section 4. The Levy shall include a levy on the tax list and duplicate for the 2025 tax year (commencing in 2025, first due in calendar year 2026), if approved by a majority of the electors voting thereon.

Section 5. The Clerk of the Council is directed to promptly certify a copy of this Resolution to the County Auditor with instructions for the County Auditor to certify to the Council the current total taxable value of the City, the

estimated property tax revenue that will be produced by the Levy based on such total taxable value, and the amount of the Levy expressed in dollars for each \$100,000 of the county auditor's appraised value.

Section 6. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code Section 121.22.

Section 7. This Resolution shall become effective immediately upon its passage.

ADOPTED: January 22, 2025

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
Brent Centers, Mayor

CERTIFICATE

The undersigned Clerk of the City Council of the City of Franklin, Ohio, hereby certifies that the foregoing is a true copy of a resolution duly adopted by the City Council of said City on January 22, 2025, and that a true copy thereof was certified to the County Auditor of Warren County, Ohio.

Khristi Dunn, Clerk of Council



LEGISLATIVE COVER MEMO

Introduction: January 22, 2025

Agenda Item: **Resolution 2025-05**
APPOINTING MEMBERS-AT-LARGE TO REGIONAL BOARDS AND COMMISSIONS

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: This Resolution reappoints Mr. Todd Lewis to the Franklin seat on the Warren County Board of Health.

Exhibits: None.

Recommendation: Approval.

CITY OF FRANKLIN, OHIO
RESOLUTION 2025-05

APPOINTING MEMBERS-AT-LARGE TO REGIONAL BOARDS AND COMMISSIONS

WHEREAS, in accordance with the City Charter, the City's Ordinances and Ohio law, Council must appoint members to various Boards and Commissions; and

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

Section 1. The following person is hereby appointed to the Warren County Board of Health for a one (1) year term ending December 31, 2025:

Todd Lewis

Section 2. The Board and Commission members herein appointed shall serve their appointed terms and shall continue in office until their successors are appointed. In the event any member is unable to complete his or her term, the designated alternate, if any, shall serve out the remainder of the term and shall continue in office until his or her successor is appointed.

Section 3. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 4. This Resolution shall become effective January 22, 2025

ADOPTED: January 22, 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 the resolution passed by that body on January 22, 2025.

Khristi Dunn, Clerk of Council



LEGISLATIVE COVER MEMO

Introduction: January 22, 2025

Agenda Item: **Resolution 2025-06**

AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND OTHER DOCUMENTS FOR THE CITY OF FRANKLIN'S PURCHASE OF CERTAIN REAL PROPERTY IDENTIFIED AS WARREN COUNTY AUDITOR'S PARCEL ID NUMBER 0431137017

Submitted by: Karisa Steed, Assistant City Manager/Econ. Development

Scope/Description: To allow the City Manager to execute a purchase and sale agreement for the City's purchase of 35 W 6th Street.

Budget Impact: \$220,000. The purchase of this real property described in this Resolution is expected to be in the best interests of the general welfare of City of Franklin residents by furthering economic development, growth, and stability in the City's downtown area.

Exhibits: Exhibit A: Purchase and Sale Agreement

Recommendation: Approval

CITY OF FRANKLIN, OHIO
RESOLUTION 2025-06

AUTHORIZING THE CITY MANAGER TO EXECUTE A PURCHASE AND SALE AGREEMENT AND OTHER DOCUMENTS FOR THE CITY OF FRANKLIN'S PURCHASE OF CERTAIN REAL PROPERTY IDENTIFIED AS WARREN COUNTY AUDITOR'S PARCEL ID NUMBER 0431137017

WHEREAS, Section 3.03(i) of the City Charter grants the Franklin City Council with the authority to acquire title or interest in real property;

WHEREAS, the City of Franklin desires to purchase a parcel of real property located in the City's corporate boundaries, more particularly identified as Warren County Auditor's Parcel ID number: 0431137017 (35 W Sixth Street) (the "Property"); and

WHEREAS, the current owners of the Property have agreed to sell the Property to the City for a total purchase price of \$220,000;

WHEREAS, the City of Franklin City Council finds it to be in the best interests of the City and its residents to proceed with the purchase of the Property for \$220,000, pursuant to the terms and conditions of the Purchase and Sale Agreement negotiated by the City and Property owners, attached as Exhibit A to this Resolution.

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

Section 1. The City Manager is authorized to execute a Purchase and Sale Agreement in substantially the same form as the agreement attached hereto as Exhibit A, along with all other documents necessary to consummate the City's purchase of the Property.

Section 2. It is found that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 Resolution shall become effective immediately upon its passage.

ADOPTED: January 22, 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 a resolution passed by that body on January 22, 2025.

Khristi Dunn, Clerk of Council

PURCHASE AND SALE AGREEMENT

This **PURCHASE AND SALE AGREEMENT** (this “**Agreement**”) is made and entered into as of the date the last party has executed this Agreement (the “**Effective Date**”), by and between **THE CITY OF FRANKLIN, OHIO**, an Ohio municipal corporation having an address of 1 Benjamin Franklin Way, Franklin, Ohio 45005 (“**Buyer**”), and **PREVAIL SOFTWASH LLC**, an Ohio limited liability company, (the “**Seller**”). In consideration of the mutual representations and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Seller and Buyer (the “**Parties**”) covenant and agree as follows:

1. **Purchase and Sale.** Seller hereby agrees to sell and convey to Buyer, and Buyer hereby agrees to purchase from Seller, upon the terms and conditions set forth herein, the real property and all improvements thereon located at 35 W 6th Street, Franklin, OH 45005, and identified as Warren County Auditor’s Parcel ID No. 0431137017 and depicted on the attached **Exhibit A** (the “**Property**”). The Property includes all improvements, easements, rights-of-way and appurtenances belonging or in any way appertaining thereto, and all rights, licenses, privileges and benefits which relate thereto, of every kind, character and description, now existing or existing at the Closing (as defined below), whether tangible or intangible, real, personal or mixed.

2. **Purchase Price.** Buyer shall purchase the Property for a price of Two Hundred Twenty Thousand and no/100 Dollars (\$220,000.00) (the “**Purchase Price**”). The Purchase Price shall be paid at Closing by wire transfer, subject to adjustments set forth herein.

3. **Due Diligence.**

(a) **Due Diligence Period.** Buyer’s obligations hereunder are subject to Buyer being satisfied regarding the condition and suitability of the Property in all respects, in Buyer’s sole discretion. Buyer shall have the opportunity and right to inspect and investigate the Property’s condition and suitability for a period of up to sixty (60) days following the Effective Date (the “**Due Diligence Period**”). Buyer has the option to extend the Due Diligence Period up to one (1) time for an additional sixty (60) day period by giving written notice to Seller prior to expiration of the initial Due Diligence Period.

(b) **Due Diligence Materials.** Seller shall provide to Buyer within ten (10) business days after the Effective Date copies of (i) documents responsive to any diligence list previously provided by Buyer to Seller and (ii) all surveys, studies, architectural plans, topographical and engineering plans or studies, environmental reports, assessments, studies, tests, and analyses, soils tests, zoning information, current title work, subdivision and planned unit development plats, approvals and plans, TIF information and documentation, if applicable, and all other information studies, reports, permits, any correspondence related to any of the foregoing, and all other data and information relating to the Property, or any portion thereof, or any proposed development or operation thereof, which Seller has in Seller’s possession or control, which were prepared for or on behalf of Seller, or are readily available to Seller. If Seller fails to deliver any of the requested items required to be delivered to Buyer within the Due Diligence Period, then the Due Diligence Period shall be extended on a day-for-day basis (extended one business day for

each day of delay in receipt of the requested item or items) until Seller has delivered all such requested items and/or written statements to Buyer.

(c) Tests and Inspections. Buyer shall have the right during the Due Diligence Period to commence physical tests and inspections of the Property and to undertake any engineering, environmental, soils, or other studies on the Property (all at Buyer's sole cost); provided, however, Buyer shall give Seller reasonable advance notice of any proposed entry onto the Property for such purposes. Seller shall cooperate with Buyer in its Property inspections, and shall not unreasonably restrict Buyer's access to the Property during the Due Diligence Period. Matters subject to Buyer's review may include, by way of example and without limitation, title, surveys, review of physical conditions, financial feasibility, development costs, utility availability, sanitary and storm water facilities, soil and subsurface conditions, environmental conditions and restrictive covenants.

(d) Objections. If Buyer notifies Seller of any title defects, exceptions or survey objections (collectively, "**Objections**") prior to the expiration of the Due Diligence Period, Seller shall have ten (10) days from its receipt of such notice in which to either: (i) cure such Objection(s) or commit to cure them on or before the Closing Date; or (ii) notify Buyer in writing that Seller is unable or unwilling to cure such Objection(s). If Seller notifies Buyer that Seller is unable or unwilling to cure any Objection, Buyer shall have ten (10) days from its receipt of such notice in which to elect in writing to either: (i) accept such title as Seller is willing and able to convey; or (ii) terminate this Agreement, in which case the Parties will have no further obligations to one another.

(e) Assumption of Agreement. Seller shall deliver to Buyer a copy of any contracts, leases or agreements affecting or relating to the Property subject to this Agreement, and all amendments or modifications thereto, which Seller or its agents or affiliates have entered into in connection with or related to the ownership, development, construction, operation or use of the Property and of all guarantees and warranties extended or assigned to Seller in connection therewith which are currently in effect. Buyer shall inform Seller, not less than ten (10) days prior to the date of the Closing, which of the contracts and agreements delivered to Buyer, if any, that Buyer desires to have assigned to it by Seller. To the extent assignable, Seller shall assign to Buyer all of Seller's rights, title and interests in, to and under any and all such contracts and agreements so designated by Buyer, and Seller shall use commercially reasonable efforts to obtain any and all required consents to the assignments of such contracts and agreements prior to the date of the Closing. Any other such contracts and agreements not expressly assumed by Buyer shall be terminated by Seller prior to Closing, at Seller's sole cost and expense.

(f) Seller's Actions Prior to Closing. Notwithstanding the foregoing, Seller shall be responsible for causing all matters of a monetary nature arising from the act or omission of Seller to be released at or prior to Closing, including, without limitation, mortgages, judgment liens, mechanic's liens, penalties, and the like; and Buyer shall have no obligation to notify Seller that any such matters are objectionable or otherwise must be released prior to Closing.

(g) Buyer's Right to Terminate. Nothing in this Agreement shall be construed as imposing any limitations upon the reasons for which Buyer may decide not to purchase the

Property. Buyer shall have the right, in its sole discretion, for any reason or no reason, to terminate this Agreement by providing Seller with written notice of Buyer's decision to terminate at any time prior to the expiration of the Due Diligence Period and the parties shall thereafter have no rights or obligations with respect to one another under this Agreement except those which expressly survive Closing or termination hereof.

4. Closing; Closing Adjustments and Costs; Closing Documents.

(a) Closing Date. The closing of the purchase contemplated herein shall be on a date selected by the Parties that is no later than ten (10) days after the expiration or Buyer's earlier waiver of the Due Diligence Period (the "**Closing**"). The Closing shall take place at such time and place as is mutually agreed by the Parties.

(b) Closing Costs. At Closing, Buyer shall pay all transfer taxes. Seller shall pay all title examination fees and title insurance premiums necessary to provide Buyer with an owner's policy of title insurance from a title insurance company of Buyer's choice, insuring fee simple title ownership to the Property. The Seller shall pay costs associated with preparation of the General Warranty Deed, recording costs, and all other closing costs. Buyer and Seller shall each be responsible for the payment of their respective attorneys' fees and expenses.

(c) Prorated Real Estate Taxes. Buyer and Seller shall prorate all real property taxes and assessments related to the Property as of the date of Closing (collectively, "**Taxes**"), with the date of Closing being treated as the first day of ownership by Buyer. Seller shall be responsible for payment of all Taxes accruing prior to Closing. If the final tax bill for the Property is not available at Closing, the Taxes shall be prorated based upon the latest available tax duplicate(s) for the Property using the method customary in Warren County, Ohio.

(d) Deed. At Closing, Seller shall convey to Buyer good and marketable fee simple title to the Property by recordable General Warranty Deed, with release of dower where applicable, free and clear of all liens and encumbrances by any party claiming by, through or under Seller, except: (i) liens for Taxes not yet due and payable as of Closing; (ii) easements and restrictions of record; and (iii) governmental laws, restrictions and ordinances affecting the Property. Seller shall deliver exclusive possession of the Property to Buyer at Closing pursuant to the terms and conditions set forth herein.

(e) Other Closing Documents from Seller. At Closing, in addition to the above-referenced executed General Warranty Deed, Seller shall deliver to Buyer all documents that may be reasonably requested by the closing agent or title company to ensure that good and marketable title is transferred to Buyer including: (i) satisfactory evidence of the authority of the persons executing the conveyance documents to sign such documents and consummate the transaction on behalf of Seller, together with a certified resolution authorizing the transaction contemplated by this Agreement; and (ii) all other documents which may be reasonably required by the Title Company to insure Buyer of good and marketable title to the Property.

5. Seller Representations and Warranties. Seller hereby covenants, represents and warrants to Buyer, to the best of Seller's actual knowledge, as of the Effective Date and again as of the Closing Date:

(a) Authority. Seller has all requisite power and lawful authority to enter into and perform the obligations required of Seller under this Agreement, and for Seller to execute and deliver a General Warranty Deed conveying title to the Property to Buyer.

(b) Title to Property. Seller is the sole fee simple owner of the Property, or designated agent thereof, and has or otherwise can readily obtain good and marketable fee simple title to the Property subject only to ad valorem taxes, existing liens, easements, restrictions and other matters of record and zoning ordinances, and Seller is fully authorized to enter into this Agreement. Seller has not entered into any unrecorded agreements to lease, sell, mortgage or otherwise encumber or dispose of any interest in the Property, except for this Agreement. No person or entity has any right or option to acquire all or any portion of the Property subject to and described within this Agreement, other than Buyer pursuant to this Agreement and there are no recorded or unrecorded sale or purchase contracts, options, nor rights of first refusal, to which Seller is a party pertaining to or affecting the sale of the Property, or any part thereof. Seller is not a party to, and the Property is not subject to, any lease or agreement of any kind whatsoever, written or oral, with respect to the Property, other than this Agreement, and other matters of record as of the date of this Agreement.

(c) Possession. No party, person or entity is or will be in possession of the Property or any portion thereof, and, no party, person or entity has any interest in the Property, or any portion thereof, except Seller.

(d) Violations of Law. To Seller's knowledge (i) the condition of the Property does not and will not as of Closing violate any zoning, building, health, fire or similar statute, ordinance, regulation or code, and the Seller has not received any notice, written or otherwise, from any governmental agency alleging any such violations and (ii) Seller has received no notice of any unperformed obligations relative to the Property outstanding to any governmental or quasi-governmental body or authority.

(e) Litigation. Seller has not received notice of any action, suit or proceeding that is pending or threatened, before or by any judicial body, any governmental agency or authority, against or affecting all or any part of the Property.

(f) Condemnation. Seller has not received any notice of any pending and, to Seller's knowledge, there is not contemplated any eminent domain, condemnation or other governmental taking of the Property or any part thereof.

(g) All Required Actions Taken. All actions required pursuant to this Agreement and necessary to effectuate the transaction contemplated herein has been or will be taken promptly and in good faith by Seller and its representatives and agents.

(h) Protected Lands and Wetlands. To the best of Seller's knowledge (i) the

Property is not in violation of any federal, state or local archeological or historic preservation laws, other laws relating to Indian burial grounds, or federal, state or local environmental restrictions such as flood plain restrictions; and (ii) no portion of the Property is in violation of any restrictions because of the presence of endangered species on or in the vicinity of the Property, and Seller has no knowledge that any such restrictions are being contemplated by any federal, state or local body or agency having jurisdiction over the Property or any portion thereof. Further, Seller acknowledges that, to Seller's knowledge, no part of the Property is in a wetland designated by the United States Army Corp of Engineers or other federal state or local body or agency having jurisdiction over the Property or any portion thereof. To the best of Seller's knowledge, the Property is not located within an indicated flood plain that would adversely affect the Property.

(i) Compliance with Laws. Seller has received no notice of any violation of any applicable law (whether federal, state, county, city or otherwise, and whether statutory, common law or otherwise) regarding health or welfare, landfill and solid waste disposal, environmental protection, water and air pollution, composition of substances, Hazardous Materials (as defined below), occupational health and safety, and/or nuisance, trespass and negligence relating to the Property.

(j) Environmental. Seller has not generated, treated, stored, injected, deposited, dumped, placed, discharged or disposed of, and is not aware of any leakage, spillage or escape of Hazardous Materials in, under or upon the Property (above or below ground), or any portion thereof, or used any Hazardous Materials in or on the Property, or any portion thereof, in violation of any Environmental Laws; and no prior owner and no prior or current occupant generated, treated, stored, injected, deposited, dumped, placed, discharged or disposed of, and Seller is not aware of any leakage, spillage or escape of such Hazardous Materials in, under or upon the Property by Seller, or used any Hazardous Materials in or on the Property, or any portion thereof, in violation of any Environmental Laws; to the Seller's knowledge, no Hazardous Materials are present in, under or upon the Property, or any portion thereof; no portion of the Property has ever been used as a sanitary landfill or dump; no underground storage tank or tanks are located on or under the Property; and no Hazardous Materials or underground storage tanks are present in, under or upon any parcel of property adjacent to the Property. No environmental or other disclosure is required in connection with the transactions contemplated by this Agreement. For purposes of this Agreement, "**Hazardous Materials**" means and includes any waste material or other substance defined as hazardous in 42 U.S.C. Sec. 9601(14) or any related or applicable federal, state or local statute, law, regulation or ordinance, pollutants or contaminants (as defined in 42 U.S.C. Sec. 9601(33), petroleum (including crude oil or any fraction thereof), any form of natural or synthetic gas, sludge (as defined in 42 U.S.C. Sec. 6903(26A)), radioactive substances, hazardous waste (as defined in 42 U.S.C. Sec. 6903(27)) and any other hazardous wastes, hazardous substances, contaminants or pollutants as defined or described in any of the Environmental Laws. For the purposes of this Agreement, "**Environmental Laws**" means all federal, state and local environmental laws, and any rule or regulation promulgated thereunder and any order, standard, interim regulation, moratorium, policy or guideline of or pertaining to any federal, state or local government, department or agency, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA), the Superfund Amendments and Reauthorization Act of 1986 (SARA), the Clean Water Act, the Clean Air Act, the Toxic Substances Control Act, the Occupational Safety and

Health Act, the Federal Insecticide, Fungicide and Rodenticide Act, the Marine Protection, Research, and Sanctuaries Act, the National Environmental Policy Act, the Noise Control Act, the Safe Drinking Water Act, the Resource Conservation and Recovery Act (RCRA), as amended, the Hazardous Material Transportation Act, the Refuse Act, the Uranium Mill Tailings Radiation Control Act and the Atomic Energy Act and regulations of the Nuclear Regulatory Agency, and all state and local counterparts or related statutes, laws, regulations, and order and treaties of the United States. Seller shall defend, indemnify, release and hold harmless Buyer from and against any and all damages, liabilities, costs and expenses (including reasonable attorney's fees) arising in connection with any release directly by Seller of Hazardous Materials occurring during Seller's ownership of subject Property. The obligations of Seller hereinabove provided shall survive Closing.

(k) Conduct Prior to Closing. From and after the Effective Date of this Agreement, and while this Agreement is in effect: (i) Seller will not enter into or amend any agreements affecting the Property subject to this Agreement, without the prior written consent of Buyer; and (ii) Seller will not solicit, initiate or negotiate a sale, lease or rights in or to all or any of the Property subject to this Agreement with any person other than Buyer.

The truth and accuracy of the foregoing representations and warranties shall be a condition precedent to the Closing. The provisions, warranties, representations, and agreements of this Section 5 and made pursuant to this Agreement shall survive Closing.

6. Risk of Loss. Seller agrees that it will deliver the Property to Buyer at Closing in substantially the same condition and repair as of the date of this Agreement. All risk of loss with respect to the Property shall remain with Seller until Closing.

7. Cooperation. Buyer and Seller shall cooperate fully with each other to carry out and effectuate the purchase and sale of the Premises in accordance herewith and the satisfaction and compliance with all of the conditions and requirements set forth herein. Wherever the approvals of Buyer and Seller as herein set forth are so required, such approvals shall not unreasonably be withheld.

8. Damage and Condemnation. If, at any time prior to Closing, all or any part of the Property is damaged by casualty, or taken or appropriated by virtue of eminent domain or similar proceedings, or is condemned for any public or quasi-public use, then Buyer may, in its sole discretion, terminate this Agreement and thereafter none of the Parties will have any further obligations hereunder. If Buyer terminates this Agreement in accordance with this provision, Seller shall be entitled to receive all insurance proceeds and/or condemnation proceeds payable for the affected portion of the Property. If Buyer instead elects to maintain this Agreement in full force and effect: (i) Buyer shall be entitled to receive all insurance proceeds and/or condemnation proceeds payable for that portion of the Property damaged or taken, and Seller shall execute such assignments or other instruments as are necessary to transfer such proceeds to Buyer; or (ii) Buyer shall receive a credit against the Purchase Price equal to the amount of the insurance or condemnation proceeds actually paid to Seller with any remaining proceeds to be transferred to Buyer at Closing.

9. Default. If, following the full execution of this Agreement, any Party defaults in the performance of its duties or obligations hereunder, or any material representation or warranty hereunder is otherwise untrue or incomplete, the following terms and conditions shall apply:

(a) If Buyer defaults on any obligation contained in this Agreement, Seller must give Buyer written notice of the default and a ten (10) day opportunity to cure said default. If Buyer remains in default following the ten (10) day cure period, Seller's sole remedy shall be to terminate this Agreement, and thereafter none of the Parties will have any further obligations hereunder.

(b) If Seller defaults on any obligations contained in this Agreement, Buyer must give Seller written notice of the default and a ten (10) day opportunity to cure said default. If Seller remains in default following the ten (10) day cure period, then Buyer shall have the right to: (i) pursue specific performance against Seller and recover from Seller all attorney fees or other costs incurred in connection therewith; or (ii) terminate this Agreement and recover all damages incurred by Buyer in connection with this Agreement and the Property.

10. Notices. Any notices delivered to a Party pursuant to this Agreement shall be delivered to the recipient-Party at the address listed below (or such other address that may be designated in writing by the Party following the Effective Date) by: (i) personal delivery; or (ii) or by a nationally recognized overnight courier service. A copy of the notice shall also be sent to the recipient-Party's designated e-mail address listed below (or such other e-mail address that may be designated in writing by the Party following the Effective Date). A notice properly addressed to the recipient-Party shall be deemed given and effective upon receipt by the recipient-Party.

IF TO SELLER:

Name: Prevail Softwash LLC
Attn: Joseph Horvath
Address: 5741 Bentwood Dr, Middletown, OH 45042
Email: _____

IF TO BUYER:

Name: City of Franklin
Attn: Jonathan Westendorf, City Manager
Address: 1 Benjamin Franklin Way, Franklin, Ohio
E-mail: jwestendorf@franklinohio.org

11. Brokers. The Seller and Buyer shall each be liable for and pay for their own respective attorneys, engineering, appraisal and other professional fees. Seller and Buyer each warrant and represent to the other that neither has engaged any real estate agent or broker in connection with the transaction contemplated by this Agreement.

12. Miscellaneous.

(a) Time is of the Essence. Time is of the essence with respect to the completion and fulfillment of all terms and conditions set forth in this Agreement. The time in which any act provided by this Agreement is to be done shall be computed by excluding the first day and including the last day, unless the last day is a Saturday, Sunday, or legal holiday, in which event the last day shall also be excluded.

(b) Governing Law. This Agreement and the rights of the parties hereunder shall be governed by and construed in accordance with the laws of the State of Ohio.

(c) Entire Agreement. This Agreement contains the entire agreement of the Parties with respect to the purchase and sale of the Property, and no other agreement, statement or promise made by any Party, or any officer, representative, employee or agent of any Party, whether express or implied, oral or written, that is not contained in this Agreement shall be binding or valid. This Agreement shall be binding upon, and shall inure to the benefit of, the Parties hereto, their respective heirs, legal representatives, successors and assigns.

(d) Counterparts and Amendment. This Agreement may be executed in any number of counterparts, each of which shall be an original, and all of which together shall constitute one and the same instrument. This Agreement may only be amended by written amendment signed by Buyer and Seller.

(e) Assignment. Buyer shall have the right to assign this Agreement to any entity or affiliated with Buyer without consent of Seller. In the event of such an assignment, all the terms and conditions of this Agreement shall be binding on the assignee and Buyer shall remain liable for performance of the assignee hereunder. All other assignments shall require the consent of Seller, which consent shall not be unreasonably denied or delayed.

(f) Headings and Captions. The several headings and captions of the Sections and Subsections used herein are for convenience or reference only and shall, in no way, be deemed to limit, define or restrict the substantive provisions of this Agreement.

(g) No Waiver. No failure by either Party to insist upon the strict performance of the other Party's obligation under any covenant, agreement, term or condition set forth herein, or to exercise any right or remedy consequent upon a breach thereof, shall constitute a waiver of any such breach, or of such covenant, agreement, term or condition. No waiver of any breach shall affect or alter this Agreement, and each and every covenant, condition, agreement and term of this Agreement shall continue in full force and effect with respect to any other then-existing or subsequent breach. No waiver of any breach shall in any event be effective unless the same is in writing, signed by the non-breaching Party, and then such waiver shall be effective only in the specific instance and for the specific purpose for which it is given.

(h) Enforcement. If any term, covenant or condition contained in this Agreement is deemed by a court of competent jurisdiction to be invalid, illegal or unenforceable for any reason, the rights and obligations of the Parties hereunder shall be construed and enforced

with such term, covenant or condition limited so as to make it valid, legal or enforceable to the greatest extent allowed by law, or, if such term, covenant or condition is totally invalid, illegal or unenforceable, the rights and obligations of the Parties hereunder shall be construed and enforced as if such term, covenant or condition was never contained herein, and all other terms, covenants and conditions set forth in this Agreement shall continue on, unchanged.

[signature page follows]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

BUYER:

CITY OF FRANKLIN, OHIO

Jonathan Westendorf, City Manager
Date: _____

Approved as to form:

Benjamin Yoder, Law Director
Date: _____

SELLER:

PREVAIL SOFTWASH LLC

Name: _____
Title: _____
Date: _____

EXHIBIT A
THE PROPERTY





LEGISLATIVE COVER MEMO

Introduction: January 22, 2025

Public Hearing: February 3, 2025

Effective Date: March 5, 2025

Agenda Item: **Ordinance 2025-01**

AMENDING SECTION 1113.01 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: The Ordinance proposes various amendments to Section 1113.01 Conditional Uses. Section references have been updated to include the new use tables.

The specific standards for conditional uses located in Section 1113.01(e) have been removed and incorporated into the use standards located in Chapter 1107 Districts and Land Use Standards.

Planning Commission unanimously recommended approval of the text amendments to Council during its January 8, 2025 meeting.

Exhibits: Exhibit A: Section 1113.01 of the UDO

CITY OF FRANKLIN, OHIO
ORDINANCE 2025-01

Section 9, Item A.

AMENDING SECTION 1113.01 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 1113.01 of the UDO during a public meeting of Planning Commission held on January 8, 2025;

WHEREAS, Planning Commission reviewed the proposed text amendments during its January 8, 2025 meeting and recommended that City Council approve the text amendments in the same form attached as Exhibit A 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 Section 1113.01 of the UDO in accordance with Exhibit A.

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 Section 1113.01 of the City’s Codified Ordinances, and Section 1113.01 is hereby amended as set forth in the attached Exhibit A.

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: January 22, 2025

ADOPTED: February 3, 2025

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 2025-01 passed by City Council on February 3, 2025.

Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

Ben Yoder, Law Director

1113.01 Conditional Uses.

- (a) Purpose: Under some unusual circumstances, a use which more intensely affects an area than those uses which are permitted in the zoning district in which it is proposed to be located may nevertheless be desirable and also compatible with the permitted uses within the zoning district, if the proposed use is properly controlled and regulated. The purpose of this Section is to establish the provisions whereby the Planning Commission may allow such uses to exist as conditional uses in specific zoning districts where these unusual circumstances exist and where the proposed uses will be consistent with the general intent and purpose of this UDO.
- (b) Applicability:
- (1) A use designated as a Conditional Use may be permitted in a zoning district, in accordance with this Section, when its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the zoning district. To this end, if the Planning Commission decides to grant a Conditional Use Permit, it may set forth additional requirements or conditions, or modify or waive any requirement, as will, in its judgment, render the Conditional Use compatible with the existing and future use of adjacent lots and the vicinity.
 - (2) When a proposed use involves two ~~(2)~~ or more Conditional Uses, the applicant shall seek a Conditional Use Permit for each such use, which may be done by one application (including one development plan, site plan, and/or construction plan, as required). The proposed uses shall meet the specific standards for each use, except as such requirements are modified or waived by the Planning Commission.
- (c) General Provisions: The following general provisions shall apply:
- (1) **Administration**: Any owner of property in the City may submit an application to the Planning Commission requesting a Conditional Use Permit. Conditional Uses may be permitted in certain zoning districts, as listed in ~~Chapter 1107, Table 1107.12-1 and Table 1107.12-2, Table 5 and Table 7.~~ The procedure required prior to authorization of a Conditional Use Permit shall be as prescribed in this Section and ~~S~~section 1115.09.
 - (2) **Use Standards**: A Conditional Use, and its accessory uses, may be permitted in a zoning district only when the use, and its location, extent, and method of development, will not substantially alter the character of the area or interfere with the use of adjacent lots in the manner prescribed for the zoning district. In addition, the particular facts and circumstances of each proposed use shall be reviewed for conformity with the General Standards for Approval outlined in ~~S~~section 1113.01(d), ~~and the Specific Standards contained in section 1113.01(e).~~
 - (3) **Development Standards**: A Conditional Use, and its accessory uses, must meet the ~~dimensional standards for the zoning district in which it is located per Chapter 1107, any applicable use specific standards per Chapter 1107, and any applicable development standards per Chapter 1111. Lot and Dimensional Requirements outlined for the Use or, if not specifically listed, the underlying zoning district, in Chapter 1107, Table s 2-4, Table 6, Table 8 and Table 9, in addition to any applicable Development Standards contained in Chapter 1111.~~
 - (4) **Compatibility**: ~~Unless otherwise specified in the specific standards outlined in section 1113.01(e),~~ Ithe standards established in the underlying zoning district in which the

Conditional Use is proposed to be located shall apply to the Conditional Use and well as any use specific standards in Chapter 1107.-

- (5) **Similar Uses:** For any proposed use not specifically listed as a conditional use, but that appears to be similar to other listed Conditional Uses, the applicant may file with the Planning Commission for a determination of similar use. Upon such determination, the

Planning Commission shall apply the specific standards for the determined similar use to the proposed use.

(d) General Standards for Approval: A Conditional Use shall not be granted unless it meets all of the following standards, in addition to any Specific Standards for Approval for the particular use under subdivision (e) of this Section:

- (1) The proposed use is a Conditional Use in the zoning district for which it is proposed;
- (2) The proposed Conditional Use will be in accordance with the general objectives, or with any specific objective, of the City's Comprehensive Development Plan or this UDO;
- (3) The proposed Conditional Use will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the neighborhood;
- (4) The proposed Conditional Use will not be hazardous or unreasonably disturbing to existing or future neighboring uses;
- (5) The proposed Conditional Use will be served adequately by essential public facilities and services such as streets, police and fire protection, drainage, water and sewer, or the persons or agencies responsible for the establishment of the proposed use shall be able to adequately provide any such services;
- (6) The proposed Conditional Use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- (7) The proposed Conditional Use will not involve uses, activities, processes, materials, equipment and conditions or operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- (8) The proposed Conditional Use will have vehicular approaches to the property that are designed so as not to interfere with traffic on surrounding public thoroughfares; and
- (9) The proposed Conditional Use will not result in the destruction, loss or damage of a natural, scenic, or historic features of major importance.

~~(e) Specific Standards: This Section presents standards applicable to the specific Conditional Uses listed, which must be met in addition to the General Standards for Approval contained in subdivision (d) of this Section. Unless otherwise noted, the development standards of the zoning district, and any other applicable standards as contained in Chapter 1111 of this UDO, shall apply:~~

~~(1) Alcohol and Drug Addiction Treatment Facilities:~~

~~(A) Purpose: A licensed facility that provides inpatient treatment, including room and board, to individuals addicted to substances of abuse, including alcohol, legal drugs and/or illicit drugs, which treatment may include counseling, psychology, social work, psychiatry, internal medicine and the administering of medication for treatment purposes.~~

~~(B) Standards:~~

~~(i) The proposed use shall meet all applicable Federal, State and/or local licensing requirements, certification requirements and/or business regulations;~~

- ~~(ii) The proposed facility must meet local fire safety requirements and Ohio Building Code requirements for the proposed use and level of occupancy;~~
- ~~(iii) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in Section 1111.07;~~
- ~~(iv) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in Section 1111.07;~~
- ~~(v) Any signage shall be of the type and size permitted in the Zoning District under the City's sign regulations, outlined in Section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit;~~
- ~~(vi) The proposed use shall comply with the landscaping standards contained in Section 1111.06;~~
- ~~(vii) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residential properties;~~
- ~~(viii) The applicant shall submit a traffic plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion and promote safety;~~
- ~~(ix) For new buildings, when adjacent to Residential Districts, all buildings shall be set back an additional one foot (1') over the usual yard requirements for each one foot (1') of the building that exceeds thirty-five feet (35') in height;~~
- ~~(x) A solid wood fence, masonry wall, or hedge six feet (6') high shall be required along any property line adjacent to a residential use or Residential District;~~
- ~~(xi) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer;~~
- ~~(xii) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer;~~
- ~~(xiii) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided;~~
- ~~(xiv) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve; and~~
- ~~(xv) The applicant will provide documentation indicating the need for the~~

~~facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.~~

~~(2) Assisted Living and Life Care:~~

~~(A) Purpose: A residential facility for the aged or infirm, or any other reasonably independent person in need of limited care, that provides health monitoring services and assistance with daily activities, and may provide other services, such as recreational, social, educational and cultural activities, transportation and financial services.~~

~~(B) Standards:~~

- ~~(i) Single family homes may not be used for such facilities.~~
- ~~(ii) The facility is not equipped for surgical care or for treatment of acute disease or serious injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.~~
- ~~(iii) The proposed facility must meet all federal and/or state certification, licensing or approval requirements.~~
- ~~(iv) The proposed facility must meet local fire safety and Ohio Building Code requirements for the proposed use and level of occupancy.~~
- ~~(v) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it.~~
- ~~(vi) The exterior of the facility shall be compatible with the residential character of the neighborhood.~~
- ~~(vii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(viii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(ix) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(x) The applicant will provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.~~

~~(3) Bar, Lounge, and/or Tavern:~~

~~(A) Purpose: The use shall be for the purpose of selling food and beverages, including alcoholic beverages, to be consumed on the premises.~~

~~(B) Standards:~~

- ~~(i) Such establishment shall be located at least two hundred fifty feet (250') from a residential district, churches and schools.~~
- ~~(ii) All activities shall take place in a fully enclosed sound-resistant building.~~

~~(iii) The site shall be kept free of litter and debris. The use of bars, lounges or taverns shall be no later than 2:30 a.m., unless otherwise specified by Planning Commission in approving a Conditional Use Permit.~~

- ~~(iv) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(v) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(vi) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

~~(4) Bed and Breakfasts:~~

- ~~(A) Purpose: The use shall be for providing only overnight accommodation for guests, in up to five (5) guest rooms, and breakfast for said guests.~~
- ~~(B) Standards:~~
 - ~~(i) The facility shall be compatible with surrounding uses and shall be of sufficient site area to accommodate existing and future needs.~~
 - ~~(ii) Accessory structures garages used by one or more of the allowed guests shall not contain cooking facilities.~~
 - ~~(iii) Breakfast shall be served on the premises only for the guests of the facility, and no other meals shall be provided. "Restaurants," as defined in Chapter 1103, included in Bed and Breakfasts shall be subject to the approval of Planning Commission.~~
 - ~~(iv) The owner shall maintain a record of the stays of all guests. The same guest or group of registrants shall not stay at the facility for a period of more than seven (7) consecutive days or more than fourteen (14) total days within a given calendar year.~~
 - ~~(v) The operator of the bed and breakfast facility must be the owner of record of the building, and hold no less than a fifty percent (50%) interest in the property. The owner must occupy the property.~~
 - ~~(vi) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
 - ~~(vii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
 - ~~(viii) The proposed use shall comply with the City's Parking Regulations, contained in section 1111.07. Driveways may be used as off-street parking areas, except for that portion of a driveway located between the property line and the curb. For parking, setbacks shall be not less than ten (10) feet from any rear or side-yard lot line.~~

~~(5) Cemeteries and Mortuaries:~~

~~(A) Purpose: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums~~

~~and mortuaries, if operated in connection with and within the boundaries of such cemetery.~~

~~(B) Standards:~~

- ~~(i) The site shall have direct access to a major thoroughfare, which the Planning Commission determines is adequate to serve the size of the facility proposed.~~
- ~~(ii) All buildings including, but not limited to crematories, mausoleums and mortuaries, shall not be located within one hundred feet (100') of a property line.~~
- ~~(iii) All graves or burial lots shall be setback not less than fifty feet (50') from any property line.~~
- ~~(iv) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(v) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

~~(6) **Churches and Places of Worship:**~~

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

~~(B) Standards:~~

- ~~(i) The place of worship shall be used only for the purposes of the local congregation or organization and shall not be operated as or in connection with any commercial use, except that the renting of rooms for community service purposes is permitted.~~
- ~~(ii) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(iii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(iv) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(v) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(vi) In residential districts, all buildings shall be set back an additional one foot~~

~~(1') over the usual yard requirements for each one foot (1') of the building that exceeds thirty-five feet (35') in height.~~

~~(vii) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject~~

~~to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.~~

~~(viii) A cemetery associated with a church shall require a separate Conditional Use Permit under 1113.01(e)(6).~~

~~(ix) Nursery, kindergarten, day care and compulsory (grades 1 through 12) schools shall be permitted accessory uses to a church; however, any outdoor playgrounds, tot lots, exercise areas, etc., shall be enclosed or otherwise protected from traffic or other hazards. The area shall be enclosed by a fence or wall a minimum of five feet (5') in height, except when the recreational area abuts a residential property, in which case it shall be enclosed by a solid wood fence or masonry wall six feet (6') high along the property line.~~

~~(7) Commercial Entertainment:~~

~~(A) Purpose: A commercial establishment that provides, as its primary activity, space for various types of sporting and/or leisure activities, and is completely contained within an enclosed building. Examples of such uses include skating rinks, bowling alleys, indoor playgrounds and movie theaters.~~

~~(B) Standards:~~

~~(i) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~

~~(ii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(iii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~

~~(iv) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

~~(v) A six foot (6') high solid wood fence, masonry wall, or hedge shall be required along any property line adjacent to a residential use or residential district.~~

~~(vi) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~

~~(vii) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer. Interconnecting circulation aisles between parcels shall be provided.~~

~~(viii) The circulation areas shall provide smooth, continuous flow with efficient.~~

~~non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Access to an arterial or collector street is required.~~

- ~~(ix) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~
- ~~(x) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion and to promote safety.~~
- ~~(xi) When adjacent to a residential district, all buildings shall be set back an additional one foot (1') over the usual yard requirements for each one foot (1') of the building that exceeds thirty-five feet in height (35').~~
- ~~(xii) If adjacent to a residential use or residential district, such use shall not create excess noise, dust, odors or other nuisances.~~
- ~~(xiii) Planning Commission may limit the hours of operation of such use to assure compatibility with adjacent uses.~~

~~(8) Community Centers:~~

~~(A) Purpose: A place, structure, area or other facility used for social and recreational programs open to the public and designed to accommodate and serve significant segments of the community. A community center may also be referred to as a convention center or a civic center.~~

~~(B) Standards:~~

- ~~(i) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(ii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(iii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(iv) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(v) In residential districts, all buildings shall be set back an additional one (1) foot over the usual yard requirements for each one (1) foot of the building that exceeds thirty-five (35) feet in height.~~
- ~~(vi) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.~~

~~(9) Day Care, Child and/or Adult:~~

~~(A) Purpose: The use shall be for the purpose of providing temporary care, for a portion of the day, to children and/or adults. A day care facility also may be~~

~~operated as an accessory use to a place of worship, school, or other public or semi-public organization.~~

~~(B) Standards:~~

- ~~(i) The proposed facility must meet State certification, licensing or approval requirements.~~
- ~~(ii) The proposed facility must meet local fire safety requirements for the proposed use and level of occupancy.~~
- ~~(iii) The exterior of the facility shall be compatible with the residential character of the neighborhood, and the use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(iv) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(v) The proposed use shall not require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07. Required parking shall be on the same lot as the principal use.~~
- ~~(vi) An on-site drop off shall be provided at the main entrance to the facility with queuing area sufficient to accommodate eight (8) automobiles for facilities with twenty or fewer clients plus one (1) additional vehicle for each additional ten (10) clients served.~~
- ~~(vii) The proposed use shall not generate an unreasonable increase in traffic volume and access to an arterial or collector street is required, or access shall be provided in a manner that does not cause heavy traffic on residential streets.~~
- ~~(viii) There shall be on the site a safe outdoor play space or recreation area, which is enclosed or otherwise protected from traffic or other hazards. The space shall contain no less than sixty square feet (60 sq. ft.) per client and shall provide an opportunity for supervised outdoor play or recreation each day in suitable weather. The area shall be enclosed by a fence or wall a minimum of five feet (5') in height, except when the recreational area abuts a residential property, in which case it shall be enclosed by a solid wood fence or masonry wall six feet (6') high along the property.~~
- ~~(ix) The City may require additional fencing, screening, or other measures necessary to protect the health, safety, and welfare of clients using day care centers in commercial, industrial, or other high hazard areas. It may also deny a request to locate a facility in such areas based on these considerations.~~
- ~~(x) Use of outdoor recreational areas shall be limited to between the hours of 7:30 a.m. and 8:00 p.m.~~
- ~~(xi) All day care centers shall provide evidence of comprehensive liability insurance insuring against damage to property or physical injury, in~~

~~combined single limit form, in an amount of twenty-five thousand dollars (\$25,000) per person authorized to be cared for.~~

~~(xii) The applicant will provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of~~

~~similar facilities operated by the applicant.~~

~~(10) Drive-Through Retail:~~

~~(A) Purpose: The use shall be for retail or service establishments which provide a designated place where people can drive up in automobiles and conduct the major portion of business without having to get out of their automobiles or where the serving of the automobile is the major business. Drive-Through Retail uses include, but are not limited to, drive-in theaters, Automatic Teller Machines (ATMs), drive-through party stores, banks with drive-throughs or drive-in banks, and car washes, whether automatic or manual, and any other freestanding drive-through retail structure.~~

~~(B) Standards:~~

- ~~(i) Minimum lot area shall be sufficient area to accommodate the primary use and/or drive-through structure or as approved by City Engineer.~~
- ~~(ii) For car wash facilities, the applicant shall submit a plan of how the facility will prevent excess water from pooling within the right-of-way.~~
- ~~(iii) All outdoor storage, if allowed by Planning Commission, must be completely screened from view from adjacent properties and from the street.~~
- ~~(iv) No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment, shall be located in front of the established building line and at least one hundred feet (100') from any adjacent residential property or residential district.~~
- ~~(v) A solid wood fence, masonry wall, or hedge feet (6') in height shall be required along any property line on any side of the site adjacent to a residential use or residential district.~~
- ~~(vi) Such facilities shall be located on a major street in an area least disruptive to pedestrian and vehicular traffic. Access shall be from an arterial street or commercial collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be one hundred feet (100') from an intersection. One (1) access drive per street frontage shall be permitted and interconnecting circulation aisles between parcels shall be provided in cross-access easements.~~
- ~~(vii) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major pedestrian movements shall not conflict with major vehicular circulation movements.~~
- ~~(viii) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~
- ~~(ix) Off-street queuing space for seven (7) vehicles shall be provided for every drive-through retail facility, unless Planning Commission modifies this requirement. Queuing spaces shall not block or otherwise interfere with parking or site circulation patterns.~~

~~(x) Customer and employee parking shall be separated from drive-through activities, and customer parking shall be located in the area with highest accessibility to customer sales.~~

- ~~(xi) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(xii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(xiii) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(xiv) Hours of operation may be regulated by the Planning Commission, and made a part of the conditions of the Conditional Use Permit.~~
- ~~(xv) This use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.~~

(11) Dwelling, Row House (or Townhouse):

~~(A) Purpose: A building or portion thereof designed, intended or used primarily for residential purposes. Row house dwellings are situated so that their sidewalls are shared with other like structures, all having their own separate entrances and being separate lots of record.~~

~~(B) Standards:~~

- ~~(i) The applicant shall submit construction plans showing that the proposed use is in compliance with the Ohio Building Code and local fire safety requirements for the proposed use and level of occupancy.~~
- ~~(ii) The exterior of the proposed use shall be compatible with the residential character of the neighborhood, and the use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(iii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(iv) The proposed use shall not require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07. Required parking shall be on the same lot as the principal use.~~
- ~~(v) If patios are to be provided, they shall be shown on the construction plans, and may be enclosed with a solid wall or fence. The space between patio fences or walls shall not be less than five feet (5'), unless otherwise approved by Planning Commission.~~

(12) Elderly Housing:

~~(A) Purpose: An age-restricted residential development in any housing form that qualifies for an exemption as "housing for older persons" under the federal Fair Housing Amendments Act of 1988, 42 U.S.C. § 3607(b).~~

~~(B) Standards:~~

- ~~(i) The area proposed shall be in single ownership, or if in several ownerships, the application shall be filed jointly by all the owners of the properties included in the plan.~~
- ~~(ii) If the proposed use involves new development, the request for a Conditional Use shall be submitted along with the applicant's Development Plan (see Chapter 1111).~~
- ~~(iii) The proposed use shall be appropriately located, and shall be in convenient walking distance of shopping and community facilities wherever possible.~~
- ~~(iv) Each dwelling unit shall be occupied in accordance with the "housing for older persons" exemption under the federal Fair Housing Amendments Act. The applicant shall submit documentation showing that the proposed development will be restricted to elderly housing, in the form of deed restrictions on each lot, or in the case of a condominium development, by the articles of incorporation and the Homeowner's Association bylaws.~~
- ~~(v) No dwelling unit in the development shall include more than two (2) bedrooms.~~
- ~~(vi) Planning Commission may modify the Lot and Dimensional Requirements of the underlying zoning district for the proposed use, where it finds such modification to be in the best interest of allowing an appropriate Elderly Housing Development that will be harmonious with the surrounding neighborhood.~~
- ~~(vii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(viii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(ix) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(x) If patios are to be provided, they shall be shown on the construction plans, and may be enclosed with a solid wall or fence. The space between patio fences or walls shall not be less than five feet (5'), unless otherwise approved by Planning Commission.~~

~~(13) Electric Fences:~~

- ~~(A) Purpose: The purpose of this conditional use is to allow for limited use of commercially installed and monitored electrical fencing for industrial storage and/or commercial vehicle uses when there is a proven need to secure outdoor storage areas, and for governmental or institutional uses when there is a proven security need. Electric fences shall remain prohibited in any residential district~~

~~and the Downtown Districts.~~

~~(B) Standards for Motor Vehicle-Oriented Businesses, Vehicle Dealers and Vehicle
Repair Services in the C-1 and C-2 Districts:~~

- ~~(i) A conditional use permit shall only be granted under this subsection for uses which have been granted a conditional use permit by the Planning Commission as a motor vehicle-oriented business, vehicle dealer and/or vehicle repair service under this Section; provided, however, that the applicant may apply for a conditional use permit as a motor vehicle oriented business, vehicle dealer and/or vehicle repair service and a conditional use permit for an electrical fence simultaneously.~~
- ~~(ii) The area of the motor vehicle oriented business, vehicle dealer and/or vehicle repair service seeking a conditional use permit for an electric fence shall cover a combined total acreage of at least ten (10) acres, which may consist of lots which are adjacent or contiguous to one another. If the area is not in single ownership, or if in several ownerships, the application shall be filed jointly by all the owners of all the properties included in the combined area.~~
- ~~(iii) A conditional use permit shall only be granted under this subsection for electric fences that are commercially installed and monitored in accordance with International Electric Code standards. If, at any time during the term of a conditional use granted under this section, the electric fence ceases to be commercially monitored by a third party, the conditional use shall stand automatically revoked and the applicant is prohibited from operating said electrical fencing.~~
- ~~(iv) The applicant shall submit with the conditional use application a narrative statement of why such fence is needed, a site plan showing the exact location of the electric fence and the outer fence, and the name of the company that will be installing and monitoring the fence, in addition to any other information required by the application.~~
- ~~(v) The applicant shall install an outer fence at a distance of no less than four inches (4") nor more than twelve inches (12") from the electric fence. When the electric fence is located adjacent to a residential district, the outer fence shall be of a solid, opaque material with no gaps. When an electric fence is adjacent to a residential district that does not contain any dwellings, the Planning Commission, in its sole discretion, may waive the solid fence requirement, but shall make it a condition of the conditional use permit that an outer fence be constructed within thirty (30) days of the commencement of construction of any dwellings on properties adjacent to the electric fence within the residential district.~~
- ~~(vi) The height of the electric fence shall not exceed ten feet (10') and the outer fence shall be between six and eight feet (6' - 8') in height.~~
- ~~(vii) Warning signs shall be erected on the outer fence every fifty feet (50') of fence length, and shall contain a warning symbol and warnings in both English and Spanish.~~
- ~~(viii) A Knox box shall be installed that will allow the City's Police Division and Fire & EMS Division a method to deactivate the fence. As a condition of the conditional use permit, the applicant shall be required to sign a release of liability against the City should any City Department have to deactivate or damage the fence due to an emergency.~~

~~(ix) As a condition of the conditional use permit, the applicant shall be required to carry liability insurance in an amount of not less than six million dollars (\$6,000,000). Said policy shall name the City as an~~

~~additional insured and a copy of the current policy shall be provided to the City on a yearly basis. If, at any time during the term of a conditional use granted under this section, such insurance is cancelled or lapses, the conditional use shall stand automatically revoked and the applicant is prohibited from operating said electrical fencing.~~

~~(C) Standards for Industrial Uses in the 1-1 and 1-2 Districts:~~

- ~~(i) The lot size of the industrial use seeking a conditional use permit for an electric fence shall be at least ten (10) acres, and shall consist of a single lot. If the lot is not in single ownership, or if in several ownerships, the application shall be filed jointly by all the owners of the property.~~
- ~~(ii) A conditional use permit shall only be granted under this subsection for electric fences that are commercially installed and monitored in accordance with International Electric Code standards. If, at any time during the term of a conditional use granted under this section, the electric fence ceases to be commercially monitored by a third party, the conditional use shall stand automatically revoked and the applicant is prohibited from operating said electrical fencing.~~
- ~~(iii) The applicant shall submit with the conditional use application a narrative statement of why such fence is needed, a site plan showing the exact location of the electric fence and the outer fence, and the name of the company that will be installing and monitoring the fence, in addition to any other information required by the application.~~
- ~~(iv) The applicant shall install an outer fence at a distance of no less than four inches (4") nor more than twelve inches (12") from the electric fence. When the electric fence is located adjacent to a residential district, the outer fence shall be of a solid, opaque material with no gaps. When an electric fence is adjacent to a residential district that does not contain any dwellings, the Planning Commission, in its sole discretion, may waive the solid fence requirement, but shall make it a condition of the conditional use permit that an outer fence be constructed within thirty (30) days of the commencement of construction of any dwellings on properties adjacent to the electric fence within the residential district.~~
- ~~(v) The height of the electric fence shall not exceed ten feet (10') and the outer fence shall be between six and eight feet (6' - 8') in height.~~
- ~~(vi) Warning signs shall be erected on the outer fence every fifty feet (50') of fence length, and shall contain a warning symbol and warnings in both English and Spanish.~~
- ~~(vii) A knox box shall be installed that will allow the City's Police Division and Fire & EMS Division a method to deactivate the fence. As a condition of the conditional use permit, the applicant shall be required to sign a release of liability against the City should any City Department have to deactivate or damage the fence due to an emergency.~~
- ~~(viii) As a condition of the conditional use permit, the applicant shall be required to carry liability insurance in an amount of not less than six~~

