

CITY OF FRANKLIN, OHIO
ORDINANCE 2023-04

AMENDING SECTIONS 109.02, 109.03, 115.02, 151.16, 353.05, 532.07, 931.16, 1115.04, 1115.05, 1115.06, 1115.08, 1115.09, AND 1115.10 OF THE CITY OF FRANKLIN CODIFIED ORDINANCES TO REMOVE REQUIREMENTS THAT PUBLIC NOTICES BE GIVEN BY NEWSPAPER PUBLICATION

WHEREAS, City of Franklin electors voted in the May 2022 primary election and November 2022 general election, respectively, to approve a number of amendments to the City Charter;

WHEREAS, certain voter-approved Charter amendments eliminated the City of Franklin's duty to provide notice to the public of matters via newspaper publication; and

WHEREAS, City Council desires to align the City's Codified Ordinances with the recent Charter amendments by similarly eliminating requirements that the City give public notices by newspaper publication.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. Section 109.02 of the City's Codified Ordinances is hereby amended as set forth in Exhibit A, attached hereto.

Section 2. Section 109.03 of the City's Codified Ordinances is hereby amended as set forth in Exhibit B, attached hereto.

Section 3. Section 115.02 of the City's Codified Ordinances is hereby amended as set forth in Exhibit C, attached hereto.

Section 4. Section 151.16 of the City's Codified Ordinances is hereby amended as set forth in Exhibit D, attached hereto.

Section 5. Section 353.05 of the City's Codified Ordinances is hereby amended as set forth in Exhibit E, attached hereto.

Section 6. Section 532.07 of the City's Codified Ordinances is hereby amended as set forth in Exhibit F, attached hereto.

Section 7. Section 931.16 of the City's Codified Ordinances is hereby amended as set forth in Exhibit G, attached hereto.

Section 8. Section 1115.04 of the City's Codified Ordinances is hereby amended as set forth in Exhibit H, attached hereto.

Section 9. Section 1115.05 of the City's Codified Ordinances is hereby amended as set forth in Exhibit I, attached hereto.

Section 10. Section 1115.06 of the City's Codified Ordinances is hereby amended as set forth in Exhibit J, attached hereto.

Section 11. Section 1115.08 of the City's Codified Ordinances is hereby amended as set forth in Exhibit K, attached hereto.

Section 12. Section 1115.09 of the City's Codified Ordinances is hereby amended as set forth in Exhibit L, attached hereto.

Section 13. Section 1115.10 of the City's Codified Ordinances is hereby amended as set forth in Exhibit M, attached hereto.

Section 14. All ordinances or parts of ordinances that conflict with this Ordinance are hereby repealed.

Section 15. 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 occurred 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.

INTRODUCED: February 6, 2023

ADOPTED: March 6, 2023

ATTEST: Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Ordinance 2023-04 passed by that body on March 6, 2023.

Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED AS TO FORM:

Ben Yoder, Ben Yoder, Law Director

109.02 Regular Meetings

- (a) Date and Time: Public bodies of the City shall set dates and times for their regular meetings, unless such body meets only on an “as-needed” basis.
- (b) Place: Public bodies of the City shall set a regular location for their meetings. Such meetings shall be held at the Franklin Municipal Building, unless the City Manager determines that such location is not practical due to scheduling conflicts or security issues.
- (c) Notice: By December 1st of each year, the secretary of the public body shall give notice to the Clerk of Council of the public body’s regular meeting schedule for the following year. The Clerk shall then give notice of the regular meetings by advertising notice of the same once, in January of each calendar year, ~~in a newspaper of general circulation in the City,~~ by posting ~~notice of the same~~ in the Franklin Municipal Building and on the City of Franklin’s ***official*** website.
- (d) Change in Date, Time or Location: If the date, time or location of a regular meeting is changed, the secretary of the public body shall immediately give notice of the same to the Clerk of Council, and the Clerk shall give notice of the change by notifying the news media and by posting notice of the change at the Franklin Municipal Building and on the City of Franklin’s website as far in advance of the meeting as possible, but not less than twenty-four (24) hours prior to the meeting.
- (e) Council: Regular meetings of Council shall be called and held in accordance with the Rules of Council.

109.03 Special Meetings

- (a) Purpose: Any meeting other than a regularly scheduled meeting is a special meeting. No business or action other than that stated as the purpose of such special meeting shall be conducted at such meeting. The stated purpose may be for general purposes.
- (b) How Called: Special meetings of any public body of the City may be held at the call of the public body's Chair or upon a majority vote of the public body taken at any regular or special meeting. The call for a special meeting shall specify the date, time, location and purposes of the meeting. Unless otherwise provided, special meetings will be held at the same location as regular meetings. Special meetings of the City Council shall be called in accordance with the Rules of Council.
- (c) Notice:
 - (1) The secretary of the public body shall immediately give notice of the date, time, location and purpose of the special meeting to the Clerk of Council. The Clerk, or the City Manager in the Clerk's absence, incapacity or refusal to act, shall give notice of the date, time, location and purposes of a special meeting, other than an emergency meeting, by posting notice in the same locations as provided for posting notice of regular meetings ~~and by publication within at least one newspaper of general circulation within the City~~. Notice shall be posted as far in advance of the meeting as practicable, but not less than twenty-four (24) hours prior to the meeting.
 - (2) A public body shall not hold a special meeting unless it gives at least twenty-four (24) hours' advance notice to the news media that have requested notification.

115.02 Conditions For The Sale of Personal Property

- (a) Estimated Value of Less Than One Thousand Dollars: Personal property belonging to the City that is not needed for any municipal purpose, the estimated value of which is less than one thousand dollars (\$1,000) per item, may be sold by the board or officer having supervision or management of the property, upon the approval of the City Manager, by administrative directive, without advertising for bids.
- (b) Estimated Value of One Thousand Dollars or More: Personal property belonging to the City, the estimated value of which is one thousand dollars (\$1,000) or more, may only be sold pursuant to a resolution passed by Council authorizing such sale, after a determination that such property is no longer needed for any municipal purpose. Council shall indicate in the resolution whether the property shall be sold by bid, in accordance with divisions (b)(1) and (b)(2) of this section; or by auction, in accordance with division (b)(3) of this section; or by internet auction, in accordance with section (e) hereof.
- (1) Advertising for bids - The sale of personal property pursuant to section (b) hereof shall be by competitive bid, except as otherwise provided in this chapter. Bids shall be taken after advertising for no less than two weeks ~~in~~ ***by posting notice of the same in the City of Franklin Municipal Building and on the City of Franklin's official website, a newspaper of general circulation within the City.***
- (2) Consideration of bids; City's rights reserved - The bids submitted shall be referred to Council and Council shall accept the bid which it considers highest and best. Council shall, after it deems the bid price acceptable, authorize the City Manager to enter into a contract with the highest and best bidder. In any event, the City shall in all cases reserve the right to reject all bids. In the event Council rejects all bids, it shall have no duty to bid the property again.
- (3) Auctions - Council may employ an auctioneer to sell personal property under this section.
- (c) Personal Property Having No Value: The City Manager is hereby authorized, upon a recommendation by the board or officer having the management or supervision of personal property that is not needed for a municipal purpose or is obsolete or unfit for the use for which it was acquired, and that the property has no value, to discard or salvage such property. The City Manager shall approve the disposition of such property by administrative directive.
- (d) Refuse:
- (1) The Public Works Director is hereby authorized to sell refuse, street scrapings or ashes which the Director determines, in his sole discretion, are not necessary for the improvement of City property and that are under charge of the Street Division and not

necessary for the purposes of that division, without competitive bidding, unless the estimated value of the item to be sold is one thousand dollars (\$1,000) or more.

- (2) Money arising from a sale under division (d)(1) of this section shall be deposited in the treasury of the City, in the Street Fund, and shall be immediately available, in addition to the appropriations by Council, for the current expenses of the Street Division of the Public Works Department, and may be withdrawn upon the warrant of the Finance Director for such purpose. Such money shall not be considered a source of revenue subject to appropriation by Council, and may be expended as provided in this section without having been appropriated by Council.
- (e) Internet Auctions: Notwithstanding anything to the contrary in this chapter, Council may authorize the sale of personal property, regardless of its value, which is not needed for a municipal purpose, or is obsolete or unfit for the use for which it was acquired by internet auction, in accordance with ORC 721.15(D).

151.16 Unclaimed Property

- (a) Sale of Unclaimed Property: Unless the property involved is required to be disposed of in a certain manner by the Ohio Revised Code, such as ORC 2981.11 to 2981.13, property that is unclaimed for ninety (90) days or more may be sold by the Chief of Police, with the approval of the Safety Director, after notice of the sale has been provided ~~by publication once a week~~ for three (3) successive weeks **by posting written notice of the sale in the City of Franklin Municipal Building and on the City of Franklin's official website** ~~in a newspaper of general circulation within the County.~~
- (b) Disposition of Proceeds: The proceeds of such sales shall be paid to the Finance Director and shall be credited to City's General Fund, after any expenses for storage or sale have been paid in accordance with division (d) of this section.
- (c) Contribution of Property: Notwithstanding division (a) of this section, unless the property involved is required to be disposed of in a certain manner by the Ohio Revised Code, the Chief of Police, with the approval of the Safety Director, is hereby authorized to contribute property that is unclaimed for ninety (90) days or more to one or more public agencies, to one or more nonprofit organizations (no part of the net income of which inures to the benefit of any private shareholder or individual and no substantial part of the activities of which consists of carrying on propaganda or otherwise attempting to influence legislation), or to one or more organizations satisfying section 501(c)(3) or (c)(19) of the Internal Revenue Code of 1986.
- (d) Expense of Storage and Sale: Upon the sale of any unclaimed or impounded property, as provided in division (a) of this section, if any such unclaimed or impounded property was ordered removed to a place of storage or stored, or both, by or under the direction of the Chief of Police, any expenses or charges for such removal or storage, or both, and cost of sale, provided the same are approved by the Chief of Police, shall first be paid from the proceeds of such sale. Notice shall be given by registered mail, thirty (30) days before the date of such sale, to the owner and mortgagee, or other lien holder, at their last known address.
- (e) Citizen Reward Program: If the City has received notice that a Citizens' Reward Program has been established by the Board of County Commissioners of Warren County under ORC 9.92, after the payment of expenses under division (d) of this section, the City shall pay twenty-five percent (25%) of any moneys acquired from the sale of any unclaimed or impounded property under this section to the Citizens' Reward Program.

353.05 Disposition of Unclaimed Motor Vehicles in Storage

An unclaimed motor vehicle ordered into storage pursuant to Sections 353.01 or 353.03 of this Traffic Code or ORC 4513.60(A)(1) or ORC 4513.61 is subject to one of the following:

- (a) The City's Chief of Police may dispose of it with to a motor vehicle salvage dealer or scrap metal processing facility, as defined in ORC 4737.05, or with any other facility owned by or under contract with the City for the disposal of such motor vehicles.
- (b) The Chief of Police or a licensed auctioneer may sell the motor vehicle at public auction, after giving notice thereof by ~~advertisement, published once a week for two (2) successive weeks,~~ **by posting notice of the sale in the City of Franklin Municipal Building and on the City of Franklin's official website** in a newspaper of general circulation in the county ~~or as provided in ORC 7.16.~~
- (c) A towing service or storage facility may obtain title to the motor vehicle in accordance with ORC 4505.104. Any moneys accruing pursuant to division (a) or (b) of this section that are in excess of the expenses resulting from the removal and storage of the vehicle shall be credited to the City's general fund.

532.07 Noxious Weeds; Grass; Other Vegetation; Notice to Cut

- (a) It is hereby determined that weeds, grass or other vegetation growing at a height of ten inches or higher upon any property ~~in the City after May 1 of each year~~ are a public nuisance. ~~The City Manager, for two weeks prior to May 1 of each year, shall publish this determination in a newspaper of local circulation and shall demand that all property owners regularly cut the weeds or grass growing upon their properties in the ensuing months of the year.~~
- (b) Whenever noxious weeds or other uncultivated vegetation is growing to a height of over ten inches on land within the ~~e~~City ~~limits after May 1 of each year~~, the City Manager or his designee shall cause a written notice to be served upon the owner or person having charge of such land as provided in Section 532.03, notifying him that such vegetation is a nuisance and must be cut and destroyed within five days after the service of said notice.

