



# CITY COUNCIL MEETING

Tuesday, January 07, 2025 at 6:00 PM

1 Benjamin Franklin Way Franklin, Ohio 45005

[www.FranklinOhio.org](http://www.FranklinOhio.org)

## AGENDA

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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. December 16, 2024
5. RECEPTION OF VISITORS
6. PUBLIC HEARING
  - A. **ORDINANCE 2024-34** AMENDING SECTIONS 1103 AND 1111.08 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (Jonathan Westendorf)
    - a. Exhibit A: Section 1111.08 of the UDO
    - b. Exhibit B: Section 1103 Sign Definition Changes
  - B. **ORDINANCE 2024-35** AMENDING SECTION 1105.09 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (Jonathan Westendorf)
    - a. Exhibit A: Section 1105.09 of the UDO
  - C. **ORDINANCE 2024-36** ENACTING SECTION 532.14 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED "USE OF TEMPORARY GENERATORS" (Jonathan Westendorf)
    - a. Exhibit A: Section 532.14
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. (Barry Conway)
  - 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 (Barry Conway)



- C. **RESOLUTION 2025-03** AUTHORIZING THE PURCHASE OF A SPLASH PAD FROM RAIN DROP PRODUCTS, LLC THROUGH THE SOURCEWELL PURCHASING PROGRAM (Jonathan Westendorf)
  - a. Exhibit A: Quote from Rain Drop Products, LLC
  - b. Exhibit B: Product Photos

**8. CITY MANAGER'S REPORT**

**9. COUNCIL COMMENTS**

**10. EXECUTIVE SESSION**

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

**11. ADJOURNMENT**





# CITY COUNCIL MEETING

Monday, December 16, 2024 at 5:30 PM  
1 Benjamin Franklin Way Franklin, Ohio 45005  
[www.FranklinOhio.org](http://www.FranklinOhio.org)

## CLERK’S JOURNAL

1. CALL TO ORDER

Mayor Centers called the meeting to order at 5:30pm.

2. ROLL CALL

PRESENT  
D. Denny Centers  
Paul Ruppert  
Vice Mayor Todd Hall  
Mayor Brent Centers  
Michael Aldridge  
Matt Wilcher

ABSENT  
Debbie Fouts

Staff: Mr. Westendorf, Ms.Steed and Ms. Dunn. After executive session, Ms. Trice, Chief Colon, Chief Stitzel, Mr. Conway, and Mr. Inman joined the meeting.  
Two guests and one member of the press also joined the meeting.

3. PLEDGE OF ALLEGIANCE

Mayor Centers led the pledge of allegiance.

4. EXECUTIVE SESSION

- A. Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment pursuant to ORC 121.22 (G)(4).

Motion to enter executive session made by D. Centers, Seconded by Aldridge.  
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Mayor Centers, Aldridge, Wilcher  
Motion passed. Council entered into executive session at 5:32pm.

Motion to exit executive session made by Ruppert, Seconded by Vice Mayor Hall  
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Mayor Centers, Aldridge, Wilcher  
Motion passed. Council exited executive session at 6:01pm.

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

- A. December 2, 2024



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

6. NEW BUSINESS

A. RESOLUTION 2024-73 APPOINTING A MEMBER OF COUNCIL AS MAYOR FOR THE YEAR 2025  
Motion nominating Brent Centers made by Wilcher, Seconded by Vice Mayor Hall.  
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Mayor Centers, Aldridge, Wilcher  
Motion passed.

B. RESOLUTION 2024-74 APPOINTING A MEMBER OF COUNCIL AS VICE MAYOR FOR THE YEAR 2025  
Motion to nominate Todd Hall made by Ruppert, Seconded by Wilcher.  
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Mayor Centers, Aldridge, Wilcher  
Motion passed.

7. PRESENTATIONS

A. Parks (Human Nature)  
Ryan Geismar from Human Nature gave an overview and update of the Franklin Gateway District planning along Sixth Street. He reviewed options for Dial Park and Community Park. Mayor Centers asked for Ms. Fouts to also receive the presentation.  
Staff will bring a finalized proposal for a splash pad at Dial Park on January 6<sup>th</sup>.  
Council would like a restroom at Dial Park included in the January 6 proposal.

8. RECEPTION OF VISITORS

Mayor Centers opened the Reception of Visitors at 6:35pm.  
  
Phyllis Clark of Michaels Drive asked to be heard. She owns a tax preparation business. She would like to reopen her business, but the location is included in the current development moratorium.  
Mayor Centers asked Mr. Westendorf to give Council an update on the conversations he has had with Ms. Clark. Mr. Westendorf was under the impression that a counseling service had been occupying the space which would be a change in use. If the space is vacant, it has been vacant longer than the six months the code allows for zoning continuation.  
The legal feedback is that exceptions cannot be made to keep the moratorium in place. Mr. Westendorf said the best we can do is to move faster. Planning Commission will have two meetings in January to speed up the zoning change process.  
  
Mayor Centers closed the reception of visitors at 6:52pm.

9. PUBLIC HEARING

A. ORDINANCE 2024-33 APPROPRIATIONS FOR CURRENT EXPENSES AND OTHER EXPENDITURES FOR THE CITY OF FRANKLIN, OHIO, FOR THE FISCAL YEAR ENDING DECEMBER 31, 2025 AND DECLARING AN EMERGENCY  
This Ordinance is necessary to provide for the financial operations of the City through the end of the fiscal year. This ordinance will become effective on January 1, 2025. This budget was discussed, and significant updates were reviewed by City Council’s Finance Committee on Monday, December 6, 2024.



Mayor Centers open and closed the Public Hearing at 6:58pm as no members of the public were present.

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

**10. Items to Remove from Consent Agenda**

As consent agendas are new for the city, Mayor Centers asked for council discussion regarding the use. Matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion and one vote of consent. There will be no separate discussion of these items. If discussion is desired, that item will be removed and considered separately.  
Council was in favor of using a consent agenda to save time on routine legislation. There were no items requested to be moved from the consent agenda.

**11. NEW BUSINESS**

**A. RESOLUTION 2024-75 APPROVING OR REJECTING THE TENTATIVE AGREEMENT WITH THE INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS, LOCAL 3742 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE COLLECTIVE BARGAINING CONTRACT**

The negotiating committee of the City of Franklin and the International Association of Fire Fighters, Local 3742, began contract negotiations for a successor collective bargaining agreement covering members of the Franklin Fire and EMS Division on September 30, 2024. A Tentative Agreement for a three-year contract was reached on November 22, 2024.  
Motion to accept the tentative agreement made by D. Centers, Seconded by Vice Mayor Hall.  
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Mayor Centers, Aldridge, Wilcher  
Motion passed.

**B. RESOLUTION 2024-76 AUTHORIZING POSITION TITLES AND THE NUMBER OF POSITIONS FOR EACH TITLE FOR CITY OF FRANKLIN PERSONNEL FOR THE YEAR 2025**

This resolution establishes the positions and number of positions that may be filled under each title for each department.  
Motion made by Vice Mayor Hall, Seconded by Aldridge.  
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Mayor Centers, Aldridge, Wilcher  
Motion passed.

**C. RESOLUTION 2024-77 ESTABLISHING THE ORGANIZATIONAL LISTINGS AND PAY RATES FOR CITY OF FRANKLIN OFFICIALS AND EMPLOYEES FOR THE YEAR 2025**

This annual resolution authorizes the hourly or salary pay rates for all city staff for 2025. Collective bargaining staff received increases based on current contracts. Non-union staff have received a 3% increase.  
The Court Administrator salary was increased as requested by Judge Ruppert. The Court has agreed to pay for the increase from their special projects fund in accordance with 1901.26 of the revised code.  
Motion made by Wilcher, Seconded by Ruppert.  
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Mayor Centers, Aldridge, Wilcher  
Motion passed.

**D. RESOLUTION 2024-82 APPROVING THE APPOINTMENT OF COUNCIL MEMBERS TO THE STANDING COMMITTEES OF COUNCIL FOR THE YEAR 2025**



The following appointments to the standing committees of Council, made by the Mayor for the year 2025, are:

FINANCE COMMITTEE

Matt Wilcher, Chair  
Michael Aldridge  
Denny Centers

SAFETY COMMITTEE

Brent Centers, Chair  
Michael Aldridge  
Matt Wilcher

PUBLIC WORKS & UTILITIES COMMITTEE

Denny Centers, Chair  
Matt Wilcher  
Paul Ruppert

GOVERNMENT AFFAIRS COMMITTEE

Debbie Fouts, Chair  
Denny Centers  
Todd Hall

ECONOMIC DEVELOPMENT & PLANNING COMMITTEE

Michael Aldridge, Chair  
Todd Hall  
Debbie Fouts

PARKS & RECREATION COMMITTEE

Paul Ruppert, Chair  
Matt Wilcher  
Brent Centers

ENVIRONMENTAL AFFAIRS COMMITTEE

Todd Hall, Chair  
Paul Ruppert  
Debbie Fouts

Motion made by Vice Mayor Hall, Seconded by Ruppert.

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

Motion passed.

**E. RESOLUTION 2024-83 APPOINTING COUNCIL MEMBERS AND MEMBERS-AT-LARGE TO CERTAIN DULY AUTHORIZED BOARDS AND COMMISSIONS OF THE CITY OF FRANKLIN, OHIO AND TO OTHER REGIONAL BOARDS AND COMMISSIONS**

This Resolution reappoints Mr. Ruppert as member of Council to the Planning Commission, Mr. Hogan, Ms. Westendorf and Mr. Hopper to the Parks & Recreation Commission, and Mayor Centers and Mr. Westendorf to the Miami Valley Regional Planning Commission.



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

12. CONSENT AGENDA

Matters listed under the Consent Agenda are considered to be routine and will be enacted in one motion and one vote of consent. There will be no separate discussion of these items. If discussion is desired, that item will be removed and considered separately.

Motion to approve items on the consent agenda made by Vice Mayor Hall, Seconded by Aldridge.  
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Mayor Centers, Aldridge, Wilcher  
Motion passed.

A. RESOLUTION 2024-78 AUTHORIZING ENTERPRISE FLEET MANAGEMENT, INC. TO SERVE AS AUCTIONEER TO SELL SURPLUS CITY VEHICLES

Section 115.02(b)(3) of the City’s Codified Ordinances authorizes City Council to sell by auction personal property no longer needed for a municipal purpose. City staff has identified Enterprise Fleet Management, Inc. as a qualified auctioneer to auction off surplus City vehicles. This Resolution authorizes the City to engage Enterprise to serve as the City’s auctioneer for the sale of surplus City vehicles on an as-needed basis during the 2025 fiscal year.

B. RESOLUTION 2024-79 AUTHORIZING ADESA OHIO, LLC (OR A CLOSELY RELATED AFFILIATE ENTITY) TO SERVE AS AUCTIONEER TO SELL SURPLUS CITY VEHICLES

Section 115.02(b)(3) of the City’s Codified Ordinances authorizes City Council to sell by auction personal property no longer needed for a municipal purpose. City staff has identified Adesa Ohio, LLC (and/or its closely related affiliate companies) as a qualified auctioneer to auction off surplus City vehicles. This Resolution authorizes the City to engage Adesa to serve as the City’s auctioneer for the sale of surplus City vehicles on an as-needed basis during the 2025 fiscal year.

C. RESOLUTION 2024-80 AUTHORIZING THE SALE OF SURPLUS CITY PROPERTY BY INTERNET AUCTION

The Ohio Revised Code empowers the City to sell surplus personal property no longer needed by the City via internet auction. This Resolution authorizes the City to sell the City’s surplus personal property via internet auction during calendar year 2025, and provides for the required notice to the public of the City’s intention to use online auctioneer services for this purpose.