~~million dollars (\$6,000,000). Said policy shall name the City as an additional insured and a copy of the current policy shall be provided to the City on a yearly basis. If, at any time during the term of a conditional use granted under this section, such insurance is cancelled or lapses, the~~

~~conditional use shall stand automatically revoked and the applicant is prohibited from operating said electrical fencing.~~

~~(0) Standards for Government and Institutional Uses in the 0/1 District:~~

- ~~(i) A conditional use permit shall only be granted under this subsection for electric fences that are commercially installed and monitored in accordance with International Electric Code standards. If, at any time during the term of a conditional use granted under this section, the electric fence ceases to be commercially monitored by a third party, the conditional use shall stand automatically revoked and the applicant is prohibited from operating said electrical fencing unless the applicant provides written proof to the Zoning Official that certified staff has been hired as an employee(s) of the governmental or institutional entity to monitor the fencing.~~
- ~~(ii) The applicant shall submit with the conditional use application a narrative statement of why such fence is needed, a site plan showing the exact location of the electric fence and the outer fence, and the name of the company that will be installing and monitoring the fence, in addition to any other information required by the application.~~
- ~~(iii) The applicant shall install an outer fence at a distance of no less than four inches (4") nor more than twelve inches (12") from the electric fence. When the electric fence is located adjacent to a residential district, the outer fence shall be of a solid, opaque material with no gaps. When an electric fence is adjacent to a residential district that does not contain any dwellings, the Planning Commission, in its sole discretion, may waive the solid fence requirement, but shall make it a condition of the conditional use permit that an outer fence be constructed within thirty (30) days of the commencement of construction of any dwellings on properties adjacent to the electric fence within the residential district.~~
- ~~(iv) The height of the electric fence shall not exceed ten feet (10') and the outer fence shall be between six and eight feet (6'–8') in height.~~
- ~~(v) Warning signs shall be erected on the outer fence every fifty feet (50') of fence length, and shall contain a warning symbol and warnings in both English and Spanish.~~
- ~~(vi) A knox box shall be installed that will allow the City's Police Division and Fire & EMS Division a method to deactivate the fence. As a condition of the conditional use permit, the applicant shall be required to sign a release of liability against the City should any City Department have to deactivate or damage the fence due to an emergency.~~
- ~~(vii) As a condition of the conditional use permit, the applicant shall be required to carry liability insurance in an amount of not less than six million dollars (\$6,000,000). Said policy shall name the City as an additional insured and a copy of the current policy shall be provided to the City on a yearly basis. If, at any time during the term of a conditional use granted under this section, such insurance is cancelled or lapses, the conditional use shall stand automatically revoked and the applicant is~~

~~prohibited from operating said electrical fencing. This section shall not
apply to applications made by the City of Franklin.~~

~~(14) Fast Food Restaurants and Food-Related Drive-In and Drive-Through Facilities~~

~~(A) Purpose: The use shall be for the sale of food for consumption on the premises and/or pick-up via drive-in or drive-through facility. Food-Related Drive-in and Drive-Through Facilities include, but are not limited to, fast food restaurants, drive-through restaurants that prepare and/or dispense food or beverages and do not provide a place for all its customers to eat inside the building, or which serve food or beverages for carry-out, or drive-in eating and drinking places, or establishments where customers may serve themselves and may eat or drink the food or beverages on the premises, and ice cream stands.~~

~~(B) Standards:~~

- ~~(i) All structures, including drive-in or drive-through windows and lanes, shall be set back at least one hundred (100) feet from any adjacent residential property.~~
- ~~(ii) Drive-through menu board signs shall include freestanding, pole, pylon and monument signs. One drive-through menu board sign may be approved as part of the Conditional Use Permit, but only when all of the following conditions are fulfilled: the sign is located on the property to which it refers; the sign is not visible from the public right-of-way; the sign does not exceed six feet (6') in height; and the sign is located at least seventy-five feet (75') from a residential district.~~
- ~~(iii) Loud speaker systems may be approved as part of the Conditional Use Permit if they do not create a nuisance for adjacent properties.~~
- ~~(iv) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(v) A solid wood fence, masonry wall, or hedge feet (6') in height shall be required along the property line on any side of the site adjacent to a residential property.~~
- ~~(vi) Off-street queuing space for seven (7) vehicles shall be provided for every drive-through and drive-in facility, unless Planning Commission modifies this requirement. Queuing spaces shall not block or otherwise interfere with parking or site circulation patterns.~~
- ~~(vii) Customer and employee parking shall be separated from drive-in and drive-through activities and customer parking shall be located in the area with highest accessibility to dining or sales areas. A bypass lane shall be provided adjacent to the drive through lanes, which shall be separate from space used for maneuvering.~~
- ~~(viii) The circulation system shall provide smooth, continuous traffic flow with efficient, non-conflicting movement throughout the site. Major pedestrian movements shall not conflict with major vehicular circulation movements.~~
- ~~(ix) Access shall be from an arterial street or commercial collector and shall be provided in a manner that does not cause heavy traffic on residential streets. Access to such facilities shall be provided in a manner that is least disruptive to pedestrian and vehicular traffic. Access drives shall be one hundred feet (100') from an intersection. Two (2) access drives per facility~~

~~may be permitted and interconnecting circulation aisles between parcels
shall be provided in cross-access easements.~~

- ~~(x) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(xi) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(xii) Hours of operation may be regulated by the Planning Commission, and made a part of the conditions of the Conditional Use Permit.~~
- ~~(xiii) This use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.~~

~~(15) Gasoline Service Station and Gasoline Service Stations with Convenience Food Stores:~~

~~(A) Purpose: An establishment or business with one or more fueling positions, and of which the sale and storage of automotive fuel to the public is the principal activity, or an establishment or business with one or more fueling positions, which also offers for retail sale other related motor vehicle products, household consumer merchandise, beverages, cigarettes, packaged foods, and/or the preparation and sales of delicatessen sandwiches, ice cream counters or other foods, and other related items.~~

~~(B) Standards:~~

- ~~(i) Facilities shall be compatible with the surrounding area with sufficient site area to accommodate existing and future uses.~~
- ~~(ii) All outdoor storage, if permitted by Planning Commission, must be completely screened from view from adjacent properties and the street.~~
- ~~(iii) No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment shall be located in front of the established building line.~~
- ~~(iv) All outdoor display areas, gasoline pumps, canopies, and any buildings used for service shall be located at least fifty (50) feet from any adjacent residential property or district.~~
- ~~(v) A solid wood fence, masonry wall, or hedge feet (6') high shall be required along any property line adjacent to a residential use or district.~~
- ~~(vi) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~
- ~~(vii) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access~~

~~drives shall be as approved by the City Engineer.~~

~~(viii) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation~~

~~movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.~~

- ~~(ix) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~
- ~~(x) Off-street, queuing space shall be provided for two (2) vehicles for each gasoline pump island located on the site. Queuing spaces shall not block or otherwise interfere with parking or site circulation patterns. Customer and employee parking shall be separated from drive-through activities, and customer parking shall be located in the area with highest accessibility to customer sales.~~
- ~~(xi) All areas not paved or covered by the building shall be landscaped and all landscaped areas shall be separated from all paved areas by six inch (6") high curbing.~~
- ~~(xii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(xiii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(xiv) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(xv) The proposed use shall comply with all federal, state and/or local underground storage facilities requirements, licensing requirements and/or business regulations.~~

~~(16) **Group Homes (includes Adult Group Home, Community Alternative Home and Group Home for the Physically and Mentally Disabled):**~~

~~(A) Purpose: These uses provide accommodation to adults in need, as well as supervision and personal care services.~~

~~(B) Standards:~~

- ~~(i) The proposed facility must meet all federal and/or state certification, licensing or approval requirements.~~
- ~~(ii) The proposed facility must meet local fire safety requirements and Ohio Building Code requirements for the proposed use and level of occupancy.~~
- ~~(iii) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~
- ~~(iv) Such facilities shall not be located within six hundred feet (600'), including a public or private right-of-way, of an existing group home.~~

~~(v) The exterior of the facility shall be compatible with the residential character of the neighborhood.~~

- ~~(vi) The facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational and retail services required by its residents, and to employment opportunities, if applicable.~~
- ~~(vii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(viii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(ix) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, and will include a structured procedure whereby any neighbor grievances may be filed and resolved.~~
- ~~(x) The applicant will provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.~~

~~(17) Health Care and Human Services:~~

~~(A) Purpose: A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human needs including, but not limited to, diagnostic centers, treatment centers, rehabilitation centers, extended care centers, intermediate care facilities, outpatient services or central service facilities serving one or more institutions.~~

~~(B) Standards:~~

- ~~(i) The proposed use shall meet all applicable federal, state and/or local licensing requirements, certification requirements and/or business regulations.~~
- ~~(ii) The proposed facility must meet local fire safety requirements and Ohio Building Code requirements for the proposed use and level of occupancy.~~
- ~~(iii) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~
- ~~(iv) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(v) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(vi) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~

~~(vii) Cut-off type fighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

- ~~(viii) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion and promote safety.~~
- ~~(ix) When adjacent to residential districts, all buildings shall be set back an additional one foot (1') over the usual yard requirements for each one foot (1') of the building that exceeds thirty-five feet (35') in height.~~
- ~~(x) A solid wood fence, masonry wall, or hedge six feet (6') high shall be required along any property line adjacent to a residential use or residential district.~~
- ~~(xi) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~
- ~~(xii) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.~~
- ~~(xiii) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.~~
- ~~(xiv) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~
- ~~(xv) The applicant will provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.~~

(18) Hotel, Lodge, and Motel:

~~(A) Purpose: The use shall be for the purpose of providing overnight accommodation to transient guests for compensation.~~

~~(B) Standards:~~

- ~~(i) Parking and service areas shall be completely screened from view by a six-foot (6') solid fence, wall or evergreen hedge when adjacent to a residential use or district.~~
- ~~(ii) Access to an arterial or collector street is required. Sufficient area shall be provided to accommodate vehicular loading, unloading and drop-off without conflicting with parking and drive aisles.~~
- ~~(iii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(iv) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

- ~~(v) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(vi) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(vii) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.~~
- ~~(viii) This use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.~~

(19) In-Law Suites:

~~(A) Purpose: The use shall be for the purpose allowing an independent dwelling unit in conjunction with and clearly subordinate to a primary dwelling unit, for the habitation of family members as described below:~~

~~(B) Standards:~~

- ~~(i) The in-law suite must be located in the principal structure, which includes attached garages or areas over attached garages, and shall only include basements when such basements have their own, separate ingress and egress.~~
- ~~(ii) Maximum size of the in-law suite shall not exceed eight hundred sixteen square feet (816 sq. ft.).~~
- ~~(iii) The structure must maintain a single-family residential appearance that blends with the principal structure and the neighborhood. An architectural rendering and floor plan must be provided and approved by Planning Commission. Said plans shall include a landscape plan, which will be followed as approved.~~
- ~~(iv) The in-law suite may be located on the first or second floor.~~
- ~~(v) Maximum lot coverage by all structures on one lot is thirty five percent (35%).~~
- ~~(vi) All in-law suites must meet the current edition of the Ohio Building Code.~~
- ~~(vii) The property owner must live on site, and the in-law suite must be subservient to the principal use of the property as a dwelling.~~
- ~~(viii) The in-law suite shall be occupied only by a member of the family of the owner of the principal residence, who is related to the owner by blood, marriage or adoption.~~

~~(20) Keeping of Farm Animals in the R-1A District:~~

~~(A) Purpose: It is recognized that the R-1A Estate Residential District, due to its larger lot size and the location of the District, may provide adequate area for~~

~~some limited agricultural uses. This use shall be for the purpose of allowing limited agricultural uses in the R-1A, Estate Residential District on lots less than two (2) acres. No agricultural uses shall be permitted in the R-1A District on lot less than two (2) acres without a conditional use permit, and such uses shall be subject to the requirements and conditions placed upon them by these standards and any additional conditions set forth by the Planning Commission.~~

~~(B) Limitations: Such uses shall be limited to one (1) sheep, goat, hog or other small farm animal.~~

~~(C) Standards:~~

~~(i) The structure containing the farm animal or horse shall be located not less than one hundred feet (100') from any adjoining residence.~~

~~(ii) No storage of manure or odor or dust-producing substance shall be permitted.~~

~~(iii) Land shall be fenced so as to securely confine such animals. Such fencing shall not be located closer to any public right-of-way or private street than the minimum setback in the District and shall not be located closer than fifteen feet (15') from any other residential property line.~~

~~(iv) The use shall comply in all respects with any and all applicable state and federal regulations.~~

~~(D) Validity: The Conditional Use Permit for the Keeping of Farm Animals in the R-1A District may be issued for an initial period of one (1) year and renewed for three (3) year periods thereafter. Conditional Use Permits shall be specific to the owner and property for which the Permit is approved; they shall not be transferable to a subsequent owner of the property, nor shall they transfer with the owner to another location. Such Permit shall terminate upon the property no longer being used for such use or upon the sale or change of ownership of such dwelling or land, or upon violation of any provisions of this Section.~~

~~(21) **Landing Fields:**~~

~~(A) Purpose: A specific area designated for the take-off and landing of aircraft.~~

~~(B) Standards:~~

~~(i) The applicant must provide documentation that the proposed use meets all FAA requirements.~~

~~(ii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(iii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

~~(iv) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

~~(22) Large Format Retail Standards:~~

~~(A) Purpose: The intent of this Section is to provide development standards for retail uses larger than fifty thousand square feet (50,000 sq. ft.) of gross floor area.~~

~~(B) Standards:~~

- ~~(i) All facades of a building that are visible from adjoining properties and/or public streets shall contribute to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to a front facade.~~
- ~~(ii) All sides of a principal building that directly face an abutting public street shall feature at least one (1) customer entrance. Where a principal building directly faces more than two (2) abutting public streets, this requirement shall apply only to two (2) sides of the building, including the side of the building facing the primary street, and another side of the building facing a secondary street.~~
- ~~(iii) Facades greater than one hundred feet (100') in length shall incorporate recesses and projections a minimum of three feet (3') in depth and a minimum of twenty contiguous feet (20') within each one hundred feet (100') of facade length. Windows, awnings, entry areas, and arcades shall total at least sixty percent (60%) of the facade length facing a public street.~~
- ~~(iv) Smaller retail spaces that are part of a larger principal retail building shall be transparent between the height of three feet (3') and eight feet (8') above the walkway grade for no less than sixty percent (60%) of the horizontal length of the building facade. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing. Smaller retail spaces shall have separate outside entrances.~~
- ~~(v) Building facades shall include a repeating pattern that shall include no less than three (3) of the following elements: color change, texture change, material module change, or expression of architectural or structural bay through a change in plane no less than twelve inches (12") in width, such as an offset, reveal, or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty (30) feet, either horizontally or vertically.~~
- ~~(vi) Rooflines shall provide variations to reduce the massive scale of these structures and to add visual interest. Rooflines shall have a change in height every one hundred linear feet (100') in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and rooftop mechanical equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the Development Plan.~~
- ~~(vii) Predominant exterior building materials shall be of high quality. These include brick, wood, limestone, other native stone, and tinted/textured concrete masonry units. Smooth faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials.~~
- ~~(viii) Facade colors shall be of low reflectance, subtle, neutral or earth tone~~

~~colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.~~

- ~~(ix) Building trim may feature brighter colors than facade colors, but neon tubing is prohibited.~~
- ~~(x) Each principal building or tenant space shall have a clearly defined, highly visible customer entrance with a minimum of three (3) of the following features: canopies, porticos, overhangs, recesses/projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, outdoor patios, display windows, architectural details such as tile work and moldings which are integrated into the building structure and design, integral planters or wing walls that incorporate landscaped areas and/or places for sitting.~~
- ~~(xi) Loading docks, trash collection, outdoor storage and similar facilities and functions, as provided for by the Ohio Building Code, shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited. No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within twenty feet (20') of any public or private street, public sidewalk or access easement, or internal pedestrian way. No delivery, loading, trash removal, or similar operations are permitted between the hours of 10:00 p.m. and 7:00 a.m., except in special circumstances and where steps are taken to reduce noise impacts.~~
- ~~(xii) Each retail development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two (2) community amenities such as a patio/seating area, pedestrian plaza with benches, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.~~
- ~~(xiii) A continuous internal pedestrian walkway shall be provided from the perimeter public sidewalk to the principal customer entrance. This internal walkway must feature landscaping, benches, and other such materials/facilities for no less than fifty percent (50%) of its length.~~
- ~~(xiv) Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet (6') from the facade of the building to provide planting beds for foundation landscaping.~~
- ~~(xv) Internal pedestrian walkways shall provide a weather protection feature such as an awning within thirty feet (30') of all customer entrances.~~
- ~~(xvi) The internal pedestrian walkways shall be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the walkways.~~

~~(xvii) The proposed use shall comply with the City's Parking Regulations, contained in section 1111.07, and no more than sixty percent (60%) of the off-street parking area for the entire property shall be located between the~~

~~front facade of the principal building and the primary abutting street, unless the principal building and/or parking lots are screened from view by out-lot development and additional tree plantings and/or earth berms.~~

~~(xviii) Where building facades face adjacent residential uses, an earthen berm shall be installed, no less than six feet (6') in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of fifteen feet (15') on center. Additional landscaping may be required to effectively buffer adjacent land use as deemed appropriate.~~

~~(xix) Primary tenant spaces that exceed seven thousand five hundred gross square feet (7,500 sq. ft.) in area shall be structurally designed to be easily divided into smaller tenant spaces.~~

~~(xx) Standing seam metal roofs are strongly preferred.~~

~~(xxi) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

~~(xxii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(xxiii) In its discretion, Planning Commission may waive or modify any of these requirements as they apply to a particular use.~~

~~(23) Medical and Health-Related Office:~~

~~(A) Purpose: A commercial or noncommercial establishment that provides, as its primary activity, health-related services to the general public on an outpatient basis. Examples of such uses include, but are not limited to, doctors' offices and dentists' offices.~~

~~(B) Standards:~~

~~(i) The proposed use shall not provide space for overnight treatment.~~

~~(ii) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~

~~(iii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(iv) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

~~(v) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

~~(vi) The proposed use shall meet all applicable federal, state and/or local~~

~~licensing requirements, certification requirements and/or business regulations.~~

~~(vii) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject~~

~~to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.~~

~~(viii) A solid wood fence, masonry wall, or hedge six feet (6') high shall be required along any property line adjacent to a residential use or district.~~

~~(24) Motor Vehicle-Oriented Business:~~

~~(A) Purpose: The use shall be for the purpose of providing services to motor vehicles, including but not limited to oil change facilities, tire service business, etc. It is exclusive of drive-through structures, such as restaurants, banks, etc.~~

~~(B) Standards:~~

- ~~(i) Facilities shall be compatible with the surrounding area with sufficient site area to accommodate existing and future uses.~~
- ~~(ii) All outdoor storage must be completely screened from view from adjacent properties and the street.~~
- ~~(iii) All hydraulic hoists, oil pits and all lubricants, greasing and repair equipment shall be enclosed entirely within a building. No outdoor assembly or repair of motor vehicles shall be permitted.~~
- ~~(iv) No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment shall be located in front of the established building line.~~
- ~~(v) All outdoor display areas, gasoline pumps, canopies, and any buildings used for service shall be located at least fifty (50) feet from any adjacent residential property or district.~~
- ~~(vi) A solid wood fence, masonry wall, or hedge feet (6') high shall be required along any property line adjacent to a residential use or district.~~
- ~~(vii) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~
- ~~(viii) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.~~
- ~~(ix) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.~~
- ~~(x) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~
- ~~(xi) Off-street queuing space for seven (7) vehicles shall be provided for every~~

~~drive-through and drive-in facility, unless Planning Commission modifies this requirement. Queuing spaces shall not block or otherwise interfere with parking or site circulation patterns.~~

- ~~(xii) Off-street, queuing space shall be provided for two (2) vehicles for each gasoline pump island located on the site. Queuing spaces shall not block or otherwise interfere with parking or site circulation patterns. Customer and employee parking shall be separated from drive-through activities and customer parking shall be located in the area with highest accessibility to customer sales.~~
- ~~(xiii) All areas not paved or covered by the building shall be landscaped and all landscaped areas shall be separated from all paved areas by six inch (6") high curbing.~~
- ~~(xiv) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(xv) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(xvi) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

~~(25) Personal Services:~~

~~(A) Purpose: A commercial establishment that provides, as its primary activity, a service either to an individual or to an individual's personal property (excluding motor vehicles, boats or other vehicles). Examples of such uses include, but are not limited to, shoe repair shops, watch repair shops, banks, and savings and loan institutions.~~

~~(B) Standards:~~

- ~~(i) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~
- ~~(ii) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(iii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(iv) The proposed use shall comply with the Landscaping Standards contained in section 1111.05.~~
- ~~(v) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(vi) No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment shall be located in front of the~~

~~established building line.~~

~~(vii) If adjacent to a residential use or residential district, such use shall not create excess noise, dust, odors or other nuisances.~~

- ~~(viii) Planning Commission may limit the hours of operation of such use to assure compatibility with adjacent uses.~~
- ~~(ix) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~
- ~~(x) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.~~
- ~~(xi) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.~~
- ~~(xii) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~
- ~~(xiii) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.~~
- ~~(xiv) This use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.~~

(26) Recreation, Commercial:

~~(A) Purpose: A commercial establishment that provides, as its primary activity, outdoor space for various types of sporting and/or leisure activities, though a portion of the activities may be carried on within an enclosed building. Includes all uses such as golf courses, go-cart racing, putt-putt golf, paint ball facilities, and driving ranges that are privately owned and operated with the intention or earning a profit by providing entertainment for the public.~~

~~(B) Standards:~~

- ~~(i) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(ii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(iii) The proposed use shall comply with the Landscaping Standards~~

~~contained in section 1111.06, and the City's Parking Regulations,
contained in section 1111.07.~~

- ~~(iv) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residential properties.~~
- ~~(v) A solid wood fence, masonry wall, or hedge six (6) feet high shall be required along any property line adjacent to a residential use or district.~~
- ~~(vi) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~
- ~~(vii) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.~~
- ~~(viii) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.~~
- ~~(ix) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~
- ~~(x) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.~~
- ~~(xi) The exterior of any buildings shall be compatible with the residential character of the neighborhood.~~
- ~~(xii) In residential districts, all buildings shall be set back an additional one foot (1') over the usual yard requirements for each one foot (1') of the building that exceeds thirty-five feet (35') in height.~~
- ~~(xiii) If adjacent to a residential use or residential district, such use shall not create excess noise, dust, odors or other nuisances.~~
- ~~(xiv) Planning Commission may limit the hours of operation of such use to assure compatibility with adjacent uses.~~
- ~~(xv) This use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.~~

~~(27) Residential Treatment Facility:~~

- ~~(A) Purpose: This use provides residential services to adults in need, who cannot otherwise care for themselves, or who are convalescing or undergoing rehabilitation and/or treatment.~~

~~(B) Standards:~~

- ~~(i) The proposed facility must meet federal and/or state certification, licensing or approval requirements.~~

- ~~(ii) The proposed facility must meet local fire safety requirements and Ohio Building Code Requirements for the proposed use and level of occupancy.~~
- ~~(iii) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~
- ~~(iv) Such facilities shall not be located within six hundred (600) feet, including a public or private right-of-way, of an existing group home or other residential treatment facility.~~
- ~~(v) The exterior of the facility shall be compatible with the residential character of the neighborhood.~~
- ~~(vi) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit~~
- ~~(vii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(viii) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(ix) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, and will include a structured procedure whereby any neighbor grievances may be filed and resolved.~~
- ~~(x) The applicant will provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.~~

~~(28) Restaurants:~~

~~(A) Purpose: A commercial establishment that provides, as its primary activity, prepared food for consumption on the premises inside of a building.~~

~~(B) Standards:~~

- ~~(i) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~
- ~~(ii) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(iii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use~~

~~Permit.~~

~~(iv) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations,~~

~~contained in section 1111.07.~~

- ~~(v) Cut-off type fighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(vi) No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment shall be located in front of the established building line.~~
- ~~(vii) A restaurant shall not include drive-through facilities or any other facilities for eating or picking up food outside of the building except upon approval of a Food-Related Drive-Through Conditional Use by the Planning Commission, under section 1113.01(e)(14).~~
- ~~(viii) A solid wood fence, masonry wall, or hedge six feet (6') in height shall be required along any property line adjacent to a residential use or district.~~
- ~~(ix) If adjacent to a residential use or residential district, such use shall not create excess noise, dust, odors or other nuisances.~~
- ~~(x) Planning Commission may limit the hours of operation of such use to assure compatibility with adjacent uses.~~
- ~~(xi) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~
- ~~(xii) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.~~
- ~~(xiii) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.~~
- ~~(xiv) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~
- ~~(xv) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.~~
- ~~(xvi) This use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.~~

~~(29) Retail, Including Business Retail, Consumer Retail, General Retail, Grocery Food and Beverage, and Variety Store or Price-Point Retailer):~~

~~(A) Purpose:~~

~~(i) *Business Retail*: A commercial establishment that provides, as its primary activity, sales of goods and/or services to other commercial~~

~~establishments. Examples of such uses include, but are not limited to, office furniture stores, uniform and linen services.~~

- ~~(ii) *Consumer Retail*: A commercial establishment (excluding a restaurant or motor vehicle) that provides, as its primary activity, sales of goods to the general public. Establishments in this category retail a wide range of product lines including apparel, appliances and home furnishings, paint, hardware, toiletries, cosmetics, photographic equipment, jewelry, toys, sporting goods, automotive parts, and dry goods.~~
- ~~(iii) *General Retail*: A commercial establishment (excluding a restaurant or motor vehicle) that has, as its primary activity, the sale of goods to the general public. Examples of such uses include garden shops, building supply stores and contractor showrooms.~~
- ~~(iv) *Grocery Food and Beverage*: Establishments that retail food and beverage merchandise from fixed point-of-sale locations and that have special equipment (e.g., freezers, refrigerated display cases and refrigerators) for displaying food and beverage goods.~~
- ~~(v) *Variety Store or Point-Price Retailer*: Commercial establishments that sell a wide range of inexpensive household goods, often selling or advertising all goods at a single price, which is reflected in the name of the establishment.~~

~~(B) Standards:~~

- ~~(i) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~
- ~~(ii) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(iii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(iv) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(v) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(vi) No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment shall be located in front of the established building line.~~
- ~~(vii) All outdoor display areas, canopies, and any buildings used for service shall be located at least fifty feet (50') from any adjacent residential property or district.~~

~~(viii) When adjacent to residential districts, all buildings shall be set back an additional one foot (1') over the usual yard requirements for each one foot (1') of the building that exceeds thirty five feet (35') in height.~~

- ~~(ix) A solid wood fence, masonry wall, or hedge six feet (6') in height shall be required along any property line adjacent to a residential use or residential district.~~
- ~~(x) If adjacent to a residential use or residential district, such use shall not create excess noise, dust, odors or other nuisances.~~
- ~~(xi) Planning Commission may limit the hours of operation of such use to assure compatibility with adjacent uses.~~
- ~~(xii) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~
- ~~(xiii) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.~~
- ~~(xiv) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.~~
- ~~(xv) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~
- ~~(xvi) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.~~
- ~~(xvii) Grocery Food and Beverage establishments shall have staff trained in the processing of food products to guarantee the proper storage and sanitary conditions required by regulatory authority.~~
- ~~(xviii) Such use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.~~

~~(30) Schools, including Colleges and Universities:~~

~~(A) Purpose: This use includes Elementary Schools, Junior High Schools, Senior High Schools, and colleges and universities, which are institutions other than a trade schools that provide full time or part time education beyond high school.~~

~~(B) Standards:~~

- ~~(i) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~

~~(ii) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be~~

~~approved by Planning Commission as a part of the Conditional Use Permit.~~

- ~~(iii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(iv) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(v) In residential districts, all buildings shall be set back an additional one foot (1') over the usual yard requirements for each one foot (1') of the building that exceeds thirty-five feet (35') in height.~~
- ~~(vi) A solid wood fence, masonry wall, or hedge six feet (6') in height shall be required along any property line adjacent to a residential use or residential district.~~
- ~~(vii) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.~~

~~(31) Self-Service Storage Facilities or Mini-Warehouses:~~

~~(A) Purpose: A facility consisting of a building or group of buildings, usually in a controlled-access compound, that may contain varying sizes of individual, self-contained, enclosed, compartmentalized and controlled access stalls or lockers for the dead storage of customers' residential goods or wares, that are owned, leased or rented.~~

~~(B) Standards:~~

- ~~(i) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(ii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(iii) A solid wood fence, masonry wall, or hedge six (6) feet in height shall be required along any property line adjacent to a residential use or residential district.~~
- ~~(iv) The proposed facility must meet local fire safety and Ohio Building Code requirements for the proposed use and level of occupancy.~~
- ~~(v) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.~~
- ~~(vi) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation~~

~~movements shall not conflict with major pedestrian movements.~~
~~Interconnecting circulation aisles between parcels shall be provided.~~

~~(vii) The use shall meet the required number of loading spaces for industrial uses, as outlined in section 1111.07, unless otherwise required by~~

~~Planning Commission.~~

- ~~(viii) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~
- ~~(ix) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, and promote safety.~~
- ~~(x) No outside storage of any type shall be permitted.~~
- ~~(xi) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residential zoned properties.~~

(32) Skilled Nursing Facility:

~~(A) Purpose: A residential facility used for the care of the aged, infirm, chronically ill, incurably ill or any other person dependent on regular and ongoing nursing care.~~

~~(B) Standards:~~

- ~~(i) Such use shall not be equipped for surgical care or for treatment of acute disease or serious injury, nor shall it be primarily designed for patients being treated for mental illness or alcohol or drug addiction.~~
- ~~(ii) The proposed facility must meet federal and/or state certification, licensing or approval requirements.~~
- ~~(iii) The proposed facility must meet local fire safety requirements and Ohio Building Code requirements for the proposed use and level of occupancy.~~
- ~~(iv) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~
- ~~(v) The exterior of the facility shall be compatible with the residential character of the neighborhood.~~
- ~~(vi) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(vii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(viii) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(ix) The applicant will provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.~~

~~(33) Small Loan Operations:~~

~~(A) Purpose: It is the purpose of this section to regulate Small Loan Operations in order to promote the health, safety, morals and general welfare of the citizens of~~

~~the City of Franklin, and to establish reasonable and uniform regulations to prevent the deleterious location, concentration and/or saturation of Small Loan Operations within the City of Franklin.~~

~~(B) Findings: The City Council hereby finds that:~~

- ~~(i) Small Loan Operations create a financial drain on the local community as the more money that is exported from the local economy by excessive fees, the less money there is to spend within the local economy;~~
- ~~(ii) The concentration and/or saturation of Small Loan Operations within the City can have a detrimental impact on economic development and the local economy, as well as causing financial distress in low-to-moderate income areas;~~
- ~~(iii) The concentration and/or saturation of Small Loan Operations can lead to increased loan rates as an offset for lower business volume;~~
- ~~(iv) As a Charter City, the City of Franklin has the right and responsibility to protect the economic health, safety and welfare of its community; and~~
- ~~(v) To prevent the detrimental impact of Small Loan Operations, such uses should be regulated and permitted only as a conditional use when certain requirements are met.~~

~~(C) Definitions: Small Loan Operations include Alternative Finance Service Providers, Check-Cashing Businesses, Credit Service Organizations, Mortgage Loan Lenders, Short Term Loan Lenders, and/or Small Loan Lenders.~~

~~(D) Standards: To protect City neighborhoods from negative secondary effects created by the concentration and/or saturation of Small Loan Operations, the following standards shall apply:~~

- ~~(i) There shall be no more than one (1) Small Loan Operation located within the City of Franklin for each four thousand (4,000) persons residing in the City, as recorded in the most recent decennial U.S. Census. No additional Small Loan Operations shall be established if the current total number of Small Loan Operations within the City meets or exceeds the maximum number permitted under this section.~~
- ~~(ii) The proposed use shall meet all applicable Federal, State and/or local licensing requirements, certification requirements and/or business regulations;~~
- ~~(iii) The proposed facility shall meet local fire safety requirements and/or building code requirements for the proposed use and level of occupancy;~~
- ~~(iv) If adjacent to a residential zoning district or residential use, the exterior of the proposed facility shall be compatible with the residential character of the neighborhood;~~
- ~~(v) The proposed use shall comply with all applicable Landscaping Requirements contained in Section 1111.06;~~
- ~~(vi) The proposed use shall not generate an unreasonable increase in traffic volumes or require special off-street parking, and may not use on-street~~

~~parking to meet the parking requirements applicable to it, as contained in
Section 1111.07;~~

- ~~(vii) The lot area shall be adequate to accommodate the required off-street parking requirements without any variance to said requirements, and the required parking shall be on the same lot as the principal use;~~
- ~~(viii) Every parking space shall have sufficient access and maneuvering area;~~
- ~~(ix) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, as contained in Section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit;~~
- ~~(x) Cut-off type lighting fixtures shall be used in parking areas to minimize impact on any neighboring residential uses;~~
- ~~(xi) The proposed use shall have traffic ingress and egress, traffic circulation, and on-site parking, as determined by the Planning Commission to assure reduced congestion and to promote safety. The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site, and major vehicular circulation movements shall not conflict with major pedestrian movements;~~
- ~~(xii) The minimum distance of driveways from intersections shall be as approved by the City Engineer;~~
- ~~(xiii) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer; and~~
- ~~(xiv) Hours of Operation may be regulated by the Planning Commission and made a part of the conditions of the Conditional Use Permit.~~

~~(34) Upper Floor Dwelling Units~~

~~(A) Purpose: The purpose of this use is to conditionally allow upper floor dwelling units in the C-2 District, where ground floor commercial uses, as permitted in the C-2 District, and residential uses on the upper floors of the same building are compatible.~~

~~(B) Standards:~~

- ~~(i) Such dwelling units may not be located on the ground floor.~~
- ~~(ii) The proposed dwelling unit must meet local fire safety requirements for the proposed use and level of occupancy.~~
- ~~(iii) The proposed use must meet all Ohio Building Code requirements.~~
- ~~(iv) 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.~~

~~(35) Vehicle Dealer (including new and used):~~

~~(i) Purpose: The use shall be for the display, for sale, lease or rental, of new or used~~

~~passenger motor vehicles, motorcycles, trucks, RV's and boats, where no repair work is done except minor incidental repair.~~

~~(ii) Standards:~~

- ~~(1) There shall be no parking or display of any vehicles within any right-of-way. The side/rear yard minimum dimensions shall be twenty (20') feet.~~
- ~~(2) All outdoor display, storage, and sales facilities and areas shall be maintained in a neat and orderly condition.~~
- ~~(3) The outdoor display of goods for sale shall not be located in areas intended for traffic circulation according to the site plan.~~
- ~~(4) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.~~
- ~~(5) Loud speaker systems may be approved as part of the Conditional Use Permit if they do not create a nuisance for adjacent properties.~~
- ~~(6) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residential properties.~~
- ~~(7) All outdoor display, storage, and sales facilities shall be limited to those shown on the approved site plan.~~
- ~~(8) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(9) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

~~(36) Vehicle Repair Services:~~

~~(A) Purpose: A commercial establishment that provides, as its primary activity, repair or restoration of vehicles, including the rebuilding or reconditioning of engines and/or transmissions; collision services, including body, frame or fender straightening or repair; overall painting; vehicle steam cleaning; upholstery; and replacement of parts and motor service of passenger cars and trucks not exceeding one and one-half ton capacity.~~

~~(B) Standards:~~

- ~~(i) All activities, including, but not limited to, repair, restoration, cleaning, washing and drying operations, shall be performed entirely within an enclosed structure. During the time work is performed on a vehicle, the vehicle shall be entirely within the building.~~
- ~~(ii) There shall be no outside display of merchandise.~~
- ~~(iii) No unlicensed and/or inoperable vehicle shall be permitted on the property outside of the principal structure for more than forty-eight (48) hours.~~
- ~~(iv) Where the proposed use includes body and fender repair or painting, there will be not emissions of odors, dust, smoke, gas or fumes from the~~

~~premises on which the use is proposed to be located.~~

~~(v) All EPA guidelines for disposal or use of materials or chemicals shall be strictly complied with.~~

- ~~(vi) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(vii) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(viii) A solid wood fence, masonry wall, or hedge six feet (6') in height shall be required along any property line adjacent to a residential use or residential district.~~
- ~~(ix) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residential properties.~~
- ~~(x) A Conditional Use Permit for a vehicle repair shop to be operated in conjunction with a gasoline service station may be granted by Planning Commission, provided that the proposed use meets the requirements of this paragraph and paragraph (14).~~

~~(37) **Veterinary Services (includes Animal Hospitals/Clinics, Veterinarian Offices and Grooming Services):**~~

~~(A) Purpose: This use provides grooming and/or care, diagnosis and treatment of sick, ailing, infirmed or injured animals and those in need of medical or surgical attention. This use may include overnight accommodations for the treatment, observation or recuperation of such animals, and may also include boarding if it is incidental to the primary activity.~~

~~(B) Standards:~~

- ~~(i) The proposed use shall not be in any structure housing a residential use.~~
- ~~(ii) There shall be no burial or incineration of animals on the premises.~~
- ~~(iii) All activities shall be conducted within a totally enclosed and air-conditioned building. If the applicant proposes outside animal runs, stalls or cages, such use must be specifically approved by Planning Commission, under the conditions that Planning Commission deems appropriate to assure the use will not have a detrimental effect on adjoining uses, and may include, without limitation, restrictions on hours of use and additional buffering requirements. If Planning Commission approves such outside animal runs, stalls or cages, the same shall be kept in a clean and sanitary condition and shall be screened from the view of the traveling public and any adjacent residential uses. A screening plan must be submitted to the Planning Commission for approval.~~
- ~~(iv) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(v) The proposed use shall comply with the Landscaping Standards~~

~~contained in section 1111.06, and the City's Parking Regulations,
contained in section 1111.07.~~

~~(vi) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

~~(f)~~(e) Validity: A Conditional Use Permit issued under this Section shall have no expiration date, but shall be subject to revocation, as provided below. Conditional Use Permits shall be specific to the applicant and the building, structure and/or address for which the Permit is approved; they shall not be transferable to a subsequent owner, tenant or occupant of the designated building, structure and/or address, nor shall they transfer with the applicant to another location. A Conditional Use Permit shall terminate upon the building, structure and/or address no longer being used for such Conditional Use, or upon the change of occupancy of such building, structure and/or address, or upon violation of any provisions of this Section.

~~(g)~~(f) Revocations:

- (1) The following shall be considered as grounds for the revocation of a Conditional Use Permit at any time during the term of the Permit:
 - (A) The violation of any one or more of the general or specific conditions of the Permit or of any special conditions placed upon the Permit by the Planning Commission;
 - (B) Any change in use that is different from that specified as permitted in the granted Permit;
 - (C) Any change in extent of use that results in a violation of the conditions of the Permit or any regulations contained in this UDO; and/or
 - (D) Failure to allow periodic inspections by the Zoning Official or his designee at any reasonable time;
- (2) For any of the reasons listed above, Planning Commission may, upon the recommendation of the Zoning Official, revoke a Conditional Use Permit. The holder of said Permit shall be notified of the time, date and place at which Planning Commission intends to consider a revocation of his Permit, and shall be given an opportunity to address Planning Commission on the matter.
- (3) Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.
- (4) The provisions of the Section shall not be construed as limiting in any manner the powers or authority of the City of Franklin to protect the health, safety and welfare of its residents, including the investigation and elimination of nuisances.

(Ord. 2009-14. Passed 7-6-09; Ord. 2010-22. Passed 12-6-10; Ord. 2013-09. Passed 6-17-13; Ord. 2013-18. Passed 11-4-13; Ord. 2014-17. Passed 1-5-15; Ord. 2017-01. Passed 2-6-17.)

HISTORY

Amended by Ord. [2018-08](#) on 5/21/2018

Amended by Ord. [2018-19](#) on 11/5/2018

Amended by Ord. [2022-01](#) on 3/8/2022

Amended by Ord. [2022-12](#) on 5/21/2022

Amended by Ord. [2023-01](#) on 3/17/2023

~~Amended by Ord. 2025-XX on X/XX/XXXX~~



LEGISLATIVE COVER MEMO

Introduction: January 22, 2025

Public Hearing: February 3, 2025

Effective Date: March 5, 2025

Agenda Item: **Ordinance 2025-02**

AMENDING SECTION 1111.07 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: The Ordinance proposes various amendments to Section 1111.07 Off-Street Parking And Loading Requirements And Standards.

These amendments focus on driveway regulations, lighting standards, and parking requirements, including detailed guidelines and tables to ensure clarity and compliance.

Planning Commission unanimously recommended approval of the text amendments to Council during its January 8, 2025 meeting.

Exhibits: Exhibit A: Section 1111.07 of the UDO

CITY OF FRANKLIN, OHIO
ORDINANCE 2025-02

Section 9, ItemB.

AMENDING SECTION 1111.07 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 1111.07 of the UDO during a public meeting of Planning Commission held on January 8, 2025;

WHEREAS, Planning Commission reviewed the proposed text amendments during its January 8, 2025 meeting and recommended that City Council approve the text amendments in the same form attached as Exhibit A 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 Section 1111.07 of the UDO in accordance with Exhibit A.

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 Section 1111.07 of the City’s Codified Ordinances, and Section 1111.07 is hereby amended as set forth in the attached Exhibit A.

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: January 22, 2025

ADOPTED: February 3, 2025

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 2025-02 passed by City Council on February 3, 2025.

Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

Ben Yoder, Law Director

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 15.
 - (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 16. 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 17.

Table 15: Parking Space Dimensions

Parking Pattern	Minimum Width (Feet)	Minimum Length (Feet)
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 16: Driveway Width

Parking Pattern	Minimum Driveway Width (Feet)
Single Family	10

Two-family	16 (combined drive)
All other uses	12 (one way)
20 (two way)	

Table 17: 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 ~~two hundred fifty feet~~ (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 ~~Downtown I 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

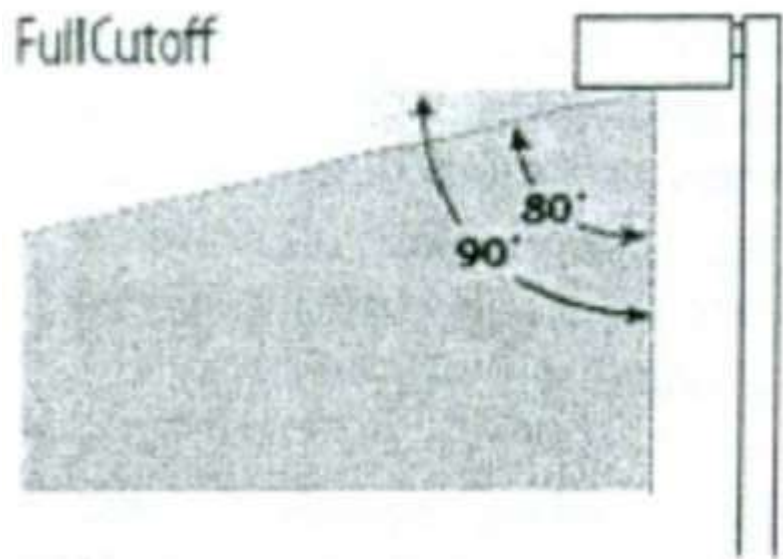
- (A) All off-street parking and loading areas including spaces, driveways, aisles, circulation ~~drives~~drives, and other vehicular maneuvering areas shall be paved with a hard surface and shall be adequately drained ~~and lighted~~, except for:
 - (i) Permitted uses located in the Agricultural District.

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

~~(C) Driveways behind the front yard building setback in the single family and two-family residential districts-~~

(2) Lighting Requirements

- (A) All off-street parking and loading areas including spaces, driveways, aisles, circulation, and other vehicular 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.



Full Cutoff	Allows
No light at or above 90°	0%
100 cd per 1000 lamp lumens at or above 80°	10%

- (C) Height:
- (i) Freestanding lights with full cutoff 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 1107.07-1: 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 1111.07-1: Illumination Levels

Zoning District	Maximum Illumination Level at the Property Line
Agriculture, Residential, and Parks and Recreation Districts	0.00 footcandles

Commercial, Downtown, Office, and Industrial
Districts

0.50 footcandles

~~(3)~~(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.
- ~~(4)~~(2) All lighting shall be maintained in good condition and working order and shall be illuminated between dusk and dawn.

~~(e)~~(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 ~~ten~~(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.

~~(f)~~(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 ~~twenty~~20 linear inches ~~(20")~~ 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.

(g)(h) Joint or Collective Parking Facilities:

- (1) Where two ~~(2)~~ 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 ~~two hundred fifty feet~~ (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 ~~(2)~~ or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not substantially overlap.

(h)(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.

Required Number of Parking Spaces by Use: Parking spaces shall be provided according to the following schedule:

Table 1111.07-2: Required Number of Parking Spaces

Principal Building or Use	Minimum Spaces Required (Unless Specified Otherwise)
Agricultural Uses	
Agriculture	1 space per employee on the largest shift plus 1 space per 10 employees
Residential Uses	
Dwelling, Four Family	2 spaces per dwelling
Dwelling, Live/Work	2 spaces per dwelling
Dwelling, Multi-Family 5+ Units	2 <u>1</u> space per dwelling <u>plus 1 space per every 10 dwellings unit, plus guest parking at a rate of 1 space per 4 units</u>
Dwelling, Row House	2 spaces per dwelling-unit
Dwelling, Single Family	2 spaces per dwelling-unit
Dwelling, Three Family	2 spaces per dwelling
Dwelling, Two Family	2 spaces per dwelling-unit
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 <u>Living</u> -Facilities and Residential	1 space per every 4 residents, plus 1 space per employee

Treatment Facilities	on the largest working shift
Public/Institutional Uses	
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 250 500 square feet of floor area
Government Facilities	1 space per 250 500 square feet of floor area
Mortuaries	1 space per 50 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 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
Commercial Uses	
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 working 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, Heavy	2 spaces per service bay plus 1 space per employee on the largest working shift
Automobile Service/Repair, Light	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 shift
Bar, Lounge, Tavern	1 space per 100 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
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 <u>per employee on the largest working shift</u>
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 children at maximum capacity plus one additional automobile for each additional ten children served. The drop-off area may either be in the form of spaces parallel to an access drive adjacent to the building or additional parking spaces beyond UDO requirements.
<u>Event Venue, Indoor</u>	1 space per 100 square feet of floor area
<u>Event Venue, Outdoor</u>	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 1 space per room or suite, plus 1 space for every three employees on the largest work shift, plus 1 space for three persons to the maximum capacity of each public meeting and/or banquet room, plus fifty percent of the spaces otherwise required for accessory uses (e.g., restaurants).
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 or chair plus 1 space per employee on the largest working shift, but not less than five spaces per office
Medical Office	3 spaces per treatment or examination room or chair plus 1 space per employee on the largest working shift, but not less than five spaces per office
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 1 space per three hundred square feet of gross floor area, but not less than 2 spaces per office.
Office, Campus	1 space per 300 square feet of floor area 1 space per three hundred square feet of gross floor area, but not less than 2

	spaces per office:
Office, Co-Working	1 space per 300 square feet of floor area 1 space per three hundred square feet of gross floor area, but not less than 2 spaces per office:
Personal Service	1 space per 200 square feet of floor area
Restaurant, Quick Service	1 space per 50 feet of seating area capacity plus 1 space per employee on the largest working shift
Restaurant, Standard	1 space per 100 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 1.5 spaces per 200 square feet of floor area plus 1 space per each employee
Retail, Food/Beverage Related	1 space per 500 square feet of floor area 1 space per 150 feet of floor area used for sales and display and 1 space per 250 square feet of storage, warehouse, and office area
Retail, General	1 space per 500 square feet of floor area 1 space per 150 feet of floor area used for sales and display and 1 space per 250 square feet of storage, warehouse, and office area
Retail, Large Format	1 space per 500 square feet of floor area
Retail, Secondhand	1 space per 500 200-square feet of floor area 1 space for every two hundred square feet of gross floor area less than two thousand and 1 space for every two hundred fifty square feet of gross floor area greater than two thousand square feet, and no use shall have less than 5 spaces.
Retail, Services	1 space per 250 square feet of floor area
Retreat Center Commercial Event Center	1 space per 3 guests plus 1 space <u>per employee on the largest working shift</u>
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 except that pet stores shall provide parking as retail commercial space.
Industrial Uses	
All Industrial Uses	1 space per employee on the largest working shift plus 1 space per 10 employees

(+)(i) **Modifications:** The Zoning Official may modify the requirements in Table 1111.07-1: 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.