Should any weeds or grass be found within the City more than five days after the foregoing notice has been completed, the City Manager may cause these to be cut at the expense of the City.

931.16 Responsibility of Property Owner or Occupant To Keep Premises And Abutting City Right of Way Clean

- (a) The owner or occupant of every property in the eCity shall maintain his premises, the sidewalk in front thereof, and the strip between the sidewalk and the curb or street free from any accumulation of paper, trash or other refuse. He shall also keep any grass, weeds or other wild vegetation cut to below 12 inches in height.

- (b) No person shall sweep into, rake into, or deposit in any gutter, street or sewer an accumulation of grass clippings, leaves, dirt or any other kind of litter; except during the period of 30 days, once per year, that are designated by the City Manager by giving notice of such designated days by **posting in the Franklin Municipal Building and on the City of Franklin's official website** ~~one publication in one newspaper of general circulation in the city~~ at least seven days before such designated 30 days, persons may deposit leaves in any gutter or street.

1115.04 UDO And Official Zoning Map Amendments

(a) Definition: Zoning amendments are legislative actions that make amendments to the Official Zoning Map and/or to the UDO text. Amendments may be initiated by the owners of the property or then-designated representative; by the Planning Commission, upon its own motion; or upon the recommendation to Planning Commission from City Council. After the City Engineer and the TRC review the proposed amendment, the Planning Commission shall make a recommendation on the amendment to Council, and Council either approves or disapproves the amendment.

(b) Initiation of Amendments:

(1) Amendments may be initiated in one of the following ways:

(A) By the filing of an application to the Planning Commission by the owners of property proposed to be rezoned by the amendment, or their designated representative;

(B) By the adoption of a motion by the Planning Commission; or

(C) By the adoption of a motion by Council and referral to the Planning Commission.

(2) All text and map amendments shall follow the same procedure. Council initiated text or map amendments shall be referred to the Planning Commission for recommendation, prior to Council consideration.

(c) Submittal Requirements:

(1) Each request for a Zoning Amendment shall include an application form, provided by the City, with the submittal;

(2) 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;

(3) Legal description of the parcel(s) to be rezoned, drawn by a surveyor registered in the State of Ohio;

(4) A statement of the reason(s) for the proposed amendment;

(5) Present use and zoning district;

(6) Proposed use and zoning district of the subject site;

- (7) A list of all owners of property that are contiguous to the parcel or lot proposed to be rezoned or redistricted or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists);
 - (8) A vicinity map at a scale approved by the City Engineer showing property lines, thoroughfares, existing and proposed zoning, and such other items as the City Engineer may require;
 - (9) A statement on the ways in which the proposed amendment relates to the Comprehensive Development Plan;
 - (10) The payment of the application fee as established in section 1105.09; and
 - (11) The City Engineer may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (12) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City.
- (d) Amendment Process: Amendments to the UDO text or map shall be submitted and reviewed according to the following steps:
- (1) **Pre-application Meeting**: Upon the recommendation of the City Engineer, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application for an amendment. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
 - (2) **Formal Application Submittal**: The applicant shall submit an application meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
 - (3) **Review by the TRC**: Upon receipt of an application, the City Engineer shall forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application is deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application. Only complete applications will be forwarded to the Planning Commission.
 - (4) **Notice of Public Hearing before Planning Commission**: Upon determination by the TRC that an application contains all the necessary and required information, the City Engineer shall place the application on Planning Commission's agenda and schedule a public hearing on the proposed amendment. Notice of the hearing shall

be provided at least once *by posting in the Franklin Municipal Building and on the City of Franklin's official website* ~~in one or more newspapers of general circulation in the City.~~ The notice shall be ~~published~~ *posted* at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed amendment. The text of the proposed amendment, maps, and plans (if applicable) shall be kept on file for public examination in the office of the City Engineer.

- (5) **Notice to Property Owners of Public Hearing Before Planning Commission:** If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property that are contiguous to the parcel or lot proposed to be rezoned or redistricted or that are across the street from it. The applicant shall provide to the City Engineer a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the parcel or lot proposed to be rezoned or redistricted or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (6) **Preparation of Staff Report:** The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer shall present his report to the Planning Commission.
- (7) **Planning Commission Hearing and Recommendation:** The Planning Commission shall review the application and recommend to City Council that the amendment be granted as requested; be granted as modified by Planning Commission; or be denied. The Planning Commission shall indicate specific reasons for its recommendation.
- (8) **Notice of Public Hearing before Council:** Following receipt of the recommendation from the Planning Commission, the Clerk of Council shall schedule a public hearing on the proposed amendment. Notice of the hearing shall be provided at least once *by posting in the Franklin Municipal Building and on the City of Franklin's official website* ~~in one or more newspapers of general circulation in the City.~~ The notice shall be ~~published~~ at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed amendment.

- (9) **Notice to Property Owners of Public Hearing before Council:** Notice of the public hearing shall be given by the Clerk of Council. Such notice shall be sent by via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (10) **Action by City Council:** After holding the public hearing, City Council shall either approve the amendment, approve the amendment with modifications, or deny the amendment.
- (e) Standards for Approval: The Planning Commission and the City Council shall consider the following criteria in approving all zoning amendments:
- (1) The proposed zoning district classification and use of the land will not materially endanger the public health or safety; and
 - (2) The proposed zoning district classification and use of the land is reasonably necessary for the public health or general welfare, such as by enhancing the successful operation of the surrounding area in its basic community function or by providing an essential service to the community or region; and
 - (3) The proposed zoning district classification and use of the land will not substantially injure the value of the abutting property; and
 - (4) The proposed zoning district classification and use of the land will be in harmony with the scale, bulk, coverage, density, and character of the area of the neighborhood in which it is located; and
 - (5) The proposed zoning district classification and use of the land will generally conform with the Comprehensive Land Development Plan and other official plans of the City, unless actual development within the area or changes in the conditions of the area makes conforming to the Comprehensive Development Plan impractical; and
 - (6) The proposed zoning district classification and use of the land are appropriately located with respect to transportation facilities, utilities, fire and police protection, waste disposal, and similar characteristics; and
 - (7) The proposed zoning district classification and use of the land will not cause undo traffic congestion or create a traffic hazard.
- (f) Effective Date: If approved, the amendment shall be effective thirty (30) days following approval by Council, unless otherwise indicated by emergency legislation.

1115.05 Planned Unit Developments And Planned Residential Conservation Developments

- (a) An applicant seeking a Planned Unit Development (PUD) or a Planned Residential Conservation Development (PRCD) is seeking to have Council make a change to the Official Zoning Map by application of an Overlay District; thus, decisions on such applications are legislative in nature.
- (b) General Submittal Requirements: The following general requirements shall apply to PUDs and PRCDs, in addition to the specific submittal requirements for PUDs (section 1109.05) and PRCDs (section 1109.06) contained in Chapter 1109 of this UDO:
- (1) Each request for a PUD or a PRCD shall include an application form, provided by the City, with the submittal;
 - (2) Legal description of property or portion thereof;
 - (3) Payment of the application fee as established by section 1105.09; and
 - (4) 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;
 - (5) A list of all owners of property that are contiguous to the parcel or lot proposed for the PUD or PRCD Overlay District or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists); and
 - (6) The City Engineer may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (7) The TRC shall make the determination as to completeness, and only complete applications and Development Plans shall be processed by the City.
- (c) Development Plans: In addition to the specific requirements for PUD Development Plans (section 1109.05(d) and (g)) and PRCD Development Plans (section 1109.06(i) and (l)), the following information shall be provided with a Development Plan at the time of submittal:
- (1) **A General Supporting Statement.** This is a narrative that explains what is being proposed and why. The narrative shall explain the development proposal in context of existing structures on the property and adjoining properties and shall provide the approximate allocation of land use by acreage and type and shall provide an estimate of the population of the project at build-out;
 - (2) **An Existing Conditions Plan** at a scale not less than one inch equals fifty feet (1" = 50') indicating existing topography, property boundaries, trees, structures,

pavements, utilities, and the location of existing directly adjacent properties and their structures;

- (3) **Proposed Site Plan** at not less than one inch equals one hundred feet (1" = 100') scale indicating pavement, structures, service areas, loading areas, parking circulation, trash dumpsters, setbacks, vegetation to remain, points of access, required screens and buffers, and related site improvements. This plan shall include the location of existing contiguous properties and their structures;
- (4) **Conceptual Architectural Design** and landscape planting;
- (5) Longitudinal and transverse cross-sections through the building at its tallest point. These sections shall include contiguous property and their principal buildings to illustrate neighboring height relationships. The scale of these sections shall be no less than one inch equals forty feet (1" = 40'); and
- (6) Engineering feasibility comments, report or study from a civil engineer for water, sanitary sewer and storm water utilities.

(d) Procedures - Applications and Preliminary Development Plans:

- (1) **Pre-application Meeting:** Upon the recommendation of the City Engineer, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application and Preliminary Development Plan. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
- (2) **Formal Application Submittal:** The applicant shall submit an application and Preliminary Development Plan meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
- (3) **Review by the TRC:** Upon receipt of an application and Plan, the City Engineer shall forward the application and Preliminary Development Plan to the TRC. The TRC shall review the application and Plan for completeness, and if the application and/or Plan is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on until all necessary and required information has been provided. If the application and Plan are deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application. Only complete applications and Preliminary Plans will be forwarded to the Planning Commission.
- (4) **Review of Preliminary Development Plan by Others:** The City Engineer shall distribute the preliminary development plan and application to the following for review and comment:

- (A) Regulatory agencies which have statutory authority to subsequently review and approve any aspect of the development, including but not limited to the Army Corps of Engineers, the Warren County Health Department, and the Ohio Environmental Protection Agency;
 - (B) Other agencies that, at the discretion of the City, may have appropriate technical expertise;
 - (C) Appropriate local City administrative officials, including the Law Director; and/or
 - (D) Consultants retained by the City.
- (5) **Notice of Public Hearing before Planning Commission:** Upon determination by the TRC that an application and Preliminary Development Plan contains all the necessary and required information and completion of review of the Plan by others, the City Engineer shall place the application and Plan on Planning Commission's agenda and schedule a public hearing on the proposed amendment. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website ~~in one or more newspapers of general circulation in the City. The notice shall be published~~ at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed application and Preliminary Development Plan. The application and Plan shall be kept on file for public examination in the office of the City Engineer.
- (6) **Notice to Property Owners of Public Hearing Before Planning Commission:** If the proposed Overlay District intends to apply to ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property that are contiguous to the parcel or lot proposed for the Overlay District or that are across the street from it. The applicant shall provide to the City Engineer a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the parcel or lot proposed for the Overlay District or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (7) **Preparation of Staff Report:** The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Planning Commission at least three (3) working days prior to the

meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer shall present his report to the Planning Commission.

- (8) **Site Visit:** The Planning Commission or Council may, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.
- (9) **Review and Recommendation by Planning Commission:** The Planning Commission shall review the application and recommend to City Council that the PUD/PRCD be granted as requested; be granted as modified by the Planning Commission; or be denied.
- (10) **Notice of Public Hearing before Council:** Following receipt of the recommendation from the Planning Commission, the Clerk of Council shall schedule a public hearing on the proposed Overlay District. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website ~~in one or more newspapers of general circulation in the City.~~ The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed application.
- (11) **Notice to Property Owners of Public Hearing before Council:** Notice of the public hearing shall be given by the Clerk of Council. Such notice shall be sent by via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (12) **Action by City Council:** After holding the public hearing, City Council shall approve the application and Preliminary Plan; deny the application and Preliminary Plan; or approve the application and Preliminary Plan subject to additional conditions and restrictions to which the owner has agreed.

(e) Procedures - Final Development Plans:

- (1) **Review for Completeness:** The TRC shall review the Final Development Plan to determine that it includes all the items required. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application and Plan are deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application.

