

Chapter 1105

Administration

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CROSS REFERENCES

Administrative board; powers and duties – see Ohio R. C. 713.11

Violation of zoning ordinance may be enjoined – see Ohio R.C. 713.13

1105.01 Administrative Entities

- (a) The formulation, administration and/or enforcement of this UDO are hereby vested in the following Officers and Boards of the City:
1. The Technical Review Committee;
 2. The Zoning Official;
 3. The City Engineer;
 4. The Historic District Review Board;
 5. The Planning Commission;
 6. The Appeals Board; and
 7. City Council.
- (b) All departments, officials and public employees of the City vested with the duty or authority to issue permits, certificates or licenses shall conform to the provisions of this UDO and shall issue no permit, certificate or license for any use, building, structure or purpose if the same is in conflict with the provisions of this UDO. Any permits, certificates or licenses that are not issued in conformity with this UDO shall be deemed null and void.

1105.02 Technical Review Committee

- (a) **Role:** The TRC is the technical review body composed of City staff responsible for the initial review of applications submitted to the City under the UDO.
- (b) **Powers and Duties:** The members of the TRC shall review all applications forwarded to it by the Zoning Official and the City Engineer, which are to be considered by the Planning Commission, the Appeals Board, the Historic District Review Board, and/or City Council.
- (c) **Membership:** The TRC may be comprised of the City Manager, the City Engineer, the Law Director, the Zoning Official, the Public Works Director, the Fire Chief and the Police Chief. Additional persons possessing specific expertise in a matter relating to a given application or issue may be added to the TRC, as determined by the Zoning Official.
- (d) **Meetings:** The Zoning Official will serve as the Chairperson to the TRC and schedule meetings. The City Engineer will report on the TRC's review of pertinent applications to the Planning Commission and Historic District Review Board. The Zoning Official will report on the TRC's review of all pertinent applications to the Appeals Board. In his discretion, the Zoning Official may invite the applicant to attend the TRC meeting. The TRC meeting for an application may occur before the staff report is prepared for that application.

1105.03 Zoning Official

- (a) **Authority:** The City Manager shall appoint an administrative officer, named the Zoning Official, who shall have the primary responsibility for administering and enforcing this UDO.
- (b) **Duties and Responsibilities:** It shall be the duty of the Zoning Official to:
 - (1) **Accessory Uses:** Issue permits for accessory uses, in accordance with this UDO, and enforce the accessory building and use regulations and standards of this UDO;
 - (2) **Certificates of Zoning Compliance:** Issue Certificates of Zoning Compliance, in accordance with this UDO, and maintain a complete record of all such certificates issued. A Certificate of Zoning Compliance, or written notification and explanation of refusal of an application for such certificate, shall be issued to the applicant within sixty (60) days of submission of the application. Failure to notify the applicant of refusal within such period shall entitle the applicant to submit his or her request to the Appeals Board;
 - (3) **Signs:** Issue permits for signs in accordance with the sign regulations of this UDO, except as otherwise provided therein, and enforce the sign regulations of this UDO;
 - (4) **Minor Site Plans:** Review minor site plans for their conformity with this UDO and approve such site plans as submitted, disapprove such site plans, or approve with modifications;

- (5) **Temporary Use Permits:** Issue temporary use permits in accordance with this UDO;
- (6) **Enforcement:** Enforce the provisions of this UDO;
- (7) **Interpretation:** Interpret the text and Official Zoning District Maps of this UDO;
- (8) **Appeals and Variances:** Act upon all appeals and variance applications within sixty (60) days of their date of filing by forwarding the same to the TRC, and upon final review by the TRC, to the Appeals Board;
- (9) **Standards and Regulations:** Review all development and redevelopment applications for conformance with the parking standards, sign standards, industrial performance standards and supplementary regulations of this UDO, as applicable;
- (10) **Advise Appeals Board:** Advise the Appeals Board of all matters pertaining to issues that it needs to act upon and provide all documents, maps and any other related information that the Zoning Official deems necessary or that the Appeals Board requests;
- (11) **Violations:** Determine whether or not various uses of land within the area of the City are in compliance with this UDO, and, where violations exist, notify in writing the person(s) responsible, specify the exact nature of the violation and maintain a complete record of such notices; and
- (12) **Records:** Maintain and keep the permanent records required by this UDO, including, but not limited to, the Official Zoning District Map(s), zoning certificates, inspections and all official zoning actions of Council, the Planning Commission, the Appeals Board and the public.