D. RESOLUTION 2024-81 DECLARING CITY MANAGER, THE CITY’S CONTRACTING OFFICER, TO BE EMPOWERED TO ACQUIRE TITLE TO OR INTERESTS IN REAL PROPERTY SITUATED WITHIN THE CITY OF FRANKLIN WITHIN THE SPENDING LIMIT AS ESTABLISHED IN CHARTER SECTION 5.05 EFFECTIVE FISCAL YEAR 2025)

This Resolution is a renewal of Resolution 2022-78, passed December 5, 2022, and Resolution 2023-84, passed on December 18, 2023 to empower the City Manager to purchase properties within the City of Franklin, such as foreclosure properties, in amounts allowed under the City Manager’s contracting authority as Contracting Official for the City, to carry out the City’s objectives.

This Resolution will be effective immediately upon passage until December 31, 2025. This Resolution, absent other direction from Council, will be updated and placed on the agenda for action in December 2025 for fiscal year 2026.

As this Resolution does not involve bidding, a majority of members present concurring is required for its passage



### 13. INTRODUCTION OF NEW LEGISLATION

- A. **ORDINANCE 2024-34** AMENDING SECTIONS 1103 AND 1111.08 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE
- B. **ORDINANCE 2024-35** AMENDING SECTION 1105.09 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE
- C. **ORDINANCE 2024-36** ENACTING SECTION 532.14 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED "USE OF TEMPORARY GENERATORS"

### 14. CITY MANAGER'S REPORT

Mr. Westendorf reviewed projects and updates made over the past year. He reviewed the new Main Street Streetscape and thanked staff for all the work that went into the streetscape project.

There will be community Townhalls in January to discuss the Fire Levy. Legislative action will be needed on January 22 and February 3. The election is on May 6.

He thanked Council for their support, trust and for doing something incredible.

### 15. COUNCIL COMMENTS

Mr. Wilcher said thank you on behalf of the Wilcher family for the downtown. He has received overwhelming positive comments. We have the right team to take us forward. Council does not know all the details but work by staff doesn't go unnoticed. You are awesome.

The tree lighting ceremony was great, food vendors were great. The event was very nice, and it's great to see everything lit up. The downtown has a very safe and community feeling.

Mr. Aldridge hopes staff knows how proud Council is of them. They try to thank staff frequently, and we don't take the work for granted. It's been such a pleasure. He is proud to show the changes happening in the community. It's just the beginning and we can't thank staff enough. The beauty of a small town is the sense of community, family, and it's special to be a part of it. You have to be courageous to do something this big.

Mr. D. Centers said even the naysayers are making positive comments about the downtown. He has received lots of great comments about the positive change. He appreciates staff and said "We don't know how much extra work has been put in, but we appreciate it and it and the work has not gone unnoticed." He said the tree lighting was awesome. Mr. Hogan's drone work was awesome as well. Mr. Westendorf brought this vision to us. He is a true visionary. It's unbelievable.

Mr. D. Centers asked about the water and sewer service line plans and what plumbers were included in the plan. Mr. Inman said that if a local plumber would like to be added to the list, they can call SLWA to be added to the list.

Mr. Centers also asked about handicap parking on Main Street. Mr. Westendorf responded that there are two spots on 3rd Street with solid surface onto the pavers. There was not dedicated handicap on Main Street prior and new spots were not added. Handicap parking is available in public parking lots.

Mr. Ruppert said that he drove through neighboring communities and wouldn't trade their Main Streets for anything Franklin has right now. Everyone really appreciates what has been done. He has walked these streets since he was three. He's more proud now than he has ever been. Thank you.



Vice Mayor Hall said we gave you a job because you said you wanted it. We know how hard you work. Four years ago there wasn't a lot going on around here and now there is so much going on. That is because of staff. Council approves, but staff brings them ideas and takes care of the day to day. We have done more work than this place has ever seen. We appreciate it. His family appreciates it. He has two daughters that work downtown and they love it. We wanted something for our kids, and they think it's fantastic. He can't wait for next year. Thank you all. He thanked Council for voting him as Vice Mayor again.

Mayor Centers recalled a discussion about the transformation that occurred when the downtown was redone after the flood in 1913. This project was as transformative as that. Staff did it. Thank you. He thanked Mr. Conway for his work on the Clean Ohio Trails grant. The Mayor echoed previous comments about the tree lighting event. It was wonderful. The Vice Mayor of Mason reached out and the Mayor and his wife will be hosting them for dinner in the downtown. The Mason Mayor found out and will be joining them. He looks forward to showing off downtown and said other communities are noticing the good things happening. He thanked Council for the Mayor vote. He appreciates it. He loves the work and is proud to represent Council. Thank you for the trust.

16. ADJOURNMENT

Motion made by Vice Mayor Hall, Seconded by Aldridge.  
Voting Yea: D. Centers, Ruppert, Vice Mayor Hall, Mayor Centers, Aldridge, Wilcher  
Motion passed. Council adjourned at 7:37pm.

\_\_\_\_\_  
Brent Centers, Mayor

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





## LEGISLATIVE COVER MEMO

**Introduction:** December 16, 2024

**Public Hearing:** January 7, 2025

**Effective Date:** February 5, 2025

**Agenda Item:** **Ordinance 2024-34**

AMENDING SECTIONS AND 1103 and 1111.08 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

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

**Scope/Description:** 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.

**Exhibits:** Exhibit A: Section 1111.08 of the UDO

Exhibit B: Section 1103 Sign Definition Changes



CITY OF FRANKLIN, OHIO  
ORDINANCE 2024-34

Section 6, Item A.

**AMENDING SECTIONS 1103 AND 1111.08 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 Sections 1103 and 1111.08 of the UDO during a public meeting of Planning Commission held on December 11, 2024;

WHEREAS, Planning Commission reviewed the proposed text amendments during its September 11, 2024 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 Sections 1103 and 1111.08 of the UDO in accordance with Exhibit A and Exhibit B.

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

Section 1. Council hereby adopts Planning Commission’s recommendation to amend Sections 1111.08 of the City’s Codified Ordinances, and Section 1111.08 is hereby amended as set forth in the attached Exhibit A.

Section 2. Council hereby adopts Planning Commission’s recommendation to amend Section 1103 of the City’s Codified Ordinances, and Section 1103 is hereby amended as set forth in the attached Exhibit B.

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: December 16, 2024

ADOPTED: January 7, 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 2024-34 passed by City Council on January 7, 2025.

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ben Yoder, Law Director



#### 1111.08 Signs

a) Purpose and Intent. It is the intent of this Section to establish reasonable regulations governing the size, ~~design~~~~character~~, ~~mass~~, ~~distribution~~, and location of signs within the incorporated area of the City of Franklin, in the interest of safety and general welfare of its citizens, business concerns and other affected sectors of the City. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the City, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign distractions and sight obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, and curb the deterioration of the natural environment and enhance City development in such a way as to support and complement the land-use objectives set forth in this UDO. The specific public purposes of this Section are:

- 1) To provide reasonable, yet appropriate, conditions for identifying goods sold or produced or services rendered in Commercial, Downtown, Office/Institutional, and Industrial Districts;
- 2) To control the size, location, and design of permanent signs so that the appearance of such signs will be aesthetically harmonious with their surroundings;
- 3) To eliminate any conflict that would be hazardous between business or identification signs and traffic control signs and devices;
- 4) To ensure that signs are located and designed to maintain a safe and orderly pedestrian and vehicular environment; and
- 5) To reduce sign clutter.

b) Scope of Regulations.

- 1) **Applicability.** The regulations set forth herein shall apply to and govern signs in all districts. No sign shall be erected or maintained unless it is in compliance with the regulations governing location and bulk of structures for the district in which it is located, unless such sign is otherwise specifically regulated by a conditional use provision or provisions relating to variances.
- 2) **Nonconformities.** Any sign already established on the effective date of this UDO and which sign is rendered nonconforming by the provisions herein, and any sign which as a result of subsequent amendments hereto, shall be rendered nonconforming and shall be subject to the regulations of section 1111.08([mt](#)).

3) Variances. Variances to this Section may be considered by the Appeals Board.

4) Planned Unit Developments. Signs within Planned Unit Development (PUD) districts shall be subject to the applicable regulations of the underlying zoning district. Signs that do not meet the requirements of this section that are located within a PUD are subject to the approval of the Planning Commission.



c) Permit Required:

- 1) All ~~temporary and~~ permanent signs to be erected, placed, constructed or modified within the City limits, except those specifically excluded herein, shall require a permit before work is initiated. ~~Temporary sign permit requirements are established in Section 1111.08(l).~~
- 2) Sign permits shall be reviewed and approved by the Zoning Official, unless specifically stated otherwise. Planning Commission shall approve signs submitted with a Major Site Plan, in accordance with this section and Section 1115.09; with a Conditional Use, in accordance with this section and Section 1115.09; and certain signs within the Highway Sign Overlay District in accordance with Sections 1109.07 and 1115.09. The Zoning Official shall approve all other signs in accordance with this section and Section 1115.11.
- 3) ~~In order to defray the cost of examination of plans and inspections, an applicant for a sign permit shall pay a fee in accordance with section 1105.09.~~

4) 3) Submittal Requirements:

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

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

B. *Site Plan*, which shall show:

- i. Address and zoning classification of the subject property;
- ii. Surrounding uses and zoning classification(s);
- iii. The proposed sign(s) location, including distance from the public right-of-way and the property lines;
- iv. The location of all other existing signs located on the same premises; ~~and~~
- v. The relationship of the proposed sign(s) to access drives, parking areas and buildings;



vi. ~~A landscape plan that identifies all plantings to be located at the base of any ground signs; and~~

~~vii. A lighting plan for all internal and external light sources.~~

C. *A Sign Graphics Plan*, including:

- i. Plans, ~~drawn and/or blueprints~~, to scale, of the proposed signage, including details of fastenings, lighting and any lettering, symbols or other identification which will be on the sign;
- ii. The dimensions, construction supports, sizes, electrical wiring and components, sign materials, and method of attachment;
- iii. The location, size, and illumination of wall signs, ground mounted signs, and directional signs;
- iv. Color renditions of the proposed signage; and
- v. Elevation drawings of ground mounted signs and/or a façade elevation (showing the height and proportions) for wall signs.

d) Administration:

- 1) The Zoning Official shall regulate and enforce the requirements of this ~~Section, and Section~~ and shall be in charge of issuing all sign permits, both temporary and permanent ~~unless specifically identified otherwise.~~
- 2) No signs, except for municipally owned signs and signs authorized by the City Manager for community events and programs shall be placed in, on or above the public right-of-way including on utility poles. The Zoning Official or ~~his~~their designee may ~~effect removal~~ remove any sign illegally placed within the right-of-way of any road within the City.

e) Measurement.

- 1) Sign area shall include the face of all the display area of the sign not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign or are determined by the Zoning Official to be intended solely to make the sign more visible rather than serving any aesthetic or structural purpose. For internally illuminated signs; or internally illuminated awnings, canopies or marquees, the entire lighted surface shall be considered the sign area. The lighted surface area of internally illuminated canopies, awnings or marquees is counted as signage regardless of whether it contains graphics.
- 2) Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless two display faces join back to back, are parallel to each other and not more than ~~twenty four inches~~ (24 inches) apart, or form a V-angle of less than ~~forty five~~ 45 degrees ~~(45°)~~. For spherical signs, the sphere shall be dissected by an imaginary line through the center of the sphere and the surface area of the



half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.

- 3) The area of letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter around the letters, numbers or emblems and determining its area.
- 4) The term “lot frontage” as used in calculating ground signs and monument signs shall refer to the dimension of the lot along the street. The term “building frontage” as used in calculating wall signs shall refer to the building wall dimension facing the street or parking lot.
- 5) For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the intersection of the building line onto adjacent drives or parking areas.

f) Prohibited Signs. The following signs are prohibited within the City of Franklin:

6)1) Billboards. ~~Billboards are prohibited.~~

7)2) Pole Signs. Pole signs ~~are prohibited~~, except within the Highway Sign Overlay District, under the conditions outlined in Section 1109.07.

3) Roof Signs. ~~Roof signs are prohibited.~~

4) Revolving signs

5) Inflatable signs, air activated devices, beacons, searchlights, and other similar devices.