~~(j) Business and Professional Offices:~~

- ~~(1) **Business and professional offices and associations:** 1 space per three hundred square feet of gross floor area, but not less than 2 spaces per office.~~
- ~~(2) **Medical offices and clinics:** 3 spaces per treatment or examination room or chair, plus 1 space per staff and employee on the largest working shift, but not less than five spaces per office.~~

~~U) Commercial Entertainment:~~

- ~~(1) **Bowling alleys:** 5 spaces for each alley, plus any additional spaces required for a bar, restaurant or other accessory use.~~
- ~~(2) **Dance halls, bingo halls, assembly and exhibition halls:** 1 space for every fifty square feet of floor area.~~
- ~~(3) **Fraternal and social associations and private clubs:** 1 space for every fifty square feet of floor area in assembly or meeting rooms, plus 1 space for every two hundred square feet of other floor area.~~
- ~~(4) **Game rooms:** 1 space for every two patrons at maximum capacity, plus 1 space for every two employees on the largest work shift.~~
- ~~(5) **Golf driving range:** 1 space per tee, plus 1 space per employee on the largest work shift.~~

- ~~(6) **Miniature golf:** 1 and one-half spaces per hole, plus 1 space per employee on the largest work shift.~~
- ~~(7) **Other outdoor commercial entertainment:** 1 space for every four patrons at maximum capacity, plus 1 space for every two employees on the largest work shift.~~
- ~~(8) **Theatres, concert halls and meeting and banquet halls:** 1 space for every two and one-half seats of capacity.~~

~~(k) Commercial and Service Uses:~~

- ~~(1) **Business and cleaning services:** 1 space for every three hundred square feet of sales and office area, plus 1 space for every employee on the largest work shift, plus 1 space for every company or service vehicle regularly stored on the premises.~~
- ~~(2) **Commercial schools and studios:** 1 space for every three students at capacity and 1 space for each employee on the largest working shift.~~
- ~~(3) **Convenience food stores, mini-markets and carry-outs:** 1 and one-half spaces for every two hundred square feet of floor area, plus 1 space for each employee.~~
- ~~(4) **Drive-through retail:** 1 space for each employee, plus off-street stacking space for five vehicles, plus 1 space for each two hundred square feet of sales area open to the public.~~
- ~~(5) **Financial establishments, banks and savings and loan associations:** 1 space per two hundred square feet of gross floor area, plus 1 space per employee on the largest work shift, plus 5 off-street waiting spaces per drive-in window or drive-through teller machine.~~
- ~~(6) **Funeral homes and mortuaries:** 1 space per every fifty square feet of public floor area, plus 1 space for each employee, plus 1 space for each business vehicle.~~
- ~~(7) **General merchandise stores and supermarkets:** 1 space for each one hundred fifty square feet of gross floor area used for sales and display and 1 space for every two hundred fifty square feet of storage, warehouse and office area.~~
- ~~(8) **Home furnishings, home improvements and equipment stores:** 1 space for each four hundred square feet of indoor and outdoor sales and display area and 1 space for each eight hundred square feet of office, storage and warehouse area.~~
- ~~(9) **Hotels and Motels:** 1 space per room or suite, plus 1 space for every three employees on the largest work shift, plus 1 space for three persons to the maximum capacity of each public meeting and/or banquet room, plus fifty percent of the spaces otherwise required for accessory uses (e.g., restaurants).~~
- ~~(10) **Nurseries and garden supply stores:** 1 space for each employee on the largest shift, 1 space for each two hundred square feet of gross floor area of inside sales or display and 1 space for each one thousand square feet of exterior sales and display area.~~
- ~~(11) **Restaurant:** 1 space per one hundred square feet of seating capacity area, plus 1 space per employee on the largest work shift.~~
- ~~(12) **Restaurants, fast food:** 1 space per fifty gross square feet of seating capacity area, plus one space per employee on the largest shift with a minimum of fifteen total spaces per seating capacity area.~~
- ~~(13) **Specialty retail commercial, specialty food stores, personal services and commercial centers:** 1 space for every two hundred square feet of gross floor area less~~

~~than two thousand and 1 space for every two hundred fifty square feet of gross floor area greater than two thousand square feet, and no use shall have less than 5 spaces.~~

- ~~(14) **Veterinary Services:** 3 spaces for each treatment area, plus 1 space for each staff and employee on the largest working shift, except that pet stores shall provide parking as retail commercial space.~~

~~(l) **Industrial:**~~

- ~~(1) **Construction trades and contractor offices and industrial craft shops:** 1 space for every three hundred square feet of floor area, plus 1 space for every business vehicle.~~
- ~~(2) **Lumberyards and buildings materials sales:** 1 parking space for each eight hundred square feet of floor area, plus 1 space for every three thousand square feet of lot area devoted to the storage and display of building materials.~~
- ~~(3) **Manufacturing, printing and publishing establishments and laundry and dry cleaning plants:** 1 space for each employee on the largest work shift, plus 1 visitor parking space for every ten thousand square feet of floor area, plus 1 space for every company vehicle regularly stored on the premises.~~
- ~~(4) **Recycling centers:** 1 space for each employee or volunteer on the largest work shift, plus 1 parking space for each collection vehicle and 2 drop-off spaces for each bay and/or collection vehicle and container.~~
- ~~(5) **Self-Service Storage Facilities or Mini-Warehouses:** If an on-site office is provided, at least 3 spaces, plus 1 space per employee on the largest working shift, unless otherwise required by Planning Commission.~~
- ~~(6) **Warehouses:** 1 space for every four thousand square feet of gross floor area, plus 1 space per employee on the largest work shift.~~
- ~~(7) **Wholesaling facilities:** 1 space for every three hundred square feet of office and sales area, plus 1 space for every four thousand square feet of warehouse and storage area, plus 1 space per employee on the largest work shift.~~

- ~~(m) **Institutional Uses:** All such uses shall provide the total number of spaces required for the specific combination of institutional uses and/or recreation facilities (1111.02(n)) provided, as listed below. When two or more institutional and/or recreational uses are provided on the same lot by one property owner, Planning Commission, at its discretion, may waive or modify the total number of parking spaces required.~~

- ~~(1) **Cemeteries:** 1 space per employee on the largest working shift, plus 1 space per four seats in the chapels.~~
- ~~(2) **Community centers, libraries, museums, art galleries, botanical gardens and other establishments of historical, education and cultural interest:** 1 space per two hundred fifty square feet of gross floor area plus one 1 space per employee on the largest work shift.~~
- ~~(3) **Daycare centers and nursery schools:** 1 space per employee on the largest working shift, plus 1 space per five children at capacity. In addition, there shall be a drop-off area at the main entrance sufficient to accommodate four automobiles per twenty or fewer children, plus one additional automobile for each additional ten children served. The drop-off area may either be in the form of spaces parallel to an access drive adjacent to the building or additional parking spaces beyond UDO requirements.~~
- ~~(4) **Elementary and junior high schools:** 1 space per employee on the largest working shift.~~

~~plus 1 space per two classrooms.~~

~~(5) **High schools:** 1 space per employee on the largest working shift, plus 1 space per five students at capacity.~~

- ~~(6) **Hospital and medical centers:** 1 space for every two beds, plus 1 space for every staff and employee on the largest work shift.~~
- ~~(7) **Junior colleges, colleges and universities:** 1 space for every three students, plus 1 space per employee on the largest working shift.~~
- ~~(8) **Places of worship:** 1 space per four seats at maximum capacity.~~
- ~~(9) **Public offices and buildings:** 1 space for every two hundred fifty square feet of gross floor area.~~
- ~~(10) **Residential care facilities, including assisted living & life care, skilled nursing facilities, nursing homes, extended care facilities, rest homes and convalescent homes:** 1 space per six beds, plus 1 space for each staff and employee on the largest work shift.~~

~~(n) **Recreation uses, indoor and outdoor:** All such uses shall provide the total number of spaces required for the specific combination of recreation facilities and/or institutional uses (1111.07(m)) provided, as listed below. When two or more institutional and/or recreational uses are provided on the same lot by one property owner, Planning Commission, at its discretion, may waive or modify the total number of parking spaces required.~~

- ~~(1) **Auditoriums, arenas, stadiums, gymnasiums, and playing fields with stands:** 1 space for every four seats at capacity.~~
- ~~(2) **Golf courses:** 8 spaces per hole, plus fifty percent of the spaces otherwise required for any accessory use (e.g., restaurant, pro shops).~~
- ~~(3) **Parks, playgrounds, playing fields without stands, nature areas and other open space:** Parking shall be provided as determined by Planning Commission, based on the submitted site plan.~~
- ~~(4) **Recreation centers:** 1 space for every two hundred fifty square feet of floor area, except those designed for use exclusively by senior citizens or youth under age sixteen, in which case there shall be 1 space for every seven hundred fifty square feet.~~
- ~~(5) **Skating rinks:** 1 space per three hundred square feet of gross floor area.~~
- ~~(6) **Swimming pools:** 1 space for every seventy five square feet of water surface area.~~
- ~~(7) **Tennis, racquetball and handball courts:** Indoor courts — 4 spaces for each playing court. Outdoor courts — 2 spaces for each playing court.~~
- ~~(8) **Other requirements:** In addition to the above requirements, all recreational uses shall provide 1 space for every two employees on the largest work shift.~~

~~(o) **Residential Uses:**~~

- ~~(1) **Single-family (attached, semi-detached and detached) two-family:** 2 per dwelling unit.~~
- ~~(2) **Multi-family:** 2 per dwelling unit, plus guest parking at a rate of 1 space per four units.~~

~~(p) **Special Residential Uses:**~~

- ~~(1) **Dormitories, convents and monasteries:** 1 space per six residents, plus 1 space per employee on the largest working shift.~~

~~(2) **Bed & Breakfast:** 2 spaces, plus 1 space per guest room.~~

~~(3) **Boarding house:** 2 spaces, plus 1 space per boarder.~~

- ~~(4) **Corporate guest houses:** 1 space per two bedrooms, plus 1 space per employee.~~
- ~~(5) **Family and group care homes:** 1 space per four residents, plus 1 space per employee on the largest working shift.~~
- ~~(6) **Retirement villages and senior citizen housing:** 3/4 space per dwelling unit, plus 1 space per employee on the largest shift.~~

~~(q) Road Service and Vehicle Uses:~~

- ~~(1) **Vehicle accessories sale and installation:** 2 spaces for every service bay, plus 1 space for each employee on the largest working shift, plus 1 space for every four hundred square feet of sales area.~~
- ~~(2) **Gasoline service stations and vehicle repair, painting and body shops:** 2 spaces for each service bay, plus 1 space for each employee on the largest working shift and service vehicle, with a minimum of 6 spaces.~~
- ~~(3) **Vehicle washing facilities:** 1 space for each employee with a minimum of 4 spaces, plus four off-street waiting spaces for each car washing device or stall, or eight off-street waiting spaces for an assembly line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand-finishing vehicles.~~
- ~~(4) **Vehicle sales and service:** 1 parking space for each eight hundred square feet of floor area, plus 1 space for each three thousand square feet of open lot area devoted to the sale and display of vehicles.~~

~~(r)(m) Required Number of Stacking Spaces:~~

- ~~(1) **Applicability:** Establishments which by their nature create lines of **customers** waiting to be served within automobiles shall provide stacking spaces that are on the same lot as the use, in addition to the required number of parking spaces per Table 1111.07-1: Required Number of Parking Spaces. The required stacking spaces shall not extend into or be within the public right-of-way, access drives, or circulation areas. Stacking spaces shall meet the requirements set forth in the following table.~~

Table 1111.07-3: Required Number of Stacking Spaces

Activity	Minimum Number of Required Stacking Spaces	Measured From
Automobile Washing Facility, Automatic	6 per lane	Entrance
Automobile Washing Facility, Self-Service	3 per lane	Entrance
Automobile Fueling Station	2 per fuel pump	Pump island
<u>Day Care Center</u>	<u>8 for facilities with 20 or fewer clients plus one additional stacking space for each additional 10 clients served</u>	<u>Entrance</u>
Financial Institutions or ATM	4	Teller, window, or ATM
Food and Beverage Use with Drive-Through or Pick-Up Window	<u>7</u>	Pick-up window
Other	Minimum of 2 per window	

- (2) **Dimensions:** Each stacking space shall have an area not less than 160 square feet (measured 8 feet by 20 feet) exclusive of access drives and parking aisles.
- (3) **Location:** Stacking spaces may not impede on-site or off-site traffic movements or movements into or out of off-street parking spaces. Stacking spaces shall also provide for safe pedestrian crossings to and from parking spaces and the building.
- (4) **Modifications:** The Planning Commission may require additional stacking spaces than specified in this section for uses that have extremely high-demand use periods that cause long waiting lines, such as fast food restaurants or drive-through coffee shops. In such cases, the Zoning Official shall work with the applicant to ensure that the site plan can accommodate the anticipated intensity of demand and forward a recommendation to the Planning Commission.

~~(s)~~(n) Required Number of Loading Spaces By Use:

- (1) Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this Section to accommodate the delivery or shipment operations in a safe and convenient manner.
- (2) Loading spaces shall conform to the following minimum dimensions:
 - (A) *Type A space* - (for semi truck vehicles) fourteen feet (14') minimum width, fifty-five feet (55') minimum length, fifteen feet (15') height clearance. The space shall not inhibit service access to neighboring facilities or loading areas.
 - (B) *Type B space* - twelve feet (12') minimum width, thirty feet (30') minimum length, fifteen feet (15') height clearance, and arranged so as not to inhibit other service traffic.
- (3) The number of loading spaces required are outlined in Table 20 and Table 21.
- (4) Loading and unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way, and complete the loading and unloading operations without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.
- (5) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
- (6) Whenever there exists a lot with one or more structures constructed before the effective date of this chapter, and a change in use that does not involve any enlargement of a structure is proposed for such lot, and the loading area requirements of this Section cannot be satisfied because there is not sufficient area available on the lot that can

practicably be used for loading and unloading, the Planning Commission may modify or waive these requirements.

- (7) A loading space may occupy all or any part of any required side or rear yard. No loading or unloading shall occur in a front yard, except for structures less than ~~fifteen thousand~~ 15,000 square feet ~~(15,000 sq. ft.)~~.
- (8) No loading space shall be located closer than ~~fifty feet~~ (50 feet) to any residential district.
- (9) Short term storage of pod units shall be situated on a durable, impervious surface, such as a driveway, and located within the building setback. No pod unit shall be permitted to remain longer than seven ~~(7)~~ days. Units located within a commercial district shall, in addition to these standards, be located in the rear yard and screened from view by opaque landscape material or fencing.

Table 20: Commercial and Industrial Buildings

Gross Floor Area	Number and Type of Loading Space
Less than 5,000 sq. ft.	0
Equal to or greater than 5,000 sq. ft. but less than 15,000 sq. ft.	One Type B
Equal to or greater than 15,000 sq. ft. but less than 30,000 sq. ft.	One Type A
Equal to or greater than 30,000 sq. ft.	One Type A and B
For each additional 50,000 sq. ft. or fraction thereof	One Type A

Table 21: Office and Institutional Buildings (Excluding Churches)

Gross Floor Area	Number and Type of Loading Space
Less than 20,000 sq. ft.	0
Equal to or greater than 20,000 sq. ft. but less than 100,000 sq. ft.	One Type A
Equal to or greater than 100,000 sq. ft. but less than 350,000 sq. ft.	Two Type A
350,000 sq. ft. or more	Two Type A
	plus one for each additional 300,000 sq. ft. or fraction thereof

(t)(o) **Modifications and Conditions:**

- (1) Where the Planning Commission finds that strict compliance with the minimum improvement requirements provided for in this chapter results in extraordinary hardship or costs being imposed upon a particular subdivision, PUD, PRCD or other development, it may vary these improvement regulations so that substantial justice may be done and the

public interest secured.

- (2) In granting modifications of these Requirements, the Planning Commission may require such conditions as will, in its judgment, secure the objectives of the standards of

requirements so varied or modified.

((Ord. 2009-14. Passed 7-6-09; Ord. 2010-22. Passed 12-6-10.)

HISTORY

Amended by Ord. [2023-01](#) on 317/2023



LEGISLATIVE COVER MEMO

Introduction: January 22, 2025

Public Hearing: February 3, 2025

Effective Date: March 5, 2025

Agenda Item: **Ordinance 2025-03**

AMENDING CHAPTER 1103 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: The Ordinance proposes various amendments to Chapter 1103 Definitions.

The text amendments include the addition of definitions for new uses, modifications and relocation of definitions for consolidated uses, removal of definitions for unlisted uses, and updates to definitions for existing uses.

Planning Commission unanimously recommended approval of the text amendments to Council during its January 8, 2025 meeting.

Exhibits: Exhibit A: Chapter 1103 of the UDO

CITY OF FRANKLIN, OHIO
ORDINANCE 2025-03

Section 9, Item C.

AMENDING CHAPTER 1103 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 Chapter 1103 of the UDO during a public meeting of Planning Commission held on January 8, 2025;

WHEREAS, Planning Commission reviewed the proposed text amendments during its January 8, 2025 meeting and recommended that City Council approve the text amendments in the same form attached as Exhibit A 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 Chapter 1103 of the UDO in accordance with Exhibit A.

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. 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: January 22, 2025

ADOPTED: February 3, 2025

ATTEST: _____
Khristi Dunn, Clerk of Council

APPROVED: _____
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 2025-03 passed by City Council on February 3, 2025.

Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

Ben Yoder, Law Director

CHAPTER 1103 Definitions
1103.01 Definitions

1103.01 Definitions

Interpretation:

- (a) For the purposes of this UDO, the following terms, phrases, words and their derivations shall be interpreted as follows:
- (1) Words used in the singular shall include the plural, and the plural the singular;
 - (2) Words used in the present tense shall include the future tense;
 - (3) Words in the masculine gender shall include the feminine;
 - (4) The words "shall" and "will" are mandatory and not discretionary;
 - (5) The word "may" is permissive;
 - (6) "Person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual;
 - (7) "Used" or "occupied" includes "intended," "designed" or "arranged to be used or occupied;"
 - (8) "Building" includes "structure" and "structure" includes "building;"
 - (9) "Dwelling" includes "residence" and "residence" includes "dwelling;" and
 - (10) "Lot," "plot" and "parcel" are interchangeable.
- (b) In case of any difference in meaning or implication between the text of this UDO and any caption or illustration, the text shall control.
- (c) Terms not herein defined shall have the meaning customarily assigned to them.

In addition, as used in this UDO, the following definitions apply unless otherwise indicated:

"Acceptance of Application." An ~~application~~**APPLICATION** is not accepted by the ~~CITY-city~~ until all the information required for submittal is provided and verified by the applicant.

"Acceptance of Public Way or Right-of-Way or Utility." No public way, right-of-way, street or utility (including, but not limited to, water and sewer) shall be considered accepted by the city until such improvements have been constructed, inspected by the city engineer or his designee, and formally accepted, by ordinance, by council.

"Accessory Facilities." These uses are permitted in the Office-Research Park District. Such uses include facilities for custodial, gardening, maintenance and caretaker services for the buildings, structures and grounds on the site. Such uses also include conference centers with temporary lodging, communication centers, training facilities, maintenance shops and machine shops.

"Accessory Structure." A subordinate and incidental structure detached from the principal building (such as detached garage or storage structure), located on the same lot. An accessory ~~stru~~~~ent~~**restructure** 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.

"Activity Space." Floor space provided in a child-care facility that is designed, intended for use, or primarily used for open play or general care area.

"Adjacent Property." For the purposes of this UDO, a subject property is adjacent to another property or a zoning district when it is contiguous to the other property, across the street from the other property, or across a railroad right-of-way from the other property.

"ADT." Average daily traffic volumes of vehicles on a street.

"Adult Arcade." Any place to which the public is permitted or invited where either or both:

- (a) Motion picture machines, projectors, video or laser disc players; or
- (b) Other video or image-producing devices are available, run via coin, token, or any form of consideration, to show images to five ~~(5)~~ or fewer individuals at one time; and where the images shown and/or live entertainment presented are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

"Adult Bookstore" or "Adult Media (Video) Store" or "Adult Novelty Store." A commercial establishment that has ~~forty 40~~ percent ~~(40%)~~ or more of its stock-in trade or inventory in, derives ~~forty 40~~ percent ~~(40%)~~ or more of its revenues from, devotes ~~forty 40~~ percent ~~(40%)~~ or more of its interior business or advertising to, or maintains ~~forty 40~~ percent ~~(40%)~~ of its sales or display space for the sale or rental, for any form of consideration, of adult entertainment, adult media or sexually oriented novelties or toys. The existence of other principal business purposes that do not involve the offering for sale, rental or viewing of materials exhibiting or describing adult entertainment, adult media or sexually oriented novelties or toys and still be categorized as an Adult Bookstore, Adult Media Store or Adult Novelty Store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials.

"Adult Cabaret." A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- (a) Persons who appear in a state of nudity or state of semi-nudity; or
- (b) Live entertainment characterized by the depiction or description of specified anatomical areas or specified sexual activities; or
- (c) Live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment; or
- (d) Exhibiting films, motion pictures, video cassettes, video discs, DVDs, CDs, slides or other photographic or electronic reproductions, whether analog or digital, which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

"Adult Entertainment." The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, DVDs, CDs or other photographic or electronic reproductions, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

"Adult Entertainment Establishment." An Adult Arcade, Adult Bookstore, Adult Novelty Store, Adult Media

(video) Store, Adult Cabaret, Adult Motion Picture Theater,

Adult Theater, Nude or Semi-Nude Model Studio or Sexual Encounter Establishment. An establishment in which a medical practitioner, psychologist, psychiatrist or similar profession licensed by the State of Ohio engages in medically approved and recognized therapy including, but not limited to, massage therapy, as regulated pursuant to ORC 4731.15, is not an Adult Entertainment Establishment.

~~"Adult Family Home." A residential facility providing accommodations and personal care services for one to five (1-5) unrelated individuals that is licensed by the State as a residential facility and that meets the criteria specified in ORC 5119.34(A)(9)(b).~~

~~"Adult Group Home." A residential facility providing accommodations and personal care services for six to sixteen (6-16) unrelated individuals that is licensed by the State as a residential facility and that meets the criteria specified in ORC 5119.34(A)(9)(b).~~

"Adult Media." Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, DVDs and CDs, slides or other visual representations that are distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

"Adult Motel." A hotel/motel or similar commercial establishment that:

- (a) Offers accommodations to the public for any form of consideration; and provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right-of-way which advertises the availability of this sex oriented type of photographic reproductions; or
- (b) Offers a sleeping room for rent for a period of time that is less than ~~ten (10)~~ hours; or
- (c) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ~~ten (10)~~ hours.

"Adult Motion Picture Theater." A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

"Adult Theater." A theater, concert hall, auditorium, or similar commercial establishment that regularly features:

- (a) Persons who appear in a state of nudity or semi-nudity;
- (b) Live performances which are characterized by the depiction or description of specified anatomical areas, specified sexual activities, or
- (c) Live entertainment of an erotic nature including exotic dancers, strippers, male or female impersonators, or similar entertainment.

"Agriculture." Agriculture means farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs; ornamental trees, flowers, sod or mushrooms; timber, pasturage; any combination of the foregoing; the processing, drying, storage and

marketing of agricultural products when those activities are conducted in

conjunction with, but are secondary to, such husbandry or production. Agriculture shall not be permitted in any residential zoning district with the following exceptions:

- (a) The raising of fruit or vegetables for private use; and
- (b) Limited agricultural uses permitted as-of-right in the R-1A, Estate Residential Districts for lots of two ~~(2)~~ acres or more (see Section 11~~07.14(a)~~13.07, Supplementary Regulations); and
- ~~(c) The keeping of small farm animals may be allowed as a conditional use Permit in the R-1A, Estate Residential District for lots under two (2) acres (see Section 1113.01, Conditional Uses).~~

"Alcohol and Drug Addiction Treatment Facilities." A licensed facility that provides inpatient treatment, including room and board, to individuals addicted to substances of abuse, including alcohol, legal drugs and/or illicit drugs, which treatment may include counseling, psychology, social work, psychiatry, internal medicine and the administration of medications for treatment purposes.

"Alcohol Production and Sales, Large." A licensed building or property that produces more than 15,000 barrels per year whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities.

"Alcohol Production and Sales, Small." A licensed building or property that produces less than 15,000 barrels per year whose primary purpose is to produce and sell alcoholic beverages for distribution and may include accessory commercial facilities such as a tasting room, restaurant, and event facilities.

"Alteration." Any change, addition or modification in construction or type of occupancy; or any change in the structural members of a building, such as walls or partitions, columns, beams or girders, the consummated act of which may be referred to herein as "altered" or "reconstructed."

~~"Alternative Finance Service Provider." Any type of business other than a CHECK-CASHING BUSINESS, CREDIT SERVICE ORGANIZATION, SHORT-TERM LOAN LENDER, MORTGAGE LOAN LENDER, as those terms are defined in this UDO, that cashes checks, provides credit services, or makes short term loans, small loans, mortgage loans or other loans secured by personal check, electronic access to the borrower's bank account, or by title to the borrower's car or other personal property. Alternative Finance Service Provider does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States.~~

~~"Ancillary Business Offices." An OFFICE use that is:~~

- ~~(a) Subordinate in area, extent and purpose to the principal use;~~
- ~~(b) Contributes to the comfort, convenience, efficiency or necessity of the principal use; and~~
- ~~(c) Is located on the same LOT and in the same ZONING DISTRICT as the principal use.~~

"Antenna." Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiates or captures electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

"Antenna Support Structure." Any building or other structure, other than a tower, that can be used for location of wireless telecommunications facilities.

"Appeals Board." The quasi-judicial board, appointed in accordance with the City Charter, which hears and decides variance applications, hears and decides appeals of any administrative zoning decision by any city official, and reviews and resolves disputes over the interpretation of this UDO, all as outlined in this UDO (Also known as the "Board of Zoning, Building and Housing Appeals").

"Applicant (or owner)." The owner(s) of the property, or their designated representative(s), who applies for a certificate of zoning compliance, zoning amendment, subdivision, conditional use, variance or other approval pursuant to this UDO.

"Application." The process by which an applicant submits a request and indicates a desire to be granted approval under the provisions of this UDO. An application includes all written documentation, verbal statements and representations, in whatever form or forum, made by an applicant to the city concerning such a request.

"Approval Authority." An official, organization, group, board or other authority designated to review and approve/disapprove applications.

"Aquifer." A geologic formation, group of geologic formations, or part of a geologic formation that contains enough saturated permeable material to yield significant quantities of water.

"Architect." A person registered to engage in the practice of architecture under the provisions of ORC 4703.

"~~Artist and Crafts Studio and Gallery.~~" A commercial establishment that provides, as its primary activity, goods produced on the premises for retail sale to the general public on the premises. Such use is completely enclosed in a building and does not use equipment that would cause noxious effects, such as smoke, odor or noise that would be deterred on surrounding properties. Such uses ~~comprise a part of use groups B, F-2 or M of the Ohio Building Code, and~~ include but are not limited to ~~uses such as~~ art studios and pottery shops.

"Assembly Space." Floor space provided in a building that is designed, intended for use, or used primarily for group assembly, including space with both fixed and movable seating.

"~~Assisted Living and Skilled Nursing Care, Life Care or Continuing Care Facilities.~~" A residential facility, other than a single-family home, for the aged or infirm, or any other reasonably independent individual in need of limited care, that provides health monitoring services and assistance with daily activities (such as taking medicine, meals, dressing, grooming, and bathing) and may provide other services (such as recreational, social, educational and cultural activities, transportation and financial services) and which is not equipped for surgical care or for treatment of acute disease or serious injury, and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.

"Authorized Agent." An official, organization, or group designated to provide technical guidance in the development and implementation of site development plans and/or stormwater pollution prevention plans and to review and approve/disapprove such plans as authorized.

"Automobile." See Automobile Fueling/Charging Station~~Gasoline Service Station~~, Motor Vehicle and Vehicle.

"Automobile Fueling/Charging Stations." An establishment where liquids used as motor fuels or alternative fuel, power or energy is sold at retail to the public and deliveries are made directly into or onto automobiles. The sale of fuel, power, or energy shall be the primary use of the property. Retail grocery or convenience store sales are permitted. Such use does not include facilities designed for the fueling of semi-trailer trucks.

"Automobile Sales/Rental." The use of any building, or part thereof, land area or other premises for the display and/or retail sale, lease or rental of new or used vehicles including motor vehicles, motorcycles, recreational vehicles, boats and farm implements. Secondary supporting uses may also exist upon the same site, such as maintenance/repair service areas, parts storage areas, and financial services areas, which activities shall be conducted within a completely enclosed area. Such use shall not include vehicle wrecking or junk business. Automobile sales/rental shall not include accessory self-service storage

facilities or mini-warehouses.

"Automobile Service/Repair, Heavy." An establishment where repair of construction equipment, commercial trucks, automobiles, and similar heavy equipment, including major engine and transmission repairs are conducted.

"Automobile Service/Repair, Light." An establishment engaged in the minor repairs to any vehicle, including repairs and replacement of cooling, electrical, fuel, and exhaust systems, brake adjustments, relining and repairs, wheel alignment and balancing, and repair and replacement of shock absorbers.

"Automobile Washing Facility." A facility for washing, cleaning, drying, and waxing of passenger vehicles, recreational vehicles, or other light duty equipment. An automotive washing facility may be self-service or full service.

"Awning." A hood or cover that projects from the wall of a building and which can be retracted, folded, or collapsed against the face of the supporting building.

~~"Banner." A non-rigid cloth, plastic or canvas sign typically related to a special event or promotion. National flags, state or municipal flags shall not be considered banners, nor shall the official flag of any institution or business be considered a banner.~~

"Bar, Lounge, or Tavern ~~(or Tavern)~~." A commercial establishment that provides, as its primary activity, the sale of alcoholic beverages for consumption on the premises inside of a building. ~~Such use comprises a part of use group A-2 of the Ohio Building Code.~~

"Base Flood." The flood having a one percent ~~(1%)~~ chance of being equaled in any given year. The base flood may also be referred to as the one percent ~~(1%)~~ chance annual flood or the ~~one hundred~~

~~(100)~~ year flood.

"Base (100-year) Flood Elevation (BFE)." The water surface elevation of the BASE FLOOD in relation to a specified datum, usually the National Geodetic Vertical Datum of 1929 or the North American

Vertical Datum of 1988, and usually expressed in feet mean sea level (MSL). In Zone AO areas, the base flood elevation is the natural GRADE elevation plus the depth number (from one4 to three3 feet).

"Basement." Any area of the building having its floor subgrade below ground level on all sides.

"Bed and Breakfast." An existing single-family residence that provides one to five ~~(1-5)~~ rooms (limited to two individuals or one family per unit/room) for occasional paying guests on an overnight basis, for periods not to exceed seven ~~(7)~~ consecutive days, with breakfast being available on premises at no additional cost.

~~"Billboard." An off-premise, outdoor SIGN exceeding fifty square feet (50 sq. ft.) in area. Billboards are prohibited under this UDO.~~

"Block." An area of land within a subdivision that is entirely bounded by streets or highways (except alleys) or a combination of streets, highways or ways and/or rivers, streams, railroad right-of-ways~~rights-of-way~~ or other exterior boundaries of the subdivision.

"BMP." Best Management Practices for stormwater, as defined by this UDO and the Ohio EPA.

"Boarding House." A residential facility that provides sleeping rooms for rent. Boarding houses are not permitted in any zoning district.

~~"Breweries, Distilleries, Wineries, Cideries."~~

- ~~(a) Nano – A limited production facility that uses a three-barrel or similarly small system. Such facilities only sell their products on the premises.~~
- ~~(b) Brewpub – An establishment selling beer or other beverage that is produced on the premises and includes a restaurant.~~
- ~~(c) 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 tap room and may or may not include a restaurant~~
- ~~(d) 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 tap room and/or restaurant.~~

"Buffer." A designated transition area around water resources or wetlands that is left in a natural, usually vegetated, state so as to protect the water resources or wetlands from runoff pollution. construction activities in this area are restricted or prohibited (See Greenbelt).

"Buffer Lot." A lot on a plat across the end of a street proposed to be extended by future platting, or a lot along the length of a street where only part of the width has been dedicated, retained by the owner but conditionally dedicated on the plat for street purposes when the street is extended or widened.

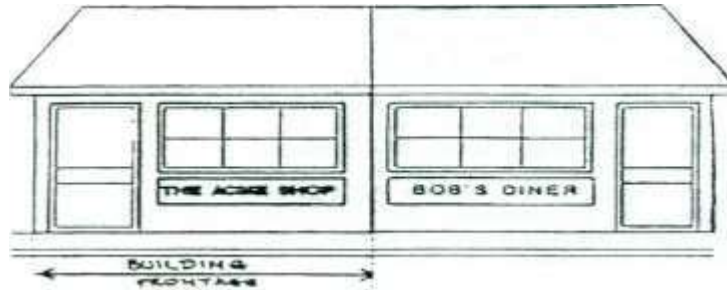
"Buffer Yard." Landscape areas adjoining or surrounding a land use and unoccupied in its entirety by any building or structure.

"Building." Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property. When separated by a firewall, each portion of such building so separated shall be deemed as a separate building.

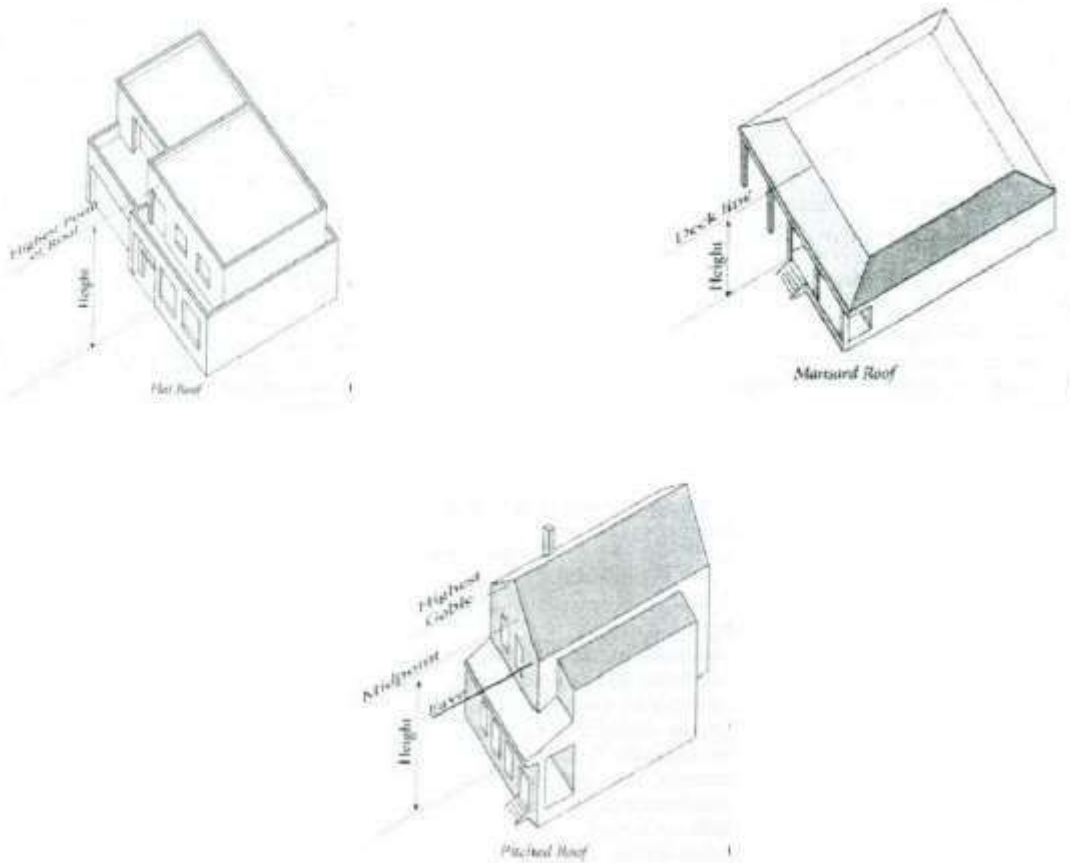
O-25-03
Exhibit A

"Building Frontage." The wall of the building that determines where signs may be placed and the total allowable area of such signs. Only walls that face a street, driveway or parking areas that serves the use shall be considered as building frontage, as determined by the ~~Z~~zoning ~~O~~official.

Building frontage shall be measured for the length of the building occupied by the use or tenant(s), and shall be computed as near to ground level as computation of horizontal distance permits. In cases where this test is indeterminate or cannot be applied, as for instance where there is a diagonal corner entrance, the Zoning Official, in his sole discretion, shall select building frontage on the basis of interior layout of the building, traffic on adjacent streets or other indicators.



"Building Height." The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



"Building Line." A line established on a parcel which is parallel to a street right-of-way line for the purpose

of prohibiting construction of a building between such line and an easement, right-of-way or public area.

"Business Incubator." An organization that helps startup companies and individual entrepreneurs to develop their businesses by providing full-scale range of services including management training, office space, and financing.

~~"Business, Professional." These uses include, but are not limited to, administrative offices, clerical/financial offices, and professional services offices (architects, attorneys, engineers, dentists, physicians, etc.). All operations are carried on in a completely enclosed building and comprise a part of the use group B of the Ohio Building Code.~~

"Business, Retail." A commercial establishment that provides, as its primary activity, sales of goods to other commercial establishments. ~~Such use is completely contained within a building and comprises a part of use group B or M of the Ohio Building Code.~~ Examples of such uses include, but are not limited to, office furniture stores and office supply stores.

"Business, Service." A commercial establishment that provides, as its primary activity, sales of services to other commercial establishments. ~~Such use is completely contained within a building and comprises a part of the use group B or M of the Ohio Building Code.~~ Examples of such uses include, but are not limited to, uniform and linen services.

~~"Business Sign." A sign directing attention to a business, product, service or activity conducted or sold on the LOT where the sign is displayed.~~

"Campground." A publicly or privately owned parcel of land designed, designated, maintained, intended, or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in tents, trailers, travel trailers, motor home, cabins or similar facilities, whether or not a fee or charge is paid for the rental thereof, but does not include a mobile home or a mobile home park. Campgrounds are prohibited under this UDO.

"Canopy." A projection from a building made from any material, which is cantilevered, suspended or supported on columns intended only for shelter or ornamentation.

~~"Canopy Sign." A sign directing attention to a business, product, service or activity conducted or sold on the lot where the sign is displayed that is mounted on a marquee, attached to or printed on the fascia or valence of a canopy or marquee, or hanging from the soffit (i.e. underside) of such structure.~~

"Cemeteries." Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries, if operated in connection with and within the boundaries of such cemetery.

~~"Changeable Copy Sign (manual)." A sign, or portion thereof, on which characters, letters, or illustrations are changed manually in the field without altering the face or surface of the sign, including without limitation, a reader board with changeable letters.~~

~~"Changeable Copy Sign (mechanical or electronic)." A sign, or portion thereof, on which characters, letters, or illustrations are changed mechanically or electronically in the field without altering the face or surface of the sign, including without limitation, an electronic or mechanical message center.~~

"Check-Cashing Business." Any business that is licensed, or is required to be licensed, under ORC 1351.21 through 1351.30 to cash checks. Check-cashing business does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the

United States. Check-cashing businesses are not permitted under this UDO.

~~"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, DAY CARE, educational facilities (PRE-K through grade 12), and similar uses are considered accessory uses to a place of worship.~~

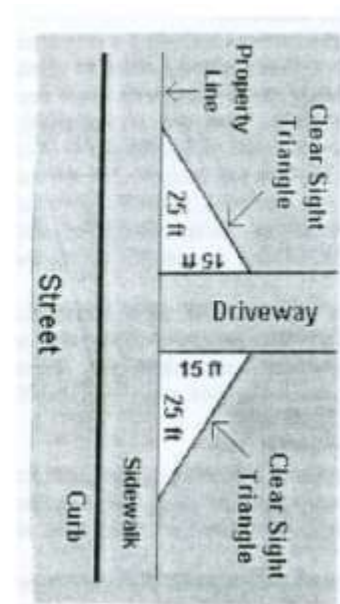
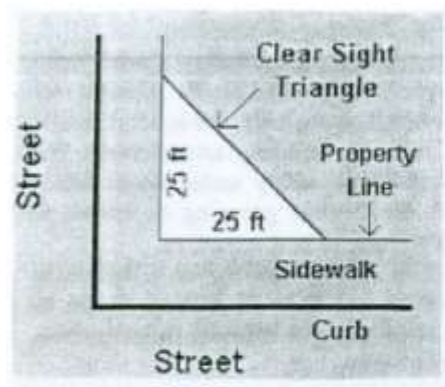
"City." The incorporated municipality of Franklin, Ohio. For the purposes of this UDO, the term "City" shall also include Franklin City Council, Planning Commission, Appeals Board, Technical Review Committee, and/or City administrative staff or employees.

"City Engineer." The person holding the title of City Engineer of the City of Franklin, or ~~their~~his designee.

"City Manager." The person holding the title of City Manager of the City of Franklin, or ~~his~~their designee.

"Clear Sight Triangle." The triangular area formed by a diagonal line connecting two points located on intersecting lines of a right-of-way, easement of access, or pavement edge of an access drive, each point being ~~twenty feet (20 feet')~~ from the intersecting lines and extending vertically from a height of three feet (~~3'~~) above grade to ~~ten feet (10 feet')~~ above grade.

"Co-location." The use of a wireless telecommunications facility by more than a single wireless telecommunications provider.



"Club, Private or Membership." Organizations that generally have some meaningful conditions for membership, with operations often controlled by the membership, and whose facilities and activities are only open to members and their guests.

~~"Colleges and Universities." An institution, other than a trade school, that provides full-time or part-time education beyond SENIOR HIGH SCHOOL.~~

"Commercial Entertainment." A commercial establishment that provides, as its primary activity, space for various types of sporting and/or leisure activities. ~~Such use is completely contained within a building and comprises part of use group A or B of the Ohio Building Code, whichever is appropriate.~~ Examples of such

uses include, but are not limited to, skating rinks, bowling alleys, indoor playgrounds and movie theaters.

"Commercial Recreation/Fitness, Indoor and Outdoor." Facilities for sports, recreational, and entertainment activities that may be conducted outdoor or indoor such as soccer, bowling, skating, swimming, sports courts, golf courses, driving ranges, and similar indoor activities taking place inside an enclosed building.

~~"Commercial Recreation" see recreation, commercial.~~

"Commercial Training." A commercial establishment (excluding any Educational Facilities (pre-k through 12th grade) or Secondary Education/Colleges/Universities ~~SENIOR HIGH SCHOOLS, COLLEGES OR UNIVERSITIES~~) that provides, as its primary activity, any type of training, vocational, self-help or special interest to the general public for a fee. ~~Such use is completely contained within a building and comprises part of use group E of the Ohio Building Code.~~ Examples of such uses include, but are not limited to, dance studios, beauty schools, and martial arts studios.

"Common Open Space." Squares, greens, neighborhood parks, and linear environmental corridors, which may be owned and maintained by the city, a homeowners' association, condominium owners' association or developer.

~~"Community Centers/Facilities." A place, STRUCTURE, area or other facility used for social and recreational programs open to the public and designed to accommodate and serve significant segments of the community. A community center may also be referred to as a convention center or a civic center.~~

"Comprehensive Development Plan or Comprehensive Land Use Plan." The plan, which may consist of several maps, data and other descriptive matter, for the physical development of the city and which has been adopted by the Planning Commission and council to indicate the general locations for proposed planning areas, major streets, parks, schools, public building sites and other similar information.

"Conditional Use." A use that may be permitted within a zoning district (other than a principally permitted use), which is required to fulfill additional requirements because of its potential impact on the surrounding community. Such a use requires application for a conditional use and approval by the Planning Commission.

"Condominium." A form of real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to ORC 5311. and under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property.

"Condominium Owners' Association." The organization that administers condominium property and that consists of all the owners of units in a condominium property.

"Conservation Development (or Planned Residential Conservation Overlay District)." A contiguous area of land to be planned and developed as a single entity, in which housing units are accommodated with more flexible standards, such as building arrangements and setbacks, than those that would normally apply under single-family residential zoning district regulations, allowing for the flexible grouping of houses in order to conserve open space and existing natural resources.

"Construction." For the purposes of this UDO, construction is deemed to begin when all necessary excavation and piers or footing of one or more principal buildings, or the installation of required infrastructure, has been completed or substantially begun.

"Construction Trailer." A mobile structure that is used to accommodate temporary offices, facilities, or storage of materials during an active construction project.

~~"Construction Sign." A sign directing attention to construction upon property where the SIGN is displayed, and bearing the name, address, sub-lot number or other identifier of the contractor.~~

~~"Consumer Retail." A commercial establishment (excluding a Restaurant or Vehicle Dealer) that provides,~~

~~as its primary activity, sales of goods to the general public. Such uses generally require locations on or near major thoroughfares or their intersections. Such use is completely contained within a building and comprises a part of the use group M of the Ohio Building Code. Examples of such use include, but are not limited to, supermarkets, stores that sell hardware, apparel, footwear, jewelry, toys, sporting goods, automotive parts, cosmetics and toiletries, and appliances and home furnishings, department stores and discount stores.~~

~~"Convenience Store." A retail sales business that sells household consumer merchandise, beverages, cigarettes, packaged foods, and/or the preparation and sales of delicatessen sandwiches, ice cream counters or other foods, and other related items. (See also GASOLINE SERVICE STATION/CONVENIENCE STORE).~~

"Corner Lot." See lot.

"Council." The Council of the City of Franklin, Ohio.

"Covering." Any clothing or wearing apparel, including pasties, but not including any substance that can be washed off the skin, such as paint or make up, or any substance designed to simulate the appearance of the anatomical area beneath it.

~~"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.~~

"Credit Service Organization." Any business that is registered, or is required to be registered, under ORC 4712.01 to 4712.14 to provide credit services as defined in ORC 4712.01(C). Credit service organization does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States. Credit service organizations are not permitted under this UDO.

"Critical Storm." A storm that is calculated by means of the percentage increase in volume of runoff by a proposed earth disturbing activity or development area. The critical storm is used to calculate the maximum allowable storm water discharge rate from a site.

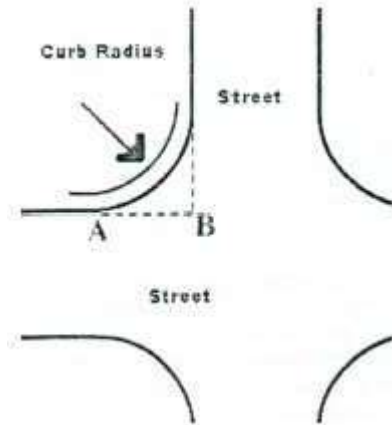
"Crosswalk." A right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and adjacent properties.

"Crown." The upper mass or head of a tree.

"Cultivar." A cultivated variety of plant material grown for its special form and characteristics.

"Cul-de-sac." A short street having one open end and being permanently terminated by a vehicular turn-around.

"Curb Radius." The curved edge of streets at an intersection measured at the outer edge or face of the street curb or of the parking lane.



"Cut." An excavation; the difference between a point on the original grade and a designated point of lower elevation on the final grade.

"Day Care Center, Adult." Any place where adult day care services are provided, with or without compensation, for a daily average of five ~~(5)~~ or more adults, excluding relatives of the owner or administrator of the center.

"Day Care Center, Child." Any place where child day care and/or learning experiences are provided, with or without compensation, for a daily average of five ~~(5)~~ or more infants, preschool children or school-age children (outside of school hours), excluding children of the owner or administrator of the center.

"Day Care Home, Type A." The permanent residence of the administrator in which childcare is provided for seven to 12 children at one time or a permanent residence of the administrator in which childcare is provided for four to 12 children at one time if four or more children at one time are under two years of age. In counting children for the purpose of this definition, any children under six years of age who are related to the administrator or any employee on the premises shall be counted.

"Day Care Home, Type B." The permanent residence of the administrator in which childcare is provided for one to six children at any one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any children under six years of age who are related to the administrator or any employee on the premises shall be counted.

"Deciduous." Plant material that normally sheds its foliage at the end of the growing season.

"Deck." A platform, without a roof, that is either:

- (a) Freestanding or directly adjacent to a principal building; or
- (b) Attached to the building.

"Dedication." The granting, by the property owner, of land by fee simple, or an easement therein, for the use of the public and accepted by council for such use by, or on behalf of, the public.

"Detention Basin." A normally dry bottom impoundment area created by constructing an embankment, excavating a pit, or both, for the purpose of temporarily storing stormwater and gradually releasing the stored water at a controlled rate.

"Detention Facility." A detention basin or alternative structure designed to temporarily store stormwater runoff and gradually release the stored water at a controlled rate.

"Developer." Any person, corporation, association, partnership or other entity who creates or proposes to create a residential, commercial, industrial, or mixed use development, all or a portion of which will be located within the city.

"Development." Any man-made change to improved or unimproved real estate including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment and materials.

"Development Area." Any contiguous area owned by one person or operated as one development unit included within the scope of the regulations of this UDO, upon which earth-disturbing activities are planned or underway.

"Development Plan." A plan submitted with an application for a Planned Unit Development Overlay

District, in accordance with the requirements of Section 1109.05 of this UDO, or a Planned Residential Conservation Overlay District (see Conservation Development), in accordance with the requirements of Section 1109.06 of this UDO.

"Direct Recharge Area." That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

~~"Directional Sign." A sign intending to direct the safe flow of vehicular and pedestrian traffic, including, but not limited to, "enter," "exit," "one way" and "narrow" signs.~~

"Distribution Center." A facility used for receiving, temporarily storing, and distributing of goods according to orders as they are received. Distribution centers serve as a bridge between manufacturers and suppliers by receiving pallet pack and bulk products and redistributing and shipping it to wholesale or retail customers. There is no customer-direct pick-up or access to these facilities.

"District." See Zoning District.

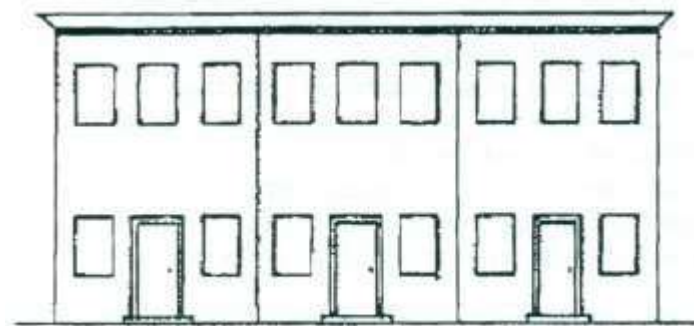
"DNR." The Ohio Department of Natural Resources.

~~"Drive-Through Retail." A commercial establishment that provides either all or some portion of its goods and/or services for use to the general public at an outside service window or drive-through bays. Such goods and services may also be obtained inside the BUILDING. Such use comprises a part of use groups B, A-2 or M of the Ohio Building Code. Examples of such uses include, but are not limited to, drive-through party stores, banks with drive-throughs, freestanding ATM's, and/or car washes, whether automatic or manual, but does not include food-related retail (See also FAST FOOD RESTAURANTS).~~

"Drive-Through Facility." Any operation by a business establishment where the transfer of goods and services to the customers is accomplished through an opening in the building while the customer remains in their vehicle.

"Dwelling or Dwelling Unit." Any building or portion thereof designed, intended or used primarily for residential purposes (i.e., human habitation), including cooking and sanitary facilities. The term does not include a tent, cabin, trailer, mobile home, boarding house, or hotel/~~motel~~. For the purposes of this UDO, dwellings shall be defined as the following types:

- (a) Dwelling, Accessory Unit - A secondary dwelling unit established in conjunction with, and clearly subordinate to, a primary dwelling unit, which is only occupied by at least one individual related to a resident of the primary dwelling unit by blood, marriage, or adoption.
- ~~(a)(b)~~ Dwelling, Four Family – A building or portion thereof designed, intended or used primarily for residential purposes to be occupied by more than four families living independently of one another.
- ~~(b)(c)~~ Dwelling, Multi-Family - A building or portion thereof designed, intended or used primarily for residential purposes to be occupied by more than five ~~three (3)~~ families living independently of one other.
- ~~(c)(d)~~ Dwelling, Live/Work – A live/work dwelling is a single unit that consists of both a commercial or office use and a residential component that is occupied by the same occupant. The live/work unit shall be the primary dwelling of the occupant, and no portion of the live/work unit may be rented or sold separately.
- ~~(d)(e)~~ Dwelling, Row House ~~(or Town House)~~ - A building or portion thereof designed, intended or used primarily for residential purposes. Row house dwellings are situated so that their sidewalls are shared with other like structures, all having their own separate entrances and being separate lots of record.



A GROUP OF ROW HOUSES

- (e)(f) Dwelling, Single-Family - A building designed, intended or used primarily for residential purposes to be occupied by one ~~(1)~~ FAMILY.
- (f)(g) Dwelling, Three ~~-~~Family - A building or portion thereof designed, intended or used primarily for residential purposes to be occupied by not more than three ~~(3)~~ families living independently of one another.
- (g)(h) Dwelling, Two ~~-~~Family - A building or portion thereof designed, intended or used primarily for residential purposes to be occupied by two ~~(2)~~ families living independently of one another.
- (h)(i) Dwelling ~~-Unit~~, Upper Floor - A single unit or multiple units above ground level of an existing structure providing complete, independent living facilities for one or more individuals and including the permanent provision for living, sleeping, eating, cooking and sanitation.

"Earth-Disturbing Activity." Any grading, excavation, filling, or other alteration of the earth's surface where natural or man-made ground cover is destroyed.

"Easement." A right-of-use over or in the property of another, granted by the owner for specific public or semi- public purposes and accepted by council for such use by, or on behalf of, the public.

"Educational Facilities (Pre-K through 12th Grade)." Any institution organized and operated under the laws of Ohio to provide regular courses of instruction for students in kindergarten through grade 12 by the Ohio Department of Education or by an accrediting association recognized by the United States Office of Education.

"Efficiency or Efficiency Unit." Efficiencies shall be regulated by the Ohio Building Code, and those provisions of the Building Code regulating efficiencies shall take precedence over the provisions of this UDO.

"Elderly Housing." An age-restricted residential development in any housing form that qualifies for an exemption as "housing for older persons" under the Federal Fair Housing Amendments Act of 1988, 42 USC 3607(b), and any amendments thereto.

"Electric Vehicle (EV) Charging Station." Equipment that connects an electric vehicle (EV) to a source of electricity to recharge electric vehicles.