1105.04 City Engineer

- (a) **Duties and Responsibilities:** It shall be the duty of the City Engineer to:
 - (1) **Floodplain Development Permits:** Issue Floodplain Development Permits in accordance with the provisions of the Floodplain Overlay District of this UDO;
 - (2) **Landscaping Plans:** Review all landscape plans to assure conformance with the landscaping standards of this UDO;
 - (3) **Stormwater Management Plans:** Review all stormwater management plans to assure conformance with the stormwater and drainage standards of this UDO;
 - (4) **Zoning Amendments and Conditional Use Permits:** Act upon all Zoning Amendment and Conditional Use Permit applications within thirty- (30) days of their date of filing by forwarding the same to the TRC, and upon final review by the TRC, to the Planning Commission;
 - (5) **Development Regulations:** Review all Site Plans to assure conformance with the development regulations of this UDO;
 - (6) **Subdivisions:**
 - A. Major: Review Major Subdivisions to assure conformance with the Development Requirements and Standards of the UDO;
 - B. Minor: Review and approve applications for Minor Subdivisions.
 - (7) **PUDs:** Review all PUD and PRCD applications to assure conformance with the regulations of the UDO;

- (8) **Stormwater Design Requirements:** Review all applications proposing any type of new development or redevelopment to assure conformance with the stormwater design standards, floodplain overlay standards, and well field protection standards of this UDO, as applicable;
- (9) **Telecommunication Overlay District:** Review all special permit applications for telecommunication towers to assure conformance with the telecommunication overlay standards of this UDO;
- (10) **Advise Planning Commission and Council:** Advise the Planning Commission and the Council on all matters pertaining to issues that they need to act upon and provide all documents, maps and any other related information that the City Engineer deems necessary or that the Planning Commission or Council requests; and
- (11) **Historic District Review Board:** Advise the Historic District Review Board on all matters pertaining to issues that they need to act upon and provide all documents, maps and any other related information that the City Engineer deems necessary or that the Historic District Review Board requests.

1105.05 Historic District Review Board

- (a) Authority: The Historic District Review Board shall carry out its duties and responsibilities in accordance with this UDO. The Historic District Review Board shall consist of seven members, and shall include a registered architect, one member of City Council not serving on the Planning Commission, one member of Planning Commission, at least two property and/or business owners within the Historic Overlay District, and two members-at-large, all to be appointed by Council. The City Manager, the Law Director, the City Engineer and the Zoning Official shall serve this Board as non-voting members.
- (b) Duties and Responsibilities:
 - (1) Consider the appropriateness of any proposed change to the exterior surface of structures within the Historic Overlay District or to the other environmental features of the district, including landscaping, vegetation and exterior signage, and issue Certificates of Appropriateness; and
 - (2) Act upon suggested development plans for the Historic Overlay District by making recommendations on the plans to the Zoning Official, the City Engineer, the Planning Commission, the Appeals Board and/or the City Council, as appropriate.

1105.06 Planning Commission

- (a) Authority: The Planning Commission shall be constituted and carry out its duties and responsibilities as prescribed in this UDO and in accordance with the City of Franklin Charter.
- (b) Duties and Responsibilities:
- (1) **Zoning Amendments**: Review and make recommendations to Council on all applications proposing amendments to this UDO, including proposed text amendments or amendments to the Official Zoning District Map(s), which recommendations shall be compatible with the Comprehensive Development Plan and this UDO;
 - (2) **PUDs**: Review Development Plans for the PUD and PRCD Overlay Districts and make recommendations regarding such plans to Council, in accordance with the Comprehensive Development Plan and this UDO;
 - (3) **Subdivisions**: Review applications, Plats and Site Plans for Major Subdivisions, and make recommendations on approval of Major subdivisions to Council, in accordance with the Comprehensive Development Plan and this UDO;
 - (4) **Conditional Use Permits**: The Planning Commission may authorize the issuance of Conditional Use Permits to petitioners who specifically meet the requirements and standards for such a permit listed in this UDO, including Conditional Use Permits for Home Occupations and Conditional Use Permits for Sexually Oriented Businesses;
 - (5) **Well Field Protection Overlay District**: The Planning Commission may authorize uses within the WFP Overlay District in accordance with the Comprehensive Development Plan and this UDO;
 - (6) **Telecommunications Overlay District**: The Planning Commission may approve a Special Permit for certain uses within the TOD to petitioners who specifically meet the requirements and standards for such permit, in accordance with the Comprehensive Development Plan and this UDO; and
 - (7) **Major Site Plan**: The Planning Commission shall review and may approve all uses requiring the submittal of a Major Site Plan under this UDO.