- (2) **Distribution of Final Development Plan:** The City Engineer shall distribute the Final Development Plan to the Planning Commission, the Law Director, and other appropriate administrative departments or professional consultants for review and comment. Any reports, comments, or expert opinions shall be compiled by the City Engineer and transmitted to the Planning Commission prior to the time of the Board's review.
- (3) **Review by the Law Director:** The Law Director shall review the Declaration, Articles of Incorporation and either Bylaws (for a Condominium Association) or UDO of Regulations (for a Homeowner's Association) and any other final covenants and restrictions and maintenance agreements to be imposed upon the conservation development. He/she shall provide a written opinion to the Planning Commission documenting that the above demonstrates full compliance with the requirements of this Section.
- (4) **Review by Planning Commission:** Planning Commission shall review the Final Development Plan and the recommendations of the TRC and the City Engineer. The Planning Commission shall assure that the Final Development Plan is in accordance and compliance with the Preliminary Development Plan. The Planning Commission shall take action on the submitted Final Development Plan by either:
 - (A) Approving the Final Development Plan as submitted; or
 - (B) Approving the Final Development Plan subject to specific conditions not included in the plan as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or
 - (C) Denying approval of the Final Development Plan.
- (5) **Referral to Council:** The Final Development Plan for a PUD or PRCD shall be referred to the Council by Planning Commission after the Planning Commission has taken action on it, along with the Planning Commission's recommendations. The City Council, after due consideration, may deny the Final Development Plan, approve the Plan as submitted, or approve the Plan subject to additional conditions and restrictions to which the owner has agreed.

(f) Requirements:

- (1) **PUDs:** All applications and Development Plans for PUDs shall be reviewed for their compliance with the PUD requirements outlined in section 1109.05(c) and the City's Development Requirements and Standards contained in Chapter 1111.
- (2) **PRCDs:** All applications and Development Plans for PRCDs shall be reviewed for their compliance with the PRCD requirements outlined in section 1109.06(g) and (h) and the City's Development Requirements and Standards contained in Chapter 1111.

(g) Standards for Approval:

(1) **PUDs:** The Planning Commission and the City Council shall consider the following criteria in approving applications and Development Plans for PUDs:

- (A) It fully complies with the applicable requirements of this UDO;
- (B) It meets the General Standards for Review outlined in section 1109.05(i) and the Specific Standards outlined in section 1109.05(j);
- (C) It is not detrimental to other property or other uses located on the same property;
- (D) It is not detrimental to other development on nearby property;
- (E) It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways; and
- (F) It provides safe ingress and egress to emergency vehicles on the site.

(2) **PRCDs:** The Planning Commission and the City Council shall consider the following criteria in approving applications and Development Plans for PRCDs:

- (A) It fully complies with the applicable requirements of this UDO;
- (B) It meets the General Standards for Review outlined in section 1109.06(n);
- (C) It is not detrimental to other property or other uses located on the same property;
- (D) It is not detrimental to other development on nearby property;
- (E) It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways; and
- (F) It provides safe ingress and egress to emergency vehicles on the site.

(h) Effect of Approval:

- (1) If approved, the application and Final Development Plan shall be effective thirty (30) days following approval by Council, unless otherwise indicated by emergency legislation.
- (2) A PUD Final Development Plan or a PRCD Final Development Plan, as approved by City Council after recommendation from the Planning Commission, shall

constitute an amendment to the Franklin Zoning Map as it applies to the land included in the approved amendment Detailed Site Plan or Subdivision approval is assured based on good faith compliance with the approved Final Development Plan. The PUD or PRCD approval shall be for a period of one (1) year to allow for the submission of a Certificate of Zoning Compliance or a Final Plat if a subdivision was not submitted with the Development Plan. Unless the required Certificate of Zoning Compliance, or Final Plat if the subdivision was not submitted with the Development Plan, is properly requested and approved within the one (1) year period, the PUD or PRCD approval shall be voided and the land shall revert to its last previous zoning district without the Overlay District, unless an application for time extension is submitted to and approved by Council. No more than two six (6) month extensions shall be granted.

- (3) **Transfer of Lots:** No lots within a PUD/PRCD or any section thereof may be transferred until Final Development Plan for the PUD/PRCD has been recorded in the Warren County Recorder's Office.

(i) Development:

- (1) **Requirements:** Before beginning construction on any improvements within PUD/PRCD or any section thereof, the Developer shall comply with the provisions of this paragraph in order to assure that the proposed improvements meet the requirements of the City's Improvement Requirements and Standards, as outlined in section 1111.03.
- (2) **Construction Plans:** Before beginning work on the improvements in a PUD/PRCD any section thereof, the Developer shall submit to the City Engineer two (2) complete sets of Construction Plans and specifications of improvements, prepared by a registered professional engineer, that shall include typical sections, plan and profile views, construction details, and estimates of quantities and types of materials, along with the filing fee required under section 1105.09. The plans shall show:
- (A) The centerline profile of each proposed street, with tentative grades indicated;
 - (B) The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of the utility mains;
 - (C) The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers;
 - (D) A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;

- (E) A Site Development Plan as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k);
 - (F) A Landscaping Plan, as may be required by section 1111.06;
 - (G) An Engineer's estimate of the total cost of the contemplated public improvements for the subdivision or section thereof; and
 - (H) Any other information needed to show that the proposed improvements comply with this UDO.
- (3) **Guarantee/Security for Construction:** In accordance with section 1111.03(e), the Developer shall file with the Construction Plans a financial guarantee to ensure that all required infrastructure for the development, or section for which the Developer is seeking approval, is constructed in the manner and time frame required.
- (4) **Inspection Fees:** In accordance with section 1111.03(c), the Developer shall pay to the City, at the time of submission of the Construction Plans, an Inspection Fee to provide for the cost of inspecting the various public improvements as they are constructed.
- (5) **Approval:** Before beginning construction on any improvements within the PUD/PRCD or any section thereof, the Developer must have obtained approval of the Construction Plans from the City, including approval of his submitted Guarantee and payment of Inspection Fees. Upon approval of the Construction Plans by the City, the Zoning Official shall issue a Certificate of Zoning Compliance to the Developer.
- (6) **Changes or Additions:** After A PUD or PRCD General Development Plan has been approved by the Planning Commission, and in the course of carrying out the Plan, adjustments or rearrangements of buildings, drives, parking areas, recreation areas, entrances, heights, yards or similar modifications, may be requested by the Developer(s).
- (A) *Minor Changes:* The City Engineer shall review and approve or disapprove amendments to Development Plans, as shown on the Construction Plans, if the change involves twenty five percent (25%) or less of the original floor area, or less than ten thousand square feet (10,000 sq. ft.).
 - (B) *Major Changes:* Amendments to Development Plans, as shown on the Construction Plans, exceeding twenty five percent (25%) of the original floor area, or ten thousand square feet (10,000 sq. ft.), shall be reviewed and approved or disapproved by the Planning Commission, in accordance with

section 1109.05(1) for PUDs, and in accordance with section 1109.06(p) for PRCDs.

- (C) Any Construction Plans proposing the installation of fire hydrants must also receive approval from the City's Fire Division before the improvements are installed.
- (7) **Inspection:** Prior to the start of any work covered by the Construction Plans, after approval thereof, the Developer shall make satisfactory arrangements with the City Engineer for inspection of the work to insure compliance with the plans and specifications as approved.
- (8) **Acceptance of Improvements by the City:** Once the required public improvements have been installed and inspected, if acceptable to the City and if installed in accordance with this UDO, the City shall send the Developer notice that it intends to accept the improvements. The Developer shall then forward to the City the Construction Plans, in a format acceptable for recording with the Warren County Recorder's Office, that contain a dedication to the City of the accepted improvements for signature.
- (9) **Recording of Construction Plans:** Construction Plans may not be recorded until all required signatures of officials have been placed on the Plans. Once the appropriate officials have properly signed the Plans, the applicant shall record the Construction Plans with the Warren County Recorder's Office. Once recorded, a copy of the recorded Plans shall be filed with the City Engineer. No further development in the PUD or PRCD shall be permitted until the Construction Plans are recorded as required.
- (10) **Certificate of Occupancy:** No Certificates of Occupancy for any buildings or structures within the PUD or PRCD will be issued by the City until Construction Plans for the PUD or PRCD, or for a section thereof, have been approved and recorded as required by this Section.
- (11) **Development in Sections:** If the Developer chose to develop the PUD or PRCD in Sections, upon full build-out of the PUD or PRCD, the Developer shall prepare an updated Final Development Plan showing the exact location of all installed improvements, all easements and all buildings. This updated Final Development Plan shall be forwarded to the City for all required signatures at the time the Construction Plans for the final section are also forwarded for signatures, in accordance with subsection (9), above. Once the appropriate officials have properly signed the Plans, the applicant shall record the updated Final Development Plan with the Warren County Recorder's Office. Once recorded, a copy of the recorded Final Development Plan shall be filed with the City Engineer.

(j) Regulation Concerning Required Improvements:

- (1) **Street Construction:** Notwithstanding any other provision of this UDO, if approved by the City Engineer, the Developer may delay application of the final coat of asphalt for the time period allowed by the City Engineer. If the City Engineer does grant the Developer such a delay, the Developer shall wedge around any manholes or other protrusions, as directed by the City Engineer. A written agreement show such an agreement between the Developer and the City Engineer shall be required before the City accepts the improvements.
- (2) **Temporary Construction Signs:** The Developer shall install temporary construction signs as instructed by the City Engineer and based upon the progress of construction of the infrastructure. No construction or other required permits shall be issued until such temporary construction signs are installed as required by the City Engineer. Such signs shall be maintained by the Developer until the final coat of asphalt is applied.
- (3) **Completion of Construction:** The construction of all public improvements shown on the approved Construction Plans must be completed within two (2) years from the date of approval, unless good cause can be shown for the granting of an extension of time by Council.
- (4) **Maintenance:** For a period of one (1) year from the date the constructed improvements were accepted by the City, the Developer shall make such repairs or replacements as may be required by reason of defective workmanship or material.

1115.06 Major Subdivisions

- (a) A Major Subdivision is a platting of land for the purposes of development and transfer of ownership. It requires approval of a Preliminary Plat by the Planning Commission, approval of a Final Plat by the Planning Commission, acceptance by Council, and recording of the Final Plat prior to the transfer of land. Before any land is subdivided into a Major Subdivision, the owner of the property proposed to be subdivided, or his/her/its authorized agent, shall apply for and secure approval of the proposed subdivision in accordance with the procedures of this Section.
- (b) General Submittal Requirements: The following general requirements shall apply:
- (1) Each request for a Subdivision shall include an application form, provided by the City, with the submittal;
 - (2) 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; and
 - (3) Legal Description of property or portion thereof;
 - (4) A list of all owners of property that are contiguous to the parcel or lot proposed to be subdivided or that are across the street from it (The list shall be based upon the Warren County Auditor's current tax lists);
 - (5) Payment of the application fee as established by section 1105.09;
 - (6) The City Engineer may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (7) The TRC shall make the determination as to completeness, and only complete applications and Preliminary Plats/Final Plats shall be processed by the City.
- (c) Preliminary Plat and Base Information: An application form shall be completed by the Developer/Subdivider and submitted with the Preliminary Plat and required supplemental information. The Preliminary Plat and base information shall be provided at the time of submittal. The required fees shall also be paid at the time of application submittal.
- (1) **Drawing**: The Preliminary Plat shall be drawn on twenty-four inch by thirty-six inch (24" x 36") sheets to a scale of not less than one inch equals one hundred feet (1"= 100'). When more than one sheet is required, an index shall be incorporated into the title block. The Preliminary Plat shall contain the following information at a minimum:

- (A) Name and address of developer, property owner, land planner, landscape architect, engineer and/or surveyor;
 - (B) Adjoining property owners, deed references and/or recorded subdivision names, recording references and adjoining property structures within three hundred feet (300') or as specified by the City Engineer;
 - (C) Vicinity map (section and range);
 - (D) The ownership, acreage and boundaries of all adjacent properties within three hundred feet (300') of the subdivision or as specified by the City Engineer. If a recorded subdivision adjoins the subject site, the subdivision name, lot numbers, block numbers and recording number shall be indicated with dashed lines;
 - (E) North arrow;
 - (F) Title block shall be in the lower right-hand corner. The title block shall include title "Preliminary Plat", sheet title, proposed subdivision name, developer and Engineer who prepared the Plat, scale of the Plat, tax map and parcel numbers, sheet index, date and revisions numbered and dated;
 - (G) Boundary of the proposed subdivision clearly indicated by a heavy line with bearings and distances; and
 - (H) Existing topography at two-foot (2') intervals for slopes under 10 percent (10%) and at ten-foot (10') intervals for slopes ten percent (10%) or greater. Contour lines shall be indicated fifty-feet (50') beyond the subdivision boundary.
- (2) **Existing Conditions:** The Existing Conditions Map and text shall indicate the proposed subdivision and all property within two hundred feet (200') of the proposed subdivision or as specified by the City Engineer, the following conditions depicted to scale:
- (A) Existing generalized natural features;
 - (B) Existing zoning;
 - (C) Existing utilities, including: water; sanitary sewer and stormwater facilities, (indicating approximate pipe sizes and directions of slope); underground transmission lines; electric and telephone poles; street lights; fire hydrants; landfills; and public utility easements;
 - (D) Existing streets and roads, including: locations, widths and names of all streets and roads; existing easements; and streets which have been

preliminarily approved or recorded but which remain unimproved shall be indicated;

(E) Existing community facilities, including parks and recreation facilities; and

(F) Comprehensive Development Plan recommendations for the subject site and applicable zoning districts and standards.