6) Pennants, Streamers, etc. No sign or advertising shall contain or consist of banners, pennants, ribbons, streamers, or similar moving devices.

7) Bench signs

8) Mobile or portable sign

8)9) Additional prohibited temporary signs as listed in Section 1111.08(l)(11).

g) Exempt Signs. The following signs are exempt from the requirements of this Chapter:

1) Governmental Flags. Flags of any country, state, or unit of local government.

2) Organizational Flags. Flags for private or non-profit organizations subject to such flags are limited to one per organization and such flags shall not exceed three feet in width or five feet in length. Such flags shall contain no commercial or advertising message.

3) Identification Wall Signs. Signs up to a maximum of two square feet (~~2 sq. ft.~~) in size and may be mounted or attached flat or parallel onto a building face of any use or may be ground mounted at a height not to exceed four feet. ~~administrative, business or professional office building which denotes the name and address of an occupant in a building where more than one tenant is located and which has individual and separate entries.~~



9)4) **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 any country or nation, political unit, educational facility, school or religious/cultural group.

10)5) **Memorial Signs, Markers, and Statues.** Signs which are in the nature of cornerstones, commemorative tables, tablets, grave markers, headstones, statuary, remembrances of persons or events, or historical signs, provided that such signs are less than nine square feet (~~9 sq. ft.~~) in size and not illuminated and are noncommercial in nature. Such signs shall not be placed within a public right-of-way. Additionally, memorial markers, statues, sculptures, or similar items that commemorate historical events, persons, locations are exempt as long as such items are not located in the public right-of-way and do not block visibility.

h) **Permanent Signs.** All permanent signs shall require a permit. Permitted permanent signs shall be classified into one of the seven following types: canopy/marquee signs, ground signs, monument signs, projecting nameplate signs, wall signs, window signs, and shingle signs.

**TABLE 22: Permitted Permanent Signs**

	<b>Agricultural and Residential Zoning Districts</b>	<b>Office Districts, Parks and Recreation District</b>	<b>Commercial Districts</b>	<b>Industrial Districts</b>	<b>Downtown Districts</b>
<u>Wall Signs</u>	X	X	X	X	X
<u>Ground Signs</u>	X	X	X	X	X
<u>Residential Development Identification Signs</u>	X				
<u>Menu Boards</u>			X		
<u>Canopy/Marquee/Awning Signs</u>		X	X	X	X
<u>Window Signs</u>		X	X	X	X
<u>Projecting Signs</u>		X	X		X
<u>Directional Signs</u>	X	X	X	X	
<u>Murals</u>		X	X	X	X
<u>Manual Changeable Copy Signs</u>		X	X	X	X
<u>Electronic Message Centers</u>			X		



### 1) Wall Signs

- A. ~~Wall Business or identification~~ signs may be erected on a building wall or extension of a building wall which faces a street, parking lot, or service drive, and such signs may not extend ~~more than ten inches~~ beyond any building setback lines.
- B. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of ~~10ten~~ inches (~~+10"~~), except as otherwise provided herein.
- C. ~~Wall signs shall be primarily constructed out of channel cut letters or other high-quality sign construction types, as determined by the Zoning Official. Logos and graphic elements may also be incorporated into the sign as accent features.~~
- D. ~~There is no limit to the quantity of wall signs as long as the cumulative square footage of all wall signs meets the maximum area requirements. The sign area of any proposed canopy, marquee, or permanent window signs shall be included in the overall cumulative calculation of maximum wall signage area.~~

**TABLE 23: Wall Sign Regulation**

<b>Wall Sign Regulations</b>		
<b>District/Use</b>	<b>Maximum Area</b>	<b>Illumination/Other</b>
<del>Nonresidential Uses Located in Agricultural and Residential Districts</del>	<del>2 square feet per lineal foot of building frontage (maximum 150 square feet)</del>	<del>Internally or externally External illumination permitted</del>
<del>Office Districts/Parks and Recreation District</del>	<del>2 square feet per lineal foot of building frontage (maximum 200 square feet)</del>	<del>Internally or externally illumination permitted</del>
<del>Commercial Districts</del>	<del>2 square feet per lineal foot of building frontage (maximum 250 square feet)</del>	<del>Internally or externally illumination permitted</del>
<del>Industrial Districts</del>	<del>2 square feet per lineal foot of building frontage (maximum 300 square feet)</del>	<del>Internally or externally illumination permitted</del>
<del>Downtown Districts (Downtown Core, Mixed Use, Riverfront Mixed Use)</del>	<del>2 square feet per lineal foot of building frontage (maximum 250 square feet)</del>	<del>Internally or externally illumination permitted. Cabinet wall signs are prohibited.</del>
<del>Downtown Districts (Civic)</del>	<del>2 square feet per lineal foot of building frontage (maximum 200 square feet)</del>	<del>Internally or externally illumination permitted</del>
<del>**In the Transitional Neighborhood Downtown District wall signs are limited to Identification Signs</del>		



11)2) **Ground Monument Signs**

~~A. Ground signs must be located on the same parcel to which they are an accessory use. Off-premises advertising is not permitted on ground signs. Monument signs may be erected on a lot, provided the location, height and other characteristics of the sign meet the regulations of this section. Monument signs shall be permanently and securely anchored to the ground, and shall be flush with the base, which shall be of brick or stone. Monument signs shall not exceed the allowable height for the zoning district in which the property is located, from the ground to the top of the sign, and such height shall be measured from the grade and not any mounding around the sign. Monument signs shall be limited to Business signs or Identification signs. Professionally finished post and panel signs shall be permitted in the I-2, General Industrial District and shall meet the height and size requirements of a monument sign.~~

~~A.B. Ground signs may include a variety of designs including monument signs, post and panel signs, and other similar-type professionally designed signs. Ground signs do not include pole signs.~~

~~B.C. No ground monument sign shall be erected so as to obstruct free access to or egress from any building.~~

~~C.D. Inside the fire limits, no ground monument sign shall be constructed of combustible materials, except ornamental features. Outside the fire limits, the structural frame of ground monument signs shall not be erected out of combustible materials.~~

~~D.E. No person shall place or cause to be placed any ground monument sign within any right-of-way or within the clear sight triangle.~~

~~E.F. Ground Monument signs shall be anchored to a minimum depth of 32thirty-two inches (32").~~

~~F.—A monument sign shall only advertise matters that are the business, name or identity, address and/or activity of the establishment in front of whose property such sign is located, whether through logo, type, graphics or other symbols.~~

~~G.—All changeable copy signs shall be monument signs.~~

~~H.—No monument signs within the Downtown Districts shall be internally illuminated.~~

~~I.G. The base of all new ground monument signs and post and panel signs signs shall be effectively landscaped with a single, continuous landscaped area to be maintained beneath the sign, in accordance with the following standards:~~

- ~~i. The minimum size of the landscaped area shall be equal to the area of the ground sign (i.e., if a ground sign is proposed to be 40 square feet in size then it shall be located in a landscaped area of at least 40 square feet in size). The edge of the required landscaped area shall be thirty inches (30") from the edge of the sign or any edge of the sign structure. Ground signs that are replaced or expanded in existing landscape areas are exempt from the thirty inch requirement;~~



- ii. The landscaped area shall include all points where sign structural supports attach to the ground;
- iii. Where the required landscaped area adjoins a paved surface accessible to vehicular traffic, a raised planter-type area around the base of the sign ~~is shall be~~ required to prevent the encroachment of vehicles; and

~~The landscaped area shall include living plant materials that areing, aesthetically located and maintained.~~

- iv. The landscaped area shall include living plantings aesthetically located and maintained including flowers, grasses, and a minimum of one shrub for every five square feet of required landscaped area. Plants may be located in mulch beds, but the landscaped area may not be completely comprised of mulch. The use of concrete, asphalt, gravel, or any other paved surface, or hardscape in the landscaped area shall be prohibited.

**TABLE 24: Ground Sign Regulations**

<b>Ground Sign Regulations</b>					
<b>District/Use</b>	<b>Quantity</b>	<b>Maximum Area</b>	<b>Maximum Height</b>	<b>Minimum Setbacks</b>	<b>Illumination/ Other</b>
<u>Agricultural and Nonresidential Uses Located in Residential Districts</u>	<u>1 per street frontage</u>	<u>0.25 square feet per foot of road frontage (maximum 36 square feet)</u>	<u>6 feet</u>	<u>10 feet from right-of-way, 15 feet from side property lines, 5 feet from all driveways</u>	<u>Internally or externally External illumination permitted</u>
<u>Office Districts/Parks and Recreation District</u>	<u>1 per street frontage</u>	<u>0.25 square feet per foot of road frontage (maximum 36 square feet)</u>	<u>6 feet</u>	<u>10 feet from right-of-way, 15 feet from side property lines, 5 feet from all driveways</u>	<u>Internally or externally illumination permitted</u>
<u>Commercial Districts</u>	<u>1 per street frontage</u>	<u>0.5 square feet per foot of road frontage (maximum 64 square feet)</u>	<u>6 feet</u>	<u>10 feet from right-of-way, 15 feet from side property lines, 5 feet from all driveways</u>	<u>Internally or externally illumination permitted</u>
<u>Commercial Districts (multi-tenant developments or single users of 50,000 sq. ft or more)</u>	<u>1 per street frontage</u>	<u>0.5 square feet per foot of road frontage (maximum 100 square feet)</u>	<u>10 feet</u>	<u>10 feet from right-of-way, 15 feet from side property lines, 5 feet from all driveways</u>	<u>Internally or externally illumination permitted</u>
<u>Industrial Districts</u>	<u>1 per street frontage</u>	<u>1 square feet per foot of road frontage</u>	<u>8 feet</u>	<u>10 feet from right-of-way, 15 feet from side property</u>	<u>Internally or externally</u>



		(maximum 80 square feet)		lines, 5 feet from all driveways	illumination permitted
<u>Downtown Districts**</u>	<u>1 per street frontage</u>	<u>0.25 square feet per foot of road frontage (maximum 36 square feet)</u>	<u>6 feet</u>	<u>Must be located on private property and 5 feet from all driveways and side property lines</u>	<u>External illumination only</u>
<u>**In the Transitional Neighborhood Downtown District ground signs are not permitted</u>					

### 3) Residential Development Identification Signs

- A. Ground signs may be erected at the entrance of any residential subdivision or residential development. The location, height, and other characteristics of the sign must meet the regulations of this section.
- B. Two ground signs are permitted per each street entrance (one sign is permitted on each side of the entrance to the subdivision or development). Ground signs shall be permanently and securely anchored to the ground and shall be flush mounted to a base, which shall be of brick, stone, or a faux alternative. Alternate ground sign designs may be presented to the Planning Commission for review and approval. Pole type signage is prohibited.
- C. The sign area shall be limited to 24 square feet and shall not exceed four feet in height.
- D. The sign area may be incorporated into a larger design feature that may include columns, walls, or other similar features. The reverse sides of identification features shall be finished to match the fronts.
- E. Such identification features may not be located in the public right-of-way. Under no circumstances shall such feature be located in the tree lawn nor the clear sight triangle, nor impair the future utilization or expansion of public streets.
- F. Applications for permanent subdivision identification signs must demonstrate provisions for future maintenance and maintenance easements at the time of final platting. Written consent of the property owner of each proposed sign location shall be submitted with each permit application.

**TABLE 25: Residential Development Identification Sign Regulations**

<u>District/Use</u>	<u>Quantity</u>	<u>Maximum Area</u>	<u>Maximum Height</u>	<u>Minimum Setbacks</u>	<u>Illumination/ Other</u>
<u>Agricultural and Residential Zoning Districts</u>	<u>2 per street entrance into the subdivision</u>	<u>24 square feet</u>	<u>4 feet</u>	<u>10 feet from right-of-way, 15 feet from side property lines, 5 feet from all driveways</u>	<u>External illumination permitted</u>



- 4) **Menu Boards.** Menu Boards provided such signs are oriented solely for the use of patrons utilizing the drive-thru and are not visible from adjacent property or the right-of-way. Drive-through menu board signs may include freestanding, pylon and monument signs. One drive-through menu board sign and one preview board is permitted, 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 ~~75~~seventy-five feet ~~(75')~~ from a Residential District or use.