1105.07 Appeals Board

- (a) Authority: The Appeal Board shall be constituted and carry out its duties and responsibilities as prescribed in this UDO and in accordance with the City of Franklin Charter.
- (b) Duties and Responsibilities:
- (1) **Administrative Appeals**: The Appeals Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Official or City Engineer in the administration and enforcement of the provisions of this UDO;
 - (2) **Variances**: The Appeals Board may authorize, upon appeal, by reasons of exceptional narrowness, narrowness, shape, topographic conditions or other extraordinary situation or condition of a lot, a

variance from strict application of the provisions of this UDO, to relieve exceptional difficulties or undue hardship, provided that such relief can be granted without substantial detriment to the public good and does not substantially impair the intent of this UDO;

- (3) **Changes in Nonconforming Uses:** The Appeals Board may authorize the reasonable extension of a nonconforming use or the substitution of a nonconforming use of a building or land with a similar use, when such extension or substitution will not be detrimental to the neighborhood; and
 - (4) **Interpretation of zoning text and map(s):** The Appeals Board has the power to decide any question involving the interpretation of the text and Map(s) of this UDO, including determinations of similar uses for uses not specifically mentioned in this UDO.
- (c) Decision of Board: The Appeals Board may by super-majority vote and in conformity with this section, reverse or affirm, wholly or partly, or modify, the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end may have all powers of the officer from whom the appeal is taken.

1105.08 Council

- (a) Authority: Council may carry out its duties and responsibilities relative to this UDO in accordance with the City Charter.
- (b) Duties and Responsibilities:
 - (1) Act upon suggested amendments to the text or Official Zoning District Map(s) of this UDO following receipt of recommendations from the Planning Commission;
 - (2) Act upon suggested development plans for the Overlay Districts following receipt of recommendations of the Planning Commission;
 - (3) Appoint the Planning Commission and the Appeals Board as prescribed by the City Charter;
 - (4) Appoint the Historic District Review Board. The two members-at-large shall include persons with a demonstrated interest, experience or knowledge in history, architecture or related disciplines; and
 - (5) Hear appeals from the denial or approval with modifications, of Certificates of Appropriateness from the Historic District Review Board.

1105.09 Fees

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

Accessory Use Permits	
Antenna and Antenna Towers	\$25.00
Decks, Patios, Porches & Balconies	\$50.00
Dish-Type Satellite Signal Receiving Antennas	\$25.00
Fences & Walls	\$25.00
Garages/Carports/Barns	\$100.00
Gazebos, Trellises & Other Open-Sided Structures	\$50.00
Swimming Pools & Hot Tubs	
Above Ground	\$50.00
In-Ground	\$100.00
Appeals	\$100.00
Certificate of Appropriateness	\$50.00
Certificates of Zoning Compliance	\$50.00
Conditional Use Permits	\$100.00
Construction Plans	\$100.00
Final Plat Amendments	\$100.00
Floodplain Overlay District Permit	\$100.00
Major Site Plan	\$200.00*
Minor Site Plan	\$75.00
Major Subdivision (per Preliminary and per Final Plat)	\$200.00*
Minor Subdivision	\$100.00
Nonconforming Use – Substitution or Extension	\$100.00
Planned Unit Overlay District (PUD)	
(per Preliminary and Per Final Development Plan)	\$200.00*
Planned Residential Conservation District (PRCD)	
(per Preliminary and Per Final Development Plan)	\$200.00*
Rezoning (Text or Changes to the Zoning Map)	\$100.00
Sign Permits	
- New Sign	\$100.00
- Replacement of existing sign face (for sign that already has a sign permit)	\$50.00
Similar Uses, Determination of	\$50.00
Stormwater Management Plan and Site Development	
Plan Review	\$200.00*
Temporary Certificates	\$50.00
Telecommunications Overlay District Special Permit	\$200.00*
Variances	\$100.00
Well Field Protection Overlay District Permit	\$200.00*