(3) **Proposed Subdivision Plan:** The following proposed improvements are to be superimposed on top of the Existing Conditions Map:

(A) Proposed generalized land use, including proposed building footprint;

(B) Proposed layout of all proposed and existing lots with approximate dimensions and minimum area in square feet (acres if lot size is greater than 100,000 square feet), section number, phase number and part number, building lines, lot frontages and required setbacks;

(C) Lot numbers in numerical or alphabetical order throughout the entire subdivision;

(D) The location, dimensions, use and area of all property proposed to be reserved or temporarily reserved for public use, or reserved for the use of all property owners in the subdivision and the location, dimensions and purposes of any proposed easements; and

(E) Total number of lots, area of lots and parcels, area of public roadways, areas of open space dedications, and total area of the subdivision.

(4) **Proposed Water, Sanitary Sewer, and Stormwater:** The following improvements are to be superimposed on top of the Existing Conditions Map:

(A) Proposed water system;

(B) Proposed sewer system;

(C) Proposed drainage and stormwater management systems, including: the type of structures; drainage easements; proposed changes in topography; the 100-year floodplain (floodway and floodway fringe shall be indicated separately); and

(D) A preliminary storm drainage study including an evaluation of drainage structures and/or drainage systems, both upstream and downstream, affected by the drainage from the area covered by the Preliminary Plan, as directed by the City Engineer.

- (5) **Proposed Circulation:** The following improvements are to be superimposed on top of the Existing Conditions Map:
- (A) Proposed streets and roads, including: widths of rights-of-way and pavements; tentative profiles of each street centerline; tentative horizontal curve data; and typical cross sections of each type of street proposed;
 - (B) Proposed sidewalks and bike paths, including: locations; widths of rights-of-way; surface widths; and typical cross sections; and
 - (C) Proposed locations of street trees and landscape features.
- (6) **Proposed Sedimentation and Erosion Control:** The following improvements are to be superimposed on top of the Existing Conditions Map:
- (A) Locations and extent of tentative erosion and sedimentation control measures; and
 - (B) Preliminary grading plan for the entire area covered by the Preliminary Plat.
- (7) A Site Development Plan as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k).
- (d) **Final Plat:** An application form shall be completed by the Developer/Subdivider and submitted with the Final Plat. The application form shall be provided by the City Engineer. The required fees shall also be paid at the time of application submittal. The following supplementary information shall be supplied in addition to these requirements:
- (1) **Boundary Lines:** All plat boundary lines with lengths of courses to hundredths of a foot and bearings to half minutes. These boundaries shall be determined by an accurate survey in the field, which shall be balanced and closed with an error of closure of not to exceed one-to-ten thousand (1:10,000).
 - (2) **Recorded Streets:** The exact location and the width along the property line of all existing recorded streets intersecting or paralleling the boundaries of the tract.
 - (3) **Bearings:** True bearings and distances to nearest established street bounds, patent or other established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or other established survey or corporation lines shall be accurately monument-marked and located on the plat, and their names shall be lettered on them.
 - (4) **Monuments:** The accurate location and material of all permanent reference monuments.

- (5) **Site Layout:** The exact layout including:
- (A) Streets and alley lines - their names, bearings, angles of intersection and widths (including widths along the line of any obliquely-intersecting street);
 - (B) The chord length of all arcs - radii, points of curvature and tangent bearings;
 - (C) All easements and rights-of-way, when provided for or owned by public services (with the limitation of the easement rights definitely stated on the plat); and
 - (D) All lot lines with dimensions in feet and hundredths, and with bearings and angles to minutes if other than right angles to the street and alley lines.
- (6) **Lots and Block Numbers:** Lots numbered in numerical order. In tracts containing more than a block the blocks may be likewise numbered in numerical order or lettered in alphabetical order. The City will assign addresses to the lots thirty (30) days after the Final Plat has been accepted by City Council.
- (7) **Property Offered for Dedication:** The accurate outline of all property that is offered for dedication for public use, and of all property that may be reserved by covenant in the deeds for the common use of the property owners in the subdivisions, with the purpose indicated thereon. All lands dedicated to public use other than streets or roads shall be marked "Dedicated to the Public." Streets and roads not dedicated shall be marked "Private Street."
- (8) **Setback Lines:** As shown on the Preliminary Plat.
- (9) **Name of Subdivision:** Name of subdivision and name or number of the largest subdivision or tract of which the tract now subdivided forms a part.
- (10) **Adjoining Subdivision:** Names and locations of adjoining subdivisions and location and ownership of adjoining unsubdivided property.
- (11) **Names of Owners, Etc.:** Names and addresses of the owner of record, the subdivider, and of the Engineer or surveyor.
- (12) **North-Point, Etc.:** North-point, scale, date and title.
- (13) **Engineer's Certificate:** A certificate by a registered professional engineer or surveyor to the effect that said plat was prepared by him, pursuant to an actual survey of the premises and that said plat is correct.
- (14) **Owner's Certificate:** A certificate by the owner of the land to the effect that he has caused said land to be platted and that he dedicates to public use the

streets, parks and other lands indicated on the plat as intended for public use. This certificate shall be executed as a conveyance is executed.

(e) Application and Preliminary Plat Procedures:

- (1) **Preliminary Plat Pre-application Meeting:** Upon the recommendation of the City Engineer, or upon the request of the applicant, the applicant shall meet with the City Engineer prior to submitting a Preliminary Plat for consideration by the Planning Commission.
- (2) **Formal Application Submittal:** The applicant shall submit an application and Preliminary Plat meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
- (3) **Review by the TRC:** Upon receipt of an application, the City Engineer shall forward the application and Preliminary Plat to the TRC. The TRC shall review the Preliminary Plat to determine that it includes all the items required. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application and Plat deemed complete and the application fee has been paid, the TRC shall recommend to the City Engineer that the City officially accept the application.
- (4) **Preparation of Staff Report:** The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments from the TRC in formulating his recommendation. The application, Preliminary Plat and all supplemental information filed with the application shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer shall present his/her report to the Planning Commission.
- (5) **Site Visit:** The Planning Commission may, together with the applicant and the applicant's consultant(s), visit the site to gain a thorough understanding of the characteristics of the site.
- (6) **Action by Planning Commission:** Planning Commission shall review the application and Preliminary Plat and the recommendations of the TRC and the City Engineer.
 - (A) The Planning Commission shall take action on the submitted application and Preliminary Plat by either:
 - (i) Approving the application and Preliminary Plat as submitted; or

(ii) Approving the Preliminary Plat and application subject to specific conditions not included in the Plat as submitted, such as, but not limited to, improvements to the general building layout or open space arrangement; or

(iii) Denying the application and Preliminary Development Plat.

(B) Written notice of Planning Commission's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Planning Commission made in rendering its decision.

(7) **Plat Re-submittal:** If the Planning Commission requires corrections or modifications be made, the Developer/Subdivider shall submit a reproducible original Preliminary Plat reflecting those corrections and/or modifications to the City Engineer before the Planning Commission will reconsider the Plat.

(8) **Expiration:** The approval of a Preliminary Plat by the Planning Commission shall be effective for a maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be affected by changes or amendments to this UDO. If after this twelve (12) month period, any changes or amendments are made to this UDO, and any phase(s) or portion(s) of the original approved Preliminary Plan that have not received Final Plat approval or Construction Plan approval, then that phase(s) or portion(s) must be re-submitted for approval under the amended UDO.

(f) Application and Final Plat Procedures:

(1) **Final Plat Pre-application Meeting:** Upon the recommendation of the City Engineer, or upon the request of the applicant, the applicant shall meet with the City Engineer prior to submitting a Final Plat for consideration by the Planning Commission.

(2) **Formal Application Submittal:** The applicant shall submit an application and Final Plat meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.

(3) **Review by the TRC:**

(A) The City Engineer shall forward the application and Final Plat to the TRC. The TRC shall review the application and Plat for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application and Plat are deemed complete and the application fee has been

paid, the TRC shall recommend to the City Engineer that the City officially accept the application. Only complete applications and Plats will be forwarded to the Planning Commission.

- (B) If it has been over twelve (12) months since approval of the Preliminary Plat was granted and if any changes or amendments have been made to this UDO, any phase(s) or portion(s) of the original approved Preliminary Plat that have not received Final Plat approval, must be re-submitted for approval under the amended UDO.
- (4) **Preparation of Staff Report:** The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments from the TRC in formulating his recommendation. The application, the Final Plat, and all supplemental information filed with the application shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer shall present his report to the Planning Commission.
- (5) **Notice of Public Hearing Before Planning Commission:** Upon determination by the TRC that an application and Preliminary Plat contains all the necessary and required information, the City Engineer shall place the application and Plat on Planning Commission's agenda and schedule a public hearing on the proposed subdivision. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website ~~in one or more newspapers of general circulation in the City.~~ The notice shall be ~~published~~ posted at least five (5) days before the date of the bearing. The notice shall state the time and place of the hearing and a summary of the proposed application and Preliminary Plat. The application and Plat shall be kept on file for public examination in the office of the City Engineer.
- (6) **Notice to Property Owners of Public Hearing Before Planning Commission:** If the proposed subdivision intends to apply to ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be provided to all owners of property that are contiguous to the parcel or lot proposed for the subdivision or that are across the street from it. The applicant shall provide to the City Engineer a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the parcel or lot proposed for the Overlay District or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.

- (7) **Planning Commission Hearing and Recommendation:** The Planning Commission shall recommend either that the Final Plat be approved as submitted, that the Final Plat be approved with modifications, or that the Final Plat be denied.
- (8) **Notice of Public Hearing before Council:** Following receipt of the recommendation from the Planning Commission, the Clerk of Council shall schedule a public hearing on the proposed amendment. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website ~~in one or more newspapers of general circulation in the City.~~ The notice shall be ~~published~~ **posted** at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing and a summary of the proposed amendment.
- (9) **Notice to Property Owners of Public Hearing before Council:** Notice of the public hearing shall be given by the Clerk of Council. Such notice shall be sent by via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (10) **Action by Council:** After consideration of the Final Plat by the Planning Commission, the Plat shall be transmitted to the Council. Council shall approve the Final Plat, approve the Plat with modifications, or deny the Plat. Written notice of Council's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Council made in rendering its decision.
- (11) **Effect of Approval:** Approval of the Final Plat by the Council shall be deemed to constitute acceptance by the public of the dedication of every right-of-way and other proposed public easement or space shown on said Plat; however, improvements such as streets, sewer, water or other infrastructure shall not be accepted by the City until constructed and the construction plans for the same have been submitted and approved and the Developer/Subdivider has recorded said construction plans, as required by section 1115.06(i).
- (12) **Recording of Final Plat:** Once Council has approved a Final Plat, the Developer/ Subdivider shall make any corrections or modifications required and shall forward the Final Plat to the City for the required signatures. Final Plats may not be recorded until all required signatures of officials have been placed on the Final Plat. Once the appropriate officials have properly signed the Final Plat, the applicant shall record the Final Plat with the Warren County Recorder's Office. Once recorded, a copy of the recorded Final Plat shall be filed with the City

Engineer. If not recorded within twelve (12) months of the date of approval by Council, the Final Plat shall expire and be of no effect.