**TABLE 26: Menu Board Sign Regulations**

District/Use	Quantity	Maximum Area	Maximum Height	Minimum Setbacks	Illumination/Other
Commercial Districts (Uses that include a permitted drive-thru)	2 per drive-thru	48 square feet	6 feet	75 feet from a Residential District or use	Internally or externally illumination permitted

- 5) **Canopy/Marquee/Awning Signs.** Canopy, marquee, and awning signs may be painted on or attached to an awning area or attached to a canopy or marquee. Such signs shall not exceed the maximum height of the principal structure when mounted on the top of the canopy. The sign area of any proposed canopy or marquee sign shall be included in the overall cumulative calculation of allowable wall signage. Awning signs shall be externally illuminated only. Marquee and canopy signs may be internally or externally illuminated.

**TABLE 27: Canopy/Marquee/Awning Sign Regulations**

District/Use	Maximum Area	Illumination/Other
Office Districts/Parks and Recreation District	The area of all canopy/marquee/awning signs shall be included in the overall calculation of allowable wall signage.	Internally or externally illumination permitted
Commercial Districts	The area of all canopy/marquee/awning signs shall be included in the overall calculation of allowable wall signage.	Internally or externally illumination permitted
Industrial Districts	The area of all canopy/marquee/awning signs shall be included in the overall calculation of allowable wall signage.	Internally or externally illumination permitted



<u>Downtown Districts (Downtown Core, Mixed Use, Riverfront Mixed Use)</u>	<u>The area of all canopy/marque/awning signs shall be included in the overall calculation of allowable wall signage.</u>	<u>Internally or externally illumination permitted. Cabinet wall signs are prohibited.</u>
<u>Downtown Districts (Civic)</u>	<u>The area of all canopy/marque/awning signs shall be included in the overall calculation of allowable wall signage.</u>	<u>Internally or externally illumination permitted</u>
<u>**In the Transitional Neighborhood Downtown District canopy/marquee/awning signs are not permitted</u>		

**6) Window Signs.** The cumulative maximum area of all permanent window signs shall be included in the overall calculation of allowable wall signage and are limited to windows on the ground or first floor. A maximum of 25 percent% of each window may be covered by window signs. Political jurisdictions and educational facilities are exempted from this maximum area and their window signage does not count towards the overall calculation of allowable wall signage. Window signs shall not be lighted or illuminated. Permanent window signs shall be limited to signs denoting the identification of the occupant, the address of the premises and its use. Except for within the Downtown Districts where a business does not occupy first floor space, such signs shall be limited to use solely on the ground or first floor.

**12) Projecting Nameplate Signs.**

**7) One projecting sign is permitted per parcel.** Projecting ~~nameplate~~ signs shall not exceed ~~12~~twelve square feet (~~12 sq. ft.~~) in size, shall be placed not less than eight feet (~~8'~~) above the sidewalk or ground level, and shall not project more than four feet (~~4'~~) outward from the building face. Projecting signs shall be externally illuminated only. Projecting nameplate signs shall be limited to Business signs and Identification signs.

**8) Directional Signs.** On-site directional signs indicating points of entry or exit for a facility, off-street parking areas, circulation patterns, business or building locations, or for other similar purposes are permitted subject to the following:

A. Directional signs are limited to a maximum are of nine (~~9~~) square feet and five (~~5~~) feet in height.

A.—Directional signs shall not contain advertising or commercial messaging, including logos.



**TABLE 28: Directional Sign Regulations**

District/Use	Quantity	Maximum Area	Maximum Height	Minimum Setbacks	Illumination/ Other
See TABLE 22: Permitted Permanent Signs	N/A	9 square feet	5 feet	5 feet from the public right-of- way and all property lines	Internal and External Illumination permitted

9) **Murals.** Murals that contain no advertising or commercial messaging may be permitted on any blank wall or portion of a wall per the approval of the City Manager. Murals that contain advertising or commercial messaging may be permitted per the approval of the Planning Commission. The following factors shall be considered and weighed in determining whether a mural should be approved:

**A. Mural Location:**

- i. Murals shall not be located on the principal façade(s) of a building unless approved by the Planning Commission.
- ii. Murals should not cover or detract from architectural features.
- iii. The installation of a mural should complement and enhance the building and be incorporated architecturally into the façade.
- iv. Murals should not be in an area which may cause undue distraction to drives, thereby creating a safety hazard.

**B. Mural Design and Materials:**

- i. The scale of the mural should be appropriate to the building and the site.
- ii. The theme of the mural should be appropriate within the context of the surrounding area and complement the existing character.
- iii. The name of the artist or sponsor of the mural may be incorporated into the mural but shall not exceed five percent of the design or two square feet in area, whichever is less.
- iv. The paint utilized for the mural should be intended for exterior use, have a waterproof seal coating, and of sufficient quality which will not corrode or compromise the integrity of the surface to which it is applied.
- v. Reflective, neon, and fluorescent paints should not be used.



**10) Manual Changeable Copy.** The following regulations apply to all manual changeable copy:

- A. Manual changeable copy shall be permitted on ground signs.
- B. Manual changeable copy signs shall comprise no more than two-thirds (2/3) of the total area of the sign per side.
- C. Ground signs containing manual changeable copy are subject to the maximum height and sign area requirements of ground signs for the zoning district in which they are located.
- D. In the Residential Districts and the Downtown Districts, manual changeable copy signs shall not be internally illuminated. In these three districts, the manual changeable copy signs may be externally illuminated only between 8:00 a.m. and 8:00 p.m., unless otherwise permitted by Planning Commission.

**11) Electronic Message Centers.** The following regulations apply to all electronic message centers:

- A. Electronic message centers may be incorporated into ground signs subject to the approval of a conditional use permit per Section 1115.09(b).
- B. Ground signs containing electronic message centers are subject to the maximum height and sign area requirements of ground signs for the zoning district in which they are located.
- C. Electronic message centers shall be located a minimum of 250 feet from any residential use.
- D. Electronic message centers shall only be located on ground mounted signs and shall not exceed two-thirds (2/3) of the size of the total sign area to ensure that the electronic component is subordinate to the principal sign face in size.
- E. A maximum of one electronic message center is permitted per parcel or development.
- F. Each message on an electronic message center shall be displayed for no less than eight seconds before transitioning.
- G. The use of streaming or full-motion video on any electronic message center is prohibited.
- H. The lighting within an electronic message center shall not be permitted to strobe, flash on or off, change the intensity of illumination, or illustrate movement.
- I. Electronic message centers shall be equipped with automatic dimmer controls to produce a distinct illumination change from a higher illumination level to a lower illumination level between one-half hour before sunset (dusk) and one-half hour after sunrise (dawn).
- J. Electronic message centers shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500



nits (candelas per square meter) between dusk and dawn. The applicant shall provide a certificate of maximum illumination before a sign permit application is approved.

K. Electronic message centers are prohibited in the Downtown Districts.

f)i) Requirements Applicable to All Permanent Signs. The following general requirements shall apply for characteristics of permanent signs.

- 1) **Illumination.** Illumination of signs shall be permitted in all districts, except residential districts, or as otherwise provided in this Section. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate, travel, revolve, move or in any manner fail to provide constant illumination and shall not create a hazard or visibility problem or interfere with or impair vehicular movement on any street from which the sign may be viewed. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.
- 2) **Construction.** The construction of all signs, including any electrical wiring necessary for the operation of illuminated signs shall conform to the specifications of the Ohio Building Code.

3) **Maintenance**

A. Signs shall be maintained in a safe and good condition at all times by the owner of the sign. Regular maintenance includes the repair and replacement of damaged or malfunctioning parts, repainting, cleaning, and other acts required to keep the sign in good condition.

B. The maintenance of a mural shall be the responsibility of the property owner. The mural must be properly maintained to ensure that material failure (such as peeling paint) is corrected, and vandalism is removed promptly in accordance with the Property Maintenance Code.

C. Property surrounding any ground mounted sign shall be maintained in a clean and sanitary condition and shall be free from weeds, rubbish, and flammable material.

3)4) **Location.** All permanent signs shall be located on the site being promoted, identified or advertised. Off premise signs are prohibited. In no case shall any part of a sign be placed in, over, or extend onto any public right-of-way, except for projecting **nameplate** signs on lots where no front yard exists and for publicly owned signs such as traffic control and directional signs. In no case shall any part of a sign be placed in, over or extend above the roof line of any structure.

4)5) **Maximum Number, Height and Area of Signs.** In addition to placement of signs, the heights, area and number of permitted signs allowed per use or lot shall be regulated by districts and uses as listed under the regulations of this Section. The height of **monument signs and** ground signs shall be measured from the established grade, and no mounding shall be used to increase the height of a sign.



**5)6) Joint Identification Signs**

- A. Joint identification signs shall be limited to wall signs or monument signs, and to premises where there are two or more uses located on a property having frontage on at least one public street.
- B. If the property fronts on one street, only one joint identification sign is permitted.
- C. A second joint identification sign is permitted if the property fronts on two streets, provided that the frontage for each street is not less than ~~two hundred~~200 lineal feet (~~200'~~). Additionally, a second joint identification sign may be permitted in the Downtown Districts if the premises has pedestrian access open to the public from parking facilities both in the front and in the rear of the property.
- D. The size of a joint identification sign shall meet the size and location requirements for a commercial center sign under ~~Table 24~~.

**6)7) Off-Premises Signs for Industrial and Commercial Lots with No Street Frontage.**

Notwithstanding any other provision of these sign regulations, a lot or parcel with an Industrial or Commercial zoning designation that has no frontage on a public street, as determined by the Zoning Official, may apply for a sign permit to erect a ~~ground~~monument sign on an adjacent lot with street frontage, with the permission of the owner of the adjacent lot. The ~~ground~~monument sign shall meet the size and setback requirements for the lot upon which the sign is to be erected. The off-premise sign shall not be counted toward the total allowable signage for the lot upon which it is erected.

- j) **Street Numbers Required.** An owner, occupant or person having control of a residential, industrial, commercial or public building shall display the numerical address of the building in Arabic numbers not less than four inches ~~(4")~~ in height. Other street numbering guidelines include:
  - 1) The color of the numbers shall contrast to the color of the surface on which they are ~~mounted~~mounted, and the numbers shall be clearly visible from the street on which the building is numbered.
  - 2) The numbers shall be placed on the front of the building facing the street on which the building is numbered.
  - 3) For buildings not having entrance doors facing the street on which the buildings are numbered, numbers of all units within such building shall be placed either on the wall of the building facing the street on which the building is numbered or on a sign in compliance with this Section.
  - 4) The owner of a residential building may post additional sets of address numbers provided that one set complies with the provision of this Section.
  - 5) Whoever violates this Section or any part thereof, upon being notified in writing of such violation by the City Engineer, shall have ~~thirty (30)~~ days in which to comply with the provisions of this Section. Upon expiration of the ~~thirty (30)~~ days and failure to comply with



the provisions of this Section within that period the owner, occupant or person having control of a building shall be deemed in violation. Each subsequent day shall constitute a separate violation.

k) Lighting. LED, neon tubing, and string lights that are being used as building accent lighting or window trimming are prohibited. String lights may be used as decoration around outdoor eating and drinking areas, parks, public spaces, or gathering areas.

l) Temporary Signs and Temporary Sign Permits.

1) **Temporary Sign Permits.** A temporary sign permit is not required for all temporary signs, unless specifically stated otherwise.