"Electric Vehicle (EV) Charging Station, Level 1." A slow speed charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.

"Electric Vehicle (EV) Charging Station, Level 2." A medium speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt Alternating Current (AC) circuit.

"Electric Vehicle (EV) Charging Station, Level 3." A high speed charging station that operates on a high voltage circuit.

~~"Elementary School." A school or institution serving students between kindergarten through sixth grade (K–6th).~~

"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.

"Event Venue, Indoor or Outdoor." A building, structure, or open air facility which is rented by individuals or groups to accommodate events including, but not limited to, banquets, weddings, birthday parties, anniversaries, and receptions.

"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.

"Family." One or more individuals occupying a single dwelling unit, provided that unless all individuals are related by blood, marriage or adoption, no family shall contain over five ~~(5)~~ individuals but further provided that a family related by blood, marriage or adoption may have a total of two ~~(2)~~ non-related individuals living with it.

~~"Family Home for the Physically and Mentally Disabled." A residential facility licensed under ORC 5123.19 that provides room and board, personal care, habilitation services and supervision in a family setting for at least six, but not more than eight individuals (6-8), with mental retardation or developmental disability.~~

"Farm Market." The offering for sale of fresh agricultural products directly to the consumer in an open- air market.

~~"Fast Food Restaurants." An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state of consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises as a carry-out order, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic or other disposal containers. Examples of such uses include drive-through restaurants that prepare and/or dispense food or beverages and do not provide a place for all its customers to eat inside the building, or which serve food or beverages for carry-out, or drive-in eating and drinking places, establishments where customers may serve themselves and may eat or drink the food or beverages on the premises.~~

"FEMA." Federal Emergency Management Agency.

"Festivals and Circuses." A temporary civic, recreational, fund-raising, or promotional activity or event that typically has a specific focus with its own social activities, food, music, or ceremonies. Such use typically takes place in a specified location and on a specific day or days.

"Fill or Filling." Any act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the resulting grade conditions; the difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade.

"Final Plat." A final map of all or part of the subdivision prepared and certified by an registered engineer or surveyor in accordance with the requirements and regulations of this UDO, which is submitted to the City for final approval before recording at the office of the Warren County Recorder.

"Financial Institution, General." A facility, building feature, or equipment of which the principal use or purpose of which is the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions, and mortgage companies. Such uses do not include check cashing or short term loan establishments. The use may or may not include a drive-through.

"Five-Year Capture Area." The area around protected public water supply/well fields delineated by the five- year travel time contour.

"Flag." Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of domestic government, political subdivision or other governmental agency, and attached to or designed to be flown from a flagpole or similar device.

"Flag, International." Any fabric, banner or bunting containing distinctive colors, patterns or symbols, used as a symbol of a foreign country or government, and attached to or designed to be flown from a flagpole

or similar device.

"Flashing." A sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.

~~"Flashing Sign." Any illuminated sign that exhibits changing light and/or color effects.~~

"Fleet Vehicle." A vehicle that is owned or operated by the person, company, or business on the premises, and which is used for purposes of delivery, pick-up, or service to patrons of the primary use. A fleet vehicle may also be a commercial vehicle, but does not include semi-tractor, semi-trailer, any non-recreational trailer used for commercial purposes, or any heavy construction equipment.

"Flood or Flooding." A general or temporary condition of partial or complete inundation of normally dry land areas from:

- (a) The overflow of inland or tidal waters, and/or
- (b) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)." An official map on which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has delineated the areas of special flood hazard.

"Flood Insurance Risk Zones." Zone designations on FHBMs and FIRMs that indicate the magnitude of the flood hazard in specific areas of a community. Following are the zone definitions:

- (a) Zone A - Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
- (b) Zones A1-30 and Zone AE - Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
- (c) Zone AO - Special flood hazard areas inundated by the 100-year flood; with flood depths of one⁴ to three³ feet (usually sheet flow on sloping terrain); average depths are determined.
- (d) Zone AH - Special flood hazard areas inundated by the 100-year flood; flood depths of one⁴ to three³ feet (usually areas of ponding); base flood elevations are determined.
- (e) Zone A99 - Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a federal flood protection system under construction; no base flood elevations are determined.
- (f) Zone Band Zone X (shaded) - Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one⁴ foot or with contributing drainage area less than one⁴ square mile; and areas protected by levees from the base flood.
- (g) Zone C and Zone X (unshaded) - Areas determined to be outside the 500-year floodplain.

"Flood Insurance Study (FIS)." The official report in which the Federal Emergency Management Agency or the U.S. Department of Housing and Urban Development has provided flood profiles, floodway boundaries (sometimes shown on flood hazard boundary and floodway maps), and the water surface elevations of the base flood.

"Floodplain." Special flood hazard areas that are subject to periodic inundation. construction and development within the Floodplain requires a Floodplain Development Permit.

"Floodplain Overlay Map or Flood Hazard Boundary Map (FHBM)." Usually the initial map, produced by FEMA or the U.S. Department of Housing and Urban Development (HUD) for a community depicting approximate special flood hazard areas; the City's Floodplain Overlay District Map, as included in the UDO.

"Flood Protection Elevation." The Flood Protection Elevation, or FPE, is the base flood elevation plus [X] feet of freeboard. In areas where no base flood elevations exist from any authoritative source, the flood protection elevation can be historical flood elevations, or base flood elevations determined and/or approved by the Floodplain Administrator.

"Floodway." A floodway is the channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically

determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot ~~(1')~~ at any point within the community. The floodway is an extremely hazardous area, and is usually characterized by any of the following: moderate to high velocity flood waters, high potential for debris and projectile impacts, and moderate to high erosion forces.

"Floor Area, ~~Gross~~." The sum of the horizontal areas of each floor of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The gross floor area measurement is exclusive of areas of unfinished basements, unfinished cellars, unfinished attics, attached garages, space used for off-street parking and loading, breezeways, porches and decks, and accessory structures. Unfinished basements, unfinished cellars, and unfinished attics shall be counted as storage space for purposes of determining required parking spaces.

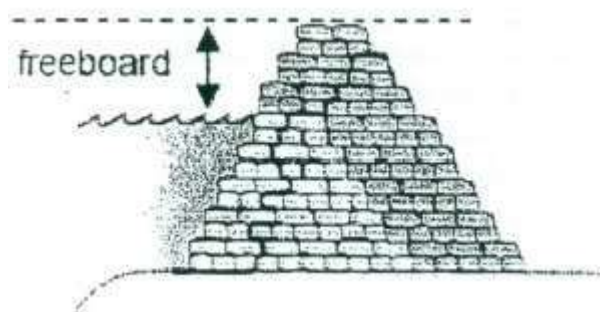
"Floor Area, Seating Capacity." Floor area that is used or intended for use to serve patrons, clients or customers and all that area devoted to employee workspace. Such floor area as is used or intended to be used principally for the storage or merchandise, hallways, elevator or stair bulkheads or for utilities or sanitary facilities shall be excluded from the computation of floor area. Measurement of useable floor area shall be the horizontal areas of the several floors of the buildings, measured from the exterior faces to the exterior walls.

"Food Service/Catering." Establishments that prepare, as their primary economic function, meals, snacks, and beverages for immediate consumption that are transported to an off-premises site or at banquet halls with catering staff. Examples of events catered by these establishments include weddings, trade shows, parties and luncheons.

~~"Foster Family Home for the Physically and Mentally Disabled." A residential facility licensed under ORC 5123.19 that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than five (5) individuals with mental retardation or a developmental disability.~~

~~"Foster Home, Certified." A private residence certified under ORC 5103, in which children are received apart from their parents, guardian, or legal custodian by an individual reimbursed for providing the children non-secure care, supervision or training twenty-four (24) hours a day. "Foster home" does not include care provided for a child in the home of an individual other than the child's parent, guardian, or legal custodian while the parent, guardian or legal custodian is temporarily away.~~

"Freeboard." A factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, and the hydrologic effect of urbanization in a watershed.



"Front Lot Line." See Lot.

"Front Yard. See Yard.

"Fulfillment Center." A third-party logistics warehouse that receives products and goods from suppliers, processes orders from e-commerce retailers, and ships products directly to individual consumers.

~~"Game Court." A recreational facility designed to be used for court games, including tennis, racquetball, basketball and volleyball. "Game court" includes both indoor and outdoor facilities.~~

"Garages and Carports~~Sheds~~, Detached." A building or structure, or part thereof, used or designed to be used for parking and storage ~~(See also Accessory Structure and Garage, Private).~~

~~"Garage, Parking." A space, structure or series of structures for the temporary storage or parking of motor vehicles, which is not primarily for commercial vehicles or for dead storage of vehicles, and which has no public shop or service in connection therewith, other than for supplying motor fuels and lubricants, air, water and other operating commodities wholly within the buildings to the patrons of the garage only, which commodities are not readily visible from or advertised for sale on the exterior of the building.~~

~~"Garage (Private)." An accessory structure or portion of a main building designed or used for the storage of motor-driven vehicles, boats and similar vehicles owned or used by the occupants of the building to which it is accessory.~~

~~"Garage, Service." Any premises used for the storage or care of motor-driven vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.~~

~~"Gasoline Service Stations." An establishment or business with one or more fueling positions and of which the sale and storage of automotive fuel for noncommercial motor vehicles is the principal activity.~~

~~"Gasoline Service Stations/Convenience Stores." An establishment or business with one or more fueling positions, the business of which is the sale and storage of automotive fuel for noncommercial motor vehicles is the principal activity, and which also offers for retail sale other related motor vehicle products, household consumer merchandise, beverages, cigarettes, packaged foods, and/or the preparation and sales of delicatessen sandwiches, ice cream counters or other foods, and other related items. (See also Convenience Store).~~

~~"General Industry." An industrial establishment that provides, as its primary activity, space for the assembly, manufacturing, processing or warehousing of goods or products, and which typically involve external impacts such as noise, dust, smoke, fumes, odors, heavy truck and/or rail traffic or other objectionable characteristics. Such use may have outdoor storage and/or operation space and comprises a part of use groups F-1, F-2, H-1, H-2, H-3, H-4 or H-5 of the Ohio Building Code. Examples of such uses include goods produced by factory assembly, paper mills, fabrication and assembly of metal products. General Industry does not include junkyards, recycling centers, recycling plants, salvage/scrap yards, scrap metal processing facilities, and uses of similar intensity.~~

~~"General Retail." A commercial establishment (excluding a Restaurant or Motor Vehicle) that has, as its primary activity, the sale of goods to the general public. Such use may include some outside display and/or storage space and comprises a part of use group M of the Ohio Building Code. Examples of such uses include garden shops, building supply stores and contractor showrooms.~~

~~"Golf Course." A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with trees, greens, fairways and hazards. A golf course may include a clubhouse and shelters as accessory uses (See also Recreation, Commercial).~~

"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.

"Grade (ground level)." The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet ~~(5')~~ of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined within this UDO.

"Greenbelts." A strip or parcel of land, privately restricted or publicly dedicated as open space, located between a residential development and other incompatible uses, for the purpose of protecting and enhancing the residential environment (See also Buffer).

~~"Grocery Food and Beverage." Establishments that retail food and beverage merchandise from fixed point-of-sale locations and that have special equipment (e.g., freezers, refrigerated display cases and refrigerators) for displaying food and beverage goods. Such establishments have trained staff in the processing of food products to guarantee the proper storage and sanitary conditions required by regulatory authority.~~

"Ground Satellite Station." Any antenna or earth station designed, constructed or modified to bring in or receive satellite television signals.

~~"Ground Sign." A permanent sign supported by one or more poles, posts or braces permanently anchored or secured to the ground. Such SIGNS shall be flush with the base, which shall be brick or concrete, and shall not exceed four feet (4') in height from the ground to the top of the sign, as measured from the grade. Permanent residential subdivision or planned unit development identification signs shall be ground signs.~~

~~"Group Home." See ADULT FAMILY HOME (1-5 individuals); ADULT GROUP HOME (6-16 individuals); FAMILY HOME FOR THE PHYSICALLY AND MENTALLY DISABLED (6-8 individuals); FOSTER FAMILY HOME FOR THE PHYSICALLY AND MENTALLY DISABLED (1-5 individuals); and GROUP HOME FOR THE PHYSICALLY AND MENTALLY DISABLED (9-16 individuals).~~

~~"Group Home for the Physically and Mentally Disabled." A residential facility licensed under ORC 5123.19 that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine but not more than sixteen (9-16) individuals with mental retardation or a developmental disability.~~

"Half-Street." A Street having a lesser right-of-way width than required for a street of full width.

"Hard Surface." A bituminous surface, Portland cement concrete, brick pavers or other surface as approved by the City Engineer. "Hard Surface" does not include gravel.

~~"Health and Personal Care Services." A business whose primary activity is the provision of services to the public or its members for the provision of personal care services or health maintenance services, and may include the sale of goods as a secondary activity. Examples of such uses include spas, salons, exercise facilities, and weight management centers.~~

~~"Health Care and Human Services." A facility or institution, whether public or private, principally engaged in providing services for health maintenance, diagnosis or treatment of human health needs including, but not limited to, diagnostic centers, treatment centers, physical therapy centers, extended care centers, intermediate care facilities, outpatient services or central service facilities serving one or more institutions,~~

~~but does not include Alcohol and Drug Addiction Treatment Facilities.~~

"Health Commissioner." The Warren County Commissioner of Health or his authorized representative.

"Height, or Above Ground Level (AGL)." When referring to a tower or other structure, the distance measured from the finished grade at the base of the tower or structure to the highest point on the tower or other structure, including the base pad and any antenna.

~~"Home Occupation, Type _A/Family Home Occupation. A business that is clearly subordinate to a residential use and operated by occupants of the residence of the property. A Home Occupation Type-A shall be considered an accessory use not requiring a Conditional Use Permit (See Section 1113.03 of this UDO)."~~

~~"Home Occupation, Type _B/Retail Home Occupation." A home occupation that requires a Conditional Use Permit. A Type B Home Occupation includes but is not limited to music instruction, tax preparation, hair and nail salons, financial planning, insurance sales, repair of small items, or retail sales of products or goods. A Home Occupation Type-B requires a Conditional Use Permit (See Section 1113.03 of this UDO)."~~

"Homeowners' Association." A private, nonprofit corporation of homeowners established by a developer or group of developers, with local government approval, whose purpose is to own, operate and maintain various common properties, including, but not limited to, common open space, private streets and recreation facilities. The association/corporation holds title to common property.

~~"Hospital~~s~~ or Sanitarium." An establishment for the medical, surgical or psychiatric care of bed patients for a continuous period longer than ~~twenty-four (24)~~ hours, which is open to the general public twenty-four (24) hours each day for emergency care, has a minimum of ~~ten (10)~~ patient beds, an average of ~~two thousand (2,000)~~ patient days per annum, and has on duty a registered nurse ~~twenty-four (24)~~ hours each day.~~

~~"Hotel/Motel." A building occupied as the more-or-less temporary abiding place of individuals who are lodged with or without meals in which there are ~~ten (10)~~ or more sleeping ~~rooms and no rooms, no~~ provision made for cooking in any individual room or apartment, ~~and no individual room or apartment is accessible from the exterior of the building.~~ A hotel may include Restaurants or cocktail lounges, public banquet halls, ballrooms or meeting rooms.~~

"Hydrologic and Hydraulic Engineering Analysis." An analysis performed by a professional engineer, registered in the State of Ohio, in accordance with standard engineering practices as accepted by FEMA, used to determine flood elevations and/or floodway boundaries.

~~"Identification Sign." A sign, other than a nameplate sign, indicating the identity or name, whether through logo, type, graphics or other symbols, address and activity occupying the building, store, service or establishment.~~

~~"Illuminated Sign." A sign that has characters, letters, figures, designs or an outline illuminated by electric lights or luminous tubes as a part of the sign proper, or that is illuminated by the reflector method.~~

~~"In-Law Suites." A secondary dwelling unit established in conjunction with, and clearly subordinate to, a primary dwelling unit, which is only occupied by a member(s) of the family of the dwelling's owner(s), who is related to the owner(s) by blood, marriage or adoption.~~

"Incorporated Territory." Land included within the boundaries of the city.

~~"Industry." See General Industry and Light Industry.~~

"Industrial, Artisan." An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation, and which may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes such as small-scale welding and sculpting. This use includes fabrication implements that are more industrial than that of an art studio and includes coopering, and crafting of cabinetry, furniture, and other similar small-scale manufacturing.

"Industrial, Heavy." An industrial establishment that provides, as its primary activity, space for the assembly, manufacturing, processing or warehousing of goods or products, and which typically involve external impacts such as noise, dust, smoke, fumes, odors, heavy truck and/or rail traffic or other objectionable characteristics. Such use may have outdoor storage and/or operation space. Examples of such uses include goods produced by factory assembly, paper mills, fabrication and assembly of metal products. General Industry does not include junkyards, recycling centers, recycling plants, salvage/scrap yards, scrap metal processing facilities, and uses of similar intensity.

"Industrial, Light." A commercial or industrial establishment that provides, as its primary activity, space for the assembling or processing of goods for sale, or service industries, that do not produce any noise, dust, odor, fumes, vapors, smoke, vibrations, glare, heat, noise, odor, heavy truck or rail traffic, or other objectionable effects on the outside of the building. All operations are carried on in a completely enclosed building. Examples of such uses include food processing, beverage bottling, upholstering, carpets and rugs, business machines, dry cleaning and dyeing, and construction machinery.

"Information Technology/Data Center." These uses are permitted in the Office-Research Park District and include, but are not limited to, the following uses: telecommunications, data processing and computing centers, computer electronic parts, equipment and electronics manufacturing, computer programming and software development, and internet-related businesses. 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.~~

~~"Informational Sign." A sign conveying a message relative to a danger or hazard existing on the property, or indicating a condition on the property that requires the exercise of ordinary due care, or providing public safety information, or other public information.~~

~~"Informational Window Sign." Window signage with a total area of four square feet (4 sq. ft.) or less and bearing only information about entry and exit, business hours, authorized service representative information and/or discount and credit systems accepted in that establishment.~~

"Integral." Something that is essential, necessary, or fundamental to a whole.

"Interior Lot." See Lot.

~~"Joint Identification Sign." A sign intended to provide the identity or name, whether through logo, type, graphics or other symbols, for two (2) or more uses within one building or on one property or the name of the building or its address for property occupied by two (2) or more businesses.~~

~~"Junior High School." A school/institution serving students between seventh and eighth grade, or between seventh and ninth grade.~~

"Junk." Old or scrap copper, brass, rope, rags, batteries, paper, rubber, trash waste, iron, steel and other old or scrap ferrous or nonferrous materials.

"Junkyard." An establishment or place of business, other than an establishment having facilities for processing iron, steel or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes, which is maintained or operated for the purpose of storing, keeping, buying or selling junk, and includes garbage dumps and sanitary landfills. The term "junk yard" shall also include scrap metal processing facilities which are located within 1,000 feet of the nearest edge of the right-of-way of a highway in the interstate or primary system.

~~"Kennels." Any premises where domestic animals, such as dogs and cats, are boarded, trained or bred.~~

"Kentucky Board Fencing." A wooden fence that typically includes three³ or four⁴ horizontal boards that are attached to wooden posts and which are spaced to allow air flow between each board. Such fences may or may not include welded wire between the boards.

"Landfill." The burial of non-hazardous and non- medical farm, residential, institutional, commercial or industrial waste.

"Landing Field." A specific area designated for the take-off and landing of aircraft.

"Landscaping." The use of natural plant materials including, but not limited to, groundcovers, shrubs, and trees (deciduous and evergreen). Landscaping also involves the placement, preservation and maintenance of said plant materials and includes such elements as fences, walls, lighting and earth mounding.

~~"Large Format Retail." A business that exceeds fifty thousand gross square feet (50,000 sq. ft.), excluding outside sales or storage, restrooms and other non-public areas.~~

"Large Equipment." A movable or transportable vehicle or other apparatus commonly use in commercial, industrial, or construction enterprises, such as but not limited to trucks, trailers, bulldozers, cranes, backhoes, rollers, loaders, and lifts having a gross weight of 2.5 tons or more.

"Large Equipment Retail, Rental, and Repair." An establishment for the sale, rental, and repair of large equipment as defined in this UDO.

"Letter of Map Change (LOMC)." A Letter of Map Change is an official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood hazard boundary and floodway maps, and flood insurance studies. LOMC's are broken down into the following categories:

- (a) Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property is not located in a special flood hazard area.

- (b) Letter of Map Revision (LOMR): A ~~revision~~revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. One common type of LOMR, a LOMR-F, is a determination concerning whether a structure or parcel has been elevated by fill above the base flood elevation and is, therefore, excluded from a special flood hazard area.
- (c) Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum national flood insurance program floodplain management criteria. A CLOMR does not amend or revise effective flood insurance rate maps, flood hazard boundary and floodway maps, or flood insurance studies.

"Life Sciences." These uses are permitted in the Office-Research Park District and include, but are not limited to, the following uses: biotechnology, biopharmaceutical, biomedical, pharmaceuticals, and/or laboratories engaged in testing and research, and the manufacture of medical instruments, appliances, apparatus or filters. 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.~~

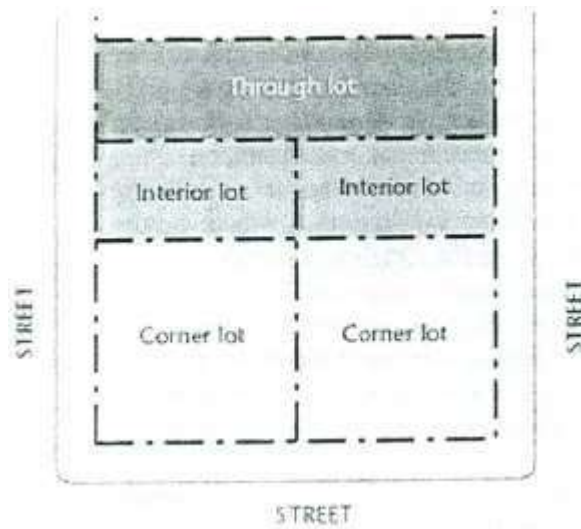
~~"Light Industry." A commercial or industrial establishment that provides, as its primary activity, space for the assembling or processing of goods for sale, or service industries, that do not produce any noise, dust, odor, fumes, vapors, smoke, vibrations, glare, heat, noise, odor, heavy truck or rail traffic, or other objectionable effects on the outside of the building. All operations are carried on in a completely enclosed building and comprise a part of use group F-1 or F-2 of the Ohio Building Code. Examples of such uses include food processing, beverage bottling, upholstering, carpets and rugs, business machines, dry cleaning and dyeing, and construction machinery.~~

~~"Live Viewing Booth." Any private or semi-private booth, or any viewing room of less than one hundred fifty square feet (150 sq. ft.) of floor space, to which the public may gain admittance, wherein a live performance is presented to five (5) or fewer individuals at any one time.~~

"Loading Space." An off-street space on the same lot with a building or group of buildings for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

"Lot." The basic development unit; A parcel of land with fixed boundaries occupied, or to be occupied by, a main building, or a group of such buildings and accessory structures, or used for the principal use and uses accessory thereto, together with such open spaces as are required under the provisions of this UDO. Every lot shall abut upon and have permanent access to a public street and have a minimum frontage of ~~forty~~40 feet thereon.

- (a) Corner Lot: A lot that has at least two ~~(2)~~ contiguous sides abutting upon a street for its full length.
- (b) Interior Lot: A lot other than a corner or through lot.
- (c) Through Lot: Any lot having frontages on two or more streets as distinguished from a corner lot. In the case of a row of double frontage lots, all sides of such lots adjacent to streets shall be considered frontage, and front yards shall be provided as required.

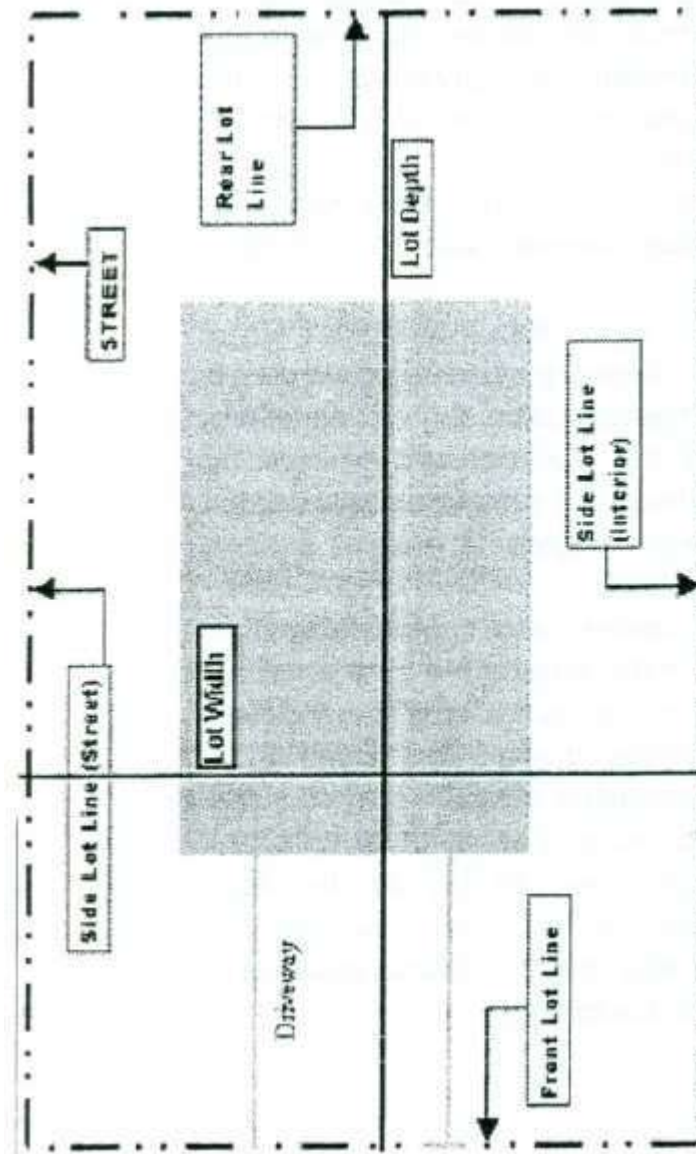


"Lot Area." The total horizontal area within the lot lines of a lot.

"Lot Coverage." The part or percent of a lot occupied by buildings, including accessory structures buildings.

"Lot Depth." A distance measured in the mean direction of the side lot lines from the mid-point of the front lot line to the mid-point of the rear lot line.

"Lot Line." The lines bounding a lot or, in some instances, the right-of-way line or public easement line on a lot.



"Lot Line, Front." The line separating a lot from the street. In the case of a corner lot or double frontage lot, the front lot line means the line separating such lot from both streets.

"Lot Line, Rear." The lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ~~ten~~ 10 feet (~~10'~~) long, lying farthest from the front lot line and wholly within the lot. In the case of a corner lot, the rear lot line is opposite the front lot line of least dimension.

"Lot Line, Side." Any lot line other than the front lot line or rear lot line. A side lot line separating a lot from a street is a street lot line. A side lot line separating a lot from another lot or lots is an interior side lot line.

"Lot of Record." - A parcel of land, the dimensions of which are shown on a document or map on file with the Warren County Recorder's Office or in common use by City or Warren County officials, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

"Lot Width." The horizontal distance between the side lot lines, measured at the two points where the building line or setback line intersects the side lot lines.

"Lowest Floor." The lowest floor of the lowest enclosed area (including basement) of a structure. This definition excludes an "enclosure below the lowest floor" which is an unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations for enclosures below the lowest floor.

"Main Building." A building in which is conducted the principal use of the lot upon which it is situated.

"Main Use." The principal use to which the premises are devoted and the principal purpose for which the premises exist.

"Major Subdivision."

- (a) The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into three ~~(3)~~ or more lots, sites or parcels, any one of which is less than five ~~(5)~~ acres for the purpose, whether immediate or future, of transfer of ownership; or the division of any parcel of land into two ~~(2)~~ or more lots, sites or parcels of any size that involves the creation of any new streets, public right-of-ways or easements of access; provided, however, that the division or partition of land into parcels of more than five ~~(5)~~ acres not involving any new streets, public right-of-ways or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale does not create additional building sites, shall be exempt from the platting procedures of this UDO but shall not be exempt from the improvement, development or redevelopment standards of this UDO.
- (b) The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets serving industrial structures; and/or the division or allocation of land as common open space for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other public facilities. (See also Minor Subdivision; Subdivision, Major; and Subdivision, Minor).

"Major Tree." A living tree with a trunk diameter of at least ~~fifteen inches~~ (15 inches), measured two feet ~~(2')~~ above ground level.

"Manufactured Home." A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 USCA 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 USCA 5415, certifying compliance with all applicable federal construction and safety standards.

"Manufactured or Mobile Home Park." As specified in the Ohio Administrative Code 4781-12-01, a manufactured or mobile home park means any tract of land upon which three or more manufactured homes or mobile homes, used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of the park. Manufactured Home Parks and Mobile Home Parks are not permitted under this UDO.

"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.

"Marquee." A permanent roofed structure attached to and supported by the building and projecting beyond the building line or over public property.

~~"Marquee Sign." A sign attached to or constructed in a marquee (See also Canopy Sign).~~

"Material Sciences." These uses are permitted in the Office-Research Park District and include, but are not limited to, the following uses: plastics/polymer research and engineering, laser technology and application, robotic research, and the manufacturing, processing and/or packaging of medical, optical, scientific, electronic or electromagnetic devices, equipment, systems or supplies. 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.~~

~~"Memorial Sign." A sign designed, intended or used to preserve the memory of a person, place or event, including landmark plaques and historical plaques.~~

"Medical Center/Clinic." A commercial or noncommercial establishment that provides, as its primary activity, health-related services to the general public on an outpatient basis. Such use shall not provide space for overnight treatment and may be set up with emergency vehicle receiving areas and trauma treatment facilities. ~~Such use comprises a part of use group B of the Ohio Building Code.~~ Examples of such uses include clinics and emergency clinics.

"Medical ~~and Health-Related~~ Office." A commercial or noncommercial establishment that provides, as its primary activity, health-related services to the general public on an outpatient basis. Such use shall not provide space for overnight treatment ~~and comprises a part of use group B of the Ohio Building Code.~~ Examples of such uses include doctors' offices and dentists' offices.

~~"Menu Board." A permanently mounted sign displaying the bill of fare for a restaurant, fast food restaurant or instructions or services for other drive-thru or drive-in establishments.~~

"Microcell." The lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

"Mining and Extraction." All or any part of the process involved in the mining of minerals and raw materials by removing overburden and mining directly from the deposits, open-pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, or underground mining and surface work incidental to an underground mine. Such uses are not permitted in the city under this UDO.

"Minor Subdivision." The division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll along an existing and improved public street, into not more than two ~~(2)~~ lots or parcels, any one of which is less than five ~~(5)~~ acres; or the division of any parcel of land into two ~~(2)~~ or more lots of more than five ~~(5)~~ acres not involving any new streets, public right-of-ways or easements of access; or the sale or exchange of parcels between adjoining lot owners, where such sale does not create additional building sites; or the combination or replatting of two ~~(2)~~ or more lots or parcels into a single lot when such lots or parcels are under the ownership of the same owner and the combination or replatting does not involve any new streets, public right-of-ways or easements of access (See also Major Subdivision; Subdivision, Major; Subdivision, Minor).

"Mixed Use." A building, lot, or development that contains a mixture of uses including residential, commercial, office, institutional, or other similar uses. Such uses may be mixed within one building (either horizontally or vertically) or within an overall development.

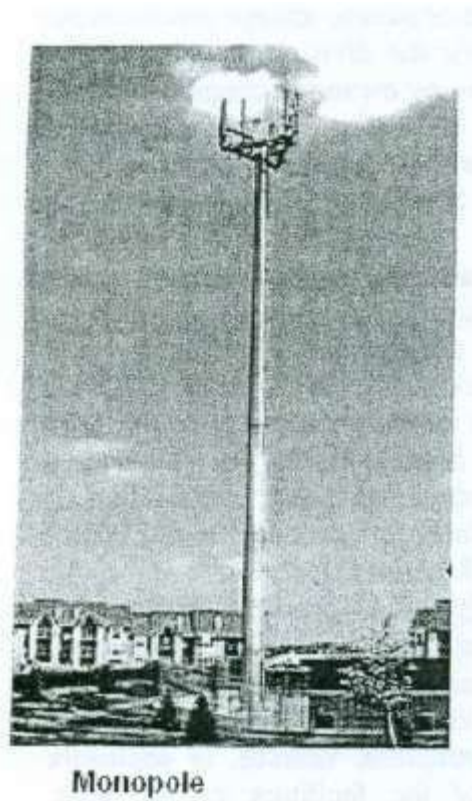
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Exhibit A

"Mobile Home." Means a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than ~~thirty-five body feet (35 feet)~~ in length or, when erected on site, is 320 or more square feet ~~three hundred twenty~~

~~or more square feet (320 sq. ft.),~~ is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home or as an industrialized unit as defined in ORC 3781.06(C).

"Mobile Uses." A large, wheeled vehicle that is used 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.

"Monopole." A support structure constructed of a single, self- supporting hollow metal tube securely anchored to a foundation.



~~"Monument Sign." A permanent sign supported by one or more poles, posts or braces permanently anchored or secured to the ground. Such signs shall be flush with the base, which shall be brick or concrete, and shall not exceed six feet (6') in height from the ground to the top of the sign. Such signs shall be measured from the grade, not any mounding.~~

~~"Mortgage Loan Lender." Any business that is licensed, or is required to be licensed, under ORC 1321.51 to 1321.60 to make mortgage loans. Mortgage loan lender does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States.~~

"Mortuaries." An establishment providing services such as preparing the human dead for burial and/or cremation and arranging and managing funerals, hospitality and reception areas in connection therewith and which may include limited caretaker facilities. This definition includes crematoriums and

columbariums.

"Motor Vehicle." Any vehicle, including mobile homes and recreational vehicles, which is propelled or drawn by power other than muscular power or power collected from overhead electric

trolley wires. Motor vehicle does not include motorized bicycles, equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, trailers that are used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at the speed of ~~twenty-five~~ 25 miles per hour ~~(25 mph)~~ or less, threshing machinery, hay-baling machinery, corn sheller, hammermill and agricultural tractors, machinery used in the production of horticultural, agricultural, and vegetable products, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ~~ten~~ (10) miles and at a speed of ~~twenty-five~~ 25 miles per hour ~~(25 mph)~~ or less (See also Vehicle).

"Motor Vehicle, Collector's." Any motor vehicle or agricultural tractor or traction engine that is of special interest, that has a fair market value of one hundred dollars or more, whether operable or not, and that is owned, operated, collected, preserved, restored, maintained, or used essentially as a collector's item, leisure pursuit, or investment, but not as the owner's principal means of transportation, and that displays current, valid license tags issued under ORC 4503.45, or a similar type of motor vehicle that displays current, valid license tags issued under substantially equivalent provisions in the laws of other states.

"Motor Vehicle, Commercial." Any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

- (a) Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of ~~twenty-six thousand one pounds~~ (26,001 poundslbs.) or more; provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed in excess of ~~ten thousand pounds~~ (10,000 poundslbs);
- (b) Any single vehicle with a gross vehicle weight or gross vehicle weight rating of ~~twenty-six thousand one pounds~~ (26,001 poundslbs.) or more;
- (c) Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport ~~sixteen~~ (16) or more passengers including the driver;
- (d) Any school bus with a gross vehicle weight or gross vehicle weight rating of less than ~~twenty-six thousand one pounds~~ (26,001 poundslbs.) that is designed to transport fewer than ~~sixteen~~ (16) passengers including the driver;
- (e) Is transporting hazardous materials for which placarding is required under subpart F of 49 CFR part 172, as amended; or
- (f) Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal Motor Carrier Safety Administration to be a commercial motor vehicle including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

"Motor Vehicle, Noncommercial." Any motor vehicle, including a farm truck as defined by ORC 4503.04, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

~~"Motor Vehicle-Oriented Business." Any commercial business that by design, type of operation, or nature of business has one of its functions as the provision of services to a number of motor vehicles or their occupants in a short time span, or the provision of services to the occupants of motor vehicles while they remain in the vehicles. Such uses may include the retail sale of lubricants and motor vehicle accessories,~~

~~and the provision of routine maintenance and/or service of motor vehicles. Repairs, such as those described in vehicle repair service shall not be permitted.~~

~~"Movie Theater." A structure used for dramatic, operatic, motion pictures or other performances, for which admission to is a paid service and concession services only are provided (See also Commercial Entertainment).~~

~~"Moving Sign." Any sign, all or any part of which physically moves up or down or sideways, revolves, or is animated so as to give the appearance of movement.~~

"Multi-Use Tower." A self-supporting lattice, guyed or monopole structure, constructed from grade that supports more than one Wireless Telecommunications Facility.

~~"Nameplate Sign." A sign indicating the name, address and profession of the individual or individuals residing on the premises, or legally occupying the premises, or indicating a home occupation legally existing on the premises in a residential zoning district.~~

"National Flood Insurance Program (NFIP)." The NFIP is a federal program enabling property owners in participating communities to purchase insurance protection against losses from flooding. This insurance is designed to provide an insurance alternative to disaster assistance to meet the escalating costs of repairing damage to buildings and their contents caused by floods. Participation in the NFIP is based on an agreement between local communities and the Federal government that states if a community will adopt and enforce floodplain management regulations to reduce future flood risks to all development in special flood hazard areas, the Federal government will make flood insurance available within the community as a financial protection against flood loss.

"New Construction." Structures for which the start of construction commenced on or after the initial effective date of the City of Franklin Flood Insurance Rate Map, effective as of November 5, 1980, and any subsequent amendments thereto, and includes any subsequent improvements to such structures.

"Nonconforming Building." A building, or portion thereof, lawfully existing on the effective date of this UDO, or amendments thereto, and that does not conform to the lot, dimensional, height, yard, area or lot coverage regulations of the district in which it is located.

"Non-Routine Maintenance." Activities necessary not more frequently than every ~~twenty-four (24)~~ months to keep structures and equipment in good repair.

"Non-Structural Controls." Stormwater runoff control and treatment techniques that use natural measures to control runoff and/or reduce pollution levels, and do not require extensive construction efforts and/or do promote runoff control and/or pollutant reduction by eliminating the runoff and/or pollutant source. Examples include minimizing impervious area, buffer strips along streams, and preserving natural vegetation.

"Nude or Semi-Nude Modeling Studio." Any place where a individual who appears semi-nude or who displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include:

- (a) A proprietary school licensed by the State of Ohio, or a college, junior college or university supported entirely or in part by public taxation;
- (b) A private college or university that offers educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
- (c) An establishment holding classes in a structure that has no sign visible from the exterior of the

structure and no other advertising that indicates a semi-nude person is available for viewing; where in order to participate in a class a student must enroll at least three days in

advance of the class; and where no more than one semi-nude model is on the premises at any one time.

"Nudity, State of Nudity or Nude." Exposing to view the genitals, pubic area, vulva, perineum, anus, anal cleft or cleavage, or pubic hair with less than a fully opaque covering; exposing to view any portion of the areola of the female breast with less than a fully opaque covering; exposing to view male genitals in a discernibly turgid state, even if entirely covered by an opaque covering; or exposing to view any device, costume, or covering that gives the appearance of or simulates any of these anatomical areas.

~~"Nursing Home." See Skilled Nursing Facility. A hospital shall not be construed to be a nursing home.~~

"ODOT." The Ohio Department of Transportation.

~~"Office." A commercial establishment that provides, as its primary activity, space for any professional and/or business operation where the product is a person's knowledge or skill and not a commodity. Such use shall be completely contained within a building. "Office" does not include health-related services. Examples of such uses include, but are not limited to, law offices, real estate offices and corporate headquarters.~~

~~"Office, Co-Working." 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.~~

~~"Office/Administrative Space." Space provided in a BUILDING designed, intended or used primarily for office functions.~~

"Ohio Building Code (OBC)." Wherever the term "Ohio Building Code" or "Building Code" appears in this UDO, it shall mean the Ohio Building Code, for commercial and industrial uses, or Residential Code of Ohio, for residential uses, as determined applicable by the Zoning Official.

"Opacity." The degree to which a structure, use or view is screened from adjacent properties.

~~"Open Sided Structure." Freestanding, unheated structures, which are unenclosed except for a structural system supporting a roof and may have screen panels which are used to enclose the open spaces between structural elements. Open sided structures include but are not limited to gazebos, trellises, and picnic shelters.~~

"Open Space." An area substantially open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts or any other recreational facilities; streets, structures and the like shall not be included.

"ORC." Ohio Revised Code, including any subsequent amendments thereto.

"Outdoor Dining." Designated outdoor areas (either on public or private land) which are used for outdoor dining or seating where patrons may be served food and beverage for on-site consumption.

"Outdoor Retail/Display." Any unenclosed area exhibiting merchandise or goods for sale that is incidental to an adjacent indoor retail use.

"Overlay District." A district described on the City's Zoning Map within which, through super- imposition of a special designation, certain regulations and requirements apply, in addition to those of the underlying zoning district.

"Parcel." A lot, or contiguous group of lots in single ownership or under single control, and usually considered a unit for the purposes of development.

"Park." Any public or private land available for recreational, educational, cultural or aesthetic use.

"Parking ~~(Area)~~." Any part of a site used by vehicles not totally enclosed within a structure. This includes parking space and aisles, drives, loading areas and vehicle storage areas, driveways and permitted off-street parking spaces for single- and two-family residential uses.

"Parking Garage." A structure built that may be above grade, below grade, or a combination thereof, that provides off-street parking for motor vehicles.

"Parking Space." An off-street space, either within a structure or in the open, available for the parking of one motor vehicle and having an area of not less than ~~one hundred seventy square feet~~

~~{170 square feetsq. ft.}~~, exclusive of passageways, driveways and maneuvering space.

"Park~~land~~." A tract of land designated and used by the public for active or passive recreation.

"Passive Space." open space provided in a park or other development that does not contain any active recreational equipment, game courts or playing fields. Passive space may include benches, picnic areas and tot lots.

"Peak Rate of Runoff." The maximum rate of runoff for any ~~twenty-four (24)~~ hour storm of a given frequency.

"Pennant." A triangular shaped banner.

~~"Permanent Residential Subdivision or Planned Unit Development Identification Signage." Those signage features specifically relating to the denotation of a major entrance or entrances to a residential subdivision (See also Ground Sign).~~

~~"Permanent Sign." A SIGN designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, and includes business signs, canopy/marquee signs, changeable copy signs, directional signs, ground signs, illuminated signs, identification signs, memorial signs, monument signs, projecting nameplate signs, shingle signs, wall signs and certain window signs.~~

"Person." Any person, firm, partnership, association, corporation, company, or other legal entity, private or public, whether for profit or not-for-profit, including State and local governments and agencies. An agency is further defined as any governmental entity of the State and includes, but is not limited to, any board, department, division, commission, bureau, society, council, institution, state college or university, community college district, technical college district, or state community college. Agency does not include the Ohio General Assembly, the State Controlling Board, the Adjutant General's Department or any court (ORC 111.15).

~~"Personal Service." A business whose primary activity is the provision of personal care services or health maintenance services, and may include the sale of goods as a secondary activity. Examples of such uses include spas, salons, exercise facilities, and weight management centers. A commercial establishment that provides, as its primary activity, a service either to an individual or to an individual's personal property (excluding motor vehicles, boats or other vehicles). Such use shall be completely contained within a building and comprises a part of use group B of the Ohio Building Code. Examples of such uses include shoe repair shops, watch repair shops, banks, and savings and loan institutions.~~

"Planning Commission." The administrative board and quasi-judicial board, appointed in accordance with the City Charter, which hears and decides conditional use applications, makes recommendations to council on all legislative zoning matters, and reviews planning-related issues, all as outlined in this UDO.

"Plat." A subdivision of land legally approved and recorded.

"Playground." A private or publicly owned area for recreational use primarily by children.

~~"Playground Equipment." Freestanding structures located in a playground area that areis for the recreational use of children. This definition does not include equipment erected on the same lot as a single-family dwelling for private use.~~

~~"Pole Sign." A sign supported by one or more poles, posts or braces permanently mounted on or in the~~

~~ground that exceeds six feet (6') in height. Pole signs are not permitted under this UDO, except when approved in the Highway Sign Overlay District.~~

~~"Political Sign." A sign that advocates for or against the election of a candidate, recall or retention of an officeholder, passage or defeat of a ballot measure, or that solicits signatures for initiative, referendum or recall petitions.~~

"Potable Water." Water that is satisfactory for drinking, culinary and domestic purposes meeting current drinking water standards.

"Porch." An unheated, open-air platform, enclosed with a roof that is either:

- (a) Freestanding and directly adjacent to a principal building; or
- (b) Attached to the building, that has railings or walls on the sides not exceeding ~~thirty-eight~~ 38 inches ~~(38")~~ in height from the platform.
The area between the roof and the railings or walls may be covered with screening or netting material only, and cannot be enclosed with windows or detachable glass sash.

~~"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).~~



"Pre-Development Conditions." Site conditions, as they existed prior to manmade alterations and/or earth disturbing activities.

"Pre-existing Towers and Pre-existing Antennas." Any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this UDO, including permitted towers or antennas that have not yet been constructed, so long as such approval is current and not expired.

"Preliminary Plat." A preliminary map showing the proposed layout of a subdivision in sufficient detail to allow review by the Planning Commission.

"Primary Activity." An activity that comprises more than ~~fifty~~ 50 percent ~~(50%)~~ of the total floor area of a building.

"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 zoning district, and which is permitted in the zoning district in which the use is located.

~~"Private Recreational Facilities and Private Park and Event Center." Any private land at least twenty (20) contiguous acres in size available and developed for educational purposes through recreational, spiritual, cultural and/or aesthetic uses, which use(s) are privately owned and privately operated with or~~

~~without the intention of earning a profit in furtherance of such use. A combination of related uses may be incorporated, such as temporary and permanent lodging, indoor and outdoor recreation, camp offices, gymnasiums, auditoriums, cafeterias and additional similar uses and ancillary uses related thereto. Private Recreational Facilities, and Private Park and Event Center may, but is not required, to have a Parkland. Campgrounds are prohibited under this UDO, however a temporary site for tents or similar non-permanent shelters for outdoor lodging shall be a permitted ancillary use.~~

~~"Private Stable." A structure used, designed or constructed for the keeping of animals, particularly horses, for the private use and enjoyment of the owner of the property. Such uses are not commercial enterprises and shall not be greater than thirteen thousand square feet (13,000 sq. ft.) in size.~~

"Private Swimming Pools." A swimming pool exclusively used, without paying an additional charge for admission, by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a hotel/motel; an accessory use.

~~"Private Traffic and On-Site Directional Signs." A temporary sign or permanent sign that provides information regarding location, instructions for use, or functional/directional data.~~

~~"Professional and Business Office." A commercial establishment that provides, as its primary activity, space for any professional and/or business operation where the product is a person's knowledge or skill and not a commodity. Such use shall be completely contained within a building. "Professional and business office" does not include health-related services, and such use comprises a part of use group B of the Ohio Building Code. Examples of such uses include, but are not limited to, law offices, real estate offices and corporate headquarters.~~

~~"Projecting Nameplate Sign." A SIGN indicating only the name and/or address of a business or occupant(s) that extends outward, perpendicular to the building face, not more than four feet (4') beyond the building and not less than eight feet (8') above the sidewalk or ground level.~~

"Property Line." A legally recorded boundary of a lot, tract or other parcel of land.

"Protected Public Water Supply." A public water system which services at least ~~fifteen (15)~~ service connections used by year-round residents, or regularly serves at least ~~twenty-five (25)~~ year-round residents and having a five ~~(5)~~ year capture area defined through appropriate hydrologic studies.

"Public Eating Areas." An outdoor space that provides eating and dining options for the public. This could include specified areas for the parking of mobile uses.

~~"Public Parks, Open Spaces, Recreation, and Preserves." A parcel of land owned and operated by a non-profit or governmental entity that is available to the public for passive or active recreation.~~

"Public Plazas." An open space that is accessible to the public at all times, predominately open to the sky.

~~"Public Recreation and Event Space, Indoor." A place designed and equipped for the conduct of sports and leisure-time activities that is owned or operated by a non-profit or governmental entity.~~

~~"Public Recreation." See RECREATION, PUBLIC.~~

"Public Utility." Any person, firm or corporation, municipal department or board of commission duly authorized to furnish to the public, under State or Municipal regulations, gas, steam, electricity, sewage

disposal, communication, telegraph, telephone, transportation or water service.

"Real Estate Sign." A sign announcing the sale, rental or lease of the lot where the sign is displayed, or announcing the sale, rental or lease of one or more structures, or a portion thereof, located on such lot, and indicating the owner, realty agent, telephone number or "open house" information.

~~"Real Property Services." An establishment that provides, as its primary activity, off-site services to the real property of individuals or corporations and which may include limited, on-site retail sales.~~

~~Such uses comprise a part of use group B of the Ohio Building Code. Examples of such uses include companies that perform construction, landscaping, concrete and/or asphalt work.~~

"Rear Lot Line." see lot line, rear. "Rear

Yard." see Yard.

~~"Recreation, Commercial." A commercial establishment that provides, as its primary activity, outdoor space for various types of sporting and/or leisure activities, though a portion of the activities may be carried on within an enclosed building. Such uses include, but are not limited to, golf courses, go-cart racing, putt-putt golf, paint ball facilities, wedding and banquet facilities and driving ranges that are privately owned and operated with the intention of earning a profit by providing entertainment or entertainment space for the public.~~

"Recreation, Public." Includes all uses that are commonly provided for the public at parks, playgrounds, community centers, and other sites owned and operated by a unit of government for the purpose of providing recreation.

"Recreational Vehicle." A vehicle which is:

- (a) Built on a single chassis;
- (b) ~~400~~Four hundred square feet ~~(400 sq. ft.)~~ or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

~~"Recycling Center." A facility that is not a junkyard and in which recoverable resources, such as newspapers, glassware and metal cans are collected, stored, flattened, crushed, and/or bundled.~~

~~"Recycling Plant." A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books and other paper products, glassware, metal cans, and other products are recycled, reprocessed, and treated to return such products to a condition in which they may be used for production.~~

"Regulated Substances." Chemicals and mixtures of chemicals that are health hazards. Materials packaged for personal or household use as food or drink for man or other animals are not Regulated Substances. Regulated Substances include:

- (a) Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes or mucous membranes.
- (b) Mixtures of chemicals that have been tested as a whole and have been determined to be a health hazard.
- (c) Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which comprises one percent ~~(1.0%)~~ or

greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is ~~one tenth of one percent~~ (0.1 percent%) or greater of the composition on a weight per unit weight basis.

- (d) Ingredients of mixtures prepared within the Well Field Protection Overlay District in cases where such ingredients are health hazards but comprise less than ~~one tenth of one percent (0.1 %percent)~~ of the mixture on a weight per unit weight basis if carcinogenic, or less than one percent ~~(1.0%)~~ of the mixture on a weight per unit weight basis if non-carcinogenic.
- (e) Petroleum and non-solid petroleum derivatives (except non-PCB dielectric fluids).

"Religious and Cultural Facilities." 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, day care, educational facilities (pre-k through grade 12), and similar uses are considered accessory uses to a religious and cultural facility.

~~"Rental Room." A part of a dwelling unit used as a lodging facility by someone not in the family housekeeping unit. Such rooms may or may not have separate entrances and do not have separate cooking facilities. Such uses are prohibited under this UDO.~~

"Replacement Cost." The cost of replacing a structure or building at current costs at the time of the loss, identical to the one that was destroyed, without application of depreciation.

"Research and Development Facility." A commercial establishment that provides, as its primary activity, space for the development of information and/or products that are used by business and industry. Such use shall be completely contained in a building and; does not produce goods or services for direct retail sale ~~and comprises a part of use groups B or F-2 of the Ohio Building Code~~. Examples of such uses include, but are not limited to, biological testing labs, corporate research and development facilities.