(13) **Expiration:** The approval of a Final Plat by Council shall be effective for a maximum period of twelve (12) months and shall guarantee that the terms under which the approval was granted will not be affected by changes or amendments to this UDO. If after this twelve (12) month period, any changes or amendments are made to this UDO, and any phase(s) or portion(s) of the original approved Preliminary Plan that have not received Construction Plan approval, then that phase(s) or portion(s) must be resubmitted for approval under the amended UDO.

(14) **Transfer of Lots:** No lots within a subdivision or any section thereof may be transferred until the Final Plat is accepted by the City and the Plat is recorded in the Warren County Recorder's Office.

(g) Requirements: All applications and Plats shall be reviewed for their compliance with the Subdivision Regulations outlined in section 1111.01, specifically section 1111.01(d).

(h) Standards for Approval:

(1) **Preliminary Plat:** A Major Subdivision application and Preliminary Plats shall only be approved if Planning Commission finds that all of the following standards are met:

- (A) It fully complies with the applicable requirements of this UDO;
- (B) It is not detrimental to other property or other uses located on the same property;
- (C) It is not detrimental to other development on nearby property;
- (D) It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways;
- (E) It provides safe ingress and egress to emergency vehicles on the site;
- (F) The proposed lots in the subdivision have adequate space to accommodate the building area and other site requirements;
- (G) The property has been surveyed and other information relating to the property has been submitted with the application;
- (H) The proposed lots have been approved for access management and storm water management; and
- (I) The proposed lots have been approved relative to emergency access.

(2) **Final Plat:** A Major Subdivision application and Final Plat shall only be approved if Council finds that all of the following standards are met:

- (A) It fully complies with the applicable requirements of this UDO;
- (B) It is not detrimental to other property or other uses located on the same property;
- (C) It is not detrimental to other development on nearby property;
- (D) It provides safe conditions for pedestrians or motorists and prevents a dangerous arrangement of pedestrian and vehicular ways;
- (E) It provides safe ingress and egress to emergency vehicles on the site;
- (F) The Final Plat is in accordance with the Preliminary Plan;
- (G) The City Engineer has approved all proposed infrastructure construction and location;
- (H) Homeowners association and other agreements have been approved by the Law Director's Office;
- (I) All fees and/or review costs have been paid.

(i) Development of the Subdivision:

- (1) **Requirements:** Before beginning construction on any improvements within the Subdivision or any section thereof, the Developer shall comply with the provisions of this paragraph in order to assure that the proposed improvements meet the requirements of the City's Improvement Requirements and Standards, as outlined in section 1111.03.
- (2) **Construction Plans:** Before beginning work on the improvements in a subdivision or any section thereof, the Developer shall submit to the City Engineer two (2) complete sets of Construction Plans and specifications of improvements, prepared by a registered professional engineer, that shall include typical sections, plan and profile views, construction details, and estimates of quantities and types of materials, along with the filing fee required under section 1105.09. The plans shall show:
 - (A) The centerline profile of each proposed street, with tentative grades indicated;

- (B) The cross-section of each proposed street, showing the width of pavement, the location and width of sidewalks and the location and size of the utility mains;
 - (C) The plans and profiles of proposed sanitary sewers and storm water sewers, with grades and sizes indicated, or method of sewage or storm water disposal in lieu of sewers;
 - (D) A plan of the proposed water distribution system, showing pipe sizes and the location of valves and fire hydrants;
 - (E) A stormwater drainage plan showing:
 - (i) All existing and proposed storm sewers, manholes, catch basins, watercourses, culverts and other underground structures within the tract and immediately adjacent thereto, with pipe sizes and grades, waterway openings indicated thereon;
 - (ii) Drainage areas and flow of the watershed;
 - (iii) The method to be used for the adequate disposal of all storm water, including drainage outlets; and
 - (iv) Such other data as may be required by the City Engineer and section 1111.05.
 - (F) A Landscaping Plan, as may be required by section 1111.06;
 - (G) An Engineer's estimate of the total cost of the contemplated improvements for the subdivision or section thereof; and
 - (H) Any other information needed to show that the proposed improvements comply with section 1111.03.
- (3) **Guarantee/Security for Construction:** In accordance with section 1111.03(e), the Developer shall file with the Construction Plans a financial guarantee to ensure that all required infrastructure for the subdivision, or section for which the Developer is seeking approval, is constructed in the manner and time frame required.
- (4) **Inspection Fees:** In accordance with section 1111.03(b), the Developer shall pay to the City, at the time of submission of the Construction Plans, an Inspection Fee to provide for the cost of inspecting the various public improvements as they are constructed.
- (5) **Approval:** Before beginning construction on any improvements within the Subdivision or any section thereof, the Developer must have obtained approval of

the Construction Plans from the City, including approval of his submitted Guarantee and payment of Inspection Fees. Upon approval of the Construction Plans by the City, the Zoning Official shall issue a Certificate of Zoning Compliance to the Developer.

- (A) If the Construction Plans, as submitted, make no changes or modifications from the approved Final Plat, the Plans may be approved by the City Engineer.
 - (B) If the Construction Plans, as submitted, make any changes or modifications from the approved Final Plat, as determined by the City Engineer, the Plans must be submitted to Planning Commission. Planning Commission shall review the Construction Plans and make a recommendation to Council on approving or deny the Plans. Council may approve the Plans as submitted, approve the Plans with agreed to modifications, or deny the Plans.
 - (C) Any Plans proposing the installation of fire hydrants must also receive approval from the City's Fire Division before the improvements are installed.
- (6) **Inspection:** Prior to the start of any work covered by the Construction Plans, after approval thereof, the Developer shall make satisfactory arrangements with the City Engineer for inspection of the work to insure compliance with the plans and specifications as approved.
- (7) **Acceptance of Improvements by the City:** Once the required public improvements have been installed and inspected, if acceptable to the City and if installed in accordance with this UDO, the City shall send the Developer notice that it intends to accept the improvements. The Developer shall then forward to the City the Construction Plans, in a format acceptable for recording with the Warren County Recorder's Office, that contain a dedication to the City of the accepted improvements for signature.
- (8) **Recording of Construction Plans:** Construction Plans may not be recorded until all required signatures of officials have been placed on the Plans. Once the appropriate officials have properly signed the Plans, the applicant shall record the Plans with the Warren County Recorder's Office. Once recorded, a copy of the recorded Construction Plans shall be filed with the City Engineer. No further development in the subdivision shall be permitted until the Construction Plans are recorded as required.
- (9) **Certificate of Occupancy:** Certificates of Occupancy for any buildings or structures within the subdivision will not be issued by the City until Construction Plans for the subdivision, or for a section thereof, have been approved and recorded as required by this section.

- (10) **Development in Sections:** If the Developer chose to develop the subdivision by Sections, upon full build-out of the subdivision, the Developer shall prepare an updated Final Plat showing the exact location of all installed improvements, all easements and all buildings. This updated Final Plat shall be forwarded to the City for all required signatures at the time the Construction Plans for the final section are also forwarded for signatures, in accordance with subsection (8), above. Once the appropriate officials have properly signed the Plans and the Plat, the applicant shall record the updated Final Plat with the Warren County Recorder's Office. Once recorded, a copy of the recorded Final Plat shall be filed with the City Engineer.

(j) Regulation Concerning Improvements Required in Major Subdivisions:

- (1) **Street Construction:** Notwithstanding any other provision of this UDO, if approved by the City Engineer, the Developer may delay application of the final coat of asphalt for the time period allowed by the City Engineer. If the City Engineer does grant the Developer such a delay, the Developer shall wedge around any manholes or other protrusions, as directed by the City Engineer. A written agreement show such an agreement between the Developer and the City Engineer shall be required before the City accepts the improvements.
- (2) **Temporary Construction Signs:** The Developer shall install temporary construction signs as instructed by the City Engineer and based upon the progress of construction of the infrastructure. No construction or other required permits will be issued until such temporary construction signs are installed as required by the City Engineer. Such signs shall be maintained by the Developer until the final coat of asphalt is applied.
- (3) **Completion of Construction:** The construction of all public improvements shown on the approved Construction Plans must be completed within two- (2) years from the date of approval, unless good cause can be shown for the granting of an extension of time by Council.
- (4) **Maintenance:** For a period of one (1) year from the date the constructed improvements were accepted by the City, the Developer shall make such repairs or replacements as may be required by reason of defective workmanship or material.

(k) Final Plat Amendments: Upon the application of an owner(s) of land described in a Final Plat within the corporation limits of the City of Franklin, Council may approve amendments the Final Plat, in whole or in part, where unusual or exceptional factors or conditions require the amendment to avoid undue hardship.

- (1) **Plat Amendment Defined:** A plat amendment is a major alteration of a Final Plat that substantially changes any of the major feature(s) required to be set forth in the Plat by section 1115.06(d). Examples of such major alterations include, but not limited to, a change in the number of lots or the layout of lots, a major change, as

deemed by the City Engineer, in the location or size or any right-of-ways or public easements, a change in the name of the subdivision, or a change in setback lines.

(2) **Filing Requirements:** The applicant(s) shall file with the City Engineer, in accordance with the application schedule established by the City Manager, a Final Plat Amendment that meets the requirements of section 1115.06(d), and other City Ordinances as applicable, together with an application for approval thereof and the required fee, as outlined in section 1105.09.

(3) **Procedure:** The procedure for a Final Plat amendment shall be as follows:

(A) The applicant(s) shall file with the City Engineer an application that sets forth the reason(s) why the amendment of the plat is sought, a plat map that sets forth the location and description of the proposed amendment, and A Final Plat Amendment that meets the requirements of section 1111.06(d).

(B) Review by the TRC: After the Final Plat Amendment application has been filed, the City Engineer and the TRC shall check said plat to determine adequacy with existing street, storm, sanitary, water and utility services. If said application is complete, the TRC shall notify the applicant(s) of the date and time that Planning Commission will hear the proposed Final Plat Amendment.

(C) The applicant shall send a copy of the application to all other landowners within the plat to be amended, along with a notice of the time and place of the Planning Hearing on the application. The applicant(s) shall provide Proof of Notification by providing the certified mail certificates to the City Engineer, along with a list of all property owners to whom notice was sent. Failure to provide the required notification may result in the application being tabled or denied by the Planning Commission. If the application must be tabled because the applicant(s) failed to provide notice as required, any costs for the City to have to ~~republish~~ **repost** a general notice, as outlined below, shall be borne by the applicant(s).

(D) The City shall give five (5) days notice of the proposed plat amendment application by **posting in the Franklin Municipal Building and on the City of Franklin's official website** ~~publication in a newspaper of general circulation in the jurisdiction~~. Such notices shall set forth the part or the plat to be amended and briefly describe the proposed amendment, the date(s) of the Planning Commission meeting hearing(s) on the application and the date(s) City Council will consider the application.

(E) Preparation of Staff Report: The City Engineer shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer shall consider comments from the TRC in formulating his recommendation. The application, the plat map and the Final Plat

Amendment shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer shall present his report to the Planning Commission.