2) **Single-Family Residential Temporary Signs.** Each single-family residential property may display temporary signs per the following regulations:

A. Each parcel is limited to a maximum of three signs at any one time.

B. The maximum size of each sign is six square feet.

C. The maximum sign height is four feet.

D. Signs shall not be illuminated.

E. The display of Single-Family Residential Temporary signs shall be limited to 30 consecutive days in a given year.

~~1) **Garage Sale Signs.** A sign which advertises the sale of personal property such as a garage, yard, porch or moving sale sign provided that it is limited to one sign, not greater than four square feet (4 sq. ft.) in size and which sign is located on the sale premises for a time period not greater than two (2) consecutive days. Such signs shall not be located in a public right-of-way.~~

3) **Real Estate Signs.** Property or buildings for sale, rental, or lease are permitted to have a temporary sign subject to the following:

A. The maximum sign area is 32 square feet.

B. The maximum sign height is six feet.

C. One sign is permitted per street frontage.

D. Such signs may be temporary ground, wall, or window signs. Ground signs must be located a minimum of 10 feet from any public right-of-way.

E. Signs shall not be illuminated.

~~A-F.~~ Signs shall be removed following the sale, rental, or lease of the building or property.

~~B.—Signs that indicate the sale, rental or lease of a particular residential structure or single- or two-family residential land area, to be limited in size to six square feet (6), with one sign allowed per street front, except that a corner lot may have one such real estate sign~~



~~per street front. Such signs shall not be located in a public right-of-way, and shall not be illuminated. Signs advertising a single- or two-family residential structure or land area must be removed within fourteen (14) days after the sale, rental, or lease has occurred.~~

~~C.—Signs that indicate the sale, rental, or lease of a particular residential or non-residential undeveloped parcel over three (3) acres in area, multi-family, commercial structure or industrial land area, to be limited in size to thirty-two square feet (32 sq. ft.) in area and six feet (6') in height, with one sign allowed per street front. They shall be placed at least ten feet (10') from any public right-of-way, and shall not be illuminated. Individual tenant spaces within a parcel are allowed a window or wall sign.~~

~~D.—**Property Signs.** No trespassing signs or other such signs regulating the use of property, such as "Beware of Dog," or "No Hunting," etc., of no more than two square feet (2 sq. ft.) in size.~~

~~2)—**Security Signs.** A sign indicating that the property is protected by a security surveillance system of any nature.~~

~~4) **Community Events.** Signs for community events and programs which last for a time period of 30 days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations are subject to the following:~~

~~A. Signs for community events and programs which last for a time period of 30 days or less and which are sponsored by nonprofit, public, educational, religious and charitable organizations are subject to the following:~~

~~i. Signs may be displayed during the event for a period of ~~thirty~~(30) days immediately preceding the commencement of the event.~~

~~ii. One sign may be located at the site of the event, provided it does not exceed 32 square feet in size and six feet in height.~~

~~iii. All off-site signs must be located on private property with the permission of the property ~~owner, and owner and~~ may not exceed ~~16~~sixteen square feet (~~16 sq. ft.~~) nor six feet (~~6'~~) in height.~~

~~iv. Signs shall not be illuminated, and shall not create a safety or visibility hazard, nor be affixed to any public utility pole or tree or be located within a public right-of-way.~~

~~i.v. Each sign shall be placed at a different site and shall be removed not later than ~~forty-eight~~(48) hours after the scheduled activity.~~

~~B. If the program or event is for a continuing period of time in excess of ~~thirty~~(30) days, only one sign, not larger than ~~ten~~10 square feet (~~10 sq. ft.~~), is permitted and such sign must be located either at the site of the event or program or at the location of the sponsoring organization, unless otherwise approved by the Zoning Official.~~

~~5) **Construction Signs.** Properties or buildings that are under construction may have temporary signs that are subject to the following:~~



- A. ~~Construction signs which display the identification of the contractors, architects and other construction principals and temporary development signs which shall include signs indicating or promoting the development of land, facilities, or structures. Construction and/or development signs shall not be illuminated. One sign is permitted. No more than one such sign shall be permitted~~ per street frontage and such signs shall be installed on the property to which they refer. ~~For sites having at least one hundred feet (100') of frontage on each of two public rights-of-way, a second sign may be permitted facing the second right-of-way if both signs comply with UDO requirements. The two signs shall be no closer than seventy five feet (75'). The distance shall be measured by drawing two straight lines from the edge of each sign, forming a 90-degree (90°) angle.~~
- B. Such signs shall be limited to ~~thirty-two~~32 square feet (~~32 sq. ft.~~) and six feet (~~6'~~) in height ~~and. They~~ shall be placed at least ~~ten~~10 feet (~~10'~~) from any public right-of-way.
- C. In residential subdivisions ~~that are under construction~~, development signs must be removed when ~~seventy five~~75 percent (~~75%~~) of the lots in the first subdivision phase have received ~~any~~ certificate of occupancy or the permanent subdivision sign has been erected.
- D. ~~For multi-family and non-residential developments, signs~~ ~~For other than single-family residential development, development signs~~ must be removed when more than ~~50~~fifty percent (~~50%~~) of the space is rented, sold or leased.
- E. Signs shall not be illuminated.
- ~~t) For construction signs in developed residential neighborhoods, such sign shall be limited to six square feet (6') and must be removed upon completion of construction or the commencement of occupancy, whichever event occurs first.~~
- ~~1)6) Temporary Holiday Signs/Decorations.~~ Signs clearly in the nature of decorations customarily associated with any national, local, or religious holiday, ~~shall to~~ be limited to ~~sixty~~(60) days in any one ~~(1)~~ year and to be displayed not more than ~~sixty~~(60) consecutive days. Such signs must meet the sign area limitations of the applicable zoning district. Such signs may be illuminated provided that safety and visibility hazards are not created.
- ~~7) Banners. Professionally printed advertising banners that are a maximum size of 150 square feet are permitted provided that a temporary sign permit is obtained, they are attached at each corner, point, and/or end so as to prevent movement. Banners may be attached to ground signs within the frame, provided that they are attached at each corner, point and/or end so as to prevent movement. Only one banner is permitted per establishment. No business shall display such signs for more than 60 days within one calendar year per location. The date each sign is first displayed and the time period for which the sign will be displayed shall be legibly marked on the sign. The area of each banner shall not count toward the maximum sign area as specified in this Section.~~
- ~~2)8) Temporary Window Signs.~~ Temporary window signs that are limited in size to ~~twenty-five~~25 percent (~~25%~~) ~~of of~~ the window area in which it is placed, and which are not



illuminated. Such signs may be placed only in ground floor windows where no other temporary signs are placed and be limited to only one sign per window. Such signs may be displayed not more than ~~one hundred twenty (120)~~ days per calendar year. ~~if they indicate or promote special sales or special occasions. The date upon which a temporary window sign is first displayed shall be legibly marked on the sign. It will be assumed that a sign has been displayed continuously from the date marked.~~ Merchandise ~~may be~~ displayed within individual store display windows ~~does not count as signage.~~

~~3)9)~~ **Other Types of Temporary Signs.** Up to two temporary signs, which do not fall within any other category under this Section 1111.08(f) and which are not greater than eight square feet ~~(8 sq. ft.)~~ in size, may be displayed on private property, with the permission of the property owner; provided any such sign shall not be displayed for longer than ~~thirty 30(30)~~ days in a given year. Temporary signs shall not be illuminated; and shall not create a safety or visibility hazard.

~~4)10)~~ **General Restrictions for Temporary Signs:**

A. No temporary sign shall be mounted, attached, affixed, installed or otherwise secured by any permanent means to any land, structure or other improvement.

~~B. Subject to the exemptions set forth in Section 1111.08(f) above, all temporary signs must be issued permits, in accordance with this Chapter, before they may be installed, erected, constructed or otherwise displayed.~~

~~C.B.~~ Subject to the other provisions of this Chapter, temporary signs advertising or otherwise directing viewers to a particular event shall be located at the site or location of the event being promoted or at the headquarters of an event sponsor.

~~D.C.~~ The date upon which a temporary sign is first displayed shall be legibly and permanently marked on the sign.

**11) Prohibited Temporary Signs.** The following types of temporary signs and advertising devices are prohibited.

**A. Flutter flags**

**B.** The use of any inflatable signs, air activated attraction devices, beacons and searchlights ~~is prohibited~~, except by special permit for specific events not to exceed ten (10) days in any twelve-month period.

**C.** ~~Portable signs, "A" or "T" frame signs, swinger message board signs, windblown signs, or any other type of sign which can be moved from one location to another without any change in its structural components or members, including trailer signs. Portable "A" frame (also known as sandwich board) signs, and swinger message board signs are permitted to be used with non-residential uses within the Downtown Districts; provided, however that such signs shall not exceed twenty four inches by thirty six inches (24" x 36").~~

**D. Human signs**



E. Snipe signs

F. Vehicle signs

5)12) **Signs in the Public Right-of-Way.** No temporary signage shall be placed in the public right-of-way, unless specifically approved by the City Manager (regardless of whether such sign is exempt from sign permitting requirements under Section 1111.08(f) above). Temporary signs placed in the public right-of-way present an immediate distraction and hazard to traveling vehicles and pedestrians, and contribute to visual clutter, blight and litter throughout the community. In addition to other available enforcement action and penalties set forth in this Chapter, the following enforcement action and penalties shall apply to violations of this Section 1111.08(lg)(125):

- A. The Zoning Official shall cause prompt removal of the prohibited sign from the public right-of-way. Temporary signs removed from the public right-of-way may be disposed of in the City's discretion.
  - B. Any person responsible for placing or maintaining a temporary sign in the public right-of-way shall be subject to the following graduated civil fines:
    - i. For the first offense, a fine of \$50.00;
    - ii. For the second offense, a fine of \$100.00;
    - iii. For the third offense, a fine of \$250.00; and
    - iv. For any subsequent offense, a fine of \$500.00.
  - C. Each temporary sign placed in the public right-of-way in violation of this section shall be considered a separate offense.
- m) **Nonconforming Signs and Illegal Signs.** The continuance of an existing sign that does not meet the regulations and requirements of this Section shall be deemed a nonconforming sign that shall terminate by abandonment, discontinuance, damage or destruction in accordance with this Section.

1) **Termination by Abandonment or Discontinuance.**

- A. A sign shall be considered abandoned or discontinued:
  - i. When the sign is associated with an abandoned or discontinued use.
  - ii. When the sign remains after the termination of a business. A business has ceased operations and terminated if it is closed to the public for at least ninety (90) consecutive days and no active building permit is on file for remodeling or reconstruction. Seasonal businesses are exempt from this determination.
- B. Abandonment shall be determined, based upon the above definitions, by the Zoning Official. When the Zoning Official finds, upon investigation, that a sign has been abandoned, he shall notify the owner of said sign, together with the owner of the land on which the sign is located, by certified mail, of their findings. Such notice shall



advised the owner(s) that the sign has been declared abandoned and must be removed within ~~thirty~~(30) days. The owner may appeal such decision by the Zoning Official to the Appeals Board within ~~twenty~~(20) days of receipt of the notice.

- C. If the abandoned sign is not removed as ordered and the owner has not filed an appeal within ~~twenty~~(20) days to the Appeals Board, or if the sign is not removed within ~~ten~~(10) days of notice to the owner of the Appeals Board's denial of the owner's appeal, the sign may be removed at the expense of the property owner. If the City is not reimbursed for such costs within ~~thirty~~(30) days, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the property on which the sign is located.
- D. Upon a finding that the signage is abandoned, the right to maintain and use such sign shall terminate immediately.

**2) Termination Due to Damage, Destruction, or Relocation**

- A. A sign which is damaged or destroyed, by any means, to the extent of more than ~~fifty~~50 percent ~~(50%)~~ of the cost of replacement of such sign, it shall not be reconstructed except in conformity within the provisions of this UDO.
- B. A nonconforming sign shall not be structurally relocated unless it is brought into compliance with the provisions of the sign requirements and standards of this UDO. Should any relocation take place without being brought into compliance, the sign shall be deemed an illegal sign.