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

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

1105.10 Right of Entry

The Zoning Official, Safety Director or authorized representative is hereby authorized to enter any building, dwelling, structure or premises at reasonable times, and upon reasonable notice to the owner, in order to assure compliance with the provisions of this UDO; however such right shall be subject to constitutional restrictions on unreasonable searches and seizures. If entry is refused or not obtained, the Zoning Official, Safety Director or other authorized representative is hereby authorized to pursue recourse as provided by law including, but not limited to, seeking an administrative search warrant.

1105.11 Revocation of Zoning Certificate

Any zoning certificate issued upon a knowingly made material misrepresentation shall be void, and such false statement shall be deemed a violation of this UDO. Zoning certificates issued on the basis of plans and applications approved by the Zoning Official authorize only the use and arrangement set forth in such approved plans and applications, and construction at variance with that use authorized shall be deemed a violation of this UDO. Whenever the fact of such unauthorized variance in plans or false statement is established to the satisfaction of the Zoning Official, the zoning certificate shall be revoked by notice in writing that will be delivered to the holder of the void certificate. Any person who shall proceed thereafter with such work or use without having obtained a new zoning certificate, in accordance with this UDO, shall be deemed guilty of a separate violation thereof.

1105.12 Enforcement and Penalties

- (a) Violations and Equitable Remedies: No person shall erect, construct or alter any building or structure, or use any land, in violation of this UDO. If any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this UDO or any amendment or supplement thereto, the City or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute an action in injunction, mandamus, abatement or any other appropriate action, actions or proceedings by notice in writing to be delivered upon such premises to the owner of the premises, and by any other required notice, to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.
- (b) Enforcement by Zoning Official: It shall be the duty of the Zoning Official to enforce this UDO in accordance with these administrative provisions. All departments, officials and employees of the City of Franklin, shall comply with the provisions of this UDO, and shall issue no permit, license, or registration for any use, building or purpose in conflict with the provisions of this UDO. Any permit, license, or registration, issued in conflict with the provisions of this UDO shall be

voidable by the Zoning Official. The duties imposed on the Zoning Official shall not constitute a limitation on the power of other enforcement officers of this City to make arrest or to institute prosecutions for violations of this UDO.

(c) Violations and Penalties:

- (1) It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any of the provisions of this UDO, or any amendment or supplement thereto adopted by the Council of the City of Franklin. Any person, firm, corporation, or other legal entity violating any of the provisions of this UDO, or any amendment or supplement, shall be guilty of a minor misdemeanor. Upon conviction, the person, firm, corporation, or other legal entity shall be fined not less than seventy-five dollars (\$75.00) nor more than one hundred fifty dollars (\$150.00).
- (2) Any person, firm, corporation, or other legal entity that is convicted of violating any of the provisions of this UDO, having been previously convicted of violating any of the provisions of this UDO, or any amendment or supplement within two years of the offense charged, shall be guilty of a first degree misdemeanor and fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00).
- (3) Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues, shall be deemed to be a separate offense.

(d) Remedies: In case any building is or is proposed to be used in violation of this UDO, or any amendment or supplement, the City or any adjacent or neighboring property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use. The action could be to restrain, correct or abate such violation; to prevent the occupancy of said building structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

(e) Rights Reserved to the City: The City shall have the right to deny approval of any plats, development plans, or construction plans that do not comply with the provisions, requirements and/or standards of this UDO.

(f) Exemptions: Government entities carrying out a governmental function, activity, or implementation of essential services may be exempt in whole or in part from this UDO at the discretion of Council.