- (F) Planning Commission Review: Planning Commission shall consider the application and Final Plat Amendment and shall make a recommendation to either: approve the application as submitted, approve the application with modifications, or deny the application. Planning Commission shall then forward its recommendation to City Council, along with its reasons for such a recommendation.
- (G) Council Acceptance of Plat Amendment: Council shall either: approve the Final Plat Amendment, approve the Final Plat Amendment with modifications, or deny the Final Plat Amendment.
- (H) Recording of Final Plat Amendment: If the amendment is approved by Council, the applicant(s) shall make any corrections or modifications required and shall forward the Final Plat Amendment to the City for the required signatures. Final Plat Amendments may not be recorded until all required signatures of officials have been placed on the Final Plat Amendment. Once the appropriate officials have properly signed the Final Plat Amendment, the applicant shall record the Amendment with the Warren County Recorder's Office. Once recorded, a copy of the recorded Final Plat Amendment shall be filed with the City Engineer. If not recorded within twelve (12) months of the date of approval by Council, the Final Plat Amendment shall expire and be of no effect.
- (l) Single Lot Major Subdivisions: Major Subdivision plats that consist of one lot may be submitted to the City under this procedure. The City Engineer shall review and approve single lot Major Subdivisions. The decision of the City Engineer can be appealed to the Planning Commission. The City Engineer can submit the Preliminary Plan and Final Plat as a single set of documents to the TRC for review and approval. The City Engineer will identify the appropriate documents for submittal.
- (m) Re-subdivision: The Developer/Subdivider proposing the re-subdivision of a plat previously recorded by the County Recorder shall follow the same procedures required for a major subdivision.

1115.08 Site Plans

(a) Uses Requiring Major Site Plan Review: Approval of a Major Site Plan by Planning Commission is required prior to the commencement of any new construction, including additions; or the alteration of any existing structure or building; or upon the change in use of any existing structure or land. The following uses and additions to uses require Major Site Plan review:

- (1) Multi-family buildings four units and above;
- (2) Commercial office and all other non-residential buildings and structures;
- (3) Non-residential additions exceeding twenty five percent (25%) of the original floor area or ten thousand square feet (10,000 sq. ft.) or more;
- (4) Parking structures and facilities;
- (5) Public buildings and structures;
- (6) Parks; and
- (7) Places of worship.

(b) Uses Requiring Minor Site Plan Review: Approval of a Minor Site Plan by the Zoning Official is required prior to the commencement of any new construction, including additions; or the alteration of any existing structure or building; or upon the change in use of any existing structure or land. The following uses and additions to uses require minor site plan review:

- (1) Single family buildings;
- (2) Accessory uses and structures;
- (3) Multi-family dwellings of three units or less;
- (4) Parking lots and parking lot expansions;
- (5) Signs; and
- (6) Non-residential additions equal to or less than twenty five percent (25%) of the original floor area, less than ten thousand square feet (10,000 sq. ft.).

(c) Definitions:

"Alteration of Structure." For the purposes of this UDO, "alteration of any structure" shall

mean any construction or renovation to an existing structure, other than repair or addition.

"Change in Use." For the purposes of this UDO, "change in use" shall mean a change in the primary activity or primary use of a structure or land from one use group to another (e.g. industrial to commercial; residential to commercial; residential to office, etc). The decision as to whether there has been a change in use shall be made by the Zoning Official. The decision of the Zoning Official regarding a change in use shall be appealable, in accordance with Section 1115.10(f) of this UDO.

- (d) A Certificate of Occupancy shall not be issued until all improvements shown on the approved Site Plan have been completed in accordance with said Plan; provided, however, that the City may issue Certificates of Occupancy for developments which are to be staged in accordance with conditions established in connection with the Site Plan approval by Planning Commission.
- (e) General Submittal Requirements: The following general requirements shall apply to both Major and Minor Site Plans:
 - (1) Each Site Plan submittal shall include an application form, provided by City, with the submittal. Every Site Plan application shall be signed by the owner of the land to which the Site Plan applies or the owner's authorized representative;
 - (2) The name(s), address(es), and telephone number(s) of the applicant(s), and of the property owner(s), if other than the applicant(s), with a notarized letter of authorization from the property owner(s);
 - (3) The name, address and telephone number of the developer or contractor;
 - (4) A legal description of the property or portion thereof;
 - (5) Payment of the application fee; and
 - (6) The City Engineer or the Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
- (f) Major Site Plan - Specific Submittal Requirements: The Major Site Plan shall be provided at the time of submittal of the application. A Major Site Plan shall include all of the following:
 - (1) **A Property Location Map** showing existing property lines, easements, utilities and rights-of-way, including angles or bearings, dimensions and reference to a section corner, quarter corner or a point on a recorded plat and an arrow pointing north;

- (2) List of adjacent property owners and labeling of adjacent owners on the Site Plan (the list shall be based upon the Warren County Auditor's current tax lists);
- (3) **A Plan**, prepared by a registered engineer, surveyor and or architect, drawn at a suitable scale, not smaller than one inch equals forty feet (1"= 40'), indicating:
 - (A) Existing and proposed property lines, showing all proposed property lines with typical dimensions, yards and setbacks;
 - (B) Use, location and height of existing and proposed buildings and structures, including accessory structures and uses, along with notation of the development standards for building spacing and maximum building heights;
 - (C) Square footage of existing and proposed buildings, with indication as to which buildings and structures are to be retained and which are to be removed or altered;
 - (D) Zoning of the property and existing use on site, zoning of adjacent properties and uses;
 - (E) The location and configuration of the surrounding streets and/or proposed streets, including the width thereof;
 - (F) The location and configuration of existing and/or proposed driveways and the width thereof; existing and/or proposed sidewalks and the width thereof; any off-street parking and loading areas, including the total number of parking spaces to be provided; the arrangement of internal and in-out traffic movement, including access roads and drives; and the location of signs related to parking and traffic control;
 - (G) The location and size of all existing and/or proposed public and private utilities, sanitary services and waste disposal facilities, and indication of any utilities which are to be removed or altered;
 - (H) The location and dimensions of all on-site recreation areas and the type of recreation to be conducted thereon, if applicable.
- (4) **A Topographic Map** showing existing and proposed grades and drainage systems and structures,
 - (A) With topographic contours at intervals not exceeding:
 1. One foot (1') for slopes zero to five percent (0% - 5%);
 2. Two feet (2') for slopes five to ten percent (5% -10%);

3. Five feet (5') for slopes over ten percent (>10%);

(B) Showing natural features, such as major vegetation features, wooded areas, streams, lakes, and existing trees over six inches in diameter measured at the average chest height;

- (5) **Proposed Landscaping Plans**, if required, indicating the location of existing plants and trees, proposed plantings, including planting height, caliper of proposed trees measured at the average breast height, quantities, sizes, species type and proposed method of irrigation;
- (6) **Elevation Drawings** for all proposed buildings and structures, deluding building height; building materials; roofing materials; roof pitch; exterior building colors; location of doors and windows; location of exterior stairs and balconies; and other architectural details. Included with the elevation drawing shall be fifteen (15) 8.5 x 11 inch colored renderings of all four sides of any proposed buildings;
- (7) **Floor Plans** showing the shape, size, location, floor area and estimated finished ground and basement floor grades of all proposed buildings and structures and any existing buildings and structures that are to be retained and/or altered;
- (8) **A Lighting Plan** indicating proposed lighting, including exterior building, parking lot and site lighting. The plan shall include sample cut sheets indicating pole and luminary height, as well as intensity of illumination in footcandles on a point-by-point iso-footcandle map;
- (9) **Summary Table** showing total acres of the proposed development; number of acres devoted to each type of residential and/or nonresidential use including streets, rights-of-way, easements and open space; number of dwelling units by type; total building square footage; and overall density (units per acre) and intensity (lot coverage);
- (10) **A Site Development Plan** as required under section 1111.05(i), and, if appropriate, a Stormwater Management Plan (SMP) as required under section 1111.05(j). A Grading Plan may also be required by the City Engineer pursuant to section 1111.05(k);
- (11) If the development is to be staged, a general indication as to how the staging is to proceed. A Development Schedule indicating the anticipated starting and completion dates of the development sequence, including stripping and/or clearing, rough grading and construction, final grading and vegetative establishment and maintenance;
- (12) **A Sign Graphics Plan**, if required, showing:

- (A) The location of proposed signs, including the signs location with respect to existing rights-of-way and property lines;
 - (B) The location of all other existing signs whose construction requires permits, which such signs are on the same premises;
 - (C) The dimensions, construction supports, sizes, electrical wiring and components, sign materials and method of attachment;
 - (D) The location, size and illumination of wall signs, ground signs, and directional signs;
 - (E) Elevation drawings of ground signs and wall signs, including a colored rendition of the proposed signs; and
- (13) Other information necessary for the evaluation of the existing site condition and proposed development, as deemed necessary by the City Engineer, Zoning Inspector and/or Planning Commission.

(g) Procedures for Major Site Plans:

- (1) **Pre-application Meeting:** If recommended by the City Engineer or Zoning Inspector, or as requested by the applicant, the applicant may meet with the TRC prior to submitting an application and Site Plan. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
- (2) **Formal Application Submittal:** The applicant shall submit an application and Site Plan meeting all of the applicable requirements of this Section. All applications shall be submitted by the application deadline established by the City.
- (3) **Review by the TRC:** Upon receipt of an application and Site Plan, the Zoning Inspector shall schedule a meeting with appropriate City staff to review the same. Staff shall review the application and Site Plan for completeness, and if the application or Site Plan is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. Only applications and Plans deemed complete shall be deemed officially accepted by the City.
- (4) **TRC Report:** If the application and Site Plan have been deemed complete and the application fee has been paid, the application and Plan shall be forwarded on to the Planning Commission. The City Engineer and the Zoning Inspector shall prepare a TRC report, providing an analysis of the proposal and recommendations. Said report shall be forwarded along with the application, Site Plan and all supplemental information filed there with to the Planning Commission.

- (5) **Notice of Public Hearing before Planning Commission:** Upon determination that an application contains all the necessary and required information, the City Engineer shall place the application and Site Plan on Planning Commission's agenda, and shall schedule a public hearing. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website ~~in one or more newspapers of general circulation in the City.~~ The notice shall be ~~published~~ posted at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (6) **Notice to Property Owners of Public Hearing:** Written notice of the public hearing shall be provided to all owners of property adjacent to the property proposed for development. Such notice shall be sent by the City, via regular mail, at least seven (7) days before the date of hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled after the first public hearing, no further notification to adjacent property owners shall be required; however, if the first public hearing is postponed at the request of the applicant or due to the incompleteness of the application submitted by the applicant, the cost of mailing further notices shall be borne by the applicant.
- (7) **Action by the Planning Commission:** The Planning Commission shall consider the application and Site Plan at its formal public meeting. It may consider comments by staff as appropriate, any presentation by the applicant(s), and comments by interested parties. The Planning Commission shall consider this information and render a decision at a public meeting. The Planning Commission shall approve the Site Plan as submitted, approve the Site Plan with conditions or modifications, or deny the application and Site Plan. Its decision shall take effect immediately. Written notice of Planning Commission's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Planning Commission made in rendering its decision.

1115.09 Approvals By The Planning Commission

- (a) Planning Commission shall review applications for the following uses and approve, approve with modifications, or deny such applications, in accordance with the Requirements and Standards for the particular use, as outlined in this UDO:
- (1) Zoning Amendments (see Section 1115.04);
 - (2) PUDs and PRCDs (see Section 1115.05);
 - (3) Major Subdivisions (see Section 1115.06);
 - (4) Major Site Plans (see Section 1115.08);
 - (5) Conditional Uses, including Home Occupations and Sexually Oriented Businesses;
 - (6) Any use in the Well Field Protection Overlay District;
 - (7) Uses requiring a Special Permit in the Telecommunications Overlay District; and
 - (8) Signs: Certain signs within the Highway Sign Overlay District, as provided in Section 1109.07; and
 - (9) Whenever a use is not specifically mentioned in this UDO, the Planning Commission shall make decisions of similar uses.
- (b) Conditional Uses: Conditional uses are those uses that because of special requirements or characteristics may be allowed in a particular zoning district only after Planning Commission reviews and grants the conditional use, imposing such conditions as Planning Commission finds necessary to make the use compatible with other uses permitted in the same district zone or vicinity. A conditional use may be allowed in a zoning district only after the Planning Commission, in accordance with the provisions of this UDO, grants permission. Development standards for each conditional use are described in section 1113.01, development standards for Sexually Oriented Business conditional uses are described in section 1113.02, and development standards for Home Occupation conditional uses are described in section 1113.03.