**3) Maintenance of Nonconforming Signs.** A nonconforming sign shall be maintained as required in accordance with the following provisions:

- A. All signs, together with all supports, braces, guys and anchors shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be subject to periodic inspection.
- B. Every sign and the immediately surrounding premises shall be maintained by the owner or person in charge thereof in a clean, sanitary and inoffensive condition free and clear of all obnoxious substances, rubbish and weeds.
- C. Should any sign be or become unsafe or in danger of falling, the owner thereof and/or the owner of the land on which such sign is located shall proceed at once to put such sign in a safe and secure condition or shall remove the sign.
- D. When the Zoning Official or ~~their~~his designee finds, upon investigation, that a sign is unsafe or unsound structurally, he shall notify the owner of said sign, together with the owner of the land on which the sign is located, by certified mail of ~~their~~his findings. Such notice shall advise the owner that the sign has been declared unsafe and/or structurally unsound, and must either be repaired or removed (as determined by the Zoning Official in ~~their~~his discretion) with ~~ten~~(10) days. The owner may appeal such decision by the Zoning Official to the Appeals Board within ~~ten~~(10) days of receipt of the notice.
- E. If an unsafe, or structurally unsound sign is not repaired or removed as ordered by the Zoning Official, and the owner has filed an appeal within ~~ten~~(10) days to the Appeals



Board, or if the sign is not repaired or removed within ~~ten~~(10) days of the Appeals Board's decision denying the owner's appeal, the sign may be removed by the City at the expense of the sign owner and/or underlying property owner. If the City is not immediately reimbursed for such sign removal costs, the City may pursue collection of its costs in any lawful manner.

n) Enforcement

- 1) If any sign is installed, erected, constructed or maintained in violation of any provision of this section, except for nonconforming signs in compliance, the Zoning Official or ~~their~~his designee shall notify the owner or user thereof to comply with the provisions of this section by certified mail, personal service, or as otherwise allowed by law.
- 2) If the owner or user fails to comply with such notice, and the owner has not requested an opinion as to the existence of the violation from the Appeals Board, or, if after a reasonable search, the owner cannot be found, the Zoning Official or ~~their~~his designee shall cause such graphic or such portion thereof as is constructed or maintained in violation of this Section to be taken down, the expense of which shall be paid by the owner or user.
- 3) Unless clearly specified otherwise, the property owner will be considered to be the presumptive owner of said sign. However, nothing herein contained shall prevent the Zoning Official or ~~his~~their designee from adopting such precautionary measures as may seem to him necessary or advisable in case of imminent danger to place the graphic in safe condition, the expense of which shall be paid by the owner of the premises or recovered against him in the manner as further described in this section.
- 4) No owner or person in charge, possession or control of the sign(s) shall fail to comply with the notices provided in within five ~~(5)~~ days of mailing of the notice. No owner or person in charge, possession or control of permanent signs shall fail to comply with the notices provided within ~~twenty-one~~(21) days of mailing of the notice.
- 5) If a violation of a provision of this section is repeated within ~~ninety~~(90) days of a previous violation of the same provision of this Section by the owner or user subject of the previous violation on the same property as the previous violation, such sign may be seized immediately and a charge assessed for removal without additional notification.
- 6) Fees for removal shall be immediately due and payable to the City. Notice of such assessment shall be given to the owner or user by mailing such notice to the address utilized by the County Treasurer for tax billing purposes. All assessments not paid within ~~ten~~(10) days after such mailing shall be subject to collection by the City in any lawful manner
- 7) The City may also collect such costs together with interest through a civil action in the appropriate court of law having jurisdiction thereof and seek such additional orders from a court of competent jurisdiction as may be necessary from time to time in order to enforce the provisions of this section.

o) Penalties

- 1) Any person, firm, corporation, partnership, or association violating any provision of this Section or failing to obey any lawful order issued pursuant to its terms shall be charged with a minor misdemeanor offense and fined not less than \$75.00. Each day during which such violation continues may be deemed a separate offense.



- 2) An organization may be charged and found guilty of a violation of a provision of this Section under any of the following circumstances:
  - A. The offense is committed by an officer, agent or employee of the organization acting in or on its behalf and within the scope of ~~their~~his office or employment.
  - B. The offense consists of an omission to discharge a specific duty imposed by law on the organization.
  - C. If, acting with the kind of culpability otherwise required for the commission of the offense, its commission was authorized, requested, commanded, tolerated or performed by the board of trustees, partners or by a high managerial officer, agent or employee acting in behalf of the organization and within the scope of ~~their~~his office or employment.



**Awning Sign.** A sign that is mounted on or painted on an awning.

**Banner Sign.** 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. ~~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.~~

**Bench Sign.** 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.

**Billboard Sign.** An off-premise, outdoor ~~SIGN~~ sign exceeding 50 square feet in area. Billboards are prohibited under this UDO.

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

**Canopy Sign.** A sign that is mounted on or painted on an attached canopy. ~~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.~~

~~**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.~~

**Construction Sign.** A sign that is located on a lot that has active construction. ~~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.~~

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

**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.

**Flutter Flag.** A tall, narrow, vertical flag that is designed to flutter in the wind and attract attention.

**Governmental Flags.** Flags of any country, state, or unit of local government.

**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.~~



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.

**Human Sign.** A sign that is worn (including costumes) or held by a human for temporary commercial advertising or other promotional purposes.

**Identification Sign.** A ~~sign 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 BUILDING,~~ store, service or establishment.

**Inflatable Sign.** Any sign or device that is capable of being expanded.

~~**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.~~

**Manual Changeable Copy Sign.** 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.

**Marquee Sign.** A ~~sign SIGN~~ attached to or constructed in a ~~marquee MARQUEE.~~

**Menu Board.** Any signage pertaining to items, goods, or services offered by a drive-through business. 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.

**Mobile or Portable Sign.** 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.

~~**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.~~

**Mural.** Any mosaic, painting, or graphic art or combination thereof which is professionally applied to a building.

~~**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.~~



**Organizational Flags.** Flag for private or non-profit organizations.

~~**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 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. ~~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.~~

**Pole Sign.** A ~~sign~~ 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.

**Public Sign.** 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.

~~**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.~~

**Projecting Nameplate Sign.** A sign affixed to any party of a building or structure which extends beyond the building or structure by more than four feet. 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.

**Real Estate Sign.** A ~~sign~~ SIGN announcing the sale, rental or lease of the ~~lot~~ LOT where the sign is displayed, or announcing the sale, rental or lease of one or more ~~structures~~ STRUCTURES, or a portion thereof, located on such ~~lot~~ LOT, and indicating the owner, realty agent, telephone number or "open house" information.

**Residential Development Identification Sign.** A sign at the entrance of a residential neighborhood identifying the neighborhood.

**Revolving Sign.** A sign which in its entirety or in part moves in a revolving manner. ~~A SIGN that revolves three hundred sixty degrees (360°) but does not exceed eight (8) revolutions per minute.~~



**Roof Sign.** A ~~sign~~ SIGN erected upon or above a roof or parapet wall of a ~~building~~ BUILDING, which sign is wholly or partially supported by such ~~building~~ BUILDING. Roof signs are prohibited under this UDO.

~~**Security Sign.** A SIGN indicating that the property is protected by a security surveillance system of any nature.~~

~~**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.~~

**Snipe Sign.** 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.

**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~~ PENNANTS and/or ~~banners~~ BANNERS attached.

**Temporary Sign.** 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. ~~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.~~

**Vehicle Sign.** 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.

**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.

**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.





## LEGISLATIVE COVER MEMO

**Introduction:** December 16, 2024

**Public Hearing:** January 7, 2025

**Effective Date:** February 5, 2025

**Agenda Item:** **Ordinance 2024-35**

AMENDING SECTION 1105.09 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE

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

**Scope/Description:** 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.

**Exhibits:** Exhibit A: Section 1105.09 of the UDO



CITY OF FRANKLIN, OHIO  
ORDINANCE 2024-35

Section 6, ItemB.

**AMENDING SECTION 1105.09 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 1105.09 of the UDO during a public meeting of Planning Commission held on December 11, 2024;

WHEREAS, Planning Commission reviewed the proposed text amendments during its September 11, 2024 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 1105.09 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 Sections 1105.09 of the City’s Codified Ordinances, and Section 1105.09 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: December 16, 2024

ADOPTED: January 7, 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 2024-35 passed by City Council on January 7, 2025.

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ben Yoder, Law Director



## 1105.09 Fees

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

Accessory Use and Structure Permits	
Accessory Structures/Sheds	\$50.00
Antenna and Antenna Towers	\$50.00
Decks, Patios, Porches & Balconies	\$50.00
Dish-Type Satellite Signal Receiving Antennas	\$50.00
Fences & Walls	\$50.00
Garages/Carports/Barns	\$50.00
Gazebos, Trellises & Other Open-Sided Structures	\$50.00
Swimming Pools & Hot Tubs	
Above Ground	\$50.00
In-Ground	\$50.00
Appeals	<del>\$200.00</del> \$150.00
Certificates of Zoning Compliance	\$50.00
Conditional Use Permits	<del>\$500.00</del> \$150.00
Construction Plans	\$300.00
Final Plat Amendments	\$150.00
Floodplain Overlay District Permit	\$150.00
Major Site Plan	<del>\$500.00</del> \$400.00*
Minor Site Plan	<del>\$200.00</del> \$100.00
Major Subdivision (per Preliminary and per Final Plat)	<del>\$500.00</del> \$300.00 + \$10.00 per lot
Minor Subdivision	\$150.00
Nonconforming Use - Substitution or Extension	\$150.000
<del>Planned Unit Overlay District (PUD)</del>	<del>\$200.00*</del>
<del>PUD Preliminary Development Plan</del>	<del>\$1,000.00</del> \$600.00* + <del>\$10.00 per lot or unit for residential uses and \$50 per acre for nonresidential uses</del> site plan
<del>PUD Final Development Plan</del>	<del>\$500.00</del> \$300.00*
Planned Residential Conservation District (PRCD)	
<del>PRCD Preliminary Development Plan</del>	<del>\$600.00* + site plan</del> \$1,000.00 + <del>\$10.00 per lot or unit for residential uses</del>
<del>PRCD Final Development Plan</del>	<del>\$300.00*</del> \$500.00
Rezoning (Text or Changes to the Zoning Map)	<del>\$500.00</del> \$150.00



Sign Permits	
- New Sign	\$100.00 for 1st sign
Each Additional Sign	\$25.00
- Replacement of existing sign face (for sign that already has a sign permit)	\$50.00
Similar Uses, Determination of	\$100.00
Stormwater Management Plan and Site Development Plan Review	\$300.00*
Temporary Certificates	\$50.00
Telecommunications Overlay District Special Permit	\$200.00*
Variances	\$200.00 <del>\$150.00</del>
Well Field Protection Overlay District Permit	\$200.00*

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

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

(Ord. 2009-11. Passed 7-6-09; Ord. 2014-07. Passed 7-7-14.)

#### HISTORY

Amended by Ord. [2022-12](#) on 5/2/2022

Amended by Ord. [2023-07](#) on 4/3/2023

~~Amended by Ord. 2024-XX on XXXX~~





# LEGISLATIVE COVER MEMO

**Introduction:** December 16, 2024

**Public Hearing:** January 7, 2025

**Effective Date:** February 5, 2025

**Agenda Item:** **Ordinance 2024-36**

ENACTING SECTION 532.14 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO, CAPTIONED “USE OF TEMPORARY GENERATORS”

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

**Scope/Description:** 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.

**Exhibits:** Exhibit A: Section 532.14



CITY OF FRANKLIN, OHIO  
ORDINANCE 2024-36

Section 6, Item C.

**ENACTING SECTION 532.14 OF THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO,  
CAPTIONED "USE OF TEMPORARY GENERATORS"**

WHEREAS, Chapter 532 of the Codified Ordinances of the City of Franklin designates certain actions and conditions on real property within the City as nuisances subject to abatement by the City;

WHEREAS, the City of Franklin City Council recognizes that the use of temporary generators and similar equipment on property may constitute a nuisance in certain circumstances; and

WHEREAS, City Council desires to enact a new Section 532.14 of the Codified Ordinances to prohibit unauthorized use of temporary generators and similar equipment on property in the City limits.

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

Section 1. Section 532.14 of the City's Codified Ordinances is hereby enacted as set forth in Exhibit A, attached hereto.