"Residential Area." The districts outlined for residential development under this UDO.

"Residential Facility." A residential dwelling or facility that falls into one of the following categories:

(a) Provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances.

(b) Provides accommodations, supervision, and personal care services to any of the following:

(1) One or two unrelated persons with mental illness.

(2) One or two unrelated adults who are receiving payments under the residential state supplement program.

(3) Three to 16 adults.

(c) Provides room and board for five or more unrelated adults with mental illness.

"Residential Facility, Large." A residential facility that is designed for and occupied by more than 16 residents living together.

"Residential Facility, Medium." A residential facility that is designed for and occupied by between six and 16 residents living together.

"Residential Facility, Small." A residential facility that is designed for and occupied by five or less residents

living together.

"Residential Sales." A residential sale consists of house, apartment, garage, and yard sales and are permitted for any residential use, but only when limited to the personal possessions of the owner or occupant of the dwelling at which sale is being conducted.

"Residential Treatment Facility." A residential dwelling or facility where persons are living together, with or without staff, as a single housekeeping unit providing care, supervision, or treatment for people with mental illness, developmental disabilities, or substance use disorders. ~~A "residential treatment facility" is subject to the protections of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, as they apply to citizens in drug addiction treatment programs, and by any similar legislation of the State of Ohio.~~

"Residential Treatment Facility, Large." A residential treatment facility that is designed for and occupied by more than 16 residents living together.

"Residential Treatment Facility, Medium." A residential treatment facility that is designed for and occupied by between six and 16 residents living together.

"Residential Treatment Facility, Small." A residential treatment facility that is designed for and occupied by five or less residents living together.

~~A residential facility that provides residential services to more than nine~~

~~(9) individuals who are mentally retarded, developmentally disabled or physically handicapped, and who cannot otherwise care for themselves or are convalescing or undergoing rehabilitation and/or treatment. Such individuals are provided services to meet their individual needs, and they must not have been previously convicted of a felony or require institutional care or treatment. A residential treatment facility shall be licensed by and/or has accountability to a governmental agency for the clientele served. It does not include HOSPITALS or facilities that administer treatment as their primary function to in-patients, outpatients or on a daycare basis.~~

"Restaurant." A commercial establishment that provides, as its primary activity, prepared food for consumption on the premises inside of a building. ~~A restaurant shall not include drive-through facilities or any other facilities for eating or picking up food outside of the building, except upon approval of a drive-through retail conditional use by the Planning Commission. A restaurant comprises a part of use group A-2 of the Ohio Building Code (See also FAST FOOD RESTAURANTS).~~

"Restaurant, Quick Service." An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state of consumption within the restaurant building, within a motor vehicle parked on the premises, or off the premises as a carry-out order, and whose principal method of operation includes the following characteristics: food and/or beverages are usually served in edible containers or in paper, plastic or other disposal containers. Examples of such uses include drive-through restaurants that prepare and/or dispense food or beverages and do not provide a place for all its customers to eat inside the building, or which serve food or beverages for carry out, or drive-in eating and drinking places, and establishments where customers may serve themselves and may eat or drink the food or beverages on the premises.

"Retail." ~~See Business Retail, Consumer Retail, Drive-Through Retail, General Retail, Large-Format Retail.~~

"Retail, Convenience." Small-scale retail stores used for the sale of goods used on an everyday basis by consumers including, but not limited to, pre-packaged food and drink products, household items, newspapers, and magazines; and which are typically associated with an automotive fueling or charging establishment.

"Retail, Food and Beverage Related." Establishments that ~~retail~~sell food and beverage merchandise from fixed point-of-sale locations and that have special equipment (e.g., freezers, refrigerated display cases and refrigerators) for displaying food and beverage goods. Such establishments typically do not include cooking facilities or the preparation of food. ~~Such establishments have trained staff in the processing of food products to guarantee the proper storage and sanitary conditions required by regulatory authority.~~

"Retail, General." A facility or establishment which engages in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. General retail does not include variety stores (or point price retailers).

"Retail, Large-Format." A business that exceeds 50,000 square feet, excluding outside sales or storage, restrooms and other non-public areas.

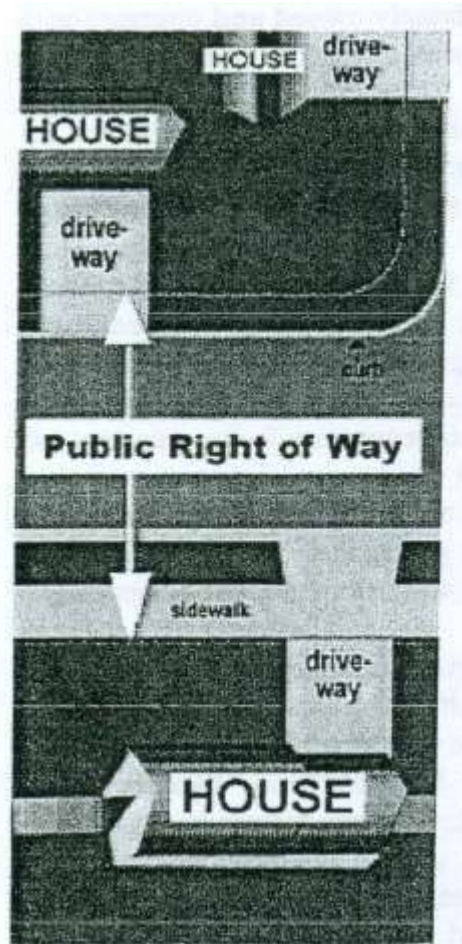
"Retail, Secondhand." Any person, partnership, corporation or other entity that engages in the purchase, sale, receiving or exchange of secondhand articles or precious metals, as the same are defined in Chapter 723 of the Codified Ordinances. Retail, secondhand is not permitted under this UDO.

"Retail, Services." An establishment that provides, as its primary activity, off-site services to the real property of individuals or corporations and which may include limited, on-site retail sales. Examples of such uses include but are not limited to companies that perform construction, landscaping, HVAC services, electrical services, plumbing services, and concrete and/or asphalt work.

"Retreat Center." Any private land at least 20 contiguous acres in size available and developed for educational purposes through recreational, spiritual, cultural and/or aesthetic uses, which use(s) are privately owned and privately operated with or without the intention of earning a profit in furtherance of such use. A combination of related uses may be incorporated, such as temporary and permanent lodging, indoor and outdoor recreation, camp offices, gymnasiums, auditoriums, cafeterias and additional similar uses and ancillary uses related thereto. Campgrounds are prohibited under this UDO, however a temporary site for tents or similar non-permanent shelters for outdoor lodging shall be a permitted ancillary use.

~~"Revolving Sign." A sign that revolves three hundred sixty degrees (360°) but does not exceed eight (8) revolutions per minute.~~

"Right-of-Way." A strip of land dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges.



"Riparian." Of, on, or relating to, the bank of a natural course of water.

"Riparian Buffer." Riparian buffers are the areas of vegetation directly separating land from water and immediately adjacent land that is frequently inundated (the floodways of streams). Vegetation in riparian buffers typically consists of plants that either are emergent aquatic plants, or herbs, trees and shrubs that thrive in close proximity to water.

"Roof Line." The lowest point of a roof that is closest to the ground.

~~"Roof Sign." A sign erected upon or above a roof or parapet wall of a building, which sign is wholly or partially supported by such building. Roof signs are prohibited under this UDO.~~

"Salvage Material." Clean packing materials such as, but not limited to, cardboard boxes and paper, newspaper, plastic, rags, tires, scrap iron and other metals, glass, and similar materials, motor vehicles or parts thereof, used lumber, household garbage, inoperable machinery or appliances, and similar materials, which can be rejuvenated or returned for reconstitution.

"Salvage/Scrap Yard." A facility, but not including a junkyard, recycling center, recycling plant, or scrap metal processing facility licensed under authority of ORC 4737.05 to 4737.12 or regulated under authority of the City, as defined by Section 713.01 of the City of Franklin Codified Ordinances, and not including motor vehicle salvage as defined by Section 715.01 of the City of Franklin Codified Ordinances, where salvage materials are bought, sold, exchanged, collected, salvaged, stored, baled, packed,

disassembled, or handled.

"Satellite Parking." Parking spaces located off- site of the building that it is designed to serve.

"Scrap Metal Processing Facility." An establishment having facilities for processing iron, steel, or nonferrous scrap and whose principal product is scrap iron and steel or nonferrous scrap for sale for remelting purposes.

"Secondary Education/Colleges/Universities." An institution, other than a trade school, that provides full-time or part-time education beyond 12th grade.

~~"Secondhand Dealer." Any person, partnership, corporation or other entity that engages in the purchase, sale, receiving or exchange of secondhand articles or precious metals, as the same are defined in Chapter 723 of the Codified Ordinances.~~

~~"Security Sign." A sign indicating that the property is protected by a security surveillance system of any nature.~~

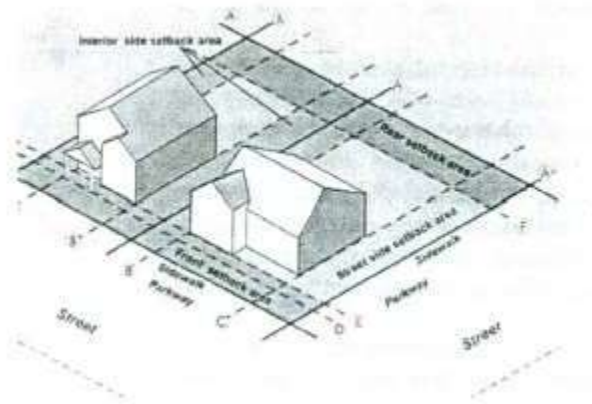
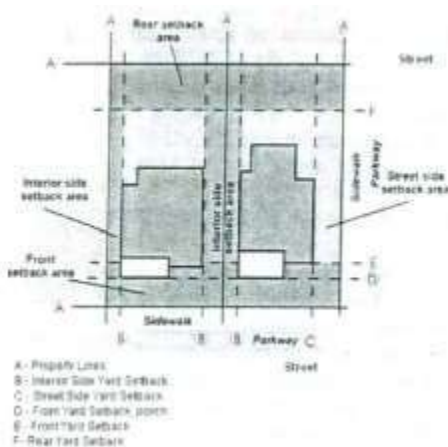
"Sediment Basin." A barrier, dam or other facility built to reduce the velocity of water in order to settle and retain sediment.

"Self-Service Storage Facility or Mini-Warehouse." A facility consisting of a building or group of buildings, usually in a controlled-access compound, that may contain varying sizes of individual, self-contained, enclosed, compartmentalized and controlled-access stalls or lockers for the dead storage of customers' residential goods or wares, that are owned, leased or rented. Self-service storage facilities or mini-warehouses shall not include accessory automobiles rental or sales. Self-service storage facilities or mini-warehouses are not permitted under this UDO.

"Semi-Nudity, State of Semi-Nudity, Semi-Nude Condition or Semi-Nude." Exposing to view, with less than a fully opaque covering, any portion of the female breast below the top of the areola or any portion of the buttocks. This definition shall include the entire lower portion of the female breast, but shall not include any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other clothing, provided that the areola is not exposed in whole or in part.

~~"Senior High School." A school/institution serving students between ninth grade and twelfth grade (9-12), or between tenth grade and twelfth grade (10-12).~~

"Setback or Setback Line. " The minimum distance that a building may be constructed from a lot line.



"Sex Store." A business offering goods for sale or rent and that meet any of the following tests:

- (a) More than ~~ten~~ 10 percent ~~(10%)~~ of the stock-in trade or inventory, or more than ~~ten~~ 10 percent ~~(10%)~~ of the gross public FLOOR AREA of the business, consists of sexually-oriented novelties or toys; or
- (b) It offers for sale items from any two ~~(2)~~ of the following categories: adult entertainment, adult media, sexually -oriented novelties or toys, lingerie, or apparel or other items marketed or presented in a context to suggest their use for sadomasochistic practices,

and the combination of such items constitutes more than ~~fifteen-15~~ percent ~~(15%)~~ of the stock-in-trade or inventory of the business or occupies more than ~~fifteen-15~~ percent ~~(15%)~~ of the gross public floor area; or

- (c) Which advertises or holds itself out in any forum as a Sexually -Oriented Business by use of such terms as "sex toys," "marital aids," "X-rated," "XXX," "adult," "sex," "nude," or otherwise advertises or holds itself out as a Sexually -Oriented Business.
- (d) Sex Stores shall not include any establishment which, as a substantial portion of its business, offers for sale or rental to individuals employed in the medical, legal or education professions anatomical models, including representations of human genital organs or female breasts, or other models, displays, and exhibits produced and marketed primarily for use in the practice of medicine or law or for use by an educational institution.

~~"Sexual Encounter Establishment." A business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:~~

- ~~(a) Physical contact in the form of wrestling or tumbling between persons of the opposite sex when one or more of the persons is nude or semi-nude; or~~
- ~~(b) Activities between male and female persons and/or persons of the same sex when one or more of the persons is nude or semi-nude; or~~
- ~~(c) A place where two (2) or more persons may congregate, associate or consort for the purpose of engaging in specified sexual activities; or~~
- ~~(d) A place where two (2) or more persons appear nude or semi-nude for the purpose of displaying their nude or semi-nude bodies for the their receipt of consideration or compensation in any type or form.~~

~~An establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State of Ohio engages in medically approved and recognized therapy including, but not limited to, massage therapy, as regulated pursuant to ORC 4731.15, is not a Sexual Encounter Establishment.~~

"Sexually -Oriented Business." An Adult Arcade, Adult Bookstore, Adult Cabaret, Adult Entertainment Establishment, Adult Media (Video) Store, Adult Motion Picture Theater, Adult Novelty Store, Adult Theater, Nude or Semi-Nude Model Studio, or Sex Store, ~~or Sexual Encounter Establishment~~. "Sexually Oriented Business" does not include an Adult Motel, as defined above.

~~"Sexually-Oriented Novelties or Toys." Instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate or arouse human genital organs or female breasts or for sadomasochistic use or abuse of self or others.~~

~~"Shingle Sign." A sign supported by one or two poles, measuring not more than four feet (4') from the ground to the top of the sign or structure. The shingle is a small identification sign, exceeding not more than two square feet (2 sq. ft.) in area, and shall denote only the name, occupation of the professional occupant of the building, and shall not be illuminated.~~

"Short-Term Loan Lender." Any business that is licensed, or is required to be licensed, under ORC 1321.35 to 1321.48 to make short-time loans. Short-term loan lender does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio

Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States. Short-Term Loan Lenders are not permitted under this UDO.

"Side Lot Line." See Lot Line, Side.

"Side Yard." See Yard.

"Sight Distance." The minimum extent of an unobstructed vision (on a horizontal plane) along a street from a point five ~~feet above~~feet above the centerline of a street.

"Sign." Any display, figure, painting, drawing, placard, poster or other device placed on the ground or on any tree, wall, bush, rock, post, fence, building, structure or thing whatsoever, which is designed, intended or used to convey a message, advertise, inform or direct attention to a person, institution, organization, activity place, object or product. "Placed," as used in this definition, includes erecting, constructing, posting, painting, printing, tracking, nailing, gluing, sticking, carving or other fastening, affixing or making visible in any manner whatsoever.

"Sign, Awning." A sign that is mounted on or painted on an awning.

"Sign, Banner." A sign on a lightweight fabric, or similar non-rigid material that is attached by at least two corners of such sign, to a building or structure. Flags of any country, state, unit of local government, institution of higher learning, or similar institution area not considered to be banners.

"Sign, Bench." Any sign painted on, located on, or attached to any part of a surface of a bench, seat, or chair placed on or adjacent to a public roadway.

"Sign, Billboard." An off-premise, outdoor sign exceeding 50 square feet in area. Billboards are prohibited under this UDO.

"Sign, Canopy." A sign that is mounted on or painted on an attached canopy.

"Sign, Construction." A sign that is located on a lot that has active construction.

"Sign, Direction." A sign intending to direct the safe flow of vehicular and pedestrian traffic, including, but not limited to, "enter", "exit", "one way", and "narrow signs."

"Sign, Electronic Message Center." A sign that is capable of displaying words, symbols, figures, or images that can be electronically changed by remote or automatic means. May also be known as a variable message sign or a LED sign.

"Sign, Flutter Flag." A tall, narrow vertical flag that is designed to flutter in the wind and attract attention.

"Sign, Governmental Flag." Flags of any country, state, or unit of local government.

"Sign, Ground." A sign supported by one or more uprights, posts, or bases, in or upon the ground and not attached to any part of a building.

"Sign, Identification." A sign indicating the identity or name, whether through logo, type, graphics or other symbols, address and activity occupying the building, store, service, or establishment.

"Sign, Inflatable." Any sign or device that is capable of being expanded.

"Sign, Manual Changeable Copy." A sign, or portion thereof, on which characters, letters, or illustrations

are changed manually in the field without altering the face or surface of the sign, including without limitation, a reader board with changeable letters.

“Sign, Marquee.” A sign attached to or constructed in a marquee.

“Sign, Memorial.” A sign designed, intended or used to preserve the memory of a person, place or event, including landmark plaques and historical plaques.

“Sign, Menu Board.” Any signage pertaining to items, goods, or services offered by a drive-through business.

“Sign, Mobile or Portable.” Any sign which is not permanently affixed to the ground or a building in accordance with the provisions of the building code of the city or any sign which is intended to be moveable or capable of being moved from place to place, whether or not wheels or other special supports are provided. Mobile or portable signs include but are not limited to “A” or “T” frame signs, swinger message board signs, windblown signs, trailer signs or any other type of sign which can be moved from one location to another.

“Sign, Mural.” Any mosaic, painting, or graphic art or combination thereof which is professionally applied to a building.

“Sign, Organizational Flag.” A flag for private or non-profit organizations.

“Sign, Permanent.” A sign designed or intended to be used indefinitely, or used indefinitely without change in the same state or place, and includes canopy/marquee/awning signs, directional signs, electronic message centers, ground signs, manual changeable copy signs, menu boards, murals, projecting signs, residential development identification signs, wall signs, and window signs.

“Sign, Pole.” A sign supported by one or more poles, posts or braces permanently mounted on or in the ground that exceeds six feet in height. Pole signs are not permitted under this UDO, except when approved in the Highway Sign Overlay District.

“Sign, Public.” Signs required or authorized for a public purpose by any law, statute or ordinance, such signs to include traffic control devices provided that such signs contain no supplementary advertising, and any identification of display of any official court or public office notices thereof, or any flag, emblem, or insignia of a nation, political unit, school or religious group.

“Sign, Projecting.” A sign affixed to any part of a building or structure which extends beyond the building or structure by no more than four feet.

“Sign, Real Estate.” A sign announcing the sale, rental or lease of the lot where the sign is displayed, or announcing the sale, rental or lease of one or more structures, or a portion thereof, located on such lot, and indicating the owner, realty agent, telephone number or “open house” information.

“Sign, Residential Development Identification.” A sign at the entrance of a residential neighborhood identifying the neighborhood.

“Sign, Revolving.” A sign which in its entirety or in part moves in a revolving manner.

"Sign, Roof." A sign erected upon or above a roof or parapet wall of a building, which sign is wholly or partially supported by such building. Roof signs are prohibited under this UDO.

"Sign, Snipe." A sign that is posted, tacked, nailed, pasted, glued, or otherwise attached to trees, utility poles or structures, street lights fences, or any other object on public property or within the public right-of-way.

"Sign, Streamer." Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, string or cord, usually in series, designed to move in the wind. A streamer may have pennants and/or banners attached.

"Sign Structure." Any structure that supports, or is capable of supporting, any sign as defined in this UDO. A sign structure may be a single pole, or may or may not be an integral part of the building.

"Sign, Temporary." A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, or mounted on a chassis, and/or is intended for a limited period of display.

"Sign, Vehicle." A sign that is attached to or painted on a vehicle that is parked on or adjacent to any property, the principal purpose of which is to attract attention to a product sold or business located on the property.

"Sign, Wall." A sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted on buildings and any extensions thereon.

"Sign, Window." A sign, graphic, poster, symbol or other identification or information about the use or premises which is physically affixed to or painted on the glass or other structural component of the window or a sign, graphic, poster, symbols, or other identification or information about the use or premises erected on the inside of the building within two feet of the window and intended to be viewed through the window from the exterior of the premises.

"Site Development Plan." The written document or set of plans that meet the requirements of this UDO, provide information on the location of the area proposed for development and the site in relation to its general surroundings, and existing characteristics of the site, including limits of earth disturbing activities.

"Site Plan." A plan showing uses and structures proposed for a parcel of land, as required by the regulations involved. Includes lot lines, streets, building sites, reserved open space, buildings, major landscape features - both natural and man-made - and, depending on the requirements, the location of proposed utility lines.

~~"Skilled Nursing Facility (Nursing Home)." A residential facility used for the care of the aged, infirm, chronically ill, incurably ill or any other individual dependent on regular and ongoing nursing care; and which is not equipped for surgical care or for treatment of acute disease or serious injury; and is not primarily designed for patients being treated for mental illness or alcohol or drug addiction.~~

"Sketch Plan." An informal plan or sketch showing the existing features of a site and its surroundings and the general layout of a proposed minor subdivision.

"Sleeping Area." Floor space provided in a building designed, intended or used primarily as a place to sleep. "Sleeping area" includes all bedroom space and all other areas where beds are permanently kept.

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"Small Loan Lender." Any business that is licensed, or is required to be licensed, under ORC 1321.01 to 1321.19 to make small loans. Small Loan Lender does not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States. Small Loan Lenders are not permitted under this UDO.

"Small Loan Operations." Small Loan Operations shall include Alternative Finance Service Providers, Check-Cashing Businesses, Credit Service Organizations, Mortgage Loan Lenders, Short-Term Loan Lenders and Small Loan Lenders. Small Loan Operations shall not include any bank, savings and loan, credit union or similar financial institution doing business under authority granted by the Ohio Superintendent of Financial Institutions or by the equivalent regulatory authority of another state of the United States. Small Loan Operations are not permitted under this UDO.

"Smoking and Hookah Bars." An establishment in which tobacco products are sold for use or consumption on the premises to persons that are over 18 years old as provided by state law. This use

includes but is not limited to establishments referred to as smoking, cigar, hookah, or tobacco bars or lounges. Smoking and hookah bars are not permitted under the UDO.

"Solar Panels, Roof-Mounted." Panels installed on the roof of a building to allow for the conversion of solar energy to electrical current.

"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, or car shows.

"Special Flood Hazard Area." Also known as "Areas of Special Flood Hazard," it is the land in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are designated by the Federal Emergency Management Agency on flood insurance rate maps, flood insurance studies and flood hazard boundary and floodway maps as Zones A, AE, AH, AO, A1 30, and A99. Special flood hazard areas may also refer to areas that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

"Specified Anatomical Areas." This term is used to describe:

- (a) The human male genitals in a discernibly turgid state, even if completely and opaquely covered;
or
- (b) Less than completely and opaquely covered human genitals, pubic region, buttocks, including the cleft, anus, or female breast below a point immediately above the top of the areola.

~~"Specified Criminal Activity." Any of the following offenses: Prostitution or promoting prostitution; soliciting; loitering to engage in solicitation; sexual performance by a child; public lewdness; indecent exposure; indecency with a child; sexual assault; molestation of a child; or any similar offenses to those described above under the criminal or penal laws of any local jurisdiction, state, or country for which less than two (2) years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense; or less than five (5) years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense. The fact that a conviction is being appealed shall not prevent such conviction from constituting a specified criminal activity as defined in this section.~~

"Specified Sexual Activities." Means any of the following:

- (a) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- (b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
- (c) Excretory functions as a part of or in connection with any of the activities set forth in (a)A. or (b)B., above.

~~"Stables." Any accessory structure having stalls or compartments where animals, excluding dogs and cats, are boarded, trained or bred (See also Kennels).~~

"Start of Construction." The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not

include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as detached garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

"Stock-In Trade or Inventory." The individual items offered for sale or rental in the area of an establishment open to the public.

"Stop-Work Order." An order issued that requires that all work on the site must cease, except work associated with bringing the site into compliance with the approved SWP3, Site Development Plan or construction plans.

"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.

"Story." The part of the building included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six feet ~~(6')~~ above GRADE, such BASEMENT shall be considered a story.

"Story, Half." An uppermost story lying under a sloping roof having an area of at least ~~two hundred~~ 200 square feet ~~(200-sq.-ft.)~~ with a clear height of seven feet, six inches (7'6"). For the purposes of this UDO, the usable floor area is only that area having at least four feet ~~(4')~~ of clearance height between the floor and the ceiling.

"Storm Frequency." The average period of time, in years, within which a storm of a given duration and intensity can be expected to be equaled or exceeded.

"Stormwater Management Plan (SMP)." The written document meeting the requirements of this UDO regulation that sets forth the plans and practices to be used to minimize storm water runoff from a site and to safely convey or temporarily store and release post-development storm water runoff at an allowable rate to minimize flooding and erosion.

"Storm Water Pollution Prevention Plan (SWP3)." The document required by the Ohio EPA for compliance with its NPDES Construction Activity General Permit #OHC000002. The requirements of the SWP3 are required as part of the local jurisdiction's Stormwater Management Plan, as described above, and in this UDO.

"Streamer." Any lightweight plastic, fabric or other material, whether or not containing a message of any kind, suspended from a rope, wire, string or cord, usually in series, designed to move in the wind. A streamer may have pennants and/or banners attached.

"Street." An improved public way or right-of-way dedicated to public use, which provides for vehicular and pedestrian access to abutting properties.

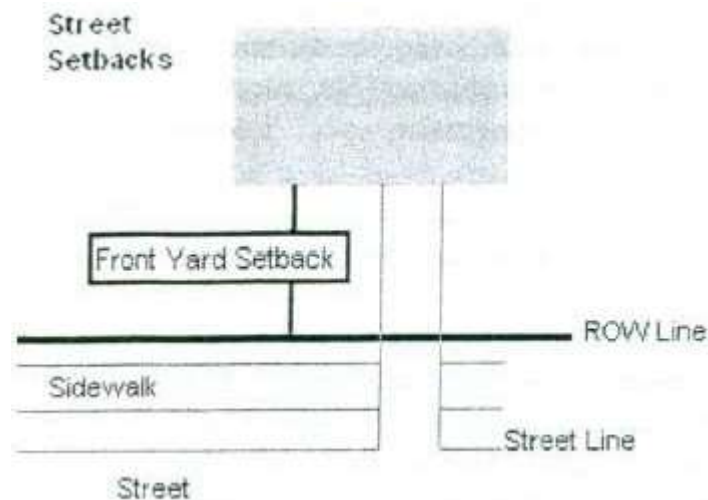
(a) Alley: Any dedicated public way affording a secondary means of access to abutting property, either to the back or side of properties abutting on another street, and not intended for general traffic

circulation.

- (b) Collector Street: A street, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from minor/local streets to major streets.

- (c) Expressways: A thoroughfare that possesses extra-wide rights-of-way carrying high traffic volumes of unobstructed, limited access vehicular movement.
- (d) Major Street: An arterial street intended for large volumes of through traffic and to carry cross-town traffic from several neighborhoods, thereby servicing collector streets. Such streets are intended for carrying heavy loads and large volumes of traffic, for both the immediate city area and the region beyond. Any street with a width, existing or proposed, of ~~eighty~~ (80) feet shall be considered a major thoroughfare.
- (e) Marginal Access Street: A minor street that is parallel and adjacent to a major street or thoroughfare, and which provides access to abutting properties and protection from major or collector streets.
- (f) Minor Street: A local street that primarily provides access to residential or other abutting property.

"Street Line." The edge of the pavement along the front of the property.



"Street Setback Measurements." All buildings and structures shall hereafter be constructed in accordance with the required front yard setbacks in the district in which it is to be located, measured from the dedicated right-of-way line or the street line, whichever is greater, on expressways, major streets, collector streets, marginal access streets, minor streets and alleys.

"Structural Controls." Any human-made facility, structure, or device that is constructed to provide temporary storage and/or treatment of storm water runoff. Examples include retention and detention basins, rock-check dams, swales, and constructed wetlands.

"Structure." Anything constructed or erected. Its use requires location on the ground or attachment to something having location on the ground including, but not limited to a walled or roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

"Subdivider." Any person, partnership, corporation, association or other legal entity that creates or proposes to create a subdivision, all or a portion of which will be located within the city (See also Developer).

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"Subdivision, Major." A platting of land for the purposes of development and transfer of ownership. A major subdivision is any subdivision that does not meet the requirements of a minor subdivision. It requires approval of a preliminary plat by the Planning Commission, approval of a final

plat by the Planning Commission, acceptance by council, and recording of the final plat prior to the transfer of land (See also Major Subdivision).

"Subdivision, Minor." A division of a parcel of land that is approved by the City Engineer and does not require a plat or the combination or replatting of two ~~(2)~~ or more parcels into a single lot that is approved by the City Engineer (See Minor Subdivision).

"Subdivision Regulations." Chapter 1111, including any amendments thereto, contained in this UDO.

"Substantial Damage." Damage, of any origin, sustained by a structure whereby the cost of restoring the structure to its "before-damaged" condition would equal or exceed ~~fifty~~ 50 percent ~~(50%)~~ of the replacement cost of the structure before the damage occurred.

"Substantial Improvement." Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds ~~fifty~~ 50 percent ~~(50%)~~ of the replacement cost of the structure before the start of construction of the improvement. This term includes structures, which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include:

- (a) Any improvement to a structure that is considered new construction;
- (b) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified prior to the application for a development permit by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (c) Any alteration of a historic structure, provided that the alteration would not preclude the structure's continued designation as a historic structure.

"Superblock." A residential block of exceptionally large size, in both dimensions, with access to interior lots by cul-de-sacs or loop streets and providing one or more common open spaces.

"Support Commercial Uses." Support retail and personal service uses conducted primarily for the convenience of the employees of a permitted use, if such use serves the immediate area and the sum of all such uses occupy no more than ~~ten thousand~~ 10,000 square feet ~~(10,000 sq. ft.)~~ of any building. Examples of such uses include retail, athletic clubs and gyms, personal service shops (barber, dry cleaner, salon, etc.), business services (printing, photocopying, mailing and packaging, etc.), daychild care center, cafeteria or restaurant, financial institution, medical clinic.

"Surveyor." A person licensed by the State of Ohio and registered as a professional surveyor under ORC 4733.

"Swale." A low-lying stretch of vegetated land that gathers and carries surface water.

"Taproom." A place in which alcoholic drinks are available and are generally served on tap.

"Tattoo Parlor/Body-Piercing Studio." An establishment whose principal business activity is the practice of placing designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin or the creation of an opening in the body of a person for the purpose of inserting jewelry or other decoration. Tattoo Parlors/Body-Piercing Studios

are not permitted under this UDO.

~~"Tavern." See Bar.~~

~~"Temporary Sign." A sign announcing or advertising special events or sales, intended to be used and in fact used for a time period of sixty (60) days or less within one calendar year per location.~~

~~"Temporary Structure." A structure without any foundation or footing and removed when the designated time period, activity, or use for which the temporary structure was erected has ceased.~~

"Temporary Vegetation." Short-term vegetative cover such as oats, rye, or wheat, used to stabilize the soil surface until final grading and installation of permanent vegetation.

"Tent." Any structure used for living or sleeping purposes, or for sheltering a public gathering, constructed wholly or in part from canvas, tarpaulin or other similar materials. It includes shelter

provided for circuses, carnivals, sideshows, revival meetings, camp meetings and all similar meetings or exhibitions in temporary structures.

"Time and Temperature Display." A cabinet containing illuminated numerals flashing alternately to show the time and temperature.

"Through Lot." See Lot.

"Total Area of a Sign." "Sign area" shall be measured as outlined in Section 1111.08~~(ef)~~ of this UDO.

"Tower." Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice, towers, guyed-towers, or monopoles; the term includes radio and television transmission towers, microwave towers, common-carrier towers, wireless telecommunications towers, alternative tower structures, and the like; the term includes the structure and any support thereto.

~~"Traditional Neighborhood." A compact, mixed-use neighborhood where residential, commercial and civic buildings are within close proximity to each other.~~

"Transportation or Communication Utility." A structure or facility used by a public utility or quasi-public utility to store, distribute or generate electricity, gas or telecommunications and related equipment, or to pump or chemically treat water. This use does not include storage or treatment of sewage, solid waste or hazardous waste.

"Travel-Time Contour." A locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.

"Treatment Space." Floor space provided in a building that is designed, intended or used primarily for the treatment of human and/or animal illness.

"Truck Stop/Truck Service or Gasoline Center." A business that provides the sale and storage of fuel, overnight or hourly parking, and/or other special services catering to commercial motor vehicles, specifically Semi-Trucks and Semi-Trailers. Truck Stops/Truck Service or Gasoline Centers are prohibited under this UDO.

"UDO." See Unified Development Ordinance.

"Underground Storage Tank." Underground storage tank shall have the same meaning as in ORC 3737.87.

"Unified Development Ordinance." The combining of development regulations and procedures, including zoning and subdivision regulations, sign and floodplain regulations, administrative and hearing procedures, etc. into one unified code and ordinance in the City of Franklin Unified Development Ordinance.

"Use." The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

"Vape, Tobacco, or Hookah Stores." Any store, stand, booth, or concession that devotes 30 percent or more of its display floor area to tobacco products, or to the display and sale of tobacco, vapor products, or electronic smoking devices to purchases for consumption or use. This classification of use does not include medical marijuana uses which are prohibited in the City of Franklin per the City of Franklin

Ordinance Section 513.16.

"Variance." A grant of relief from the standards of these regulations consistent with the variance conditions herein.

"Variety Store (or Point Price Retailer)" A commercial establishment that sells a wide range of inexpensive household goods, often selling or advertising all goods at a single price, which is reflected in the name of the establishment. Variety Stores (or Point Price Retailers) are not permitted under this UDO.

"Vehicle (Motor-Driven)." Any automobile, truck, motorcycle, trailer, truck camper, recreational vehicle, bus or boat (See also Motor Vehicle).

"Vehicle, Inoperable." Any motor vehicle that does not have a current registration and/or cannot move under its own power.

~~"Vehicle Dealer." The use of any building, or part thereof, land area or other premises for the display and/or retail sale, lease or rental of new or used vehicles including motor vehicles, motorcycles, recreational vehicles, boats and farm implements. Secondary supporting uses may also exist upon the same site, such as maintenance/repair service areas, parts storage areas, and financial services areas, which activities shall be conducted within a completely enclosed area. Such use shall not include vehicle wrecking or junk business.~~

"Vehicle Impound Lot." A business that engages in impounding or storing, usually temporarily, of legally impounded vehicles, whether publicly or privately impounded, or abandoned vehicles.

~~"Vehicle Repair Services." A commercial establishment that provides, as its primary activity, repair or restoration of vehicles, including the rebuilding or reconditioning of engines and/or transmissions; collision services, including body, frame or fender straightening or repair; overall painting; vehicle steam cleaning; upholstery; and replacement of parts and motor service of passenger cars and trucks not exceeding one and one-half ton capacity. Such uses may have outdoor display and/or storage, but may not include any junk or wrecking business, and all repair and/or restoration activities shall be conducted within a completely enclosed building or structure. Such uses comprise a part of the use group S-1 of the Ohio Building Code.~~

"Vehicle Wrecking." The dismantling or wrecking of used vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete, wrecked or inoperable vehicles or their parts; excepting that vehicle impound lots are not included in this definition. Vehicle Wrecking is not permitted under this UDO.

"Veterinary Services." A place used for grooming and/or for the care, diagnosis and treatment of sick, ailing, infirm or injured animals and those that are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation or recuperation of such animals. Such use may also include boarding that is incidental to the primary activity. Such uses include animal hospitals/clinics, veterinarian offices and grooming services.

"Video Booth." Any private or semi private booth or any viewing room of less than ~~one hundred fifty~~150 square feet ~~(150 sq. ft.)~~ of floor space or area to which the public may gain admittance, wherein a still or motion picture machine, projector, video monitor, or similar equipment is available for the purpose of showing still or motion pictures, videos, or similar images or photographic reproductions to five ~~(5)~~ or fewer individuals at any one time.

"Viewing Booth." Live Viewing Booth or Video Booth.

"Viewshed." The area surrounding a wireless telecommunications facility or antenna support structure, within which the facility or structure is visible from off-site.

"Violation." The failure of a structure or other development to be fully compliant with the regulations contained in this UDO.

~~"Wall Sign." A sign attached to a building face, with the exposed face thereof in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphics and other designs painted along with any letters or numerals mounted on buildings and any extensions thereon.~~

~~"Warehouse, Primary Use." Storage of raw materials, parts, or finished manufactured goods associated before their export or distribution for sale. The warehouse is staffed, and goods leave and enter the warehouse at a minimum on a weekly basis.~~

~~"Warehouse (Secondary Warehouse, Secondary Use)." A secondary use to an industrial or commercial use where raw materials, parts, or finished manufactured goods may be stored before their export or distribution for sale. Such storage must be within a building.~~

~~"Warehouse (Primary Use)." Storage of raw materials, parts, or finished manufactured goods associated before their export or distribution for sale. The warehouse is staffed, and goods leave and enter the warehouse at a minimum on a weekly basis.~~

"Watercourse." Any natural or artificial waterway (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, or washes) in which waters flow in a definite direction or course either continuously or intermittently and including any area adjacent thereto which is subject to inundation by reason of overflow of flood water.

"Watershed." A locus of points from which water takes an equal amount of time to reach a given destination such as a well or well field.

"Well Field." Means a tract of land that contains a number of wells for supplying water.

~~"Window Sign." A sign, graphic, poster, symbol or other identification or information about the use or premises which is physically affixed to or painted on the glass or other structural component of the window or a sign, graphic, poster, symbols, or other identification or information about the use or premises erected on the inside of the building within two feet (2') of the window and intended to be viewed through the window from the exterior of the premises.~~

"Wireless Telecommunications Facilities." Any cables, wires, lines, wave guides, antennas, microwave dishes and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or has installed upon a tower or antenna support structure; however, the term Wireless Telecommunications Facilities shall not include:

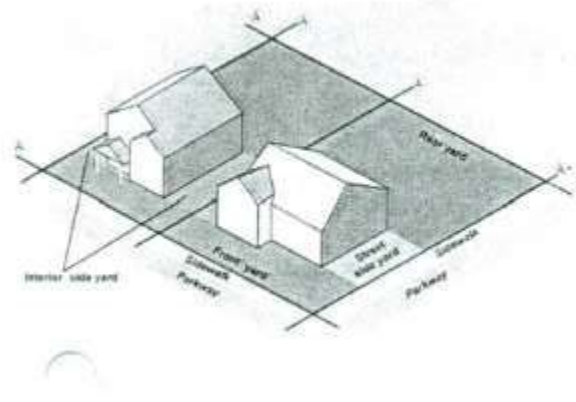
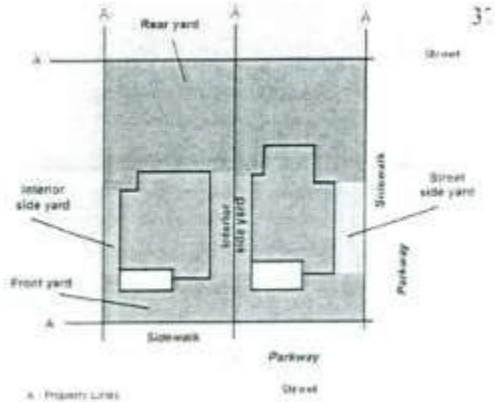
- (a) Any satellite earth station antenna two meters in diameter or less which are located in an area zoned industrial or commercial;
- (b) Any satellite earth station antenna one meter or less in diameter, regardless of zoning category; or
- (c) Antennas used by amateur radio operators.

"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:

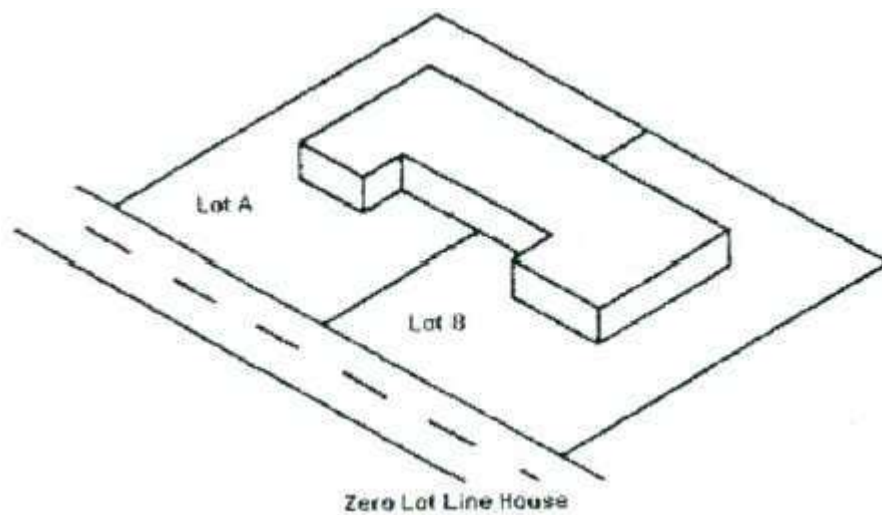
- (a) Front yard: An open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. There shall be a front yard on each street side of a corner lot.

- (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.



~~"Zero Lot Line House (or Townhouse)." A building designed, intended or used primarily for residential purposes. The dwelling unit is a single family detached unit that is placed against one of the side lot lines to allow more open yard space.~~



"Zoning District." A portion of the incorporated area of the city within which certain regulations and requirements, or various combinations thereof, apply under the provisions of this UDO.

"Zoning Map." The official map showing the zoning districts within the incorporated areas of the city and which is a part of the UDO.

"Zoning Official." The person holding the title of Zoning Official of the City of Franklin, or his designee.

(Ord. 2009-11. Passed 7-6-09; Ord. 2011-06. Passed 4-4-11; Ord. 2011-07. Passed 4-4-11; Ord. 2012-26. Passed 12-3-12; Ord. 2013-09. Passed 6-17-13; Ord. 2014-01. Passed 3-17-14; Ord. 2014-17. Passed 1-5-15; Ord. 2015-11. Passed 7-6-15; Ord. 2015-15. Passed 11-2-15; Ord. 2017-01. Passed 2-6-17.)

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Exhibit A

HISTORY

Amended by Ord. [2018-08](#) on 5/21/2018

Amended by Ord. [2018-19](#) on 11/5/2018

Amended by Ord. [2021-04](#) on 4/5/2021

Section 9, Item C.

O-25-03
Exhibit A

Section 9, Item C.

Amended by Ord. [2021-06](#) on 5/3/2021
Amended by Ord. [2021-29](#) on 12/6/2021
Amended by Ord. [2022-12](#) on 5/2/2022
Amended by Ord. [2023-01](#) on 3/17/2023
Amended by Ord. [2023-20](#) on 10/9/2023
Amended by Ord. [24-02](#) on 3/18/2024



LEGISLATIVE COVER MEMO

Introduction: January 22, 2025

Public Hearing: February 3, 2025

Effective Date: March 5, 2025

Agenda Item: **Ordinance 2025-04**

AMENDING CHAPTER 1107 OF THE UNIFIED DEVELOPMENT ORDINANCE AND OFFICIAL ZONING MAP OF THE CITY OF FRANKLIN, OHIO

Submitted by: Jonathan Westendorf, City Manager

Scope/Description: The Ordinance proposes various amendments to Chapter 1107 Districts And Land Use Standards.

The text amendments reorganize Chapter 1107 for better accessibility, introduce the TN-2 Transitional Mixed Use District, consolidate and update use tables, add new uses and permissions, incorporate and modify specific regulations from other sections, establish new dimensional standards tables, and include updated graphics for structure height measurement and clear sight triangles.

This Ordinance also makes amendments to the Official Zoning Map which extend the Downtown Districts, establish areas for the proposed TN-2 "Mixed Use Transitional District", and expand the existing C-2 "Neighborhood Residential" and I-1 "Light Industrial" Districts.

Planning Commission unanimously recommended approval of the text and map amendments to Council during its January 8, 2025 meeting.

Exhibits: Exhibit A: Chapter 1107 of the UDO

Exhibit B: Official Zoning Map

**AMENDING CHAPTER 1107 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE
AND OFFICIAL ZONING MAP 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 Chapter 1107 of the UDO, and amendments to the official City of Franklin Zoning Map, during a public meeting of Planning Commission held on January 8, 2025;

WHEREAS, Planning Commission reviewed the proposed amendments during its January 8, 2025 meeting and recommended that City Council approve the text and map amendments in substantially the same form attached as Exhibit A and Exhibit B 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 1107 of the City’s Codified Ordinances, and Chapter 1107 is hereby amended as set forth in the attached Exhibit A.

Section 2. Council hereby adopts Planning Commission’s recommendation to amend the official City of Franklin Zoning Map, and the Zoning Map is hereby amended as set forth in Exhibit B attached to this Ordinance.

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: January 22, 2025

ADOPTED: February 3, 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 2025-04 passed by City Council on February 3, 2025.

Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

Ben Yoder, Law Director

CHAPTER 1107 Districts And Land Use Standards

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[1107.02 Residential Districts](#)

[1107.03 Commercial Districts](#)

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[1107.09 Interpretation Of District Boundaries](#)

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[1107.11 Downtown Districts](#)

1107.01 General Provisions Zoning Districts Established

The City is divided into the following zoning districts, which shall be governed by all the use and area requirements of this Ordinance. The following table lists each district along with its appropriate symbol:

Table 1107.01-1: Zoning Districts

Abbreviation	District Name	Section
Agricultural District		
A-1	Agricultural District	1107.04(b)(1)
Parks and Recreation District		
PAR	Parks and Recreation District	1107.05(b)(1)
Residential Districts		
R-1	One-Family Residential District	1107.06(b)(1)
R-2	Metropolitan Residential District	1107.06(b)(2)
R-3	Central Residential District	1107.06(b)(3)
R-4	Multi-family Residential District	1107.06(b)(4)
Commercial Districts		
C-1	General Commercial District	1107.07(b)(1)
C-2	Community Commercial District	1107.07(b)(2)
Downtown Districts		
DC-1	Downtown Core District	1107.08(b)(1)

MU-1	Mixed Use District	1107.08(b)(2)
RMU	Riverfront Mixed Use District	1107.08(b)(3)
CV-1	Civic District	1107.08(b)(4)
TN-1	Transitional Neighborhood District	1107.08(b)(5)
TN-2	Transitional Mixed Use District	1107.08(b)(6)
Office Districts		
O-I	Office and Institutional District	1107.09(b)(1)
O-RP	Research Park District	1107.09(b)(2)
O-S	Office Service District	1107.09(b)(3)
Industrial Districts		
I-1	Light Industrial District	1107.10(b)(1)
I-2	General Industrial District	1107.10(b)(2)
Overlay Districts		
TOD	Telecommunications Overlay District	1107.11(b)(1)
FOD	Floodplain Overlay District	1107.11(b)(2)
WFP	Well Field Protection Overlay District	1107.11(b)(3)
PUD	Planned Unit Development Overlay District	1107.11(b)(4)
PRCD	Planned Residential Conservation Overlay District	1107.11(b)(5)
HSOD	Highway Sign Overlay District	1107.11(b)(6)

1107.02 Official Zoning Map

- (a) **Official Zoning Map Adopted:** All land in the municipality is placed into zoning districts as shown on the Official Zoning Map that is hereby adopted and declared to be part of the UDO. Said Map was approved by Ordinance 2010-09, adopted on April 5, 2010, and became effective on May 5, 2010, and as subsequently amended.
- (b) **Final Authority:** The Official Zoning Map, as amended from time to time, shall complement appropriate legislation as the final authority for the current zoning district status of land under the jurisdiction of the UDO.
- (c) **Land Not Otherwise Designated:** All land under the UDO and not designated or otherwise included within another zoning district map shall be included in the R-I One-Family Residential District.

- (d) Identification of the Official Zoning District Map: The Official Zoning Map, with any amendments made thereon, shall be identified by the signatures of the Mayor and all members of Council under the following words: *Official Zoning District Map, Franklin, Ohio. Adopted by the City Council, Franklin, Ohio.*

1107.03 Interpretation of District Boundaries

- (a) Legend and Use of Color or Patterns: There shall be provided on the Official Zoning Map a legend, which shall list the name and symbol for each zoning district. In lieu of a symbol, a color or black and white pattern may be used on the Official Zoning Map to identify each zoning district as indicated in the legend.
- (b) Interpretation of Zoning District Boundaries: The boundaries of the zoning districts are shown upon the Official Zoning Map. The Official Zoning Map and all notations, references, and other information are a part of the UDO. A certified copy of the Official Zoning Map shall be kept on file with the City's Zoning and Building Department.
- (c) Rules for Determination: When uncertainty exists with respect to the boundaries of zoning districts as shown on the Official Zoning Map, the following rules shall apply:
- (1) **Along a Street or Other Right-of-Way**: Where zoning district boundary lines are indicated as approximately following a center line of a street or highway, alley, railroad easement, or other right-of-way, or a river, creek, or other watercourse, such centerline shall be the zoning district boundary.
 - (2) **Along a Property Line**: Where zoning district boundary lines are indicated as approximately following a lot line, such lot line shall be the zoning district boundary.
 - (3) **Parallel to Right-of-Way or Property Line**: Where zoning district boundary lines are indicated as approximately being parallel to a centerline or a property line, such zoning district boundary lines shall be parallel to a centerline or a property line and, in the absence of a specified dimension on the Official Zoning Map.
- (d) Actual Conflict with Map: When the actual street or lot layout existing on the ground is in conflict with that shown on the Official Zoning Map, the party alleging that such conflict exists shall furnish an actual survey for interpretation by the Zoning Official.
- (e) Right-of-Way Vacation: Whenever any street, alley or other public way is vacated by official action of Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation, and all area included in the right-of- way.

1107.04 Agricultural District

- (a) Applicability: The agricultural zoning district within the UDO is the (A-1) Agricultural District.
- (b) Purpose: The agricultural zoning district and its regulations are hereby established to achieve, among others, the following purposes:
- (1) A-1 Agricultural District: The intent of the A-1 Agricultural District is to provide space in the City for agriculture and related uses and to allow for undeveloped open space. Land best suited for this district includes those sections of the City that are prime farmland in outlying areas and/or land that has significant natural features, such as wetlands, forest, hillsides, and other open space that should be preserved.

1107.05 Parks and Recreation District

- (a) Applicability: The parks and recreation district within the UDO is the (PAR) Parks and Recreation District.
- (b) Purpose: The parks and recreation district and its regulations are hereby established to achieve, among others, the following purposes:
 - (1) PAR 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 the public use for no fee or for 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.