(1) Submittal Requirements:

- (A) *General Submittal Requirements*: The following general requirements shall apply:
- (i) Each request for a conditional use 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;
- (iv) A list of all owners of property that are contiguous to the parcel or lot proposed for the conditional use or that are across the street from it (The list shall be based upon the Warren County Auditor's current tax lists);
- (v) Payment of the application fee as established by section 1105.09.
- (vi) The City Engineer may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
- (vii) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City and forwarded to the Planning Commission.

(B) *Specific Submittal Requirements:* The submittal for approval of a Conditional Use shall include an application form for a Conditional Use with related materials and fee. The application shall include at a minimum:

- (i) Address and zoning classification of the subject property;
- (ii) A list of all owners of property, including their mailing addresses, who own property contiguous to or across the street from the subject property;
- (iii) A statement of need for the proposed use, its location and a report identifying the effects and general compatibility of the proposed use on the surrounding properties and the neighborhood;
- (iv) A plan of how the potential negative effects of the proposed use will be mitigated including traffic, parking, noise, light intrusion, solid waste storage and removal; and
- (v) A narrative statement outlining how the Conditional Use meets the General Standards and Specific Standards of Approval for the Conditional Use, as outlined in section 1113.01.

(C) *Sketch Plan:* Twelve copies of a site plan or sketch plan, and other drawings to scale, showing:

- (i) Boundaries and dimensions of the property and the size and location of all proposed or existing structures;
- (ii) All pertinent natural and man-made features and adjacent development character and buildings;
- (iii) Traffic access, traffic circulation and parking;
- (iv) Existing and proposed utility easements;
- (v) Location of any required landscaping or buffer yards;
- (vi) Location of any existing or proposed signs;
- (vii) Location of any refuse or service areas; and
- (viii) Any additional information the City Engineer deems appropriate.

(D) *A Sign Graphics Plan*, if required, showing:

- (i) The location of any proposed sign(s), including the sign's location with respect to existing right-of-way and property lines;
- (ii) The location of all other existing signs whose construction requires permits, when such signs are on the same premises;
- (iii) The dimensions, construction supports, sizes, electrical wiring and components, sign materials, and method of attachment;
- (iv) The location, size, and illumination of wall signs, ground mounted signs, and directional signs; and
- (v) Elevation drawings of ground mounted signs and wall signs shall also be included.

(E) *Landscaping Plan*: A Landscaping Plan, if required, meeting the requirements of section 1111.06.

(F) *Sexually Oriented Business*: If the application is for a Sexually Oriented Business Conditional Use, all additional information required to show that the proposed use meets the requirements and standards for Sexually Oriented Businesses outlined in section 1113.02.

(G) *Home Occupations*: If the application is for a Type B - Retail Home Occupation, all additional information required to show that the proposed

use meets the requirements and standards for Home Occupations outlined in section 1113.03.

(2) Standards for Approval:

(A) A Conditional Use Certificate shall not be granted unless Planning Commission finds it meets the General Standards for Approval and the Specific Standards for Approval, as the same may be modified by Planning Commission, as outlined in section 1113.01.

(B) A Conditional Use Certificate for A Sexually Oriented Business shall not be granted unless Planning Commission finds it meets the General Standards for Approval outlined in section 1113.01(d) and the requirements of section 1113.02.

(C) A Conditional Use Certificate for a Home Occupation Type B shall not be granted unless Planning Commission finds it meets the General Standards for Approval outlined in section 1113.01(d) and the requirements of section 1113.03.

(3) Additional Conditions and Safeguards: In approving a Conditional Use Permit, the Planning Commission may further prescribe any conditions and safeguards that it deems necessary to ensure the public health, safety and welfare, including, but not limited to, limiting the term of the Permit, limiting hours of operation, requiring additional parking, limiting access points to the property, or requiring a buffer yard. If the applicant will not agree with such conditions, the Conditional Use Permit shall not be granted.

(4) Effect of Approval/Validity:

(A) A Conditional Use Certificate shall authorize the particular conditional use on the specific parcel for which it was approved.

(B) The Conditional Use Certificate shall expire six (6) months from the date of enactment, unless prior to that date the applicant commences actual construction or business.

(C) There shall be no modification of a Conditional Use Certificate except by approval of the Planning Commission.

(D) Conditional Use Certificates are non-assignable, and shall not be transferred to a subsequent owner of the property, nor shall they transfer with the owner to another location.

(E) A Conditional Use Certificate shall terminate upon the property no longer being used for such conditional use for a period of six (6) months or more,

or upon the sale or change of ownership of such property, or upon violation of any provisions of this UDO.

(5) **Renewals:** The holder of a Conditional Use Permit is responsible for applying for renewals of the Conditional Use Permit. Upon application for renewal, the Zoning Official shall inspect the premises for conformance with the original Permit and shall review the record regarding the Permit and shall make a recommendation to the Planning Commission. If the Planning Commission finds no cause to disallow renewal of the application or cause for review of the application, the Planning Commission may authorize the Zoning Official to administratively approve the renewal application. If the Planning Commission determines the conditional use has been the subject of unresolved complaints or violations of conditions or for other good cause, the Planning Commission may cause the application to come before the Planning Commission for a public hearing, may review the application as if it were a new application, and may renew the Permit as is, may renew the Permit with added conditions as the Planning Commission finds appropriate, or may deny and/or revoke the Permit.

(6) **Revocations:**

(A) The following shall be considered as grounds for the revocation of a Conditional Use Permit at any time during the term of the Permit:

(i) Any change in use or any change in extent of use, area of dwelling or unit being used, or mechanical or electrical equipment being used that is different from that specified as permitted in the granted Permit, which is not first approved by the Planning Commission.

(ii) Any change in use or any change in extent of use, area of dwelling or unit being used, or mechanical or electrical equipment that results in a violation of these regulations.

(iii) Failure to allow periodic inspections by the Zoning Official or his designee at any reasonable time when an adult member of the family is present.

(B) If one or more of the conditional use regulations of this UDO are violated, or for any of the reasons listed above, Planning Commission may, upon the recommendation of the Zoning Official, revoke a Conditional Use Permit. The holder of said Permit shall be notified of the time, date and place at which Planning Commission intends to consider a revocation of his Permit, and shall be given an opportunity to address Planning Commission on the matter.

(C) Conditional Use Permits that have been revoked may not be applied for again until a period of one year has lapsed from the date of revocation.

- (c) Uses in the Well Field, Protection Overlay District: No new or expanded use in the WFP Overlay District shall be permitted without Planning Commission approval. A Certificate of Zoning Compliance shall be applied for, and Planning Commission shall review said application for its conformance with the requirements of the WFP Overlay District. Planning Commission shall authorize or deny the issuance of the Certificate of Zoning Compliance.

(1) Submittal Requirements:

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

- (i) Each request for development approval shall include a Certificate of Zoning Compliance 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;
- (iv) A list of all owners of property that is contiguous to the subject property or that is across the street from it (the list shall be based upon the Warren County Auditor's current tax lists); and
- (v) Payment of the application fee for a Certificate of Zoning Compliance, as established by section 1105.09;
- (vi) The City Engineer may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
- (vii) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City and forwarded to the Planning Commission.

(B) *Specific Submittal Requirements*: The applicant shall submit all information required by section 1109.03.

- (2) **Standards for Approval**: A Certificate of Zoning Compliance application for a new or expanded use in the WFP Overlay District shall not be authorized unless it meets all of the following standards:

- (A) It fully complies with the applicable requirements of this UDO, specifically section 1109.03;
 - (B) It is not detrimental to other property or other uses located on the same property; and
 - (C) It is not detrimental to other development on nearby property.
- (d) Uses requiring a Special Permit in the Telecommunications Overlay District: No new Towers, Antenna Support Structures and/or Wireless Telecommunications Facilities that require a Special Permit under section 1109.01 shall be installed or constructed in the Telecommunications Overlay District until such Special Permit has been approved by Planning Commission.

(1) Submittal Requirements:

- (A) *General Submittal Requirements:* The following general requirements shall apply:
- (i) Each request for a Special 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;
 - (iv) A list of all owners of property that is contiguous to the subject property or that is across the street from it (The list shall be based upon the Warren County Auditor's current tax lists); and
 - (v) Payment of the application fee as established by section 1105.09.
 - (vi) The City Engineer or the Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
 - (vii) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City and forwarded to the Planning Commission.
- (B) *Specific Submittal Requirements:* The applicant shall submit all information required by section 1109.01, specifically section 1109.01(i) and (j).

(2) **Standards for Approval:** A Special Permit for the installation or construction of a Tower, Antenna Support Structure and/or Wireless Telecommunications Facility in the Telecommunications Overlay District shall not be approved unless it meets all of the following standards:

- (A) It fully complies with the applicable requirements of this UDO, specifically section 1109.01;
- (B) It meets any specific standards outlined in section 1109.01 for the particular proposed use;
- (C) It is not unduly detrimental to other property or other uses located on the same property; and
- (D) It is not unduly detrimental to other development on nearby property.

(e) Signs: Signs that require approval by the Planning Commission shall not be installed or constructed until such sign has been approved by Planning Commission.

(1) **Submittal Requirements:**

- (A) *For Signs with a Major Site Plan:* Proposed signs that are to be approved as a part of a Major Site Plan shall be submitted in accordance with Section 1115.08.
- (B) *For Signs with a Conditional Use:* Proposed signs that are to be approved as a part of a Conditional Use shall be submitted in accordance with Sections 1115.09(b) and 1111.08.
- (C) *Submittal Requirements for Signs in the Highway Overlay District:* Proposed signs in the Highway Overlay District shall be submitted in accordance with 1109.07.

(2) **Requirements:** All proposed signs shall meet the requirements outlined in Section 1109.07 and/or Section 1111.08, as applicable, for the zoning district and proposed sign type.

(3) **Standards for Approval:** No sign shall be approved by the Planning Commission unless it meets all of the following standards:

- (A) The sign fully complies with the applicable requirements of this UDO;
- (B) The sign is aesthetically harmonious with its surroundings;
- (C) The sign does not create a hazardous conflict with traffic control signs and devices;

- (D) The sign will be located and is designed to maintain a safer and orderly pedestrian and vehicular environment;
 - (E) The sign will not be detrimental to other development on nearby property or other uses located on the same property; and
 - (F) The sign will not create a hazard or prove dangerous to the traveling public.
- (f) Determination of Similar Uses: When a specific use is not listed in this UDO as a permitted or Conditional Use, the Planning Commission has the authority to determine whether the specific use is similar in use to any permitted or conditional use of this UDO, or whether such use is prohibited under this UDO.

(1) General Submittal Requirements: The following general requirements shall apply:

- (A) Each request for a determination of similar use shall include an application form, provided by the City, with the submittal;
- (B) Only complete applications shall be processed by the City. The Zoning Official, or the TRC, as appropriate, shall make determination as to completeness;
- (C) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
- (D) Legal description of property or portion thereof;
- (E) Payment of the application fee as established by section 1105.09;
- (F) 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; and
- (G) A list of all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists).

(2) Specific Submittal Requirements; The application shall include:

- (A) Address and zoning classification of the subject property;
- (B) Description of any existing uses on the property;

(C) A list of the surrounding uses and zoning classification(s); and

(D) A detailed description of the proposed use.

(g) Procedures for Planning Commission Approval: The following outlines the procedure under which the Planning Commission decides development approvals under this Section:

- (1) **Pre-application Meeting:** Upon the recommendation of the City Engineer or Zoning Official, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
- (2) **Formal Application Submittal:** The applicant shall submit an application meeting all of the applicable requirements of this Section. All applications shall be submitted by the application deadline established by the City.
- (3) **Review by the TRC:** Upon receipt of an application, the City Engineer or Zoning Official shall forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application is deemed complete and the application fee has been paid, the TRC shall recommend that the City officially accept the application. Only complete applications will be forwarded to the Planning Commission.
- (4) **Notice of Public Hearing before Planning Commission:** Upon determination that an application contains all the necessary and required information, the Zoning Official shall place the application on Planning Commission's agenda, and shall schedule a public hearing. Notice of the hearing shall be provided at least once **by posting in the Franklin Municipal Building and on the City of Franklin's official website** ~~in one or more newspapers of general circulation in the City~~. The notice shall be ~~published~~ **posted** at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (5) **Notice to Property Owners of Public Hearing before Planning Commission:** Written notice of the public hearing shall be provided to all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. The applicant shall provide to the Zoning Official a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the subject parcel or lot or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing,

addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.