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: December 16, 2024

ADOPTED: January 7, 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 2024-36 passed by City Council on January 7, 2025.

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

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Ben Yoder, Law Director



## CHAPTER 532 Nuisances

### **532.14 Use of Temporary Generators**

- (a) Prohibitions. Subject to Section (c) herein, it shall be unlawful for any person to operate a temporary generator or similar equipment on any real property within the City of Franklin without a valid permit issued by the City authorizing such operation.
- (b) City Permit. Application for a permit allowing operation of a temporary generator or similar equipment shall be made on a form and/or in the manner provided by the City of Franklin. A permit issued by the City pursuant to this Section may set forth conditions governing the location and use of the temporary generator or similar equipment (including but not limited to the duration of use).
- (c) Exception.
  - (1) A temporary generator or similar equipment may only be operated on real property within the City of Franklin without a prior City-issued permit if such operation is in response to a period of unanticipated electric power outage impacting the subject property; provided, the owner or other occupant of the property shall promptly notify the City of the unanticipated power outage and need for temporary alternative electric generation, and the owner's authorization to use the temporary generator or similar equipment shall immediately cease when the power outage is resolved.
  - (2) This exception shall not apply in any case where an electric power outage on real property is the result of any act or omission committed by the owner or other occupant of the subject property.
- (d) Definitions. As used in this section, "temporary generator" shall mean a device or equipment capable of generating and/or supplying electricity, which is not permanently affixed to and/or installed within a principal or accessory structure in accordance with a lawfully issued building permit.





# LEGISLATIVE COVER MEMO

**Introduction:** January 7, 2025

**Agenda Item:** 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.

**Submitted by:** Barry Conway, City Engineer

**Scope/Description:** 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.

**Budget Impact:** The total cost for this Project is currently estimated at \$691,710. The City’s share of this would be \$0.00.

**Exhibits:** N/A

**Recommendation:** Staff recommends approval of this resolution.



CITY OF FRANKLIN, OHIO  
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.**

The following Resolution is enacted by the City of Franklin, Warren County, Ohio, hereinafter referred to as the Local Public Agency “(LPA)”, in the matter of the project described herein.

Section 1. Project Description

WHEREAS, the STATE has identified the need for the following described project (“Project”):

*Upgrade of railroad warning devices and circuitry at South River Street, (crossing DOT #524892A) and SR 123/South Main Street (crossing DOT #524894N). Interconnection with new traffic signals at the intersection of SR 123/South Main Street & West Sixth Street and at the intersection of South River Street & West Sixth Street. Installation will include any ancillary work to make warning devices function as designed, MUTCD compliant, and visible to roadway user.*

NOW THEREFORE, be it resolved by the Council of the City of Franklin, Ohio, a majority of Council members present concurring, that:

Section 2. Consent Statement

Being in the public interest, the LPA gives consent to the Director of Transportation to complete the above described project as detailed in the LPA-ODOT-Let Agreement entered into between the parties, if applicable.

Section 3. Cooperation Statement

The LPA shall cooperate with the Director of Transportation in the development and construction of the above described project and shall enter into a LPA Federal ODOT Let Project Agreement, if applicable, as well as any other agreements necessary to develop and construct the Project.

***The State shall assume and bear 100% of all costs of the improvement.***

*The LPA further agrees to pay 100% of the cost of those features requested by the LPA which are determined by the State and Federal Highway Administration to be unnecessary for the Project.*

Section 4. Utilities and Right-of-Way Statement

The LPA agrees that all right-of-way required for the described project will be acquired and/or made available in accordance with current State and Federal regulations. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5. Maintenance

Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited



to, Title 23, U.S.C., Section 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

Section 6. Authority to Sign

The City Manager of said City of Franklin is hereby empowered to enter into and execute contracts with the Director of Transportation which are necessary to complete the above-described project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Project.

Upon request of ODOT, the City Manager is also empowered to execute any appropriate documents to affect the assignment of all rights, title, and interests of the City of Franklin to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

Section 7. Sunshine Law

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 8. Effective Date

This Resolution shall take effect and be in force immediately upon its passage.

ADOPTED: January 7, 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 7, 2025.

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





# LEGISLATIVE COVER MEMO

**Introduction:** January 7, 2025

**Agenda Item:** **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

**Submitted by:** Barry Conway, City Engineer

**Scope/Description:** 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.

**Budget Impact:** 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.

**Exhibits:** N/A.

**Recommendation:** Approval to prepare and submit the application and execute any contracts as required to participate in the program.



CITY OF FRANKLIN, OHIO  
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**

WHEREAS, the Ohio Department of Development, through its Office of Housing and Community Partnerships (OHCP) has awarded FY2025 Community Development Block Grant (CDBG) Funds to Warren County, as an urban county;

WHEREAS, the CDBG Program provides that the City shall have its grant funds awarded and administered by Warren County;

WHEREAS, the City received notice from the Warren County Board of Commissioners requesting submittals for funding and project proposals; and

WHEREAS, the City has identified infrastructure needs which are eligible under the FY2025 Warren County CDBG Program,

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

Section 1. The City Manager is hereby authorized to apply for a 2025 Roadway Improvement Project to the Warren County Board of Commissioners for FY 2025 CDBG funding, and to execute all necessary documents related to said request and program activities.

Section 2. The City hereby commits to fund any 2025 Roadway Improvement Project costs that exceed the estimated CDBG allocated amount of Two Hundred Thousand Dollars, \$200,000 (\$606,000 estimated total cost).

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 immediately upon its passage.

ADOPTED: January 7, 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 7, 2025.

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





# LEGISLATIVE COVER MEMO

<b>Introduction:</b>	January 7, 2025
<b>Agenda Item:</b>	<b>Resolution 2025-03</b>  AUTHORIZING THE PURCHASE OF A SPLASH PAD FROM RAIN DROP PRODUCTS, LLC THROUGH THE SOURCEWELL PURCHASING PROGRAM
<b>Submitted by:</b>	Jonathan Westendorf, City Manager
<b>Scope/Description:</b>	This Resolution authorizes the purchase of aquatic play equipment on State bid for a total cost of \$496,356.10
<b>Budget Impact:</b>	This expense is included in the 2025 Budget.
<b>Exhibits:</b>	Exhibit A: Quote from Rain Drop Products, LLC  Exhibit B: Product Photos
<b>Recommendation:</b>	Approval



CITY OF FRANKLIN, OHIO  
RESOLUTION 2025-03

**AUTHORIZING THE PURCHASE OF A SPLASH PAD FROM RAIN DROP PRODUCTS, LLC  
THROUGH THE SOURCEWELL PURCHASING PROGRAM**

WHEREAS, the Council of the City of Franklin finds it to be in the best interests of the health, safety and welfare of its residents to purchase a Splash Pad (the "Equipment") to be installed at Dial Park; and

WHEREAS, Rain Drop Products, LLC currently has a Sourcewell state contract (Sourcewell, Contract # 010521-RDP) to sell children's commercial aquatic play equipment (the "Sourcewell Contract"), which meets the City's desired specifications for the Equipment; and

WHEREAS, pursuant to Section 5.05 of the City of Franklin Charter and Ohio Revised Code 9.48, the City of Franklin may participate in the Sourcewell Contract and acquire the Equipment, without following competitive bidding procedures; and

WHEREAS, because the Equipment purchase price exceeds Seventy-Five Thousand Dollars (\$75,000), City Council must legislatively approve the expenditure of City funds for the purchase.

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 hereby authorized to participate in the Sourcewell Contract and execute, on behalf of the City, a contract with Rain Drop Products, LLC for the purchase of the Equipment in the total amount of Four Hundred Ninety-Six Thousand Three Hundred Fifty-Six Dollars and Ten Cents (\$496,356.10).

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 7, 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 7, 2025.

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



## PROPOSAL

Section 7, Item C.



Reference: 1923841  
 Project Name: FRANKLIN SPRAYPARK  
 Salesperson: Jodi Holt

Date: 1/3/2025

To:  
 Purchaser: CITY OF FRANKLIN  
 Billing Address: 1 Benjamin Way  
 Franklin, OH 45005

First Shipment Address:  
 CITY OF FRANKLIN  
 1 Benjamin Way  
 Franklin, OH 45005

Quantity	Item # <i>Click on item # to view cut sheet</i>	Item Description	GPM (Ea) <i>(If Applicable)</i>	Unit Price	Extended Amt
	ABOVE GROUND FEATURES				
1.00	/MOLECULE3-205-182	MOLECULE3-205-1823841	182.00	\$192,565.00	\$192,565.00
2.00	PAD-3X6	PAD-3X6 EXIT SLIDE PAD		\$2,655.00	\$5,310.00
1.00	/RDPC-002-LF-OM	RAIN DROP PLAY CENTER 2, LF, OMNI	20.00	\$20,085.00	\$20,085.00
2.00	<u>SPSN-001-OM</u>	SPINNING SNAIL-OM	4.10	\$9,255.00	\$18,510.00
	LOOP 2				
1.00	AQRN-002-DBL-ADA-O	AQUA RUN DOUBLE ROCK ACCESSIBLE SLIDE-OM	24.70	\$33,810.00	\$33,810.00
1.00	PAD-4X6	PAD-4X6 EXIT SLIDE PAD		\$2,905.00	\$2,905.00
1.00	RNTR-003-OM	RAIN TREE NO DOOR -OM	24.80	\$30,545.00	\$30,545.00
1.00	BOPD-001	BOP A DROP ADD ON	4.00	\$12,080.00	\$12,080.00
2.00	<u>LEAF-001-MF-OM</u>	LEAF SPRAY-MF-OM	1.60	\$10,125.00	\$20,250.00
1.00	/KITE-001-MF-OM	PRISMATIC KITE-MF-OM	1.80	\$14,265.00	\$14,265.00
1.00	<u>CFTR-001-MF-OM</u>	SNAPPY THE TURTLE-MF-OM	0.40	\$6,075.00	\$6,075.00
1.00	<u>FMTA-001</u>	FEATURE MOUNTED TOUCH ACTIVATOR		\$650.00	\$650.00
1.00	SND1-001	SOUND, 1 SPEAKER, 1SND CARD, 1 INPUT		\$4,727.00	\$4,727.00
1.00	<u>CFBF-001-MF-OM</u>	JEREMIAH THE BULLFROG-MF-OM	0.40	\$6,075.00	\$6,075.00
1.00	<u>FMTA-001</u>	FEATURE MOUNTED TOUCH ACTIVATOR		\$4,727.00	\$4,727.00
1.00	SND1-001	SOUND, 1 SPEAKER, 1SND CARD, 1 INPUT		\$600.00	\$600.00
1.00	/SBAN-001-MF-OM	TWIRLING BANDIT MF OM	1.00	\$10,180.00	\$10,180.00
2.00	/WFCN-059-OM-ADA	WATER FUN CANNON-TURTLE-INCLUSIVE-OM	5.70	\$11,325.00	\$22,650.00
1.00	/FGLG-001-LF-OM	FROG ON A LOG SPRAY-OMNI		\$27,140.00	\$27,140.00
3.00	<u>FMTA-001</u>	FEATURE MOUNTED TOUCH ACTIVATOR		\$650.00	\$1,950.00
	SURFACE SPRAYS				
1.00	<u>PPJT-001-LF</u>	POP JETS-LF	11.80	\$855.00	\$855.00
1.00	<u>CIRT-012-LF</u>	CIRCLE TIME-12-LF	11.40	\$5,280.00	\$5,280.00
4.00	<u>RDPJ-LED-UPJT-001</u>	LED UPSTREAM JET	3.80	\$2,205.00	\$8,820.00



## PROPOSAL

Section 7, Item C.