1107.06 Residential Districts

- (a) Applicability: The residential districts within the UDO include the (R-1) One-Family Residential District, (R-2) Metropolitan Residential District, (R-3) Central Residential District, and (R-4) Multi-Family Residential District.
- (b) Purpose: The residential districts and their regulations are hereby established to achieve, among others, the following purposes:
 - (1) R-1 One-Family Residential District: The intent of the One-Family Residential District is to provide space in the City for low-density, single-family residential uses, and to provide for additional uses that serve the residential neighborhood as conditional uses. The R-1 District is further divided into two subcategories:
 - (A) R-1A: Estate Residential District: The intent of the Estate Residential District is to provide spaces for the lowest density, single-family residential uses, with an average density of three dwelling units or less for every one acre of land.
 - (B) R-1B: Suburban Residential District: The intent of the Suburban Residential District is to provide space for low density, single-family residential uses, with an average density of four dwelling units or less for every one acre of land.
 - (2) R-2 Metropolitan Residential District: The intent of the Metropolitan Residential District is to provide space in the City for moderate-density, single-family residential uses in urban areas with complete municipal services, and to provide for additional uses that serve the residential neighborhood as conditional uses.
 - (3) R-3: Central Residential District: ~~Council, by establishing the R-3 Central Residential District, recognizes~~ The intent of the Central Residential District is to recognize the existence of older residential areas of the City where homes have been built on small lots and where conservation of the existing housing stock should be encouraged. The R-3 Central Residential District allows for existing moderate-density housing and new single-family development. ~~It is not the intent of Council, by the establishment of such District, to provide new moderate density~~

~~developments as major subdivisions, nor to otherwise expand R-3 Districts beyond the central residential areas of the City.~~

- (4) R-4: Multi-Family Residential District: The intent of the Multi-Family Residential District is to provide for mixed housing types at medium to high density in urban areas with complete municipal services. The R-4 District should generally be located to provide a smooth transition between residential areas and more intense uses. ~~More than one main/primary/principal building is permitted per lot in the R-4, Multi-Family Residential District, if approved by Planning Commission on a Major Site Plan.~~

1107.07 Commercial Districts

- (a) Applicability: The commercial districts within the UDO include the (C-1) General Commercial District, (C-2) Community Commercial District.
- (b) Purpose: The commercial districts and their regulations are hereby established to achieve, among others, the following purposes:
- (1) C-1 General Commercial District: The intent of the General Commercial District is to provide for general commercial activity, including a wide range of goods and services that will serve the region. This district is intended to be concentrated around transportation nodes (such as the intersections of primary arterial streets).
- (2) C-2 Community Commercial District: The intent of the Community Commercial District is to provide for low-intensity retail uses providing primarily ~~convenience~~ goods and personal services for residential areas with good access to primary and secondary arterial streets.

1107.07 Downtown Districts

- (a) Applicability: The downtown districts within the UDO include the (DC-1) Downtown Core District, (MU-1) Mixed Use District, (RMU) Riverfront Mixed Use District, (CV-1) Civic District, (TN-1) Transitional Neighborhood District, and (TN-2) Transitional Mixed Use District.
- (b) Purpose: The downtown districts and their regulations are hereby established to achieve, among others, the following purposes:
- (1) DC-1 Downtown Core District: The intent of the 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 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) RMU Riverfront Mixed Use District: The intent of the Riverfront Mixed Use District is to establish a multi-use destination along the Great Miami River, that attracts people for commercial, recreation, or leisure experiences.
- (4) CV-1 Civic District: The intent of the 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) TN-1 Transitional Neighborhood District: The intent of the Transitional Neighborhood 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.
- (6) TN-2 Transitional Mixed Use District: The intent of the Transitional Mixed use District is to provide a variety of residential development types, styles, and price points while also encouraging the development or redevelopment of neighborhood scale commercial uses that provide goods and personal services to the surrounding area.

1107.08 Office Districts

- (a) Applicability: The office districts within the UDO include the (O-I) Office and Institutional District, (O-RP) Research Park District, and (O-S) Office Service District.
- (b) Purpose: The office districts and their regulations are hereby established to achieve, among others, the following purposes:
 - (1) O-I Office and Institutional District: 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.
 - (2) O-RP: 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 place and esthetically attractive urban development. It is intended that this District will provide for the grouping and clustering of professional offices, non-hazardous industrial uses, research and development uses, and high technology manufacturing that interact together in terms of functions, location, activities and appearance. Development standards for this District are intended to provide compatibility with and protection to surrounding residential and commercial properties, as well as assuring that such facilities are developed in a clustered campus or park-like setting that emphasizes natural characteristics, landscaping and pedestrian access.
 - (3) O-S: Office Service: The intent of the Office Service District is to provide for business and professional offices/buildings and related commercial uses and services that will serve the employees and clients of such businesses, as well as the surrounding area. This District is intended to be concentrated around transportation nodes, such as highway interchanges and major intersections.

1107.09 Industrial Districts

- (a) Applicability: The industrial districts within the UDO include the (I-1) Light Industrial District and the (I-2) General Industrial District.
- (b) Purpose: The industrial districts and their regulations are hereby established to achieve, among others, the following purposes:
 - (1) 1-1: Light Industrial District: The intent of the 1-1 Light Industrial District is to provide for industrial and office uses that are not of an intensity to produce objectionable impacts on

adjacent development. This District should be located within areas of the City with suitable access to transportation routes and necessary utilities.

- (2) 1-2: General Industrial District: The intent of the 1-2 General Industrial District is to provide for all industrial uses, including those high-intensity uses that create noticeable impacts on the surrounding area. All uses, however, will be required to operate without causing a risk to the health and welfare of the inhabitants of the City. This District is intended to be located within areas of the City that have suitable access to transportation routes and necessary utilities and that are away from residential uses.

1107.11 Overlay Districts

- (a) Applicability: The overlay districts within the UDO include the (TOD) Telecommunications Overlay District, (FOP) Floodplain Overlay District, (WFP) Well Field Protection Overlay District, (PUD) Planned Unit Development Overlay District, (PRCD) Planned Residential Conservation Overlay District, and (HSOD) Highway Sign Overlay District.
- (b) Purpose: The overlay districts and their regulations are hereby established to achieve, among others, the following purposes:
- (1) TOD Telecommunications Overlay District: The purpose of this Overlay District is to regulate the placement, construction and modification of Towers and Wireless Telecommunications Facilities in order to protect the health, safety and welfare of the public, while at the same time not unreasonably interfering with the development of the competitive wireless telecommunications marketplace in the City. The Telecommunications Overlay District is outlined in Chapter 1109.
- (2) FOP Floodplain Overlay District: The Floodplain Overlay District is composed of lands that are subject to periodic flooding. It is intended to preserve the existing flood plains, so as to allow the waterways a place to overflow at high water levels and thus assist in protecting other areas not now subject to flooding. In this District, only those uses that are temporary or seasonal in nature or that would not be extensively damaged by flooding are permitted. The Floodplain Overlay District is outlined in Chapter 1109.
- (3) WFP Well Field Protection Overlay District: It is the intent of the Well Field Protection Overlay District to safeguard the health, safety and welfare of the customers of protected public water supplies and to protect the community's potable water supply against contamination by regulating land use and the storage, handling, use and/or production of regulated substances as defined below. The land within the overlay district is that land in the City of Franklin that lies within a one (1) year travel time contour adjacent to existing and proposed public wells of a protected public water supply. The Well Field Protection Overlay District is outlined in Chapter 1109.
- (4) PUD Planned Unit Development Overlay District: This District is intended to encourage and coordinate planned development, with benefits for both the Developer and the Community. The Planned Unit Development Overlay District is outlined in Chapter 1109.
- (5) PRCD Planned Residential Conservation District: It is the intent of the Planned Residential Conservation District to allow residential development while protecting the community's natural

resources and real quality. The Planned Residential Conservation District is outlined in Chapter 1109.

- (6) HSOD Highway Sign Overlay District: The primary objective of the Highway Sign Overlay District (HSOD) is to recognize that there exist special circumstances for businesses which border Interstate 75 whereby signage and placement of signage that would not normally be permitted in the underlying zoning district should be permitted in this Overlay District. The Highway Sign Overlay District is outlined in Chapter 1109.

1107.12 Use Provisions General Provisions

- (a) Regulation of the Use and Development of Land and Structures: These regulations are established and adopted governing the use and physical development of land and/or structures.
- (b) Rules of Application: These regulations shall be interpreted and enforced according to the following rules:
 - (1) **Identification of Uses**: Listed uses are to be defined by their customary name or identification, except where they are specially defined or limited in this UDO.
 - (2) **Permitted Uses**: Only a use designated as a permitted use shall be allowed as a matter of right in a zoning district and any use not so designated shall be prohibited except, when in character with the zoning district, such other additional uses may be added to the permitted uses of the zoning district by an amendment to this UDO.
 - (3) **Conditional Uses**: A use designated as a conditional use may be allowed in a zoning district when such conditional use, its location, extent and method of development will not substantially alter the character of the vicinity or unduly interfere with the use of adjacent lots in the manner prescribed for the zoning district. To this end the Planning Commission may, in addition to the development standards for the zoning district, set forth such additional requirements as will, in its judgment, render the conditional use compatible with the existing and future use of adjacent lots and the vicinity.
 - (4) **Accessory Uses**: A use designated as an accessory use shall be permitted in a zoning district when such use is subordinate in area, extent, and purpose to the principal use and is located on the same lot and in the same zoning district as the principal use.
 - (5) **Prohibited Uses**: If a use is not listed on Table 3 or Table 4, 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.
 - (6) **Additional Standards**: The section reference contained in the "REF" column on Table 1107.12-13 and Table 1107.12-24 are references to additional standards and requirements that apply to uses 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. In the table a "PS" represents a permitted use that has additional standards and a "CS" represents a conditional use that has additional standards.
 - (7) **Development Standards**: The development standards shall be the minimum required for development in a zoning district unless otherwise stated. If the development standards are in conflict with the requirements of any other lawfully adopted rules, regulations or laws, the more restrictive or higher standards shall govern.

Table 1107.12-13: Agriculture, Residential, and Parks and Recreation Districts Use Table

AGRICULTURAL USES	A-1	PAR	R-1	R-2	R-3	R-4	REF
Agriculture	P		PS				1107.14(a)
RESIDENTIAL USES	A-1	PAR	R-1	R-2	R-3	R-4	REF
Dwelling, Four Family						P	
Dwelling, Live/Work					CS		1107.15(a)
Dwelling, Multi-Family 5+ Units						P	
Dwelling, Row House					CS		1107.15(b)
Dwelling, Single Family	P		P	P	P	P	
Dwelling, Three Family					P	P	
Dwelling, Two Family				C	P	P	
Elderly Housing	CS		CS	CS	CS	CS	1107.15(d)
Residential Living Facility, Large						CS	1107.15(e)
Residential Living Facility, Medium					CS	CS	1107.15(e)
Residential Facility, Small	PS		PS	PS	PS	PS	1107.15(e)
Residential Treatment Facility, Large						CS	1107.15(e)
Residential Treatment Facility, Medium					CS	CS	1107.15(e)
Residential Treatment Facility, Small	PS		PS	PS	PS	PS	1107.15(e)
PUBLIC/INSTITUTIONAL USES	A-1	PAR	R-1	R-2	R-3	R-4	REF
Cemeteries, Mortuaries	CS					G	1107.16(b)
Educational Facilities (Pre-K thru 12th Grade)	CS					CS	1107.16(c)
Essential Services	PS	PS	PS	PS	PS	PS	1107.16(d)
Government Facility	P	P	P	P	P	P	
Public Parks, Open Spaces, Recreation, and Preserves, Outdoor	PS	PS	PS	PS	PS	PS	1107.16(e)
Religious and Cultural Facilities	CS		CS	CS	CS	CS	1107.16(g)
Secondary Education/Colleges/Universities	CS					CS	1107.16(c)
COMMERCIAL USES	A-1	PAR	R-1	R-2	R-3	R-4	REF
Assisted Living and Skilled Nursinglife Care						CS	1107.17(b)
Bed and Breakfast	CS		CS	CS	CS	CS	1107.17(h)
Commercial Recreation/Fitness, Indoor	CS	PS	CS	CS	CS	CS	1107.17(k)
Commercial Recreation/Fitness, Outdoor	CS	PS	CS	CS	CS	CS	1107.17(k)
Farm Market	P						
Landing Field	CS						1107.17(o)
Commercial Event Center, Retreat Center		P					
ACCESSORY USES	A-1	PAR	R-1	R-2	R-3	R-4	REF

Accessory Structures	PS	PS	PS	PS	PS	PS	1107.19
Accessory Uses	PS	PS	PS	PS	PS	PS	1107.19
Antennas and Towers	PS		PS	PS	PS	PS	1107.19(b)
Day Care Home, Type A	CS		CS	CS	CS	CS	1107.19(d)
Day Care Home, Type B	PS		PS	PS	PS	PS	1107.19(e)
Decks, Patios, Porches, and Balconies	PS	PS	PS	PS	PS	PS	1107.19(f)
Dwelling, Accessory Unit	CS		CS	CS	CS	CS	1107.19(h)
Electric Vehicle (EV) Charging Stations	PS	PS	PS	PS	PS	PS	1107.19(i)
Fences/Walls	PS	PS	PS	PS	PS	PS	1107.19(j)
Garages and Carports, Detached	PS	PS	PS	PS	PS	PS	1107.19(k)
Home Occupation, Type A	PS		PS	PS	PS	PS	1107.19(l)
Home Occupation, Type B	CS		CS	CS	CS	CS	1107.19(l)
Open-Sided Structures	PS	PS	PS	PS	PS	PS	1107.19(m)
Parking Area	P	<u>P</u>	P	P	P	P	
Parking of Recreational Vehicles and Watercraft	PS		PS	PS	PS	PS	1107.19(s)
Playground Equipment	<u>PS</u>	PS	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	1107.19()
Solar Panels, Roof-Mounted	PS	PS	PS	PS	PS	PS	1107.19(v)
Storage Structure	PS	PS	PS	PS	PS	PS	1107.19(w)
Swimming Pools and Hot Tubs, Private	PS	PS	PS	PS	PS	PS	1107.19(x)
TEMPORARY USES	A-1	PAR	R-1	R-2	R-3	R-4	REF
Construction Trailer	PS	PS	PS	PS	PS	PS	1107.20(a)
Farm Market	P						
Festivals and Circuses	PS	PS	PS	PS	PS	PS	1107.20(b)
Mobile Uses	<u>PS</u>	<u>PS</u>					1107.20(c)
Residential Sales	PS		PS	PS	PS	PS	1107.20(d)
Residential Storage Units (PODs)	PS		PS	PS	PS	PS	1107.20(e)
Seasonal Sales	PS						1107.20(f)
Temporary Structures	P	P	P	P	P	P	

Table 1107.12-24: Non-Residential Districts Use Table

RESIDENTIAL USES	C-1	C-2	DC-1	MU-1	RMU	CV-1	TN-1	TN-2	O-I	O-RP	O-S	I-1	I-2	REF
Dwelling, Four Family		<u>CS</u>					P	P						
Dwelling, Live/Work	<u>CS</u>	<u>CS</u>	PS				PS	PS						1107.15(a)
Dwelling, Multi-Family 5+ Units	<u>C</u>			<u>C</u>	C		C	C						
Dwelling, Row House	<u>CS</u>	<u>CS</u>		<u>CS</u>	CS		PS	PS						1107.15(b)
Dwelling, Single Family							P	P						
Dwelling, Three Family		<u>CS</u>					P	P						
Dwelling, Two Family							P	P						
Dwelling, Upper Floor	CS	CS	PS	<u>CPS</u>	PS		<u>CPS</u>	<u>CPS</u>						1107.15(c)
Elderly Housing							CS	CS						1107.15(d)
Residential Facility, Small							PS	PS						1107.15(e)
Residential Treatment Facility, Small							PS	PS						1107.15(e)
PUBLIC/INSTITUTIONAL USES	C-1	C-2	DC-1	MU-1	RMU	CV-1	TN-1	TN-2	O-I	O-RP	O-S	I-1	I-2	REF
Alcohol and Drug Addiction Treatment Facilities												CS	CS	1107.16(a)
Cemeteries, Mortuaries	PS													1107.16(b)
Educational Facilities (Pre-K thru 12th Grade)	CS	CS				CS			PCS					1107.16(c)
Essential Services	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1107.16(d)
Government Facility	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	P	<u>P</u>	<u>P</u>	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Public parks, Open Spaces, Recreation, and Preserves, outdoor			PS	PS	PS	PS	PS	PS	PS	CS	CS			1107.16(e)
Public Plazas, Gathering, Eating Areas		<u>P</u>	P	P	P	P		P						
Public Recreation and Event Space, Indoor			CS		PS	PS								1107.16(f)
Religious and Cultural Facilities	<u>CSP</u>	<u>PCS</u>	CS	CS	CS	CS	CS	CS	<u>CSP</u>					1107.16(g)
Secondary Education/Colleges/Universities	CS	CS		CS		CS				CS				1107.16(c)
Transportation or communication and Utility												P	P	
COMMERCIAL USES	C-1	C-2	DC-1	MU-1	RMU	CV-1	TN-1	TN-2	O-I	O-RP	O-S	I-1	I-2	REF

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Exhibit A

Alcohol Production and Sales, Large	PS	CS												1107.17(a)
Alcohol Production and Sales, Small			PS	PS	PS									1107.17(a)
Artist's and Crafts Studio and Gallery	P	P												
Assisted Living and Skilled Nursing Life Care	PS	PS					CS							1107.17(b)
Automobile Fueling/Charging Stations	CS	G									G	CS		1107.17(c)
Automobile Sales/Rental	CS	G												1107.17(d)
Automobile Service/Repair, Heavy											G	CS		1107.17(e)
Automobile Service/Repair, Light	CS	GS												1107.17(f)
Automobile Washing Facility	C													
Bar, Lounge, Tavern			PS	PS	PS			PS						1107.17(g)
Bed and Breakfast		CS	CS		CS		CS	CS						1107.17(h)
Business Incubation	P	P	C	P	C	C								
Business Retail	PS	PS							CS	CS	PS			1107.17(t)
Business Service	CS	CS										PS	PS	1107.17(i)
Clubs, Private or Membership	P	P												
Commercial Entertainment	PS	CS	CS	CS	CS			CS						1107.17(j)
Commercial Recreation/Fitness, Indoor	CS	CS	CS	CS	CS							CS		1107.17(k)
Commercial Recreation/Fitness, Outdoor	CS	CS	CS	CS	CS									1107.17(k)
Commercial Training	P	P		C		C			C					
Day Care Center	CS	CS				CS	CS	CS	CS	CS	PCS			1107.17(l)
Event Venue, Indoor or Outdoor	CS			CS	CS									1107.17(m)
Financial Institution, General	P	P												
Food Service/Catering	P	P												
Hospitals	P								P	C	C			
Hotels and motels	PS		CS	CS			CS	CS	CS	CS	PS			1107.17(n)
Information Technology/Data Center										P		P		
Makerspace	P	C	P	P	P	P		P						
Medical Center/Clinic	PS	PS		CS					CS	CS	PS			1107.17(p)
Medical Office	P	P	C	P	C	C	C	C						
Mixed Use	GPS	PGS	PS	PS	PS	PS		PS						1107.17(q)
Office	P	P	P	P	P	P	C	C	P	P	P			
Office, Campus	P								C	P	P			
Office, Co-Working	P		C	P	C	C								
Personal Service	PS	PS	CS	CS	CS			CS	CS		PS			1107.17(r)

Restaurant, Quick Service	PS	CS												1107.17(s)
Restaurant, Standard	PS	GPS	PS	PS	PS			PS			PS			1107.17(t)
Retail, Convenience food-Store	PS	CS												1107.17(u)
Retail, Food/Beverage Related	PS	GPS	PS	PS	PS			PS						1107.17(u)
Retail, General	PS	GPS	PS	PS	PS			PS						1107.17(u)
Retail, Large Format	CS													1107.17(v)
Retail, Services	PC											P		
Sexually Oriented Businesses												G	CS	1107.17(w)
Veterinary Services	CS	CS												1107.17(x)
INDUSTRIAL USES	C-1	C-2	DC-1	MU-1	RMU	CV-1	TN-1	TN-2	O-1	O-RP	O-S	I-1	I-2	REF
Distribution Center												CS	PS	1107.18(c)
Environmental Sciences										P				
Fulfillment Center												PS	PS	1107.18(d)
Industrial, Artisan	P	C										P	P	
Industrial, Heavygeneral													P	
Industrial, Light												P	P	
Large Equipment and Truck Retail, Rental, Repair												P	P	
Material Sciences										P				
Research and Development Facility										P	P	P	P	
Self-Service Storage-Facility												CS	C	1107.18(e)
Warehouse, Primary Use													CS	1107.18(e)
Warehouse, Secondary Use												PS	PS	1107.18(f)
ACCESSORY USES	C-1	C-2	DC-1	MU-1	RMU	CV-1	TN-1	TN-2	O-1	O-RP	O-S	I-1	I-2	REF
Accessory Structures	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1107.19
Accessory Uses	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1107.19
Antennas and Towers	PS	PS							PS	PS	PS	PS	PS	1107.19(b)
Automated Teller Machine (ATM), Outdoor	PS	PS												1107.19(c)
Day Care Home, Type A			CS	CS	CS		CS	CS						1107.19(d)
Day Care Home, Type B			PS	PS	PS		PS	PS						1107.19(e)
Decks, Patios, Porches, and Balconies	PS	PS	PS	PS	PS	PS	PS	PS						1107.19(f)
Drive-Through for Retail or Restaurant Use	PS	CS												1107.19(g)
Dwelling, Accessory Unit							CS	CS						1107.17(h)
Electric Vehicle (EV) Charging Stations	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1107.19(i)
Fences/Walls	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1107.19(j)

Garages and Carports, Detached							PS	PS						1107.19(k)
Home Occupation, Type A			PS	PS	PS		PS	PS						1107.19(l)
Home Occupation, Type B			CS	CS	CS		CS	CS						1107.19(l)
Open-Sided Structures			PS	PS	PS		PS	PS						1107.19(m)
Outdoor Dining	PS	PS	PS	PS	PS	PS								1107.19(n)
Outdoor Retail/Display	PS	PS	PS	PS	PS	PS								1107.19(o)
Outdoor Storage	PS	PS										PS	PS	1107.19(p)
Parking Area	P	P	PS	PS	PS	PS	PS	PS	P	P	P	P	P	1107.19(q)
Parking Garage	P	P	PS	PS	PS	PS	PS	PS	P	P				1107.19(q)
Parking of Recreational Vehicles and Watercraft							PS	PS						1107.19(s)
Pick-Up Window for Retail or Restaurant Use	PS	PS												1107.19(t)
Playground Equipment					PS	PS								1107.19(u)
Solar Panels, Roof-Mounted	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1107.19(v)
Storage Structure	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1107.19(w)
Swimming Pools and Hot Tubs, Private							PS	PS	PS	PS	PS			1107.19(x)
TEMPORARY USES	C-1	C-2	DC-1	MU-1	RMU	CV-1	TN-1	TN-2	O-1	O-RP	O-S	I-1	I-2	REF
Construction Trailer	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1107.20(a)
Farm Market			P	P	P	P								
Festivals and Circuses	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1107.20(b)
Mobile Uses	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	1107.20(c)
Residential Sales			PS		PS		PS	PS						1107.20(d)
Residential Storage Units (PODs)			PS		PS		PS	PS						1107.20(e)
Seasonal Sales	PS	PS	PS	PS	PS	PS								1107.20(f)
Special Event			PS	PS	PS	PS	PS	PS						1107.20(g)
Temporary Structures	P	P	P	P	P	P	P	P	P	P	P	P	P	

1107.13 General Use Standards

- (a) **External Effects:** No land, building or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosion or other hazard; noise, brilliant light or vibration; smoke, dust, fumes, odor or other form of air pollution; heat, cold or dampness; electrical or electronic disturbances; nuclear radiation; or any other condition, substance or element which is dangerous, injurious, noxious or otherwise objectionable to any person or property outside of the premises on which such building, structure or use is located. Such uses, when lawfully permitted under the provisions of this UDO, shall be operated in a manner so as to ensure that the property rights of all other parcels of land will not be adversely affected to the extent of reducing the enjoyment of property rights thereon.

- (b) Removal of Soil, Sand, or Other Materials: The use of land for the removal of topsoil, sand and other materials from the land, other than materials from basement excavations, is not permitted in any district, except under a temporary permit from the Appeals Board. This permit may be denied or issued in appropriate cases after the filing of an application accompanied by a suitable agreement or bond that such removal will not cause stagnant water to collect and will not leave the surface of the land, at the expiration of such permit, in an unstable condition or unfit for the growing of turf or for other land uses permitted in the district in which such removal occurs.

1107.14 Agricultural Use Standards

- (a) Agriculture: Agricultural uses in the R-1A Estate Residential District are subject to the following regulations:

~~(1) Purpose: It is recognized that the R-1A Estate Residential District, due to its larger lot size and the location of the District, may provide adequate area for some limited agricultural uses. This use shall be for the purpose of allowing limited agricultural uses in the R-1A, Estate Residential District on lots less than two (2) acres. No agricultural uses shall be permitted in the R-1A District on lot less than two (2) acres without a conditional use permit, and such uses shall be subject to the requirements and conditions placed upon them by these standards and any additional conditions set forth by the Planning Commission.~~

~~(2) Limitations: Such uses shall be limited to one (1) sheep, goat, hog or other small farm animal.~~

~~(3) Standards:~~

~~(A) The structure containing the farm animal or horse shall be located not less than one hundred feet (100') from any adjoining residence.~~

~~(B) No storage of manure or odor or dust-producing substance shall be permitted.~~

~~(C) Land shall be fenced so as to securely confine such animals. Such fencing shall not be located closer to any public right-of-way or private street than the minimum setback in the District and shall not be located closer than fifteen feet (15') from any other residential property line.~~

~~(D) The use shall comply in all respects with any and all applicable state and federal regulations.~~

~~(4) Validity: The Conditional Use Permit for the Keeping of Farm Animals in the R-1A District may be issued for an initial period of one (1) year and renewed for three (3) year periods thereafter. Conditional Use Permits shall be specific to the owner and property for which the Permit is approved; they shall not be transferable to a subsequent owner of the property, nor shall they transfer with the owner to another location. Such Permit shall terminate upon the property no longer being used for such use or upon the sale or change of ownership of such dwelling or land, or upon violation of any provisions of this Section.~~

(1) Purpose: It is recognized that the R-1A Estate Residential District, due to its larger lot size and location of the district, by provide adequate area for some limited agricultural uses. This use shall be for the purpose of allowing limited agricultural uses in the R-1A, Estate Residential District on lots of two acres or more.

(5)(2) Agricultural uses shall be limited to:

(A) The raising for private use or sale of fruit, vegetables, or nursery stock;

- (B) The keeping of sheep, goats, hogs, or other small farm animals;
- (C) The keeping of poultry/domestic fowl, such as chickens, turkeys, ducks, and geese; and
- (D) The keeping of bovine and/or equine animals.

(6)(3) Standards for the Raising for Sale of Fruit, Vegetables, or Nursery Stock: The raising of produce or nursery stock for the purposes of sale shall require ~~ten (10)~~ acres. ~~and adequate off-street parking. Land acreage shall be measured exclusive of road or street right-of-way. Any signage associated with such use shall require a sign permit.~~

(7)(4) Standards for the Keeping of Sheep, Goats, Hogs or Other Small Farm Animals:

- (A) One sheep, goat, hog or other small farm animal may be kept per ~~one and one-half~~ 1.5 acres of land, but in no case shall the total number of animals exceed four ~~(4)~~ such animals regardless of the size of the lot. ~~Land acreage shall be measured exclusive of road or street right-of-way.~~
- (B) The structure containing the farm animal shall be located not less than ~~one hundred feet (100-feet)~~ from any residence on an adjoining parcel.
- (C) No storage of manure or odor or dust-producing substance shall be permitted.
- (D) Land shall be fenced so as to securely confine such animals. Such fencing shall not be located closer to any public right-of-way or private street than the minimum setback in the district and shall not be located closer than ~~fifteen~~ 15 feet ~~(15')~~ from any other residential property line.
- (E) No farm animals shall be kept on a vacant lot unless the owner of such vacant lot lives on a lot contiguous to said vacant lot.
- (F) The use shall comply in all respects with any and all applicable state and federal regulations.

(8)(5) Standards for the Keeping of Poultry/Domestic Fowl:

- (A) Roosters shall be limited to one ~~(1)~~ per five ~~(5)~~ acres.
- (B) Chickens, turkeys, ducks and/or geese shall be limited to two ~~(2)~~ per acre.
- (C) Regardless of acreage, in no case shall the total number of poultry/domestic fowl exceed ~~(12)~~ such animals. Land acreage shall be measured exclusive of road or street right-of-way.
- (D) The structure containing the poultry/domestic fowl shall be located not less than 100 ~~feet one hundred feet (100')~~ from any residence on an adjoining parcel.
- (E) No storage of droppings or odor or dust-producing substances shall be permitted.
- (F) The animals shall be securely confined by fencing, which shall not be located closer to any public right-of-way or private street than the minimum setback in the district and shall not be located closer than ~~fifteen~~ 15 feet ~~(15')~~ from any other residential property line.
- (G) No poultry/domestic fowl shall be kept on a vacant lot unless the owner of such vacant lot lives on a lot contiguous to said vacant lot.
- (H) The use shall comply in all respects with any and all applicable state and federal

regulations.

~~(9)~~(6) Standards for the Keeping of Bovine and/or Equine Animals:

- (A) The minimum area of any lot on which bovine and/or equine animals may be kept shall be five ~~(5)~~ acres, exclusive of road or street right-of-way; but in no case shall the total number of animals exceed three ~~(3)~~ such animals over six months of age and three ~~(3)~~ foals up to six months in age, regardless of the size of the lot.
- (B) The structure containing the animal shall be located not less than ~~one hundred~~ 100 feet ~~(100')~~ from any residence on an adjoining parcel.
- (C) No storage of manure or odor or dust-producing substance shall be permitted.
- (D) Land shall be fenced so as to securely confine such animals. Such fencing shall not be located closer to any public right-of-way or private street than the minimum setback in the district and shall not be located closer than ~~fifteen~~ 15 feet ~~(15')~~ from any other residential property line.
- (E) No such animals shall be kept on a vacant lot unless the owner of such vacant lot lives on a lot contiguous to said vacant lot.
- (F) The use shall comply in all respects with any and all applicable state and federal regulations.

1107.15 Residential Use Standards

- (a) Dwelling, Live/Work: Live/work dwellings ~~shall have a~~ ~~are permitted in DC-1 Downtown Core District~~ ~~subject to the ground floor being utilized by a reserved for a~~ **permitted** non-residential use in addition to the review standards in Section 1113.01. ~~that is permitted within the DC-1 District~~
- (b) Dwelling, Row House: Row Houses are subject to the following regulations in addition to the review standards in Section 1113.01:
 - (1) 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. Row house dwellings are encouraged to be set close to the street with rear parking and garage access.
 - (2) 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.
 - (3) For districts in which row houses are a conditional use, the following standards shall apply:
 - ~~(A) The applicant shall submit construction plans showing that the proposed use is in compliance with the Ohio Building Code and local fire safety requirements for the proposed use and level of occupancy.~~
 - ~~(B)~~(A) The exterior of the proposed use shall be compatible with the residential character of the neighborhood. ~~and the use shall comply with the Landscaping Standards contained in section 1111.06.~~
 - ~~(C) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by the Planning Commission as a part of the Conditional Use Permit.~~

~~(D) The proposed use shall not require special off-street parking and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07. Required parking shall be on the same lot as the principal use.~~

~~(E)~~(B) If patios are to be provided, they shall be shown on the construction plans and may be enclosed with a solid wall or fence. The space between patio fences or walls shall not be less than five feet ~~(5')~~, unless otherwise approved by the Planning Commission.

(c) Dwelling, Upper Floor: Upper floor dwellings are subject to the following regulations. Upper floor dwellings that require conditional use approval shall also be subject to the review standards in Section 1113.01:

- (1) Dwelling units may not be located on the ground floor of the building.
- (2) Separate direct access to a ground floor entrance must be provided.
- (3) The proposed dwelling units must meet local fire safety requirements for the proposed use and level of occupancy.

~~(4) The proposed use must meet all Ohio Building Code Requirements.~~

~~(5)~~(4) 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 **located within 500 feet of the property.**

(d) Elderly Housing: Elderly housing is subject to the following regulations conditional use review standards in addition to the review standards in Section 1113.01:

- (1) The minimum floor area for dwelling units shall be 800 square feet.

~~(2) The area proposed shall be in single ownership, or if in several ownerships, the application shall be filed jointly by all the owners of the properties included in the plan.~~

~~(3) If the proposed use involves new development, the request for a Conditional Use shall be submitted along with the applicant's Development Plan (see Chapter 1111).~~

~~(4)~~(2) The proposed use shall be appropriately located and shall be in convenient walking distance of shopping and community facilities wherever possible.

~~(5)~~(3) Each dwelling unit shall be occupied in accordance with the "housing for older persons" exemption under the federal Fair Housing Amendments Act. The applicant shall submit documentation showing that the proposed development will be restricted to elderly housing, in the form of deed restrictions on each lot, or in the case of a condominium development, by the articles of incorporation and the Homeowner's Association bylaws.

~~(6)~~(4) No dwelling unit in the development shall include more than two ~~(2)~~ bedrooms.

~~(7)~~(5) Planning Commission may modify the ~~Lot and Dimensional Requirements~~ dimensional requirements of the underlying zoning district for the proposed use, where it finds such modification to be in the best interest of allowing an appropriate Elderly Housing Development that will be harmonious with the surrounding neighborhood.

~~(8) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(9) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~

~~(10) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~

~~(11)~~(6) If patios are to be provided, they shall be shown on the construction plans, and may be enclosed with a solid wall or fence. The space between patio fences or walls shall not be less than five feet ~~(5')~~, unless otherwise approved by Planning Commission.

(e) Residential Facilities & Residential Treatment Facilities: Residential facilities and residential treatment facilities shall be subject to the following regulations.

- (1) Residential ~~living~~ facilities shall provide a minimum of 200 square feet of space for each occupant.
- (2) For districts in which residential facilities living and residential treatment facilities are a conditional use, the following standards shall apply in addition to the review standards in Section 1113.01:
 - (A) The proposed facility must meet all federal and/or state certification, licensing or approval requirements.
 - (B) The proposed facility must meet local fire safety requirements and Ohio Building Code requirements for the proposed use and level of occupancy.
 - (C) The proposed use shall not generate an unreasonable increase in traffic volume. ~~or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~
 - (D) Such facilities shall not be located within ~~six hundred~~ 600 feet ~~(600')~~, including a public or private right-of-way, of an existing residential facility or residential treatment facility. ~~group home.~~
 - (E) The exterior of the facility shall be compatible with the residential character of the neighborhood.
 - (F) The facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational and retail services required by its residents, and to employment opportunities, if applicable.
 - ~~(G) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
 - ~~(H) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
 - ~~(I)~~(G) The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents and will include a structured procedure whereby any neighbor grievances may be filed and resolved.
 - ~~(J)~~(H) The applicant will provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

1107.16 Public/Institutional Use Standards

- (a) Alcohol and Drug Addiction Treatment Facilities: Alcohol and drug addiction treatment facilities are subject to the following regulations in addition to the review standards in Section 1113.01:
- (1) The proposed use shall meet all applicable Federal, State and/or local licensing requirements, certification requirements and/or business regulations.
 - (2) The proposed facility must meet local fire safety requirements and Ohio Building Code requirements for the proposed use and level of occupancy.
 - ~~(3) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in Section 1111.07;~~
 - ~~(4) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in Section 1111.07;~~
 - ~~(5) Any signage shall be of the type and size permitted in the Zoning District under the City's sign regulations, outlined in Section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit;~~
 - ~~(6) The proposed use shall comply with the landscaping standards contained in Section 1111.06;~~
 - ~~(7) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residential properties;~~
 - ~~(8)~~(3) The applicant shall submit a traffic plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion and promote safety.
 - ~~(9)~~(4) For new buildings, when adjacent to Residential Districts, all buildings shall be set back an additional one foot ~~(1')~~ over the usual yard requirements for each one foot ~~(1')~~ of the building that exceeds ~~thirty-five feet (35 feet')~~ in height.
 - ~~(10)~~(5) A solid wood fence, masonry wall, or hedge six feet ~~(6')~~ high shall be required along any property line adjacent to a residential use or Residential District.
 - ~~(11) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer;~~
 - ~~(12) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer;~~
 - ~~(13) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided;~~
 - ~~(14) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve; and~~
 - ~~(15)~~(6) The applicant will provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

(b) Cemeteries and Mortuaries: Cemeteries and mortuaries are subject to the following regulations:

- (1) The site shall have direct access to a major thoroughfare, which the **Zoning Official** or Planning Commission, as applicable, determines is adequate to serve the size of the facility proposed.
- (2) All buildings including, but not limited to crematories, mausoleums and mortuaries, shall not be located within 100 ~~one hundred~~ feet ~~(100')~~ of a property line.
- (3) All graves or burial lots shall be setback not less than ~~fifty~~ 50 feet ~~(50')~~ from any property line.
- ~~(4) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(5) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

(c) Educational Facilities (Pre-K through 12th Grade), Secondary Education, College, and Universities: Educational facilities, secondary education, college, and universities are subject to the following regulations in addition to the review standards in Section 1113.01:

- ~~(1) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(2) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(3) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(4) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(5)~~ (1) In residential districts, all buildings shall be set back an additional one foot ~~(1')~~ over the usual yard requirements for each one foot ~~(1')~~ of the building that exceeds ~~thirty-five~~ 35 feet ~~(35')~~ in height.
- ~~(6)~~ (2) An opaque-solid wood fence, masonry wall, or hedge six feet ~~(6')~~ in height shall be required along any property line adjacent to a residential use or residential district.
- ~~(7)~~ (3) The applicant shall submit a plan that addresses ~~indicating~~ safe traffic ingress and egress, traffic circulation, and on-site parking student parking, teacher parking, guest parking, student pick-up and drop-off circulation patterns, bus pick-up and drop-off areas, bus parking, bicycle parking, and other similar elements. The plan, ~~which plan~~ shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.

(d) Essential Services: ~~Essential service shall be allowed in any district insofar as permitted, authorized or regulated by law or other ordinance.~~ Buildings required in conjunction with an essential service may be permitted in any district when approved by the Planning Commission. In granting such permission, the Planning Commission shall take into consideration the location, size, use, and effect such building will have on adjacent land.

(e) Public Parks, Open Spaces, Recreation, and Preserves, Outdoor: Playground equipment must be set back from all adjacent residential ~~lots-uses~~ a minimum of 25 feet. ~~Principal buildings shall meet the~~

~~same setbacks as a single-family dwelling.~~

- (f) Public Recreation and Event Space, Indoor: Indoor public recreation and event spaces are subject to the following regulations. Indoor public recreation and event space uses that require conditional use approval shall also be subject to the review standards in Section 1113.01:

- ~~(1) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(2) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(3) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(4) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(5)~~(1) In residential districts, all buildings shall be set back an additional one ~~(4)~~ foot over the usual yard requirements for each one ~~(1)~~ foot of the building that exceeds ~~thirty-five (35)~~ 35 feet in height.
- ~~(6)~~(2) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.

- (g) Religious and Cultural Facilities: Religious and cultural facilities are subject to the following regulations in addition to the review standards in Section 1113.01:

- (1) The minimum lot size for religious and cultural facilities in agriculture and residential districts shall be two acres.
- (2) For district in which religious and cultural facilities are a conditional use, the following standards shall apply:
 - (A) The ~~place of worship~~ facility shall be used only for the purposes of the local congregation or organization and shall not be operated as or in connection with any commercial use, except that the renting of rooms for community service purposes is permitted.
 - ~~(B) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in Section 1111.07.~~
 - ~~(C) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in Section 1111.08, and shall be approved by the Planning Commission as a part of the Conditional Use Permit.~~
 - ~~(D) The proposed use shall comply with the landscaping standards contained in Section 1111.06.~~
 - ~~(E) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
 - ~~(F)~~(B) In residential districts, all buildings shall be set back an additional one foot

~~(1')~~ over the usual yard requirements for each one foot ~~(1')~~ of the building that exceeds ~~thirty-five~~ 35 feet ~~(35')~~ in height.

~~(G) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.~~

~~(H)(C)~~ A cemetery associated with a church shall require a separate Conditional Use Permit. ~~under Section 1113.01(e)(6).~~

~~(H)(D)~~ Nursery, kindergarten, day care and compulsory (grades 1 through 12) schools shall be permitted accessory uses to a church; however, any outdoor playgrounds, tot lots, exercise areas, etc., shall be enclosed or otherwise protected from traffic or other hazards. The area shall be enclosed by a fence or wall a minimum of five feet ~~(5')~~ in height, except when the recreational area abuts a residential property, in which case it shall be enclosed by a solid wood fence or masonry wall six feet ~~(6')~~ high along the property line.

1107.17 Commercial Use Standards

(a) Alcohol Production and Sales: Alcohol production and sales, including both large scale and small scale facilities, are subject to the following regulations. Alcohol production and sale uses that require conditional use approval shall also be subject to the review standards in Section 1113.01:

- (1) Each use shall manufacture and sell alcoholic beverages in accordance with the provisions of, and shall maintain current licenses as required by, The Ohio Division of Liquor Control and all other appropriate state agencies.
- (2) No outdoor storage is permitted.
- (3) All production shall be within completely enclosed structures.
- (4) For large-scale facilities, all structures or areas associated with production or public use (including, but not limited to, outdoor dining or activity areas, tap rooms, production/bottling facilities, etc.) shall be set back a minimum of 200 feet from any side or rear property line.
- (5) Such facilities may include a taproom or tasting room for the public, which may or may not serve food.
- (6) Exterior storage structures that hold materials or products associated with the brewing, distilling, or storing process must be located in the side or rear yard. Such facilities shall be subject to the maximum height restrictions of the zoning district where they are located.

(b) Assisted Living and Life-Skilled Nursing Care: Assisted L~~i~~ving and ~~lif~~es~~k~~illed ~~nursing~~ care facilities are subject to the following regulations. Assisted living and skilled nursing care uses that require conditional use approval shall also be subject to the review standards in Section 1113.01:

~~(7)(1)~~ :Single-family homes may not be used for such facilities.

~~(8)(2)~~ The facility ~~shall is-not be~~ equipped for surgical care or for treatment of acute disease or serious injury, and ~~is-shall not be~~ primarily designed for patients being treated for mental illness or alcohol or drug addiction.

- (9)(3) The proposed facility must meet all federal and/or state certification, licensing or approval requirements.
- (10)(4) The proposed facility must meet local fire safety and Ohio Building Code requirements for the proposed use and level of occupancy.
- (11)(5) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it.
- (12)(6) The exterior of the facility shall be compatible with the residential character of the neighborhood.

~~(13) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(14) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

~~(15) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially zoned properties.~~

(7) The applicant will provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

(b)(c) Automobile Fueling/Charging Stations: Automobile fueling/charging stations shall be subject to the following regulations in addition to the review standards in Section 1113.01:

~~(1) Facilities shall be compatible with the surrounding area with sufficient site area to accommodate existing and future uses.~~

(2)(1) All outdoor storage, if permitted by Planning Commission, must be completely screened from view from adjacent properties and the street.

~~(3) No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment shall be located in front of the established building line.~~

(4)(2) All outdoor display areas, gasoline pumps, canopies, and any buildings used for service shall be located at least ~~fifty~~ (50) feet from any adjacent residential property or district.

(5)(3) A solid wood fence, masonry wall, or hedge six feet ~~feet~~ (6') high shall be required along any property line adjacent to a residential use or district.

(6)(4) The minimum distance of driveways from intersections shall be as approved by the City Engineer. ~~The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~

(7)(5) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.

(8)(6) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.

(9)(7) Every parking and loading space shall have sufficient access and maneuvering area. All

maneuvering areas shall be on the same lot as the use the area is intended to serve.

~~(8) Automobile fueling/charging stations are subject to the vehicle stacking requirements of Table 1111.07-2: Required Number of Stacking Spaces.~~

~~(10) Off-street, queuing space shall be provided for two (2) vehicles for each gasoline pump island located on the site. Queuing spaces shall not block or otherwise interfere with parking or site circulation patterns. Customer and employee parking shall be separated from drive-through activities, and customer parking shall be located in the area with highest accessibility to customer sales.~~

~~(11)~~(9) All areas not paved or covered by the building shall be landscaped and all landscaped areas shall be separated from all paved areas by six inch ~~(6")~~ high curbing.

~~(12) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(13) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

~~(14) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

~~(10)~~ The proposed use shall comply with all federal, state and/or local underground storage facilities requirements, licensing requirements and/or business regulations.

~~(15)~~(11) The fuel canopy shall be constructed of the same materials used on the principal building.

~~(e)~~(d) Automobile Sales/Rental: Automobile sales/rental uses shall be subject to the following regulations in addition to the review standards in Section 1113.01:

(1) There shall be no parking or display of any vehicles within any right-of-way. The side/rear yard minimum dimensions shall be ~~twenty (20')~~ 20 feet.

(2) All outdoor display, storage, and sales facilities and areas shall be maintained in a neat and orderly condition.

(3) The outdoor display of goods for sale shall not be located in areas intended for traffic circulation according to the site plan.

~~(4)~~ Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.

~~(4)~~(5) Loudspeaker systems shall be located a minimum of 200 feet from a residential zoning district or use.

~~(5) Loud speaker systems may be approved as part of the Conditional Use Permit if they do not create a nuisance for adjacent properties.~~

~~(6) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residential properties.~~

~~(7)~~(6) All outdoor display, storage, and sales facilities shall be limited to those shown on the approved site plan.

~~(8) Any signage shall be of the type and size permitted in the zoning district under the City's sign~~

~~regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(9)(7) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

(e) Automobile Service/Repair, Heavy: Heavy automobile service/repair uses are subject to the following regulations in addition to the review standards in Section 1113.01:

~~(10)(1)~~ (1) All activities, including, but not limited to, repair, restoration, cleaning, washing and drying operations, shall be performed entirely within an enclosed structure. During the time work is performed on a vehicle, the vehicle shall be entirely within the building.

~~(2)~~ (2) There shall be no outside display of merchandise.

~~(3)~~ All hydraulic hoists, oil pits and all lubricants, greasing and repair equipment shall be enclosed entirely within a building. Any areas of outdoor storage must be completely screened from view from adjacent properties and the street.

~~(11)(4)~~ (4) No unlicensed and/or inoperable vehicle shall be permitted on the property outside of the principal structure for more than ~~forty-eight (48)~~ 48 hours.

~~(12)(5)~~ (5) Where the proposed use includes body and fender repair or painting, there will be not emissions of odors, dust, smoke, gas or fumes from the premises on which the use is proposed to be located.

~~(13) All EPA guidelines for disposal or use of materials or chemicals shall be strictly complied with.~~

~~(14) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(15) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

~~(16)(6)~~ (6) A solid wood fence, masonry wall, or hedge six feet ~~(6')~~ in height shall be required along any property line adjacent to a residential use or residential district.

~~(17) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residential properties.~~

~~(18) A Conditional Use Permit for a vehicle repair shop to be operated in conjunction with a gasoline service station may be granted by Planning Commission, provided that the proposed use meets the requirements of this paragraph and paragraph (14).~~

(f) Automobile Service/Repair Light: Light automobile service/repair uses are subject to the following regulations in addition to the review standards in Section 1113.01:

~~(19) Facilities shall be compatible with the surrounding area with sufficient site area to accommodate existing and future uses.~~

~~(1)~~ All activities, including, but not limited to, repair, restoration, cleaning, washing and drying operations, shall be performed entirely within an enclosed structure. During the time work is performed on a vehicle, the vehicle shall be entirely within the building.

(2) There shall be no outside display of merchandise.

~~(20) All outdoor storage must be completely screened from view from adjacent properties and the street.~~

~~(21)~~(3) All hydraulic hoists, oil pits and all lubricants, greasing and repair equipment shall be enclosed entirely within a building. No outdoor assembly, storage, or repair of motor vehicles shall be permitted.

~~(22)~~(4) No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment shall be located in front of the established building line.

~~(23)~~(5) ~~All outdoor display areas gasoline pumps, canopies, and any buildings used for service shall be located at least fifty (50) 50 feet from any adjacent residential property or district.~~

~~(24)~~(6) A solid wood fence, masonry wall, or hedge six feet ~~(6')~~ high shall be required along any property line adjacent to a residential use or district.

~~(25) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~

~~(26)~~(7) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.

~~(27)~~(8) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.

~~(28)~~(9) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.

~~(29) Off-street queuing space for seven (7) vehicles shall be provided for every drive-through and drive-in facility, unless Planning Commission modifies this requirement. Queuing spaces shall not block or otherwise interfere with parking or site circulation patterns.~~

~~(30) Off-street, queuing space shall be provided for two (2) vehicles for each gasoline pump island located on the site. Queuing spaces shall not block or otherwise interfere with parking or site circulation patterns. Customer and employee parking shall be separated from drive-through activities and customer parking shall be located in the area with highest accessibility to customer sales.~~

~~(31)~~(10) All areas not paved or covered by the building shall be landscaped and all landscaped areas shall be separated from all paved areas by six inch ~~(6")~~ high curbing.

~~(32) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(33) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

~~(34)~~(11) ~~Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially zoned properties.~~

~~(d)~~(g) Bar, Lounge, Tavern: Bars, lounges, and taverns are subject to the following regulations:

- (1) Such establishments shall be located at least ~~two hundred fifty feet (250')~~ 250 feet from a residential district, churches and schools.
- (2) All activities shall take place in a fully enclosed sound-resistant building.
- (3) The site shall be kept free of litter and debris. The use of bars, lounges or taverns shall be no later than 2:30 a.m., ~~unless otherwise specified by Planning Commission in approving a Conditional Use Permit.~~
- ~~(4) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(5) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(6) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

~~(e)~~(h) Bed and Breakfast: Bed and breakfast are subject to the following regulations:

- (1) The facility shall be compatible with surrounding uses and shall be of sufficient site area to accommodate existing and future needs.
- (2) Accessory structures ~~and~~ garages used by one or more of the allowed guests shall not contain cooking facilities.
- (3) Breakfast shall be served on the premises only for the guests of the facility, and no other meals shall be provided. ~~"Restaurants," as defined in Chapter 1103, included in Bed and Breakfasts shall be subject to the approval of Planning Commission.~~
- (4) The owner shall maintain a record of the stays of all guests. The same guest or group of registrants shall not stay at the facility for a period of more than seven ~~(7)~~ consecutive days or more than ~~fourteen (1421)~~ total days within a given calendar year.
- (5) The operator of the bed and breakfast facility must be the owner of record of the building, and hold no less than a ~~fifty~~ 50 percent ~~(50%)~~ interest in the property. The owner must occupy the property.
- ~~(6) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(7) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(8)~~(6) ~~The proposed use shall comply with the City's Parking Regulations, contained in section 1111.07.~~ Driveways may be used as off-street parking areas, except for that portion of a driveway located between the property line and the curb. For parking, setbacks shall be not less than ~~ten (10)~~ 10 feet from any rear or side-yard lot line.

~~(f)~~(i) Business Service: Business service uses shall be subject to the following regulations. Business service uses that require conditional use approval shall also be subject to the review standards in Section 1113.01:

- (1) If located in a commercial zoning district, the services must be completed offsite.

- (2) 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.
- (3) Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.
- (4) 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.
- (5) No junk, inoperative, or unlicensed automobiles, or parts, shall be permitted on the property.
- (6) No outdoor storage of any material or waste shall be permitted on site

~~(g)~~(j) Commercial Entertainment: Commercial entertainment uses are subject to the following regulations. Commercial entertainment uses that require conditional use approval shall also be subject to the review standards in Section 1113.01:

- ~~(1) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(2) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(3) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(4) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(5)~~(1) A six foot ~~(6')~~ high solid wood fence, masonry wall, or hedge shall be required along any property line adjacent to a residential use or residential district.
- ~~(6)~~(2) The minimum distance of driveways from intersections shall be as approved by the City Engineer. ~~The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~
- ~~(7)~~(3) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer. Interconnecting circulation aisles between parcels shall be provided.
- ~~(8)~~(4) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Access to an arterial or collector street is required.
- ~~(9)~~(5) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.
- ~~(10)~~(6) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion and to promote safety.
- ~~(11)~~(7) When adjacent to a residential district, all buildings shall be set back an additional one foot ~~(1')~~ over the usual yard requirements for each one foot ~~(1')~~ of the building that exceeds ~~thirty-five~~ 35 feet in height. ~~(35')~~
- ~~(12)~~(8) If adjacent to a residential use or residential district, such use shall not create excess noise, dust, odors or other nuisances.

~~(13)~~(9) The Planning Commission may limit the hours of operation of such use to assure compatibility with adjacent uses.