- (6) **Preparation of Staff Report:** The City Engineer and/or Zoning Official, as appropriate, shall prepare a staff report providing an analysis of the proposal and a recommendation. The City Engineer and/or Zoning Official shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Planning Commission at least three (3) working days prior to the meeting at which the Planning Commission will consider the application. At said meeting, the City Engineer and/or Zoning Official shall present his report to the Planning Commission.
- (7) **Action by the Planning Commission:** The Planning Commission shall consider the application at its formal public meeting. It may consider comments by staff as appropriate, any presentation by the applicant(s), and comments by interested parties. The Planning Commission shall consider this information and render a decision at a public meeting. The Planning Commission shall approve the application; deny the application; or approve the application subject to additional conditions and restrictions to which the owner has agreed. Its decision shall take effect immediately. Written notice of Planning Commission's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts Planning Commission made in rendering its decision.

1115.10 Approvals By The Appeals Board

(a) Appeals Board shall review applications for the following uses and approve, approve with modifications, or deny such applications, in accordance with the Requirements and Standards for the particular use, as outlined in this UDO:

- (1) Variances;
- (2) Changes or Substitutions in Nonconforming Uses; and
- (3) Administrative Appeals.

(b) Variances: A variance may be granted by the Appeals Board, allowing deviations from the height, mass, setback, parking, or other dimensional requirements established by this UDO where practical difficulties unique to the property in question prevent full compliance with such provisions and where as will not be contrary to the public interest. Use variances are not permitted under this UDO.

(1) Submittal Requirements:

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

- (i) Each variance request 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;
- (iv) A list of all owners of property that are contiguous to the subject parcel or lot or that are across the street from it (The list shall be based upon the Warren County Auditor's current tax lists);
- (v) Payment of the application fee as established by section 1105.09; and
- (vi) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information.
- (vii) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City;

(B) *Specific Submittal Requirements:* An application for a variance shall be accompanied by the following information:

- (i) Location and address of property that is the subject of the variance request;
- (ii) Description or nature of variance requested;
- (iii) Narrative statements establishing and substantiating the justification for the variance pursuant to the Standards for Approval for Variances;
- (iv) Site plans, floor plans, elevations and other drawings at a reasonable scale to convey the need for the variance, as directed by the Zoning Official; and
- (v) Any other documents deemed necessary by the Zoning Official.

(2) **Standards for Approval:** Unless other standards are provided in this UDO for variances from a particular set of design/development standards or regulations, the following Standards for Approval shall apply. Approval of a variance shall only be granted if the Appeals Board finds that all of the following standards are met:

- (A) Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district. (Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, etc.);
- (B) The special conditions or circumstances that exist did not result from the actions of the applicant;
- (C) There cannot be any beneficial use of the property without the variance;
- (D) The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures;
- (E) The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance;
- (F) The essential character of the neighborhood will not be substantially altered nor will adjoining properties would suffer substantial detriment as a result of the variance;

- (G) The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup;
 - (H) Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare; and
 - (I) Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.
- (3) **Additional Conditions and Safeguards:** In approving a request for a variance, the Appeals Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. If the applicant will not agree with such conditions, the Variance shall not be granted.
- (4) **Expiration of the Variance:** Variances shall expire one (1) year from the date of approval, unless prior thereto the applicant applies for a building permit in accordance with the granted variance. There shall be no modification of any variance except upon further approval of Appeals Board.
- (5) **Extensions:** Extension of variances, without modification, may be applied for prior to the date of expiration, if the variance does not carry a prohibition against the extension. No more than two six-(6) month extensions may be granted by Appeals Board if it finds that the requested extension is consistent with the purpose, policies, and intent of the Comprehensive Development Plan and the requirements and standards of this UDO. Requests for renewal of expired variances shall be considered to be the same as a new application for a variance and shall meet all requirements for application and review pursuant to this Section.

(c) Changes in Nonconforming Uses:

(1) **Types of Changes:**

- (A) *Substitutions in Uses:* A substitution in the nonconforming use of a building, structure or land with another nonconforming use shall only be permitted upon the approval of Appeals Board. A substitution of a nonconforming use that proposes interior or exterior building alterations may only make such alterations upon approval by the Appeals Board.
- (B) *Extensions or Enlargements:* An extension or enlargement of a nonconforming use of a building, structure or land, or of a nonconforming building or structure, or extension of a nonconforming use through addition of a conforming use shall only be permitted upon approval of Appeals

Board. The use that the applicant seeks to extend or enlarge must have been in existence at the time of passage of this UDO.

(C) *Relocations*: A relocation of a use that is nonconforming, either because it is not permitted within the Zoning District in which it is located or because it is not a permitted use under this UDO, from one location to another location within the same Zoning District shall only be permitted upon the approval of the Appeals Board, and only if the Appeals Board finds the new location to be more appropriate than the existing location. However, in no instance shall a commercial or industrial use within a Residential District be permitted to relocate within another Residential District.

(2) Submittal Requirements:

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

- (i) Each request for change in a nonconforming use shall include an application form, provided by the City, with the submittal;
- (ii) The TRC shall make the determination as to completeness, and only complete applications shall be processed by the City;
- (iii) The Zoning Official may request additional supporting information that in his professional judgment is necessary to fully explain the applicant's proposal. The applicant shall supply the requested additional information;
- (iv) Legal Description of property or portion thereof where the nonconforming use is located and, if applicable, the proposed new location;
- (v) Payment of the application fee as established by section 1105.09;
- (vi) 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; and
- (vii) A list of all owners of property that are contiguous to the parcel or lot on which the nonconforming use is located or proposed to be located, or that are across the street from it. (The list shall be based upon the Warren County Auditor's current tax lists).

(B) *Specific Submittal Requirements*: The application shall include:

- (i) Address and zoning classification of the subject property;

- (ii) Description of the existing and proposed substitute use, proposed extension or proposed new location;
- (iii) A narrative statement indicating how the substitution, extension or relocation meets the required standards;
- (iv) Extent of any proposed interior or exterior building alterations that are being requested; and
- (v) A list of the surrounding uses and zoning classifications).

(3) Standards for Approval:

(A) *Substitutions*: Appeals Board may approve the substitution of a nonconforming use with another if it finds the following conditions are met;

- (i) The proposed use is substantially similar to the existing nonconforming use or another permitted use under the existing zoning district classification;
- (ii) The proposed use is equally or more appropriate to the zoning district in which the use is located;
- (iii) The proposed use will not have no greater detrimental impact on surrounding uses or properties than the existing use it proposed it replace;
- (iv) The proposed use will be designed, operated and maintained so as to minimize its impact on neighboring properties; and
- (v) The proposed use will not involve any uses, activities, processes, materials, equipment, conditions or operations that might be hazardous or unreasonably disturbing to existing or future neighboring uses, persons or property, or to the general welfare, by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

(B) *Extensions or Enlargements*: Appeals Board may approve the extension or enlargement of a nonconforming use if it finds the following conditions are met;

- (i) The proposed extension is reasonably necessary to allow the applicant to remain competitive with other similar uses;

- (ii) The proposed extension will not constitute a nuisance to surrounding existing or future uses or to the general public;
- (iii) The proposed extension will not have no greater detrimental impact on surrounding uses or properties;
- (iv) The proposed extension will be designed, operated and maintained so as to minimize its impact on neighboring properties; and
- (v) The proposed extension will not involve any uses, activities, processes, materials, equipment, conditions or operations that might be hazardous or unreasonably disturbing to existing or future neighboring uses, persons or property, or to the general welfare, by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

(C) *Relocations:* Appeals Board may approve the relocation of a nonconforming use if it finds the following conditions are met:

- (i) The proposed new location is the same Zoning District as the current location, but is more appropriate for the type of nonconforming use due to surrounding uses, both conforming and nonconforming, in the new location;
- (ii) Relocating the nonconforming use will not constitute a nuisance to surrounding existing or future uses or to the general public in the new location;
- (iii) Relocating the nonconforming use will not have a detrimental impact on surrounding uses or properties in the new location;
- (iv) The proposed relocation will be designed, operated and maintained so as to minimize its impact on neighboring properties; and
- (v) Relocating the nonconforming use will not involve any uses, activities, processes, materials, equipment, conditions or operations that might be hazardous or unreasonably disturbing to existing or future neighboring uses, persons or property, or to the general welfare, by reason of excessive production of traffic, noise, smoke, fumes, glare or odors in the new location.

(4) **Additional Conditions and Safeguards:** In approving a request for a change in a nonconforming use, the Appeals Board may further prescribe any conditions and safeguards that it deems necessary to ensure the public health, safety and welfare, including, but not limited to, limiting hours of operation, requiring additional parking, limiting access points to the property, or requiring a buffer yard. If the

applicant will not agree with such conditions, the Change in Use shall not be granted.

(d) Approvals by the Appeals Board: The following outlines the procedure under which the Appeals Board decides variances, changes in nonconforming uses, and determinations of similar uses under this Section.

- (1) **Pre-application Meeting**: Upon the recommendation of the Zoning Official, or upon the request of the applicant, the applicant shall meet with the TRC prior to submitting an application. The purpose of the meeting is to discuss the proposal and to provide feedback regarding applicable standards and requirements.
- (2) **Formal Application Submittal**: The applicant shall submit an application meeting all of the applicable requirements of the UDO. All applications shall be submitted by the application deadline established by the City.
- (3) **Review by the TRC**: Upon receipt of an application, the Zoning Official shall forward the application to the TRC. The TRC shall review the application for completeness, and if the application is incomplete, shall advise the applicant of the deficiencies and inform the applicant that no further action will be taken on the application until all necessary and required information has been provided. If the application is deemed complete and the application fee has been paid, the TRC shall recommend to the Zoning Official that the City officially accept the application. Only complete applications will be forwarded by the TRC to the Appeals Board.
- (4) **Preparation of Staff Report**: The Zoning Official shall prepare a staff report providing an analysis of the proposal and a recommendation. The Zoning Official shall consider comments from the TRC in formulating his recommendation. The application and all supplemental information filed with the application shall be forwarded to the Appeals Board at least three (3) working days prior to the meeting at which the Board will consider the application. At said meeting, the Zoning Official shall present his report to the Appeals Board.
- (5) **Notice of Public Hearing before Appeals Board**: Upon determination that an application contains all the necessary and required information, the Zoning Official shall place the application on Appeals Board's agenda, and shall schedule a public hearing. Notice of the hearing shall be provided at least once by posting in the Franklin Municipal Building and on the City of Franklin's official website ~~in one or more newspapers of general circulation in the City~~. The notice shall be published at least five (5) days before the date of the hearing. The notice shall state the time and place of the hearing. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.

- (6) **Notice to Property Owners of Public Hearing before Appeals Board:** Written notice of the public hearing shall be provided to all owners of property that are contiguous to the subject parcel or lot or that are across the street from it. The applicant shall provide to the Zoning Official a list (based upon the Warren County Auditor's current tax lists) of the owners of property that are contiguous to the subject parcel or that are across the street from it. Such notice shall be sent by the City via regular mail, at least seven (7) days before the date of the hearing, addressed to the owners appearing on the list provided by the applicant and as verified by City staff. If an application is tabled at the request of the applicant, or due to incompleteness of the application submitted by the applicant, and the public hearing postponed, the cost of mailing the required further notices shall be borne by the applicant.
- (7) **Action by the Appeals Board:** The Appeals Board shall consider the application at its formal public meeting. It may consider comments by staff as appropriate, any presentation by the applicant(s), and comments by interested parties. The Appeals Board shall consider this information and render a decision at public meeting. The Appeals Board shall approve the application as submitted, approve the application subject to additional conditions and restrictions to which the owner has agreed, or deny an application. Its decision shall take effect immediately. Written notice of the Appeals Board's decision, including all conditions that may be associated with the decision, shall be transmitted to the applicant no later than ten (10) days after the date the decision was rendered. The written notice shall also include the findings of facts the Appeals Board made in rendering its decision.