

Chapter 1101

General Provisions

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CROSS REFERENCES

Division of Municipal Corporation into zones – see ORC 713.06

Restrictions on location, bulk and height of buildings and structures – see ORC 713.09

Basis of districting or zoning; classification of buildings and structures – see ORC 713.10

Notice and hearing on municipal zoning regulations – see ORC 713.12

Effect of zoning on laws and charters – see ORC 713.14

Retroactive zoning ordinances prohibited – see ORC 713.15

1101.01 Short Title

This Part Eleven of the Codified Ordinances of the City of Franklin shall be known and may be cited as the Unified Development Ordinance of the City of Franklin, Ohio,” or simply the “UDO,” or just “Ordinance.”

1101.02 Intent and Purpose

This Unified Development Ordinance is enacted in accordance with the City of Franklin Charter and the laws of the State of Ohio, for the purpose of promoting the public health, safety, morals, convenience and general welfare of the City of Franklin and its residents. This Unified Development Ordinance hereby establishes land use classifications; divides the City into zoning districts; imposes regulations, restrictions and prohibitions upon the use of real property; limits the height, area, and mass of buildings and other structures; provides standards of performance; recognizes the City’s historic character while promoting community development and revitalization, including the downtown and the development of traditional residential neighborhoods; promotes the conservation of open space/green space and quality residential, commercial and industrial development that serves the community’s needs; and provides for the administration and enforcement thereof.

1101.03 Interpretation and Conflict

- (a) In their interpretation and application, the provisions of this UDO shall be held to be minimum requirements, unless otherwise noted, and are adopted for the promotion of the public health, morals, safety and general welfare. This UDO shall be deemed to neither limit nor repeal any powers granted to the City under its Charter and ordinances, or under state law.
- (b) It is not intended by this UDO to repeal, abrogate, annul or in any way impair or interfere with any existing ordinances or provisions of law, or with any rules, regulations, or permits previously adopted or issued pursuant to law, relating to the use of building and land, except as provided for in Section 1101.08.
- (c) Wherever the requirements of this UDO are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive, or that imposing the highest standards, shall govern.

1101.04 Jurisdiction

The provisions of this UDO shall apply to all of the incorporated territory of the City of Franklin, Ohio.

1101.05 Application of UDO; Compliance; One Main Building per Lot

Unless otherwise provided herein, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used except as follows:

- (a) For the purpose permitted in the zoning district in which the building or land is located;
- (b) In conformance to the height or bulk limits established herein for the zoning district in which the building or use is located;
- (c) In conformance with the yard and lot regulations of the zoning district in which the building or use is located;
- (d) In conformance with the off-street parking and off-street loading space regulations of the zoning district in which the building or use is located; and
- (e) Unless such building or structure is located on a lot as herein defined, and in no case shall there be more than one main/primary/principal building on a lot except as specifically provided in this UDO.

1101.06 Continuation of New Construction

To avoid undue hardship, nothing in this UDO shall be deemed to require a change in the plans, construction or use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this UDO, and upon which actual building construction has been diligently carried on. “Actual construction” means the placing of construction materials in permanent position and fastening them in a permanent manner, except where demolition or removal of an existing building has been substantially initiated preparatory to rebuilding. Such demolition or removal shall be deemed to be actual construction, provided that work on the building shall be diligently completed within two (2) years from the date of issuance of the required building or demolition permit.

1101.07 Effective Date

The provisions of this UDO were originally adopted on July 6, 2009, by the following ordinances:

Ordinance 2009-11: Chapter 1101, 1103, 1105 and 1115;

Ordinance 2009-12: Chapter 1107;

Ordinance 2009-13: Chapter 1109; and

Ordinance 2009-14: Chapter 1111 and 1113,

and became effective on August 5, 2009.

The provisions of this UDO (Sections 1105.04; 1105.06; 1109.02; 1111.07; 1113.01; 1113.03; 1113.04; 1113.06; 1115.07 and 1115.08) were amended by Ordinance 2012-22, adopted on December 6, 2012 and became effective on January 5, 2011.

Ordinance 2011-22; Section 1109.07, adopted December 5, 2011 and became effective January 4, 2012.

1101.08 Repeal of Existing Ordinances

The City of Franklin Planning and Zoning Code, adopted on June 5, 1989 (Ordinance Number 1989-15), and Subdivision Regulations, adopted on October 20, 2003, (Ordinance Number 2003-27), and all amendments thereto, are hereby repealed. This UDO replaces the repealed Planning and Zoning Code and Subdivision Regulations.

1101.09 Validity and Severability

Each article, section, paragraph, sentence, clause, phrase, or other divisible part of the UDO is hereby declared to be severable. Should any section or provision of this UDO is declared by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the UDO as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.