~~(h)~~(k) Commercial Recreation/Fitness, ~~(Indoor and Outdoor)~~: Indoor and outdoor commercial recreation/fitness uses are subject to the following regulations in addition to the review standards in Section 1113.01:

~~(1) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~

~~(2) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(3) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

~~(4) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residential properties.~~

~~(5)~~(1) A solid wood fence, masonry wall, or hedge six ~~(6)~~ feet high shall be required along any property line adjacent to a residential use or district.

~~(6)~~(2) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.

~~(7)~~(3) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.

~~(8)~~(4) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.

~~(9) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~

~~(10)~~(5) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.

~~(11)~~(6) The exterior of any buildings shall be compatible with the residential character of the neighborhood.

~~(12)~~(7) In residential districts, all buildings shall be set back an additional one foot ~~(1')~~ over the usual yard requirements for each one foot ~~(1')~~ of the building that exceeds ~~thirty-five~~ 35 feet ~~(35')~~ in height.

~~(13)~~(8) If adjacent to a residential use or residential district, such use shall not create excess noise, dust, odors or other nuisances.

~~(14)~~(9) The Planning Commission may limit the hours of operation of such use to assure compatibility with adjacent uses.

~~(15)~~(10) This use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.

~~(+)~~(I) Day Care Center: Day care centers are subject to the following regulations in addition to the review standards in Section 1113.01:

- (1) The proposed facility must meet State certification, licensing or approval requirements.
- (2) The proposed facility must meet local fire safety requirements for the proposed use and level of occupancy.
- (3) The exterior of the facility shall be compatible with the residential character of the neighborhood. ~~and the use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(4) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(5) The proposed use shall not require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07. Required parking shall be on the same lot as the principal use.~~
- ~~(4) Day care centers are subject to the vehicle stacking requirements of Table 1111.07-2: Required Number of Stacking Spaces.~~
- ~~(6) An on-site drop off shall be provided at the main entrance to the facility with queuing area sufficient to accommodate eight (8) automobiles for facilities with twenty 20 or fewer clients plus one (1) additional vehicle for each additional ten (10) clients served.~~
- ~~(7)~~(5) The proposed use shall not generate an unreasonable increase in traffic volume and access to an arterial or collector street is required, or access shall be provided in a manner that does not cause heavy traffic on residential streets.
- ~~(8)~~(6) There shall be on the site a safe outdoor play space or recreation area, which is enclosed or otherwise protected from traffic or other hazards. The space shall contain no less than 60 ~~sixty~~-square feet ~~(60 sq. ft.)~~ per client and shall provide an opportunity for supervised outdoor play or recreation each day in suitable weather. The area shall be enclosed by a fence or wall a minimum of five feet ~~(5')~~ in height, except when the recreational area abuts a residential property, in which case it shall be enclosed by a solid wood fence or masonry wall six feet ~~(6')~~ high along the property.
- ~~(9)~~(7) The City may require additional fencing, screening, or other measures necessary to protect the health, safety, and welfare of clients using day care centers in commercial, industrial, or other high hazard areas. It may also deny a request to locate a facility in such areas based on these considerations.
- ~~(10)~~(8) Use of outdoor recreational areas shall be limited to between the hours of 7:30 a.m. and 8:00 p.m.
- ~~(11)~~(9) All day care centers shall provide evidence of comprehensive liability insurance insuring against damage to property or physical injury, in combined single limit form, in an amount of ~~twenty-five thousand dollars (\$25,000)~~ per person authorized to be cared for.
- ~~(12)~~(10) The applicant will provide documentation indicating the need for the facility, the

specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

~~(j)~~(m) Event Venue, Indoor or Outdoor: Indoor and outdoor event venues are subject to the following regulations. Indoor or outdoor event venues shall also be subject to the review standards in Section 1113.01:

- (1) As part of the conditional use approval, the Planning Commission may place upon an event venue a maximum number of events per year, the maximum number of guests, increased setback or buffering standards based on proximity of residential uses, or other reasons as determined by the Planning Commission.

~~(k)~~(n) Hotels and Motels: Hotels ~~and motels~~ are subject to the following regulations. Hotels that require conditional use approval shall also be subject to the review standards in Section 1113.01.:

- (1) Parking and service areas shall be completely screened from view by a six foot ~~(6')~~ solid fence, wall or evergreen hedge when adjacent to a residential use or district.
- (2) Access to an arterial or collector street is required. Sufficient area shall be provided to accommodate vehicular loading, unloading and drop-off without conflicting with parking and drive-aisles.
- ~~(3) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(4) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(5) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(6) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(7)~~(3) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.
- ~~(8) This use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.~~

~~(h)~~(o) Landing Field: Landing fields are subject to the following regulations in addition to the review standards in Section 1113.01:

- (1) The applicant must provide documentation that the proposed use meets all FAA requirements.
- ~~(2) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

- ~~(3) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(4) Cut-off type fighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

~~(m)~~(p) Medical Center/Clinic: Medical centers/clinics are subject to the following regulations. Medical centers and clinics that require conditional use approval shall also be subject to the review standards in Section 1113.01:

- ~~(1) The proposed use shall meet all applicable federal, state and/or local licensing requirements, certification requirements and/or business regulations.~~
- ~~(2) The proposed facility must meet local fire safety requirements and Ohio Building Code requirements for the proposed use and level of occupancy.~~
- ~~(3) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~
- ~~(4) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(5) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(6) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(7) Cut-off type fighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(8)~~(1) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion and promote safety.
- ~~(9)~~(2) When adjacent to residential districts, all buildings shall be set back an additional one foot ~~(1')~~ over the usual yard requirements for each one foot ~~(1')~~ of the building that exceeds ~~thirty-five~~ 35 feet ~~(35')~~ in height.
- ~~(10)~~(3) A solid wood fence, masonry wall, or hedge six feet ~~(6')~~ high shall be required along any property line adjacent to a residential use or residential district.
- ~~(11)~~(4) The minimum distance of driveways from intersections shall be as approved by the City Engineer. ~~The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~
- ~~(12)~~(5) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.
- ~~(13)~~(6) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.
- ~~(14)~~(7) Every parking and loading space shall have sufficient access and maneuvering area. All

maneuvering areas shall be on the same lot as the use the area is intended to serve.

~~(15)~~(8) The applicant will provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

~~(n)~~(g) Mixed Use: Mixed uses are subject to the following regulations:

- (1) All uses within the building or development are permitted in the zoning district in which the building or development is located.
- (2) To be considered mixed use, there shall be at least two uses integrated within the same building or lot.

~~(r)~~ Personal Service: Personal service uses are subject to the following regulations. Personal service uses that require conditional use approval shall also be subject to the review standards in Section 1113.01:

- ~~(3) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~
- ~~(4) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(5) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(6) The proposed use shall comply with the Landscaping Standards contained in section 1111.05.~~
- ~~(7) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(8) No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment shall be located in front of the established building line.~~
- ~~(9)~~(1) If adjacent to a residential use or residential district, such use shall not create excess noise, dust, odors or other nuisances.
- ~~(10)~~(2) Planning Commission may limit the hours of operation of such use to assure compatibility with adjacent uses.
- ~~(11)~~(3) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.
- ~~(12)~~(4) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.
- ~~(13)~~(5) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.
- ~~(14)~~(6) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.

~~(15)~~(7) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.

~~(16)~~(8) This use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.

(s) Restaurant, Quick Service: Quick service restaurants are subject to the following regulations. Quick service restaurants that require conditional use approval shall also be subject to the review standards in Section 1113.01:

~~(17) All structures, including drive-in or drive-through windows and lanes, shall be set back at least one hundred (100) feet from any adjacent residential property.~~

~~(18) Drive-through menu board signs shall include freestanding, pole, pylon and monument signs. One drive-through menu board sign may be approved as part of the Conditional Use Permit, but only when all of the following conditions are fulfilled: the sign is located on the property to which it refers; the sign is not visible from the public right-of-way; the sign does not exceed six feet (6') in height; and the sign is located at least seventy-five feet (75') 75 feet from a residential district.~~

~~(19) Loud speaker systems may be approved as part of the Conditional Use Permit if they do not create a nuisance for adjacent properties.~~

~~(20) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

~~(21)~~(1) A solid wood fence, masonry wall, or hedge six feet ~~feet (6')~~ in height shall be required along the property line on any side of the site adjacent to a residential property.

~~(22) Off-street queuing space for seven (7) vehicles shall be provided for every drive-through and drive-in facility, unless the Zoning Official or Planning Commission as applicable, modifies this requirement. Queuing spaces shall not block or otherwise interfere with parking or site circulation patterns.~~

~~(23) Customer and employee parking shall be separated from drive-in and drive-through activities and customer parking shall be located in the area with highest accessibility to dining or sales areas. A bypass lane shall be provided adjacent to the drive through lanes, which shall be separate from space used for maneuvering.~~

~~(24) The circulation system shall provide smooth, continuous traffic flow with efficient, non-conflicting movement throughout the site. Major pedestrian movements shall not conflict with major vehicular circulation movements.~~

~~(25) Access shall be from an arterial street or commercial collector and shall be provided in a manner that does not cause heavy traffic on residential streets. Access to such facilities shall be provided in a manner that is least disruptive to pedestrian and vehicular traffic. Access drives shall be one hundred 100 feet (100') from an intersection. Two (2) access drives per facility may be permitted and interconnecting circulation aisles between parcels shall be provided in cross-access easements.~~

~~(26) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission~~

as a part of the Conditional Use Permit.

~~(27) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

~~(2) Hours of operation may be regulated by the Zoning Official or the Planning Commission, as applicable. and made a part of the conditions of the Conditional Use Permit.~~

~~(3) Quick service restaurants that have drive-throughs are subject to the regulations in Section 1107.19(g).~~

~~(28)(4) Quick service restaurants that have outdoor dining areas are subject to the regulations in Section 1107.19(n).~~

~~(29)(5) This use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.~~

~~(e)(t)~~ Restaurant, Standard: Standard restaurants are subject to the following regulations:

~~(1) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~

~~(2) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~

~~(3) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~

~~(4) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~

~~(5) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~

~~(6) No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment shall be located in front of the established building line.~~

~~(7) A restaurant shall not include drive-through facilities or any other facilities for eating or picking up food outside of the building except upon approval of a Food-Related Drive-Through Conditional Use by the Planning Commission, under section 1113.01(e)(14).~~

~~(1) A solid wood fence, masonry wall, or hedge six feet (6') in height shall be required along any property line adjacent to a residential use or district.~~

~~(8)(2) Restaurants that have outdoor dining areas are subject to the regulations in Section 1107.19(n).~~

~~(9) If adjacent to a residential use or residential district, such use shall not create excess noise, dust, odors or other nuisances.~~

~~(10) Planning Commission may limit the hours of operation of such use to assure compatibility with adjacent uses.~~

- ~~(11) The minimum distance of driveways from intersections shall be as approved by the City Engineer. The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~
- ~~(12) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.~~
- ~~(13) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.~~
- ~~(14) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~
- ~~(15) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.~~
- ~~(16)(3) This use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.~~

~~(p)(u)~~ Retail: Retail uses including, Business Retail, Convenience Retail, Food/Beverage Related Retail, and General Retail, ~~and Secondhand Retail~~ are subject to the following regulations:

- ~~(1) The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~
- ~~(2) The lot area shall be adequate to accommodate the required off-street parking requirements without any variances to said requirements, as outlined in section 1111.07.~~
- ~~(3) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(4) The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(5) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(6) No portion of the structure or its appurtenances, including ancillary, associated, or auxiliary equipment shall be located in front of the established building line.~~
- ~~(7)(1)~~ (1) All outdoor retail and display areas, canopies, and any buildings used for service shall be located at least ~~fifty~~ 50 feet ~~(50')~~ from any adjacent residential property or district and are subject to the regulations in Section 1107.19(o).
- ~~(8)(2)~~ (2) When adjacent to residential districts, all buildings shall be set back an additional one foot ~~(1')~~ over the usual yard requirements for each one foot ~~(1')~~ of the building that exceeds ~~thirty-five~~ 35 feet ~~(35')~~ in height.
- ~~(9)(3)~~ (3) A solid wood fence, masonry wall, or hedge six feet ~~(6')~~ in height shall be required along

any property line adjacent to a residential use or residential district.

(10)(4) If adjacent to a residential use or residential district, such use shall not create excess noise, dust, odors or other nuisances.

(11)(5) The Zoning Official or Planning Commission, as applicable, may limit the hours of operation of such use to assure compatibility with adjacent uses.

(12)(6) The minimum distance of driveways from intersections shall be as approved by the City Engineer. ~~The minimum distance of driveways to an entrance of a school, place of worship, cemetery, or day care center shall be as approved by the City Engineer.~~

(13)(7) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.

(14)(8) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.

(15)(9) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.

(16)(10) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, promote safety, and reduction in the impact on the residential character of the neighborhood, as applicable.

~~(17) Grocery Food and Beverage establishments shall have staff trained in the processing of food products to guarantee the proper storage and sanitary conditions required by regulatory authority.~~

(18)(11) Such use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.

(q)(v) Retail, Large Format: Large Format Retail uses shall be subject to the following regulations in addition to the review standards in Section 1113.01:

- (1) All facades of a building that are visible from adjoining properties and/or public streets shall contribute to the pleasing-scale features of the building and encourage community integration by featuring characteristics similar to a front facade.
- (2) All sides of a principal building that directly face an abutting public street shall feature at least one ~~(4)~~ customer entrance. Where a principal building directly faces more than two ~~(2)~~ abutting public streets, this requirement shall apply only to two ~~(2)~~ sides of the building, including the side of the building facing the primary street, and another side of the building facing a secondary street.
- (3) Facades greater than ~~one hundred~~ 100 feet ~~(100')~~ in length shall incorporate recesses and projections a minimum of three feet ~~(3')~~ in depth and a minimum of ~~twenty~~ 20 contiguous feet ~~(20')~~ within each ~~one hundred~~ 100 feet ~~(100')~~ of facade length. Windows, awnings, entry areas, and arcades shall total at least ~~sixty~~ 60 percent ~~(60%)~~ of the facade length facing a public street.
- (4) Smaller retail spaces that are part of a larger principal retail building shall be transparent between the height of three feet ~~(3')~~ and eight feet ~~(8')~~ above the walkway grade for no less than ~~sixty~~ 60

percent ~~(60%)~~ of the horizontal length of the building facade. Windows shall be recessed and should include visually prominent sills, shutters, or other such forms of framing. Smaller retail spaces shall have separate outside entrances.

- (5) Building facades shall include a repeating pattern that shall include no less than three ~~(3)~~ of the following elements: color change, texture change, material module change, or expression of architectural or structural bay through a change in plane no less than ~~twelve~~ 12 inches ~~(12")~~ in width, such as an offset, reveal, or projecting rib. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than ~~thirty~~ ~~(30)~~ 30 feet, either horizontally or vertically.
- (6) Rooflines shall provide variations to reduce the massive scale of these structures and to add visual interest. Rooflines shall have a change in height every ~~one hundred~~ 100 linear feet ~~(100')~~ in the building length. Parapets, mansard roofs, gable roofs, hip roofs, or dormers shall be used to conceal flat roofs and rooftop mechanical equipment from public view. Alternating lengths and designs may be acceptable and can be addressed during the Development Plan.
- (7) Predominant exterior building materials shall be of high quality. These include brick, wood, limestone, other native stone, and tinted/textured concrete masonry units. Smooth-faced concrete block, tilt-up concrete panels, or pre-fabricated steel panels are prohibited as exterior building materials.
- (8) Facade colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is prohibited.
- (9) Building trim may feature brighter colors than facade colors, but neon tubing is prohibited.
- (10) Each principal building or tenant space shall have a clearly defined, highly visible customer entrance with a minimum of three ~~(3)~~ of the following features: canopies, porticos, overhangs, recesses/projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, outdoor patios, display windows, architectural details such as tile work and moldings which are integrated into the building structure and design, integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- (11) Loading docks, trash collection, outdoor storage and similar facilities and functions, as provided for by the Ohio Building Code, shall be incorporated into the overall design of the building and the landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets. Use of screening materials that are different from or inferior to the principal materials of the building and landscape is prohibited. No areas for outdoor storage, trash collection or compaction, loading or other such uses shall be located within ~~twenty~~ 20 feet ~~(20')~~ of any public or private street, public sidewalk or access easement, or internal pedestrian way. No delivery, loading, trash removal, or similar operations are permitted between the hours of 10:00 p.m. and 7:00 a.m., except in special circumstances and where steps are taken to reduce noise impacts.
- (12) Each retail development shall contribute to the establishment or enhancement of the community and public spaces by providing at least two ~~(2)~~ community amenities such as a patio/seating area, pedestrian plaza with benches, outdoor play area, kiosk area, water feature, clock tower, steeple, or other such deliberately shaped area and/or a focal feature or amenity that adequately enhances such community and public spaces. Any such areas shall have direct access to the public sidewalk network and such features shall not be constructed of materials that are inferior to the principal materials of the building and landscape.
- (13) A continuous internal pedestrian walkway shall be provided from the perimeter public

sidewalk to the principal customer entrance. This internal walkway must feature landscaping, benches, and other such materials/facilities for no less than ~~fifty~~ 50 percent ~~(50%)~~ of its length.

- (14) Sidewalks shall be provided along the full length of the building along any facade featuring a customer entrance and along any facade abutting public parking areas. Such sidewalks shall be located at least six feet ~~(6')~~ from the facade of the building to provide planting beds for foundation landscaping.
- (15) Internal pedestrian walkways shall provide a weather protection feature such as an awning within ~~thirty~~ 30 feet ~~(30')~~ of all customer entrances.
- (16) The internal pedestrian walkways shall be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete to enhance pedestrian safety and the attractiveness of the walkways.
- (17) The proposed use shall comply with the City's Parking Regulations, contained in Section 1111.07, and no more than ~~sixty~~ 60 percent ~~(60%)~~ of the off-street parking area for the entire property shall be located between the front facade of the principal building and the primary abutting street, unless the principal building and/or parking lots are screened from view by out-lot development and additional tree plantings and/or earth berms.
- (18) Where building facades face adjacent residential uses, an earthen berm shall be installed, no less than six feet ~~(6')~~ in height, containing at a minimum, a double row of evergreen or deciduous trees planted at intervals of ~~fifteen~~ 15 feet ~~(15')~~ on center. Additional landscaping may be required to effectively buffer adjacent land use as deemed appropriate.
- (19) Primary tenant spaces that exceed ~~seven thousand five hundred~~ 7,500 gross square feet ~~(7,500 sq. ft.)~~ in area shall be structurally designed to be easily divided into smaller tenant spaces.
- (20) Standing seam metal roofs are strongly preferred.
- ~~(21) — Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(22) — Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(23)~~(21) In its discretion, the Planning Commission may waive or modify any of these requirements as they apply to a particular use.

~~(+)~~(w) Sexually Oriented Businesses: Sexually oriented businesses are subject to the following regulations in addition to the review standards in Section 1113.01:

- (1) Purpose: It is the purpose of this Section to regulate Sexually Oriented Businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City of Franklin, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of Sexually Oriented Businesses within the City of Franklin. The provisions of this Section do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Further, it is not the intent of this Section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Section to condone or legitimize the distribution of obscene material.
- (2) Findings: The City Council has received substantial evidence concerning the adverse secondary

effects of adult uses on the community in findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991), and on studies in other communities including, but not limited to: Austin, Texas; Denver, Colorado; Fort Worth, Texas; Indianapolis, Indiana; Islip, New York; Kansas City, Missouri; Los Angeles, California; Newport News, Virginia; New York, New York; Phoenix, Arizona; Seattle, Washington; St. Paul, Minnesota; Tucson, Arizona; and Whittier, California; along with Manatee County, Florida; New Hanover County, North Carolina; and the State of Minnesota.

(3) Definitions: See Chapter 1103.

(4) Classification: Businesses subject to Sexually Oriented Business licensing are classified as follows:

- i. Adult arcades;
- ii. Adult bookstores or adult media (video) stores or adult novelty stores;
- iii. Adult cabarets;
- iv. Adult entertainment establishments;
- v. Adult motion picture theaters;
- vi. Adult theaters;
- vii. Nude or semi-nude model studios;
- viii. Sex stores;

~~ix. Sexual encounter establishments; or~~

~~xix.~~ Any combination of classifications set forth in paragraphs (i) through (~~viii ix~~), above.

(5) Establishment and Location of Sexually Oriented Businesses: A Sexually Oriented Business may be located only in accordance with the restrictions contained in (i) through (vii) below.

~~xi.x.~~ A Sexually Oriented Business may be located only in the **I-2 General Industrial Zoning District** ~~an area zoned for Industrial Use under this UDO.~~

~~xii.xi.~~ No Sexually Oriented Business may be established within ~~five hundred~~ 500 feet (~~500'~~) of:

1. A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;
2. A public or private educational facility including child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
3. A boundary of a residential district as shown on the Zoning Map; or
4. A public park or recreational area which has been designated for park or recreational activities including a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths,

wilderness areas, or other similar public land within the City which is under the control, operation, or management of either the City or which is operated or managed by another public entity.

- ~~xiii.~~xii. No Sexually Oriented Business may be established within ~~five hundred~~ 500 feet ~~(500')~~ of the property line of a lot regulated as a lawful non-conforming residential use as defined in this UDO.
- ~~xiv.~~xiii. No Sexually Oriented Business may be established, operated or enlarged within ~~five hundred~~ 500 feet ~~(500')~~ of another Sexually Oriented Business or any Sexually Oriented Business as defined in this UDO.
- ~~xv.~~xiv. Not more than one Sexually Oriented Business shall be established or operated in the same building, structure, or portion thereof, and the floor area of any Sexually Oriented Business in any building, structure, or portion thereof containing another Sexually Oriented Business may not be increased.
- ~~xvi.~~xv. For the purpose of subsections (ii) & (iii) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the principal building or structure or tenant space if located in a multi-tenant building used as the part of the premises where a Sexually Oriented Business is operated, to the nearest property line of the premises of a use listed in subsection (ii) & (iii).
- ~~xvii.~~xvi. For purposes of subsection (iv) of this Section, the distance between any two Sexually Oriented Businesses or a Sexually Oriented Business and any Sexually Oriented Business shall be measured in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure or tenant space if located in a multi-tenant building in which each business is located.
- ~~xviii.~~xvii. No Sexually Oriented Business that was in compliance with the above locational restrictions at the time that it received a license will be subsequently found not to be in compliance if, subsequent to the receipt of the license, a use listed in subsection (ii) is newly established or expands so as to be within ~~five hundred~~ 500 feet ~~(500')~~ of the Sexually Oriented Business.

(6) Additional Regulations Concerning Lot, Yard, Height, Parking, Building And Site Design Standards. And Site Development Plan Requirements:

- ~~xix. Lot area and width, setbacks, buffering, yard area, height provisions and other site development requirements for a Sexually Oriented Business are those specified in the Industrial Districts of section 1107 of this UDO.~~
- ~~xx. Parking requirements for Sexually Oriented Businesses are those specified in Section 1111.07 of this UDO. requirements for an Adult Cabaret are those specified for restaurants in section 1111.07 of this UDO.~~
- ~~xxi.~~xviii. ~~Parking requirements for other Sexually Oriented Businesses are those specified for retail stores in section 1111.07 of this UDO.~~

(7) Sign Regulations for Sexually Oriented Businesses:

- ~~xxii.~~xix. All signs shall be "~~business signs and~~ wall signs" as defined ~~in Chapter 1103~~ and regulated in ~~S~~section 1111.08 of this UDO, but in no event shall the maximum allowable sign area exceed ~~forty (40)~~ square feet. ~~Any address sign area shall be included in the maximum sign area calculation.~~

- ~~xxiii.xx.~~ Review and approval procedures for a sign permit for a Sexually Oriented Business shall be in accordance with this UDO.
- ~~xxiv.xxi.~~ No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or street in front of the building.
- ~~xxv.xxii.~~ Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one-square-foot sign may be placed on the door to state hours of operation and admittance to adults only.

(8) Severability and Effect of Partial Invalidity: If any paragraph, subsection or clause of this Section shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

~~(s) Skilled Nursing Facility: Skilled nursing facilities shall be subject to the following regulations:~~

- ~~(9) Such use shall not be equipped for surgical care or for treatment of acute disease or serious injury, nor shall it be primarily designed for patients being treated for mental illness or alcohol or drug addiction.~~
- ~~(10) — The proposed facility must meet federal and/or state certification, licensing or approval requirements.~~
- ~~(11) — The proposed facility must meet local fire safety requirements and Ohio Building Code requirements for the proposed use and level of occupancy.~~
- ~~(12) — The proposed use shall not generate an unreasonable increase in traffic volume or require special off-street parking, and may not use on-street parking to meet the parking requirements applicable to it, as outlined in section 1111.07.~~
- ~~(13) — The exterior of the facility shall be compatible with the residential character of the neighborhood.~~
- ~~(14) — Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(15) — The proposed use shall comply with the Landscaping Standards contained in section 1111.06.~~
- ~~(16) — Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(17) — The applicant will provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.~~

~~(t)(x)~~ Veterinary Services: Veterinary services shall be subject to the following regulations in addition to the review standards in Section 1113.01:

- ~~(18)(9)~~ The proposed use shall not be in any structure housing a residential use.
- ~~(19)(10)~~ There shall be no burial or incineration of animals on the premises.
- ~~(20) — All activities shall be conducted within a totally enclosed and air-conditioned building. If the applicant proposes outside animal runs, stalls or cages, such use must be specifically approved by Planning Commission, under the conditions that Planning Commission deems~~

~~appropriate to assure the use will not have a detrimental effect on adjoining uses, and may include, without limitation, restrictions on hours of use and additional buffering requirements. If Planning Commission approves such outside animal runs, stalls or cages, the same shall be kept in a clean and sanitary condition and shall be screened from the view of the traveling public and any adjacent residential uses. A screening plan must be submitted to the Planning Commission for approval.~~

- ~~(21) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
 - ~~(22) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
 - ~~(23) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
-

1107.18 Industrial Use Standards

(a) General I-1 Industrial Use Requirements:

- (1) Lighting: Exterior lighting shall be shaded wherever necessary to avoid casting direct light off-site.
- (2) Noise: Industrial uses shall not produce either continuous or intermittent noise at a level, at the property line, which causes harm or annoyance to adjacent property owners.
- (3) Odor: Industrial uses shall not emit odors or odor-causing substances that can be detected at the property line.
- (4) Vibrations: Industrial uses shall not produce vibrations that can be detected at the property line.
- (5) Air Pollution, Smoke and Dust: Industrial uses shall keep air pollution and smoke at an acceptable minimum, as determined by the Ohio Environmental Protection Agency, and shall keep dust and other particulate matter borne by air from leaving the lot by landscaping, paving, or other appropriate means.
- (6) Heat and Glare: Industrial uses that produce intense heat or glare shall only be conducted in a totally enclosed building.
- (7) Toxic Material: Industrial uses shall not emit toxic or noxious matter that is injurious to human health or comfort. Where such emission could be produced as a result of an accident or equipment malfunction, adequate safeguards considered suitable for the industry involved shall be taken.
- (8) Explosive Material: Industrial uses shall not store, utilize or manufacture pyrophoric and explosive powders and dusts, or materials or products that decompose by detonation.

(b) General I-2 Industrial Use Requirements:

- (1) Lighting: Exterior lighting shall be shaded wherever necessary to avoid casting direct light off-site.
- (2) Air Pollution, Smoke and Dust: Industrial uses shall keep air pollution and smoke at an acceptable minimum, as determined by the Ohio Environmental Protection Agency, and shall keep dust and other particulate matter borne by air from leaving the lot by landscaping, paving, or other appropriate means.
- (3) Heat and Glare: Industrial uses that produce intense heat or glare shall only be conducted in a totally enclosed building.
- (4) Toxic Material: Industrial uses shall not emit toxic or noxious matter that is injurious to human health or comfort. Where such emission could be produced as a result of an accident or equipment malfunction, adequate safeguards considered suitable for the industry involved shall be taken.
- (5) Explosive Material: Industrial uses shall not store, utilize or manufacture pyrophoric and explosive powders and dusts, or materials or products that decompose by detonation.

- (c) Distribution Center: Distribution centers shall be subject to the following regulations. Distribution centers that require conditional use approval shall also be subject to the review standards in Section 1113.01:

- (1) 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.
- (2) Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.
- (3) 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.
- (4) No junk, inoperative, or unlicensed automobiles, or parts, shall be permitted on the property.
- (5) No outdoor storage of any material or waste shall be permitted on site.

(d) Fulfillment Center: Fulfillment centers shall be subject to the following regulations:

- (1) 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.
- (2) 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.
- (3) No outdoor storage of any material or waste shall be permitted on site.

~~(e) Self-Service Storage Facility: Self-service storage facilities are subject to the following regulations in addition to the review standards in Section:~~

- ~~(1) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(2) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(3) A solid wood fence, masonry wall, or hedge six (6) feet in height shall be required along any property line adjacent to a residential use or residential district.~~
- ~~(4) The proposed facility must meet local fire safety and Ohio Building Code requirements for the proposed use and level of occupancy.~~
- ~~(5) Access shall be from an arterial street or collector or shall be provided in a manner that does not cause heavy impact on residential streets. Access drives shall be as approved by the City Engineer.~~
- ~~(6) The circulation areas shall provide smooth, continuous flow with efficient, non-conflicting movement throughout the site. Major vehicular circulation movements shall not conflict with major pedestrian movements. Interconnecting circulation aisles between parcels shall be provided.~~
- ~~(7) The use shall meet the required number of loading spaces for industrial uses, as outlined in section 1111.07, unless otherwise required by Planning Commission.~~
- ~~(8) Every parking and loading space shall have sufficient access and maneuvering area. All maneuvering areas shall be on the same lot as the use the area is intended to serve.~~
- ~~(9) The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation,~~

~~and on-site parking, which plan shall be subject to approval by Planning Commission to assure reduced congestion, and promote safety.~~

~~(10) No outside storage of any type shall be permitted.~~

~~(11) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residential zoned properties.~~

~~(f)(e)~~ Warehousing, Primary Use: Warehousing as a primary use shall be subject to the following regulations in addition to the review standards in Section 1113.01:

- (1) 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.
- (2) 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.
- (3) No outdoor storage of any material or waste shall be permitted on site.

~~(g)(f)~~ Warehousing, Secondary Use: Warehousing as a secondary use shall be subject to the following regulations:

- (1) Warehousing is allowed as a secondary use to retail, manufacturing, or industrial uses on the same property.
- (2) Secondary warehousing shall not exceed 35% percent of the total building area, unless specifically approved by the Planning Commission.
- (3) 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.

1107.19 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 ~~twenty (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. section 1105.09.~~

(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 (3').
- (4) Number of Accessory Structures/Lot Coverage: The number of accessory structures allowed shall be limited to coverage of ~~thirty-five~~ 35 percent (~~35%~~) of the rear yard, ~~including the principal structure.~~
- (5) Height:
- (A) No storage accessory structure shall exceed ~~fifteen~~ 15 feet (~~15'~~) in height, unless specifically permitted herein.
 - (B) No recreational accessory structure shall exceed ~~fifteen~~ 15 feet (~~15'~~) in height.
 - (C) No pet structure shall exceed six feet (~~6'~~) in height.
 - (D) Mechanical devices or units shall not exceed ~~eighty~~ 80 inches (~~80"~~) 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 (~~5'~~) from the rear property line.
- (B) Antenna, antenna towers, including foundation guys and other components thereof, shall not project over any property line.
- (C) ~~An Antenna tower or tower mast may be mounted on the roof of a building in non-residential zoning districts.~~

(2) Size:

- (A) ~~In residential districts, no antenna tower or tower mast shall extend more than 15 feet above the ground site on which it is located.~~
- (B) ~~In non-residential districts, no antenna tower or tower mast shall extend more than~~

~~sixty~~ 60 feet (60') above the ground site on which it is located.

(C) An antenna tower or tower mast mounted on the roof of a building shall not extend more than 20 feet above the highest ridge of the roof.

(3) Number: Not more than one antenna tower with antennae shall be erected on any lot or parcel of land, whether the same is freestanding, attached to a building wall, or mounted on a building roof. ~~Provided, however, that this restriction shall not apply to a tower or antenna attached to a wall or mounted on the roof of a residence which does not project more than six feet (6') above the highest ridge of the roof, and if the maximum horizontal dimensions of such tower and antenna does not exceed twelve feet (12').~~

(4) Applicability: ~~All dish-type satellite signal receiving antennas are subject to the provisions set forth in this Section. Satellite signal receiving antennas shall comply with the restrictions contained herein so that the health, safety and aesthetic objectives of the community can be accomplished.~~

(5) General Standards: ~~An dish antenna, when installed in any zoning district shall be:~~

~~(A) Located to the rear of the principal building or structure, from any lot lines of adjoining lots, and not situated over or in any easement;~~

~~(B) Not visible from the street, except when either located on the side or rear wall of the building, in the rear yard, or in the buildable area adjacent to the rear yard and behind the principal structure.~~

~~(C) An accessory use subordinate to the principal use of the site;~~

~~(D) Erected on a foundation designed to support the loads intended;~~

~~(E) Screened from adjacent properties and landscaped;~~

~~(F) Open-mesh type, if possible;~~

~~(G) Wired underground;~~

~~(H) Properly maintained;~~

~~(I) Designed to withstand a wind force of up to seventy miles per hour (70 m.p.h.);~~

~~(J) Installed only after an Accessory Use Permit have been issued. A building permit shall also be required when a foundation is involved.~~

~~(K) Removed within twelve (12) months of ceasing operation or when replaced or unused.~~

(6) Standards for Installation in Residential Districts: ~~The following standards shall apply to the installation of dish antennae in any District zoned for permitted residential uses:~~

~~(A) Ground Installation:~~

~~(i) Installed in compliance with the General Standards for all zoning districts;~~

~~(ii) Installed as close to grade elevation as possible, and in no case shall any portion of the antenna exceeds a height of six feet (6') above the elevation of the ground site on which it is located. Where the ground under the foundation has been raised to a higher level than the surrounding surface, the permissible height of the satellite antenna shall be reduced by the~~

~~height of such mound or raised surface; and~~

~~(iii) The maximum diameter of the dish shall not exceed three feet (3').~~

~~(B) Roof Mounted:~~

~~(i) It does not project above the ridge of the roof to which it is attached; or if attached to a flat roof, it may not project more than three feet (3') above the coping or parapet of said roof;~~

~~(ii) A dish antenna shall not be mounted upon architectural features including but not limited to towers, cupolas or spires; and~~

~~(iii) A satellite antenna may be mounted to the side or rear walls of the principal building, but may not project above adjacent roof edge, ridge, and/or eave lines.~~

~~(7) Standards for Installation in Commercial or Office Districts: The following standards shall apply to the installation of dish antenna in any District zoned for commercial or office uses:-~~

~~(A) Ground Installation:~~

~~(i) Installed in compliance with the General Standards for all zoning districts;~~

~~(ii) Installed as close to grade elevation as possible, and in no case shall any portion of the antenna exceeds a height of fifteen feet (15') above the elevation of the ground site on which it is located. Where the ground under the foundation has been raised to a higher level than the surrounding surface, the permissible height of the satellite antenna shall be reduced by the height of such mound or raised surface;~~

~~(iii) The maximum diameter of the dish shall not exceed twelve feet (12'); and~~

~~(iv) Located in a yard not adjacent to a residential use or residential district.~~

~~(B) Roof Mounted:~~

~~(i) Shall be reviewed for safety, compatibility with surrounding development and for other design measures that screen or otherwise make the dish antenna appear less obtrusive;~~

~~(ii) A dish antenna shall not be mounted upon architectural features including but not limited to towers, cupolas, spires or chimneys; and~~

~~(iii) A satellite antenna may be mounted to the side or rear walls of the principal building, but may not project above adjacent roof edge, ridge, and/or eave lines.~~

~~(8) Standards for Installation in Industrial Districts: The following standards shall apply to the installation of dish antenna in any District zoned for industrial uses:-~~

~~(A) Ground Installation:~~

~~(i) Installed in compliance with the General Standards for all zoning districts;~~

~~(ii) Compatible in height with the surrounding development; and~~

~~(iii) Located in a yard not adjacent to a residential use or residential district.~~

~~(B) Roof Mounted:~~

~~(i) Shall be reviewed for safety, compatibility with surrounding development and for other design measures that screen or otherwise make the dish antenna appear less obtrusive;~~

~~(ii) A dish antenna shall not be mounted upon architectural features including but not limited to towers, cupolas, spires or chimneys; and~~

~~(iii) A satellite antenna may be mounted to the side or rear walls of the principal building, but may not project above adjacent roof edge, ridge, and/or eave lines.~~

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

(1) The ATM shall be located on the same lot as the principal use.

(2) An ATM may be located in any ~~the front, side, or rear~~ yard.

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

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

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

(1) Location:

(A) All decks, patios, porches and balconies shall be attached or contiguous to the principal structure or principal building.

(B) Decks, patios, and porches may be located in an interior side yard or rear yard, as long as they are at least five feet ~~(5')~~ from the side and rear property lines and do not occupy any part of a platted easement.

(C) Decks, patios, and porches may be located in any yard and area not subject to front, side, or rear yard setbacks as long as the structure is completely located on private property and does not interfere with the public sidewalk or walkway.

(D) Front porches shall have a minimum front yard setback of ~~no less than ten~~ 10 feet ~~(10')~~ (see 1107.27(e)(1)(B)).

(E) Balconies shall be located completely within the buildable area.

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

(A) Decks and Patios:

(i) The deck platform or patio shall meet all requirements of the City's Building Code.

(ii) The deck or patio shall have no solid walls or roof planes of any kind.

except a guardrail, which may be up to ~~thirty-eight~~ 38 inches ~~(38")~~ in height above the top of the deck or patio.

(B) Porches:

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

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

- (1) All structures, including drive-in or drive-through windows and lanes, shall be set back at least ~~one hundred (100)~~ feet from any adjacent residential property.
- ~~(2) Drive-through menu board signs shall include freestanding, pole, pylon and monument signs. One drive-through menu board sign may be approved as part of the Conditional Use Permit, but only when all of the following conditions are fulfilled: the sign is located on the property to which it refers; the sign is not visible from the public right of way; the sign does not exceed six feet (6') in height; and the sign is located at least seventy-five feet (75') from a residential district.~~
- ~~(3)(2) Audible electronic devices such as loudspeakers and similar instruments shall be set back a minimum of 75 feet from any residential district and shall not be audible beyond the property line. Loud speaker systems may be approved as part of the Conditional Use Permit if they do not create a nuisance for adjacent properties.~~
- ~~(4) Cut-off type lighting fixtures shall be used in parking areas to minimize impact to neighboring residentially-zoned properties.~~
- ~~(5) A solid wood fence, masonry wall, or hedge six feet (6') in height shall be required along the property line on any side of the site adjacent to a residential property.~~
- (3) Drive-throughs for retail or restaurant uses are subject to the vehicle stacking requirements of Table 1111.07-2: Required Number of Stacking Spaces.
- ~~(6)(4) Off-street queuing space for seven (7) vehicles shall be provided for every drive-through and drive-in facility, unless the Zoning Official or Planning Commission, as applicable, modifies this requirement. Queuing spaces shall not block or otherwise interfere with parking or site circulation patterns.~~
- (7)(5) Customer and employee parking shall be separated from drive-in and drive-through activities and customer parking shall be located in the area with highest accessibility to dining or sales areas. A bypass lane shall be provided adjacent to the drive through lanes, which shall be separate from space used for maneuvering.
- ~~(8)(6) The circulation system shall provide smooth, continuous traffic flow with efficient, non-conflicting movement throughout the site. Major pedestrian movements shall not conflict with major vehicular circulation movements.~~
- ~~(9) Access shall be from an arterial street or commercial collector and shall be provided in a manner that does not cause heavy traffic on residential streets. Access to such facilities shall be provided in a manner that is least disruptive to pedestrian and vehicular traffic. Access drives shall be one hundred 100 feet (100') from an intersection. Two (2) access drives per~~

~~facility may be permitted and interconnecting circulation aisles between parcels shall be provided in cross-access easements.~~

- ~~(10) Any signage shall be of the type and size permitted in the zoning district under the City's sign regulations, outlined in section 1111.08, and shall be approved by Planning Commission as a part of the Conditional Use Permit.~~
- ~~(11) The proposed use shall comply with the Landscaping Standards contained in section 1111.06, and the City's Parking Regulations, contained in section 1111.07.~~
- ~~(12) Hours of operation may be regulated by the Planning Commission, and made a part of the conditions of the Conditional Use Permit.~~
- ~~(13) This use may be permitted where the applicant can demonstrate that the use is distributed and properly integrated into the site plan to avoid congestion, to minimize conflict points between auto traffic and pedestrians, to reduce the number of curb cuts and to prevent strip type development.~~

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

- (1) **Accessory dwelling units** ~~The in-law suite~~ must be located in the principal structure, which includes attached garages or areas over attached garages, and shall only include basements when such basements have their own, separate ingress and egress.
- (2) The Maximum size of the in-law suite shall not exceed **eight hundred sixteen 816** square feet ~~(816 sq. ft.)~~.
- (3) The structure must maintain a single-family residential appearance that blends with the principal structure and the neighborhood. An architectural rendering and floor plan must be provided and approved by Planning Commission. Said plans shall include a landscape plan, which will be followed as approved.
- (4) The **accessory dwelling unit in-law suite** may be located on the first or second floor.
- ~~(5) Maximum lot coverage by all structures on one lot is thirty five 35 percent. (35%).~~
- ~~(6)~~**(5)** All **accessory dwelling units in-law suites** must meet the current edition of the Ohio Building Code.
- ~~(7)~~**(6)** The property owner must live on site, and the **accessory dwelling unit in-law suite** must be subservient to the principal use of the property as a dwelling.
- ~~(8)~~**(7)** The accessory dwelling unit ~~in-law suite~~ shall be occupied only by a member of the family of the owner of the principal residence, who is related to the owner by blood, marriage, or adoption.

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

- (1) **Level 1 and Level 2 EV charging stations are allowed as an accessory use to any permitted principal use in any district. Level 3 EV charging stations are allowed as an accessory use to any multi-family residential use or any non-residential use.**
- (2) **Charging stations shall be reserved and designated for the charging of electric motor vehicles only. Information regarding amperage and voltage levels, time limits, cost, towaway provisions, and contact information shall be posted in the spaces.**

- (3) Where permitted, EV charging stations may be located in any yard, but shall be set back a minimum of five feet from any adjoining public right-of-way.
- (4) EV charging stations shall not interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

(j) Fences/Walls:

(1) General Requirements:

(A) Barbed-Wire Fences:

- (i) Fences or walls having wire or metal prongs or spikes or cutting points or edges of any kind shall be prohibited in any residential district and in the Downtown Districts, unless the use is a governmental or institutional function.
- (ii) Barbed-wire fences may be permitted in the ~~C-1 and C-2 Districts~~, the Industrial Districts, the Agricultural District, and the Parks and Recreation District only where a need for security is proven.
- (iii) The use of barbed-wire shall be limited to three ~~(3)~~ strands, shall be at least six feet ~~(6')~~ from the ground, and shall be attached to the top of a ~~security~~ fence.

(B) Electric Fences:

- (i) Fences or walls which are charged with an electrical current shall be prohibited in all Districts, excepting:
 - (1) Electric fences installed pursuant to an Electric Fence Conditional Use Permit issued in accordance with this UDO; and
 - (2) Electric fences used to contain livestock in the Agricultural District installed pursuant to a fence permit issued in accordance with this UDO.

(C) Picket Fences: Picket fences shall have pointed blunted.

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

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

(F) Intersection Clearance: On a corner lot, the "intersection clearance zone" is an area

between the curb line or edge of pavement of the two intersecting streets and a diagonal line connecting the curb or edge of pavement of intersecting streets at a point ~~thirty~~ 30 feet (~~30'~~) from their point of intersection. In this intersection clearance zone, no fence/wall, ornamental feature, snow fence, mound or hedge shall exceed ~~thirty-two~~ 32 inches (~~32"~~) in height above the grade of the edges of the pavement or street gutter; however, in an intersection clearance zone, a plant or tree not exceeding two feet (~~2'~~) in diameter at a point ~~thirty-two~~ 32 inches (~~32"~~) above the grade of the edges of the pavement or street gutter and whose foliage is kept trimmed to such diameter up to at least seven feet (~~7'~~) above the grade, shall be permitted.

- (G) Downtown Districts: Fences in the Downtown Districts, when associated with a public gathering area, eating area, open space, or similar use, may be erected without a principal structure on the site.
- (H) Variance: Variances to the requirement of this Chapter shall be made in accordance with section 1115.10, except that no variance may be granted to allow an electric fence or a barbed-wire fence in a prohibited District, nor to allow the use of razor wire in any District.
- (I) Enforcement and Penalties: The Zoning Official shall follow ~~S~~section 1105.12 in enforcing this Section of the UDO.

(2) Lot Requirements:

(A) Interior Lots:

(i) Front Yards

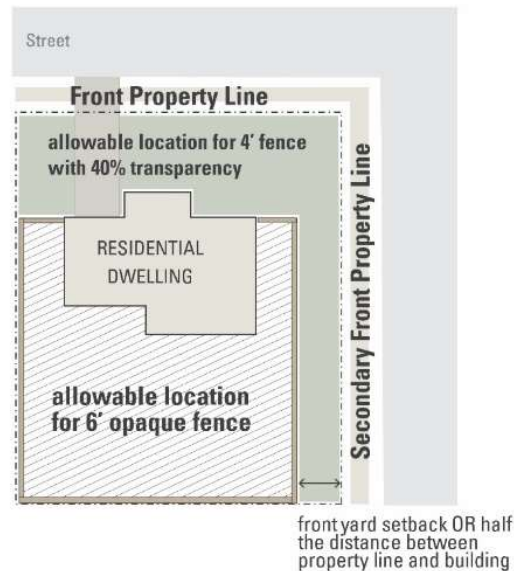
- (1) Fences and walls located in any front yard shall be a maximum height of four feet and contain a minimum of 40 percent transparency, unless specifically authorized herein. Such fences and walls shall be constructed out of wood, iron, aluminum, vinyl, stone, block, or other similar material if approved 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 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.
- (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 (~~6'~~) in height for the purpose of satisfying a buffering

requirement per Section 1111.06(i), if approved by the Planning Commission.

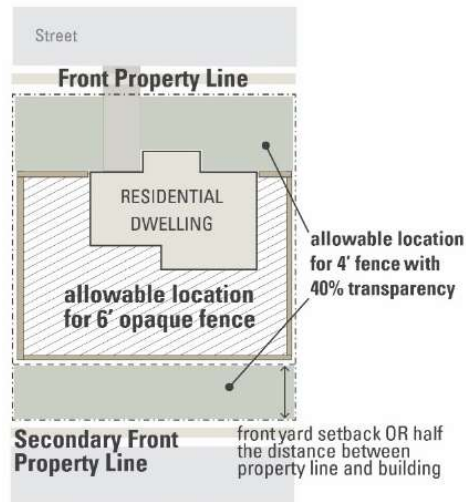
~~(5)~~(ii) Side and Rear Yards: A fence or wall may be located in a rear or side yard if the fence does not exceed at any point, six feet in height above the elevation of the surface of the ground at such point.

(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 ~~(6')~~ in height and opaque if the fence is set back from the secondary front property line a minimum distance that is equal to the required front yard setback or one-half the distance between the secondary front property line and the side building line, whichever is less.



- (iii) For through lots, fences in the secondary front yard (between the secondary front property line and the rear building line of the structure) may be up to six feet ~~(6')~~ in height and opaque if the fence is set back from the secondary front property line a minimum distance that is equal to the required front yard setback or one-half the distance between the secondary front property line and the rear building line, whichever is less.



- (iv) Fences located between the front property line and the primary entrance of the house are subject to the regulations in Section 1107.19(jk)(2). Additionally, fences in the secondary front yard that are located between secondary front property line and the halfway point between the property line and the building line are subject to the regulations in Section 1107.19(jk)(2).
- (3) Fence Construction: Fences and walls shall be constructed so all supporting cross-elements, exposed posts, or other similar features shall face the interior of the property. This provision shall not apply if the adjacent property owner(s) consent in writing to allow the supporting cross-elements or exposed posts to face outward towards the exterior of the property. Fences shall be erected so that no exposed posts or supporting cross-elements face public property. This provision shall not apply if the fence is the same on both sides such as split rail fences or board and batten fences.
- (4) Double Fences: No fence or fences shall be constructed so that there are two more-or-less parallel fences in the same yard, unless there be a distance of at least five feet ~~(5')~~ between the fences or their appurtenances.
- (5) Snow Fences: Temporary snow fences, ~~forty-two~~ 42 inches ~~(42")~~ or less in height, may be erected during the months of November through March each year. Such fences are to be used only to control the drifting of snow on walks, driveways, streets or alleys.
- (6) Mounds:
 - (A) No mound exceeding ~~thirty-two~~ 32 inches ~~(32")~~ in height.
 - (B) No mound shall be erected in the intersection clearance zone, as defined in Section 1107.19(jk)(1), on corner lots.
 - (C) The grading and drainage of mounds shall follow the requirements set forth by the City Engineer.
- (7) Retaining Walls, Dry-Stacked Stone Decorative Walls and Entry Features: May be located in front yards, side yards, and rear yards as follows:
 - (A) Shall not exceed height of ~~thirty-six~~ 36 inches ~~(36")~~ if located in a front yard;
 - (B) Shall not be erected in the intersection clearance zone, as defined in Section

1107.19(jk)(1)(F), on corner lots.

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

- (1) Setbacks: No detached garage or carport shall be permitted nearer to any front lot line than ~~sixty~~ 60 feet ~~(60')~~, provided that in the case of a corner lot, where the choice by the owner of the longer street lot line is approved, this requirement shall apply only to the distance of such building from the shorter street lot line. A detached garage or carport shall be distant at least ~~ten~~ 10 feet ~~(10')~~ from any dwelling situated on the same lot, and at least three feet ~~(3')~~ from any lot lines of adjoining lots and shall not occupy any easement.
- (2) Timing of Construction: No detached garage or carport shall be erected or constructed prior to the erection or construction of the principal or main building, except in conjunction with the same.
- (3) Quantity: There shall be no more than one detached garage or carport per dwelling unit.
- (4) Height: No detached garage or carport shall exceed the following height limitations, unless specifically permitted under separate City Ordinance; or, if converted to habitable use, shall exceed the rear yard height plane limits required for principal structures. A detached garage or carport roof shall not exceed the height dimensions allowed for the principal use, excepting that the Appeals Board may approve increased height to meet unusual circumstances as a variance if such a variance will not be detrimental to the adjacent property. The top plate wall height supporting all sloping roofs shall not exceed nine feet ~~(9')~~ above the parking floor elevation of the garage, and the maximum height to coping or parapet for all flat and sloping roofs with pitches less than four feet ~~(4')~~ of vertical rise in ~~twelve~~ 12 feet ~~(12')~~ of length shall not exceed ~~fifteen~~ 15 feet ~~(15')~~ at any point above the parking floor elevation of the garage.
- (5) Area Limits: ~~The maximum area of a detached garage is 600 square feet. In no case shall the floor area of a detached garage or carport exceed 60 percent of the area of the dwelling unit. A detached or connected garage located completely within the buildable area of a lot shall not be subject to the limitations associated with detached garages. It shall be governed by the limitations regulating principal buildings in the zoning district in which it is located, except that it may not be used as an additional dwelling unit unless permitted in that zoning district.~~

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

- (1) Home Occupation, Type A: This type of home occupation has little or no impact on the surrounding residential area and requires no permit. In general, a Home Occupation Type A is located and conducted so that the average neighbor, under normal circumstances, would not be aware of its existence. Regulations: A Home Occupation Type A shall be a permitted accessory use in any residential district only if all of the following regulations are met:

(A) General:

- (i) The use is compatible with the residential use of the property and the surrounding residential uses.
- (ii) Retail sales of merchandise, products or goods shall be prohibited.

provided, however, that orders previously made by telephone, internet, or at a sales party or meeting may be filled on the premises. That is, direct retail sales of products or goods off display shelves or racks is not permitted, but client/customer may pick up an order placed earlier, as described above.