Reference: 1923841  
 Project Name: FRANKLIN SPRAYPARK  
 Salesperson: Jodi Holt

LOOP 4					
2.00	<u>RDPJ-LED-CLJT-001</u>	LED CLUSTER JET	5.00	\$2,205.00	\$4,410.00
1.00	<u>RDPJ-LED-MPKJ-001</u>	LED MINI POPKORN JET	5.00	\$1,615.00	\$1,615.00
2.00	<u>RDPJ-LED-SFJT-001</u>	LED SLANT FINGER JET	10.10	\$2,205.00	\$4,410.00
LOOP 2					
MOUNTING SYSTEM					
11.00	<u>POD-A001</u>	OMNIPOD TEMPLATE		\$0.00	\$0.00
CONTROL SYSTEM					
2.00	<u>BOL-LEAF-001</u>	LEAF ACTIVATOR		\$6,015.00	\$12,030.00
1.00	/ENC-DXS-113233040	DISTRIBUTION CABINET, ISPLASH DMX, MFD, 13-1", 3-2", 1-3"PSOL		\$65,580.00	\$65,580.00
DRAINS					
4.00	<u>DRN12-006B</u>	DRAIN 12X12-6 INCH BOTTOM OUTLET COMPOSITE		\$645.00	\$2,580.00
5.00	SITE SERVICE-STAND	SITE SERVICE-STANDARD VISIT		\$1,200.00	\$6,000.00
ON SITE ASSISTANCE FOR STRUCTURE ERECTION AND CONTROLLER/SHOW SET UP					

**Total Flow (Non Choreographed) - 355.50 GPM**

Quote Duration-60 Days



Contract #010521-RDP

Inquire about our nationwide cooperative purchasing programs!

Payment Terms: 35% Dep, 65% prior shipment

Estimated Delivery Date upon placement of Order:

See the following pages for General Terms, Conditions and Warranty related to this Proposal

<b>Total Order</b>	\$546,679.00
<b>Less discount at a rate of 10.00%</b>	-\$54,067.90
<b>Freight to Franklin, OH</b>	\$3,745.00
<b>Taxes - See General Terms, Conditions and Warranty</b>	\$0.00
<b>Net Order</b>	\$496,356.10





**Reference:** 1923841  
**Project Name:** FRANKLIN SPRAYPARK  
**Salesperson:** Jodi Holt

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### Warranty Details Click Here

#### GENERAL TERMS AND CONDITIONS

- 1) **Purchase:** By executing this proposal (the "Proposal"), or submitting a purchase order pursuant to this Proposal (which shall incorporate the terms of this Proposal into such purchase order specifically by reference) which is accepted by Rain Drop Products, LLC ("Rain Drop") the purchaser identified above ("you" or the "Purchaser") agrees to purchase the products as detailed in this Proposal (the "Products"), or in the purchase order accepted by Rain Drop, for use by Purchaser or for installation by Purchaser on behalf of a third-party who will be the ultimate owner of the features and/or equipment (the ultimate owner of the features and/or equipment, whether Purchaser or a third-party, being the "Owner").
- 2) **Proposal:** The above proposal is valid for sixty days from the date first set forth above. After sixty days Rain Drop reserves the right to increase prices due to the rise in costs of raw material, fuel or other cost increases.
- 3) **Short Ship Claims:** Purchaser has fifteen days from receipt of the Products to file a short ship report in writing to its sales representative. Rain Drop will not honor claims made after this time.
- 4) **Standard Exclusions:** Unless specifically included and detailed in this Proposal, this Proposal does not include, and Rain Drop will not provide services, labor or materials for any of the following work: (a) removal or disposal of any materials containing asbestos or any hazardous materials as defined by the EPA; (b) moving Owner's property around the installation site; (c) repair or replacement of any materials supplied by Purchaser or Owner; (d) repair of concealed underground utilities not located on prints, supplied to Rain Drop by Owner during the bidding process, or physically staked out by Owner, and which are damaged during construction; or (e) repair of damage to existing surfaces that could occur when construction equipment and vehicles are being used in the normal course of construction.
- 5) **Bonding Guidelines:** If Purchaser uses or provides the Products for an Owner other than Purchaser (including, without limitation, as a subcontractor of Purchaser), Purchaser will include the following statement in Purchaser's contract with Owner: "The manufacturer's warranty for the Rain Drop Products brand water components is a separate document between Rain Drop Products, LLC and the ultimate owner of the Rain Drop brand water components, which will be provided to the ultimate owner at the time of final shipment for products manufactured by Rain Drop. Due to surety requirements, any performance and/or payment bond will cover only the first year of Rain Drop Products, LLC warranty."
- 6) **Insurance Requirements:** Rain Drop will not provide any insurance coverage in excess of its standard insurance, a copy of which is available for your review prior to acceptance of this Proposal.
- 7) **Payment:** Terms of payment are defined in the "Payment Terms" section of this Proposal and are specific to this contract.. All payments must be made to Rain Drop Products, LLC, 2121 Cottage Street, Ashland, Ohio 44805. If the Purchaser or Owner fails or delays in making any scheduled milestone payments, Rain Drop may cease continued





**Reference:** 1923841  
**Project Name:** FRANKLIN SPRAYPARK  
**Salesperson:** Jodi Holt

manufacturing until such payments with penalties are made, or Rain Drop may be relieved of its obligations hereunder if payment is more than sixty days past due. Rain Drop shall be entitled to certain payments previously made as liquidated damages. Rain Drop may use all remedies available to it under current laws, including but not limited to filing of liens against the property and using a collection agency or the courts to secure the collection of the outstanding debt. All payments made pursuant to the installment payment process shall not be available to be recovered by Purchaser so long as Rain Drop Products is not in default under the agreement. Transactions over \$5,000 paid via credit card will be subject to a 3% surcharge.

8) **Taxes:** Unless otherwise specifically included and detailed in this Proposal, prices do not include any taxes, including sales, use or excise taxes. It is the Purchaser's responsibility to furnish evidence of any sales tax exemption in the appropriate states and have compliance documents, where applicable, on file at Rain Drop.

9) **Lien Releases:** Upon request by Owner, Rain Drop will issue appropriate partial lien releases as corresponding payments are received from Purchaser, but prior to receiving final payment from Purchaser or Owner. Rain Drop will provide a full release of liens upon receipt of final payment. In accordance with state laws, Rain Drop reserves the right to place a lien on the property if final payment has not been received ten days prior to the filing deadline for liens.

10) **Site-plan Approval, Permit/s, Permit Fees, Plans, Engineering Drawings and Surveying:** Site-plan approval, permits, permit fees, plans, engineering drawings and surveying are specifically excluded from this Proposal unless specifically detailed herein. Rain Drop does not in any way warrant or represent that a permit or site plan approval for construction will be obtained.

11) **Manufacturing & Delivery:** Manufacturing lead-time from Rain Drop's receipt of this Proposal executed by Purchaser, or submittal by Purchaser of a purchase order pursuant to this Proposal (which shall incorporate the terms of this Proposal specifically by reference) which is accepted by Rain Drop is approximately twelve (12) to sixteen (16) weeks depending on the size and complexity of the components ordered.

12) **Changes in the Work:** During the course of this project, Purchaser may order changes consisting of additions and deductions in the work. The cost of these changes will be determined by Rain Drop, and a change order form must be completed and signed by both Purchaser and Rain Drop, which will detail the scope of the change order. Should any change order be essential to the completion of the project, and the Purchaser refuses to authorize such change order, then Rain Drop will be deemed to have performed its part of the project, and the project will be terminated. Upon such termination, Rain Drop will submit a final billing to Purchaser for payment, less a labor allowance for work not performed but including additional charges incurred due to the stoppage. No credit will be allowed for materials sold and supplied, which will remain the property of Purchaser.

13) **Restocking Fee** There will be a 30% restocking fee applied to all Products returned by Purchaser. Prior approval must be obtained from Rain Drop before any product is to be returned. All returns are at Rain Drop's discretion.

14) **Indemnification:** To the fullest extent permitted by law, Purchaser shall indemnify, defend and hold harmless Rain Drop and its consultants, agents and employees or any of them from and against claims, damages, losses and





**Reference:** 1923841  
**Project Name:** FRANKLIN SPRAYPARK  
**Salesperson:** Jodi Holt

expenses, including but not limited to attorneys' fees, related to the installation of products manufactured and supplied by Rain Drop, provided that such claim, damage, loss or expense is attributable to bodily injury to, sickness, disease or death of a person or to injury to or destruction of tangible property, but only to the extent caused by the negligent acts or omissions of the Purchaser or its agents, employees, or subcontractors or anyone directly or indirectly employed by them or anyone for whose acts they may be liable, regardless of whether or not such claim, damage, loss or expense is caused in part by a party indemnified hereunder. Such obligation shall not be construed to negate, abridge or reduce other rights or obligations of indemnity that would otherwise exist as to a party or person described in this Section..

15) **Intellectual Property Rights** Purchaser acknowledges and agrees that Rain Drop will remain the owner of any and all intellectual property rights, including, but not limited to, copyrights, service marks, and trademarks in, on or to the Products.

16) **Assembly/Installation:** Rain Drop does not provide installation services. If requested and specifically detailed in this Proposal, construction site services are intended to imply supervision and consulting services only. All labor required for the assembly, construction or removal of Products manufactured and supplied by Rain Drop will be the Purchaser's and/or Owner's responsibility.

17) **Site/Use Review by Purchaser:** Rain Drop relies on the Purchaser to determine that the Products are appropriate and safe for the Owner's installation site and/or intended use.

18) **Dispute Resolution:** Any controversy or claim arising out of or related to this Proposal must be settled by binding arbitration administered in Ashland, Ohio by a single arbitrator selected by the parties or by the American Arbitration Association, and conducted in accordance with the construction industry arbitration rules. Judgment upon the award may be entered in any court having jurisdiction thereof.

19) **Entire Agreement; No Reliance:** This Proposal, if accepted by Purchaser, represents and contains the entire agreement between the parties. Prior discussion or verbal representations by the parties that are not contained in this Proposal are not part of this Proposal. Purchaser hereby acknowledges that it has not received or relied upon any statements or representations by Rain Drop or its agents which are not expressly stipulated herein, including, without limitation any statements as to the Products, warranties provided hereunder.

20) **No Third-Party Beneficiaries:** This Proposal, if accepted by Purchaser, creates no third party rights or obligations between Rain Drop and any other person, including any Owner who is not also a purchaser. It is understood and agreed that the parties do not intend that any third party should be a beneficiary of this Proposal.

21) **Governing Law:** The Proposal will be construed and enforced in accordance with the laws of the State of Ohio. Notwithstanding any other law or venue available in any country or jurisdiction, the parties specifically reject all other venues and jurisdictions other than the United States of America, State of Ohio.

22) **Assignment:** Purchaser may not assign this Proposal, by operation of law or otherwise, without the prior written consent of Rain Drop. The Proposal, if accepted by Purchaser, shall be binding upon and inure to the benefit of Rain



## PROPOSAL

Section 7, Item C.



**Reference:** 1923841  
**Project Name:** FRANKLIN SPRAYPARK  
**Salesperson:** Jodi Holt

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Drop and the Purchaser, and their successors and permitted assigns.

23) **Miscellaneous:** Rain Drop objects to the inclusion of any different or additional terms in Purchaser's acceptance of this Proposal and if such terms are included in Purchaser's acceptance, Purchaser agrees that a contract of sale will nevertheless result only on the original terms stated in this Proposal. If any portion of this Agreement shall be declared invalid or unenforceable, the remainder of this Agreement shall remain in full force and effect. This Agreement shall be binding upon the parties hereto and their respective successors and assigns. This Agreement may be executed in one or more counterparts, either of which may be deemed an original, but all of which shall constitute one and the same document. Each person executing this Agreement for and on behalf of Purchaser represents and warrants that that person has the authority to execute this Agreement and all corporate action necessary to authorize the execution delivery of this Agreement.



## PROPOSAL

*Section 7, Item C.*



**Reference:** 1923841  
**Project Name:** FRANKLIN SPRAYPARK  
**Salesperson:** Jodi Holt  
**Order Amount:** \$ 496,356.10

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Executed to be effective as of the date executed by the Company:

**PURCHASER:**

Signature: \_\_\_\_\_

By: (Print Name) \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