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

(C) Area:

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

(D) Exterior Appearance:

- (i) The exterior appearance of any structure on the premises shall not be altered nor shall there be any structural modifications of the residence or garage, such as a separate business entrance. The use within the principal structure shall not be conducted in a manner that would cause the premises to differ from its residential character or which is inconsistent or incompatible with the normal scale, orientation or appearance of neighboring dwellings. No activity, materials, goods or equipment indicative of the use shall be visible from any public way or adjacent property.
- (ii) There shall be no outside appearance of the use, including, but not limited to, parking, signs or lights, excepting that one nameplate sign, attached flush to the dwelling and not exceeding two square feet ~~(2 sq. ft.)~~ in area shall be permitted. Neither freestanding nor illuminated signs shall be permitted.

(E) Hours of Operation:

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

(F) Parking/Traffic:

- (i) On-site clients or customers shall not exceed six ~~(6)~~ per day., ~~excepting Type B Family Day Care Homes.~~
- (ii) The use does not necessitate the parking of more automobiles than can be accommodated in the dwelling or unit's driveway.
- (iii) The use shall not generate a significantly greater volume of traffic than would normally be expected in a residential area. The number of deliveries, pick-ups, origin, or destination trips relating to the use shall not exceed three ~~(3)~~ per day.
- (iv) There shall be no merchandise or goods sold, or services rendered that require receipt or delivery of merchandise, goods or equipment other than by passenger motor vehicle, parcel delivery service, or U.S. mail service. No deliveries by tractor/trailer are permitted.

(G) Environmental Impact:

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

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

(2) Home Occupation, Type B: This type of Home Occupation has the potential for greater impact on the surrounding residential area and therefore requires a Conditional Use Permit. All persons conducting home occupations that classify as Type B, and which are planned, presently existing, or which are established, changed or enlarged after this chapter is in effect, shall be required to obtain a Conditional Use Permit. Initial application for a Conditional Use Permit for a Home Occupation Type B shall require a public hearing.

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

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

(C) General:

- (i) The use is compatible with the residential use of the property and the surrounding residential uses.
- (ii) The retail sales of products or goods, particularly products or goods produced on the premises, may be permitted by the Planning

Commission provided that such merchandise or goods are specified and approved as a part of the application for the Permit, and provided that the Planning Commission determines that such retail sales will not become a detriment to or have an adverse impact on the existing residential character of the lot or neighborhood.

(D) Employees: The use is owned or conducted by residents of the dwelling unit in which it is located and employs not more than two ~~(2)~~ employees who are not residents of the dwelling or unit.

(E) Area:

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

(F) Exterior Appearance:

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

(G) Hours of Operation:

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

(H) Parking/Traffic:

- (i) Clients or customers shall not exceed ~~twelve~~ (12) per day on average.
- (ii) At least two ~~(2)~~ off-street parking spaces shall be provided, unless this requirement is waived by the Planning Commission. No required parking shall be provided in any front yard, except for the driveway, which may be used to fulfill this requirement. There shall be no paving or modification of the front yard for parking purposes other than the customary space used for the driveway.
- (iii) The use shall not generate a significantly greater volume of traffic than would normally be expected in a residential area. The number of deliveries, pick-ups, origin, or destination trips relating to the use shall not exceed five ~~(5)~~ per day.
- (iv) There shall be no merchandise or goods sold, or services rendered that require receipt or delivery of merchandise, goods or equipment other than by passenger motor vehicle, parcel delivery service, or U.S. mail service. No deliveries by tractor/trailer are permitted.

(I) Environmental Impact:

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

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

- (3) Validity: The Conditional Use Permit for the Home Occupation Type B may be issued for an initial period of one ~~(1)~~ year and renewed for three ~~(3)~~ year periods thereafter. Conditional Use Permits shall be specific to the owner of the Home Occupation and the dwelling or unit for which the Home Occupation is approved; they shall not be transferable to a subsequent owner of the designated dwelling or unit, nor shall they transfer with the owner to another location. A Home Occupation Type B shall terminate upon the dwelling no longer being used for such Home Occupation or upon the sale or change of ownership of such dwelling or land, or upon violation of any provisions of this Section.
- (4) Renewals: The owner of the Home Occupation Type B is responsible for applying for renewals of the Conditional Use Permit. Upon application for renewal, the Zoning ~~Inspector Official~~ shall inspect the premises for conformance with the original Permit and shall review the record regarding the Permit and shall make a recommendation to the Planning Commission. If the Planning Commission finds no cause to disallow renewal of the application or cause for review of the application, the Planning Commission may authorize the Zoning Official to administratively approve the renewal application. If the Planning Commission determines the

use has been the subject of unresolved complaints or violations of conditions or for other good cause, the Planning Commission may cause the application to come before the Planning Commission for a public hearing, may review the application as if it were a new application, and may renew the Permit as is, may renew the Permit with added conditions as the Planning Commission finds appropriate, or may deny and/or revoke the Permit.

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

- (A) Any change in use or any change in extent of use, area of dwelling or unit being used, or mechanical or electrical equipment being used that is different from that specified as permitted in the granted Permit, which is not first approved by the Zoning Official.
- (B) Any change in use or any change in extent of use, area of dwelling or unit being used, or mechanical or electrical equipment that results in a violation of these regulations.
- (C) Failure to allow periodic inspections by the Zoning Official or his designee at any reasonable time when an adult member of the family is present.

- ~~(6) Firearms Dealers: Any person wishing to operate a firearms dealer business as a home occupation must have a current and valid Federal firearms license before conducting any such business. Any Federal firearms "stocking" type license shall automatically be considered a Home Occupation Type B and shall require a Conditional Use Permit.~~

- ~~(7) Prohibited Uses: The following shall not be considered as Home Occupations and shall not be permitted as either Home Occupation Type A's or Type B's:~~

- ~~(A) Animal Hospitals.~~
- ~~(B) Kennels.~~
- ~~(C) Clinical or Medical Centers.~~
- ~~(D) On-site major appliance or large equipment repair.~~
- ~~(E) Mortuaries.~~
- ~~(F) Antique shops or sales.~~
- ~~(G) On-site Motor vehicle, lawn mower, trailer or boat repair, service, sales, or rentals, or trailer rentals.~~
- ~~(H) Restaurants, taverns, or private clubs.~~
- ~~(I) Yard, lawn, garage or porch sales.~~
- ~~(J) Animal obedience training schools.~~
- ~~(K) Music, dance, business, exercise, art or martial art schools.~~
- ~~(L) Tourist homes, rooming houses, bed and breakfasts.~~
- ~~(M) Retail or wholesale distribution or sales of household goods or food products.~~
- ~~(N) Any other use found to be prohibited by the Planning Commission.~~

- ~~(8)~~(6) Miscellaneous:

- (A) In the case of a dwelling or unit that is part of a common interest ownership community (a community in which at least some of the property is owned in common by all of the residents) the provisions of this Section shall not be deemed to supersede any deed restrictions, covenants, agreements, master deeds, by-laws or other documents that prohibit Home Occupations within dwellings or units in the community.
- (B) The provisions of this Section shall not be construed as limiting in any manner the powers or authority of the City of Franklin to protect the health, safety and welfare of its residents, including the investigation and elimination of nuisances.

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

(1) Height:

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

(2) Area: The area of an open-sided structure may not exceed ~~two hundred~~ 200 square feet ~~(200 sq. ft.)~~.

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

(4) Location: All such structures shall be located at least five feet ~~(5')~~ from any lot lines of adjoining lots, and shall not occupy any easement.

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

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

(o) Outdoor Retail and Display: Outdoor retail and/or display areas may be permitted as an accessory use to a retail store or similar use ~~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. The placement of merchandise shall also not interfere with vehicular circulation or be located on any landscaped area.

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

(1) Commercial Districts:

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

(2) Industrial Districts:

- (A) Industrial uses that are allowed outdoor storage shall not have any material stored above a height of ~~twenty~~ 20 feet ~~(20')~~. No storage shall be allowed within the front yard. All outdoor storage shall be enclosed by a fence not less than six feet ~~(6')~~ and not more than ~~ten~~ 10 feet ~~(10')~~ in height. Within areas of open storage, fire lanes shall be provided as required by the Fire Chief.
- (B) No highly flammable or explosive liquids, solids or gases shall be stored in bulk above ground except in a light or heavy industrial district. Tanks or drums of fuel directly connected with heating devices or appliances located on the same lot as the tanks or drums of fuel are excluded from this provision.
- (C) All outdoor storage of raw materials shall be contained by an enclosure, fence or wall in a manner to prevent transfer from the lot of said materials by wind, flood or natural causes or forces.
- (D) When adjacent to a residential zoning district or a residential use, all outdoor storage facilities for fuel, raw materials and products shall be enclosed by a fence, wall or planting to conceal such facilities.
- (E) No garbage shall be deposited upon a lot in such form or manner that it may be transferred from the lot by wind, flood or natural causes or forces. All garbage that might cause fumes or dust, constitute a fire hazard or be edible or attractive to rodents or insects, shall be stored outdoors only in closed containers constructed of impervious material.
- (q) Parking Area: A parking area may be permitted as a principally permitted use or an accessory use in the Downtown Districts. The purpose of the parking area shall be to serve the property on which it is located, adjacent parcels, and/or to provide parking for the entire downtown Franklin area.
- (r) Parking Garage: A parking garage may be permitted as a principally permitted use or an accessory use in the Downtown Districts. The purpose of the parking garage shall be to serve the property on which it is located, adjacent parcels, and/or to provide parking for the entire Downtown Franklin area.
- (s) Parking of Recreational Vehicles and Watercraft: Parking of recreational vehicles and watercraft is subject to the following regulations:

(1) Long-Term Parking:

- (A) Subject to the other provisions of this Section, all recreational vehicles, watercraft and recreational trailers located on a residential lot for longer than ~~twenty-four~~ (24) hours in any ~~thirty~~ (30) day period must be parked within a fully enclosed permanent structure.
- (B) No more than one ~~(1)~~ recreational vehicle, watercraft and/or recreational trailer may be located at one time on a single residential lot outside of an enclosed structure for longer than ~~twenty-four~~ (24) hours in any ~~thirty~~ (30) day period.
- (C) Recreational vehicles, watercraft and recreational trailers parked outside of an enclosed structure for longer than ~~twenty-four~~ (24) hours in any ~~thirty~~ (30) day period must be located in the rear yard of the property, with all wheels situated on a paved

parking surface, and screened from public view with opaque fencing which is a minimum of six feet ~~(6')~~ tall.

- (2) Short-Term Parking: Recreational vehicles, watercraft and recreational trailers may be parked for a maximum of ~~twenty-four (24)~~ hours in any ~~thirty (30)~~ day period on a paved driveway or street abutting the front yard of a residential lot, with the residential property owner's permission (provided such street parking complies with all other applicable parking regulations and does not create a hazard for vehicular or pedestrian traffic).
- (3) Improvements: No recreational vehicle, watercraft or recreational trailer shall be parked in any manner on a residential lot which is not improved with a principal building.
- (4) Habitation/Guest Occupancy: A recreational vehicle, watercraft or recreational trailer may not be used for overnight sleeping or living while parked in a residential zoning district, unless the recreational vehicle, watercraft or recreational trailer is parked on a residential lot in compliance with Section 1345.10(c), with the permission of the owner or occupant in charge of the residential real property, and such use of the recreational vehicle, watercraft or recreational trailer does not exceed, ~~seventy-two (72)~~ hours in any ~~thirty (30)~~ day period.
- (5) Storage: No parked recreational vehicle, watercraft or recreational trailer shall be used as a means of permanent storage for any materials the (excepting items customarily used in connection with the use of a recreational vehicle, watercraft or recreational trailer, including but not limited to dishes, linens, and other items used in the course of recreational travel).
- (6) Registration: All recreational vehicles and recreational trailers shall be operable and have borne valid registration and licenses within the most recent ~~twelve (12)~~ month period. All watercraft shall be operable and have been registered within the most recent ~~twelve (12)~~ month period. Operable in the case of a powered vehicle means a vehicle capable of being started and driven from the location in question. Operable in the case of a non-powered or waterborne vehicle means a vehicle capable of being safely towed from the location in question. ~~Parking of recreational vehicles, watercraft and recreational trailers in residential districts. All recreational vehicles, watercraft and recreational trailers shall meet the following conditions when parked in any residential zoning district within the City:~~
- (7) Maintenance/Condition: All recreational vehicles, watercraft or recreational trailers parked in a residential zoning district shall be maintained in good condition and repair. An inadequately maintained recreational vehicle, watercraft or recreational trailer which is not parked in a fully enclosed structure may be removed from residential premises by the City, when the vehicle, watercraft or trailer is in a state of disrepair and apparently inoperable; provided, the City has first given written notice to the owner of the associated residential real property of the inadequate condition of the vehicle, watercraft or trailer and a reasonable opportunity to remove the vehicle, watercraft or trailer from the premises.
- (8) Safety: No recreational vehicle, watercraft or recreational trailer shall be parked in any manner which is unsafe or otherwise poses a hazard to the safety of real or personal property. Recreational vehicles, watercraft and recreational trailers parked in a manner which poses a safety concern or hazard may be immediately removed by the City with or without prior notice to the owner of residential real property on which, or abutting the area where, the vehicle, watercraft or trailer is parked.
- (t) Pick-Up Window for Retail or Restaurant Use: Pick-up windows for retail or restaurant uses are subject to the following regulations:
 - (1) All pick-up areas, including but not limited to stacking lanes, trash receptacles, window

openings, and other objects associated with the pick-up window shall be located in the side or rear yard of the property, and shall not cross, interfere with, or impede any public right-of-way.

- (2) Audible electronic devices such as loudspeakers and similar instruments shall not be permitted.
 - (3) Pick-up windows for retail or restaurant uses are subject to the vehicle stacking requirements of Table 1111.07-2: Required Number of Stacking Spaces.
- (u) Playground Equipment: Playground equipment must be set back from all adjacent residential properties a minimum of 25 feet.
- (v) Solar Panels, Roof-Mounted: Roof-mounted solar panels are subject to the following regulations:
- (1) Roof-mounted solar panels are permitted on the roof of any principally permitted structure and are permitted on the roof of any accessory structure over 100 square feet in area.
 - (2) Roof-mounted solar panels, on pitched roofs, shall be flush-mounted to the roof and shall not extend higher than the top ridgeline of the roof in which they are located.
 - (3) Roof-mounted solar panels on flat roofs shall not project more than six feet above the rooftop structure, and shall not exceed the maximum height allowance in the zoning district in which they are located.
 - (4) Roof-mounted solar panels shall be placed so that concentrated solar radiation or glare shall not be directed onto other properties or roadways in the vicinity.
- (w) Storage Structure: Storage structures are subject to the following regulations:
- (1) Residential and Agricultural Uses ~~Zoning Districts~~:
 - (A) Storage structures shall be located in the rear yard only and shall be set back a minimum of three feet from the side and rear property lines.
 - (B) Maximum height is 15 feet, except for lots over two acres where the maximum height is 20 feet. In no case shall a storage structure exceed the maximum height of the principal building.
 - (C) A maximum of two storage structures are permitted per lot.
 - (D) The cumulative size of the storage structures shall not exceed 20 percent of the footprint of the square footage of the principal building. For lots over two acres, the cumulative size of the storage structures shall not exceed the square footage of the footprint of the principal building.
 - (2) Commercial, Office, and Industrial Zoning Districts ~~Commercial and Industrial Uses~~:
 - (A) Storage structures shall be located in the rear yard only and shall be set back a minimum of three feet from all side and rear property lines.
 - (B) Maximum height is 20 feet. In no case shall a storage structure exceed the maximum height of the principal building.
 - (C) A maximum of two storage structures are permitted per lot.
 - (D) The cumulative size of all storage structures on a property shall not exceed 35 percent of the square footage of the footprint of the principal building.
 - (3) Parks and Recreation Zoning District ~~Public/Institutional Uses~~:

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

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

(1) Location, Area, and Height:

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

(2) Fences or Barriers:

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

(3) Lights: All lights used for illuminating a swimming pool, hot tub or the surrounding areas shall be so designed, located and installed as to confine the direct beams thereof to the lot or parcel on which the pool or hot tub is located, and so as not to constitute a nuisance or undue annoyance to occupants of abutting property.

(4) Drainage: Provisions shall be made for drainage of the swimming pool into a public storm sewer where possible or sanitary sewer, in which case drainage may be into such ditch or

watercourse. Permission must be obtained from the Zoning Official before the swimming pool is drained in whole or in any substantial amount, in order to prevent overloading the sewer or ditch in times of heavy rain. In no case shall the swimming pool be drained, directly or indirectly, into any street or onto any neighboring property which is not owned by the pool owner.

1107.20 Temporary Use Standards

(a) **Construction Trailer:** Construction trailers are subject to the following regulations:

- (1) A construction trailer and offices, with fixed connections to utilities such as electric and telephone, may be used for temporary office and storage use during the duration of construction on a site. Such uses are required to get the approval of the Zoning Official prior to locating on a site.
- (2) The storing of construction materials and equipment, both incidental and necessary for construction, is permitted during the period of construction and development for a maximum of 18 months.

(b) **Festivals and Circuses:** Festivals and circuses are subject to the following regulations:

- (1) Festivals and circuses, which are sponsored by a governmental, educational, or religious entity, are exempt from the requirements of this section.
- (2) The operator, if not the owner of the property, shall provide a written agreement from the property owner to the City of Franklin stating the owner's permission for the proposed use of the property.
- (3) Festivals, circuses, and other similar special events are permitted for a maximum of 14 days.
- (4) No activities shall take place in the public right-of-way.

(c) **Mobile Uses:** mobile uses (such as food trucks, blood drive trucks, or pop-up clothing shops) are subject to the following regulations:

- (1) 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.
- (2) 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 use is located in a designated parking spot for mobile uses and the location and duration is approved by the city manager or their designee.
- (3) Mobile uses may be allowed at events on public property with the approval of the city manager or their designee.
- (4) Waste shall be contained and disposed of in a manner required by law.
- (5) 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.

(d) **Residential Sales:** Residential sales are subject to the following regulations:

(1) **Prohibitions:**

- (A) No person shall sell, or offer for sale, at such home sale any merchandise that has been purchased, consigned or otherwise acquired for purposes of resale. The

offering of new merchandise for sale shall be evidence that such merchandise was acquired by the resident for purpose of resale. No person shall sell, or offer for sale, at such home sale any personal property except such as has been owned and maintained by such person or members of his family on or in connection with the premises on which such sale is held.

(B) This prohibition shall not apply to not-for-profit corporations, churches, temples, schools, fraternities, sororities, associations, clubs or lodges. Such organizations may conduct sales of personal property donated to them on real estate owned or occupied by such organizations.

- (2) Frequency and Duration of Sales: Only one such sale may be conducted on any parcel of real estate in any two ~~(2)~~ month period, which sale shall be limited to not more than four ~~(4)~~ consecutive days or two ~~(2)~~ consecutive weekends of two ~~(2)~~ days each. No sale may commence before the hour of 8:00 a.m. or extend later than 8:00 p.m.
- (3) Other Conditions of Sales: No sign advertising a home sale may be displayed at any place except on the premises on which the sale is held. Only one such sign may be displayed, and its display shall be limited to the dates and hours during which the sale is held. Such sign shall not be larger than four square feet ~~(4 sq. ft.)~~ in area, shall not be illuminated or animated, and shall not contain any advertising material unrelated to the conduct of the sale.
- (4) Exemptions: Except as provided in (3) above, these provisions shall not apply to a sale of property publicized solely by classified advertising by newspaper or internet, which describes or identifies the specific property offered for sale and does not designate the date, hours or location of the sale other than by stating the name, address or telephone number of the seller.

(e) Residential Storage Units (PODs): Residential storage units are subject to the following:

- (1) Residential storage units shall be permitted as a temporary use for a period not to exceed 30 days within any one year period.
- (2) Residential storage units shall be located on a hard, durable paved surface and out of the public right-of-way.
- (3) If the portable storage unit is being used to store personal property as a result of a major calamity at the residence (e.g., fire, flood, or other event where there is significant property damage), the Zoning Official may extend the time period up to one year at their discretion.
- (4) Residential storage units shall not exceed a size of 1,200 cubic feet on the interior. All residential storage units in excess of 1,200 cubic feet are prohibited in residential areas.

(f) Seasonal Sales: The seasonal sale of items pertaining to a holiday, event, or season such as the sale of Christmas trees or pumpkins is subject to the following:

- (1) Seasonal sales, which are sponsored by a governmental entity, are exempt from the requirements of this section.
- (2) The operator, if not the owner of the property, shall provide a written agreement from the property owner to the City of Franklin stating the owner's permission for the proposed use of the property.
- (3) A seasonal sale is limited to a maximum of 60 cumulative days per calendar year.

(g) Special Event: Special events that are not classified as a festival, 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 for a duration that is specified in the approval.

1107.21 Agricultural District & Parks and Recreation District Dimensional Standards

- (a) Dimensional Standards: The dimensional standards table in this section identifies the specific dimensional standards that apply to the Agricultural Zoning District and Parks and Recreation Zoning District.

Table 1107.21-15: Agricultural District & Parks and Recreation District Dimensional Standards

	A-1 Agriculture	PAR Parks and Recreation
Minimum lot area	1 acre	n/a
Minimum lot frontage	100 feet	40 feet
Minimum front yard setback	25 feet	25 feet
Minimum side yard setback (One Side/Total)	10/25 feet	10/25 feet
Minimum rear yard setback	40 feet	40 feet
Minimum parking lot/driveway setback ¹	20 feet – Front P/L 10 feet – Side P/L 10 feet – Rear P/L	20 feet – Front P/L 10 feet – Side P/L 10 feet – Rear P/L
Maximum height	35 feet	35 feet
Maximum accessory structure height	Per Section 1107.19	Per Section 1107.19
Maximum impervious coverage	30%	25%
Terminology: sq.ft. = Square feet, n/a = not applicable, P/L = property line		
¹ The side yard setback for driveways shall not apply when there is a shared driveway that is located on or adjacent to the property line and serves multiple properties, uses, or structures. The setback from the front property line does not apply to access drives/driveways or at a roadway intersection.		

- (b) More than one main/primary/principal building is permitted per lot in the (PAR) Parks and Recreation District, if approved by the Planning Commission on a Major Site Plan.

1107.22 Residential Districts Dimensional Standards

- (a) Dimensional Standards: The dimensional standards table in this section identifies the specific dimensional standards that apply to each residential zoning district.

Table 1107.22-16: Residential District Dimensional Standards

	R-1A Estate Residential	R-1B Suburban Residential	R-2 Metropolitan Residential	R-3 Central Residential	R-4 <u>Multi-Family Residential</u>
Minimum lot area	15,000 sq.ft.	10,000 sq.ft.	6,000 sq.ft.	4,000 sq.ft.	310,000 sq.ft. per building
<u>Minimum lot frontage</u>	100 feet	80 feet	60 feet	40 feet	100 feet
Minimum front yard setback	25 feet	25 feet	25 feet	15 feet	25 feet
Minimum side yard setback (One Side/Total)	10/25 feet	10/25 feet	6/15 feet	4/10 feet	10/25 feet
Minimum rear yard setback	40 feet	40 feet	30 feet	20 feet	40 feet
Minimum Floor Area	1,800 sq.ft.	1,500 sq.ft.	1,000 sq.ft.	800 sq.ft.	800 sq.ft.
Minimum parking lot/driveway setback ¹	3 feet from side property line	3 feet from side property line	3 feet from side property line	3 feet from side property line	20 feet – Front P/L 10 feet – Side P/L 10 feet – Rear P/L
<u>Maximum height</u>	35 feet	35 feet	35 feet	35 feet	55 feet
<u>Maximum accessory structure height</u>	Per Section 1107.19	Per Section 1107.19	Per Section 1107.19	Per Section 1107.19	Per Section 1107.19
<u>Maximum impervious coverage</u>	40%	40%	50%	70%	70%
Terminology: sq.ft. = Square feet, n/a = not applicable, P/L = property line					
¹ The side yard setback for driveways shall not apply when there is a shared driveway that is located on or adjacent to the property line and serves multiple properties, uses, or structures. The setback from the front property line does not apply to access drives/driveways or at a roadway intersection.					

- (a) More than one main/primary/principal building is permitted per lot in the (R-4) Multi-Family Residential District, if approved by the Planning Commission on a Major Site Plan.

1107.23 Commercial Districts Dimensional Standards

- (a) Dimensional Standards: The dimensional standards table in this section identifies the specific dimensional standards that apply to each commercial zoning district.

Table 1107.23-17: Commercial District Dimensional Standards

	C-1 General Commercial	C-2 Neighborhood Commercial
Minimum lot area	n/a	n/a
Minimum lot frontage	40 feet	40 feet
Minimum front yard setback	35 feet	35-0 feet
Minimum side yard setback	0/10 ¹ feet	10/25 feet
Minimum rear yard setback	0/30 ¹ feet	40 feet
Minimum parking lot/driveway setback ²	20 feet – Front P/L 10 feet – Side P/L 10 feet – Rear P/L	20 feet – Front P/L 10 feet – Side P/L 10 feet – Rear P/L
Parking Location	Front/Side/Rear	Side/Rear
Maximum height	35 feet and 50 feet for vertically mixed use buildings	35 feet and 50 feet for vertically mixed use buildings
Maximum accessory structure height	Per Section 1107.19	Per Section 1107.19
Maximum impervious coverage	n/a	n/a
Terminology: sq.ft. = Square feet, n/a = not applicable, P/L = property line		
¹ When adjacent to a residential use or district. ² The side yard setback for driveways shall not apply when there is a shared driveway that is located on or adjacent to the property line and serves multiple properties, uses, or structures. The setback from the front property line does not apply to access drives/driveways or at a roadway intersection. ³ When a building is more than 35 feet in height, an additional foot of rear yard is required for each additional two feet in height. Any building that exceed maximum height shall only be allowed as a conditional use.		

1107.24 Downtown Districts Dimensional Standards

- (a) Dimensional Standards: The dimensional standards table in this section identifies the specific dimensional standards that apply to each downtown zoning district.

Table 1107.24-18: Downtown District Dimensional Standards

	DC-1 Downtown Core	MU-1 Mixed Use	RMU Riverfront Mixed Use	CV-1 Civic	TN-1 Transitional Neighborhood	TN-2 Transitional Mixed Use
Minimum lot area	n/a	n/a	n/a	n/a	4,000 sq.ft.	4,000 sq.ft.
Minimum lot frontage	40 feet	40 feet	40 feet	40 feet	40 feet	40 feet
Minimum front yard setback	0 feet	0 feet	0 feet	0 feet	25 feet	25 feet
Maximum front yard setback	20 feet	n/a	n/a	n/a	n/a	n/a
Minimum side yard setback (One Side/Total)	0 feet	0 feet	0 feet	0 feet	4/10 feet	4/10 feet
Minimum rear yard setback	0 feet	0 feet	0 feet	0 feet	20 feet	20 feet
Minimum Floor Area	n/a	n/a	n/a	n/a	800 sq.ft.	800 sq.ft.
Minimum parking lot/driveway setback ¹	n/a	n/a	n/a	n/a	3 feet from side property line	3 feet from side property line
Parking Location	Side/Rear	Side/Rear	Side/Rear	Front/Side /Rear	Front/Side/Rear	Front/Side /Rear
Maximum height	50 feet	75 feet	50 feet	40 feet	40 feet	40 feet
Maximum accessory height	Per Section 1107.19	Per Section 1107.19	Per Section 1107.19	Per Section 1107.19	Per Section 1107.19	Per Section 1107.19
Maximum impervious coverage	n/a	n/a	n/a	70%	70%	70%

Terminology: sq.ft. = Square feet, n/a = not applicable, P/L = property line

¹The side yard setback for driveways shall not apply when there is a shared driveway that is located on or adjacent to the property line and serves multiple properties, uses, or structures. The setback from the front property line does not apply to access drives/driveways or at a roadway intersection.

1107.25 Office Districts Dimensional Standards

- (a) Dimensional Standards: The dimensional standards table in this section identifies the specific dimensional standards that apply to each office zoning district.

Table 1107.25-19: Office District Dimensional Standards

	O-I Office and Institutional	O-RP Research Park	O-S Office Service
Minimum lot area	n/a	10 acres ¹	n/a
Minimum lot frontage	40 feet	40 feet	40 feet
Minimum front yard setback	35 feet	50 feet	35 feet
Minimum side yard setback	0/30 ² feet	0/30 ² feet	0/30 ² feet
Minimum rear yard setback	0/30 ² feet	0/30 ² feet	0/30 ² feet
Minimum parking lot/driveway setback ³	20 feet – Front P/L 10 feet – Side P/L 10 feet – Rear P/L	20 feet – Front P/L 10 feet – Side P/L 10 feet – Rear P/L	20 feet – Front P/L 10 feet – Side P/L 10 feet – Rear P/L
Parking Location	Front/Side/Rear	Front/Side/Rear	Front/Side/Rear
Maximum height ⁴	35 feet	35 feet	35 feet
Maximum accessory height	Per Section 1107.19	Per Section 1107.19	Per Section 1107.19
Maximum impervious coverage	70%	70%	70%

Terminology: sq.ft. = Square feet, n/a = not applicable, P/L = property line

¹Unless otherwise approved by the Planning Commission.

²When adjacent to a residential use or district.

³The side yard setback for driveways shall not apply when there is a shared driveway that is located on or adjacent to the property line and serves multiple properties, uses, or structures. The setback from the front property line does not apply to access drives/driveways or at a roadway intersection.

⁴When a building is more than 35 feet in height, an additional foot of rear yard is required for each additional two feet in height. Any building that exceed maximum height shall only be allowed as a conditional use.

1107.26 Industrial Districts Dimensional Standards

- (a) Dimensional Standards: The dimensional standards table in this section identifies the specific dimensional standards that apply to each industrial zoning district.

Table 1107.26-110: Industrial District Dimensional Standards

	I-1 Light Industrial	I-2 General Industrial
Minimum lot area	n/a	n/a
Minimum lot frontage	200 feet	200 feet
Minimum front yard setback	35/50 ¹ feet	25/50 ¹ feet
Minimum side yard setback	15/50 ¹ feet	15/100 ¹ feet
Minimum rear yard setback	15/50 ¹ feet	15/50 ¹ feet
Minimum parking lot/driveway setback ²	20 feet – Front P/L 10 feet – Side P/L 10 feet – Rear P/L	20 feet – Front P/L 10 feet – Side P/L 10 feet – Rear P/L
Parking Location	Front/Side/Rear	Front/Side/Rear
Maximum height	75 feet ³	75 feet ³
Maximum accessory height	Per Section 1107.19	Per Section 1107.19
Maximum impervious coverage	80%	80%

Terminology: sq.ft. = Square feet, n/a = not applicable, P/L = property line

¹When adjacent to a residential use or district.

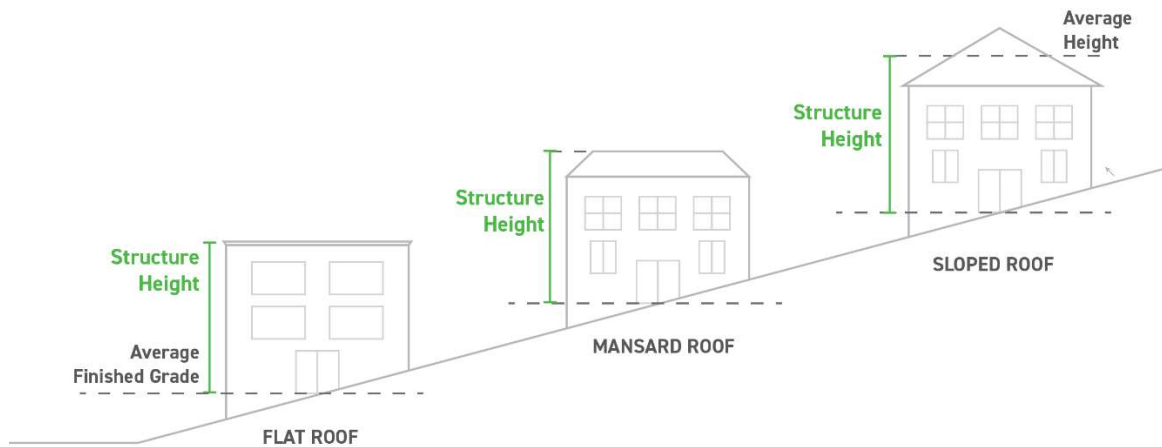
²The side yard setback for driveways shall not apply when there is a shared driveway that is located on or adjacent to the property line and serves multiple properties, uses, or structures. The setback from the front property line does not apply to access drives/driveways or at a roadway intersection.

³When a building is more than 35 feet in height, an additional foot of rear yard is required for each additional two feet in height. Any building that exceed maximum height shall only be allowed as a conditional use.

1107.27 Measurements, Computations, and Exceptions

- (a) **Percentages and Fractions:** When a measurement results in a fractional number or percentage, and fraction or percentage of less than 0.5 shall be rounded down to the next lower whole number, and any fraction equal to or more than 0.5 shall be rounded up to the next higher whole number.
- (b) **Distances:** When a minimum distance between buildings or uses is specified, such distance shall be measured in a straight line without regard to intervening structures or objects, between the closest lot lines of the properties in question.
- (c) **Structure Height:** The vertical distance measured from the established grade to the:
- (1) Highest point of the roof surface for flat roofs;
 - (2) Deck line of mansard roofs; and
 - (3) Average height between eaves and ridge for **sloped**, gable, hip, and gambrel roofs.

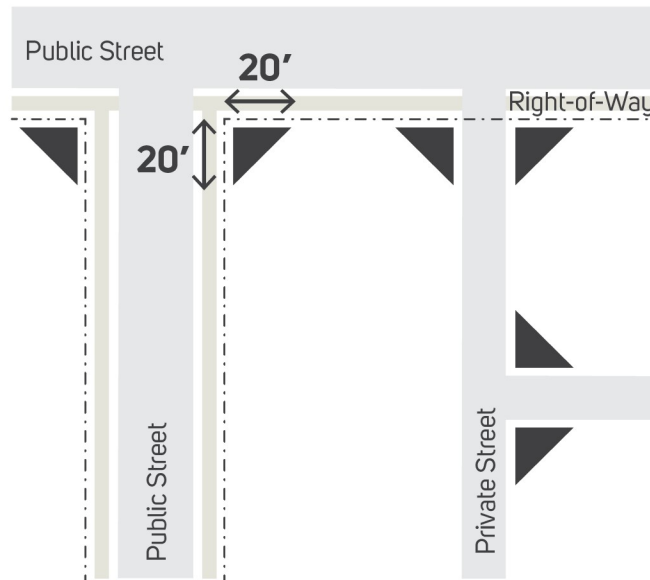
Where a building **structure** is located on a sloping terrain, the height may be measured from the average ground level of the grade at the building wall.



- (d) **Exceptions to Height Limitations:**
- (1) Chimneys, domes, spires, and necessary mechanical appurtenances and radio and television towers may exceed height limitations.
 - (2) Public, semipublic or public service buildings, hospitals, institutions or schools, where permitted, may be erected to a height not exceeding ~~ninety~~ **90** feet (~~90'~~) when the required side and rear yards are each increased by one foot (~~4'~~) for each foot of additional building height above the height regulations for the district in which the building is located.
 - (3) Radio and television towers for residential uses shall be located centrally on a contiguous parcel having a dimension at least equal to the height of the tower measured from the center of the base of the tower to all points on each property line.
- (e) **Setbacks and Yards**
- (1) **Yard Projections:**
 - (A) Chimneys, flues, sills, pilasters, cornices, eaves, gutters and other similar features may project into a side yard setback a maximum of ~~twelve~~ **12** inches (~~12"~~).
 - (B) Porches and steps may project into the front yard setback of a dwelling unit, but

shall have a setback of ~~ten~~ 10 feet (10'), and no other structural projections will be permitted.

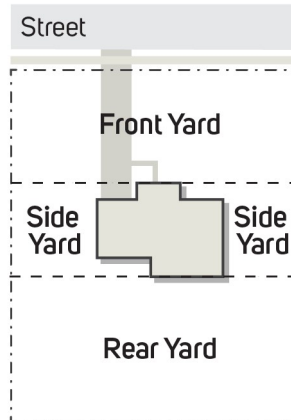
- (2) Clear Sight Triangle: No fence, wall, sign, structure, vehicle, or planting shall be erected or maintained on any corner lot within the clear sight triangle. The sight triangle shall be formed by measuring 20 feet out in each direction of the street intersection.



(f) Lot Requirements

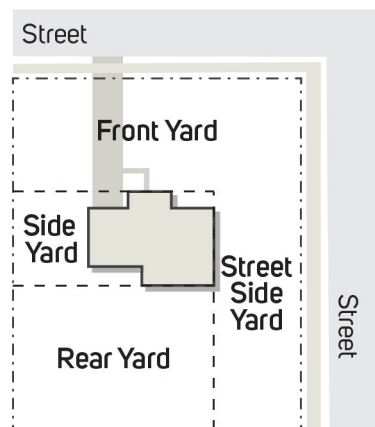
(1) Interior Lots:

- (A) The required minimum front yard setback shall be measured from the property line.
- (B) The rear yard setback shall be measured from the line located directly behind the structure and the rear lot.
- (C) In cases where the rear lot line is not parallel with the front property line or the side lot lines are not perpendicular to the front property line, average dimensions may be used to determine setback requirements.



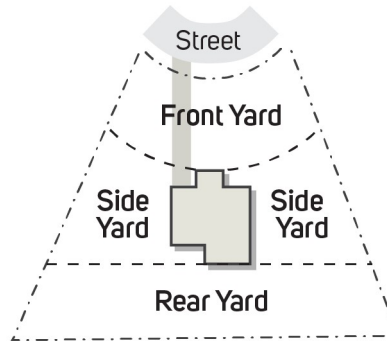
(2) Corner Lots:

- (A) In any district, the side yard of a corner lot that abuts the side street shall have the same setback requirements as the front yard. The Zoning Official shall determine which is the front yard and which is the **street** side yard.
- (B) A rear yard shall be provided parallel and opposite from the front yard.



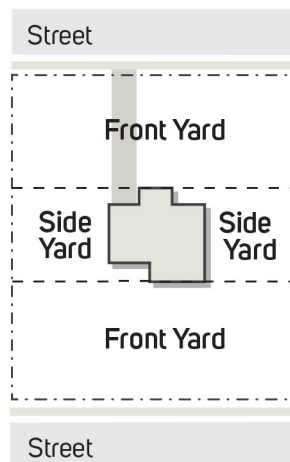
(3) Cul-de-sacs or Curved Lots:

- (A) For a cul-de-sac lot or a lot abutting a curved street, the front yard setback shall follow the curve of the front property line.
- (B) Lots on a cul-de-sac shall be required to have a minimum lot width of 40 feet as measured from the front property line.

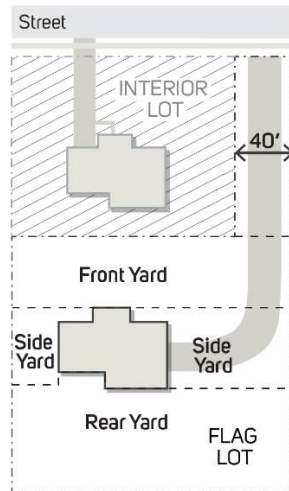


(4) Through Lots:

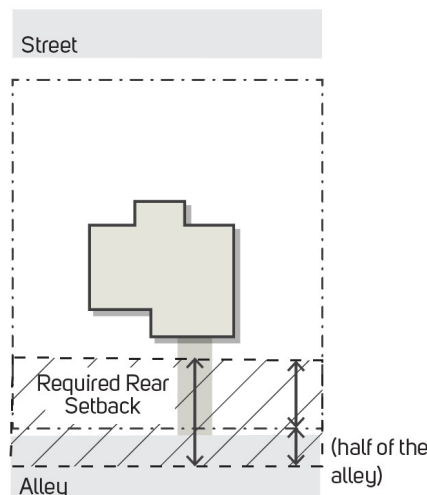
- (A) The required minimum front yard setback shall apply for each side of the lot that has frontage on a street. ~~For through lots, the front yard requirements shall apply to all street frontages.~~
- (B) The remaining lot lines shall be considered side lot lines and the side yard setbacks shall be applied to those lot lines.



- (5) Flag Lots: Flag lots are lots that utilize a narrow strip of land or stem to provide access to a public street. Flag lots are subject to the following:
 - (A) The minimum width of the flag lot stem is 40 feet.
 - (B) The stem of the flag lot is not considered a building site, nor is the area of such included in the calculation of lot area.
 - (C) The front yard setback is not measured from the frontage at the public street, but along the front lot line of the buildable area.



- (6) Lots Abutting Alleys: In calculating the area of a lot that adjoins an alley for the purpose of applying lot area requirements of this UDO, one-half the width of such alley abutting the lot shall be considered as part of such lot.



1107.28 Downtown Districts Supplemental Standards

(a) 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 the 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 facade.

(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 percent% 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 un interrupted 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 percent % transparency with the use of clear, glass windows. Glass block, opaque, mirrored glass, or darkly tinted glass does not meet this standard.
- (5) Lighting: LED, neon tubing, and string lights that are being used as building accent lighting or window trimming are prohibited in the Downtown Districts. String lights may be used as decoration around outdoor eating and drinking areas, parks, public spaces, or gathering areas.
- (6) 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.

- (7) 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.

(b) Landscaping

- (1) Bufferyards: Bufferyard landscaping requirements, as established in Ssection 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 Ssection 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 Ssection 1111.06(k)(1).
- (4) Building Foundation Plantings: Where feasible, building foundation plantings shall be required, as established in Ssection 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.

(c) Signage

- (1) Signage Requirements: Signs in the Downtown Districts shall conform to the applicable regulations in Ssection 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.

(d) Parking

- (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 Ssection 1111.07, unless otherwise exempted or regulated within this section.
- (2) Downtown Core, Mixed Use, and Riverfront Mixed Use District Requirements: The Downtown Core, Mixed Use, and Riverfront Mixed Use Districts are exempt from the off-street parking requirements of Ssection 1111.07.
- (3) Civic and Transitional Neighborhood District Requirements: Lots within the Civic and Transitional Neighborhood Districts shall conform to the applicable regulations in Ssection 1111.07.

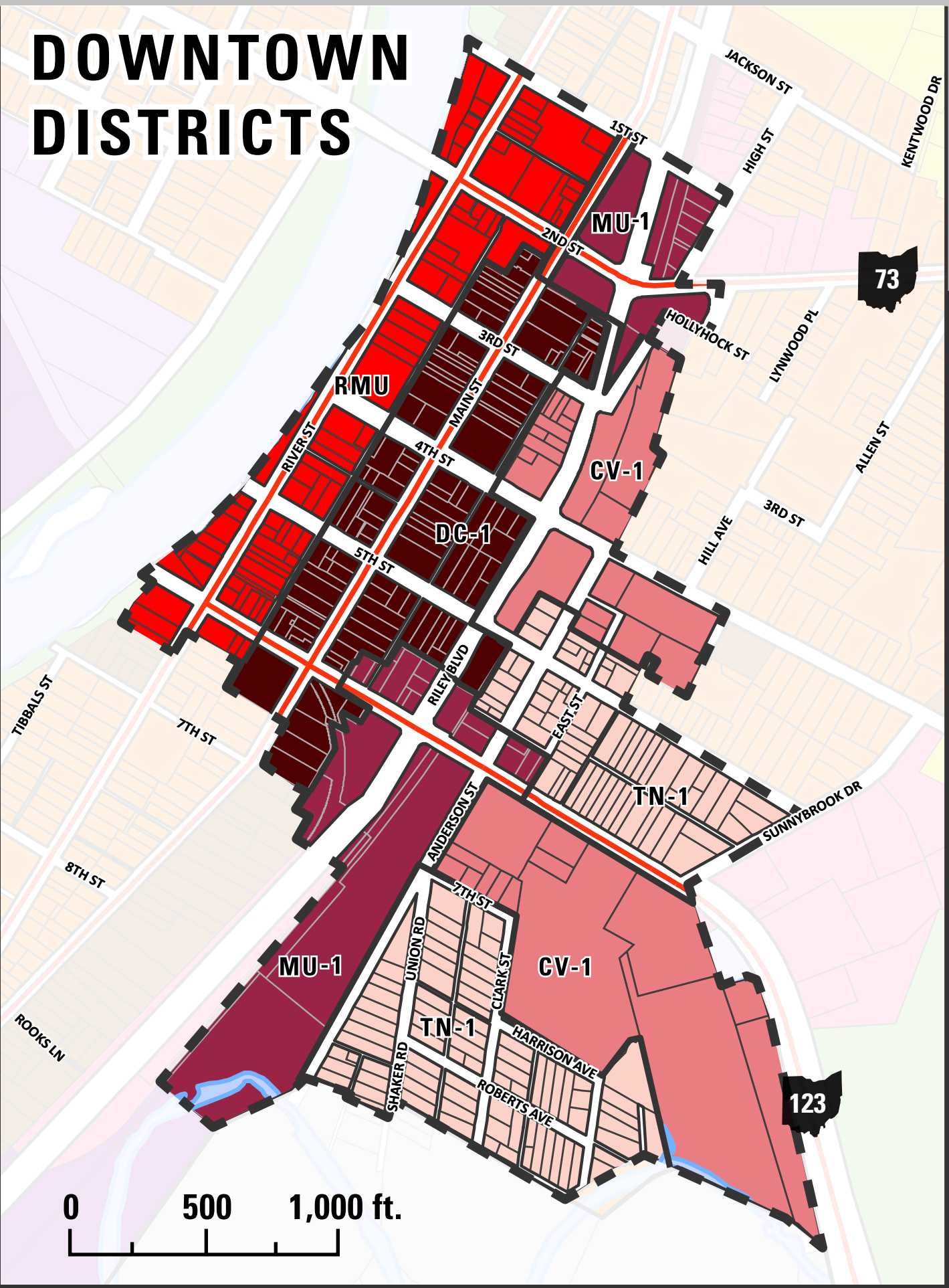
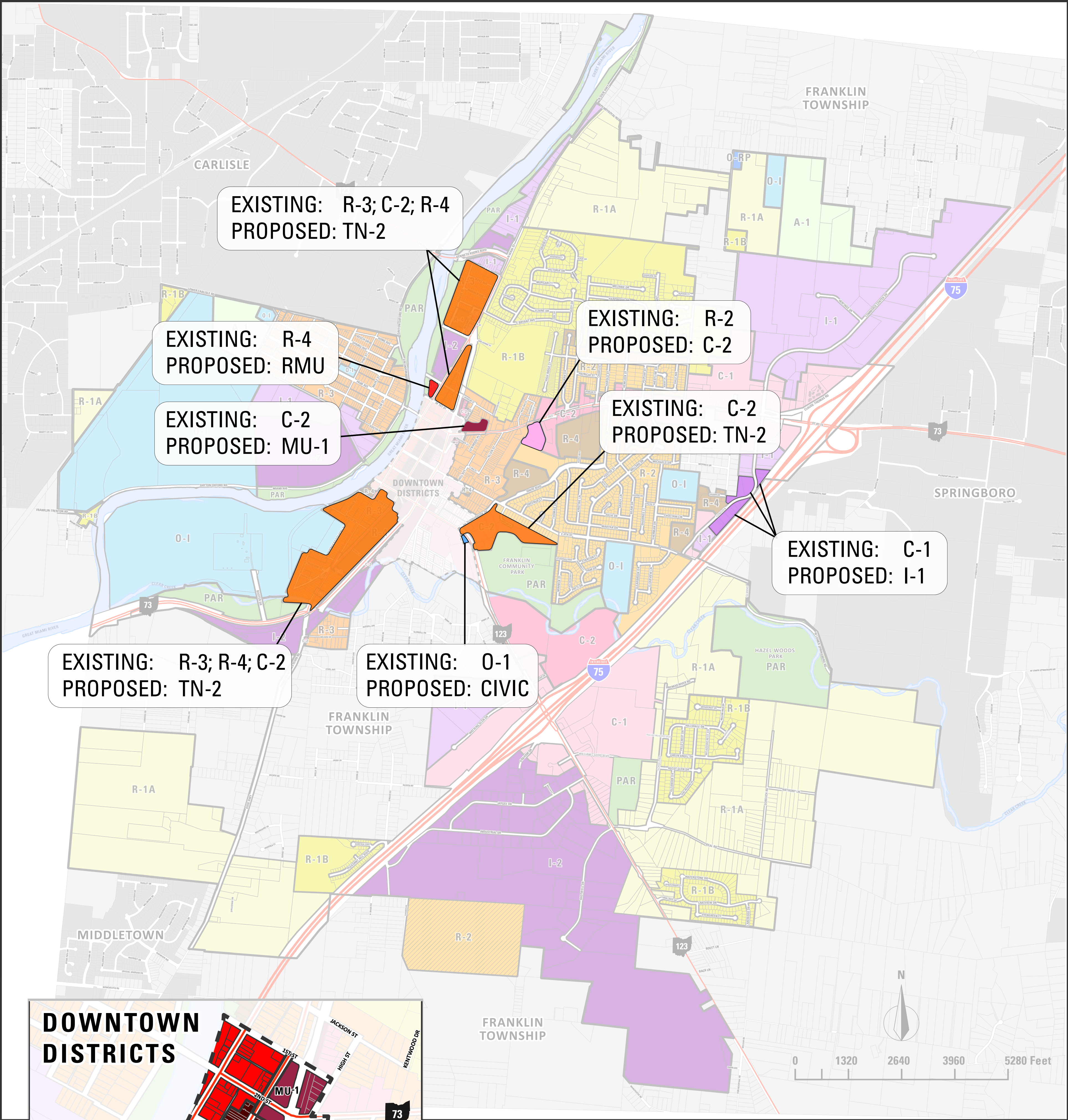
- (4) Modification: The Planning Commission may waive any of the off-street parking requirements that apply to lots within the Downtown Districts if the requirements are not feasible due to the size, configuration, or location of such lot. Considerations will be taken for available on-street parking, joint parking areas, cross-parking agreements, and destination lots that serve the district.

CITY OF FRANKLIN

OFFICIAL ZONING MAP



Ordinance 2023-01
Passed 02/06/2023
Effective Date 03/08/2023



RESIDENTIAL DISTRICTS

- PAR PARKS AND RECREATION
- A-1 AGRICULTURAL
- R-1A ESTATE RESIDENTIAL
- R-1B SUBURBAN RESIDENTIAL
- R-2 METROPOLITAN RESIDENTIAL
- R-3 CENTRAL RESIDENTIAL
- R-4 MULTI-FAMILY RESIDENTIAL

COMMERCIAL DISTRICTS

- C-1 GENERAL COMMERCIAL
- C-2 COMMUNITY COMMERCIAL

OFFICE DISTRICTS

- O-1 OFFICE AND INSTITUTIONAL
- O-RP RESEARCH PARK
- O-S OFFICE SERVICE

INDUSTRIAL DISTRICTS

- I-1 LIGHT INDUSTRIAL
- I-2 GENERAL INDUSTRIAL

DOWNTOWN DISTRICTS

- DC-1 DOWNTOWN CORE
- MU-1 MIXED USE
- RMU RIVERFRONT MIXED USE
- CV-1 CIVIC
- TN-1 TRANSITIONAL NEIGHBORHOOD

OVERLAY DISTRICT

- PUD PLANNED UNIT DEVELOPMENT

Approved Amendments

Ordinance #	Passed	Effective Date	Location	Action
0-20-03	3/16/20	4/15/20	6th at Riley Blvd.	I-2 to C-2
0-20-05	5/4/20	6/3/20	End of Lakeview Dr.	R-1B to R-1A
0-20-17	12/21/20	1/20/21	Charles at Vernon	R-2 to C-2